

HOW WILL RECORDING TECHNOLOGY REDUCE BIASED-BASED POLICING
IN SMALL LAW ENFORCEMENT AGENCIES BY 2007?

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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 that the planner can respond to a range of possible future environments.

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

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

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CHAPTER I
ISSUE DEVELOPMENT AND LITERATURE SEARCH

Introduction

Bias-based policing is the differential treatment of individuals in the context of rendering law enforcement services based solely on a suspect classification, such as race, ethnic background, gender, gender identity, sexual orientation, religion, economical status, and or cultural background. Bias-based policing may also be identified as a law enforcement action based on an assumption or belief that any of the aforementioned classifications have a tendency to participate or engage in criminal behavior.¹ During the 1980s, law enforcement officers became proficient in using a United States Drug Enforcement Agency-developed trafficking profile for stopping individuals to search for drugs as they drove the highways of this country. Whether law enforcement calls it having a hunch or simply good police work, profiling citizens has been identified by many states and the United States Government as a mechanism used by law enforcement to justify detaining or searching people without probable cause.² Not only has this issue received national attention, but bias-based policing has also become a worldwide problem as evidenced by legislation introduced in Great Britain and New Zealand to eliminate this practice. The 106th Congress felt so compelled to address bias-based policing by law

¹ Illinois Association of Chiefs of Police, Model Policy Bias Based Policing, AELE Online, Race and the Police; Confronting Bias Claims in Law Enforcement, 9 May 2002.

² Henry Weinstein, Michael Finnegan and Teresa Watanabe, "Racial Profiling Gains Support as Search Tactic," Los Angeles Times 24 September 2001: B2.

enforcement that it adopted Senate Bill 821 to provide for the collection of data on traffic stops to determine if federal law enforcement officers are profiling citizens. The American Civil Liberties Union reported the State of New Jersey was enjoined in a consent decree with the United States Department of Justice from entering into any practice that used or embraced a policy or procedure to stop people based solely on race. In Australia, the Institute for Forensic Psychology recommended the use of screening techniques to capture enforcement stop data on police officers. This was done in an effort to eliminate racial biases in the nation's police forces. The IFP also suggested screening out potential officers who exhibit tendencies to profile people on the basis of race.

In a National Review article, Roger Clegg, general counsel for the Center for Equal Opportunity, takes the opposing position of John Derbyshire who writes in defense of racial profiling by law enforcement. Mr. Derbyshire advances the premise that racial profiling is perfectly rational if the law enforcement stop is based on the combination of race, gender and age. In Derbyshire's premise people who are young, male, and black commit a disproportionate number of crimes and should be stopped by law enforcement. After all, it makes sense because law enforcement is only trying to maximize safety in communities by increasing the number of criminals arrested.³ It stands to reason that law enforcement will arrest more individuals of a certain group if that group is the target for enforcement based on their appearance only.

The general public believes most incidents of racial profiling are limited to law enforcement contacts; however, the United States Government condoned

³ Clegg Roger, "No to Racial Profiling," National Review, February 2001: 34.

racial profiling through the issuance of Civilian Exclusion Order No. 33 after the bombing of Pearl Harbor. In an October 2001 article titled Racial Profiling Gains Support as a Search Tool, a Los Angeles Times article confirms the curtailment of the civil liberties of Japanese Americans by the United States government as a response to the bombing. Japanese Americans were classified as enemies of the state, interned and deprived of their property for no reason other than race or birth origin.⁴

On September 11, 2001, America again was under attack, this time on United States soil. In a September 2001 article, the D.C. Dispatch confirms males with Middle Eastern features were immediately suspected of complicity to promote terrorism and were subjected to racial and ethnic profiling.⁵ The United States government responded to the alleged threat by rounding up many Middle Eastern individuals, detaining and holding them pending further investigation. On Christmas Day, 2001, 33-year-old Secret Service Agent Walied Shater, of Middle Eastern descent, was flying to meet the President of the United States at his Crawford, Texas ranch. The pilot had Secret Service Agent Shater removed from the American Airlines airplane after it was found that his paperwork was allegedly not proper. Most people associated with this incident felt this was a case of racial profiling, targeting a Middle Eastern man, not just a Secret Service agent with improper papers.⁶ Again, if one follows the logic of John Derbyshire, this action was necessary and appropriate since Middle Eastern men piloted the

⁴ Roths, William, "Racial Profiling Gains Support," Los Angeles Times, online, 14 October 2001.

⁵ Taylor, Stuart, "The Case for Using Racial Profiling at Airports," DC Dispatch, online, 25 September 2001.

⁶ Jeanne Meserve, John King, "Pilot, Secret Service Agent Trade Charges," CNN.com, January 5, 2002.

planes that were hijacked and crashed into the World Trade Center and Pentagon. Evidence also shows most acts of terrorism against American interest around the world have been completed at the hands of Middle Eastern men. So, Mr. Derbyshire would have one believe that this action directed at a person's ethnicity would be appropriate to justify safety.

Is bias-based policing strictly a governmental issue or does the private sector engage in this practice? Is differential treatment of people a worldwide problem, or is this just the perception of a few who are soft on crime? These incidents of bias-based policing confirm the global effects that this issue has on society. If the effectiveness of law enforcement is hinged on the ability to provide a service that the community wants and needs, there is no justifiable position that could support bias-based policing. The issue of differential treatment must be addressed in a manner that stops the erosion of the public trust. The solutions to these problems must address the needs of the community as well as the needs of law enforcement. A failure to devise solutions to bias-based policing will cause irreparable damage to the community partnership, which is necessary to solve community issues.

The issue, "How will recording technology reduce bias-based policing in small law enforcement agencies by 2007?" will be explored. This project will examine methods from current and emerging audio and video recording technologies as options to provide oversight to law enforcement contacts. The goal of this project is to use tools not commonly considered in policing as aids in reducing the incidents of bias-based policing.

History

All human beings have biases, but the ability to overcome these biases is one of the many factors that distinguish professional law enforcement officers from an occupying force. Professionalism of the industry is the cornerstone that allows law enforcement to function and thrive in an adversarial environment. As law enforcement officers, it is mandatory that the services provided to the community are bias free. The ability to maintain the public's trust is imperative to the mission of law enforcement. The lack of trustworthiness demonstrated by past transgressions - like the Rodney King incident where an African American motorist was beaten by Los Angeles Police Officers, or the Abner Louima incident where a Haitian national was assaulted in a New York police station with a broom handle, and the Rafael Perez incident where a Los Angeles police officer working the Rampart District was accused of stealing drugs and planting evidence on suspects - confirms that there are problematic issues in law enforcement. These uncontrollable acts by a few law enforcement officers covers all law enforcement with the shame and disgrace earned by those who perpetuated these incidents. In society, the spectacular is often the focal point of public interest. Responsible and professional law enforcement officers are often unfairly associated with officers who choose to use their position of power to limit the constitutional rights of others simply because they are different. Unfortunately, bad cops make headlines, which sells newspapers, sells ad space on television, and perpetuates negative opinions of law enforcement by those who choose not to educate themselves on the facts.

Does law enforcement profile people based on race, sex, origin, preference, or nationality? Are all cases that involve the use of profiling to some degree illegal or immoral? There are occasions when factors that identify a person, and not a people, are an acceptable method of policing. Law enforcement training has taught its officers to function in a manner to anticipate criminal actions. This knowledge is gained through experiences, which are learned over time from dealing with individuals who violate the law. Law enforcement officers make the assumption that a crime has occurred when they interpret a set of facts that are available and apparent, no matter who the person is. The dilemma for law enforcement is one of achieving a balance that will allow officers to effectively police their communities, while ensuring that the rights of citizens are protected without biases.

Technology has been instrumental in ushering law enforcement into the modern era. With advancements like the two-way radio, computers, and less-lethal devices, modern law enforcement has pushed the Dodge City mentality aside for a more cerebral philosophy. Forward-thinking law enforcement organizations have started looking to non-traditional sources to improve the effectiveness of their personnel, while increasing the professionalism of the service they deliver.

Through the years, other industries have used technology to monitor the effectiveness and productivity of employees. Examples include the use of camera technology in the retail industry to document point of sale transactions or

the use of tachographs to ensure that over-the-road truckers operate vehicles in a safe manner.

Law enforcement officers have used various tools, such as video cameras and personal recorders, as an unbiased third party to provide protection from frivolous complaints. However, law enforcement agencies have been slow to realize the benefits recording devices represent to public trust. The lack of consistent application and the lack of trust of law enforcement management have been an impediment to overall acceptance of recording devices.

The Gardena Police Department, a small law enforcement agency located southwest of the City of Los Angeles in an area known as the South Bay, has been instrumental in earning the trust of its officers and the community. This trust enabled the organization to establish recording technology with the goal of providing a degree of protection against frivolous complaints as well as ensuring the public's rights and the rights of law enforcement personnel (reference Appendix A).

As police agencies look to the future of recording technology, there are obvious possibilities for interaction with the space program and satellite television to provide the next generation of law enforcement recorders. Technology from the space program will allow law enforcement agencies to monitor the physiological level (heart rate, blood pressure, skin temperature and respiration) of the officer, which will automatically activate their new pinhole audio/visual cameras when changes are detected. Satellites currently used to transmit television signals could link the officer with the police station where supervisors

can view live feeds from the field. The ability to have real-time information from the field could prove invaluable in the event that the officer is incapacitated, taken hostage, seriously injured, or to dispel allegations of bias-based policing. It is imperative that law enforcement continues to examine emerging technology while thinking outside the box to reduce the incidents of differential policing.

Findings

Society has always portrayed criminals as shady, shadowy figures who can be identified by their shabby appearance or their clothing, whether it is the black leather jackets worn by renegade motorcycle gangs or black hats worn by bad guys in westerns. The history of using a person's race, ethnicity, origin, or sexual preference as a means of subjecting them to scrutiny is well documented in this country through incidents like the internment of Japanese Americans during World War II, or the enslavement of a people because of the color of their skin.

In California, the issue has come into prominence with the alleged racial profiling traffic stop of African American Senator Kevin Murray of Culver City. In 1998, Senator Murray was driving his expensive sports car through the City of Beverly Hills when the police stopped him for no apparent reason. So outraged by the conduct of the Beverly Hills Police Department, Senator Murray immediately introduced legislation seeking to require all local and state law enforcement officers to track the ethnicity of every motorist they stopped.⁷

⁷ Custodio, Kathleen, "Racial Profiling: A Just Practice?" Bamboo Offshoot Winter 2000; 55.

Until recently, little or no published information has been available outside the law enforcement community on the number of stops, the reason for the stop and the enforcement action taken. From July 1999 through April 30, 2000, the California Highway Patrol concluded Part One of a mandatory three-year study to collect traffic stop data to determine if racial profiling or biased based policing exists.⁸ During this period, the California Highway Patrol collected 2.6 million records that included race/ethnicity, gender, age and arrest data on citations as well as written or verbal warnings. The California Highway Patrol's interpretation of the data indicated there was no verifiable evidence of bias-based policing within their agency.

The Violent Crime Control and Law Enforcement Act of 1994 mandates an annual report on the topic of police use of excessive force. As a partial response to that mandate, the Bureau of Criminal Statistics initiated a survey of police-public contacts in 1999. The National study is conducted on people age 16 and older that had face-to-face contact with law enforcement. Among black drivers 16-24, 17.1% did not differ significantly from whites, (20.1%) or Hispanics, (15.5%) in the probability of being stopped. The average number of stops was greater for young black males, (2.7%) than for young white males (1.7%) and marginally greater than male Hispanics (1.8%).

Could the ever-changing makeup of communities, with its commuters, day laborers, municipal workers and visitors, contribute in unforeseen ways that affect the interpretation of traffic stop data? How does law enforcement verify the

⁸ California Highway Patrol, Public Contact Demographic Data Summary, (Sacramento, California, 2000) 7-9.

accuracy of the traffic stop data? More importantly, how does law enforcement account for the disparity in what is believed to be a problem of differential treatment identified by lawmakers and the public? As a society, the following questions must be asked: If the data points away from bias-based policing, why is there legislation demanding that law enforcement track stops? And, why is there a hue and cry in minority communities that the practice of bias-based policing must stop? Who qualifies the experts to render their opinion on the collected data; who are they, and what gives them the ability to pass judgment on the individual officer or the agency? For the traffic stop data to survive public scrutiny, there has to be a control factor that documents the individual law enforcement officer's conduct. In other words, the public has to have confidence in law enforcement's ability to report incidents that could be perceived as less than positive. The law enforcement agencies that point to their traffic stop data, as vindication from accusations of bias-based policing should be questioned. It is apparent that this issue will not be solved through the collection of traffic stop data that depends on a check mark on a contact card. This negative practice by law enforcement has to be dealt with in an affirmative, positive manner that ensures that proper sanctions are levied against those who choose to police with biases. A failure to recognize that law enforcement officers police through their biases, and, a failure to apply affirmative solutions beyond data collection, indicates an unwillingness to deal with or solve the problem.

There are non-technical impractical methods to monitor differential treatment such as the fair witness suggested by Sandy Sanford (1994). She

suggests a technique for society to create the fair witness in the form of a person to observe and document law enforcement activity. Fair witnesses could be trained to observe and remember events without prejudice or bias as they accompany law enforcement officers during their tour of duty. This has potential, but how can the fair witness be protected from exposure to the dangers that are ever present in law enforcement? What happens if a fair witness is seriously injured, incapacitated or killed while documenting law enforcement activity? If officers choose to leave the fair witness in an area where he or she is safe from harm, how does the witness document the police interaction with the public? In holding with the purpose of this project to look beyond the present to promote thought on emerging technology that could reduce the issues of bias-based policing, the fair witness is impractical.

There are emerging recording technologies that have the ability to be that fair witness or impartial third party to protect citizens from the abuses of bias-based policing. For years, officers have used cameras in their patrol vehicles and carried personal recorders; however, the proposal outlined in this project goes beyond this and looks to the future. The future system would be completely hands-off, not requiring any input from the user. The trigger for the system would be a physiological t-shirt, no different from the ones worn by all officers, except for the small waterproof one-year battery pack sewn into the base seam. The physiological t-shirt will detect those physiological changes in the officer's body that are associated with police activity and automatically turn on the officer's camera and audio system. The system is completely wireless and transmits

sounds and images from a state-of-the-art pinhole audio camera imbedded in the officer's badge. The video and audio images, which are unique to each officer, are transmitted to the police vehicle. The police vehicle acts as an amplifier that transmits the sound and images to the police station where the supervisor can view the actions of each officer on the shift. The images can also be transmitted through a system of delays to personal data recorders or the World Wide Web for public access to information of a nature that would not compromise officer safety.

With this technology, each incident can be observed and will document the reason law enforcement officers stop individuals. This system will also provide law enforcement with the ability to monitor officer conduct prior to field encounters in order to detect precursors to bias policing. With this emerging technology, police abuse issues will no longer be subject to conjecture since technology will document all contacts. The following chapter will identify trends and events that have a positive effect on the adoption of recording technology by law enforcement.

CHAPTER II

FORECASTING THE FUTURE

Future Studies

The Nominal Group Technique (known as the NGT) was used as a method to examine the future to determine if recording technology will reduce the incidents of bias-based policing in small law enforcement agencies. Andre L. Delbecq and Andrew H. Van de Vern developed the Nominal Group Technique in 1968. It was derived from social, psychological studies of decision conferences, management science studies of aggregating group judgments, and social-work studies of problems surrounding citizen participation in program planning.⁹ The NGT allows for maximum group participation by instilling a sense of group responsibility and commitment, which places the burden on all members to produce.

The group selected to participate in this NGT was comprised of ten diverse members from surrounding communities and the City of Gardena. The ten consisted of one police captain from an Orange County agency, a police secretary employed by a local agency, a self-employed business person, a banking employee, a copy center manager for a large office product company, an owner of an import/export company, a municipal mechanic and small business owner, a retired airport worker, a community advocate and a member of the Gardena Police Citizen Advisory Panel (reference Appendix B).

⁹ Cole, Allen W., Citizens' Advisory Committee and the Use of the Nominal Group Technique, The Police Chief, Online, November 1990.

The panel was given expectations, which included a working definition of both trends and events. A trend is a quantitative and qualitative assessment; trends have a past, present and a forecastable future. Trends are based on historical and present review to better predict the probability and possibility of the future. An event is an occurrence, which causes the future to be different. Events are clear, unambiguous, and singular occurrences without causation.¹⁰

The NGT panel was tasked with the process of developing trends and events related to the issue to project a likely future. During the course of the morning, the panel developed twenty (20) trends that were prioritized to eight (8) and eighteen (18) events that were prioritized to eight (8). The trends and events that were ultimately chosen by the group demonstrated the significance of how audio and video technology will reduce bias-based policing in small law enforcement agencies by 2007. The Trend Summary Table completed through the NGT process can be found on the next page.

¹⁰ Esensten, Tom, "A Little Bit About Futures Research," Lecture material obtained from Command College lecture at San Marcos, California, November 2001.

Trend Summary Table

	Assessment	Standard	Assessment	Assessment	Assessment
	-5 Years	Today	+5 Years	+10 Years	Concern (1-10)
Trend 1	69	100	200	100	10
Trend 2	101	100	100	143	8
Trend 3	72	100	145	167	7
Trend 4	95	100	144	162	6
Trend 5	75	100	138	147	6
Trend 6	69	100	190	235	7
Trend 7	90	100	166	196	6
Trend 8	81	100	160	175	6

Table 2.1

- Trend 1- Demand for security of technology
- Trend 2- Fear of crime
- Trend 3- Level of cultural diversity training
- Trend 4- Litigation regarding law enforcement contacts
- Trend 5- Level of funding
- Trend 6- Level of identification technology
- Trend 7- Public acceptance of recording technology
- Trend 8- Level of minority population

Trend 1- The NGT panel was concerned that law enforcement could manipulate recording technology to promote a positive outcome or conceal wrongdoing. To prevent any questions of validity, the panel felt increased security for the recordings produced by the technology were necessary.

Trend 2- After years of reduced crime in the country, the NGT panel was concerned with the rising crime statistics and felt increased crime contributed to a fear of being victimized. The panel felt any technology that aided law enforcement in their job was beneficial to safety.

Trend 3- Increases in the level of cultural diversity training were identified by the NGT panel as a necessary component in reducing bias-based policing.

However, the panel was not too eager to totally commit to technology to impact the issue.

Trend 4- There was strong feeling that litigation would occur mandating the use of recording technology in law enforcement contacts. The panel felt this litigation could increase support for providing the technology to law enforcement to impact the issue.

Trend 5- With the questionable fiscal condition of the state, the panel felt the level of funding could be impacted by the energy crisis, and a potential terrorism incident which could reduce funding for new law enforcement programs such as recording technology.

Trend 6- The technological advancements made in identification technology, such as face recognition will contribute to advancements in recording technology. The panel felt developments in related technology would have a trickle-down effect making technology not formally considered for policing available to law enforcement.

Trend 7- The public acceptance of recording technology, as a means of reducing the incidents of bias-based policing was a concern. The panel felt if law enforcement agencies were willing to release recordings, which did not present them in a favorable light, this would increase public acceptance.

Trend 8- The panel felt the changing demographics of communities could affect the increased level of minority population causing a redirection of funding from law enforcement issues to quality of life concerns and education.

The eight trends listed in Table 2.1 were assigned values by the NGT panel. The table represents the average of all panel members. The values in assessment columns one through four represent the level of each trend relative to today. For example, column three represents the level of recording technology five years from today (2002). In the last column, the panel was asked to indicate the level of concern on a scale of one to ten. An example of the level of concern would be ten for trend one, the demand for security of the technology. In this case the level of concern for security of this trend is high.

An example of the level of discussion the group had on trends was the concern for the security of recording technology. Even though this is the digital age, it was felt that law enforcement has not availed itself of the most modern equipment available, which limits its ability to anticipate the concerns for security and accountability with the technology. Some panel members felt it was good that law enforcement is not more technically advanced, since future recording technology would only give law enforcement new ways to abuse people's rights.

The security of recording technology was discussed in the context of preventing recordings from being tampered with by law enforcement personnel. For the public to trust this technology, it was felt there had to be some assurances that this product was secure from manipulation. The panel felt the accountability of law enforcement would increase through the documentation of their contacts with recording technology. Realistically, there was a general feeling that the need for recording technology would be more beneficial in the short term in lieu of anything on the horizon. However, the NGT panel's desire to

include more sensitivity training at an earlier stage in the overall experiences of new law enforcement officers was one recommendation. The panel felt sensitivity training, if introduced during the police academy, could eliminate the need for mechanical devices necessary to ensure civility.

After the discussion of trends, the NGT panel next considered potential events that could impact the issue. Events are defined as occurrences which cause the future to be different. Events are clear, unambiguous, and singular occurrences without causation. The top eight events identified by the NGT panel are discussed below.

The Event Summary Table shown in Table 2.2 uses the average of all panelist input. Column one is the panel's estimate of the first possible year the event could happen. The probability of the event occurring by year five is represented in column two. The probability of the event occurring by year ten is represented in column three. In the last column, the panel was asked to indicate the impact on the issue on a scale of negative ten to positive ten. As an example, of the impact on event two, a terrorism event locally, was five. In this case, the panel felt the impact of a terrorism event locally was moderate.

Event Summary Table

	Assessment	Assessment	Assessment	Assessment
	Year(s) > 0	+5 Years	+10 Years	Impact -10 to +10
Event 1	5	40%	52%	-2
Event 2	2	77%	61%	5
Event 3	2	88%	72%	4
Event 4	3	65%	64%	1
Event 5	5	64%	52%	1
Event 6	3	66%	61%	-4
Event 7	3	83%	61%	5
Event 8	3	70%	53%	1

Table 2.2

- Event 1- Grant funding is lost
- Event 2- Terrorism event locally
- Event 3- Police misconduct similar to a Rodney King type event
- Event 4- Public votes to reject recording technology
- Event 5- Cost of technology too prohibitive
- Event 6- Courts decision increase rules for privacy
- Event 7- State mandates additional training
- Event 8- Mandated recording of contacts

Event 1- The NGT panel felt if law enforcement could develop recording technology, the funding would come from grants. Without grant funding, the continued development of this technology would be negatively impacted.

Event 2- After September 11th, there was a real fear of a terrorism event occurring locally. The panel felt a terrorism incident would positively impact any ability to develop recording technology for law enforcement.

Event 3- The panel felt it is just a matter of time before police misconduct occurs similar to a Rodney King type incident. The panel felt the impact of this type of event could encourage development and implementation of recording technology throughout law enforcement.

Event 4- If the public votes to reject recording technology, the panel felt there would still be a few progressive law enforcement agencies that would attempt to improve on and develop similar tools to reduce bias-based policing.

Event 5- The standard of care within the community was a real concern for the panel. It was the panel's belief that the private sector could promote the development of this technology and price it out of reach of most law enforcement agencies.

Event 6- If the courts placed limitations on the recording of public contacts by increasing rules for privacy, the panel felt the development of this technology could be harmed.

Event 7- The panel felt strongly about increasing diversity training beyond the state-mandated racial profiling training. There was a feeling that constant repetition of this type of training could eliminate mechanical devices to ensure civility.

Event 8- It was felt that some type of requirement to record all contacts was a real possibility. The panel felt this requirement might minimally impact the development of recording technology to reduce bias-based policing.

An example of the level of discussion the group had on events, where the strong feelings about the possibility of police misconduct, similar to a Rodney King type event. It was felt that law enforcement would only use future recording technology if public demand were the motivation that required it. The group agreed that law enforcement would hesitate to use recording technology if it portrayed officers in a bad light. There was also a concern that law enforcement

would manipulate or conceal the recording technology to reflect a favorable outcome. During the discussion on events, the training standards and effectiveness of the current law enforcement training was questioned. The group felt strongly about some degree of community input in mandatory departmental cultural awareness training. This training should not only extend to new recruits as an initial academy experience, but should be ongoing to provide continued reinforcement for seasoned officers.

Another area that sparked some concerns was the agency, judicial or public mandated documentation of all contacts. There was no doubt that current legislation will be upgraded in the future to mandate the collection of race and ethnicity data from all law enforcement stops. The group felt when this happens there would be pressure on law enforcement officers to measure their stops to ensure that there is no perception that officers are being biased in their enforcement of the law. In essence, law enforcement would stop people they would not normally stop, while passing on members of a minority class in order to show that their law enforcement efforts are balanced and not bias-based. Realistically, it was pointed out by the group that in an environment where the majority of the citizens are members of an ethnic or racial minority, the traffic stop data would reflect the demographics of the environment.

Cross-Impact Analysis

The individual events and trends identified by the NGT panel have the potential to occur independent of each other. However, for every action there is

a reaction, which makes an occurrence of an event that does not affect at least one trend unlikely. The mere identification of an event could modify a trend thereby affecting or modifying the outcome of the event.

The NGT panel used the Cross-Impact Analysis to determine the degree that an event will impact a trend. The panel was given a value range from negative five to positive five to determine how much impact the particular event had on the trend. If after analysis, the panel determined there was no impact, the value was zero. An example of Cross-Impact Analysis would analyze how event one, the demand for security of technology would impact trend eight, the mandated recording of contacts. The NGT panel felt the impact of this event on the trend would be negative five, a significant negative impact.

This Cross-Impact Analysis reveals several fascinating futures. For example, an event such as the occurrence of police misconduct similar to a Rodney King type incident could positively impact the trend of public acceptance of audio video technology. The panel felt any police misconduct, where law enforcement documents their actions, good or bad, would enhance public trust and the acceptance of technology.

The Cross-Impact Analysis also revealed some negative relationships that could affect the use of audio and video recording technology to reduce bias-based policing. For example, the loss of grant funding would have a significant effect on the level of minority population. The panel felt priorities could change focusing more attention and funding on improving the status of minority residents. The change of focus could eliminate grant funding for law enforcement

purposes and apply the funding to education. It was the panel's opinion that improving opportunities for education could lower crime; with lower crime rates the funding for law enforcement could be reduced. The Cross-Impact Analysis Chart on Page 24 reflects the NGT panel's assessment of how the various trends and events might impact each other.

Cross-Impact Analysis Chart

	Trend 1	Trent 2	Trend 3	Trend 4	Trend 5	Trend 6	Trend 7	Trend 8
Event 1	2	0	3	-2	-3	-4	0	-5
Event 2	0	3	0	0	3	2	2	3
Event 3	1	-1	3	2	0	0	2	0
Event 4	-3	0	0	-3	0	0	0	0
Event 5	-2	0	0	-3	-3	-3	-2	0
Event 6	2	0	0	-3	0	-3	2	0
Event 7	0	0	0	2	0	3	1	0
Event 8	2	0	0	2	3	2	2	0

Cross-Impact Table 2.3

Trend 1- Demand for security of technology
 Trend 2- Fear of crime
 Trend 3- Level of cultural diversity training
 Trend 4- Litigation regarding law enforcement contacts
 Trend 5- Level of funding
 Trend 6- Level of identification technology
 Trend 7- Public acceptance of recording technology
 Trend 8- Level of minority population

Event 1- Grant funding is lost
 Event 2- Terrorism event locally
 Event 3- Police misconduct similar to a Rodney King type event
 Event 4- Public votes to reject recording technology
 Event 5- Cost of technology too prohibitive
 Event 6- Courts decision increase rules for privacy
 Event 7- State mandates additional training
 Event 8- Mandated recording of contacts

The results of the NGT panel's findings and the research were used to develop three fictitious scenarios set in the year 2007. The scenarios were designed using the events and trends, which led to the creation of the *most likely future*, the *most feared future*, and the *most desired future*. These scenarios represent possible futures that provide an opportunity for the implementation of recording technology and development of strategies for management to pursue.

Scenarios

The following sets the stage for all three scenarios: Officer Charles "Bumper" Morgan, fifty years of age, is a twenty-nine year veteran of the Sunshine Valley Police Department. Bumper, as he is known by all who have crossed his path, is a no-nonsense ethical and professional officer who enjoys the highest arrest stats in the department. At a time when most officers his age are looking for a position that will allow them to slow down, Bumper has volunteered for the last twenty years to work a single-man patrol unit in one of the busiest areas of the community known as "The Bottoms". This area of the community was named The Bottoms because it is economically depressed, and inhabited primarily by a population of migratory farm workers who live in co-op housing. The City of Sunshine Valley has made several attempts to revitalize The Bottoms by improving the infrastructure and paying attention to quality of life issues, but life continues to be difficult in this area.

There are several-service related businesses in The Bottoms and an inordinate number of bars and liquor stores. The major problems in the area are

residential burglaries, drug and alcohol issues, prostitution and fights. One other distinction held by Officer Morgan is the highest citizen complaint rate of any officer on the Sunshine Valley Police Department. Although the majority of these complaints have been unfounded, Officer Morgan explains away the complaints as a nuisance consistent with his aggressive style of police work. He feels the complaints are an acceptable price to pay for making the lives of the occupants of The Bottoms better.

The management of the Sunshine Valley Police Department is concerned about the complaints associated with Officer Morgan, but realizes he is a valuable employee who voluntarily works an assignment that other officers would not work. The management dilemma is how to continue to support one of their most productive officers while being responsive to the needs of the community. At the last city council meeting, several citizens spoke out against the police department claiming that the officers' traffic stop and arrest statistics are higher in The Bottoms than any other part of the community. It was the opinion of the speakers that the officers were biased against the inhabitants of The Bottoms and policed them differently than other segments of the community. The speakers pointed to the arrest stats and complaints of one of The Bottoms most active officers, Bumper Morgan.

The need to provide a silver bullet was apparent. Management felt this was an opportunity to deploy some of the technology proposed to the police department by the local university. Working with a federal grant, the university was tasked with commercializing technology currently used by the space

program. The university proposed a system of cameras, recorders and transmitters that would act as a witness for law enforcement officers. For years officers had used cameras in their patrol vehicles and carried personal recorders; however, this is a completely different system. The university system would be completely hands-off, not requiring any input from the officer. The trigger for the system would be a physiological t-shirt no different from the ones worn by all officers, except for the small waterproof one-year battery pack sewn into the base seam. The physiological t-shirt will detect those physiological changes in the officer's body that are associated with police activity and automatically turn on the officer's camera and audio system. The system is completely wire proof and transmits sounds and images from a state-of-the-art pinhole audio camera imbedded in the officer's badge. The video and audio images, which are unique to each officer, are transmitted to the police vehicle. The police vehicle acts as an amplifier that transmits the sound and images to the police station where the supervisor can view the actions of each officer on the shift. The images can also be transmitted through a system of delays to personal data recorders or the World Wide Web for public access to information of a nature that would not compromise officer safety.

Most Likely Future

Wednesday, June 12, 2007, 1800 hours. Officer Morgan and the eight officers assigned to the early morning shift are sitting in the briefing room waiting for the arrival of Sergeant Smith. This is Officer Morgan's first night back to work after two weeks of training with the new recording technology. Sergeant Smith,

Sergeant Jones, Officer Morgan and Officer Johnson will be the first personnel on the Sunshine Valley Police Department to be hooked-up to this new recording technology. As Officer Morgan carries his duty bag to his patrol unit, he wonders to himself why things must be so complicated. In the good-old days all you needed was a citation book and a few report forms. Now officers must carry extra equipment, know how to use computers, record their every move on satellite and be mindful of everything they say to people. Bumper loads his equipment in his police vehicle, checks to make sure his satellite and mobile data computer is working and clears the station heading for his assigned beat.

For a Wednesday night, it's fairly quiet. In the last two hours, not one call has come across his mobile data computer. As Bumper turns onto Main Street, he sees a man directly ahead frantically waving from the corner in front of Nate's Liquor store. Without any input from the officer, Bumper's physiological t-shirt senses the change in his body as he approaches the unknown and this automatically activates his recording technology. As Bumper pulls to the curb the man tells him that he believes someone broke into a car parked across the street. The man says he heard the sound of breaking glass from his upstairs apartment and upon checking the sound, he saw someone hurriedly walking away from the vehicle. The man describes the suspect as a tall, slender Hispanic man wearing a green sports jersey with the number 21 on it, carrying a briefcase. The man believes the suspect took the briefcase from the vehicle. Bumper tells the man to stay there as he checks the vehicle where he discovers that the passenger window has been shattered. As Bumper broadcasts the

crime and suspect description, he again tells the man who witnessed the crime to remain there while he checks the area. As he slowly drives east on Main Street, Bumper sees a shadowy figure approximately a block ahead running while holding a briefcase. Bumper accelerates his patrol vehicle to close the gap where he sees a tall, slender man running down the sidewalk carrying a briefcase. He also notices the man is wearing a green sports jersey. Believing that this is the suspect who had just committed a felony auto burglary, Bumper drives to the curb and orders the man to stop at gunpoint. The man complies and is handcuffed pending further investigation. During the investigation, it is discovered the man Bumper has stopped is not a burglary suspect, but the president of the local farm workers' union on his way to a meeting. Bumper apologizes to the man and explains that he is investigating an auto burglary and the man fits the suspect description. It is apparent that the man is upset for being stopped at gunpoint and feels the officer profiled him because he is a resident of The Bottoms. He tells the officer that he has heard the line "you fit the description" many times before after being stopped by the police. Bumper knows that this incident will more than likely result in a complaint so he returns to Nate's Liquor store, the scene of the crime to contact the witness to get additional information. When Bumper arrives at the scene he discovers the worst of all possible scenarios; not only is the witness gone, but the burglarized vehicle is also gone. Bumper immediately contacts Sergeant Smith to inform him of the incident and is told to return to the station. On arrival at the Sunshine Valley Police Station, Bumper and Sergeant Smith enter the communication center

where they review the last two hours of recordings made during the shift. From the video and audio record, it is apparent that Bumper had contact at 8:35 hours with an apparent witness to an auto burglary in front of Nate's Liquor. The recording also shows Bumper examining the burglarized vehicle and clearly shows the smashed window. The video feed shows the officer driving up behind a slender Hispanic man wearing a green sports jersey carrying a briefcase as he ran down the street. The stop at gunpoint is shown and the officer is heard explaining to the man why he was stopped. The officer sends the man on his way and the video shows the officer returning to the scene of the crime. Sergeant Smith is satisfied that the technology worked without any input from Officer Morgan. He is also pleased that the incident supports Officer Morgan's claim that he was flagged down and disputes any notion that Bumper engaged in any bias-based policing. Bumper returns to his assignment feeling a lot better about the new technology and the ability to have an impartial third party witness when it mattered most. The union official did go to the police station to file a bias policing complaint against Officer Morgan, but withdrew his claim after Sergeant Smith showed him the recording of the incident that clearly shows there was probable cause for the police contact.

Most Feared Future

The worst-case scenario would have Officer Morgan receiving the same information about an auto burglary and following the same course of action; however, this time when he is called to the station, Sergeant Smith and Officer Morgan discover that the technology failed. Not only did it fail to record the

contact with the witness, but also it failed to record the burglarized vehicle and the stop at gunpoint. The new recording technology also affected his radio transmissions when it activated, rendering his radio transmissions useless. No one heard his broadcast of the crime or the suspect description. When the enraged union official came to the station to file a bias-based policing complaint, Sergeant Smith is obligated to accept the complaint since there was no evidence to support Bumper's claim. No matter how much Officer Morgan insists that the incident occurred as he explained, he had no proof to support his claim, and it appeared as if he engaged in the practice of differential policing. The failure of the recording technology was instrumental in creating a further separation between the police and the community. The people had always been of the belief that the Sunshine Valley police officers engaged in a practice of bias-based policing in The Bottoms. City Council meetings were fast becoming forums for complaining about the poor service and tactics used by the police department. Community activists were calling for state and federal investigations to bring an end to bias-based policing in the City of Sunshine Valley. It is a widely held belief among most citizens of Sunshine Valley that the police would not release information from any recordings that portrayed them in a bad light. It is also felt that the police would not be above tampering with recordings to create a more desirable outcome. With no evidence to support the police action on the night of June 12th, Officer Morgan was found to have engaged in bias-based policing. The pitfall of placing all of your trust in technology can create an environment where there is tremendous support when the technology works, but can magnify

ill will when the technology fails. The Sunshine Valley Police Department was inundated with lawsuits to bring an end to bias-based policing. The community outrage was responsible for, and eventually became the reason for, the release of the police chief.

Most Desired Future

Wednesday, June 12th. 2100 hours, Officer Morgan was on patrol in an area of the city called The Bottoms. It's been over two hours since he has received a call over his mobile data computer. As he continues to patrol his beat, he sees a man standing next to Nate's Liquor Store attempting to flag him down.

As Bumper pulls to the curb, the man walks to the passenger door and tells him that he believes someone just burglarized the car across the street. Bumper asks him how he reached that conclusion, if he saw someone committing the crime? The man told him he was in his apartment, which is above the liquor store, when he heard the sound of breaking glass. When he looked out his window he saw a tall slender man wearing a green sports jersey hurriedly walking away from the vehicle. The witness said the man was carrying a briefcase, which he believed was taken from the vehicle.

Bumper told the witness to remain at the location while he checked the area for the suspect. Bumper notified the dispatcher of the crime and began to slowly cruise the area looking for the suspect. As he drove east on Main Street, he saw a shadowy figure about a block ahead running along the south curb.

Bumper accelerated to close the distance to see if this was the burglary suspect. As he approached the man, he was able to see that he was tall and

slender and wore a green sports jersey; he was also carrying a brown briefcase in his right hand. Believing this was the burglary suspect, Bumper stopped his police vehicle and ordered the man to stop. The man turned, seeing it was a police officer, and immediately stopped, dropped the briefcase and put his hands up.

Bumper knew this man because he had filed a complaint against him alleging he was roughed-up during his last arrest. As he handcuffed the suspect, he remembered all the aggravation he was put through because of this guy and prayed that the recording technology was working. Bumper placed the man in the police vehicle where he was heard to say, "Well I guess you got me again. I saw that briefcase on the front seat of the car and took a chance that I could get away with it. That's what I get."

While completing his paperwork, Bumper contacted Sergeant Smith to inform him that this arrest could result in a citizen complaint. Bumper asked the sergeant if he was in the communication center watching the live feed of the arrest. Sergeant Smith told Bumper that he was away from the center handling other business; however, they could review a replay of the incident. The last thing Bumper needed was a technology failure, but to his amazement, the recording started as soon as he observed the witness flagging him down and continued to record the suspect running, his arrest and the incriminating statements. Not only was there documentation to disprove bias-based policing, but also evidence to connect the suspect to the crime, which resulted in successful prosecution.

Bumper was satisfied that the recording technology had worked as it was designed. As he reviewed the tape, he thought to himself, this is great, no longer will there be an opportunity to second guess his ethics or professionalism; finally there is a tool that will definitely make this job a little easier. It seems that management was successful in finding the silver bullet that served the public's interest and provided a level of protection for the officers. The technology worked as the designers and law enforcement expected it to. The follow chapter uses scenarios developed through the trends and events to formulate a strategic plan.

CHAPTER III
STRATEGIC PLAN
Strategic Planning

A strategic plan is a structured approach, sometimes rational and other times not, of bringing anticipations of the future to bear on today's decisions. Strategic planning affords the agency a position for coping with the future. It also establishes a vision for the future and provides clarity of direction. It is not a pure analytical process; instead, it is a balance with room for creativity. The reason any business plans strategically is to change the direction of an organization, to concentrate resources on priorities, to establish a framework for budgets and operations, to enhance internal coordination, and to establish accountability and take control of the situation.¹¹

Societal demands on law enforcement require management to look forward five to seven years to map out a future that will take advantage of technology that will be the future. In addition, law enforcement must be mindful of the fiscal responsibility to manage the resources by not attaching an ultimate one-way strategy to the chosen technology. The mission of enhancing the safety of the community through ethical and moral treatment can be achieved through recording technology. Sociologically, law enforcement is entering a future that will be very different from what was imagined just months ago. Since the events of September 11, 2001, the future, as projected, will include a real suspicion that

¹¹ Esensten, Tom, Strategic Planning lecture, Command College Lecture, San Marcos, California, Lake San Marcos, March 2002.

the terrorism similar to what occurred on that September morning will again return to United States soil. Law enforcement realizes the price paid for freedom will be the ultimate cost if there is a recurrence of the destruction like September 11th.

The establishment of organizational trust is an important element to managing a strategic plan in any organization. Simply put, employees need to have confidence in their leaders and their ability to lead towards change. Management must establish a philosophy that embraces their core values by developing a mission statement, or a value statement. Through demonstrated successes over time, combined with a management approach that promotes an honest caring style, most organizations will follow the leader through times, which could put considerable strain on the organization.

Therefore, it becomes necessary to think beyond traditional barriers and reach towards those technologies not typically available to law enforcement. A search of the data available in law enforcement magazines, the Internet and industry experts confirm this. The goal is to provide technology tools for law enforcement that will allow organizations to document their contacts as a method of reducing bias-based policing. As the interaction with the community improves, the level of confidence and trust of law enforcement will improve. This trust can be accomplished while developing recording technology that will afford a level of protection from accusations of wrongdoing, such as bias-based policing.

Strategic planning should include flexibility to allow movement around impediments to growth. The plan must also incorporate common understanding of the goal by the management team as well as all stakeholders. Law enforcement must also communicate their needs to the engineers, product designers and researchers so that they will have the ability to design effective solutions to the problem. The future dictates that all technological solutions must have expansion room to address exponential changes. The best possible solution is a product, which has been subjected to field-testing and has been found to meet the stated goals. As much as law enforcement would like to see it, the possibility of one technology solving the issue of bias-based policing is highly unlikely. It is apparent that any representation made to eliminate differential treatment in policing will not be accomplished through the traditional use of a technology but through a combination of current and emerging products.

Varied segments of society have attempted to resolve the issue of differential treatment by police through, 1) the adoption of legislation prohibiting bias-based policing, 2) the collecting of traffic stop data, and 3) citizen oversight. Some law enforcement organizations currently use a system of portable digital audio recorders and dash mounted video cameras to document public contacts. Limitations of this technology are apparent if the officer leaves the range of the video camera or fails to activate the audio recorder. The challenge to law enforcement is to develop recording technology combined with diversity training that can reduce the incidents of bias-based policing. The goal of this strategic planning exercise is to develop a road map to allow the realization of a

technology to reduce the incidents of bias-based policing in small law enforcement agencies. The expected outcome is the development, testing and implementation of a system that provides passive oversight to law enforcement officers as they carryout their duties.

SWOT Assessment

The challenge for the Gardena Police Department is to overcome organizational weakness, to capitalize on organizational strengths, to maximize opportunities and confront threats to overall success. As a small law enforcement agency, the strengths of the Gardena Police Department is its talented and experienced staff that enjoys opportunities for creativity. The small size of the organization allows personal contact with all internal stakeholders to ensure that the vision and goals of the department are understood and maximized. The excellent working relationships with employees and employee bargaining units create an environment where the mission of the organization is primary.

Organizational weaknesses in small law enforcement agencies are often related to funding. Within the Gardena Police Department, financial resources are limited by the deficit budget of the city. The ability to develop new technology is limited to the organization's ability to secure funding.

The small size of the Gardena Police Department affords excellent opportunities for the organization to grow with the future technology. The ability

to control the environment in small law enforcement agencies makes the Gardena Police Department an excellent site for beta testing of new technology.

Threats to the development of recording technology to reduce bias-based policing are numerous. The declining funding base causes the organization to utilize scarce funding for operations. And, limitations in the size of the physical plant make it difficult to dedicate space for new technology. The ability to overcome limitations will allow the Gardena Police Department to capitalize on future opportunities for developing technology to reduce bias-based policing.

While strategic plans will differ with each issue, the following is a strategic plan for developing audio and video recording technology to reduce bias-based policing:

Goal – To develop audio and video technology to reduce the incidents of bias-based policing.

Strategy 1: Identify key individuals to form a team representing the stakeholders and have them identify current and emerging recording technology.

Objective:

- Communicate the importance of this technology to the most important stakeholders (officers, citizens, police association, politicians, and city management).
- Identify benefits of this technology through the team.
- Identify risks of not developing this technology.

Strategy 2: Use the team as a network to communicate the benefits of current and emerging recording technology to those they represent.

Objective:

- Allow those affected by the technology an opportunity for input.
- Keep options open to alternative solutions.
- Keep focused.

Strategy 3: Prepare to manage change.

Objective:

- Be timely in adopting new policies, procedures and goals.
- Be proactive to change.
- Be responsive to change.

In response to the vision, members of the NGT panel were consulted to develop strategies for implementation of recording technology to reduce bias-based policing. The panel came up with the following strategies:

- Funding sources should be identified prior to development of the technology.
- Reassign those personnel formerly assigned to complaint investigations to community policing functions.
- Develop training for law enforcement personnel and the community to identify the benefits of the recording technology.
- Publicize the benefit that recording technology can add to community oriented policing by improving the quality of life for people law enforcement serves.
- Open lines of communication with stakeholders (citizens, police officers, police managers, computer it personnel, city manager, city council, police associations, advisory panel), identifying the successes as well as the failures of technology.
- Identify technical systems that are right for the agency and community.

The input from the NGT panel was beneficial to the planning process. The panel also suggested presenting this project to the general population, which

would allow other stakeholders an opportunity for input and to embrace the program.

Implementation Planning

On completion of the strategic plan, the process begins to determine the availability of the necessary components from the after-market or through future development. Because of anticipated difficulty with locating off-the-shelf products that can be useful to this project, it could require a request for proposal process be initiated. This process will develop contracts to ensure that the design and the function of the recording technology will meet the needs of law enforcement. As the equipment is received, the organization should initiate a process to inform the community and the industry of the pending technology. It is important to ensure that the data collected during the test period accurately represent real world conditions in the actual environment that the product will be used.

During the implementation plan, there should be a total review of the product. Industry experts should review the function of the product to ensure that the results are consistent with industry standards. Subject matter experts should also review the interaction and function of the recording components with the officers. It would be advisable to include individuals in the assessment who have experience in the use or manufacturing of recording technology.

The final component of the strategic plan is to conduct follow-up testing with other subject groups to verify the results of the initial test. During this

process, the manufacturer should be allowed to make any improvements to the equipment identified as necessary by the end user. This will ensure the equipment functions in the real world environment as designed. Finally, all recording technology test data should be disseminated to all stakeholders and made available to all law enforcement agencies. It is the goal of this project to reduce bias-based policing in small law enforcement agencies through the use of audio and video technology by 2007. The process of conducting the NGT and building of a strategic plan, will allow law enforcement to look forward and reduce the incidents of bias-based policing within the timeline.

Transition Management

Change is either transformational or incremental. Transformational change implies a wholesale, broad-based alteration of the status quo; this wholesale change entails changing the organization's structure, processes, and the core values. Incremental change is a step-by-step alteration of the status quo; incremental tweaking allows for forward progress to keep pace with societal/market fluctuations. The present notion of values and choice are the largest issues organizations deal with when coping with change strategies.¹² Transition management is aimed at exploring, guiding and fostering a long-term transformation process. Transition management consists of a deliberate attempt to bring about a transition, in an intuitive and interactive manner, involving sequential and participatory decision-making. Transition management attempts

¹² Simon, Cary A., PhD, "Transition Management in a Strategic Organization," Lecture. Command College, San Marcos, California, March 2002.

to bridge long-term and short-term thinking by putting the short-term policy in the light of the long-term ambitions. The idea of transition thinking can also be used to interpret and apply the current policy in different ways. The goal of identifying the project, defining its uses, and developing and designing a policy that considered the needs of the organization, personnel, and the community was completed. This was instrumental in advancing beyond the transformational stages. The incremental design of the project allowed for step-by-step movement that did not significantly impact the organization's status quo. The proposal that suggested the use of audio and video recording technology to eliminate bias based policing allows a relatively non-confrontational technology to be put in place that has the ability to maintain consistency with societal changes.

Critical Mass

Stakeholders are groups and or individuals who have the ability to support the proposal or to be impediments to it. Because of the influence individuals or groups have, they comprise what is called critical mass. Identification of these individuals or groups is necessary in any process to promote change. The critical mass to the issue of how will recording technology reduce bias-based policing in small law enforcement agencies has been identified on the following page.

Internal	External
City Manager City Council Chief of Police Finance Department Gardena Police POA Computer IT Personnel	Citizens of Gardena Other Police Agencies Office of Criminal Justice Planning Federal/State COPS Office

Critical Mass Chart
3.1

Level of Commitment

Stakeholder identification is important to assessing the issue and their support or opposition. The identification of stakeholders allow their level of commitment to be charted. It is always possible that additional stakeholders could appear in the future, while some listed in Table 3.1 could no longer be a factor. The following table illustrates the assessment of each party’s level of commitment by an “O” and the desired level of commitment represented by an “X.”

Stakeholders	No Commitment	Let It Happen	Help It Happen	Make It Happen
City Manager			O	X
City Council	O			X
Police Chief				OX
Finance Dept.	O		X	
Gardena POA		O	X	
Computer Personnel			OX	
Gardena Citizens			O	X
Other Police Agencies	O		X	
Office of Criminal Justice Planning	O		X	
Federal / State COPS	O		X	

Level of Commitment Table
3.2

Leadership Implications

With any organization, past culture has an implication on the amount of control that can be levied against setting direction for the future. As always, the mentality of “why change” or “view all change suspiciously” has to be overcome through the leadership and direction of management. As with this project, the decision should be made by the organization’s leadership after consultation with the stakeholders to identify the best method to proceed in identifying a tool that could eliminate bias-based policing. The major focal issue of a loss of public trust was instrumental in driving this project to impact the issue. The community has to work with and trust law enforcement if the job of providing a crime-free atmosphere is to be achieved. Leaders anticipate issues such as the lack of trust and then devise solutions to correct them. Those solutions can be short-term, which requires revisiting the issues over and over again. Law enforcement must look beyond the present through trends and events in an attempt to read the terrain to devise lasting, long-term solutions to issues. The desire to identify a long-term lasting solution to biased-based policing is precisely why this project has been proposed. If the potential exists for the public to accompany law enforcement through technology as they patrol the streets and neighborhoods, it should be used. With this technology law enforcement has the opportunity to educate the public on its tactics and solicit a better understanding of the inherent difficulties of the profession. The secret society of law enforcement has for years been open only to those who wear a badge. Law enforcement has to open those doors that have been closed for centuries and embrace the public. If law

enforcement interacts with the public while being open, ethical and compassionate, the external environment will be one that is desirable. The following chapter concludes the proposal using the NGT exercise, future scanning and research on the issue to reach closure on using technology to reduce bias policing.

CHAPTER VI
RECOMMENDATIONS AND CONCLUSIONS

Recommendations

Based on information learned from the research for this project, the Nominal Group Exercise, and scanning the future, recommendations have been proposed to operationalize this project. The application of emerging technology has the ability to reduce the incidents of bias-based policing. The following recommendations are made to further the process of developing the project.

- 1) Develop stakeholder teams to scan trends and events to identify a potential future for audio and video technology and its application to law enforcement.
- 2) Communication is critical to the project; liaisons must be established with the Police Officers Association, state and local law enforcement agencies, the community and subject experts to work closely during the developmental stages.
- 3) Develop an organizational policy with the help of stakeholders to outline the philosophy, implementation, storage and security of the recording technology.
- 4) Involve the stakeholders in the development of alternative funding sources, or federal or state grants, to account for unexpected cost, or to replace funding losses due to fiscal downturns.
- 5) Market the organization to all stakeholders to clarify the goal of the new technology, the process involved in product selection and the benefits

- gained by the community. Be willing to share this technology for the betterment of the entire law enforcement community.
- 6) Develop alliances with elected officials to promote and maintain legislation to ensure the use of recording technology in public places continues to be a right. Think of more than one domain and different stakeholders.
 - 7) Know the limitations of the organization, personnel and community. Do not attempt to fit square pegs in round holes. Be realistic in the expectations of the technology and keep an open range of options.
 - 8) Any technology failures should not be misconstrued as a failure of the project. The chance to develop cutting edge tools for law enforcement is often a very trying experience, which should be viewed as additional opportunities for success.

Conclusion

Bias-based policing or racial profiling is not a recent phenomenon; the practice of differential treatment has roots at the very beginning of this country. The United States was founded on the belief of freedom, whether it was religion, association or speech. The operative word is freedom. It is ironic that as Americans, we have this compelling need to waive the freedom banner, while depriving a significant number of people of those very rights. The act of proclaiming individual freedom directly impacted the freedom that the American Indian enjoyed. The American Indians, a proud people were given the distinction of helping the first settlers become a viable force by showing them how to survive

in this new land. The American Indians were rewarded handsomely for their efforts, by being classified as uncivilized savages simply because they were different. It is apparent that the American Indians were profiled simply because of their differences. They were hunted, cheated, and deprived of their freedom, land, and eventually sent to live in confinement on land not of their choice.

Black Americans are another example of the disparate treatment of a people because they are different. As a people they were hunted, captured and marketed as a cheap source of labor. Early in the history of this country, Black Americans were regularly profiled as escaped slaves if they were found off their owner's property. Black Americans eventually won their freedom but were not considered equal or treated equally until much later in the history of this country. There are many factors, which contribute to disparate treatment in society. However the most common factor in all reported cases appears to be those things that make us different; gender, race, sexual orientation or origin of birth.

Programs for reducing the incidents of differential treatment by law enforcement can be accomplished by using recording technology. Emerging recording technology holds the most promise for fulfilling the goal of this project. However, if this technology is to be considered, law enforcement must address the natural "tech-fear" of society to ensure that ample safeguards are applied to protect the public from overzealous acts of policing. Crime and being victimized are major concerns of society; however, the same members of society that welcome law enforcement's efforts to bring criminals to justice will be the very ones criticizing the police if technology should intrude into their space. The

ACLU reports that it has every reason to believe that law enforcement will use recording technology to target those who they think are more likely to commit crimes and even entrap those they believe are predisposed to criminal behavior.¹³

This futures project is an attempt to put in place a tool that will do for law enforcement what they will not do for themselves. It is a proposal to use technology to control a negative behavior that this country has not been successful in controlling. Unfortunately, there is no easy answer or technology to solve this issue. The resolve of this problem is the design and implementation of a technology that has not been developed. The impediments to this technology, once it is developed, is the consistent use by reluctant officers. Like the country's forefathers, American's have this mistrust of the unknown; law enforcement is not easy to change, and any proposed change especially initiated by management, will be viewed as suspicious and resisted. If society wants a future for law enforcement that is not viewed with contempt by the people served, the vision must look beyond the present and put in motion solutions that have the ability to affect change. The future of law enforcement will require leadership that will not hesitate to look outside the box for solutions to problems and embrace technology not commonly associated with the profession. Law enforcement management must also be willing to admit that there is a problem with stopping people for scrutiny simply because they are different.

¹³ Steinhardt, Barry, "ACLU Calls on Law Enforcement to Support Privacy Laws," American Civil Liberties Union Freedom Network, Online, 8 April 1999.

The task of putting technology in place to solve this problem is a monumental one that can be achieved, if and only when there is support in place for this technology throughout law enforcement. The future is exciting for law enforcement if the goal is to benefit the people served. The obligation for police agencies is to manage that future to achieve the desired results to eliminate bias-based policing.

Responsible law enforcement has to ask the question: How will recording technology reduce bias-based policing in small law enforcement agencies by 2007? The simple answer is for law enforcement to treat people with the dignity and respect that they deserve. However, one problem is apparent: law enforcement recruits the men and women to enforce the laws of the land from the human race. Human beings are not flawless; they have prejudices, biases and live a country where there is the right to express themselves as private citizens. It is apparent that the global problem of bias-based policing is often in conflict with societal expectations and professional standards of conduct for law enforcement. The development of current and emerging technology in the form of video cameras and audio recorders has the ability to ensure that professional standards are maintained through the documentation of all police stops. The use of recording technology, has been beneficial in reducing citizen complaints in a small law enforcement agency (reference Appendix A). So it stands to reason that incidents of bias-based policing can be reduced with emerging recording technology in small police agencies by 2007.

APPENDICES

Appendix A

THE GARDENA POLICE DEPARTMENT CASE STUDY

This application began with a pilot program in June 1999, when several officers were selected to test a series of different personal digital recorders similar to those used by doctors and lawyers for note-taking. These officers were selected based on several performance criteria, their level of activity, their tenure, and, most importantly, a willingness to try different methods of delivering police services. It was also imperative that the selected officers embrace the philosophy of Community Oriented Policing as a method of law enforcement; this was important to the selection criteria since it was the direction that law enforcement had chosen to establish the public partnership to protect the city.

During the test period, officers were instructed to record all public citizen contacts to evaluate the quality of the devices, quality of the recordings, ease of use, and real world limitations. The organization soon discovered that one of the devices was exceptional in meeting the stated requirements of ease of use and quality of recordings. During the initial test period, officers were able to adapt to the functions of this recorder, which resulted in clear, distortion-free audio of all contacts. An unanticipated benefit of the test was the acceptance by personnel to support management's attempt to provide them with a tool to improve the way they did their jobs.

During the test period, two members of the public filed citizen complaints against officers who were part of the test group. The resulting investigations into

the complaints gave the professional standards supervisor a tool in the form of the actual recordings that documented the actions of the officers. These complainants withdrew their complaints, after they were informed that the officer had recorded the contact with a personal digital recorder. After these incidents, interest in the test officers and their new tools began to intensify. Soon, the majority of the personnel were expressing interest in the test program and a desire to receive or purchase their own personal digital recorders.

The value of recorders in documenting public contacts was also a factor in the prosecution of suspects who were recorded while making unsolicited admissions during detentions. Prosecutors soon became aware of the officers who were part of the test group and requested copies of their recordings to solidify their cases.

On completion of the test period, the organization selected a device that would be issued to all personnel. A policy was subsequently designed with the participation of all personnel, which set guidelines for the use of recording devices and a method for auditing the systems. Officers were assigned a personal digital recorder and trained in their use and in the use of the computer storage medium.

The goal of providing a degree of protection from frivolous personnel complaints, while protecting the officers and citizens' rights, was achieved. Through the use of a non-traditional law enforcement tool, the organization was able to effectively change the stereotypical perception of the police department to an open, approachable, ethical and professional agency with the public's interest

at heart. The ability to provide the public with timely feedback on their complaints while completing investigations without unnecessary delays improved overall department morale and was instrumental in improving community trust. Public trust is necessary if the positive effects of the police/public partnership are to be realized and the goal of protecting life and property in the community is to be achieved.

After using personal recorders for a year, the number of citizen complaints is significantly lower than in previous years. The organization would like to attribute the reduction in personnel complaints to the maturing of their officers. However, it is obvious that technology in the form of personal recorders has had a positive effect on the professionalism of the department's personnel by reducing complaints and providing a significant level of oversight and emotional protection from the stresses of the job. The mere fact that there is a policy that requires this technology to be used has contributed to these encouraging results.

The utilization of personal digital recorders has provided another layer of protection for the city, police department, citizens, and personnel, especially in a climate of increasing complaints of bias based policing.

Appendix B

NGT Panel

Ms. Traci Brown	Personal Service Business Owner
Mr. John Johnson	Bank Employee
Ms. Schuyler Johnson	Copy Manager for Major Office Machine Co.
Ms. Sheela Deraniyagala	Import / Export Business Owner
Mr. Harold Love	Municipal Mechanic, Small Business Owner
Mr. John Schaefer	Police Captain
Ms. Debra Reid	Community Activist
Mr. Clifton Woods	Retired Airport Employee
Mr. Daniel Canas	Citizen Advisory Panel Member
Ms. Karen Akune	Police Secretary

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