

HOW WILL AN INTEGRATED USE OF FORCE TRAINING PROGRAM  
AFFECT A LARGE URBAN AGENCY  
BY 2008?

A project presented to  
the California Commission on  
Police Officer Standards and Training

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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 considerations.

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 adopting it. A future 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).

California Commission on Peace Officer Standards and Training

This project, written under the guidance and approval of the student's agency, mentor and advisor, has been presented to and accepted by the Commission on Peace Officer Standards and Training, State of California, in fulfillment of the requirements of Command College Class Thirty-Four.

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## CHAPTER I

### ISSUE IDENTIFICATION

How will an integrated use of force training program affect a large urban agency by 2008?

#### Introduction

An integrated use of force training program is a systematic approach to integrating the taxonomy of educational objectives involving the use of force by police officers. The program will identify the various levels of force and resistance that an officer may encounter during a confrontation. Because of a complex and diverse society, energy should be focused on training, and preparing police officers for what they may encounter during their tour of duty. What exists is the potential for a deliberate indifference in training and what is reality. There has been a standard and acceptance regarding how training should be performed. The first step towards success is to ignore the old paradigm by taking a different look at how law enforcement has historically performed. This will enable the power of imagination and vision to guide in the creation of a training program, which is specific to the skills required of a police officer.

The impact is significant when the community it is sworn to serve questions the actions of a police officer. When questionable actions or controversy weakens the support of a community, it directly affects the effectiveness of that law enforcement agency. The impact of a successful program is not measurable in terms of monetary value. The true value is a professional, caring, and competent law enforcement agency that serves its community with a passion for excellence.

The issue of police violence is national in scope and reaches people all across this country. For too many people, especially in minority communities, the trust that is so essential to effective policing does not exist because residents believe that police have used excessive force, that law enforcement is too aggressive, that law enforcement is biased, disrespectful, and unfair.<sup>1</sup>

Janet Reno, Attorney General of the United States

Police everywhere have been placed under the proverbial microscope when it comes to the use of force. The proliferation of video cameras in the hands of citizens has resulted in the capturing of many use of force incidents on tape. Simultaneously, the same technology has facilitated the widespread installation of video cameras in patrol cars. For the most part, this technology has been beneficial to law enforcement with video documentation justifying the actions of officers.

It is difficult to forget the highly televised Rodney King incident. Opinions will differ greatly over the appropriateness of the force used by the officers, and it is certainly not the intent here to judge the actions of those officers. What is indisputable is that the Rodney King incident did more to bring public focus on the use of force by police than any other incident in recent memory.

Putting aside all the negative outcomes of the King incident, it did result in many positive changes for law enforcement across the state of California. Use-of-force training programs were reviewed, revised, and, in some cases, they were radically overhauled. More time was allocated to use-of-force training through increased training budgets.

Like other professionals who have had to endure the blistering complaints of an angry community, police officers, and those who defend them have learned to adapt and to even become better at training and delivering service to the public. In order to do this, law enforcement has had to learn a great deal about polices, training, and, practices.

The manner in which a law enforcement executive responds to an incident involving an allegation of excessive force is extremely important and can have a significant impact upon the agency. Many years of good policing and community trust can be jeopardized by a single act or the perception of excessive force by an officer. When an incident occurs, agency executives

should be prepared to take appropriate and carefully considered action to promote peace, maintain community trust, and sustain departmental morale. When there are allegations of excessive force, the officers and staff, as well as the community, must be assured of a fair and impartial investigation. Community tensions and violence may develop in the aftermath of an incident involving excessive force or other police conduct.

As a law enforcement executive, it is important to understand how an effective training program that is both integrated and comprehensive will benefit the agency, the officers, and the community. By providing a sound foundation and in-service training, an integrated and comprehensive use of force program will ensure that officers can demonstrate proficiency and understand the legal issues involving the use of force.

#### Goal of Law Enforcement

There are many circumstances during a police officer's career when he may be placed in a situation that requires a certain degree of force. The extent and type of force may be influenced by mere presence, the use of verbal commands, control holds, takedowns, baton, or the use of deadly force. Society as a whole has given law enforcement officers the right and duty to use force when necessary. However, little direction has been offered in determining what is reasonable or unreasonable; therefore, each situation must be heard on its own merits to determine the reasonableness of the force used.

The goal of law enforcement is to generate voluntary compliance. Police officers make several contacts a day with people during both positive and negative situations. It is important to emphasize the purpose of how and what is said and the purpose of what to do in order to generate voluntary compliance. As professionals, there is a hierarchy of options available, whenever needed, to compel or persuade others to comply with certain requests.

Society's objectives are best achieved peaceably and officers should strive to minimize the use of force as much as possible. However, it is important to place any use of force application in perspective in order to understand the potential magnitude of a negative outcome. Although opinions may vary as to whether law enforcement is doing everything possible to minimize the use of force, national and state statistics do not support the notion that there is a national or local epidemic of police violence. Another purpose for emphasizing the infrequent nature of police use of force is to heighten the awareness and challenges of trying to master the infrequent events, while reducing the perception of police abuse of position and excessive force allegations.

Police officers should know and be familiar with force options when verbal commands fail. It is important that law enforcement knows the system and prioritizes what options are available, while trying to generate voluntary compliance. It is important to control feelings and biases in order to control adverse situations. However, reality requires that in rare circumstances verbal commands will fail or be inappropriate and force must be applied to control or to stop the life threatening actions of an individual.

#### Integrated Use of Force Training

The first objective for future applications is to identify and define an integrated use of force program that is comprehensive, integrated, and effective. The research of this project shall include all aspects of an integrated use of force program that is not just limited to the hands on or manipulative skills. The research shall include police contacts, management, supervision, and most importantly the taxonomy of educational objectives that incorporates the adult learning theories of cognitive, manipulative, and affective domains. Integrated training can be subjective and mean different things to different individuals. Therefore, it is important to clarify, outline,

and define the criteria and primary proficiency requirements of the program while defining the expectations of an officer.

Webster has defined integrated as to form, coordinate, or blend into a functioning or united whole, to end the segregation of and bring into common and equal membership in society or an organization. It is the goal of this project to identify the components, trends, and events that truly define an integrated use of force program that will have a positive impact on the way law enforcement trains, supervises, manages, and defends civil litigation.

An integrated use of force program is essential so that it may provide current, competent, and effective training that will increase officer safety in both physical and legal confrontations, while better serving the community. An integrated use of force program should strive to integrate the essential skills necessary to demonstrate competency during confrontation simulation scenarios. The program should also enhance firearms and weaponless defense skills that ultimately increase confidence.

Many training programs are fragmented and claim to be integrated with respect to the various levels of force. This simply means that law enforcement performs firearms qualification in one area, weaponless defense in another, and baton training in a third area. Seldom does it successfully integrate the various levels of force in a meaningful manner, which is easily understood and maintained by an officer. The majority of training has focused on the physical skills, hands on, and seldom has included the cognitive skills necessary to be effective and justify the use of force.

Integrated training is a comprehensive way to develop the decision-making skills of an officer, together with the physical ability to use and justify force during realistic confrontations. Additionally, this means that mere presence, verbal communication, empty hand control,

electronic devices, intermediate weapons, and deadly force must be integrated into developing a system for defense and control.

Defensive tactics instructors as a whole must include training situations where the appropriate response to the attack is deadly force. Firearm instructors must create situations where chemical agents, empty hand control or intermediate weapons are the appropriate response. Officers must comprehend the use of force spectrum as a daily tool and should be encouraged to make use of all force options.

In order to develop a comprehensive and integrated use of force program, law enforcement must first examine the contacts and circumstances surrounding allegations of excessive force by police officers. In most cases, the vast majority of police contacts result in little or no force used. Additionally, most police encounters involve compliant and cooperative individuals. The use of force by a police officer only occurs in less than one percent of all contacts.<sup>2</sup>

Allegations of police brutality have become the focus of acute national attention during the past several years due to several high profile cases, including the fatal shooting of an unarmed West African immigrant, Amadou Diallo, in New York City in February 1999.<sup>3</sup> Four white officers from an elite crime detail, looking for a rape suspect, fired 41 shots at Diallo, striking him 19 times as he stood outside his apartment building. The shooting highlighted not only the tactics of the crime detail itself, but there was greater concern about police racial profiling of black people and other minorities.

An estimated 43.8 million people 16 years and older, or about 21 percent of the population have had contact with a police officer.<sup>4</sup> In a comprehensive analysis of police

contacts, the analysis found that less than one percent of the contacts resulted in police force or threat of force. An estimated 20 percent of such incidents involved only the threat to use force.<sup>5</sup>

Research has found that more than half of all police contacts have occurred during traffic stops. An estimated 10 percent of all licensed drivers, including almost 20 percent of teenage drivers, have been pulled over by law enforcement officers. Eighty-four percent of the drivers said they were stopped for a legitimate reason, and 90 percent said the police officers treated them fair and were professional during the stop.<sup>6</sup> Public interaction with police occurred for the following reasons:

Table 1.1

Type of Contact	Percentage
Traffic stops	52%
Citizen reporting a crime	19%
Citizen asking for assistance	12%
Reporting a neighbor problem	9%
Traffic accident	8%
Witness to a traffic accident	5%
Witness to a crime	3%
Questioned as a suspect	3%

## Police Use of Force

Research conducted in 2002 by the U.S. Department of Justice, Bureau of Justice Statistics, has revealed with substantial confidence that police use of force typically occurs at the lower end of the force continuum, which involves grabbing, pushing, or shoving. The research involved 7,512 adult arrests, which revealed that about 80 percent of arrests in which police used force consisted of weaponless defense tactics. Grabbing was the tactic used about half the time, while only 2 percent of all arrests involved the use of weapons by police. Chemical agents, such as pepper spray, were the weapons most frequently used while firearms were the least often used.<sup>7</sup> From a law enforcement administrator's point of view, these findings are predictable. Officers are trained to use force progressively along a continuum, and the legal requirement only requires that officers use the degree of force reasonable to affect an arrest, overcome resistance, and to prevent an escape.

The kind of force that most often arouses the public's concern and criticism, such as fatal shootings, severe beatings, and chokeholds, are not typical of situations in which police use force. When injuries occur as a result of the force used, they are likely to be minor. The same national study conducted by the U.S. Department of Justice found that the most common injury to a suspect was a bruise or abrasion in almost 48 percent of the incidents. Another known fact found by the study is that the use of force is more likely to occur when police are dealing with subjects who are under the influence of alcohol, drugs, or who are mentally ill.

There have been thousands of cases involving the use of force by an officer and the vast majority of them followed the prescribed sequence of control and reasonable force<sup>8</sup>. The exception is when a suspect's resistance or threat level is high, in which case police officers tend to escalate immediately in proportion to the immediate circumstance. The conclusion that police

are most likely to use force when dealing with criminal suspects, especially those who are resisting arrest, is based on years of experience, hundreds of reports, and thousands of incidents involving the use of force.

### Comprehensive and Integrated Use of Force Training Program

There are many programs that claim to be integrated; however, they fall short of incorporating the essential skills necessary to show proficiency and competency. It is imperative that an agency provides current, competent, and effective training that will increase an officer's safety in both physical and legal confrontations while better serving the community.

Many current use of force programs are similar because they are fragmented when it involves the various levels of force. This simply means that instructors perform firearms training in one area, weaponless defense in another area, and baton training in a third area. Seldom if ever has it been successfully integrated into a system that provides evaluation and feedback involving decision-making, skills, and knowledge. The majority of training over the years has focused on the physical skills (hands on) and has seldom included the cognitive skills necessary to be effective and justify the use of force.

Integrated training is a comprehensive way to develop the decision making skills of an officer together with the physical ability to use and justify force during realistic confrontations. Additionally, this means that mere presence, verbal communication, empty hand control, electronic devices, intermediate weapons, and deadly force must be integrated into developing a system of defense.

## Taxonomy of Educational Objectives an Integrated Training

Taxonomy is defined as the study of the general principles of scientific classification. The concept is to incorporate the adult learning theory of education, which includes those skills within three learning domains<sup>9</sup>. There are three learning domains that are associated with the use of force by police officers. These domains should be incorporated into an integrated system that is directly related to their application and environment. The objective of the learning domains is to increase learning and proficiency to its highest level.

The learning domains include:

- Cognitive domain is *knowledge*, facts and information essential to performing a job or task. It is the knowing and understanding of specific job functions.
- Psychomotor or manipulative domain involves *skills*, which is the ability to perform physically with proficiency in ways associated with successful job performance.
- Affective domain is feelings and *attitudes* based on performance, which can include ethics, values, and biases.

Essentially, an integrated use of force training program incorporates all three learning domains (listed above) into the performance objectives of a specific skill. Why is this of value? When you simulate the knowledge, skill, and attitude of an officer in a learning environment, the desired skill is more internalized. Therefore, the specific skill does not diminish as rapidly over time. For example, if a police officer only performs the physical requirements of a control hold, his retention is much less. If the other two learning domains are incorporated into the training it will increase the retention of that skill. All skills are perishable and to reduce this factor it is important to stimulate as many learning domains as possible.

The next chapter will examine the trends and events that could have a significant impact on an integrated use of force training program and its effect on a large urban agency. The importance of identifying significant trends and events is that it will provide guidance in implementing a comprehensive and integrated use of force training program. The value of futures study is to forecast not predict the future.

## CHAPTER II

### FUTURES STUDY

#### Introduction

This chapter discusses a process known as a nominal group technique or NGT, which is designed to forecast trends and events that may have an impact on a specific issue. The information is examined and used to create a cross impact analysis chart. Once the information is obtained it can then be used for strategic planning and transition management.

Over the course of many decades, law enforcement has seen several significant changes. The challenge that law enforcement faces in the future may be even more complex and diverse. If law enforcement begins to identify trends that will have an obvious impact while forecasting potential events that will affect their ability to function it may achieve success in the future. It is extremely difficult, if not impossible, to predict the future. However, the process of forecasting enables law enforcement leaders the ability to better prepare for the challenge and the adverse effects that a lack of planning might bring.

In order to prepare for the future, it is incumbent upon law enforcement leaders to select a process that will provide valuable information in order to make decisions that affect their organization. Strategic planning is an effective tool; however, it is only one process. In order to have an effective strategic plan you must first collect and analyze information that is available.

#### Nominal Group Technique

The Nominal Group Technique (NGT) is a structured workshop, meeting, and process that are facilitated by an independent party. It is also used for managing participation in the process such as planning, performance improvement, and measurement. The method is effective at gaining consensus with all types and levels of participants.

In November 2002 a selected panel met to identify and forecast trends and events that could possibly impact the issue of how an integrated use of force training program will affect a large urban agency by 2008. A list of 31 trends and 20 events relevant to the issue question were identified. From the list, the trends and events were then ranked by order of importance. The group then discussed solutions to resolve the issue by generating and prioritizing a list of measures and improvement interventions.

A group of ten individuals was selected to participate as panel members because of their experience and knowledge relevant to the issue question (see appendix A). Prior to the actual NGT exercise, each member of the panel was provided an agenda and an overview that explained the process. Additionally, they were given instruction as to the definition of and the difference between a trend and an event. The panel consisted of:

- Two private attorneys specializing in police litigation
- One attorney from County Council
- Two police captains
- Three police lieutenants
- Two police sergeants

#### Trend Analysis

Trends are a series of incidents taking place that seem to indicate a direction in which a particular issue may be heading. It is based on the past, present, and future. The NGT panel was asked to identify emerging trends in relation to the issue of "How will an integrated use of force training program affect a large urban agency. The panel identified thirty-one trends, which they selected the top eight in order of priority (based on the greater number of votes) and importance to the issue statement (see appendix B).

The panel was asked to provide additional information in order to chart an analysis of their findings. Assuming a value of 100 for the present year, 2002, the participants were then asked to individually estimate the level of the trend in relationship to the present. The trends were ranked by their relevance to the issue five years ago, in 1997, five years into the future, 2007, and ten years into the future, 2012. Additionally, the panel was asked to identify their level of concern as it related to the impact on the issue statement. The panel concluded that the level of all eight (8) of the trends had increased in the last five years, although some more significantly than others. The results of the panel's projections are presented in Table 2.1, which reflects the mean value. Based on the results, all of the trends will continue to increase through the next ten years. Trend 5, Media's ability to influence public opinion, would increase the most ten years into the future.

Trends

Table 2.1

Trends affecting an integrated use of force training program

Trends	-5 Years 1997	Today 2002	+5 Years 2007	+10 Years 2012	Concerns 1 – 10*
Trend 1 Development of technology	80	100	126	230	9.8
Trend 2 Number of laws affecting the use of force	82	100	123	167	10
Trend 3 Regional use of force training	92	100	116	140	8
Trend 4 Use of Reality-Based Training	70	100	185	245	7
Trend 5 Media's ability to influence public opinion	75	100	195	290	9
Trend 6 Level of police commission oversight	60	100	150	175	5
Trend 7 Level of unfunded mandates	100	100	180	180	7
Trend 8 L.E. use of force training	75	100	190	230	9

Concern – 1 indicates a score of least concern while 10 indicates a score of most concern

### Trend #1: Development of technology

The panel felt that technology will continue to advance with respect to weapon systems, which in turn will have a significant impact in the way force is used. There was considerable discussion about the future of force options and weapons that are non-lethal and have a higher probability of being effective. The entire panel agreed that the military already has technology that is currently being used and will eventually become available to civilian law enforcement in the future.

One example that was introduced includes a weapon system that transmits a high frequency sound that disrupts the central nervous system and renders a person temporarily incapacitated. Another weapon system that was discussed was something similar to a "Star Wars" taser, which deploys a laser light beam and renders a person unconscious.

Almost everyone believed that within ten years, law enforcement may see firearms replaced with weapons that are more effective and non-lethal. The level of concern was high only because of not knowing when it may occur, which all members agreed would have positive impacts. However, they felt that significant training would have to occur because it involves a paradigm shift that moves away from the traditional form of deadly force, which is the use of ballistic firearms.

The panel felt because of the significant changes forecasted in the future, a comprehensive training program would be necessary in order to ensure knowledge and proficiency. As technology advances in the law enforcement profession, it will certainly require better training and more knowledgeable officers. The use of technology will certainly have a positive affect on law enforcement, but only if the training meets the challenge.

### Trend #2: Number of laws affecting the use of force

As more public and political attention is cast upon the use of force and high profile incidents are televised, almost every panel member agreed that legislators would continue to pass or consider new laws that will affect law enforcement. Although laws have been imposed in the past, the panel believes that legislators will continue to push for tighter and more significant restrictions. The level of concern was high only from a training perspective and the need to continue training, while keeping pace with the changes was obvious. The concern for training came largely from the position that law enforcement is not doing as well as they need to, while the future promises to involve more complex and demanding challenges.

The concept and idea of implementing a comprehensive and integrated use of force training program seemed to resolve most concerns. However, there was no consensus as to how it should be implemented and to what degree. This perspective was by and large because of the diverse group.

### Trend #3: Regional use of force training

The most important issue raised by the panel was the need for law enforcement agencies to work towards uniform training, policies, and procedures. It was obvious from listening to the panel that regional training is going to be important in the future as agencies struggle financially while trying to minimize the cost of training and civil litigation. The panel was not overly excited nor was it deeply concerned about the changes from five years ago to 10 years in the future. The majority of the panel members felt it would continue its current pace and become more of a necessity as opposed to a choice. The need to regionalize training will become a financial issue with more agencies needing to share their resources because of a lack of funding.

The level of concern was due to the need to continue training and to seek more consistency among agencies.

The pooling and/or sharing of resources seemed to be the focus point and a decision that many agencies would face in the future. A combined effort of agencies to develop and implement a comprehensive and integrated use of force program appeared to win over the majority of the panel. The major concern or obstacle was political or individual egos that may surface, thus creating barriers. The panel did agree that over time, with tighter budgets it would become increasingly more difficult to train officer increasingly and the resistance would fade away, thus leading the regional training concept.

#### Trend #4: Use of Reality-Based Training by Agencies

The advancement in technology and computers has provided many new opportunities for law enforcement training. Computer based training has evolved to the point that it provides real-time and realistic training to police officers. The panel agreed that many agencies have increased their effort to utilize some form of reality-based training. The training that is currently available includes driving simulators and computerized firearms training scenarios. The panel felt that the past five years up to the current time has not changed significantly. However, they all agree that in the next five to ten years we will see a significant increase, because technology is advancing even faster, and the military has gained a high priority because of September 11, 2001 and terrorism.

The rationale of the panel was that civilian law enforcement often benefits from the research and emphasis placed on military technology. The increase in training methods and technology for the military often carries over into civilian law enforcement. The major benefit will be alternative means of deadly force and equipment.

As technology moves forward into the law enforcement profession, there will be a need to change the way training is provided. The panel felt that the manner in which initial training is delivered would not be affected. The significant changes will be in the way ongoing and updated training is performed. The panel was very excited about the idea of incorporating the use of force training program into an integrated system that lends itself to the changes forecasted in the future.

Trend #5: Media's ability to influence public opinion

The news media is able to televise police incidents involving pursuits, arrests and the use of force on a daily basis. The media has become more mobile while utilizing satellite technology and other means of transmitting information to the public. Media-hype has a significant impact on the perception and circumstances of an event. The media-hype carries with it a certain degree of influence that affects both public and political support and opinion. The panel had strong opinions about the media and its influence over the public. There was a sense of frustration expressed by the panel while they recognized and accepted the fact that the public has a desire to be informed and the media's ability to provide information will continue.

The panel was conservative with its estimation of the increase over the past five years. However, they all seemed to agree that it will increase significantly over the next five to ten years as media technology improves and the public desire to be informed continues. Their level of concern was high, while realizing that it is something that law enforcement must learn to accept and deal with as a profession. The panel did not reach a consensus about the impact on an integrated use of force program. It was felt that no matter what changes and improvements occur in the future, there will always be a certain degree of influences that are not under the control of law enforcement.

#### Trend #6: Level of Police Commission oversight

This trend stimulated considerable discussion because several of the panel members were from agencies that were already involved in some form of public and/or police oversight committee. The discussion and opinions varied as to whether or not it had positive or negative impacts upon an agency. The panel was consistent with their opinions and rating of the last five years and five to ten years into the future. Although their opinions varied as to the impact because of their agencies current involvement, the level of concern was not very high. The entire panel accepted the fact that oversight committees were going to increase; however, they were not overly concerned and felt it would have little impact on use of force training.

#### Trend #7: Level of unfunded mandates

The panel expressed concerns about this issue because of the state's current economic condition and legislators' desire to pass more unfunded mandates for training. If agencies are going to engage in an effective and competent training program, they are going to require time, resources, and funding. If the state continues to mandate certain training requirements without the necessary funds, agencies will be forced to reduce other areas of training in order to comply. The panel felt that resources will decrease and constraints will increase making it more difficult to maintain unfunded mandated training. The concern expressed was high; however, they felt that with time it should improve as it has done in the past. The issue of resources and resource constraints is something that is part of the normal cycle of state and economic affairs.

The need to share resources may become more obvious and important in the future. An integrated use of force program would be the catalyst for such an endeavor and could have positive effects while agencies work towards consistency.

#### Trend #8: Law Enforcement use of force training

The need to perform better use of force training is often driven by litigation along with public and political expectations. The panel agreed that there has been an increase in training because of civil litigation. There have been several high profile police incidents that have brought the issue forward. Many agencies have developed and are participating in more comprehensive use of force training programs than in previous years. The majority of the panel agreed that many agencies have increased in-service training for their officers. The panel felt that this trend would continue to increase over the next ten years. They expressed a high degree of concern because of their current inability to meet the demands for service and the demands to increase training.

#### Event Analysis

The panel was asked to identify several events that they believed could occur over the next ten years, and if they occurred, which events could have the most impact upon the issue statement. The panel identified twenty events that they felt had the greatest potential of occurring (see appendix C). Each of the events was discussed as to its relative impact. Of the twenty events, the panel selected the top six (6) most significant events likely to occur that have the most impact upon the issue statement.

After ranking the events, the panel determined the first year that each of the events could possibly take place. They also rated a positive or negative impact that the event would have on the issue statement. In addition to identifying these events, the panel was also asked to identify additional information, which was included in a chart (Reference Table 2.2). The first column is the first year the event could occur. The second column is the probability (expressed as a percentage) the event could occur by the year 2007. The third column is the probability of the

event occurring by 2012. The fourth column indicates whether the event will have a positive or negative impact on the issue and the last column indicates the amount of impact, 1 being the least and 10 the greatest. The results of the panel's projections are presented in Table 2.2, which reflects the mean value.

After ranking the events, the NGT panel determined that Event 1 had the least probability of occurring within 10 years and Events 3, 4, and 5 were much more likely to occur (over a span of several years) and all but # 7 would occur before the year 2007. Events 3 and 8 were likely to occur within the first five years, while Event 5 had a significant likelihood of occurring by 2012.

Table 2.2  
Events Affecting An Integrated Use of Force Training Program

Events	1st. yr. Event could occur	Probability of occurring 5 years. 2007	Probability of occurring 10 years. 2012	Positive or negative impact	Amount of impact 1-10
Event 1  Perfect non-lethal weapon for L.E.	15	0 %	0 %	+	10
Event 2  State mandates regional training	7	0%	70%	+	8
Event 3  State standardizes force options	8	0%	95%	+	7
Event 4  State passes legislation to license police officers	6	0%	40%	+	3
Event 5  POST mandates psychological re- evaluation.	11	0%	0%	+	1
Event 6  Paralyzing chemical agent approved	5	75%	95%	+	3

Event #1: Perfect Non-Lethal Weapon is developed for Law Enforcement

The panel defined this event as the use of a non-lethal weapon system for law enforcement that is effective 100% of the time, which would replace the use of all firearms. The discussion was somewhat contradictory, because the same panel felt that there is a trend towards using more advanced technology and it is their belief that the military may already possess such a

system. However, the panel felt that we are 15 years away from seeing it used by local law enforcement. The panel agreed that if it did occur it could have a significant impact on integrated use of force training and the use of force continuum, which would be positive in nature.

#### Event #2: State Mandates Regional Use of Force Training

The panel had a wide range of opinions about this event. They felt it had a no probability of occurring in the next five years; however, they felt a higher probability of occurring in 10 years. Those that opposed or felt that it had little or no chance of occurring based their opinion on politics and agencies' desire to do their own training.

Some panel members expressed opposition to being forced to conform to a mandate. The majority of the panel did agree that it was only a matter of time before it would be imposed and mandated. The impact of this mandate was rated as a high positive. They all agreed that it would provide a certain amount of immunity and protection from civil litigation. It was interesting to hear that larger agencies were more apt to accept this event as opposed to the smaller agencies represented among the panel. The panel felt that if this event should occur, it would have a positive impact on the issue statement and would add resources and funding that is not currently available.

#### Event #3: State Mandates Standardized Force Options

This event did not raise very much discussion or concern. The probability of occurring in the next five years did not exist; however, the panel felt it had almost a 100% chance of occurring in the next ten years. The main focus of the discussion was centered on whether or not the state would determine what kinds of force options would be authorized by the mandate. Many on the panel felt that law enforcement was already headed in that direction and a mandate would only formalize what has already occurred on a voluntary basis. Almost everyone agreed

that law enforcement agencies are being compared to one another as it relates to force options, and what one agency authorizes as opposed to another. The panel did not oppose such a mandate; however, they expressed concerns and caution towards being too specific as it relates to equipment. If the mandate were based on categories such as chemical agents, physical control, and impact weapons, it would have a higher probability of being accepted. It would certainly meet considerable resistance if make, model, and manufacture were determined by the mandate. The panel felt that this event would affect integrated use of force training in a positive way. It would provide consistency in knowledge, skill, and attitude in an area of training that is subjective.

#### Event #4: State Passes Legislation to License Police Officers

The panel had strong and varying opinions about this event. The opinions were somewhat split. Half of the panel felt that the state has already mandated such a requirement and the other half, who were more optimistic, felt that it would become a significant labor issue. According to the panel, the chances of this occurring were not very high in ten years. The issues discussed included professionalism, ethics, integrity, and the need to impose state-mandated licensing as a means to control the quality of education of those entering law enforcement. There were those who argued that we already have such a mandate and system; however, we do not refer to it as licensing. The panel felt that this would have a high positive impact on integrated use of force training if it involved additional requirements for use of force training.

#### Event #5: P.O.S.T. Mandates Psychological Re-Evaluation of Police Officers Every Five Years

The mandate to psychologically re-evaluate police officers was interesting. The panel was consistent with their discussions and rating of this event. As with the previous event, almost

all agreed that there would be significant employee and labor union challenges that would affect the outcome. The only real chance of this occurring is if there were clear and compelling evidence that supported a direct link between excessive force and some form of psychological deficiency. Many are aware of the psychological evaluation that is already required as an initial condition of employment. Continued panel discussions recommended reevaluations of officers every five years to determine their propensity for violence and/or excessive use of force. Many felt that the evaluation would be too subjective and based on a lack of consistent standards. There were many objections and issues raised as to the potential impact if such an event were to occur. The panel felt that the impact on a scale of plus or negative 1 to 10 was low, with a rating of only +1.

#### Event #6: Paralyzing Chemical Agent Approved for Law Enforcement Officers

The use of paralyzing agents was defined as technology that would give law enforcement the ability to deploy a chemical agent by means of gas, fog, or spray that would completely disable a person. The chemical agent would not be based on pain-compliance like current use of standard agents. The discussion involved a paralyzing agent that would affect an individual's central nervous system causing temporary paralysis. The panel had strong opinions and felt that it had a 75% chance of occurring in 5 years and increased to 95% over ten years. Many felt that there is already an agent or something similar that is currently being developed by the military. If a paralyzing agent was developed and approved for law enforcement, it would without a doubt have a positive effect and would support the concepts of an integrated use of force training program.

## Cross Impact Analysis

A cross impact analysis will provide useful information reference the impact of events on trends since they normally do not occur independent of each other. Therefore, the panel was asked to consider the impact of each event on each trend relative to the issue statement. A chart using a scale of -5 to +5, with -5 having the most negative impact on the issue statement, +5 having the most positive impact, and 0 having a neutral effect.

Once the impacts are identified, a strategic plan is developed that attempts to have events occur that have a positive impact on the issue. For example, if the occurrence of event #1 were to have a positive effect on the majority of the trends, it would be beneficial to attempt to cause event #1 to happen. However, if the impact were to be negative on the majority of the trends, attempts should be made to prevent it from happening. The table below indicates the impact each event could have on each trend. The scoring of the impact was determined by using the mean.

### Analysis of Cross Impact Table

The Cross Impact Analysis was presented to the second panel in the following fashion, “If an event were to occur, what effect would it have on the trend?” Event # 1, “Perfect non-lethal weapon for law enforcement,” had the most positive effect on trends 1, 3, and 4 (positive 3 or greater), while it had little to no effect on trends 2, 5, 6, 7, and 8. Such an event, if it were to occur, the panel felt that overall would have the greatest impact on the issue statement. Event #4, while the panel felt it had little to no impact on the trends, they felt that it may be an issue in other areas of training such as mandates, continued professional training, and current funding, which may ultimately impact the issue statement. The cross impact analysis identifies the positive or negative impact of each event on each trend and is presented in Table 2.3.

Table 2.3

Cross Impact Analysis Table								
Events	Trends							
	T1	T2	T3	T4	T5	T6	T7	T8
E1 - Perfect non-lethal weapon for law enforcement	+5	0	+5	+5	+1	0	-1	+2
E2 - State mandates regional training	+3	+1	+5	+4	0	0	+1	+1
E3 – State standardized force options	+3	+1	+5	+4	-2	0	+1	+1
E4 – State passes legislation to license police officers	0	0	0	0	0	0	-1	0
E5 - P.O.S.T. mandates psychological re-evaluation of police officers every 5 years	+1	-1	0	+1	-1	-1	0	0
E6 – Paralyzing chemical agent approved	+1	0	+3	0	0	+2	+1	+3

Trends
1. Development of technology
2. Number of laws affecting the use of force
3. Regional use of force training,
4. Use of reality-based training
5. Media’s ability to influence public opinion
6. Level of police commission oversight
7. Level of unfunded mandates
8. Law Enforcement use of force training

Alternative Scenarios

Based on the totality of what has been learned thus far, including an analysis of trends and events identified by the panel, the following three scenarios were developed forecasting probable futures involving how an integrated use of force training program will affect a large urban agency by 2008. The first scenario depicts a positive future and is based on the prediction of positive impacts of certain trends and events on the issue. This scenario predicts a future that should be encouraged. The second scenario depicts a surprise-free future that would essentially see no changes either way, while law enforcement continues to experience the same level of training.

The third scenario depicts a negative future and is based on the prediction of the negative impacts of certain trends and events on the issue. This scenario predicts a future that should be prevented.

#### Scenario #1: Positive

On January 31, 2012 the military released its newest weaponry that is capable of rendering a person incapacitated and is considered non-lethal. The new technology is a paralyzing chemical agent that upon contact immediately stops the physical movement and motor skills of a person. The chemical agent completely naturalizes the central nervous system and can be deployed up to distances of 100 yards with significant accuracy. The chemical agent disrupts the central nervous system causing a person to lose consciousness with no residual injuries. Testing of the new personal weapon system has proven to be almost flawless and effective 99% of the time. The technology is expensive and considered classified.

There is considerable public and political pressure to make the new personal weapon system available to civilian law enforcement. Several members of congress want to reduce the need to carry firearms and to place the new technology in the hands of all law enforcement officers nationwide. Many feel that holding it back is a crime, as it would certainly save lives during situations that require the use of deadly force. Many police administrators and leaders want the new technology, citing it will enhance officer safety, while protecting the public.

After considerable debate in congressional session, congress passed a bill that will include funding to immediately train and provide the new personal weapon system to all law enforcement officers nationwide. Because of the new weapon system, its success rate and the fact it is non-lethal, the state of California passed a law that requires standardize force options and training specific to the use of force. After several years, the new technology has reduced the

fatality rate among police confrontations by almost fifty percent, while reducing job-related injuries of police officers.

#### Scenario #2: Normative

It's March of 2010, state legislators have passed legislation that encourage multi-agency collaboration and regionalization of resources, which includes training, policies, and procedures. The purpose and intent is to provide an incentive for law enforcement agencies to collaborate more often, specifically in use of force training. Several high profile use of force incidents that were captured on videotape have sparked the issue and caused lawmakers to seek a solution to a problem that seems to continue.

The area of technology has developed several new systems that may be used by law enforcement agencies. One new item of significance is body armor that also measures vital signs and system overload. The information can later be downloaded into a computer for analysis. The importance of studying personal system overloads is to determine when an officer has reached his or her maximum emotional and physical ability during a physical and/or emotional confrontation. The data obtained will later be used to determine whether the force was an act of survival or excess use of force.

Because of opposing political agendas, agency egos, and personal privacy issues raised by labor unions, the collaborations and the funding have not been utilized. The benefits that could be felt have not reached those for whom it was intended. The passage of more laws has made it more complicated and less desirable.

#### Scenario #3: Negative

On October 3, 2010, John Marcus stood tall with his graduating class as he received his shiny new badge. He was now a full-fledged peace officer. There were several moments during

the academy that John was challenged beyond his own commitment. He often wondered if being a police officer was in his blood. The academics, physical demands, and the stress were more than he had imagined. Finally, it was graduation day and he had made it.

John was proud to be a member of a large urban agency. What he didn't realize was that his department had been stifled for several years because of a sheriff who was not progressing with the times. His department did not participate in training that wasn't a state mandate and that was questionable at best. There had been significant advances in training and non-lethal weapons that included incentives for regional training, sharing of resources and funding. Unfortunately, John's department had a good-old-boy attitude and felt comfortable with status quo.

One evening, John was working the west side of town in an area infested with gangs, drugs, and violence. He received a call that several known gang members were hanging around the Circle K market and were engaging in the sales of narcotics. John was the first officer to arrive on scene while his backup officer was still several blocks away. John immediately felt uncomfortable as he stopped his patrol car and watched the body language of the four individuals who suddenly started to break away and leave.

As the situation seemed to intensify, John called for his backup to expedite their response. He tried to take control of the subject who was screaming at him while the others diverted his attention. John felt a hard and dull pain to his chest. The subject had struck him in the chest with a hard object. John almost lost his breath as he tried to defend himself from another attack while keeping an eye on the other three subjects who were in close proximity to him.

In an effort of self-defense and sheer desperation, John took out his firearm and shot at the advancing subjects. He missed his intended target; however, he heard a loud scream from

across the street. The subjects ran away and were never found. Moments later, John realized that he had shot a small child playing in her front yard.

Unknown to John, the final few moments of the incident had been captured on videotape by a passing motorist. That evening John was informed that the incident was being shown on the news and that there were allegations of police misconduct and a calls to the district attorney to file criminal charges against John.

John was immediately placed on administrative leave pending the criminal investigation. Before he was able to understand what was taking place, but realizing that his entire world was being turned upside down, John was soon indicted by the grand jury and charged with a homicide.

As John sat at home awaiting trial, he tried to study the situation, while trying to figure out what had gone wrong and how his training had failed him. He wandered if the new training offered to the neighboring department would have prepared him better, or the new weapon system being used by other departments would have saved the life of the small child.

What John had experienced was his survival instinct that is natural to all human beings when placed in certain situations. He had never been placed there before, and it was a new and frightful experience with a certain degree of unknown. John reacted to what his body was telling him to do as a means of survival. The natural reactions of his body and the personal emotions experienced by John were not captured on the videotape. The moment leading up to the use of force and the situation he was placed in was also not captured on the video.

Could a more comprehensive and integrated use of force training program have saved John from his plight and the emotional roller coaster he is now going through? No one will ever know.

## Scenario Selection

The three scenarios depict very different possible futures. The probability of any one future becoming reality depends on many factors including which trends and/or events may occur. A primary reason for selecting a scenario as the basis for development of a strategic plan is to assist in identifying trends and events that can be influenced in order to achieve the desired future.

A strategic plan clarifies objectives, desired outcomes, and identifies the steps necessary to achieve future goals. The next chapter will discuss a strategic plan that may lead to the successful implementation of an effective integrated use of force training program that will have a positive effect on a large urban agency by 2008.

## CHAPTER III

### STRATEGIC PLANNING

#### Introduction

Strategic planning is a structured approach to bringing the anticipation's of future issues to bear on today's decisions. The intent is to change the direction of the organization and to assist in identifying priorities and resources that support and provide a framework for budgets and operations. It is equally important to enhance internal coordination; to establish accountability and to take control of the direction the organization is going<sup>10</sup>. The objective of this chapter is to develop a strategic plan for the implementation of a comprehensive and integrated use of force training program.

It is the goal of an integrated use of force training program to have a positive effect on law enforcement, thus avoiding a negative incident. It is with great pain that law enforcement must acknowledge the reality of an excessive force incident and the effects it may have on an individual officer. In recent years law enforcement has experienced the aftermath of public ridicule and criminal prosecutions of police officers.

Preparing and managing change within an organization, whether it is small or large, can be exciting and challenging. Strategic planning is a structured approach to bringing anticipation's of the future to bear on today's decisions<sup>11</sup>. It is difficult to ignore the mounting pressure of the media, politicians, and public expectations that police officers act and use force sparingly. Although sparingly is not a legal standard, it is an expectation that seems to be supported by public opinion. After considering information obtained from the NGT panel and research, the changing of a paradigm for most organizations will be a challenge; however, the benefits will outweigh the struggle towards success.

This chapter will examine the impact several different influences could have on the issue of an integrated use of force training program. A discussion will follow on how to best mitigate these issues in planning for a positive future. The external and internal influences on the issue will be addressed. This will include an identification of identifiable obstacles, opportunities, threats, and strengths as they relate to the issue. Additionally, relevant stakeholders and snail darters will be identified and examined.

### Model Agency

The law enforcement agency serving as a model is a large Sheriff's Department for Bernardo County. Bernardo, located in Southern California, covers an area over 20,000 square miles. Geographically, the area encompasses large deserts and mountainous terrain, as well as rural and urban environments. It consists of 1,800 sworn personnel and nearly 1,200 general employees divided into geographic regions, and support and specialty divisions. The agency provides law enforcement services for unincorporated areas, as well as contract law enforcement for fifteen cities with populations ranging from 8,000 to 200,000. The population is ethnically diverse, with a significant portion of the population receiving government subsistence. The Bernardo County is designated as one of the fastest growing areas in California, but unemployment continues to be high.

Currently, Bernardo County Sheriff's department is under considerable attack and pressure over a recent incident involving a use of force. Additionally, they have experienced an increase in violent crimes along with citizens' complaints, excessive use of force incidents, increased injuries to deputies, and a large number of civil litigation complaints filed against the department. The cost of defending the civil lawsuits has risen almost 60% and the number of deputies off on injury has impacted patrol staffing levels.

The purpose of this chapter will be to develop a strategic plan for the implementation of an integrated use of force training program in the model agency. This chapter will examine the effect that different influences may have on the issue statement and a discussion will follow on how to best mitigate those issues that would prevent a positive future, and encourage those issues that would promote planning for success in the future.

The external and internal influences relative to the issue are discussed. This includes an examination of identifiable strengths and weaknesses, opportunities and threats as they relate to the issue. In addition, relevant stakeholders and obstacles will be identified, defined, and examined.

A critical part of any strategic plan is a mission statement. A mission statement simply describes basic goals and objectives for the organization. The following is the mission statement for Bernardo County Sheriff's Department:

The Department is dedicated to protect the rights of all individuals within its jurisdiction, to be free from criminal attack, to be secure in their possessions, and to live in peace. We, the members of Bernardo County, stand ready to serve the citizens of Bernardo County by performing the law enforcement function in a professional manner, while being responsive to the community.

A vision statement is intended to identify what the agency's leadership wants the agency to become.

The following is the agency's vision statement:

#### Vision Statement

- We believe in being a high performance, inclusive department with high professional standards of integrity, ethics and behavior-guided by the letter and spirit of the law, and the law enforcement code of ethics. We will relentlessly investigate criminal acts and arrest

those guilty of violating the law, while building positive relationships with those we serve.

This requires each of us to demonstrate fairness and compassion;

- Identify areas where technology can be applied to enhance our law enforcement services;
- Create a work environment that encourages innovation, input, and participation, and values each member's diversity;
- Treat all people with respect; work in partnership with each other and the community to reach an environment accountable and responsible to one another; seek feedback from the communities we serve;
- Take an active interest in the future of the organization and encourage change to occur where appropriate.
- Identify areas where law enforcement would benefit from a unified approach to providing services and enhanced interoperability.

Organizational values are principles that guide attitudes, decisions and actions. The following values have been identified for the model organization.

#### Values

- We believe in strong, effective law enforcement services including incorporating the latest technological advances in support of the operation.
- We believe in high professional standards of integrity, ethics and behavior guided by the letter and spirit of the law, and the Law Enforcement Code of Ethics.
- We believe in a balance between personal and professional life.
- We believe we should treat all people with respect, fairness, and compassion.

- We believe in recognition of and valuing each individual's contribution to the department and the community regardless of position, assignment, or role.
- We believe in open and honest communications, both internal and external.
- We believe in all members working together to achieve department goals through partnerships with each other and the community.
- We believe in an equitable system that provides cost-effective law enforcement services to all of our communities regardless of economic status.
- We believe in providing our personnel with state of the art training in all systems related to the delivery of law enforcement services.

### Situational Analysis

In developing a strategic plan, it is important to examine the external environment to analyze potential opportunities that would assist the organization in moving toward its desired future, as well as to identify potential threats that could impede progress. The model organization must also be analyzed for its internal strengths and weaknesses, including its capacity, both present and future, to implement needed changes to achieve the desired future.

### External Environmental Analysis

In planning for how law enforcement will use an integrated use of force training program by the year 2008, the following external opportunities and threats should be considered:

#### Opportunities:

- The department enjoys continued strong public support for law enforcement due to terrorist incidents, post September 11, 2001.

- National standards for law enforcement training are being developed (similar to California POST).
- Regional concepts towards training are resurfacing and have considerable appeal.

#### Threats:

- The media has a tendency to be critical of the department.
- Statewide budget cuts in funding for training.
- Statewide financial problems will inevitably affect local government
- There is a lack of qualified applicants to fill vacant positions

#### Internal Organizational Analysis

An important part of a strategic plan is to identify the internal strengths and weaknesses of the organization implementing the plan. The following are organizational strengths and weaknesses that could affect how the model agency will use an integrated use of force training program by the year 2008.

#### Strengths:

- The agency prides itself as a leader in training.
- The agency has established consistent primary proficiency requirements and expectations involving the use of force.
- The agency's leadership is eager to implement the training to improve overall performance.
- There is strong organizational loyalty because of management's support for improved training.

#### Weaknesses:

- A lack of understanding by administration and management positions.
- A lack of understanding by supervision and line officers.

- Inconsistencies in personnel who deliver the training.
- Individuals who allow personal bias to affect their willingness to accept change.
- Competing issues that require equal time, funding, and resources.
- Law enforcement personnel are typically resistant to change.
- Priorities for resources and funding have competing issues.

### Stakeholder Analysis

In addition to analyzing the external environment for threats and opportunities, and the internal organization for strengths and weaknesses, a strategic plan should identify stakeholders who have some connection with the issue. Stakeholders are defined as those individuals or groups who play a significant role in the success or failure of an issue. They either can be influential to the issue or be impacted by the issue. These individuals or groups must be involved in the planning and implementation of the change if it is to be successful.

This includes a category of stakeholders known as “snail darters.” A snail darter is a term that has come to mean a stakeholder, event or process that has yet to be defined, but could become an unexpected obstacle to the issue. The following is a list of example stakeholders who impact, or are impacted by, Bernardo County Sheriff’s Department’s use of an integrated use of force training program, as well as the potential concerns and issues for each stakeholder:

- Leadership and Management positions: They have a vested interest in reducing citizen complaints, excessive force allegations, reduction in officer injuries, and minimizing civil litigation costs.
- Locally Elected Officials: They have a vested interest because it will have an impact on the quality of law enforcement, which directly affects the quality of life. This includes

community support and other services rendered. Many law enforcement services are closely related to others such as planning, code enforcement, and neighborhood associations. This group has the potential to be a snail darter. They should be included early on in the process if additional funding is going to be requested.

- Line officers: Many line officers are resistant to change because of a lack of understanding or involvement. Often when benefits are known the transition is accepted.
- Citizens and the community: In general, most citizens want to believe and support their law enforcement agency. There is however, a tendency to question those actions, which are not understood. A simple act or claim of excessive force may place a cloud over a department.
- Labor Union: The labor union will be very supportive for training as long as it is presented to them in a positive manner and they understand the benefits.

### Objectives

In order to implement a strategic plan and use it for the basis for allocating resources, the objectives of the plan must be clear and should answer the following question: What does the agency want to achieve relative to the issue being examined? The objectives of this strategic plan can be divided into two categories: Technological and sociological. Technological objectives include goals relative to providing an integrated use of force training program to law enforcement for enhanced services to communities. Sociological objectives deal with building trust between law enforcement, community members, and the citizens. The following is a list of objectives for each category:

#### Technological Objectives

- Secure funding to obtain training for instructors.
- Secure funding to for equipment and resources.

## Proposed Strategies

Based on the internal and external assessments of the organization and environment, and on the analysis of potential stakeholders, several strategies could be used to achieve the desired objectives. Some strategies have benefits over others and differ as to the degree the objectives are achieved within the given timeline (by 2008). This section describes three alternative strategies and briefly outlines the advantages and disadvantages of each.

### Strategy One: Minimalist Approach

The first strategy the agency could choose is to do only the minimal steps necessary to incorporate an integrated use of force training program. The agency would take a substantially more reactive and non-aggressive approach by continuing to follow current standards for training.

- Currently, there is no mandate that requires integrated use of force training.
- There is no requirement to perform scenario-based training to in-service law enforcement personnel.
- There is no statewide standard that identifies primary proficiency requirements and the specific skills that must be demonstrated.

### Advantages of Strategy One

- The costs would be minimal and would not compete for general fund funds directed toward traditional law enforcement services.
- This strategy would minimize resistance from stakeholders.

### Disadvantages of Strategy One

- Funding for this strategy would be unstable because it would be dependent on grant or specialized funding, which is the first eliminated during tight fiscal times.
- This strategy would not enhance public or officer safety or reduce litigation.

## Strategy Two: Aggressive Approach

The other extreme from the Minimalist Approach is the Aggressive Approach, which is to aggressively implement the use of an integrated use of force training program. This would require the dedication of resources, including personnel to develop the program, to develop, and maintain the necessary training requirement and standards. The agency would be proactive in the application of new technology and training methodologies consensus. The strategy would position the agency to encourage technological developments that enhance training applications for law enforcement.

### Advantages of Strategy Two

- If participation in this strategy is widespread, this strategy has the greatest potential of building significant consensus amongst other agencies.
- The partnerships created as a result of this strategy could have significant long-term benefits in reducing litigation, complaints of excessive force and increasing community and officer safety.

### Disadvantages of Strategy Two

- The resources necessary for the aggressive implementation would vary and in some situations could be substantial and long-term. They would require stable funding sources and would compete for funding with traditional services.
- Aggressive implementation by law enforcement may create additional frustration and suspicion by some stakeholders and community members.

## Strategy Three: Phased Implementation

The third strategic approach is to phase in implementation by selecting one community or agency as a pilot program. The Bernardo County Sheriff's Department would work with stakeholders to design and implement an integrated use of force training program and measure the

response and results. The methodology could be modified and perfected before expanding the services to other agencies or levels of government.

#### Advantages of Strategy Three

- The phased approach would allow for short-term success within the pilot agency, while paving the way for unlimited expansion if the program proves to be successful.
- Developing the concept and methodology in a pilot agency would allow time to build the necessary trust between the community and the police and would allow issues to be identified and solved before more extensive implementation.
- The use of a pilot program would require a moderate investment of resources both in terms of personnel and funding.

#### Disadvantages of Strategy Three

- Development and implementation would be limited to the pilot agency, limiting its effectiveness and the overall impact of the concepts outlined in the program.
- Some stakeholders may opt out or provide very little support because of other competing issues.
- Limited project scope less likely to attract widespread support because of less tangible results and noticeable benefit.

#### Recommendations

After analyzing the potential advantages and disadvantages of all three proposed strategies, the phased approach (stage three) is recommended for implementation. This strategy increases the chances for long-term success by creating opportunities for short-term wins while limiting or mitigating problems. This approach also provides the most realistic funding opportunity while at the same time provides the opportunity to build the trust of skeptics and the consensus of the community.

Having a strategic plan is not enough; there must be foresight to identify potential problems before they arise and implement strategies to mitigate negative influences. In the following chapter, a transition management plan was developed to serve as the road map to direct and influence the preferred future. The goal is to achieve a future, which most effectively utilizes an integrated use of force training program. To this end, a Transition Management Plan was developed to implement a pilot project to implement an integrated use of force training program for Bernardo County Sheriff's Department.

## CHAPTER IV

### TRANSITION MANAGEMENT

#### Introduction

A strategic plan involving a comprehensive and integrated use of force training program must be guided by a transition management plan in order to be successful. The transition management plan is a process to implement the strategic plan. Anytime change is entered into the formula it is a recipe for resistance, whether the change is minor or major. There will always be a certain degree of resistance to change and obstacles to overcome. However, what is of major importance is to predetermine the obvious ones and to follow a plan that is centered on involving stakeholders and soliciting input from all affected parties.

#### Commitment Planning

Commitment planning is an important process that identifies key individuals or groups whose support is essential and critical so that others may accept the change<sup>12</sup>. One method for selecting or identifying the individuals or groups is called commitment charting. A commitment chart assumes that for those identified as the critical mass, it is important to obtain a level of commitment, or the desired affect or change will not occur. There are three rating categories of individuals or groups that make up critical mass: (1) let it happen (2) help it happen (3) make it happen (Refer to Table 4.1, Commitment Chart).

The exercise involves the critical mass of individuals and groups who have been identified, as well as the minimum level of commitment necessary for each group to make the change occur. The chart has several rating and is charted as follows: O indicates the minimum degree of commitment necessary for the change and X indicates their current level of commitment to the

change. If both X and the O are in the same box, it means their current level of commitment is adequate. The further X and O are apart indicates that the current level of commitment is not adequate and additional is required. The following represents a sample commitment chart for the implementing this proposal.

Table 4.1

Commitment Chart

Key Players	No Commitment	Let it Happen	Help it Happen	Make it Happen
1. Local Sheriff			X⇒	⇒O
2. Training Manager			X⇒	⇒O
3. Labor Union	X⇒	⇒	⇒O	
4. Subject matter expert		X⇒	⇒	⇒O
5. Financial Officer	X⇒	⇒	⇒O	

- X indicates the current level of commitment
- O indicates the minimum commitment necessary for the change to occur
- Arrow indicates the change necessary to gain the commitment

The Sheriff is absolutely critical and must take an active role in making the training occur.

It is equally important that he communicate the vision to the entire department and to all stakeholders. He is responsible for gaining support and building consensus of other elected officials within local government, such as county administrative officer, city managers, and key community leaders.

The training manager and the subject matter expert are important from the aspect that they will be involved in making the transition occur. They will be directly involved in delivering the

training while interacting with other critical stakeholders. Their interactions with members of the department, labor union, and other personnel are essential to the success of the training.

The support of the labor union and the financial officer is not critical; however, it may play an important role towards the success and future funding. The advantage of having support of the union is their ability to communicate their understanding and importance of the training without the perspective that its coming from management. As for the financial officer, he may be able to obtain funding through grants, department surplus, or other less critical department cost centers.

If there is not an adequate degree of commitment, it is easy to assume that there is resistance, which will require strategies to gain the necessary support. The organization must create an environment that is positive so that the key stakeholder(s) can objectively evaluate the need.

Overcoming Resistance:

The chart indicates that important key stakeholders have not committed to the training to the necessary level. Where there is resistance, it is important to devise strategies necessary to explain the importance of the training and to secure their support.

The following strategies may be used to overcome resistance and to gain support:

- Educational: Educating individuals or groups on the benefits of the training. The benefits of its implementation for the officers and the ability to provide better service to the community.
- Clarifying the lack of current standards and how this will change current practices or lack of.
- Forced collaboration: Ensure that offering grant funding or other incentives encourages participation in the application of this training.
- Changing rewards system: Identify a new system to reward behavior that is in

support of the desired change.

- Problem finding: Problem finding allows players to identify and clarify the problem and to change their minds.

The following are examples of resistance of stakeholders that may be expected during implementation with suggested strategies for overcoming the resistance:

Board of Supervisors and City Officials:

- Resistance: May be reluctant to commit county or city resources to new training because of other financial priorities.
- Strategies: Arrange a meeting between the board members, city officials and community leaders to clarify roles in the training and establish parameters; illustrate positive long-term benefits.

Line personnel:

- Resistance: Limited experience and knowledge relating to the new concept and comfort zone with respect to traditional applications.
- Strategies: Communicate concept, goals, and objectives while emphasizing benefits to officers and the community.

#### Transition Plan

The transition plan should include what is referred to as the ten commandments of change.

1. Analyze the organization and its need for change: Identify the organization's strengths and weakness and how the change will affect the environment.

Additionally, examine the organization's history to change and identify any common elements, personnel, or obstacles that either favored the change or cause it to fail.

- What recent changes have occurred and what was the level of resistance and the impact?
  - What were the key factors that caused success or failure of the change?
  - Who were the stakeholders and were they involved in the planning and implementation?
2. Create a shared vision and common direction: A vision for success and the outcome should be easily seen and understood by those affected, i.e., stakeholders. The vision should include the vision and philosophy that serves as the guide for achieving the goal. The need to accept, understand, and support the vision is important at all levels of the organization. The more diverse the acceptance among the levels the greater chance for success. As mentioned earlier, it is important to include all the stakeholders in the planning stage for the transition.
- Is the mission and vision of the organization known by those who are affected, i.e., leadership, management, supervision, and line staff?
  - In developing the mission and vision of the organization were all levels of the organization included?
  - Is the mission and vision consistent with the current practices and actions of the leadership?
3. Separate from the past: This aspect is critical if the paradigm is to shift. It requires thinking outside the box and the willingness to try non-traditional approaches. It is almost impossible to accept and embrace a new vision for the future if you are unwilling to let go of the past.

- There must be key players in positions of authority who are risk-takers in order to create and implement the change.
  - The historical perspective and approach must be ignored if creativeness is to occur.
  - There must be acceptance towards a shift in the paradigm.
4. Create a sense of urgency: There must be a sense and need for the change that is felt throughout the organization. A sense of urgency brings with it a common bond and willingness to work together. It is not suggested to fabricate an emergency or to cry wolf, however it must be skillfully applied in order to obtain the desired affect.
- Utilize recent litigation and injuries suffered by officers as the basis for implementing the need for change.
  - Rally both political and union support for the need to change.
  - Emphasize that the ultimate goal is to better serve the community.
5. Support a strong leader role: If large-scale change is to occur it will require a person in the leadership position to carry it towards its goal. It is much like a quarterback on a football field who must call the play and have the necessary skills to change the play at the line of scrimmage. This leader must also have credibility and respect among the organization.
- The Sheriff or Chief of Police must actively show support and participate in the process.
  - The Sheriff or Chief of Police must lead by example and submit himself/herself to the change first.

- The Sheriff or Chief of Police must gain the support of management, supervision, line staff, union, and political individuals.
6. Line up political sponsorship: As mentioned earlier, the support of city council or board of supervisors may play a critical role in obtaining necessary funding. Additionally, having the political support provides an avenue for information to be disseminated to the media and the community. This some times is referred to as the critical mass and has obvious implications that could be either positive or negative.
- It is important to gain political support and ensure they understand the importance of the change and how it will better serve their constituents.
  - Funding is imperative and providing an effective cost analysis is important to securing it.
  - Identify the positive aspects of the change and how it is a better way of doing business, which in the long run is more cost effective.
7. Craft an implementation plan: It is nice to have a vision that guides the change; however, there must be an itinerary that explains in more detail the steps and turns to make along the way. It should include the how and when aspects of the change.
- Develop and follow a strategic plan.
  - Develop and follow transition management plan.
  - Include the stakeholders in the process.
8. Develop enabling structures: It is important and crucial to create short-range enablers for success in order to pursue long-range goals. Enabling structures are those

mechanisms that are easily identifiable and can be promoted as success for the change.

- Create phases into the implementation of the change that can be easily identifiable and shown as indicators that the change is succeeding.
- Have measurable indicators that demonstrate the change, the plan is working, and is being accepted.
- Remain flexible and have the ability to adjust as unexpected situations or obstacles occur.

9. Communicate, involve people, and be honest: It is important to gain the support and loyalty of those being affected by the change. The most effective means of accomplishing this is to be honest. Brief and concise communication throughout the process will ensure two-way communication. It is important to have communication in order to gauge the progress and trouble spots of the organization during the transition and change.

- Communicate on a regular basis the change and its positive affect.
- Establish a sounding board that can objectively evaluate the progress and lack of progress towards the goal.
- Allow constructive criticism to occur and accept suggestion for improvement.

10. Reinforce and institutionalize the change: It is imperative that leaders and managers be seen actively supporting the change with enthusiasm. This visual approach will solidify the importance of the change and will begin the process of internalizing the transition. It is also an opportunity to reward risk-takers and to create an atmosphere that is more willing to accept change.

- The Sheriff or Chief of Police must be seen participating and actively involved.
- The support from the leadership must be consistent and long-term in order to internalize it throughout the organization.
- A reward system should be considered for those who participate and demonstrate success.

### Responsibility Charting

Responsibility charting is a process that clarifies required behavior in order to implement changes, tasks, actions, or decisions. An important aspect of this charting is that it identifies individual responsibility for various roles during the process. The benefit to charting out areas of responsibility is that it reduces ambiguity, wasted time, and adverse reactions between individuals or groups who may be affected by change<sup>13</sup>. The tasks are listed vertically on the chart in table 4.2. The key individual/s or groups (participants) who's roles is important and who are involved in actions or decisions that affect their relationship involved in the project are also listed horizontally. A letter symbolizing the role of each participant is placed in the appropriate box for each task or decision involved. The following chart represents an example of what would be used by the model agency.

- R Has responsibility for a particular action, but not necessarily authority.
- A Must approve, has power to veto the action.
- S Must support, has to provide resources for the action (but not necessarily agree with it).
- I Must be informed or consulted before action, but cannot veto.
- \_\_\_ Irrelevant to the particular action

Any specific action under responsibility charting involving any participant does not necessarily equate to having the authority to approve the task or action. For example, the person

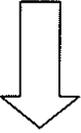
who is responsible may have to obtain permission prior to completing a task or action. If a specific person's approval is needed, it is equally important that they have the authority to stop the task or action. Additionally, there are other individual/s or groups whose support is needed for the task by providing necessary resources. Stakeholders should be informed or consulted in the early stages of the process and prior to the task or action; however, their active support or approval is not necessary. There are stakeholders who do not have decision-making authority or the ability to veto any part of the process. Finally, there are a few actions or decisions that affect a small group of individuals, and their participation in the action is a non-issue.

It is important to consider the roles and responsibilities of each participant when assigning their roles. For example, only one participant should be assigned as being responsible for each task and each participant should be assigned only one primary role. In the development stages the chart should have representatives from each participating group in order to ensure there is understanding about assignments. The following responsibility chart is recommended for the proposed integrated use of training program that will have an impact on a large urban agency:

Table 4.2

Table 4.2

Responsibility Chart

PARTICIPANTS  DECISIONS/ACTS 	P1	P2	P3	P4	P5	P6
Developing the training program	A	R	—	—	—	—
Allocating resources	A	I	R	—	A	S
Program approval	A	R	—	I	A	I
Developing primary proficiency requirements	R	A	—	I	A	I
Applying for grant funding	—	—	R	—	A	—
Developing training budget	R	I	A	—	—	—
Participants P1 Training Manager P2 Subject Matter Expert P3 Financial Officer P4 Labor Union P5 Sheriff P6 California P.O.S.T.						

The value of responsibility charting lies with the understanding and appreciation of others' roles that are gained through the charting process.

Simply developing a transition management plan is not always a guarantee for success. The change experienced by the organization may have unexpected elements. The fact that the process and plan was developed will certainly increase the likelihood that the time spent and the road traveled will be much smoother. Reality is that most individuals resist change because of unknown factors and the future.

By communicating and involving all the stakeholders in the process it will minimize the tension and apprehensiveness towards the change. It is the goal of the strategic plan and the transition management to fully inform and to provide as much information as possible. This process of change will have leadership implications that must be considered and will be discussed in the next chapter.

## CHAPTER V

### CONCLUSIONS AND RECOMMENDATIONS

#### Leadership

True leaders shape their own future by creating a mental vision and purpose for their organization, large or small. They don't just live day to day with no clear purpose in mind. They identify and commit themselves to the principles, relationships, and purposes that matter most in the future. A true leader is someone who looks beyond the simple challenges and has the vision to see the value and benefit of change. Change for the sake of change is not the message. The recommendations and proposal for change is based on research, internal and external analysis of current trends and events that justify the importance of implementing a comprehensive and integrated use of force training program.

#### Cost Considerations

With any new proposal and recommendation for change there will certainly be a cost associated with its implementation; however, the initial cost depends on many circumstances. The most significant expense will be training personnel to perform the training. The next factor to consider is facilities and equipment. These two factors alone may seem to be huge mountains that are impossible to climb. They should not deter consideration for such an endeavor and sharing of resources with other agencies should be considered. There are many agencies that already share facilities, instructors and expenses.

The cost of not acting is too great to ignore. The negative impact of public perception, political support, and officer safety is all too important to allow minimal startup costs to interfere. The challenge and skill is in creating a partnership with allied agencies that are in need

of the same training and that can share in the expense. An effective leader and risk-taker will overcome the small challenges because of their vision to see the end result.

### Recommendations

Law enforcement leaders must challenge themselves and their agency to overcome the temptation to resist change. It is the responsibility of law enforcement leaders and managers to facilitate and provide the necessary resources and funding to accomplish the agency's mission and goals. It is easy to get caught up in day-to-day issues and problems. It is another thing to forecast future issues, problems, and challenges.

Current trends and significant events provide information that is vital to future forecasting. It is foolish to ignore what is obvious. A lack of planning without anticipating issues that will have a negative impact should be considered unacceptable and substandard. There will be those who pride themselves on being naysayers and obstructionists. Anyone can find fault, criticize, or make issue with any proposal or recommendation. The first step towards providing leadership is to answer the following questions.

1. Does the agency provide constant training and updates with respect to case law affecting the use of force?
2. Do officers feel comfortable with their knowledge of the law, especially those involving laws of arrest, search and seizure, probable cause, reasonable suspicion, and the use of reasonable force?
3. Do officers have access to competent experienced legal advice and counsel?
4. Does the agency provide to the officers frequent exposure to training scenarios and simulations focusing on critical skills, while testing their knowledge and decision-making abilities?

5. Do officers constantly prepare themselves for the use of force by previewing potential situations and determining what level of force may be appropriate?
6. Does the agency provide contextual training or scenarios that allow officers to function under a certain degree of stress while deploying force?
7. Does the agency consistently review use of force incidents?
8. Do supervisors, when reviewing use of force reports, require officers to incorporate all details that could be seen to justify the level of force or the officer's perception of the seriousness of the offense and the threat?
9. Does the agency and its officers constantly practice what they would do and say by reviewing the performance of others, and deciding whether or not they would have handled the situation the same way?
10. Do officers practice the skills (verbal, legal, physical, and decision-making) associated with the tasks so that they are comfortable under stress and reflexively come up with the proper response?
11. Do officers constantly evaluate performance as if it were to be videotaped and viewed in court?
12. Is every aspect of your performance in the community such that potentially hostile witnesses would be supportive of your actions?

As mentioned in Chapter I, a comprehensive and integrated use of force training program should strive to integrate the essential skills necessary to show competency and proficiency. The program should also enhance current firearms and weaponless defense qualifications that ultimately increase confidence and professionalism.

## Conclusion

Currently, law enforcement has a need for a comprehensive training program specifically concerning the use of force. Because of a dynamic, complex, and diverse society, efforts should focus on training, and preparing peace officers for what they may encounter during their tour of duty. What may exist is a deliberate indifference in training and what is reality. There has been a standard of acceptance on how training should be conducted and delivered. The first step to success is to revisit all standards and to reexamine the historical approach to training. This will enable the power of imagination and vision to guide in the creation of a training program directly related to the dynamic confrontations.

The benefits of an integrated use of force training program and how it will affect a large urban agency is something tangible through the performance of its officers and community support. The impact is significant when the community questions the actions and integrity of a police officer. When questionable police actions or controversy weakens the support of a community, it directly impacts the effectiveness of law enforcement. The impact of a successful program is not measurable in terms of monetary value. The true value is a professional, caring, and competent law enforcement agency that serves its community with a passion for excellence.

The tangible benefits of an integrated use of force training program may be measured in the following areas:

- Reduced allegations of excessive force and citizen's complaints.
- Increasing an officer's ability to make split second decisions when faced with a use of force situation.
- Police officers are better trained and prepared to make decisions and to use reasonable force.

- Officer's safety is increased due to higher degree of knowledge, proficiency, and attitude as it relates to the use of force.
- Reduction in force related injuries to both officers and suspects.
- Reduction in civil litigation and defense costs.
- Public perception is favorable and supportive towards law enforcement.

## APPENDIX A

### Nominal Group Technique Panel (NGT) Members

1. Richard Clouse, Attorney, Law Firm of Cihigoyenatche, Grossberg, & Clouse
2. Scott Grossberg, Attorney, Law Firm of Cihigoyenatche, Grossberg, & Clouse
3. Dennis Wager, Attorney, County Counsel, San Bernardino County
4. Wes Farmer, Captain, San Bernardino Police Department
5. Dave Dominguez, Captain, Riverside Police Department
6. Joe Cusimono, Lieutenant, San Bernardino Sheriff's Department
7. Joe Cirilo, Lieutenant, Rialto Police Department
8. Dave Shefchik, Lieutenant, Redlands Police Department
9. Dale Gregory, Sergeant, San Bernardino Sheriff's Department
10. Jim Morgan, Sergeant, San Bernardino Sheriff's Department

## APPENDIX B

### TRENDS

1. Law enforcement agencies are spending more time and resources with respect to Use of Force training.
2. Peace officers are demoralized and skeptical in using an integrated Use of Force program (lack of understanding).
3. Stronger demand of documentation of Use of Force incidents and training. The state is progressively mandating continued professional training, creating a burden.
4. Democratic control of state government affect on theories of legal recovery. State vs. Federal system; peace officers' immunity; Peace Officer Bill of Rights; loss of peace officers' privacy.
5. Criticism of departments, disciplinary process and outside scrutiny. Outside oversight.
6. Departments are experiencing recruitment challenges. The quality of personnel being hired affects the training, retention, and application of Use of Force.
7. The use of technology to capture police contacts and incidents, i.e., video and audio recording devices.
8. Use of Force training is performed in a vacuum with respect to department policies.
9. Municipal agencies are utilizing regional training centers that offer Use of Force training.
10. Developing and implementing an early warning system to gauge employee performance.  
(Use of Force, sustained complaints, pursuits and civil complaints.) Early warning system.
11. Higher potential for officer injury during training and while performing their duties.
12. Law enforcement is being held to a uniform standard of care. However, politics and practices

are fragmented.

13. The affects of racial issues during complaints of Use of Force (protected classes).
14. Better coordination between counsel and law enforcement agencies regarding policies, training and practices.
15. Law enforcement Use of Force programs include community input.
16. Civilian oversight committees reviewing police practices.
17. Using a Use of Force training program to change the culture of an agency.
18. More choices of force options involving technology.
19. Mandatory reporting and documentation of Use of Force.
20. Use of consistent, long-term training personnel.
21. An integrated Use of Force program helps agencies better defend themselves against adverse civil litigation.
22. Effective multi-culture perception on an integrated Use of Force program.
23. Varying degrees of response to civil unrest and acts of violence at public gatherings.
24. Networking of criminal and plaintiff bar involving Use of Force, police misconduct, etc.
25. Peace Officers' association attorney's involvement in Use of Force incidents.
26. Use of Force incidents are fear-based due to a lack of confidence.
27. Media coverage/technology involving police Use of Force.
28. Reality-based presentation skills.
29. Resources and resource constraints will impact and integrated Use of Force program (including mandated continued professional training).
30. Law enforcement adopting paramilitary tactics, i.e., weapons of mass destruction.

## APPENDIX C

### EVENTS

1. Large influx of Federal money available for law enforcement training.
2. Paralyzing agent approved for use by law enforcement.
3. Homicide bomber in USA.
4. Highly publicized police Use of Force event.
5. New law prohibits possession of handguns.
6. Military resources approved for law enforcement.
7. Weapons of mass destruction deployed in major U.S. city.
8. Terrorist attacks occur; martial law imposed.
9. POST mandates re-evaluation of peace officers every five years.
10. The media is banned from real-time reporting of police incidents.
11. Federal government nationalizes law enforcement.
12. Qualified immunity is scrapped for law enforcement.
13. Collapse of Wall Street – severe economic downturn.
14. Elimination of police pursuits.
15. Police regulatory commissions standardize Use of Force options.
16. State and Federal law enforcement grants abolished.
17. War.
18. Licensing of peace officers by the state.
19. National disaster (8.0 quake).
20. Mandated regionalized training.

## ENDNOTES

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- <sup>1</sup> Janet Reno, Attorney General of the United States speaking on police brutality at a National Press Club luncheon, Washington, DC, 15 April 1999.
  - <sup>2</sup> The National Crime Reporting Program administered by the U.S. Department of Justice, Federal Bureau of Investigation's study of law enforcement officers killed and assaulted.
  - <sup>3</sup> Police Misconduct-Law and Litigation, 3d Ed.
  - <sup>4</sup> U.S. Department of Justice, Bureau of Justice statistics.
  - <sup>5</sup> U.S. Department of Justice, Bureau of Justice statistics.
  - <sup>6</sup> U.S. Department of Justice, Bureau of Justice statistics.
  - <sup>7</sup> Bureau of Justice Statistics, U.S. Department of Justice, available at <http://www.ojp.usdoj.gov/bsj/>. Site accessed March 2003.
  - <sup>8</sup> Police Use of Deadly Force, Police Foundation, 1992
  - <sup>9</sup> Taxonomy of Educational Objectives, Mastering the instructional Design Process, a systematic approach.
  - <sup>10</sup> Tom Esensten, The Strategic Organization (Ojai: Organizational Effectiveness Consulting)
  - <sup>11</sup> Tom Esensten, The Strategic Organization (Ojai: Organizational Effectiveness Consulting)
  - <sup>12</sup> Harris & Beckhard, 1987, as cited in Simon C. workshop, 2002.
  - <sup>13</sup> Simon, Cary A., Dr., Transition Management in a Strategic Organization, October 9, 2002 (handout)

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