

John Q. Public

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The Command College Futures Study Project is a FUTURES study of a particular emerging issue of relevance to law enforcement. Its purpose is NOT to predict the future; rather, to project a variety of possible scenarios useful for strategic planning in anticipation of the emerging landscape facing policing organizations.

This journal article was created using the futures forecasting process of Command College and its outcomes. Defining the future differs from analyzing the past, because it has not yet happened. In this article, methodologies have been used to discern useful alternatives to enhance the success of planners and leaders in their response to a range of possible future environments.

Managing the future means influencing it—creating, constraining and adapting to emerging trends and events in a way that optimizes the opportunities and minimizes the threats of relevance to the profession.

The views and conclusions expressed in the Command College Futures Project and journal article are those of the author, and are not necessarily those of the CA Commission on Peace Officer Standards and Training (POST).

John Q. Public

Both law enforcement and prosecutors are well aware the more complicated the investigation; the more costly it is to bring someone to justice. Some investigations can be a “black hole” for money and resources. By tapping into the resources that “John Q. Public” – members of our community – are willing to give by gathering information, collecting evidence, or putting resources into solving a case, we can further the ultimate goal of protecting and serving the community.

Due to lack of resources and money, there is a growing willingness in law enforcement to allow a victim to become more of a participant in their own investigations, even to the point of conducting their own investigation or providing resources to law enforcement. For example, The Seattle Times reported that after repeated burglaries to her home, a woman set up surveillance cameras at her residence and caught a suspect breaking into her residence. She then sent her video to local TV stations and media outlets, asking for help to solve her case in addition to offering a \$500.00 dollar reward to any leads of the identity and arrest of the suspect.¹ Law enforcement has taken advantage of this and has seen the economic and time saving benefits. Although little data has been collected on the amount of money that has been saved, a number of police agencies throughout California have been utilizing citizens or victims to assist with investigations.

John Q. Public is the New Reserve Program

Prior to July 1, 1999, the majority of law enforcement agencies used Reserve Officers to augment patrol and investigations. At its peak in the 1970’s, the Santa Barbara

¹ Jeff Hodson, The Seattle Times, Fed up with police, burglary victims offer reward. 2 August 2011. <http://www.insidebayarea.com/fdcp?unique=1312759870390>; accessed July 2011.

County Sheriff's Office had 50 Reserve Deputies; they now have none. In the 70's, the majority of Reserves consisted of individuals who were already established residents and often members of the business community. These were people that had established careers and were interested in law enforcement both as an avocation and as community service, but were not looking to enter the profession on a full-time basis. As time progressed, and CA POST mandates for Reserves became more extensive, it became increasingly more difficult to recruit this kind of person.

The resources law enforcement enjoyed in their law enforcement Reserve programs have been adversely impacted due to training requirements that largely mimic those required for fulltime sworn peace officers in California (POST Commission Regulation 1002). Unrelated to the decline in Reserve peace officers, but filling a need left by their absence, was the advent of using civilians, either volunteering their time or being hired by agencies to investigate low-level crimes and perform other non-hazardous duties. According to Commander Mark Stadler, the Ventura Police Department has utilized law enforcement retirees on a volunteer since 1995 basis to review cold cases. In 2010, they added a civilian volunteer to collect videos and photos for their detectives. Stadler believes this has had a positive impact, and has been a "big time saver" for their investigators. In fact, Ventura's use of alternate personnel sources is not an isolated phenomenon.

In 2011, twelve CA police agencies were contacted regarding their use of citizens for low level reports. Only two agencies reported they do not use non-sworn personnel or

volunteers for investigations.² The remaining ten reported a range of duties assigned to their volunteers or non-sworn personnel. The list of duties vary from the collection of videos and photos from victims, latent print recovery at crime scenes, photographing accidents, as well as follow-up for cold case investigations, traffic collisions, and missing persons. None of the agencies, though, assigned a volunteer or non-sworn employee to investigations where a suspect was known or suspected.³ In contrast, crimes such as petty theft, burglary, grand theft, annoying phone calls, forged checks, and graffiti were routinely assigned to civilian volunteers or non-sworn personnel.

The San Bernardino Police Department utilizes CSO (Community Service Officers) for their low level crime reports, while the Anaheim Police Department draws from the 15 PSR's (Police Service Representatives) to do the same. None of the agencies surveyed had a formal program for citizens or volunteers to investigate low-level crimes, nor had any yet extended their volunteer work to encompass what reserve officers might have done in years past or had considered ways John Q. Public could participate.

It is unlikely members of our community will ever take over all law enforcement investigations due to the dangers and complexity of crimes, but they are an untapped source of effort. How it unfolds, however, will depend on safeguards put in place to manage the participation of non-sworn or volunteer investigators. John Q. Public can be the new "Reserve program" that many law enforcement agencies enjoyed in years past.

² San Jose PD survey, May 2012; Grover Beach CA PD survey, May 2012

³ The remaining ten cities surveyed in May/June 2012 were: Monterey Park PD, Anaheim PD, Emeryville PD, San Bernardino PD, San Francisco PD (phone interview with Deputy Chief Kevin Chapman June 1, 2012), San Bernardino Sheriff's Office, El Cajon PD, Monrovia PD, Ventura PD

There are limitations to their involvement, but their contribution to law enforcement can be significant.

Who is John Q. Public?

John Q. Public is a generic name to denote a hypothetical member of society deemed to be the “common person.” What if John Q. Public was able to investigate criminal cases for law enforcement agencies? Whether a victim investigating their own crime, or a civilian hired by a law enforcement agency, strategies need to be developed to manage their participation so their involvement does not negatively impact the quality of criminal prosecutions. Skeptics may scoff, but there are a number of recent examples of the potential of this idea.

In North Spokane Washington, while two men were sleeping inside their home, a suspect took an amplifier, a microphone and three guitars worth more than \$8,000. Unfortunately for the victims, as of July 1, 2011, the Spokane Police Department had cut their Property Crimes Unit. The police did not have the resources to investigate or help, so the victims took it upon themselves to solve their own crime. They searched for their property and found one of their stolen guitars at a local pawn shop. The victims were also able to provide police with some surveillance video of the suspect.⁴

In another instance, The Oakland Tribune reported on a man whose laptop computer was stolen in June 2011. The victim activated its security software program which he purchased online for \$15. He used the software’s GPS to locate stolen devices

⁴ Author not listed, Police budget cuts force victims to solve property crimes on their own. *KREM.com*. 14 July 2011

and the computer's built-in camera took pictures of the suspect. The man was able to collect enough information to determine the suspect's identity and for the police to make an arrest.⁵

Of course, there are rational limits to what we might expect our public to do to help combat crime. Helping them to constructively participate in their own safety, though, is a first step to enhance safety on our streets.

Limitations of John Q. Public

The issues arising for any agency to consider a shift to include members of the community working investigations are many. This could be resolved by requiring non-sworn personnel working investigations to attain police reserve status through POST, or by developing strict guidelines and training for potential John Q's and changing procedures within law enforcement. One means might be an expansion of the intent of Proposition 115.

Under California's Proposition 115, law enforcement officers with five years' experience are allowed to present statements from other witnesses, including other officers. The aim of the Proposition was to shorten the length of preliminary hearings and ease burdens on victims and other witnesses who must later testify at a trial. Working within the parameters of the proposition, non-sworn personnel or community volunteers could still complete investigations and interview witnesses. Either a DA investigator or an officer would need to confirm the facts of the investigation and re-interview witnesses in preparation for the preliminary hearing as well as the court trial. The time used verifying the information in a case would be reduced because the investigator is not

⁵ Harry Harris and Angela Woodall, Stolen Laptop Recovered With Help Of Software That Takes Pictures of User. *The Oakland Tribune*. 1 June 2011.

starting from scratch; the investigation would be a more focused from its inception.

Admittedly, the concept is a radical one. With both current sworn and non-sworn police personnel, opinions are split.

Sworn vs. Unsworn

Sgt. Dave Brookshire, Vice President of the Santa Barbara County Deputy Sheriff's Association agrees that, although this could be a morale booster for non-sworn personnel becoming more involved in investigations, it could also be a morale buster for sworn deputies. Sworn personnel feeling their jobs and livelihoods being threatened by non-sworn personnel completing tasks and jobs once reserved for sworn personnel will be a challenge that must be addressed.⁶ On the other hand, Erin Ayala who is a clerical employee for the Santa Barbara Sheriff's Office, believes this career path within law enforcement would be a positive one. She finds investigations interesting and would jump at the chance to assist with investigations.⁷

Recommendations

Implementing a program that would allow John Q. Public to assist with criminal cases does have a potential to benefit law enforcement, the District Attorney's office, the community, and our society. Any department could benefit from a well-managed program allowing citizens to assist with investigations. One instance demonstrates both the possibilities and problems with this approach.

In July 2010, the San Francisco Police Department reported that 15 citizens; who were current employees within the same job class, would be trained to take reports and collect evidence from property crime cases. The idea came from Police Chief George

⁶ Phone interview by author, Santa Barbara, 1 June 2012

⁷ Phone interview by author, Santa Ynez, 1 June 2012

Gascon who wanted to reduce the strain on sworn officers who should otherwise be busy trying to stop violent crime.⁸ The assigned citizens were given 13 weeks of specialized training, which included image taking at crime scenes and accidents, fingerprinting, and follow-up investigations on cold cases. Interestingly, the program really never launched.

Chief Gascon left to become the City's District Attorney, and Chief Greg Suhr took his place. Deputy Chief Kevin Cashman; spokesperson for Chief Suhr, noted the program was sold to the Unions as a "pilot program." Cashman stated the "idea was sound, but not intended to supplant sworn officers but to support them" and that, for the program to work, the agency would have to be fully staffed with its sworn complement of police officers.⁹ To date, San Francisco has experienced a reduction of approximately 200 officers; with anticipated retirements over the next few years the shortage will be 400.¹⁰ Looking back, Cashman believes there should have been some staffing projections calculated first. By doing that, it would have provided additional information to his department on their readiness for such a program.

San Francisco's case demonstrates the importance of planning, meeting the needs of both the community and agency members when considering the use of civilians to investigate crimes. Santa Barbara Deputy District Attorney Mai Trieu believes assessment and policy are the most critical in order to set guidelines that will streamline how the program will be run.¹¹ Planning the details before setting up the program is most important. Without first having guidelines, time and money will be wasted. She also thought it was essential to have an outreach plan educating sworn personnel, public and

⁸ Jackson West, NBC Local, News San Francisco Police Hiring Citizen Investigators, 27 July 2010.

⁹ Kevin Cashman. Phone interview by author, 1 June 2012

¹⁰ Rachel Gordon, SFGate.com, S.F. Mayor Budgets for More Cops, Fire Personnel, 31 May 2012

¹¹ Email survey by author, 5 June 2012

community leaders on the value of the program. Building their support into the program will increase its overall success.

Conclusion

The economic challenges facing all levels of government and the uncertainty of when we will emerge from this extended economic recession is complicated; it also provides a unique opportunity. In the short-term, John Q. Public can provide valuable assistance to law enforcement. For the long term, planning and crafting their involvement can provide a high level of effectiveness for the police, prosecutors, the community and citizens who want to make a difference.

With time and proper implementation, the benefits of enhancing non-sworn and volunteer involvement in criminal investigations can be a force multiplier for any agency willing to put in the time to create such a program and process. There will always be some degree of confusion, struggle and opposition with change, but department leaders can control the pace of this change by offering a portion of their lower priority investigations to John Q. Public. With careful planning, training and good communication, civilian involvement will be a positive step in the evolution of law enforcement investigations.

BIBLIOGRAPHY

Author not listed, Police budget cuts force victims to solve property crimes on their own, 14 July 2011. *KREM.com*. <http://www.krem.com/news/local/Police-budget-cuts-force-victims-to-solve-property-crimes-on-their-own-125611808.html?commentPage=2#comments>; accessed July 2011.

Cashman, Kevin. Phone interview by author, San Francisco, June 1, 2012

Cerecerez, Ezekiel. Email survey by author, Monrovia CA, 23 May 2012

Collier, LaJuan. Lt. Julie McCammon, email, Emeryville CA, 23 May 2012

Gordon, Rachel. *S.F. Mayor Budgets for More Cops, Fire Personnel*. SFGate.com. May 31, 2012. www.sfgate.com/cgi-bin/article; accessed June 2, 2012.

Harris, Eugene. Email survey by author, Monterey Park CA, 23 May 2012

Harris, Harry and Woodall, Angela. (June 1, 2011). Stolen Laptop Recovered With Help Of Software That Takes Pictures Of User. *The Oakland Tribune*.
<http://www.insidebayarea.com/fdcp?unique=1312759870390>; accessed July 2011.

Henton, Tim. Email survey by author, El Cajon CA, 23 May 2012

Hill, Dave. Email survey by author, Monrovia CA, 23 May 2012

Hodson, Jeff. (August 2, 2011). Fed up with police, burglary victims offer reward. *The Seattle Times*.
http://seattletimes.nwsourc.com/html/localnews/2015802968_nightoutside03m.html; accessed July 2011.

King, Raymond. Email survey by author, San Bernardino CA, 23 May 2012

McVay, Brad. Email survey by author, Santa Barbara CA, 23 May 2012

Millard, Robert. Email survey by author, San Jose, CA, 27 May 2012

Peters, John. Email survey by author, Grover Beach CA, 23 May 2012

Quezada, Raul. Email survey by author, Anaheim CA, 23 May 2012

Stadler, Mark. Email survey by author, Ventura CA, 23 May 2012

Trieu, Mai. Email survey by author, 5 June 2012

West, Jackson. *News San Francisco Police Hiring Citizen Investigators*. NBC Local. Jul 27, 2010. www.nbcbayarea.com/news/local/San-Francisco-Police-Hiring-Citizen-Investigators-jw-99347284.html; accessed July 2011.

Yoder, Don. Email survey by author, San Bernardino CA, 23 May 2012