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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMAND COLLEGE  
CLASS IV

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WHAT IS THE FUTURE OF CIVILIAN REVIEW IN CALIFORNIA?

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**NCJRS**

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**ACQUISITIONS**

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SUBMITTED BY:

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This Command College Independent Study Project is a **FUTURES** study on a particular emerging issue in law enforcement. Its purpose is **NOT** to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.

Studying the future differs from studying the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.

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

THE FUTURE OF CIVILIAN REVIEW IN CALIFORNIA

by P. E. Doran

Examines the issue of civilian review in California and evaluates the recent experiences of several cities against a questionnaire probing the future direction of this movement. Presents scenarios indicating some possible outcome for civilian review and then builds a strategic plan for dealing with a "most likely" future.

The concept of Civilian Review over police misconduct has been gaining wider and wider acceptance throughout the Nation and within California. Just within the past five years there have been four new "external" review boards established in the San Francisco Bay Area.

This research study examines the issue of Civilian Review and attempts to determine the future of the movement in California through the year 2000.

The study begins with a discussion of the terminology peculiar to the issue of civilian review. Then, using the research methodology taught at the POST Command College, the author examines the trends and events that will shape the future of this issue for the next fifteen years.

A questionnaire response is evaluated for the broad indications of the movement's future; and based upon that evaluation, possible scenarios are developed to present alternative vignettes. In a "most likely" scenario, the gradual "professionalization" of the civilian review movement is depicted, along with a characterization of Law Enforcement's adaptation to the changing times.

Based upon the "most likely" scenario, a strategic plan is developed, using situational and resource analyses, as well as a "stakeholder" evaluation. Within the context of a broader Law Enforcement mission statement, a "preferred strategy" calling for the creation of a new statewide Commission for the handling of "major" complaints of police misconduct is described. Routine complaints of officer misconduct would remain the investigative responsibility of the complained-against agency. The administration and logistics involved in the creation of this new Commission are spelled out and a permanent planning system for the continuance of the concept is explained.

The final section of the study describes the transition planning phase that will be needed to move the "critical mass" towards a decision and the forces that will be needed to create sufficient momentum to support the idea.

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In order to have the time to commute between Northern and Southern California and then develop a research study such as this, one needs to have a very indulgent boss, and I am blessed to work for Chief Ronald D. Nelson, who usually allows me just enough rope to hurt myself slightly.

Any success that I have had with the development of my research project is the direct result of the counsel received from Dr. Gary Low, my academic advisor. His review of the project proposal, enthusiastic assistance in the preparation of the survey questionnaire and review of my final draft were of great help.

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A very special acknowledgement goes to the secretaries who translated my typing into a language resembling English. All grammatical errors are the fault of the California educational system, not theirs. Jane Ortega and Linda Billett deserve a special place in heaven for their forbearance.

And last, but certainly not least, I am indeed grateful to my wife of eighteen years, Ellen, for her support, encouragement and understanding during the two years that I let the yard go to seed. I promise I'll get the lawn next weekend, honey.

As a result of the combined efforts of all of the above people, and many more - from those who responded to the questionnaire to those who gave of their time to instruct me - it is my hope that this study proves worthy of their cares and concerns.

## EXECUTIVE SUMMARY

The concept of Civilian Review over police misconduct has been gaining wider and wider acceptance throughout the Nation and within California. Just within the past five years there have been four new "external" review boards established in the San Francisco Bay Area.

This research study examines the issue of Civilian Review and attempts to determine the future of the movement in California through the year 2000.

The study begins with a discussion of the terminology peculiar to the issue of civilian review. Then, using the research methodology taught at the Command College, the author examines the trends and events that will shape the future of this issue for the next fifteen years.

A questionnaire response is evaluated for the broad indications of the movement's future; and based upon that evaluation, possible scenarios are developed to present alternative vignettes. In a "most likely" scenario, the gradual "professionalization" of the civilian review movement is depicted, along with a characterization of Law Enforcement's adaptation to the changing times.

Based upon the "most likely" scenario, a strategic plan is developed, using situational and resource analyses, as well as a "stakeholder" evaluation. Within the context of a broader Law Enforcement mission statement, a "preferred strategy" calling for the creation of a new statewide Commission for the handling of "major" complaints of police misconduct is described. Routine complaints of officer misconduct would remain the investigative responsibility of the complained-against agency. The administration and logistics involved in the creation of this new Commission are spelled out and a permanent planning system for the continuance of the concept is explained.

The final section of the study describes the transition planning phase that will be needed to move the "critical mass" towards a decision and the forces that will be needed to create sufficient momentum to support the idea.

Supporting documentation follows the monograph.

I. INTRODUCTION

The issue of "civilian review" or "control" over local law enforcement has been with us almost from the beginning of American policing. The essential innovation is that, what has traditionally been controlled through normal political channels has, in most recent times, found expression in independent citizen review panels. Several American cities, including New York, New York; Philadelphia, Pennsylvania; Washington, D.C.; and San Francisco, California, have explored the concept of removing the investigation of complaints made against police officer behavior out of the control of the local police agency and into the hands of independent civilian review boards. The reasons for this change vary from city to city, but generally revolve around the central issue of trust in the fairness and objectivity of the complaint investigation. The purpose of this paper is to examine our experience with civilian review in California and to propose some future directions for the continued evolvement of this issue in our State.

My interest in this particular subject was initiated by the creation of the Berkeley Police Review Com-

mission (PRC) in 1973, which now serves as the archetype for "external" review systems nationwide. The maturation of the PRC over the past decade has shown the way for other cities to implement similar panels for the oversight of law enforcement behavior within their own communities. What was thought at one time to be strictly a "local phenomenon", or a "dead issue", is reemerging as a genuine trend in American law enforcement. Within just the past five years there have been four new boards created in the San Francisco Bay Area (San Francisco, Oakland, Richmond and the University of California (Berkeley)), and the national impetus shows no signs of diminishing. California law enforcement needs to become more knowledgeable about civilian review movement and the many implications that continued expansion will have upon their communities.

In his 1982 book, Megatrends,<sup>(1)</sup> Naisbitt commented at length upon the recent American tendency toward increased "participatory democracy", especially at the local level. What we have recently observed in the Bay Area is a manifestation of this local interest in the issues surrounding civilian control of police. From a larger perspective, the growth of such organizations as the International Associa-

tion for the Civilian Oversight of Law Enforcement (IACOLE) demonstrates that the depth of this issue far exceeds a mere "local phenomenon" and is, indeed, touching upon a sensitive need of the American public. Many citizens are clearly saying that they wish to become intimately involved in the day-to-day policy issues connected to the policing of our cities and that they choose to express that involvement in a truly meaningful way.

It is not the intention of this monograph to determine whether civilian review is "good" or "bad", or even "better" or "worse". We will be solely interested in the rather limited question of "what is the future of civilian review in California?". There is insufficient time (or present ability on my part) to explore all of the issues attendant to this question. My research will be viewed through a futures orientation, with an emphasis upon a determination of the extent and impact of civilian review upon law enforcement by the year 2000. It is my hope that as a result of this document, law enforcement officials, City Managers and interested citizens will have a clearer understanding of where civilian review is headed in the near future in California. With that understanding, I anticipate

that they will be better able to plan for the development of this issue within their own communities.

## II. STUDY METHODOLOGY

The formulation and design of this study is based upon a multifaceted course of study that was presented by the P.O.S.T. Command College over a two year period. The research questionnaire was primarily exploratory in nature, designed to elicit as broad a response as possible so as to more clearly identify the issues involved. The entire strategy used to collect and analyze data connected to this issue consisted of the following six elements:

- A. Review of the literature
- B. Individual interviews
- C. Brainstorming group sessions
- D. Questionnaire
- E. Cross-impact analysis
- F. Scenario development

### A. REVIEW OF THE LITERATURE

A comprehensive review of the literature was conducted in a effort to develop as broad an understanding of the issue as possible, given the time limitations of the study. Helpful assistance was received from Susan Haake, the P.O.S.T. Librarian, using resources available at

the P.O.S.T. library. Data was also collected through manual library searches at the University of California (Berkeley) and through electronic database searches conducted by Information on Demand, a private research facility. The Criminal Justice Periodical Index and the NCJRS files were researched.

One distinctive finding of this particular study was the paucity of written material written about the broad subject of "civilian review". There are seemingly hundreds of individual studies of the peculiarities of particular boards in particular cities, but very little "unifying" information about similarities and disparities. Each of the published studies seemed to reaffirm the uniqueness of each review panel and accentuated the difficulty in attempting to broaden the analysis. It soon became obvious that terminology was of critical importance for a clear understanding of the issues.

Because there is such a wide variance in the types of review commissions and the key factors

which distinguish those boards, I have included in Appendix A a listing of some of the complex issues that make a simple discussion of civilian review an extremely difficult task. The listing is by no means exhaustive, but it does give some idea why this subject has been so difficult for researchers to properly analyze. Most research on this issue tends to consist of narrow examinations of particular boards in particular cities or straight numerical comparisons of complaint intakes, dispositions, etc. As far as my research was able to disclose, there is no "definitive text" available that explains this often "researched" but little understood subject. A selection of articles that the author found helpful in the preparation of this research paper does appear at the conclusion of the text.

B. INDIVIDUAL INTERVIEWS

Several interviews were conducted with law enforcement officials, review commissioners and investigators, legislators and civic leaders interested in the development and growth of the civilian review issue. These interviews

are included in the research design of the study to further refine the subject matter. As a result of these discussions, a conceptual structure was added to the specific information about the general subject matter. A listing of some of the more influential personal contacts initiated as part of this research is found in Appendix B.

C. GROUP SESSIONS

On two separate occasions a group of civilian and police employees were utilized to "brainstorm" ideas about the future of civilian review in California. The individuals that participated in these discussions had extensive familiarity with the Berkeley Police Review Commission and a general knowledge of police/civilian review issues. Based upon the general trends discovered in the literature search and knowledge garnered from individual interviews, a structured group discussion took place that initially focused upon emerging California trends relative to law enforcement that may have an impact upon the issue of civilian review. The following trends were identified:

- Changing California demographics
- Involvement in "participatory democracy"
- Changing political values and activity levels
- Improved technology
- Expanded media coverage
- The growing California economy
- Increased citizen demands upon law enforcement
- More leisure time/time away from the job
- Increasing crime rates
- Urbanization/less community identity
- Increased role of the State in setting policy/budgetary priorities
- Declining standards of California education
- Municipal entrepreneurship

Based upon these broader findings, the group was reconvened and a discussion was held concerning the impact of these trends upon the issue of civilian review. We arrived at the following "potential" trends related to the civilian review issue in California:

1. Civilian involvement with the complaint process

As previously discussed, this is already happening in many communities. The creation of separate civilian review boards for the handling of complaints against police officers is a clear, identifiable trend.

2. Civilian involvement in the disciplinary process

Our group felt a logical extension of the first findings was that civilian review boards would seek to expand their power over misbehaving officers. The group expected that this increased power would be extended to include the ability to discipline, or at least recommend specific discipline, to the City Manager/County Administrator.

3. Civilian input into the hiring process

The Berkeley Commission has been involved in recommending policy concerning hiring, affirmative action goal setting, recruit training, etc. We saw this as an area of potential interest for civilian review

boards.

4. Civilian input into the promotional process

This has already occurred, particularly for hiring at the Chief's level. Civilian review boards are going to want to exercise greater power over who gets promoted. A special interest is likely to evolve in developing policy and regulations required for promotion.

5. Civilian policy control over drug collection

Many local community groups are growing concerned about the automated files that local police agencies are keeping. The collection, purging policy and accessibility of information collected by the police is seen as a potentially volatile issue of the future.

6. Civilian policy control over weapon use

What should be the shooting policy of the local police department? What kinds of weapons should they have access to? These issues, usually the purview of the top law

enforcement executive, are becoming more and more the concern of the entire community.

7. Civilian policy control over self-defense techniques

Short of deadly force, what self-defense techniques are available to police officers? Who is training them and how often? Should officers be allowed to use the carotid "choke hold"? These areas are of increasing concern to civilian groups.

8. Civilian policy control over narcotic enforcement priorities

Should civilian review boards be able to set enforcement priorities, particularly in sensitive areas like narcotics? Given that only X amount of resources are available to spend on the problem, should those resources be spent on street dealers or "big-time sellers"? Should the community be involved at all in setting the priorities?

9. Civilian policy control over prostitution enforcement

Is prostitution a "victimless crime" or a serious community concern? What resources should be brought to bear upon the problem? What is the civilian review role in setting these priorities?

10. Civilian policy control over the Police Department budget

Most would say that civilians (the City government) set these policies already. But a true civilian review goes beyond the normal nitpicking over the cost of a new typewriter and examines budgeting priorities and staffing. Civilian review will quickly realize the power of this issue.

11. Civilian policy control over police staffing/deployment

Civilian review boards will take a more active role not only in determining how many people should be at the rank of lieutenant, but how officers should be deployed - especially in non-patrol assign-

ments. These staffing deployment responsibilities are likely to become stronger issues for community/civilian groups.

12. Civilian policy control over mutual aid pacts

While this is not currently a problem in most cities, "agreements" between local departments and agencies occasionally become a community issue. When issues arise over "model" pacts, policy formulation will be affected. An example is a community's agreement with the Immigration and Naturalization Service, which in some cities like San Jose and Berkeley, has become an issue of deep concern.

Given all of these "potential" civilian review issues, it was felt that a test was needed to determine the validity and relative strength of some of these issues. It was decided that an exploratory questionnaire would be an appropriate mechanism to solicit response and determine how much of a concern these issues will become.

D. QUESTIONNAIRE

With the assistance of Dr. Gary Low, my academic advisor, a questionnaire was developed to obtain data from two research samples and direct factual information from a broad range of knowledgeable people. We decided early in the questionnaire phase that a "fifty-fifty" split between "law enforcement" and "non-law enforcement" was important for maintaining an objective sampling about this subject. Consequently, fifty "law enforcement types", comprised of twenty of my Command College classmates, twenty Berkeley Police Department associates and ten other California law enforcement people were selected for the sample. On the "non-law enforcement" side, ten local, state and federal legislators, ten members of the Berkeley Police Review Commission and thirty members of the International Association for Civilian Oversight of Law Enforcement (IACOLE) were selected for questionnaire balloting. Ten of the IACOLE members were from within California and twenty were from elsewhere in the United States and Canada. A complete listing of the 100 selected selected individuals appears as Appendix C.

A copy of the questionnaire cover letter appears as Appendix D and the questionnaire itself appears as Appendix E.

E. QUESTIONNAIRE FINDINGS

1. Responder Information

The survey received a 73% (73 out of 100) response, which is quite high for a survey of this nature. Of the 73 respondents, 51 identified themselves as being "law enforcement", which is interesting since the survey was designed for a "fifty-fifty" split between "law enforcement types" and "non-law enforcement types". After reviewing the names of the people to whom the survey was sent, it became obvious how this happened, as some of the IACOLE selections were obviously law enforcement connected, though their specific jobs may presently be associated with civilian review. A check of the actual surveys themselves shows that the response from "law enforcement types" was very high (45 out of 50) while only 28 of the 50 "non-law enforcement types" returned their survey. This

response was seen as a limitation of the study which could be corrected by further studies of this type that "corrected" for potential bias and produced a true "fifty-fifty" split. To insure that the answers returned were not skewed by the one sided response, a check of some key questions such as #3 and #4 was conducted to see if there was a noticeable difference between the two responder groups. As shown in Appendix F(8), there does not appear to be a significant difference between the two groups in response, so the limitation of this survey does not seem particularly significant. The information obtained in this exploratory study still has sufficient merit and interest to be of value to the issue.

Of the seventy-three respondents, fifty identified themselves as being from Northern California, thirteen from Southern California and ten from outside California.

The group, as a whole, is quite experienced

with the issue of civilian review. Thirty people (41%) claimed to have "10-20 years" involvement with the issue of civilian review and six claimed even more experience than that. Only four people claimed to have had no prior experience with the issue. Somehow, a distinction was made by the responders between "being involved" with the issue of civilian review and "working with an external civilian review board". Forty-four people, or 60.2%, claimed that they did not work with such a board. Of those that responded "yes" to working for such a board, the roles involved everything from Police Chief to investigator for the CRB. As mentioned above, a table showing the above information as well as a complete listing of responses to Section 8 of the survey appears as Appendix F(8).

## 2. Civilian Review Definitions

Agree with Definition	79.4%
Alternative Suggestion	17.8%
Unsure	2.7%

The first question concerned itself with finding an acceptable definition of "civilian review". An arbitrary definition was offered as the "process by which complaints against police officers are handled by a jurisdiction, involving the participation of non-law enforcement personnel". Three types of processes were identified: "internal", "external", and "hybrid". An "internal" process was identified as the process which allows an entire complaint to be handled within the police agency. "External" was identified as a process which allows for citizen participation at the investigatory, complaint resolution, and/or disciplinary stages. "Hybrid" was denoted as a combination of the features from the two previously described processes. The first two questions of the questionnaire offered the responder an opportunity to agree or disagree with the definition and allowed sufficient space for alternative definitions. The "internal", "external", and "hybrid" solutions were adopted from a study produced by the New York Civilian

Complaint Board, produced in January, 1986. (2)

Fifty-eight respondents, or 79.4%, agreed with the definition provided. Two surveys were unsure and thirteen, or 17.8%, offered alternatives. Some of the comments included:

"self-investigation, adjudication and judgement determined by self-defined and self-interpreted standards - the Department's review."

"specially trained employees who are able to investigate and protect the employer and the employees rights."

"the entire complaint process, receipt, investigation, resolution (finding) and necessary disciplinary actions, is handled with the police agency by police personnel."

A complete listing of all the responses appears in Appendix F(1). It was decided, after reviewing all of the responses, that the definition, while not perfect, was certainly adequate.

3. Findings - Question 2

Agree with Definition	69.8%
Alternative Suggestions	27.3%
Unsure	2.7%

Fifty-one respondents, or 69.8%, agreed with the definition provided. Two were unsure and twenty people (27.3%) offered different definitions. Suggested alternatives included:

"External review usually does not permit police department participation in any investigation or decision-making process."

"I prefer 'citizen review' process. The term adds clarity."

"Internal review should be expanded to deal with police-community relationships other than citizen complaints; e.g., community problems needing police attention."

A complete listing of all responses appears in Appendix F(2). Again, a decision was made to operate within the given definition.

4. Findings - Question 3

COMPLAINTS ARE "BEST HANDLED"

Internally	33	45.2%
Externally	8	10.9%
Hybrid	27	36.9%
Unsure	5	6.8%

The third question attempted to determine a preference among the responders for the "best" method of handling complaints. Only eight of the respondents (10.9%) felt that external civilian review was the best method of handling complaints against police officers. Thirty-three, or 45.2%, thought that complaints should be handled "internally" and five (6.8%) were not sure. Twenty-seven people (36.9%) thought that a "hybrid" process, combining both internal and external review, was the method by which complaints are "best handled". Many people chose to qualify their answers with comments, and those comments are found in Appendix F(3).

5. Findings - Question 4

IS THE EXTERNAL REVIEW PROCESS

Growing in Strength	31	42.4%
Remaining About the Same	32	43.8%
Dying Out	7	9.5%
No Opinion	3	4.1%

In one of the more critical questions of the survey, thirty-one respondents (42.4%) thought that external civilian review was "growing in strength". Thirty-two people (43.8%) thought that it was remaining about the same", and three (4.1%) had no opinion. Only seven people (9.5%) thought that external civilian review was "dying out". Again, many comments were offered in support of opinions, and those comments are captured in Appendix P(4).

6. Findings - Question 5

EXTERNAL REVIEW BOARD IN COMMUNITY TODAY?

Yes	34	46.5%
No	38	52.0%
No Opinion	1	1.3%

BY THE YEAR 2000?

Yes	24	32.8%
No	34	46.5%
Unsure	15	20.5%

Question Five was a two-part question asking the respondents if they saw a need for "an external civilian review board in their community today" or if they foresee one in their community by the year 2000. Thirty-eight people, or 52%, saw no need for one, thirty-four (46.5%) felt that they did need one, and one person was unsure.

As to the perceived need by the year 2000, thirty-four people or 46.5% of the sample said that they did not feel that one would be needed, even by that date. Twenty-four (32.8%) thought that civilian review boards would be needed and fifteen respondents (20.5%) were unsure.

7. Findings - Question 6

Civilian control over the complaint process	45	61.6%
Civilian control over the disciplinary process	22	30.1%
Civilian input into the hiring process	41	56.1%
Civilian input into the promotional process	32	43.8%
Civilian policy control over data collection	39	53.4%
Civilian policy control over the use of weapons	37	50.6%
Civilian policy control over self-defense techniques	26	35.6%
Civilian policy control over narcotic enforcement priorities	23	31.5%
Civilian policy control over prostitution enforcement	23	31.5%
Civilian policy control over the formation of the police budget	38	52.0%
Civilian policy control over police staffing/deployment	33	45.2%
Civilian policy control over mutual aid agreements	23	31.5%
NO TRENDS SELECTED	6	8.2%

Question Six used the twelve trends that were identified earlier as part of the group discussion and asked the respondents to identify which of the twelve possible

trends "would be more prevalent by the year 2000". The largest response was 45 (61.6%) who agreed that civilian control over the complaint process would be "more prevalent" in the future. Other high responses are listed below:

Civilian input into the hiring process

41 - 56.1%

Civilian policy control over data collection

39 - 53.4%

Civilian policy control over formation of the police budget

38 - 52%

Civilian policy control over the use of weapons

37 - 50.6%

The lowest area of agreement was that civilian control over the disciplinary process was a possibility by the year 2000 (22 agreed - 30.1%). Also receiving low scores of 23 (31.5%) were the three following categories:

- Civilian policy control over narcotic enforcement priorities

- Civilian policy control over prostitution enforcement
- Civilian policy control over mutual aid agreements

A complete listing of all twelve trends and the scores that they received appears again as Appendix F(6).

Another section of the same question asked the respondent to list other trends connected to this issue that are seen "as a possibility by the year 2000". Some that were mentioned more than once was a trend toward "uniform civilian review board standards" and "legislation mandating civilian review of police complaints and dispositions". Also mentioned strongly was "a greater citizen input into the police mission planning - deciding what community issues should be given attention". As much as possible, the responses elicited from this particular question have been worked into the "future scenarios" that appear later in this monograph. A complete listing of the comments suggested by the survey appears in Appendix F(6).

8. Findings - Events

EVENT	SCORE
Breakdown in trust between the community and the local law enforcement	4.51
A local precipitating event requiring "action"	3.6
Part of a political platform at the local level	3.2
State mandating legislation	2.9
Federal mandating legislation	2.8
Federal Supreme Court decision	2.6
California Supreme Court decision	2.5
A national precipitating event resulting in a movement such as the Philadelphia MOVE incident	2.2
Part of a political platform at the State level	1.8
Part of a political platform at the Federal level	1.4

Question Seven attempted to identify certain types of events that are "critical" in the development of an external review process. The ten suggested events were developed as part of the earlier group discussions and could have benefitted from more detailed explanation in the questionnaires. Nevertheless, some clear-cut "win-

"ners" and "losers" emerged from the sample. A very high score (4.51 out of a possible 5) was achieved by the first event - a breakdown in trust between the community and the local law enforcement agency". Also scoring highly was event 2 - "a local precipitating event requiring 'action'" (score - 3.6) and event 8 - "part of a political platform at the local level" (3.2).

Very little likelihood was seen of event 10 occurring (Political platform at the Federal level - 1.4). Likewise, event 9, "Part of a political platform at the State level" received a low score of 1.8. A more complete listing of the ten events and their relative scores appears in Appendix F(7). Also in the same Appendix is a listing of other precipitating events suggested by the respondents. These suggestions are included in the development of some of the scenarios.

#### 9. Findings - Respondent Comments

A section was provided at the end of the questionnaire for additional comments that the respondents may have related to the issue of civilian review. While some could be categorized as "ventilation" pieces regarding the issue, most were thoughtful additions to the research that worked their way into the scenario development. A complete "Comments" Section appears as Appendix F(9).

F. TREND EVALUATION

Once the survey results were known, the "small group" of knowledgeable civilian review "experts" were reconvened and five trends were selected as being the "most important" for further evaluation. They were:

1. Civilian control over the complaint process
2. Civilian input into the hiring process
3. Civilian policy control over data collection
4. Civilian policy control over formation

of the police budget

5. Civilian policy control over the use of weapons

As can be seen, these five trends were also the five highest rated trends from the survey. Our group then attempted to "put some numbers" on these trends to place some relative value on the trend as we projected its future course. The following are the results:

F.1 CIVILIAN CONTROL OVER THE COMPLAINT PROCESS

Based upon both the survey findings and our small groups understanding of the issue, we can predict a steady growth in the number of cities that will include some form ("internal, external or hybrid") of civilian control over the complaint process in the future (a 500% increase by the year 2000). The major reasons for this finding are the continued demand for civilian review and the relative success that some cities are now experiencing with the process. We found it significant that 42% of the survey respondents thought civilian review was "growing in strength", while less than 10% thought that it was "dying out". Those who may think that this issue is already "passe" are probably going to be surprised by the continued strength of the movement.

F.2 CIVILIAN INPUT INTO THE HIRING PROCESS

Based upon the comments returned in the survey, we found a significant increase (300% by the year 2000) in the number of California agencies that will seek civilian input into the hiring process. Not only will communities seek to structure police

work forces along lines more closely resembling the demographic figures in their communities, but "outside" Police Chief hirings will certainly contain representatives from the community as part of the selection panel.

F.3 CIVILIAN POLICY CONTROL OVER DATA COLLECTION

In what responder called "the issue of the nineties" police data collection is certainly due for greater scrutiny in the years ahead. While most California agencies have made a great effort to automate their records in the past few years, very few are fully evaluating the impact that such system will have for potential abuse. We foresee an awakened public demanding to know what files are being kept about them by the police and a method for insuring compliance with citizen-mandated policies. In most cities this will undoubtedly take the form of a council/Police Chief discussion, but in many other cities civilian review boards will play an increased role in monitoring police compliance with agreed upon regulations. A 1000% jump in the number of agencies monitoring this issue by the year 2000 is not impossible.

F.4 CIVILIAN POLICY CONTROL OVER THE FORMATION OF THE POLICE BUDGET

Because police departments comprise such a large portion of municipal/county budgets, they have, at least since the passing of Proposition 13 in 1978, been closely monitored as to expenses and staffing. What will undoubtedly increase in the future is not so much an examination of just the dollars and cents of police expenditures, but a total evaluation of the mission and priorities of the local agency and then budgeting to those community determined standards. Police budgets will no longer be a logical extension of the previous year's budget, but a closer, civilian dominated process of development.

F.5 CIVILIAN POLICY CONTROL OVER THE USE OF WEAPONS

More communities will insist that either civilian review boards or the City Council/Board of Supervisors review the agency's weapons policy, not only in terms of actual shooting policy, but even in the context of what types of weapons can and

cannot be used. Stun guns? Tasers? .45's? No longer will this be the sole prerogative of the Police Chief. The community is going to want to be a part of the decision concerning the use of weapons.

A graphical representation of these findings, based upon the survey results and our small group findings, appear in Appendix G.

#### EVENT EVALUATION

Using the same process described for Trend Evaluation, our group attempted to identify the five most critical events that could impact upon this issue to either accelerate its rate of occurrence or "defuse" it to a significant degree. From the list of possible events, the top five "vote getters" were evaluated in terms of their probability of occurrence by the year 2000. The events which were selected and their probability of occurrence are as follows:

<u>EVENT</u>	<u>PROBABILITY BY THE YEAR 2000</u>
1. <u>Breakdown in the Trust Between The Community and the Local Law Enforcement Agency</u>	90%

There were several factors attributed to this particular phenomenon. Usually, the

Department does not change as fast as the community it serves and loses "contact". When that happens, the chances for a civilian review board increase dramatically.

2. A Local Precipitating Event 72%

A police/community confrontation occurs which serves as a direct catalyst for the formation of a civilian review board.

3. Part of a Local Political Platform 64%

A group of local politicians, influenced by the success of civilian review in other cities, attempts to implement the process as part of their "political mandate". Success in one city leads to other attempts.

4. State Mandating Legislation 58%

A State legislator will succeed in passing legislation which mandates all cities (perhaps of a certain size) to provide some form of civilian review in complaint situations.

5. Federal Mandating Legislation 56%

Either as a direct result of actual legislation or perhaps as a by-product of a Supreme Court decision, cities will be required to provide a form of civilian review.

An "Event Evaluation form" describing this probability matrix appears as Appendix H.

H. CROSS-IMPACT ANALYSIS

Using techniques developed at the Command College, a "cross-impact analysis" of the five

event was developed

- If there is a breakdown in the trust between the community and the local law enforcement agency, the probability of
  - A LOCAL PRECIPITATING EVENT leading to the creation of civilian review board increases from 72% to 85%
  - A LOCAL POLITICAL PLATFORM asking for the creation of a civilian review board increases from 64% to 72%
  - STATE MANDATING LEGISLATION directing the creation of a civilian review board increases from 58% to 60%
  - FEDERAL MANDATING LEGISLATION efforts who reflect no appreciable change from its level of 56%
- If a local precipitating event occurred, the probability of
  - A BREAKDOWN IN THE TRUST of the local community leading to the creation of a civilian review board would increase from 90% to 95%
  - A LOCAL POLITICAL PLATFORM making civilian review part of the political process would increase from 64% to 75%
  - STATE MANDATING LEGISLATION creating mandatory civilian review boards would increase from 58% to 60%
  - FEDERAL MANDATING LEGISLATION would have no appreciable impact - 56% - no change
- If civilian review is part of a local political platform, the probability of
  - A BREAKDOWN IN TRUST leading to the creation of civilian review would increase from 90% to 95%

- A LOCAL PRECIPITATING EVENT leading to the creation of a civilian review board would decrease from 73% to 60%
- STATE MANDATING LEGISLATION creating civilian review boards would decrease from 58% to 50%
- FEDERAL MANDATING LEGISLATION creating local review boards would be unaffected - 56%  
- no change
- If State mandating legislation is passed, the probability of
  - A BREAKDOWN IN TRUST leading to the creation of a civilian review board, decreases from (since it now becomes irrelevant) - 90% to 0
  - A LOCAL PRECIPITATING EVENT leading to the creation of a civilian review board decreases from 73% to 0 (for the same reason)
  - A LOCAL POLITICAL PLATFORM incorporating the civilian review concept decreases from 64% to 0
  - FEDERAL MANDATING LEGISLATION requiring local boards increases from 56% to 60%
- If Federal mandating legislation occurs, the probability of
  - A BREAKDOWN IN TRUST leading to the creation of a civilian review board decreases from 90% to 0
  - A LOCAL PRECIPITATING EVENT leading to the creation of a local board decreases from 73% to 0
  - A LOCAL POLITICAL PLATFORM incorporating the civilian review concept decreases from 64% to 0
  - STATE MANDATING LEGISLATION creating civilian review boards decreases from 58% to 0

TREND IMPACT EVALUATION

We next evaluated the impact of the five selected events upon the larger trends that had been identified in the earlier questionnaire. The impact was assessed as follows:

If there is a breakdown in the trust between the community and the local law enforcement agency, the forecasted value of

CIVILIAN CONTROL OVER THE COMPLAINT PROCESS would be enhanced by.....	1%
CIVILIAN INPUT INTO THE HIRING PROCESS would be enhanced by .....	1%
CIVILIAN POLICY CONTROL OVER DATA COLLECTION would be enhanced by.....	1%
CIVILIAN POLICY CONTROL OF THE FORMATION OF THE POLICE BUDGET would be enhanced by.....	1%
CIVILIAN POLICY CONTROL OVER THE USE OF WEAPONS would be enhanced by .....	1%

If a local precipitating event occurred, the forecasted value of

CIVILIAN CONTROL OVER THE COMPLAINT PROCESS would be enhanced by.....	1%
CIVILIAN INPUT INTO THE HIRING PROCESS would be enhanced by.....	1%
CIVILIAN POLICY CONTROL OVER DATA COLLECTION would not be changed.....	0
CIVILIAN POLICY CONTROL OVER THE FORMATION OF THE POLICE BUDGET would not be changed.....	0
CIVILIAN POLICY CONTROL OVER THE USE OF WEAPONS would be enhanced by.....	1%

If civilian review became a part of a local political platform, the forecasted value of

CIVILIAN CONTROL OVER THE COMPLAINT PROCESS would be enhanced by.....	10%
CIVILIAN INPUT INTO THE HIRING PROCESS would be enhanced by.....	2%
CIVILIAN POLICY CONTROL OVER DATA COLLECTION would not be changed.....	0

CIVILIAN POLICY CONTROL OVER THE FORMATION OF THE  
 POLICE BUDGET would be enhanced by..... 1%

CIVILIAN POLICY CONTROL OVER THE USE OF WEAPONS  
 would be enhanced by..... 5%

If civilian review became part of the State mandated  
 legislation, the forecasted value of

CIVILIAN CONTROL OVER THE COMPLAINT PROCESS  
 would be enhanced to..... 99%

CIVILIAN INPUT INTO THE HIRING PROCESS  
 would be enhanced by..... 5%

CIVILIAN POLICY CONTROL OVER DATA COLLECTION  
 would be enhanced by..... 5%

CIVILIAN POLICY CONTROL OVER THE FORMATION OF THE  
 POLICE BUDGET would be enhanced by..... 5%

CIVILIAN POLICY CONTROL OVER THE USE OF WEAPONS  
 would be enhanced by..... 10%

If a civilian review board became part of Federally  
 mandated legislation, the forecasted value of

CIVILIAN CONTROL OVER THE COMPLAINT PROCESS  
 would be enhanced to..... 99%

CIVILIAN INPUT INTO THE HIRING PROCESS  
 would be enhanced by..... 5%

CIVILIAN POLICY CONTROL OVER DATA COLLECTION  
 would be enhanced by..... 5%

CIVILIAN POLICY CONTROL OVER THE FORMATION OF THE  
 POLICE BUDGET would be enhanced by..... 1%

CIVILIAN POLICY CONTROL OVER THE USE OF WEAPONS  
 would be enhanced by..... 5%

A cross-impact evaluation form appears as  
Appendix I.

H. SCENARIO DEVELOPMENT

The results of our research on this issue in-  
 dicate that "external" civilian review is  
 likely to increase in coming years but that  
 the actual format will vary from community  
 to community and that the impetus for that

change will undoubtedly come from a variety of directions. Because not all cities face the same sort of challenges, there is a great divergence in the types of civilian review that will be implemented in different cities, depending upon certain definable features that seem to be common to most of the boards established thus far. Urban areas, diverse population mix, significant minority group population, "liberal" political tradition, acceptance of change, willingness to experiment, a history of "problems" within the agency (whether deserved or not), a perception of need, etc., etc. Based upon all of the previous discussion about certain trends and issue-specific events that may lead to civilian review and by incorporating some of the "known features" of the genesis of civilian review, we have drawn some possible scenarios about how the future might look. What follows are four "future scenarios", including a "most likely" scenario which will serve as the model for plans about the future. Turn the page and see what the future might be like.

### III. FUTURE SCENARIO A - THE FUTURE AS PAST

As mandated by the electorate in last November's election, the San Diego Police Review Commission held its first public hearing last night before a packed house at the Old City Hall building on Fifth Street. While last night's meeting was filled with routine procedural discussions concerning the manner in which complaints against police officers will be heard, the new Commission is expected to soon deal with some of the major issues that led to the creation of the Board in the first place. While no one from the Commission was yet willing to discuss when the Board would take up the matter of the Esperanza shootings or the alleged "skimming" operation in the Police Warrant Bureau, the Board did establish guidelines for the handling of these and similar issues in the future.

The San Diego Police Review Commission (SDPRC) was created in response to several recent shootings by San Diego Police officers that have led some critics to charge that San Diego PD was "practicing genocide" against Mexican aliens. Seven shootings

in 1990, three of them fatal, caused members of the Mexican-American Alliance to circulate a successful petition that led to the placing of the SDPRC on last Fall's ballot. The Board was modeled on the highly successful Berkeley Police Review Commission, which has been in continuous existence since 1974 and has spawned a host of other California imitators. The Berkeley Commission played a very active role in the recent San Diego election, speaking to local neighborhood groups and assisting local "grassroots" political groups in support of the initiative. The International Association for the Oversight of Law Enforcement (IACOLE) also played a very active role in structuring the local Board design along "politically acceptable" lines.

While members of the San Diego Police Officers Association vow to fight the new measure "to the death", most observers give the cops little chance of overturning the new Board because of its broad-based community support. The nine new Commissioners seem to represent the "new" San Diego that was discussed so often in the recent election, with four members of the Chicano community, two

Asian community members and three Caucasians serving on the Board. Interestingly, reflecting a similar National trend, six of the new Commissioners are Attorneys and one is an unemployed paralegal. Four of the new members are over sixty-five years of age and one graduated last June from La Mirada High School. San Diego will be watching its new Commission very closely in the coming months, as the SDPRC begins to deal with the very tough issues that led to their existence.

#### FUTURE SCENARIO B - THE COURT INTERVENES

NEWS ITEM: June 4, 1998, the San Francisco Examiner

Ten years ago today, June 4, 1988, the newly reconstructed California Supreme Court, in its famous Garthwaite v Berkeley decision, struck down the regulatory powers of Police/Civilian Review Boards. In this far-reaching decision, the Court considered the case of Berkeley Police officer Terry Garthwaite, who had been passed over for promotion in 1987, in spite of finishing at the top of the promotional list for Police Sergeant. The reason Officer Garthwaite had been given for her failure to be promoted was that she had not received a

favorable recommendation from the Berkeley Police Review Commission (PRC). The PRC had gone on record as opposing Officer Garthwaite's promotion because of "the excessive number of brutality cases that had been made against her by members of the public in the recent past". The Supreme Court, in examining the record, found that Officer Garthwaite had received five "excessive force" complaints during the preceding year, but that only one of the complaints had actually been sustained by the Review Board. Finding this to be insufficient grounds for denial of promotion, the Court not only ordered Officer Garthwaite to be reinstated as the top candidate on the list, but also considered the City Ordinance which had created the Police Review Commission's broad powers.

Expanding upon its earlier Brown v Berkeley decision (1974), the Court found that the regulatory powers granted to the Commission under the 1973 enabling Ordinance had been "too broad" and "infringed upon the proper rights and responsibilities of the City Manager and the Chief of Police". Specifically, the Court found that the powers

of the PRC to set Departmental policy, recommend Departmental promotions and direct Police Department expenditures were "rights and duties" more properly assigned to the Chief of Police and City Manager under the City Charter. The Court again affirmed its earlier Brown ruling that the PRC does have the right to investigate complaints made against police officers and to make recommendations to the City Manager concerning their findings.

Now, ten years later, this case stands as the benchmark for judging how far communities can go in attempting to control their local police. The period following this decision has seen a rapid decline of this once expanding movement and, today, Berkeley remains the only city in California still maintaining a formal Civilian Review Board.

#### FUTURE SCENARIO C - COURTROOM DRAMA

"Good evening, ladies and gentlemen, the Board of Review for the Orange County Police Review Panel is now in session on this, the 31st day of December, 1999. Our hearing tonight considers the case against Officer Washington Tell, who

is accused of violating Police Regulation 13045(b), to wit, keeping an unauthorized file on innocent citizens, in particular a file on citizens frequenting a high narcotic sales area. With me on the Review Panel tonight are Dr. Arlen Smith, a psychiatrist with Highland Hospital, Mrs. Janet Sisters of Local 790, and I am Harry Wapner and I am employed full time by the ACLU.

"Officer Tell, I see that you have your attorney, Mr. Overture, with you, so I need not tell you again of your rights, but I will state, for the record, the potential discipline that this Board can levy against you should you be found guilty of committing the violation I described just moments ago. Under Orange County law, this Review Board is authorized to suspend you for up to 30 days from your present assignment and can impose as much as a \$5,000 fine if your action was found to be intentional.

"Do you understand your rights and the potential liability that you face under these charges?"

"Yes, I do."

"All right, then, our first witness in this case will be Mr. L. S. Dealer of Fremont Street. Mr. Dealer, will you please come forward and be sworn in?" (Mr. Dealer is sworn in.)

"Mr. Dealer, will you please describe for the Board the reasons for your complaint against Officer Tell?"

"Sure will. Well, you see, I was walking down the street and this police officer, Officer Tanaka, stopped me and asked me my name. I told the officer that I didn't have my citizen I.D. card with me but that they could find out who I was by running my prints through their computer in their car. So I went with the officer over to her car and she had me put my thumb on this plate and the next thing I knew, I heard somebody on a radio saying I was a known narcotics dealer or something. I told the officer that I had never been arrested in my life, and she told me that I had been stopped four times in the last two months in areas where narcotics were being sold. I told her I knew nothing about no mess like that, and so we talked some more and then she let me go."

(Chair): "Thank you, Mr. Dealer. Do you recall ever being stopped in the recent past by other police officers?"

"Yeah, I remember being stopped once or twice before, but nobody ever said nothing to me about being no narcotics dealer."

(Chair): "Very well, uh...thank you for your testimony. You may step down now. The Chair would next like to call Officer Tell. Officer Tell, will you come forward and be sworn in, please?" (Officer Tell is sworn in.)

"Officer Tell, our investigative report states that you are currently assigned to the Narcotics Unit and that you have a computer security clearance III. Is that correct?"

"That's right, sir."

"And as a level III, you have the ability to establish your own files within the automated database. Isn't that correct?"

"Yes, sir."

"Officer Tell, I assume that you are aware of the Orange County Privacy Restrictions Ordinance of 1990?"

"Yes, sir."

"Then, I am also sure that you are aware that the ordinance specifically forbids the creation of new police files on unconvicted citizens without prior approval by the Citizens Steering Committee?"

"Yes, sir, I am aware of that."

"Then what, may I ask, caused you to establish this file in the police system without the prior approval of the CSC?"

"Well, sir, I did not feel that I could notify the Board of the existence of this particular file because of some possible security problems."

"Officer Tell, you are not suggesting, I hope, that members of the Mayor's select CSC might be

"part of your narcotics investigation?"

"Well, sir, I guess I am."

"Have you told your suspicions to the Director of Police Services?"

"No, sir".

"So, then, am I to infer that you kept this file on your own initiative and without any prior approval of the Director or the Citizens Steering Committee?"

"Yes, sir."

"Has this file now been purged, or is it still in existence?"

"It was purged last month, sir."

"Well, then, let us take a brief recess to consider this case and will return shortly with a verdict. Thank you for your testimony, officer."

FUTURE SCENARIO D - THE MOST LIKELY SCENARIO

SCENE           COMMAND    COLLEGE    GRADUATION    CEREMONY  
                  -CLASS XXXII

DATE:           JUNE 15, 2001

SPEAKER:       JOANNA MACIAS, CAPTAIN, OXNARD POLICE  
                  DEPARTMENT

TOPIC:          THE FUTURE OF CIVILIAN REVIEW IN CALIFOR-  
                  NIA

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Good afternoon, ladies and gentlemen, and welcome to the graduation ceremony of the 32nd class of the Command College, The Seventh Dynasty. This will be the first Command College graduation that has ever been broadcast on the Law Enforcement Telecasting Network, and I am pleased to announce to you that today over 500 Chiefs of Police and Sheriffs are viewing this ceremony via satellite. I do ask that any questions that any of you have regarding my presentation be held until the conclusion to allow for proper prioritization by the computer-responder.

The subject of the Future of Civilian Review is not a new one to California Law Enforcement or

event to the Command College. As far back as 1987 a paper was delivered on this very same subject by Lieutenant (now Chief) Philip Doran of the Berkeley Police Department. I think it important to review the history of civilian review over the past two decades in order to get a clear understanding of the gradual progression of his movement over the last few years and from that understanding build a pedestal upon which we can peer into the future.

In the early 1980's several new external civilian review boards were established in California, primarily in the San Francisco Bay Area. The concern among California law enforcement at the time was that this new Civilian Review impetus was the beginning of a "new wave" of civilian review boards that would ultimately sweep the State. While early papers on the subject, including Lieutenant Doran's, debated the implications of such a wide-spread development, very little attention was being given to the "professionalization" of the civilian review movement nationally.

Five more large, urban cities adopted Civilian

of the early problems that Boards experienced with "arbitrary and capricious" actions against police officers were eliminated when the IACOLE Code of Conduct was accepted as part of the Standards Manual of the Law Enforcement Accreditation Program. While some "maverick" boards, such as the Berkeley Police Review Commission, still sought to push the boundaries of civilian review beyond mere complaint investigation towards actual policy review, most IACOLE member boards were content to consolidate their recent gains and concentrate on the area for which they were created. As a result of this unifying action, many State legislators began to listen to lobbying efforts on the part of IACOLE and, by 1996, nine states had mandated the formation of civilian review boards in cities of over 50,000 population. California actually considered similar legislation during the tenure of Governor Diane Feinstein, but the effort was dealt a resounding defeat by the combined forces of the California Peace Officers Association (CPOA) and the Peace Officers Research Association of California (PORAC).

The close of the last century saw local California law enforcement agencies striving to form their

Review Boards before the end of the eighties, including San Diego, Pasadena and Fresno. The "trend", if it could be called one, was toward the establishment of Civilian Review Boards in large, predominantly urban environments, with substantially large black populations. Yet, while several new boards were being established in California, some of the State's other, older boards such as Oakland and the University of California system were being phased out from lack of community support and their own institutional weaknesses. The overall picture of the civilian review movement may well have been one of stagnation, but, behind the scenes, the movement was examining its own weaknesses and moving toward the establishment of some strong guidelines for future operations.

The International Association for Civilian Oversight of Law Enforcement (IACOLE) developed a standardized complaint policy in 1991 which allowed for the handling of a citizens complaints against police officers in a "fair and impartial" manner. Actual definitions of misconduct were standardized and accepted by all IACOLE members. Many

own citizen review groups that worked with the local police agencies in the resolution of complaints against officers. It was felt that the process had become so well accepted and so necessary to communities' health that law enforcement took a cooperative, rather than adversarial role, in the establishment of the new boards. The essential message of civilian review - that independent, unbiased investigations of citizen's complaints against the police are a fundamental right of American democracy had finally been taken to heart by California law enforcement.

Two millenia ago, the Roman Juvenal cautioned "Quis custodiet ipsos custodes",<sup>(3)</sup> literally, "who will guard the guardians?", and it remains as true today as it was in 1776 and 1986. Our challenge today is to examine civilian review within its framework of growth over the past two decades and to forecast the course of this movement to the year 2025. In order to examine possible impacting trends and events, I formulated a "nominal group"...

#### IV. A STRATEGIC PLAN

It has been said that a strategic plan has three objectives: to communicate, to convince and to guide.<sup>(4)</sup> The purpose of a strategic plan is not so much to provide detail for a step-by-step execution as it is to provide a vision of how things ought to look when they are completed and the tools that were used to shape that new vision.

For the purposes of this monograph, we will look first at the resources available to California law enforcement to deal with the issues presented by civilian review. We will then identify the "stakeholders" and discuss their possible impact on the development of the future of this issue. From this discussion we will formulate a "mission statement" regarding the issue. Then, based upon all of the foregoing, we will examine possible strategies that are available for actual implementation. One of those strategies will be selected as the "preferred strategy" and the "administration and logistics" of arriving at that particular preferred strategy will be explored. Finally, a permanent planning system to provide the "day-to-

"day" decision making capability needed for the success of the plan.

A. Situational Analysis

Unlike other Command College projects with which I am familiar, the problem presented to California law enforcement by the issue of civilian review is how to best mitigate a possible future that is not particularly desirable. Greater civilian control over the complaint process has far reaching impacts, mostly negative, upon the definition of the rights of police officers under administrative law, police-management labor relationships, executive control over the behavior of one's employees, bifurcated disciplinary processes, and even law enforcement's ability to attract qualified applicants. Law enforcement needs to collectively assess this threat to its future ability to control its own members and decide whether the scenario presents an unacceptable change for the worse or a unique opportunity to involve the community in the business of policing their own communities. As depicted in the "Most Likely Scenario", this

is not an easy question, nor is it one that law enforcement will be allowed to decide by itself, exclusive of community input. In designing a possible "win-win" strategy for the future development of this issue, law enforcement is going to have to pay attention to the pressures that created this phenomenon in the first place, and conversely, civilian review is going to have to become "more professional" in its operation to earn the respect of law enforcement. Assuming that the demonstrated trends in both of these directions continue, it then becomes important to assess the resources available to both sides to determine the final shape of the vision of civilian review in the year 2000.

B. RESOURCE ANALYSIS

The issue of civilian review is, by its very nature, a "political issue". Law enforcement, for a lot of excellent reasons, is very reluctant to share its controlling powers over its police officers with civilian review boards. Law enforcement's ability to prevail in this political arena is very closely tied to its

ability to convince politicians at the State and local level of the wisdom of their position. By the year 2000, there will probably be close to 500 law enforcement agencies in the State, ranging in size from "one horse towns" to monoliths like L.A.P.D., which conceivably could employ as many as 10,000 officers by that date. In sheer numbers there may well be 50,000 police officers at work in this State by the year 2000.<sup>(5)</sup>

By the very nature of their role in society, police officers pack enormous political clout within their own communities, counties and state, particularly when they speak on "law and order" issues. Just within the past twenty years (1966-1986) there has been a growing awareness of this political strength and a willingness displayed to actually use it. The California Police Officers Association (CPOA), Peace Officers Research Association of California (PORAC), California Organization of Police and Sheriffs (COPS), the National Association of Peace Officers (NAPO), the International Association of Chiefs of Police

(IACP), California Peace Officers Standards and Training (POST), state-wide Sheriff's Organizations, county-wide Police Chief's groups and hundreds of Deputy Sheriff's organizations and Peace Officer associations all can, and do, speak out on issues of immediate concern to their own organizations. In assessing the capabilities of this amorphous collective entity, one quickly concludes that California law enforcement can be quite powerful indeed when it speaks cohesively on a particular issue. Ousting Rose Bird from the Supreme Court is relatively easy compared to getting all of these diverse organizations to speak out on what is often perceived as a "local issue", like civilian review. In summary, the resources for California law enforcement are in place, but there is oftentimes a reluctance to use that power on anything less than a State-wide or National issue.

On the other side of the issue, law enforcement needs to recognize that the proponents of civilian review are not going to fade away. They are making strong efforts to organize

on a national and regional level and will continue to promote the concept wherever they find a receptive audience. The experience that these boards gain in the cities where they are already established will serve them well in constructing new boards that are inherently stronger and better organized. We, as law enforcement, need to spend less time analyzing the political movement of the messengers and more time listening to the content of the message. Only by truly understanding that message and shaping it into a more acceptable format can we arrive at a future acceptable to all parties.

C. STAKEHOLDER ANALYSIS

The next step in the process of developing a strategic plan is to create what Dr. Ian I. Mitroff calls a "SAST Analysis".<sup>(6)</sup> SAST, or "Strategic Assumption and Surfacing Technique" is a systematic procedure involving the generation of potential assumptions upon which policy strategy might be based, assessing and criticizing those assumptions in light of their implications for strategy and choosing an as-

sumption to be used as the premise for establishing a workable strategy. The first objective is to identify the "stakeholders", that is, those people or groups who will have the greatest role in determining the outcome of our major premise - that civilian review will become more accepted by California law enforcement by the year 2000. Possible stakeholders might include:

- a) Police Management
- b) Civilian Review Board Commissioners
- c) Civilian Review Board employees
- d) Police Unions
- e) Politicians
- f) Attorneys
- g) Arrested Individuals
- h) City Managers
- i) The American Civil Liberties Union (ACLU)
- j) Minority Groups
- k) The Courts
- l) California Peace Officers Standards and Training (POST)
- m) International Association of Chiefs of Police (IACP)
- n) Peace Officers Research Association of California (PORAC)
- o) California Organization of Police and Sheriffs (COPS)
- p) Civilian Police Employee Unions
- q) California Police Officers Association (CPOA)
- r) The Media
- s) Taxpayer Groups
- t) Community Service Groups
- u) Academia
- v) Police Training Institutions
- w) Business
- x) Department of Justice
- y) Other Municipal Departments
- z) "Crazies"

For the purposes of this monograph, only ten of these potential stakeholders will be examined as to their positions and possible assumptions relative to the issue of civilian review.

1. Police Management

- Chiefs will oppose the loss of full control over the Internal Affairs process
- Management will oppose civilian oversight into their "management prerogatives"
- Management will oppose the creation of new boards politically
- Management will work with the civilian review boards once they become law

2. Civilian Review Board Leaders

- Will actively seek the creation of a Board within their own community
- Will use every opportunity to call attention to the shortcomings of the local law enforcement agency
- Will need the support of the police agency once they have become established
- Will actively seek to "spread the gospel" to other communities once they have become established
- Will seek further extensions of their powers once they have become established

3. Police Unions

- Will oppose the concept of civilian review "from inception to death"
- Will grow stronger as the membership realizes the actual threat to their livelihood
- Will actively become the "political front" for resistance efforts
- Will shoulder the burden of leadership and financial support for counter efforts

4. Politicians

- Will follow the "community consensus" in determining the direction of the issue

- Will actively seek to become involved in the decision to create a board
- Will attempt to use civilian review for their own political purposes
- Will resist efforts to diminish the powers of the board

5. Attorneys

- Will support efforts to form the Board (particularly criminal defense attorneys)
- Will end up as beneficiaries of increased union defense fund patronage
- Will actively support the Board through membership, once created

6. Minority Groups

- Will generally support the establishment of a civilian review board
- Will use the Board for "political" as well as "social" causes
- Will react defensively when they feel the Board is being politically compromised

7. Civilian Police Employees

- Will oppose the creation of a civilian review board but will not actively work (in a political sense) against its creation
- Will eventually be included as part of the course and scope of civilian review since they comprise such a large portion of the police work force (Jailors, Dispatchers, etc.)
- Will only begin to actively join the opposition to the Board when enough of their members have become subjects of review.

8. The Media

- Will actively endorse the concept of civilian review
- Will promote the activities of the Board, particularly when there is "controversy" between the Board and the police agency
- Will actively promote conflicts

9. Academia

- Will support the creation of a Board as "an important sociological undertaking"
- Will make a substantial amount of money on the books they write about "The Experiment"

10. "Crazies"

- Don't vote
- Will use the Board to hear their complaints because they "are the only ones who will listen" to their complaints about police misconduct
- Will never be credible enough to pose a serious political threat to the police agency

Since any assumption accepted as a strategic premise should have a significant bearing upon the outcome of the strategy that is developed, it is worthwhile to examine each of the foregoing assumptions for validity. One of the assumptions, for example, listed under "Police Management", is that "management will oppose the creation of new boards politically". In the real case, Berkeley for instance, this did not happen nor has it happened in Oakland or Richmond, or, to a lesser degree, in San Francisco. It did prove true for the efforts to form a board at the UC Berkeley campus and has proved to be the case in some other cities nationally where the movement has travelled. This is certainly one of the assumptions that

needs a greater research for real validity appraisal. Using the information generated by the SAST technique, a matrix of the ten "primary" stakeholders and their willingness to move towards action on this issue is shown on a graph as Appendix J.

D. MISSION STATEMENT

In the broadest sense, the mission of any law enforcement agency is to protect and serve the community that pays their salaries. More cogently, the mission is to provide for the safety of the community through effective and efficient law enforcement while mobilizing the citizenry into a partnership with the police. An evaluation of our particular issue would seem to indicate that in order for law enforcement to take control of this issue certain events will have to occur:

- Law enforcement will have to recognize the threat presented by civilian review
- Law enforcement will have to mobilize its political arm in order to effectively deal with the issue
- Law enforcement will have to present an attractive alternative to fulfill the needs currently being satisfied through the civilian review process

The complexity of this particular issue has, to this point in time, brought conflicting levels of response from California law enforcement. In the majority of the State, civilian review can safely be viewed in the abstract as a "non-threatening, leftist concept" that "could never happen here". Yet the experience of several other California cities has been a) that it can happen here, and b) the results are not all that bad if civilian review is properly implemented. In order to form an effective response to the broad challenges posed by civilian review, leadership will be needed and that leadership will undoubtedly come from those communities with the most experience in dealing with the issue. Viewing this problem within the context of a macro/micro mission statement, it is crucial to note that law enforcement purposely strives to improve police/citizen relations, yet feels very threatened when they sense that they are losing control of that relationship. The goal, then, in terms of a workable mission statement, is to continue to build the police/citizen partnership while allowing the police sufficient

"breathing room" to do their job but giving the citizens some sense of control over the behavior of the officers who police their communities.

E. EXECUTION

Using techniques developed at the Command College, a group of knowledgeable and concerned individuals were brought together for a Nominal Group exercise to determine appropriate strategies for dealing with the issue of civilian review. Three defensible strategies were created as probable course of action. Those strategies were:

1. Do nothing. This rather fatalistic approach states that civilian review is a "passe" movement of no relevance to the future. It rests on the assumption that nothing will ever come from it because it is too disorganized, too impractical, and, besides, it can't happen here. It uses the knowledge that civilian review only becomes an issue when the citizenry becomes dissatisfied with the police agency, and since "that can't happen here", there is no need to worry. The "Alfred E. Newmann Strategy".
2. Organize politically. This strategy recognizes the potential strength of California law enforcement when it speaks in a unified manner on an issue of State-wide concern. The goal of this strategy would be to get IACP, CPOA, PORAC, COPS, etc., to present an agreed-upon position to the State legislature that re-

stricts the creation of new civilian review boards and limits the range of authority for those Boards already in existence. Through an intensive lobbying effort, California law enforcement would push a bill through the legislature that would diminish the threat of civilian review for at least the next ten years. A similiar legislative effort can currently be observed in the efforts of the real estate industry with their frequent attacks upon local rent control laws at the State legislative level.

There are many major areas of concern with this strategy:

- 1) It will be difficult to organize these diverse political groups to work toward such a goal
- 2) Agreement upon wording will be difficult
- 3) Funding will be problematical
- 4) It assumes a legislative willingness to move in this direction that may not be present
- 5) It offers little room for political compromise
- 6) It is a long-range strategy (2-5 years)
- 7) It doesn't resolve the issue, it merely delays it

3. Formation of a "State-wide Symposium on Civilian Review". This strategy recognizes that both "sides" of this issue have legitimate interests and seek to create an open forum for the development of a California "blue-print" related to the issue of civilian review.

It would seek to bring together the "most knowledgeable people" in the arena of civilian review, drawing from law enforcement, the legislature, civilian review leaders, concerned groups such as the ACLU and PORAC, and other "blue-ribbon" appointees.

The goal of this symposium would be to create an acceptable alternative plan, a "model civilian review structure", for cities that are interested in the concept. It could describe

optimal operating procedures, the extent of police agency cooperation, the range of civilian review powers, and a statement as to the rights of police officers appearing before the Board. The objective of this "model" plan would be to develop a blueprint for use by California cities who wish to consider such a process as part of their future. It defines the term beyond the terms of whether we should have civilian review or not and concentrates on the form of civilian review that will work best for the citizens of this State.

F. PREFERRED STRATEGY

We, the members of my "nominal group", decided that it was time for California law enforcement to "get off the defensive" on this issue and to create an attractive alternative. One of the major concerns presented by proponents of civilian review is the need for "objective" outside investigations of major incidents. Our best, or preferred strategy, would call for the creation of an independent, investigative State Board, established for the purpose of independent investigations into "critical" issues occurring in California cities. Because of the inherent suspicions about "cops investigating cops", we do not think that the responsibility should fall necessarily upon the Attorney General's Office but rather a new Com-

mission, perhaps operated by the Department of Justice, that dealt exclusively with issues of this sort. We feel that if the "critical" issues (officer involved shootings, deaths related to police actions, pernicious excessive force accusations, long-established patterns of agency misbehavior, etc.) could be handled on the State level without the tainting of local involvement, trust could once again be established between the community and the agency once a resolution was determined by the new Commission.

We still believe that normal complaints of police officer misbehavior over "minor" incidents is best handled at the local agency level where prompt investigation, immediate feedback and appropriate discipline are more likely to follow. Appropriate mechanisms already exist under State law to handle thorough investigations of the normal "discourtesy", "improper citation" or failure to follow policy complaints. To duplicate that effort with local civilian review boards is both counter-productive and expensive. Yet a genuine need exists

for an independent review board to handle the "really big cases" that all law enforcement agencies, no matter what their size or expertise, have difficulty handling to the satisfaction of all parties. A new State-wide Commission could resolve the concern of the citizens of this State about fair and impartial investigations, yet at the same time earn the trust and confidence of the agencies that are subject to the inquiry. There will be many problems yet unresolved, such as the nature of the Commission itself, its rules and procedures and the circumstances under which it can be called to investigate, yet we feel that its positive attributes can create an attractive alternative for this time in our history.

G. ADMINISTRATION AND LOGISTICS

Once the decision has been made to establish the new "Oversight of Law Enforcement Commission" (OLEC), the following organization is suggested for its successful operation:

1. Establishment of the Agency (OLEC)

Following successful lobbying by all

of the aforementioned law enforcement subgroups, the legislature would pass a bill authorizing the creation of the "Oversight of Law Enforcement Commission" operating under the Department of Justice. It would have powers to investigate all cases referred to it by any member of the State legislature or the Attorney General. It would be empowered to conduct public hearings, subpoena witnesses and grant immunity, when necessary. It would be comprised of nine members appointed by the Governor, subject to approval by the Senate.

2. Funding

The OLEC Commission would be ensured sufficient State funding to carry out their legislated mandate.

3. Authorization

The OLEC Commission would have the authority to investigate all complaints involving police officer shoot-

ings, deaths related to police officer actions, excessive force offenses requiring hospitalization and long established patterns of police agency misbehavior. Other categories of offenses could be established by the Commission as necessary.

4. Logistics

The new Commission would be based in Sacramento but would have teams of investigators who would travel around the State as necessary. Public hearings would be held in the cities of complaint origination, but findings would be released by the Commission from Sacramento.

5. Cooperation

All Police Chiefs and Sheriffs in the State would be required to cooperate fully with OLEC investigators and would be required to share information developed on the incident from their own internal affairs files. Failure

to cooperate fully would be punishable by law.

H. PLANNING SYSTEM

The OLEC would be directed by a Commissioner who is responsible to the Attorney General. The Commissioner would be responsible for operations and ongoing planning which will be concurrent with Commission structure and organization.

In determining a possible planning system for the new Commission, we charted two dimensions, turbulence and visibility, to determine the most likely planning system. Our small group assigned a value of 1 to 5 to the above dimensions to predict an appropriate system for future planning of the agency. The planning systems used for comparison were identified as operation management, issue planning, periodic planning and signal/surprise planning. The average score was 3.6 for visibility and 4.2 for turbulence. It was, therefore, determined that "signal/surprise planning" would be common initially but that the system would

change and stabilize over time. (See graph Appendix K.)

V. TRANSITION MANAGEMENT

Transition management, or change management, is the study of the process of change that will allow for the implementation of the "preferred strategy" developed in earlier stages of futures planning. It defines the demands upon project during the time that change is being implemented and creates a system for handling those pressures. To begin this process, one needs to be able to assess the "readiness capability" of the promoters of change. We also need to know what we want as a "final product" and how we are going to be able to evaluate the impact of our change.

Our "preferred strategy" for dealing with the issue of Civilian Review called for the creation of a state-wide "Oversight of Law Enforcement Commission" (OLEC), that handled "critical" complaints of police misconduct. It further called for the handling of "routine" complaints by the complained-against police agency, through normal internal

review processes. The OLEC Commission was described as to funding sources, authority and cooperation, with a very general structure being given to the new Commission. Since it is a new Commission, being created "from nothing", the transition management for this particular proposal will rely heavily upon the ability to sell this concept to key politicians and law enforcement personnel. From this process will come the identification of the "critical mass" necessary to accomplish the proposed change.

A. CRITICAL MASS

The "critical mass" has been defined as "the minimum number of individuals who, if they support the change, are likely to be successful, and, if they are opposed, are likely to cause it to fail".<sup>(7)</sup> In our "preferred strategy" of creating a new OLEC Commission, we have identified the following players as the critical mass for this particular issue:

1. The Governor
2. The California Senate and Assembly Democratic leadership
3. The Attorney General

4. State-wide Police Organizations (CPOA, PORAC, COPS, etc.)
5. Support of the majority political party

Since our proposal is a "political solution" to a political problem, it is not surprising that our key players are primarily politicians. In order to gain the support of these key individuals, the proposal will have to be "surfaced" through "normal" political channels. A great deal of discussion and refinement of the concept will be necessary to work the proposal into a viable political concept. These political channels are usually approached by a "champion of the proposal" who convinces one or all of the above "critical mass" of the worthiness of the idea. Commitment to the concept must then be gained from a small cadre of "true believers" who are willing to assume the leadership role in pushing the idea through the legislature.

While it may not be necessary to have the Governor's full support for the concept, his/her disapproval can certainly doom the project to failure. It is important to have the Governor understand the need and direction of the

proposal so as to at least avoid a veto of the measure.

It is the nature of the California legislature that very little successfully moves through either house without the knowledge and blessing of the Democratic leadership. In order to gain that approval, the leaders will have to be convinced of the proposal's worthiness, its political viability and its funding soundness. In this very political realm, a "quid pro quo" of support for support in other areas should be anticipated.

The Attorney General will be a very crucial player during the transition phase. Since he/she is both a political figure and the key law enforcement person in the State, his/her support and endorsement of the proposal would go a long way toward making the plan a reality. In order to gain that support, the Attorney General will have to be shown the potential benefits of the plan and his/her role of leadership under the proposal.

State-wide Police Organizations will have an essential role of advocacy for the proposal before the State legislature. They have demonstrated in the past their lobbying power on issues of importance to California law enforcement, and they are a very difficult group to ignore when they lend their collective voices to a particular cause. In order to gain the support of CPOA and IACP, leaders within those organizations are going to have to be convinced of the benefits of the plan for California law enforcement. PORAC and COPS and other labor groups are going to have to be shown the benefits for the "working cop" in taking these investigations out of the local political arena and into a more professional state-wide investigative Board. Once these groups see the benefits for law enforcement, they can become a very persuasive force in convincing the other four members of the "critical mass".

The support of the majority political party will be necessary only in the sense that a certain amount of votes will be necessary to pass any measure proposing the OLEC Commis-

sion. While they will follow leadership direction offered by the Senate and Assembly majority leaders, they also listen to local constituencies. The voices of individual Police Chiefs and Sheriffs on this issue to their local politicians will have an important role in swaying their final vote.

B. MANAGEMENT STRUCTURE

In order to establish an "OLEC Commission", the following management structure is suggested:

Following the publication of this monograph, it is hoped that a groundswell of interest will be generated from people who are attracted to the concept of a larger, state-wide Commission looking into police issues. This groundswell does not have to be exclusively law enforcement oriented, or "citizen" oriented, but rather a group of people who are willing to work to see an idea become reality. I believe that such a group already exists who are looking for a "better way" to handle this issue and are willing to ex-

plore the potential of this suggestion.

Once these people are identified, a "Project Manager" for the enterprise should be named. The Project Manager would be responsible for giving structure to the new organization to develop such areas as funding, concept development, political liaison and administration. Hopefully, the Project Manager will be given the responsibility and power to make the "day-to-day" decisions that will be needed to move this idea towards reality.

It will be necessary for the Project Manager to have contacts at all levels of State government, California law enforcement and the Civilian Review movement. Utilization of these resources will be absolutely necessary for successful implementation and "gaining the hearts and minds" of the "critical mass" identified earlier.

The efforts of the project should be sum-

marized in a monthly newsletter that is sent to all parties that indicated an interest in concept development so that the progress of the movement can be charted. It is an idea that is going to take time to develop, and a five year goal statement is not unrealistic. If the proper Project Manager is chosen, the idea of an "OLEC Commission" for the betterment of civilian review of police can be developed and implemented in California.

C. SUPPORT TECHNOLOGIES

The facilitation of meetings, "Force Field Analysis" and responsibility charting methods are the primary methodologies that will be needed to be implemented during the transition period.

1. Meetings

Effective communication will be absolutely essential during the transitional period. In order to facilitate the communication process, meetings will be a requisite for all "staff

members" working on the project. A strong Project Manager will be needed to keep the financial staff, the concept development staff and the administrative staff all working together toward the common goal. Short-term and long-term goals will need to be established so that the staff knows at all times where they stand and what tasks still need to be accomplished. The team working on the project will need to be just that, and their defeats and triumphs will be team defeats and triumphs.

In addition to effective communications within the project staff, the Project Manager is going to have to be an extremely persuasive communicator with other groups. Many law enforcement people are not going to immediately grasp the significance of this suggestion and are going to have to be convinced a) that it will work, b) that it is a positive development

for California law enforcement. Similarly, proponents of civilian review will need to be convinced that the idea is not a "sell-out" of the principles governing civilian review and that the project will not hurt their overall goals. Finally, the "critical mass", the politicians, are going to have to be convinced that there is something in it for the benefit of the California taxpayer/voter. Politicians are generally receptive to a "better idea" but will need to understand the issues fully before they are willing to attach their names to any legislation of such magnitude.

During the transition stage, occasional "force field analysis" and responsibility charting technologies may well prove helpful to the Project Manager in identifying problem areas and assigning specific resources to deal with those arising issues.

## 2. Force Field Analysis

### IMPLEMENTATION OF THE OLEC COMMISSION

<u>Positive</u>	<u>Negative</u>
- Leadership	- Lack of specific direction
- Support	- lack of understanding
- Cost efficiency	- Unexplained funding source
- Improved service to the State	- Resistance to change
- Demonstrated need	- Lack of cohesion on the issue
- Soundness of idea	- Newness of concept

## 3. Responsibility Charting

Through the use of responsibility charting, tasks for each member of the transition team and their level of participation can be identified:

<u>Participant</u>	<u>Tasks</u>	<u>Role</u>
Project Manager	Develop procedures for change implementation to include concept development, funding and administration. Leadership	Responsibility
Director of Concept Development	Give form to the OLEC Commission in terms of funding sources, authorization, extent of powers, etc.	Responsibility
Director of Funding	Identify resources willing to work on project and seek money to make the project work	Responsibility

Support  
Staff

Develop procedures to inform the  
necessary people of the progress  
of the concept and insure the flow  
of communication

Inform/support

C. TRANSITION SUMMARY

An idea such as the "OLEC Commission" must be given time to develop. Change is a process that requires time to fully take root, and the "radical" change being suggested in this paper is not one that is going to immediately win support from all of the principals. Many people have a "lot to lose" under such a reorganization, and convincing them that is a better way to go is going to take time. On the other hand, the concept offers an exciting opportunity for California to once again seize the initiative on an important issue and to show that solutions are possible if people are willing to compromise and work together for better government. Leadership on an issue such as civilian review does not win Nobel prizes, but it does create a more just democratic process, and that goal is one that everyone can support.

## VI. CONCLUSION

It has been the intent of this monograph to study the issue of Civilian Review from a "futures perspective", in an effort to understand both its potential and its future. An examination of the relevant trends and events connected to Civilian Review led us to the development of a questionnaire that guided us in the creation of "future scenarios". By using the past as a guide and by attempting to understand the present, we tried to gauge the strength of civilian review and predict its future directions.

The relatively small questionnaire sampling may not have been "definitive research" by normal researching standards, but it was an accurate reflection of some of the feelings that exist around this issue. It was our hope that we could get beyond the "why does it exist?" and "how do we get rid of it?" responses to a clearer understanding of "where do we go from here?". The seventy-three (73) responses to our survey were instrumental in developing a "most likely scenario" which served as the foundation for the strategic plan and trans-

ition management plan which followed. The "most likely scenario" is, by no means, the only possible future scenario for this issue. Political issues, which Civilian Review certainly is, are extremely volatile. The change associated with such an issue can happen almost overnight or never, depending upon the dictates of the public. We have tried to offer a believable future and a reasonable solution. For the value that it serves to California law enforcement, we are grateful for the opportunity to explore the issue.

The POST Command College has been a wonderful opportunity to explore issues and techniques that one seldom has the time or ability to deal with. Because we have been provided with the tools to methodically look into the future, we have been able to examine a small portion of our environment from a new perspective. Because we no longer are forced into doing things "the way we have always done them" we are able to examine fresh alternatives and find better solutions. It is our hope that this monograph is an addition to that research.

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A P P E N D I X A

## CIVILIAN REVIEW SUB-TOPICS

The following section is offered as an indication of just some of the complex issues related to civilian review in general:

### 1. Purpose of the Board

What are the goals of the Board? Are they generally agreed upon by the key actors in the City? Are they reasonably given the structure of the board? How is its purpose perceived by the community, by the police and by other public officials?

### 2. Establishment of the Board

In what manner and by whom was the board created - by local ordinance, by resolution, by executive order, by state statute, etc.? To whom is the board accountable? How independent is the board? Is it temporary or permanent?

### 3. Powers of the Board

Over what types of complaints does the board have justification? Is the board advisory only or does it have the power to impose its decisions on the pertinent parties? Can it conduct investigations, hold hearings, recommend disciplinary action? Does it receive citizen complaints directly? Does it function as an appeal mechanism for citizens dissatisfied with the disposition of their complaints by the police? Does the board have subpoena power? Can it provide counsel to indigents? Can the board make recommendations regarding police policies and procedures?

### 4. Relationship of the Board to the Police Department

Is the board external or internal to the police department? What is its relationship to the police department's internal investigations unit? Are police represented on the board?

### 5. Composition of the Board

Who are the members of the Board? How are they selected? By Whom? Are they paid?

6. Resources of the Board

Does the board have its own staff? Administrative staff? Investigative staff? Funds and office space requisite to fulfill its mandate? Does the board have sufficient resources to publicize its goals and train its personnel? How are the "hidden" costs incurred by the police department handled?

7. Rules and Procedures of the Board

Have procedural guidelines been established for the board? By whom? Do the rules cover any or all of the following procedures: a) the reception of complaints (e.g., how, by whom, where, signed or anonymous...), b) the conducting of investigations, c) the holding of hearings (including whether any or all parties are represented by counsel, whether rules of evidence apply, subpoena power, etc.), d) the use of conciliation techniques (including informal discussions with one or both of the involved parties to settle relatively minor complaints, expunging arrest records, and, when appropriate, sending letters of apology, and e) the making of recommendations (e.g., what type, how specific regarding disciplinary action, to whom...)?

8. Availability of the Records of the Board

Which records are protected by law and which are private? Which are public? How much of the complaint and/or investigation can the involved officer and his/her counsel review? Does the board publish reports of its findings and/or recommendations? Is there an auditing process?

9. Notification of Involved Parties by the Board

Is there adequate written notification of complainants regarding receipt and disposition of their complaints? Are reasons or explanations given? Are the officers informed of the charges made against them? Are all parties notified of hearings, when appropriate? Are there time limits for resolution of the complaint?

(Adopted with some modification—from the Hartford Institute of Criminal and Social Justice, Civilian Review of the Police - The Experiences of American Cities, pgs. 3 and 4.)

APPENDIX B

PERSONAL CONTACTS AND INTERVIEWS

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1987
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A P P E N D I X C

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A P P E N D I X D

January 16, 1987

Dear \_\_\_\_\_:

In connection with my participation in the P.O.S.T. Command College, I am conducting research on the topic of the "Future of Civilian Review in California". Because of your knowledge and interest in this specialized area, I am certain that you have some opinions on this issue that are worthy of documenting.

I have enclosed a questionnaire with a stamped, self-addressed envelope for you to complete. The questionnaire has been designed for quick, painless completion, and I would appreciate it if you would take a few moments to respond fully to it. The information that you provide will be kept in confidence and utilized without specific attribution.

Because of time deadlines connected to this project, I would like to have the questionnaire returned to me no later than Monday, February 2, 1987.

Thank you in advance for your assistance.

Sincerely,



PHILIP E. DORAN, Lieutenant  
Berkeley Police Department

Encls.

100

A P P E N D I X E

The Future of Civilian Review in California

QUESTIONNAIRE

Please complete each item on the following questionnaire. Most items can be completed with a simple check mark or by filling in a space. The "Events" section, however, will require you to make a rating judgement from 0 to 5. Your comments on any portion of this questionnaire are encouraged. A separate space has been provided on page three for additional comments you may wish to make about this subject.

Please complete the questionnaire and return it no later than FEBRUARY 2, 1987. Thank you for your participation.

CIVILIAN REVIEW DEFINITIONS

For the purposes of this research paper, civilian review will be defined as the process by which complaints against police officers are handled by a jurisdiction, involving the participation of non-law enforcement personnel.

Three different types of processes have been identified: "internal", "external", and "hybrid". An INTERNAL process handles the entire complaint within the police agency. EXTERNAL allows for citizen participation at the investigatory, complaint resolution, and/or disciplinary stages. HYBRID usually combines features from the two previously described systems.

1. In your view, is there a better definition for an "internal" review process?  
YES \_\_\_\_\_ NO \_\_\_\_\_. If yes, please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. In your view, is there a better definition for an "external" review process?  
YES \_\_\_\_\_ NO \_\_\_\_\_. If yes, please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Do you think complaints against the police are "best handled":  
Internally \_\_\_\_\_ Externally \_\_\_\_\_ Hybrid \_\_\_\_\_  
Comments: \_\_\_\_\_  
\_\_\_\_\_
4. Do you think that the external review process is: growing in strength \_\_\_\_\_  
remaining about the same \_\_\_\_\_ or dying out \_\_\_\_\_  
Comments: \_\_\_\_\_  
\_\_\_\_\_
5. Do you see a need for an external civilian review board in your community today?  
YES \_\_\_\_\_ NO \_\_\_\_\_ By the Year 2000? YES \_\_\_\_\_ NO \_\_\_\_\_

TRENDS

The following concepts have been identified as possible future trends related to the civilian review issue. Please place a check mark next to those items that you believe could become more prevalent by the year 2000.

- \_\_\_\_\_ Civilian control over the complaint process
- \_\_\_\_\_ Civilian control over the disciplinary process
- \_\_\_\_\_ Civilian input into the hiring process
- \_\_\_\_\_ Civilian input into the promotional process
- \_\_\_\_\_ Civilian policy control over the data collection
- \_\_\_\_\_ Civilian policy control over the use of weapons
- \_\_\_\_\_ Civilian policy control over self-defense techniques
- \_\_\_\_\_ Civilian policy control over narcotic enforcement priorities
- \_\_\_\_\_ Civilian policy control over prostitution enforcement
- \_\_\_\_\_ Civilian policy control over the formation of the police budget
- \_\_\_\_\_ Civilian policy control over police staffing/deployment
- \_\_\_\_\_ Civilian policy control over mutual-aid agreements

Please list any other trends connected to this issue which you see as a possibility by the year 2000.

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EVENTS

The following potential events are often seen as a possible causation factor in the formation of an external review board. Please rate the following events on a scale from "0" to "5"; "0" meaning "not a factor" and "5" meaning "critical factor", in the development of an external review process.

- |   |             |
|---|-------------|
| 1. Breakdown in trust between the community and the local law enforcement agency.                 | 0 1 2 3 4 5 |
| 2. A local precipitating event requiring "action"   | 0 1 2 3 4 5 |
| 3. A National precipitating event resulting in a movement, such as the Philadelphia MOVE incident | 0 1 2 3 4 5 |
| 4. State mandating legislation  | 0 1 2 3 4 5 |
| 5. Federal mandating legislation  | 0 1 2 3 4 5 |
| 6. California Supreme Court decision  | 0 1 2 3 4 5 |
| 7. Federal Supreme Court decision   | 0 1 2 3 4 5 |
| 8. Part of a political platform at the local level  | 0 1 2 3 4 5 |
| 9. Part of a political platform at the State level  | 0 1 2 3 4 5 |
| 10. Part of a political platform at the Federal level   | 0 1 2 3 4 5 |



A P P E N D I X F

QUESTIONNAIRE FINDINGS

SECTION F (1)

Q: In your view, is there a better definition for an "internal" review process? YES \_\_\_\_\_ NO \_\_\_\_\_. If yes, please explain.

FINDINGS

(Y) AGREED WITH THE DEFINITION: (58) - 79.4%  
(N) PREFERRED ANOTHER DEFINITION: (13) - 17.8%  
UNSURE (NO SELECTION) ( 2) - 2.7%

COMMENTS:

- (N) - "Internal Affairs" is pretty widely accepted and understood."
- (Y) - "The internal process could include the City Manager if the complaint involves the Chief or command level personnel."
- (Y) - "Would go beyond individual cases to provide feedback on diagnosis and solution of systematic problems; policy reviews also."
- (N) - "Although we do include a City Manager representative in our Internal Complaint Review Board."
- (N) - "Options - the word 'internal' scares most street cops. You are led to believe something is wrong. Since this is nothing more than an investigation, maybe call it 'police affairs' or something similar."
- (Y) - "Your definition is in conflict with the definition of civilian review: i.e., non-police officers within the agency."
- (Y) - "Self-investigation, adjudication and judgement determined by self-defined and self-interpreted standards - the Department's review."
- (Y) - "The entire complaint process, receipt, investigation, resolution (finding) and necessary disciplinary action is handled within the police agency by police personnel."

- (Y) - "Specially trained employees who are able to investigate and protect the employer and the employees' rights."
- (Y) - "Internal review by a civilian unit, not necessarily IAD."
- (Y) - "Citizen concern regarding police practices and policies."
- (Y) - "SFPD is subject to 'civilian' investigation through the OCC. Internal should include paid civilian investigators."
- (Y) - "'Departmental' is a better term as it makes clear that non-police personnel are not involved."
- (N) - "The definition must identify the nature of the infractions and the process by which they should be dealt with."

SECTION F (2)

Q: In your view, is there a better definition for an "external" review process? YES \_\_\_\_\_ NO \_\_\_\_\_. If yes, please explain.

FINDINGS:

(Y) AGREED WITH THE DEFINITION: (51) - 69.8%  
(N) PREFERRED ANOTHER DEFINITION: (20) - 27.3%  
UNSURE (NO SELECTION) ( 2) - 2.7%

COMMENTS:

- (Y) - "Not only citizen, but participation by outside agencies, institutions, etc."
- (Y) - "Would go beyond individual cases to provide feedback on diagnosis and solution of systematic problems; policy issues also."
- (Y) - "Participation may be too limiting in some instances. Citizens could have full control."
- (Y) - "External review usually does not permit police department participation in any investigation or decision-making processes."
- (Y) - "Community review."
- (Y) - "'Civilian review' - external alone does not specify civilian. Could be by law enforcement from other departments - possibly external civilian review."
- (Y) - "You failed to include the necessity that the board be objective, non-biased and with no political debts to pay."
- (Y) - "Disagree with the definition supplied. In Berkeley, external mandates citizen participation."
- (Y) - "I'd say civilian review is by nature external - apart from the police agency."
- (Y) - "'External' seems similar to 'hybrid'. It would seem to me better if external meant conducted by citizens with input by the police."

- (Y) - "I would include this process. Grand Jury as well as District Attorney, Attorney General, etc., investigations."
- (Y) - "I believe your definition is adequate, but citizen participation at the disciplinary stage was not necessary or relevant to define an external process. Some have and some do not."
- (Y) - "It should be more clear on where the citizen participation takes place."
- (Y) - "External should not include citizen participation but should be limited to review by an agency other than the employer of the subject of the investigation."
- (Y) - "I prefer 'citizen review process'. The term adds clarity."
- (N) - "In addition to the two qualifiers, it should specify the nature and extent of citizen participation."
- (Y) - "Internal review could be expanded to deal with police-community relationships other than citizen complaints, e.g., community problems needing police attention."
- (Y) - "Doesn't seem to define relation to police department adequately."

(3 selected "yes" but did not offer a "better" definition)

SECTION F (3)

Q: Do you think complaints against the police are "best handled": Internally \_\_\_\_\_ Externally \_\_\_\_\_  
Hybrid \_\_\_\_\_

FINDINGS:

INTERNALLY:	( 33 ) - 45.2%
EXTERNALLY:	( 8 ) - 10.9%
HYBRID:	( 27 ) - 36.9%
UNSURE:	( 5 ) - 6.8%

COMMENTS:

- (I) - "Civilians do not, as a rule, have the training to investigate nor aptitude to deal with such cases."
- (I) - "Privacy issues, Pitchess motions, 3301 of the Government Code, technical knowledge necessary for investigations."
- (I) - "From personal experience and for best understanding of the role of a police officer."
- (I) - "With some exceptions, depending upon the nature of the complaint (i.e., EEOC types of complaints)."
- (I) - "The complaint process is an inspectional process. The employees organization needs the inspection arm to effectively supervise."
- (I) - "As long as the process is considered swift, fair and accurate by those making use of the system (e.g., the officers, the Department and the public)."
- (H) - "Only because in some communities it may be the only way to establish trust between the police and the community."
- (E) - "Limits bias inherent in both of the other methods."
- (H) - "The most profound difficult I see now is that information available "in-house" is not released immediately due to state law or personnel matters causing a biased exposure of a complaint."

- (E) - "When done (handled) by competent, trained objective individuals."
- (I) - "PRC 'investigations' appear to only satisfy/pacify the public/victim, not produce any active result."
- (H) - "I don't trust civilian review - too easily decision are flawed by politics - not facts. On the other hand a judicial type of civilian review can be an excellent link between police departments and civilians."
- (I) - "More complete investigations, less politics, more constant a process."
- (I) - "Because of resources and professional behavior the investigations are more thorough."
- (I) - "Police investigators are better trained. If civilian review in other cities is as bad as it is in Berkeley, there are no good points, except that the citizen thinks that they have a say. The PRC is untrained and miss the legitimate complaints."
- (I) - "Look at Berkeley's experience with the PRC - the cronyism and the 'kangaroo court'."
- (H) - "In the 'best of all worlds' truly participative, objective citizens can provide meaningful insight."
- (H) - "With some citizen input in the complaint resolution stage."
- (H) - "To be qualified as participation by citizens only at the review process. The final decision should still rest with the Chief of Police."
- (H) - "It is hard for police employees to investigate themselves when it comes to investigating complaints that center around so called 'traditional views'."
- (H) - "The police should continue to receive, investigate and resolve and report back to the complainant. External review should audit that process, evaluate it and make recommendations regarding it."
- (H) - "Discipline should be left with the Department or Chief and adjudication should be with the civilian/city who supervises the Chief."
- (H) - "The process is within the police agency for receipt of the investigation and disciplinary stages, with citizen participation at the resolution stage."

- (I) - "By a civilian unit."
- (I) - "I believe police managers have more awareness as to the proper operation of the various functions that are performed by police personnel."
- (I) - "Law enforcement has a vested interest in keeping its house clean. Outside boards tend to be 'paper tigers' or biased, or both. No other professional group is subject to outside review."
- (E) - "The process eliminates a citizen's fear of police investigating police."
- (H) - "in Northern California civilian participation is probably central to the integrity of the findings."
- (H) - "It is my opinion that today's society is reluctant to accept police review of themselves without some civilian input and participation. The hybrid form carries more validity and support when the final results are in."
- (E) - "I have found that the internal system gives far too little weight to the complainant's side."
- (H) - "I feel there should be some civilian participation in the review process."
- (H) - "Citizen review or participation in the complaint process may better ensure community confidence in the review process and complaint disposition."
- (H) - "Both professional police and outside personnel need to be involved in to insure improvement."
- (U) - "Do not understand 'best handled'."

SECTION F (4)

Q: Do you think that the external review process is:  
growing in strength\_\_\_\_\_, remaining about the same  
\_\_\_\_\_ or dying out\_\_\_\_\_?

FINDINGS:

GROWING IN STRENGTH:	( 31 ) - 42.4%
REMAINING ABOUT THE SAME:	( 32 ) - 43.8%
DYING OUT:	( 7 ) - 9.5%
NO OPINION:	( 3 ) - 4.1%

COMMENTS:

- (S) - "Mainly because police agencies are becoming more sensitive in letting the community know the outcome of a complaint."
- (S) - "Despite surges of interest and protest, the prevailing attitude seems to be that only extremists want external review."
- (G) - "The attendance of the two International conferences made me believe that it is growing."
- (G) - "More and more jurisdictions are recognizing its importance."
- (S) - "It is in a state of flux without any apparent drive or direction either way."
- (G) - "As they gain more power over the police function, their needs increase and they want even more power."
- (G) - "Because of our inability to deal with problems quickly and consistently."
- (G) - "Unfortunately, more cities are adopting PRCs all the time. They will not use Berkeley as an example. They will be trained, fair samplings of the population."
- (G) - "In dealing with other agencies, I come into contact with other law enforcement personnel who either have civilian review boards or are about to create one."

- (G) - "Unfortunately, it appears that external review is growing. A better approach would be a revamping of the internal process into a hybrid process."
- (S) - "After an initial surge in the early 60's, there has only been a slow growth."
- (S) - "Citizen oversight of police operations is like a wave, comes and goes depending upon community interest at the time."
- (S) - "But I think it is changing and the new review process may well grow."
- (S) - "I believe that police departments have a professional response to complaints in a positive manner."
- (G) - "Particularly in areas where police agencies are reviewed as nonresponsive or insular by nature."
- (D) - "Gradually dying out due to increasing political savvy and clout of law enforcement organizations."
- (D) - "Only in the rest of the known world."
- (S) - "External review seems to be prevalent only in very urban, high crime cities with diversified populations. It tends to rear its ugly head and come to life only when the police are forced to use force and that force is misperceived by the citizen or misrepresented by the media."
- (N-O)- "I don't know. I see a need for it in some communities which are not moving in that direction."

SECTION F (5)

Q: Do you see a need for an external civilian review board in your community today? YES \_\_\_\_\_ NO \_\_\_\_\_

By the year 2000? YES \_\_\_\_\_ NO \_\_\_\_\_

FINDINGS:

External review board in your community today?

YES 34 - 46.5%

NO: 38 - 52.0%

NO OPINION: 1 - 1.3%

By the year 2000?

YES: 24 - 32.8%

NO: 34 - 46.5%

UNSURE: 15 - 20.5%

SECTION F (6)

Q: The following concepts have been identified as possible future trends related to the civilian review issue. Please place a check mark next to those items that you believe could become more prevalent by the year 2000.

FINDINGS:

Civilian control over the complaint process	45 - 61.6%
Civilian control over the disciplinary process	22 - 30.1%
Civilian input into the hiring process	41 - 56.1%
Civilian input into the promotional process	32 - 43.8%
Civilian policy control over data collection	39 - 53.4%
Civilian policy control over the use of weapons	37 - 50.6%
Civilian policy control over self-defense techniques	26 - 35.6%
Civilian policy control over narcotic enforcement priorities	23 - 31.5%
Civilian policy control over prostitution enforcement	23 - 31.5%
Civilian policy control over the formation of the police budget	38 - 52.0%
Civilian policy control over police staffing/deployment	33 - 45.2%
Civilian policy control over mutual aid agreements	23 - 31.5%
NO TRENDS SELECTED	6 - 8.2%

The following three pages list comments of possible other trends noted by the respondents.

"Civilian policy into areas of victimless crimes like fraud and computer crimes."

"Partnerships with the community - interdisciplinary approaches."

"Civilian input into a number of policy issues: enforcement, weapons, staffing and budget."

"Civilian policy control over the treatment of victims."

"I see increased input, but not control, in most of the above areas."

"Civilian input/review of police department goals, objectives and operational policies."

"A vehicle to solicit and channel this input is a necessary evil; however, it should be advisory, not controlling."

"All of the above we have seen in one form or another in Berkeley."

"1) A demand that civilian oversight entities adopt standards and codes of conduct so that they can be held accountable. 2). Police taking a proactive role in the development of external review so that they will have input into what kind of external review it will be."

"It seems like everything is considered 'fair game' for the PRC."

"Increasing demand for participation in every public process by minority group members. Sensitivity training. Police specialized in recognizing/dealing with specific minorities - bi/tri linguality".

"In Berkeley anything that the PRC or anyone thinks of could be a possibility."

"The formation of city/county human relations commissions and affirmative action committees that have input, but not control, into the complaint process (race relations - crimes) and the hiring process."

"More use of non-sworn personnel. Hopefully well trained for certain functions now heavily performed by sworn personnel."

"Increased migration of ethnic (predominantly Asian) groups settling into isolated settlements. Language and other cultural barriers will tend to frustrate efforts to understand and accept police behavior. They will demand more control."

"Civilian augmentation of the staffing of internal investigations."

"I can't answer which will be prevalent by the year 2000 with any basis in reasoned analysis. My personal feeling is that all of the above should be subject to civilian review."

"Total investigation of the department. Civilians doing investigations, etc."

"I see civilian review boards having a greater involvement in the development and revision of all policy relating to police procedures. In Richmond the review board has pressured us to revise our weapons policy, use of force and K-9 politics. I also see their playing a role in the selection of future Police Chiefs."

"All aspects of policing are already under varying degrees of civilian control in San Francisco. I see the trend spreading elsewhere."

"Civilian police departments."

"Formation of a strong international and national oversight agency/organization which will impact civilian policy control over the above issues based on the information and data provided."

"We very conceivably could lose the fight to maintain standards in the face of the mandated necessity to hire minorities. Ultimately, the community will lose."

"Uniform civilian review board standards increased - legislation mandating review of police complaints and dispositions."

"Training in areas - outside of law enforcement - social - family - children."

"Control is perhaps too strong a word, but I see increasing civilian (with the PD) input. - Recommendations for discipline and certainly investigation of complaints."

"Liability suits and court decisions."

"Civil rights policy and compliance."

"Greater citizen input into the police mission, planning - deciding what community issues should be given attention. Though this statement resembles several of those areas left unchecked above, I see a difference as citizens saying what police services they feel should be emphasized, not regulating what is enforced."

"Civilian control input and policy control is a trend that seems to be on the rise. Civilians need to address policy issues that arise from the complaint/disciplinary process. Input needs to be used (acted upon). Increase in desire to control policy matters has been exhibited by citizens in the 80's."

"There will certainly be a trend toward 'civilian involvement' in most of the above, but I don't envision control."

"Civilian policy control over types of 'nonenforcement' services offered."

SECTION F (7)

Q: The following potential events are often seen as a possible causation in the formation of an external review board. Please rate the following events on a scale from "0" to "5"; "0" meaning not a factor and "5" meaning "critical factor" in the development of an external review process.

FINDINGS:

	<u>Points</u>	<u>Responses</u>	<u>Score</u>
1. Breakdown in trust between the community and the local law enforcement	325	72	4.51
2. A local precipitating event requiring "action"	262	71	3.6
3. A national precipitating event resulting in a movement such as the Philadelphia MOVE incident	163	72	2.2
4. State mandating legislation	211	71	2.9
5. Federal mandating legislation	204	71	2.8
6. California Supreme Court decision	171	68	2.5
7. Federal Supreme Court decision	186	70	2.6
8. Part of a political platform at the local level	233	72	3.2
9. Part of a political platform at the State level	131	72	1.8
10. Part of a political platform at the Federal level	101	72	1.4



COMPARISON OF "LAW ENFORCEMENT" AND  
"NON-LAW ENFORCEMENT" RESPONSES

QUESTION #3

Are complaints "best handled" Internally? Externally? Hybrid?

	TOTAL GROUP <u>S=73</u>	LE GROUP <u>S=45</u>	NON LE GROUP <u>S=28</u>
INTERNALLY	33 - 45.2%	24 - 53.3%	9 - 32.1%
EXTERNALLY	8 - 10.9%	4 - 8.8%	4 - 14.2%
HYBRID	27 - 36.9%	14 - 33.3%	12 - 42.8%
UNSURE	5 - 6.8%	2 - 4.4%	3 - 10.7%

QUESTION #4

Is external review growing in strength? Remaining about the same?  
Dying out?

	TOTAL GROUP <u>S=73</u>	LE GROUP <u>S=45</u>	NON LE GROUP <u>S=28</u>
GROWING IN STRENGTH	31 - 42.4%	15 - 33.3%	16 - 57.1%
REMAINING ABOUT SAME	32 - 43.8%	25 - 55.5%	7 - 25.0%
DYING OUT	7 - 9.5%	5 - 11.1%	2 - 7.1%
NO OPINION	3 - 4.1%	0 - 0	3 - 10.7%

SECTION F (9)

The final section of the survey asked for "additional comments" that the respondent may have. Thirty people responded.

"One of the major problems is the ability of an external board to process/handle a complete investigation in time and ability. PRC is too slow to look at and investigate a serious matter (e.g., graft, dope sales, etc.) which a police administrator needs to wrap up quickly."

"Citizen or community involvement can (could) be healthy and of value. Routine 'public trials', however, make for bad ideas;' it creates a political environment. A citizen board should not conduct the actual investigation. There is no reason to believe this type of board would have the experience/skill or resources to do a through job. Suggest limited participation: Review the internal investigation, give opinions and recommendations, report conflicts or concerns or some overseeing (perhaps licensed) governmental agency."

"It is critical that the police agency remain involved in the review process for at least two reasons:

- 1) "The management of a department is the responsibility of the department managers, and discipline responsibility should rest with the Chief. Governmental entities may (and should) have appeal and review procedures outside of the department for the employee and department's use following initial determination of fault and disciplinary action, however.
- 2) "The internal (departmental) investigator will be able to get in most situations far more information from departmental personnel during an investigation than would any outside persons. This is simply a matter of human nature and the police ethos.

I believe the most acceptable form of civilian review would be in a hybrid model where the agency completes an internal review in a timely manner. The findings of this review would then be available, in summary form, to the complainants who would then have the option of asking for a civilian review board to review the findings and ask for either a more complete agency investigation or an investigation by an independent investigator."

"Growth will be steady and will, I believe, surprise most people."

"Difficult to assess the weight of the apathetic public - enough incidents or events could stimulate public interest/pressure to create review boards."

"P.D.'s and S.O.'s are very sensitive to the need to do a thorough objective internal investigation. They feel the pressure of the community and the community's option of going to a civilian review board if the internal review is not proper."

"The civilian review process frequently addresses unrealistic solutions to problems. They truly do not understand the I.A. process and all the legal ramifications. They are frustrated by 'no comment' and 'I want to speak to an attorney'. The issue of a double standard for police accused and 'others' accused is usually in evidence. (Lt. Col. North is a good example.) Without being overly conservative, I think realistically the police are the best equipped to investigate the police."

"Horse trainers do not review surgeons. Likewise, civilians do not (or should not) review police/jail activities. The Berkeley PRC, from what I understand, in that their area of review is all encompassing without accountability for their actions."

"I feel police review boards are formed as a result of perceived negative community issues and, therefore, operate in a negative manner. To be successful, police professionals and review boards must transcend the negative and strive for the positive. Each should not merely be come an irritant for the other. Civilian review of the complaint process can be positive if each concentrates on one goal - that being to improve the delivery of police services to the community."

"Police Departments have complaints come in that can sometimes prove embarrassing to the Department and can result in the City having to pay out largesums of money in civil suits. People that work for Police Departments are human and sometimes can lean toward covering up embarrassing situations when they arise and Police Review Boards are about the best thing going at this time."

"In the days of 'deep pockets', a civilian review panel opens the door to increasing city liability. As with

"the case of the PRC, it makes vital reports and documents 'public' information; therefore, easy discovery."

"I'm not convinced your three classes/types of CRB's are accurate. Many jurisdictions include non-police in the administrative process; either direct or on appeal. A CRB exists when the activities of the police are reviewed by an ad hoc civilian group which has been placed into the government structure and given authority to review and comment on police activities. From that point of view it becomes a matter of degree and specificity, i.e., reviewing one complaint against one officer or general activities of the whole department."

"Most of my commentary has been directed towards the likelihood of occurrence in Berkeley. Must be balanced by the political nature of the Berkeley citizenry and what groups may do to advance their political goals."

"Many of us in law enforcement had no qualms regarding 'civilian review' provided that the reviewers would be fair, honest, protective of the officer's civil and criminal rights, etc. The Berkeley experience has been less than rewarding. The PRC has proven itself to be biased and not the least interested in our rights under the Constitution and the Law. They are, for the most part, a rude and arrogant bunch of ultra-liberal (deleted)."

"Civilian review is not all bad. If a PRC type board can be created without completely alienating the police, it has a chance to work. Effectiveness is a different matter. Realistically, Berkeley Police officers are not intimidated by the PRC, they merely consider it a hassle by an incompetent, unfair group."

"It would be nice if the PRC was reviewed periodically for the following: 1) rules violations, 2) percentage of investigations filed versus investigated, 3) cost effectiveness, and 4) knowledge of law and rules that they are supposed to be investigating. Hopefully, if any other city wants to start a PRC, they will first come to Berkeley to see how not to do it."

"Many of the trends described are certainly goals of the Berkeley PRC. However, unless we have a series of "precipitating events", my general viewpoint is that they will continue to operate as they have in the past."

"The basic idea of a civilian review board is good - it could be a positive force for both the community and the police department if it is administrated in a fair, judicial type of setting. On the other hand, if it is a political tool to 'get' at a police department and trust in its fairness is widely non-existent, it is a detriment to better police-community relations."

"I think that any external reviewer of police, whether appointed or voted in, should be required to ride with a police officer a minimum of four hours a week. Written as part of their job responsibilities/description."

"External civilian review, while a political possibility in any community, is realistically viable as a concept only if minimum standards for the reviewers are established, e.g., P.O.S.T. Basic certificate-type training, psychological screening, etc., to assure participation by unbiased and qualified people who have some kind of knowledge about the field (and its standards and requirements) under their review and influence."

"The loss of control of the complaint process from the internal mechanisms is largely a result of a failure of the involved agency to maintain honest and forthright communications with various groups in the community. If any segment of the community 'feels' (perception, not fact, is the issue here), it is systematically excluded from any input or influence over police actions, then they will often bring pressure for an external pressure. It is my opinion that an internal investigative and disciplinary system which is subject to review and recommendation by a civilian review body is the most effective."

"The police organization must maintain a strong working relationship with the CRB. The Department should provide training to them periodically on all controversial aspects of the job, films like 'shoot-don't shoot', etc., are important. CRB members should be encouraged to ride with the officers and experience first-hand the problems faced by the beat officers. Whenever a major incident occurs in the city, the CRB should receive a full briefing from the PD before they have their perspectives and opinions distorted by the media and eye witnesses that heard about it the next day."

"Any civilian review process is only as good or bad as its leadership. OCC's first Director was a total failure. Under him OCC was mal-administered, misdirec-

"ted and biased. When the SF Police Commission hired Frank Schober as OCC Director the agency became what it was intended to be: a professional standards insurer. The process was rationalized. Useful data was made available which helped police managers avoid problems. The OCC carries a reputation now of being fair to all and seeking better police service."

"Firstly, the nature of police work creates an atmosphere in which officers find it virtually impossible to criticize another officer. This is because the work is dangerous, filled with tension and pressure, and because officers must deal with society's failures. Their job is to punish people, to enforce laws that may seem unfair, unjust or unreasonable. Police are organized in a paramilitary manner and society sees them as the first and last line of defense against chaos, crime and disorder. Thus, the nature of their job and its very structure lends itself to a closed 'us against them' tight fraternity mentality in which any criticism seems to weaken an officer's ability to function and, in the minds of too many, 'survive' in a hostile environment. Officers see their function as one of maintaining 'order', rather than dispensing 'justice', which is allegedly the job of the court system. The second reason has to do with a personal philosophical view. Because police are armed and organized in a paramilitary fashion, they are the local equivalent, in a broad sense, of the military. The need for the military to be subordinate to the civilian authorities was clearly recognized by this country's founders when they made the president commander-in-chief. I think the same principle applies locally to the police. Police cannot be allowed to operate autonomously, separate from the elected representatives of the people they are hired to protect. Additionally, because of the closed fraternity mentality which dominates police departments and the general inability to distinguish between the job of 'maintaining order' and civil rights, it is critical that standards of conduct be established by the community, not the police department."

"Lastly, independent external or civilian review is critical to building and establishing trust between the police and the people they serve. If citizens know that there is an objective, independent panel to hear and adjudicate complaints against police, it reduces fear and mistrust of the police. This is critical to gaining citizen cooperation with police, which is the basis for crime prevention and most effective for solv-

crimes. If people aren't afraid of the police because they know they can redress their grievances fairly, they they'll call the police and respond to them."

"The present state of the art in civilian oversight is perhaps mostly hybrid. However, due to the large body of criticism of the hybrid and internal, I believe the future trend will be towards an internal review process. This may lead to the creation of more ombudsman type review processes as a compromise. Although it is difficult to read, the International market is largely based upon ombudsmanship, whereas the national trend may be toward the creation of independent external civilian review. Time shall answer this for us, so shall the police and civilian communities."

"Hope you can lead our state to trust and cooperation."

"Chicago OPS uses civilian members of the PD to do intake, investigative excessive force complaints (and shootings) and recommends discipline to the Superintendent. I see this type of agency growing, but outside review agencies don't seem to be going any place (not in an effective manner, at least)."

"Do not know your purpose for doing this survey, but if your Department is deeply interested in positive police community relations, you must be willing to engage those you brand as dissidents, outcasts, radicals, revolutionaries, police-haters, etc., to the conference table and work out your differences. Trying to ostracize or appease or further oppress these folks will not work. Rochester's Police Department is outstanding, even though I have fought the Department for over twenty years. This has not been done out of hatred, but out of driving commitment to make sure the Department ends its brutalization of citizens. Police are supposed to be peace officers, not a punishment element. It does not matter substantially that most citizens are proud of their police department and believe that without the Department their communities would be jungles - completely untrue. If police departments did not exist or could not be created, people would do without them. Back to my point, what matters is that one confrontation event between police departments and citizens can set racial progress in a community back a hundred years. In this sense one negative case is absolutely one too many."

"Trends. In almost all of the listed cases citizens already have input in each area. 2) In this city a

"small group wanted to form one and majority of people felt we were doing a good to excellent job and there was no need. This occurred approximately seven years ago. There has been no controversy for it."

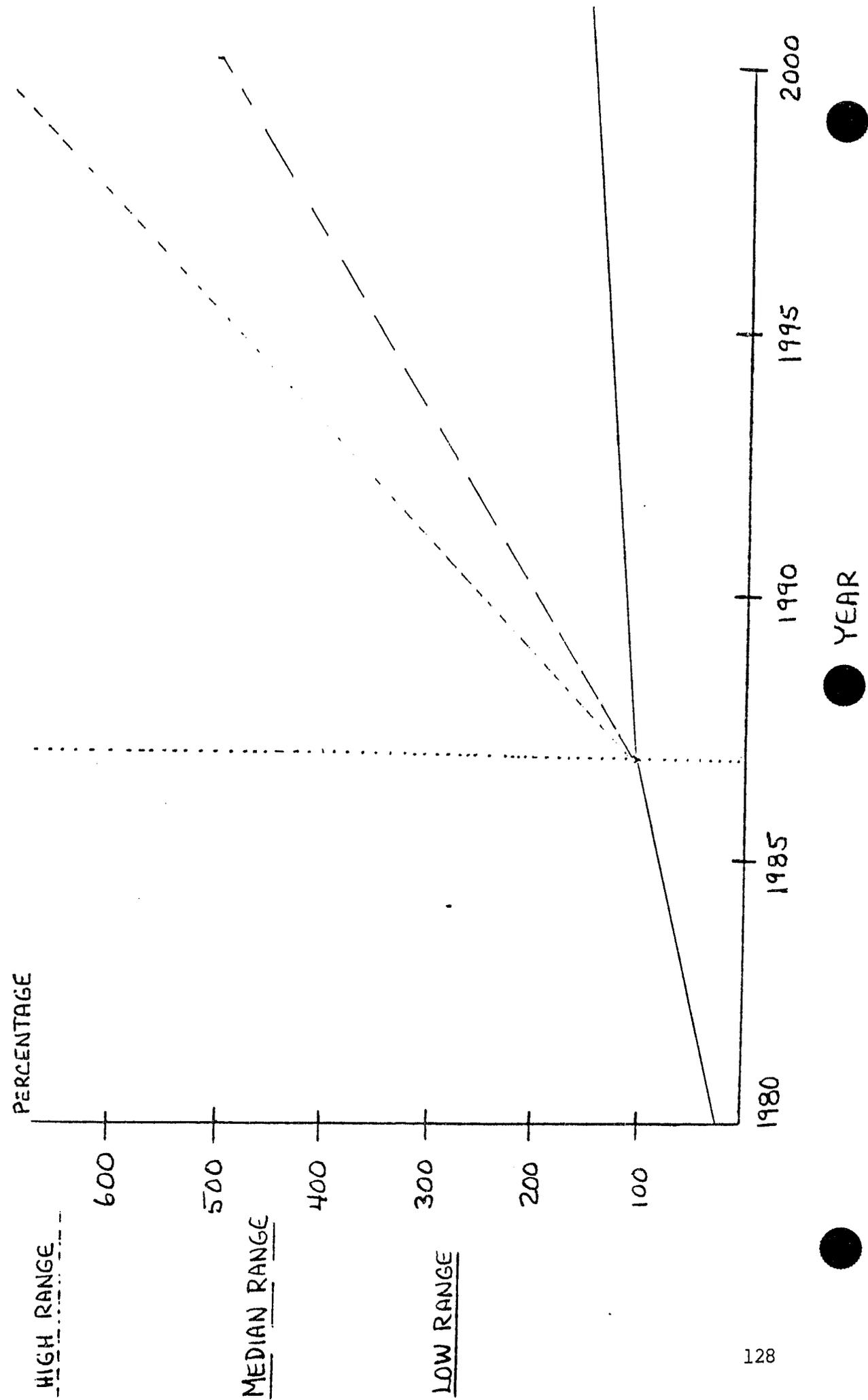
"Success of review can and will be foretold based upon the issue that was raised in the community. If it seems to originate with the police and develops over time as a method to involve the community in their police department (and vice versa), it could be both beneficial and successful. If created to 'fix' the 'bad' police, then it is a built-in failure."

"Civilian review has not been a critical issue in the recent past. Possibly because of the integrity of the Department and the public's trust. Civilian review raises its ugly head after an event or incident occurs that damages the trust of the community."

A P P E N D I X G

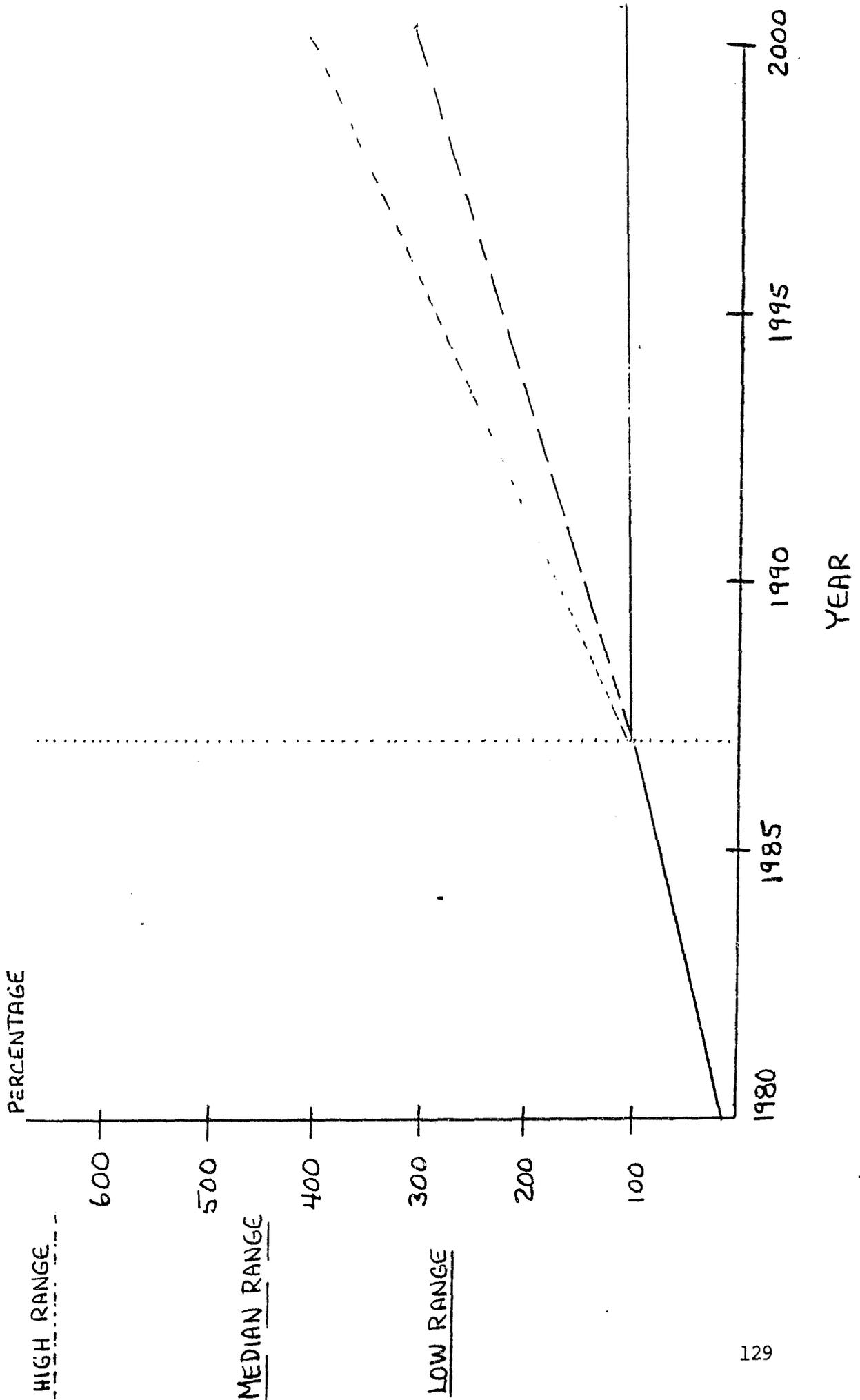
# CIVILIAN REVIEW IN CALIFORNIA IN THE YEAR 2000

TREND F-1 CIVILIAN CONTROL OVER THE COMPLAINT PROCESS



# CIVILIAN REVIEW IN CALIFORNIA IN THE YEAR 2000

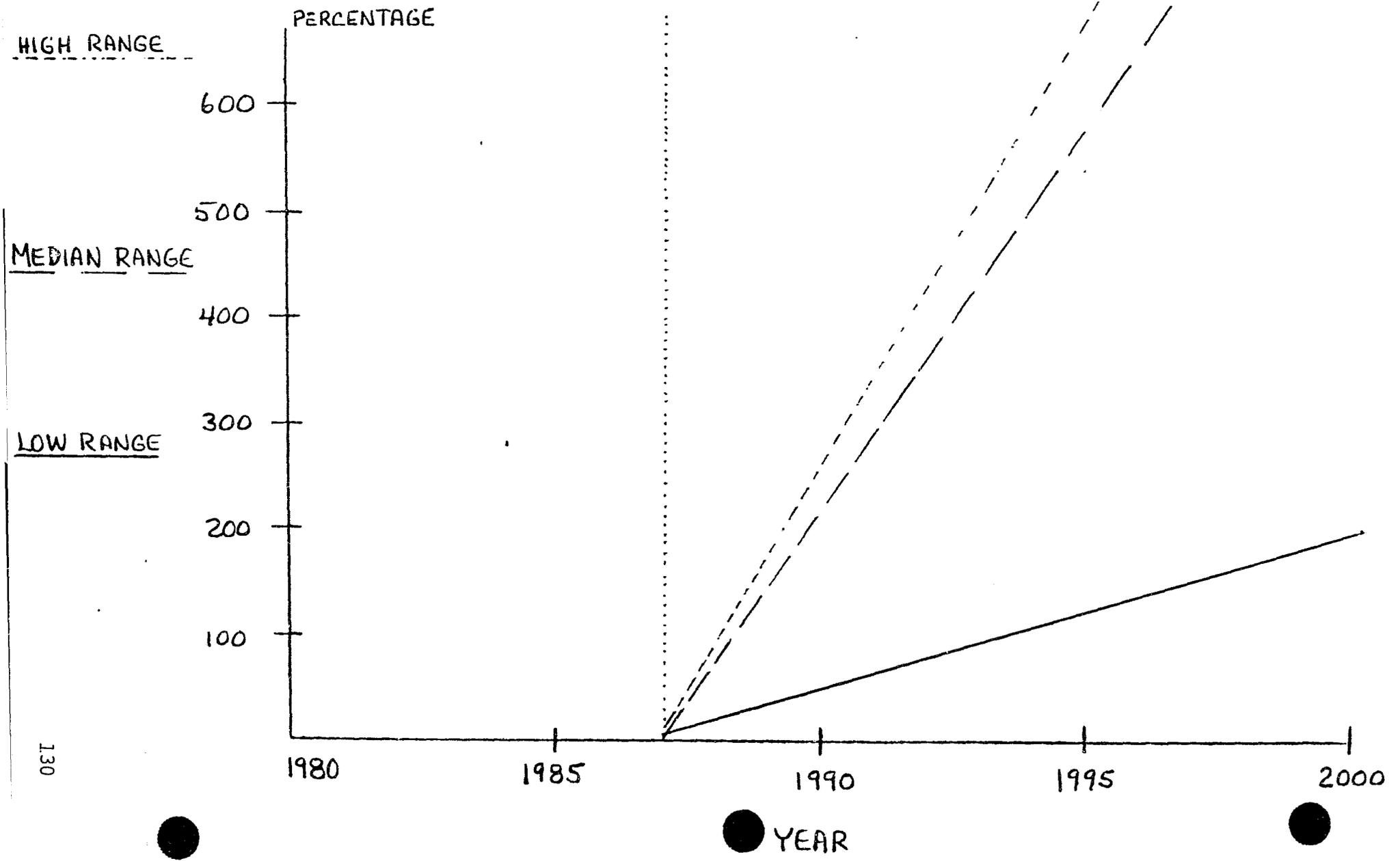
TREND F-2 CIVILIAN INPUT INTO THE HIRING PROCESS



# CIVILIAN REVIEW IN CALIFORNIA IN THE YEAR 2000

TREND F-3

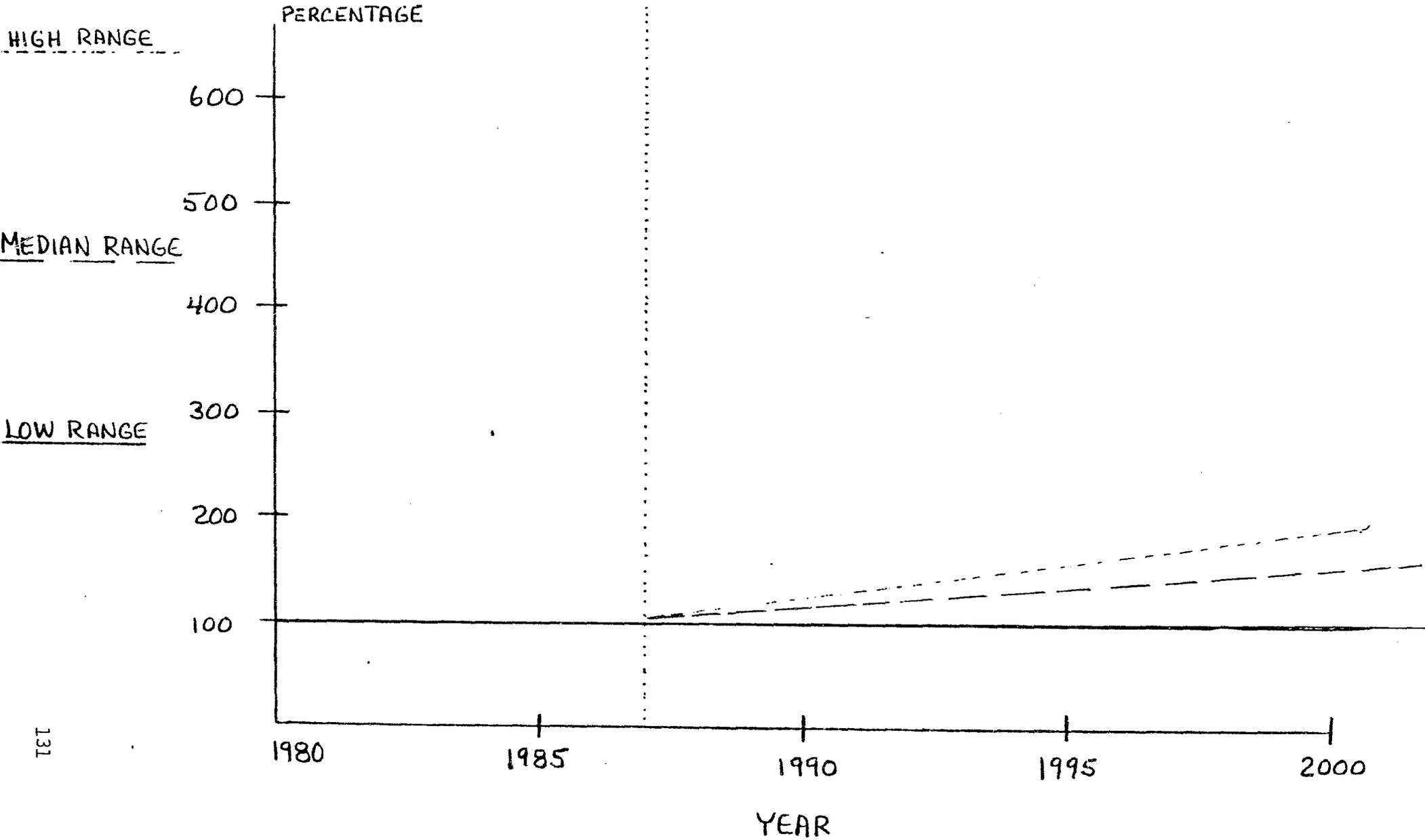
CIVILIAN POLICY CONTROL OVER DATA COLLECTION



# CIVILIAN REVIEW IN CALIFORNIA IN THE YEAR 2000

TREND F-4

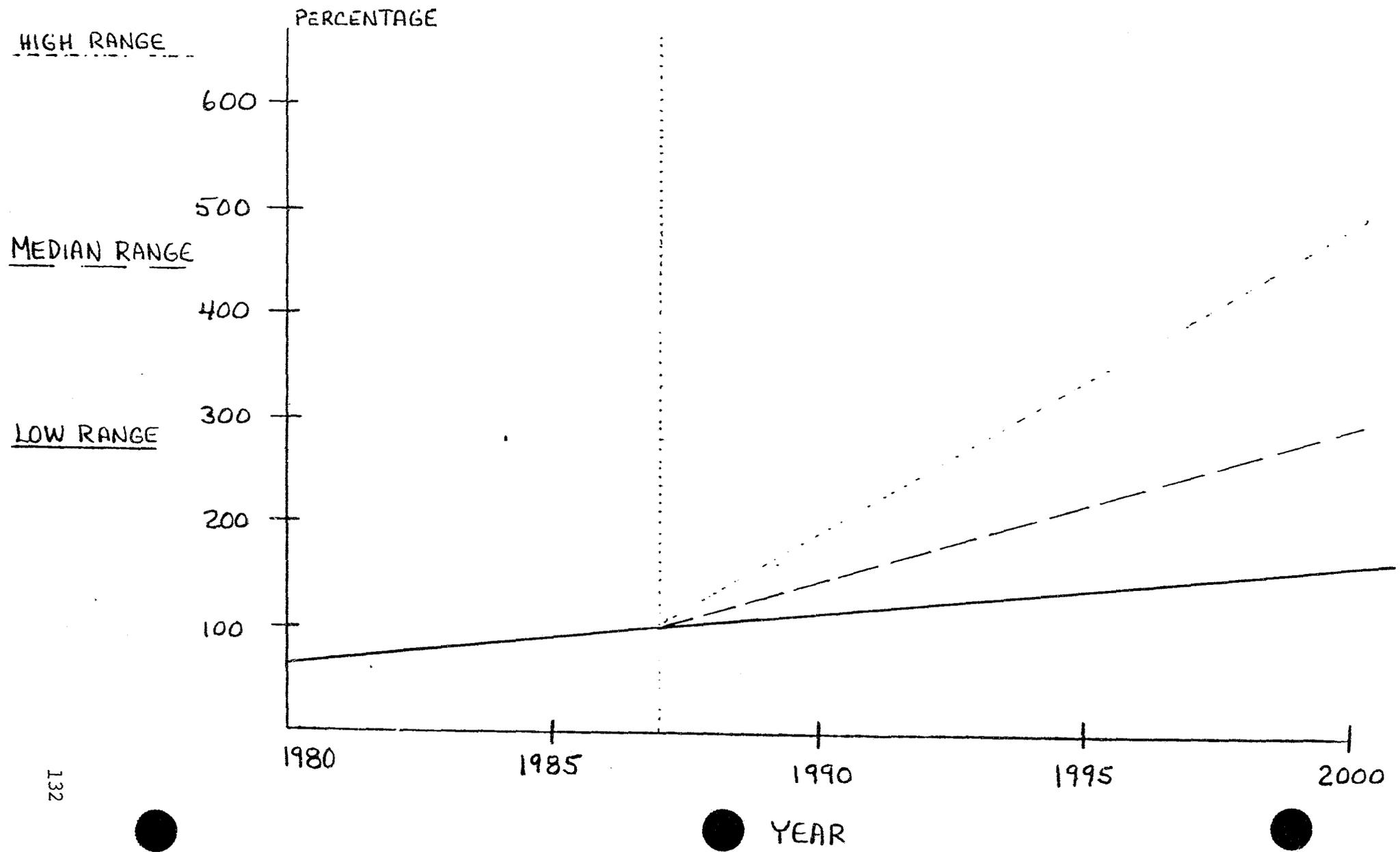
CIVILIAN POLICY CONTROL OVER THE FORMATION  
OF THE POLICE BUDGET



# CIVILIAN REVIEW IN CALIFORNIA IN THE YEAR 2000

TREND F-5

CIVILIAN POLICY CONTROL OVER THE USE OF WEAPONS



A P P E N D I X H

EVENT EVALUATION FORM

EVENT STATEMENT	PROBABILITY		NET IMPACT ON THE ISSUE AREA	NET IMPACT ON LAW ENFORCE- MENT
	By 1990 (0-100)	By 1995 (0-100)		
<p><u>BREAKDOWN IN THE TRUST BETWEEN THE COMMUNITY AND THE LOCAL LAW ENFORCEMENT AGENCY.</u></p> <p>Usually a "long-term" failure to communicate between the Police agency and certain portions of the community who feel alienated from its operations</p>	75%	85%	+9	+3
<p><u>A LOCAL PRECIPITATING EVENT</u></p> <p>A Police/community confrontation occurs which serves as an immediate catalyst for the formation of a CRB.</p>	50%+	65%	+5	+5
<p><u>BECOMES PART OF A LOCAL POLITICAL PLATFORM</u></p> <p>A group of local politicians, influenced by the success of CRB's in other cities, attempts to create a Board as part of their "political mandate".</p>	50%+	60%	+1	+1
<p><u>STATE MANDATING LEGISLATION</u></p> <p>A State legislator will succeed in passing legislation which mandates that all cities provide some form of civilian review.</p>	10%	25%	+8	+8

EVENT EVALUATION FORM

EVENT STATEMENT	PROBABILITY		NET IMPACT ON THE ISSUE AREA	NET IMPACT ON LAW ENFORCE- MENT
	By 1990 (0-100)	By 1995 (0-100)		
<p><u>FEDERAL MANDATING LEGISLATION</u></p> <p>Either as a direct result of actual legislation or, perhaps, as a "by-product" of a Supreme Court decision, cities will be required to provide some form of civilian review</p>	2%	5%	+5	+5

A P P E N D I X I

CROSS - IMPACT EVALUATION FORM

EVENTS	Nominal Probability	E V E N T S					T R E N D S				
		E-1	E-2	E-3	E-4	E-5	T-1	T-2	T-3	T-4	T-5
E-1	90%	X	80%	75%	58%	56%	1%	1%	1%	N/C	1%
E-2	72%	95%	X	75%	58%	56%	1%	1%	1%	N/C	1%
E-3	64%	75%	75%	X	50%	56%	21%	5%	5%	5%	5%
E-4	58%	90%	72%	64%	X	45%	10%	1%	1%	1%	1%
E-5	56%	N/C	N/C	25%	15%	X	10%	1%	1%	1%	1%

KEY

EVENTS

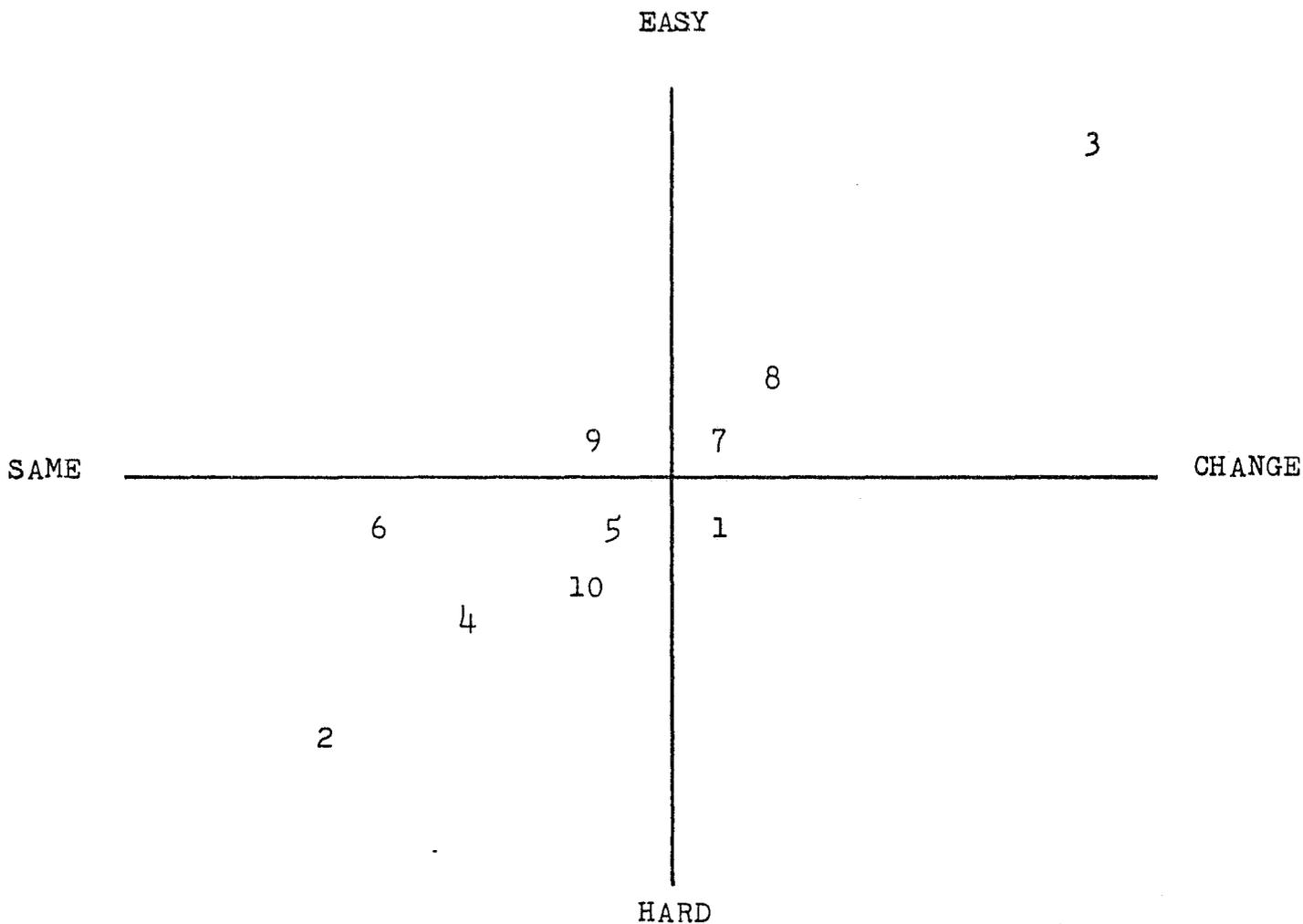
- E-1 BREAKDOWN IN TRUST
- E-2 LOCAL PRECIPITATING EVENT
- E-3 LOCAL POLITICAL PLATFORM
- E-4 STATE MANDATING LEGISLATION
- E-5 FEDERAL MANDATING LEGISLATION

TRENDS

- T-1 CIVILIAN CONTROL OVER THE COMPLAINT PROCESS
- T-2 CIVILIAN INPUT INTO THE HIRING PROCESS
- T-3 CIVILIAN POLICY CONTROL OVER DATA COLLECTION
- T-4 POLICY CONTROL OVER THE FORMATION OF THE BUDGET
- T-5 CIVILIAN POLICY CONTROL OVER THE USE OF WEAPONS

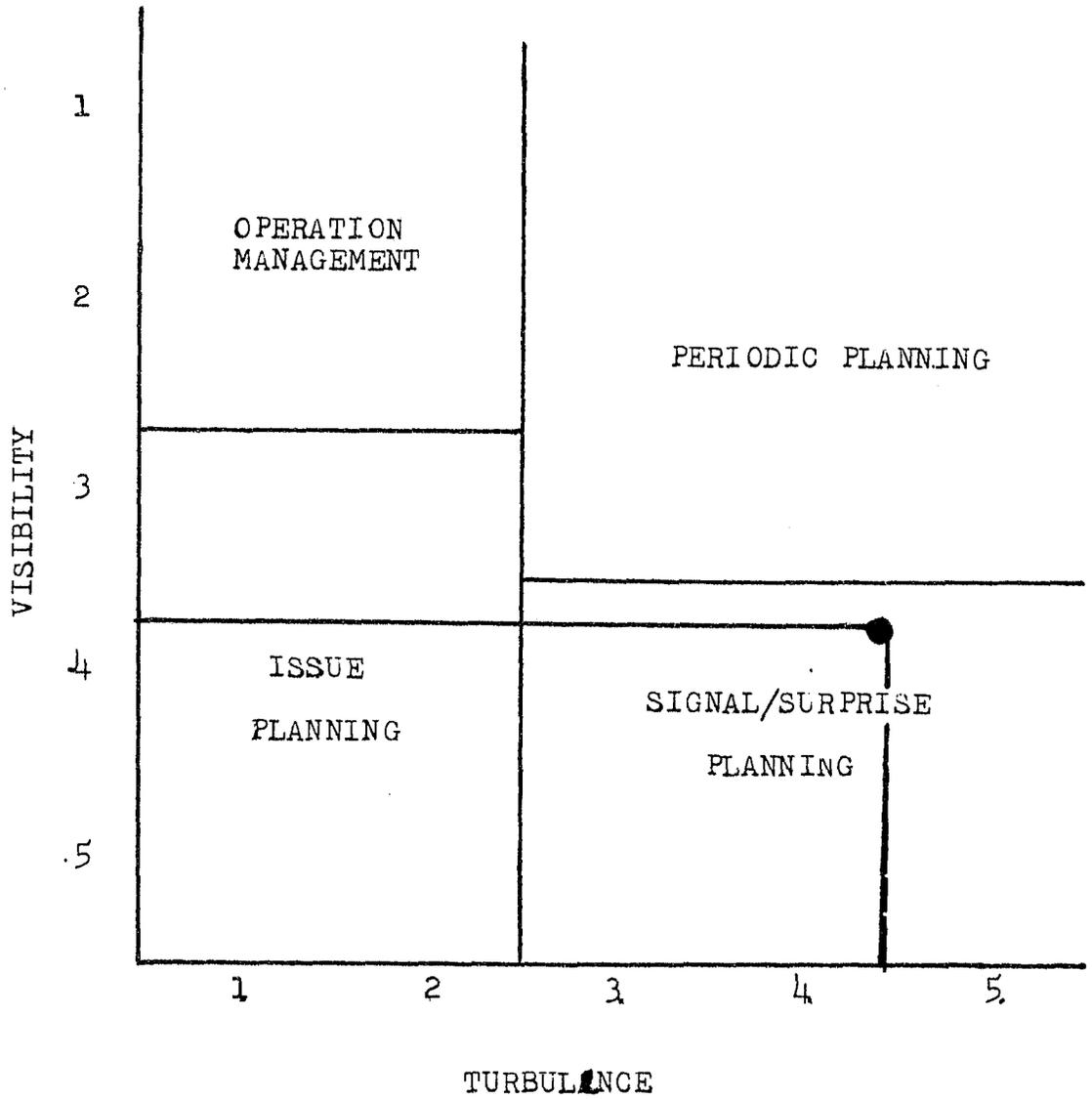
A P P E N D I X J

SAST GRAPH



- |                                  |                              |
|----------------------------------|------------------------------|
| 1. Police Management             | 6. Minority groups           |
| 2. Civilian Review Board Leaders | 7. Civilian police employees |
| 3. Police Unions                 | 8. The media                 |
| 4. Politicians                   | 9. Academia                  |
| 5. Attorneys                     | 10. Crazies                  |

A P P E N D I X K



PREDICTED PLANNING SYSTEM