U.S. Department of Justice
Community Relations Service

Principles of Good Policing: Avoiding Violence Between Police and Citizens

Revised March 1993

About CRS

The Community Relations Service (CRS), a unique component of the Department of Justice, seeks to prevent or resolve community conflicts and tensions arising from actions, policies, and practices perceived to be discriminatory on the basis of race, color, or national origin. CRS provides services, including conciliation, mediation, and technical assistance directly to people and their communities to help them resolve conflicts that tear at the fabric of an increasingly diverse society.

CRS does not take sides among disputing parties and, in promoting the principles and ideals of non-discrimination, applies skills that allow parties to come to their own agreement. In performing this mission, CRS deploys highly skilled professional conciliators, who are able to assist people of diverse racial and cultural backgrounds.

Working with voluntary and government agencies, CRS also provides humanitarian services for the successful resettlement of Cuban and Haitian entrants. These services include shelter care, child welfare, and family reunification for those individuals following their release from Immigration and Naturalization Service custody.

Police-citizen conflict accounts for a major portion of the disputes to which CRS responds. The agency provides a wide range of conciliation and technical assistance to help prevent or resolve disagreements over alleged police use of excessive force and other issues. CRS carries out most of its activities informally but will conduct formal negotiations if the disputing parties believe that approach offers the best opportunity for reaching a mutually satisfactory settlement of their differences.

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Foreword

Over the years, the Community Relations Service (CRS) has assisted police departments and communities all over the country in coming to grips with the difficult task of maintaining law and order in a complex and changing multicultural society. Frequently, these efforts have involved resolving disputes related to minority citizens' complaints about police behavior, use of force, and hate groups.

In the following pages of this revised edition, the staff of the Community Relations Service, together with knowledgeable law enforcement executives, has set out guiding principles that should govern police work in the community.

The underlying assumption is that a police force and the community it serves must reach consensus on the values which guide that police force. Those values, while implicit in our Constitution, must embrace as clearly as possible the protection of individual life and liberty, and, at the same time, what is necessary to maintain a peaceful and stable society. To accomplish this, a police executive must be familiar not only with his or her own police culture, but with the community culture as well, which is no easy task in neighborhoods experiencing major demographic changes.

The Community Relations Service's involvement in police-citizen violence stems directly from the agency's mandate to assist in resolving conflicts that threaten peaceful race relations in communities. Among the causes of such disputes, none is more volatile than alleged unwarranted police use of deadly force against minority citizens. Even a perception that police follow this practice is cause for concern, because the negative impact on police-citizen relations will be the same as the actual unwarranted use of force.

These issues have been a central concern for CRS since its inception. During the late 1970s, the agency stepped up its programming in this area during the late 1970s when its caseload began to increase. A number of national leaders cited police-citizen violence as a serious problem, and several independent studies indicated that minorities were disproportionately the victims of police use of deadly force. In 1991, a citizen's videotape of police officers beating Rodney King caused many departments and communities to reexamine police values and practices - again resulting in a major increase in CRS casework in this area.

In 1979, CRS organized one of the first major national conference ever convened to examine the deadly force issue and the safety of police officers. The League of United Latin American Citizens and the National Urban League cosponsored the conference. It involved some of the nation's top police executives, national civil rights leaders, criminal justice researchers, local community leaders, and rank-and-file police officers in extensive discussions about the use-of-force issue. Those discussions laid the groundwork for unprecedented cooperation on action programs by conference participants when they returned to their home cities.

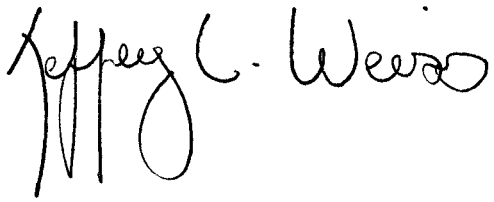
Since then, CRS has made the development and implementation of innovative approaches to the deadly force problem — and dissemination of information through other conferences, training workshops, and publications — a major focus of its efforts. In the mid-1980s, as one part of that effort the agency invited four of the Nation's outstanding law enforcement professionals to join in examining the police function with an eye toward identifying techniques, tactics, and approaches that should help to minimize violent police encounters with citizens. Those professionals were Frank Amoroso, then Chief of Police of Portland, Maine, and now Director of the State of Maine Drug Enforcement Agency; Lee Brown, then Chief of Police of Houston, Texas, later Commissioner of Police of New York City, and now Professor at Texas Southern University; Charles Rodriguez, then Professor of Criminal Justice at Southwest Texas University, and Chief of Police of San Antonio, Texas, and now a Special Education Instructor at Memorial High School, in the Edgewood Independent School District in San Antonio; and Darrel Stephens, then a former Chief of Police of the Newport News, Virginia, and Executive Director of the Police Executive Research Forum in Washington, D.C., and now Chief of Police of St. Petersburg, Florida. This group and CRS' own staff developed the recommendations and suggestions that were presented in the first printing of this publication.

The current presentation is an update of the earlier publication. It maintains the strong emphasis on police values and their effect on officer behavior and on the community served by a department. New sections on the ROLE OF POLICE, COMMUNITY POLICING, IMMIGRANTS AND CHANGING DEMOGRAPHICS, USE OF FORCE

AND ALTERNATIVES, CITIZEN COMPLAINTS AND OTHER REDRESS SYSTEMS, MUNICIPAL LIABILITY, USING COMMUNITY RESOURCES, POLICE ACCESSIBILITY, HATE VIOLENCE, and DRUGS AND GANGS supplement the text of the first edition of the publication which has been widely used in law enforcement training.

CRS is well aware that citizens bear a major part of the responsibility for the nature of relations with the police. In fact, through its casework and publications, the agency has frequently addressed steps which citizens and police can take cooperatively to reduce racial tension. The object of this publication, however, is to focus exclusively on the police function, because of its predominant importance in the overall equation of police-citizen relations.

Finally, while this publication is directed primarily toward police departments, CRS also encourages police executives to use its contents to explore their relationship with representatives of the communities in which they work. In the Community Relations Service, we have always appreciated the benefits of a preventive response versus a reactive one. Police executives will find this publication helpful in devising techniques to prevent racial conflict and disharmony in the communities they serve.



Jeffrey L. Weiss
Deputy Director

Preface

The relationship between the American public and the police, particularly its often violent nature, has been under intensive reexamination. Police-citizen violence and related concerns are prime topics of conversation wherever law enforcement professionals gather. Many police departments have made reviewing their use of force procedures a top priority, while several major civil rights organizations have made a priority of responding to police use of deadly force.

The dimensions of this issue are also reflected in the amount of research and analyses devoted to it by criminal justice researchers and scholarly journals. In addition, even a casual reading of the nation's newspapers often finds their pages filled with accounts of confrontations between police and minority citizens over the use of deadly force. Television's evening news programs sometimes provide dramatic supporting pictures, graphically revealing the resulting tensions in a community.

Why has the relationship between the police and citizens come under such scrutiny? One reason is the large number of killings by and of police officers in recent years. A second factor is recent changes affecting municipal and civil liability, which have put cities and employees of local governments under greater legal jeopardy.

Another important factor is a succession of court rulings placing more restrictions on police use of firearms, including the 1985 Supreme Court decision in Tennessee v. Garner, 471 U.S. 1 (1985), which invalidated parts of many States' rules for shooting at fleeing felons. Still another reason is the increasing primacy given to preserving life as a value underlying the concept of policing. Finally, there is also a movement to modernize and improve police work from within the profession itself, partly in reaction to the above phenomena, but also as a general response to larger changes in U.S. society.

Two premises underlie the approaches to policing discussed in this publication. One is that the police, by virtue of the authority which society vests in them, have overarching responsibility for the outcome of encounters with citizens. This in no way ignores the fact that the police must deal with such groups as criminals and the mentally disturbed, as well as law-abiding rational citizens. The second and main premise is that good policing must take into consideration two equally important factors: the *values* on which a police department operates as well as the *practices* it follows.

In addition to adopting a set of values, it is equally important that police departments clearly and publicly state those values. By doing this, a department sets forth its philosophy of policing and its commitment to high standards for all to know and understand. To be meaningful, these values must be known to all members of the community, as well as all members of the police department. In addition, a department's values must incorporate citizens' expectations, desires, and preferences. A department's policies and practices flow from its values. Without clear values, it is unlikely that practices will be as well-focused as they should.

Police department practices constitute the second major focus of *Principles of Good Policing*, taking into account major areas of police responsibility which often produce incidents that escalate into violence. In isolating these situations, the publication suggests how procedures, tactics, and techniques might be modified - or new approaches implemented - to reduce the number of instances in which potentially problematic police-citizen encounters become problems in reality.

This publication also takes into account that there are no philosophies or practices which will anticipate the entire range of human behavior that officers might encounter in the course of police work. It is also understood that, ultimately, the police officer's judgment will be the deciding factor in most cases. However, enough relevant experience and information exist that officers can be given practical guidance which, in many instances, will help to avoid escalation of situations to violence.

Much recent effort to reduce police-citizen violence has focused exclusively on imposing tighter restrictions on police use of firearms. Appropriate firearms restraint is critically important, and the Community Relations Service (CRS) actively provides technical assistance to police departments in reviewing and revising their firearms policies. However, many departments have found it more useful to pursue a number of administrative innovations as a package of protections to officers, citizens, and crime suspects alike. That, essentially, is the approach this publication takes.

It should also be emphasized that the safety of police officers is recognized as a fundamental concern. No responsible citizen expects a police officer to risk his or her life unnecessarily or foolishly. And no police chief worthy of the responsibility would adopt policies or practices that expose officers to undue risk. On the other hand, this publication does question an approach to policing which places the self-aggrandizement of the officer above such paramount values as reverence for life and safeguarding the guarantees of the Constitution and laws of the United States. Moreover, there is no dishonor in following sound, professional approaches to police work which belie the "macho" image presented in television "cop shows" and movies.

CRS' interest is in promoting the adoption of policies and practices which afford maximum protection to officers, citizens, and everyone involved. The content of this publication, in the final analysis, is based on the principle that good policing involves a partnership between police and citizens. Police cannot carry out their responsibility acting alone. And it must also be emphasized that no police department which permits its officers to use force against citizens unnecessarily can hope to gain their support.

Only when sound values, mutual respect, and trust are shared - encompassing all groups that make up the community - can the police-citizen partnership work as it should. The recommendations, suggestions, and observations in *Principles of Good Policing* are offered to help achieve that bond between citizens and the police.

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Lee P. Brown

Lee Brown is a professor of criminal justice at Texas Southern University. He is a past president of the International Association of Chiefs of Police and has served as Public Safety Commissioner of Atlanta, Georgia; Sheriff of Multnomah County, Oregon; Chief of Police of Houston, Texas; and more recently as Commissioner of Police of New York City. His career in policing began with the San Jose, California, Police Department in 1960.

He has served as Chairman of the Department of Administration and Director of Criminal Justice Programs at Portland State University in Oregon, and Professor of Public Administration and Associate Director of the Institute for Urban Affairs, Howard University, Washington, D.C.

Lee Brown holds a Bachelor's degree in Criminology from Fresno State University a Master's degree in Sociology from San Jose State University, and a Master's degree and Doctorate in Criminology from the University of California at Berkeley.

Charles Rodriguez

Charles Rodriguez is a special education instructor at Memorial High School in the Edgewood Independent School District in San Antonio, Texas. He is a past professor of Criminal Justice at Southwest Texas University in San Marcos. He served for three years as Chief of the San Antonio Police Department. From 1955 to 1983 he served in the Los Angeles County Sheriffs Department, rising to the position of Commander in charge of three patrol stations.

He holds an Associate's degree in Police Science from Cerritos College in Norwalk, California, a Bachelor's degree in Public Management from Redlands University in Redlands, California, and a Master's degree in Public Administration from the University of Southern California in Los Angeles.

Darrel W. Stephens

Darrel Stephens is the Chief of Police in St. Petersburg, Florida. He has served as executive director of the Police Executive Research Forum (PERF) and Chief of Police of Newport News, Virginia and of Largo, Florida. He also served in the Lawrence, Kansas, Police Department and the Kansas City, Missouri, Police Department. He has taught at the University of South Florida in Tampa and at Wichita State University in Kansas.

Mr. Stephens holds a Bachelor's degree in the Administration of Justice from the University of Missouri at Kansas City and a Master's degree in Public Service Administration from Central Missouri State University.

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Values for Good Policing

The primary purpose of this publication is to assist police agencies in reducing the incidence of violence between police officers and citizens. Looking at it from the perspective of the police executive, the successful accomplishment of that objective should have two major benefits. First, it should enhance the safety of police officers. Second, it should foster an atmosphere of cooperation and mutual respect between the police and the people they serve. The purpose of this chapter is to provide a basis for assessing a police department to determine, first of all, if its culture is conducive to reducing violent confrontations between the police and citizens. Equally important, this chapter provides a frame of reference which can be used by any police chief to develop policy, make decisions, implement programs and ultimately guide the manner in which the department delivers police services in the community it serves.

The Role of Police

The role of policing has been dynamic and changing since it became a profession in 1829 under Sir Robert Peel in London, England. The relationship between police and citizens in American society is generally understood as a progression from the political era to the reform era and now to the community era.[1] However, Hubert Williams and Patrick V. Murphy describe some gaps in this general understanding of policing with respect to minorities in their article, "The Evolving Strategy of Policing: A Minority View."[2] Williams and Murphy point out the lack of involvement of minorities in policing throughout these different eras. For example, according to the authors, Blacks were completely powerless during the political era and thus not able to exert influence affecting police strategy. During the reform era in which police strategy was determined largely on the basis of law, Williams and Murphy state that Blacks were powerless and completely unprotected. One of the tenets of policing in the community era is the requirement for a cohesive community dealing with a responsive police department. Williams and Murphy state that this precondition does not prevail in many minority neighborhoods.

The Police Executive Research Forum (PERF) and the National Organization of Black Law Enforcement Executives (NOBLE) have joined in sponsoring several national forums around the country to focus on the relationship between minority citizens and police. Williams and Murphy emphasize just how serious the discussion about the contemporary role of policing in America is:

> . . . the history of American police strategies cannot be separated from the history of the Nation as a whole. Unfortunately, our police, and all of our other institutions, must contend with many bitter legacies from that larger history. No paradigm — and no society — can be judged satisfactory until those legacies have been confronted directly.

The Report of the Independent Commission on the Los Angeles Police Department (July 9, 1991) also bluntly states in its foreword that violence between police and citizens is not something from an era of policing that is behind us:

> Police violence is not a local problem. Recognizing its national character, police chiefs from 10 major cities convened soon after the King incident and emphasized that "the problem of excessive force in American policing is real."

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[1] George L. Kelling and Mark H. Moore, *"The Evolving Strategy of Policing,"* ***Perspectives on Policing***, No. 4 (November 1988), National Institute of Justice and Harvard University, U.S. Department of Justice.

[2] Hubert Williams and Patrick B. Murphy, *"The Evolving Strategy of Police: A Minority View,"* ***Perspectives on Policing***, No. 13 (January 1990), National Institute of Justice and Harvard University, U.S. Department of Justice, p. 12-13.

The Police Culture

The "culture" of a police department reflects what that department believes in as an organization. These beliefs are reflected in the department's recruiting and selection practices, policies and procedures, training and development, and ultimately, in the actions of its officers in delivering services. Clearly all police departments have a culture. The key question is whether that culture has been carefully developed or simply allowed to develop without benefit of reflection or guidance. There are police agencies, for example, where the use of force is viewed as abnormal. Thus, when it is used, the event receives a great deal of administrative attention. Such a response reflects the culture of that department: the use of force is indeed viewed, and responded to, as an atypical occurrence. Contrast such a department with one which does not view the use of force as abnormal. In the latter case, there probably are no written rules providing officers with policy guidelines regarding the use of force. There probably is no administrative procedure for investigating incidents where force is used. And, most importantly, the culture of the department is such that officers come to view the use of force as an acceptable way of resolving conflict.
Over the past few years, there has been significant progress in improving police-community relationships. Yet, the major problem creating friction between the police and the community today - especially the minority community - is police use of deadly force. This is an age-old problem that only in recent years has reached the level of national awareness. The fact that a problem existed for such a long time before receiving wide attention can again be related to the culture of the police.

Until recently, few if any police departments developed their firearms policy around a value system that reflected reverence for human life. Rather, those agencies which did have written policies (and many did not) reflected the prevailing police culture in those policies. The prevailing culture was a focus on enforcement of the law. Thus, the official policies of most police agencies allowed officers to fire warning shots, to shoot fleeing felons, or to use deadly force under other circumstances that did not place the highest value on human life. It is clear that the culture of a police department, to a large degree, determines the organization's effectiveness. That culture determines the way officers view not only their role, but also the people they serve. The key concern is the nature of that culture and whether it reflects a system of beliefs conducive to the non-violent resolution of conflict.

How do you establish a positive departmental culture? In answering this question, it is important to emphasize again that all departments have a culture. It is also important to recognize that the culture of a police department, once established, is difficult to change. Organizational change within a police agency does not occur in a revolutionary fashion. Rather, it is evolutionary. And it is possible to focus on the process of establishing a departmental culture.

Developing a Set of Values

The beginning point in establishing a departmental culture is to develop a set of values. Values serve a variety of purposes. For example, they:

- Set forth a department's philosophy of policing,
- State in clear terms what a department believes in,
- Articulate in broad terms the overall goals of the department,
- Reflect the community's expectations of the department,
- Serve as a basis for developing policies and procedures,
- Serve as the parameters for organizational flexibility,
- Provide the basis for operational strategies,
- Provide the framework for officer performance, and
- Serve as a framework from which the department can be evaluated.

In developing a set of values for a police department, it is not necessary to have a lengthy list. Rather, there should be a few values which, when taken together, represent what the organization considers important. For example, if it is the objective of the department to create a culture that is service oriented, then that should be reflected in its set of values. In other words, the importance of values is qualitative, not quantitative.

Finally, an essential role of the police chief is to ensure that the values of the department are well articulated throughout the organization. To accomplish this, the chief as leader must ensure that there is a system to facilitate effective communication of the values. This includes recognizing and using the organization's informal structure. This is important because, in addition to the formal structure, values are transmitted through the informal process, myths, legends, metaphors, and the chief's own personality.

Each police department should develop a set of values which reflects its own community. However, it is possible to articulate a general set of values which can serve as a framework for any department to build upon or modify to meet local needs. What follows is a generic set of values for good policing:

• The police department must preserve and advance the principles of democracy.

All societies must have a system for maintaining order. Police officers in this country, however, must not only know how to maintain order; they must do so in a manner consistent with our democratic form of government. Therefore, it is incumbent upon the police to enforce the law and deliver a variety of other services in a manner that not only preserves, but also extends precious American values. It is in this context that the police become the living expression of the meaning and potential of a democratic form of government. The police must not only respect but also protect the rights guaranteed to each citizen by the Constitution. To the extent each officer considers his or her responsibility to include protection of the constitutionally guaranteed rights of the individual, the police become the most important employees in the vast structure of government.

• The police department places its highest value on the preservation of human life.

Above all, the police department must believe that human life is our most precious resource. Therefore, the department, in all aspects of its operations, will place its highest priority on the protection of life. This belief must be manifested in at least two ways. First, the allocation of resources and the response to demands for service must give top priority to those situations that threaten life. Second, even though society authorizes the police to use deadly force, the use of such force must not only be justified under the law, but must also be consistent with the philosophy of rational and humane social control.

• The police department believes that the prevention of crime is its number one operational priority.

The department's primary mission must be the prevention of crime. Logic makes it clear that it is better to prevent a crime than to put the resources of the department into motion after a crime has been committed. Such an operational response should result in an improved quality of life for citizens, and a reduction in the fear that is generated by both the reality and perception of crime.

• The police department will involve the community in the delivery of its services.

It is clear that the police cannot be successful in achieving their mission without the support and involvement of the people they serve. Crime is not solely a police problem, and it should not be considered as such. Rather, crime must be responded to as a community problem. Thus, it is important for the police department to involve the community in its operations. This sharing of responsibility involves providing a mechanism for the community to collaborate with the police both in the identification of community problems and determining the most appropriate strategies for resolving them. It is counter-productive for the police to isolate themselves from the community and not allow citizens the opportunity to work with them.

• The police department believes it must be accountable to the community it serves.

The police department also is not an entity unto itself. Rather, it is a part of government and exists only for the purpose of serving the public to which it must be accountable. An important element of accountability is openness. Secrecy in police work is not only undesirable but unwarranted. Accountability also means being responsive to the problems and needs of citizens. Accountability means, in addition, managing police resources in the most cost-effective manner. It must be remembered that the power to police comes from the consent of those being policed.

• The police department is committed to professionalism in all aspects of its operations.

The role of the professional organization is to serve its clients. The police department must view its role as serving the citizens of the community. A professional organization also adheres to a code of ethics. The police department must be guided by the Law Enforcement Code of Ethics.[3] A profession polices itself. The police department must ensure that it maintains a system designed to promote the highest level of discipline among its members.

• The police department will maintain the highest standards of integrity.

The society invests in its police the highest level of trust. The police, in turn, enter into a contractual arrangement with society to uphold that trust. The police must always be mindful of this contractual arrangement and never violate that trust. Each member of the police department must recognize that he or she is held to a higher standard than the private citizen. They must recognize that, in addition to representing the department, they also represent the law enforcement profession and government. They are the personifications of the law. Their conduct, both on and off duty, must be beyond reproach. There must not be even a perception in the public's mind that the department's ethics are open to question.

Recognizing that society is undergoing massive changes, police agencies are confronted with a great challenge. The essence of that challenge is to be able to respond to problems created by social change, while at the same time providing the stability that holds a society together during a period of uncertainty.

By setting forth a clear set of values and articulating what it believes in, the police department then has a foundation to guide itself. Such a foundation allows for organizational flexibility. In addition, a set of values provides the community with a means of assessing its police department without having to become involved in technical operations. Value statements serve as the linkage between the ongoing operations of a police department and the community's ability not only to participate, but also to understand the reason for police department strategies. It is within this context that the recommendations and suggestions in the following pages are presented.

[3] The Law Enforcement Code of Ethics was developed by a committee under the auspices of the International Association of Chiefs of Police in 1957. For a copy of this contact: IACP, 515 North Washington Street, Alexandria, Virginia 22314-2357, (703) 836-6767.

Contemporary Issues in Policing and Their Significance

Close observers have seen a number of changes in policing over the last 15 or 20 years. Many changes have come in the form of programs developed to address a specific issue or problem and supported with funding from outside of police departments. While most of these programs made positive contributions to the police organization or the community, they often did not survive after outside funding stopped because they were implemented in addition to what the police department was already doing and were never integrated into day-to-day operations.

Moreover, many of these programs were implemented without full understanding of the factors involved in the issue or problem they were designed to address. The result has been that problems have not been adequately addressed, and ideas have been discarded because of a belief that they did not work. The problem of police-citizen violence has received considerable attention during this period and, like some other issues, continues to be a source of tension.

A major reason violence between police and the community continues to be a problem is its complexity. Violence often occurs, for example, in a setting where the instigator - police officer or citizen - may receive considerable support for the act itself. Moreover, from the law enforcement standpoint, there may be a legal basis for the police's use of force. This situation is further complicated when one considers moral questions involved, or perceives that force could have been avoided with greater effort on the part of the police. Obviously, attempts to minimize violent encounters between the police and community must focus on the police since their likelihood of exercising control over these interactions is much greater. When the effort to control violence focuses on the police, the complexity is significant and a wide range of issues must be considered.

Community Policing

Community policing is a philosophy in which the police engage the community to solve problems that affect the environment where crime, disorder, violence and drug abuse thrive.

Community policing or crime reduction programs are based on a collaboration between police and citizens in non-threatening and supportive interactions. These interactions include efforts by police to listen to citizens, take seriously the citizens' definitions of problems, and solve the problems that have been identified. Program goals may include improved citizen esteem toward the police, improved police attitudes toward citizens, more effective police service as defined by the police, and more effective service as defined by citizens. Focus is on problem identification, analysis, and utilization of systematic problem solving techniques, together with a strong community partnership, as a means to achieve more effective long term solutions to persistent crime problems.

One of the biggest problems concerning community policing is the dearth of long term programs from which to draw meaningful data for a solid analysis of its effectiveness as a policing program. However, based on the best evidence available, community policing programs seem to be effective in terms of community satisfaction towards the police, improved neighborhood stability, improved race relations, reduced juvenile delinquency, reduced fear of crime, reduced crime rates for certain types of crime, and general positive job satisfaction among police officers. Reduction of fear of crime is the greatest documentable positive aspect of community policing. Furthermore, although certain kinds of criminal activity, such as vagrancy and the sale and use of illicit drugs, have been found to decrease in some cities, there is no evidence to suggest that community policing helps or facilitates in an overall reduction in crime rates. However, by comparison, it is important to note there is no clear evidence that traditional, reactive, incident-driven police service significantly reduces crime rates, either. (***CRS and Community-Oriented Policing, 1993**, See Appendix II*)

Police Culture, Police Society

In discussing competing forces pulling at the police officer, researcher Jerome Skolnik has written the following:

> The combination of danger and authority found in the task of the policeman unavoidably combine to frustrate procedural regularity. If it were possible to structure social roles with specific qualities, it would be wise to propose that these two should never, for the sake of the rule of law, be permitted to coexist. Danger typically yields self-defensive conduct, conduct that must strain to be impulsive because danger arouses fear and anxiety so easily. Authority under such conditions becomes a resource to reduce perceived threats rather than a series of reflective judgments arrived at calmly. The ability to be discreet, in the sense discussed above, is also affected. As a result, procedural requirements take on a "frilly" character, or at least tend to be reduced to a secondary position in the face of circumstances seen as threatening. [4]

Skolnik's description of this aspect of the police officer's role provides some measure of understanding of how violence might occur in encounters with citizens. It also provides a basis for the formation of "police culture" or the police society. While most occupational groups develop their own identity, the police identity seems to be much stronger because of the nature of the work. There is a belief that one cannot understand the difficulty of the work without having done it.

As a result, when a community questions the actions of the police - as can be expected when a police officer uses a firearm - the law enforcement profession has a tendency to close ranks and defend the officer at all costs. The development of this "police society" begins with academy training (if not even before in the recruiting and selection process) and continues until the individual becomes an accepted part of the fraternity. An example of how this socialization process might take place appears in Jonathan Rubinstein's ***City Police:***

> A rookie patrolman was sitting in the roll call room waiting for his tour to begin when his wagon partner left a small group to come and sit next to him. It was the first time anyone had spoken to him before roll call in the two weeks he had been in the district. "Hey, Tony, I been meanin' to ask you, where'd you get that little stick you carry?" "It's what they issued us at the academy," the rookie replied. "No kiddin. Take my advice and get rid of it. Go down to Coteman's and get yourself one of them new plastic sticks. They're good and solid, not a toothpick." The rookie fidgeted, kept his eyes on the floor, and quietly replied, "I don't want to be that way." [5]

Although reluctant, the rookie bought one of the new nightsticks the next day. The socialization process is generally more subtle, and assignment procedures may well contribute to the police society. Many departments, for example, rotate patrol officers' shifts weekly, which makes association with people other than police officers extremely difficult.

In addition to assignment patterns, the job itself tends to cause social isolation. After a period of time as a police officer, it is not uncommon for an officer to begin avoiding contacts with old friends, even when scheduling permits, because of the tendency to hear stories about traffic tickets and other negative encounters people may have had with the police. The result is the creation of an environment where an officer withdraws further and further from the community. He or she moves toward the protective shell of the police world where colleagues understand the nuances of the work.

From the standpoint of addressing the problem of police community violence, the "police society" is a key element. The reinforcement of narrow views through limiting contact only to other officers has an impact on the creation and perpetuation of violent encounters with citizens. The "police society" also severely hampers efforts to investigate complaints of excessive force. The police profession must reach a

[4] Jerome H. Skolnick, ***Justice Without Trial: Law Enforcement in Democratic Society*** (1966), p.67.

[5] Jonathan Rubinstein, ***City Police*** (1973), p. 319.

point where violence is discouraged at the peer level. When violence does occur, police officers themselves must be involved in providing information to the investigative process without feeling guilty. There are also positive aspects to a close-knit work group, and care must be taken to ensure these positive aspects are not harmed when attempting to deal with the negative ones.

Immigrants and Changing Demographics

Understanding and acknowledging cultural diversity is important to contemporary law enforcement efforts. Cultural characteristics such as language, customs and traditions are key elements which affect the relationship between immigrant populations and police. The challenge for the law enforcement executive is to recognize community and cultural diversity by effectively responding to the law enforcement and community needs of culturally diverse groups. In accomplishing this mission, law enforcement executives have successfully utilized such strategies as recruiting officers from the immigrant community, cultural diversity training, and educating the immigrant population on the fundamentals of the U.S. criminal justice system.

Recruitment and Selection

Bringing the right type of people into law enforcement is another major aspect of any effort to improve the police profession and address the violence issue. Most discussions of police reform have touched on the importance of recruitment and selection as a long-term strategy for improvement. Although this may be obvious, they are difficult problems in and of themselves and, in addition, also a source of conflict between the police and the community.

The source of conflict is disagreement over what type of person is best able to handle the responsibilities of a police officer. One continuing debate is the amount and type of education appropriate for a police officer. Another debate involves the police agency's racial make-up. While there is general agreement on the need for a police department to reflect the make-up of the community it serves, there is considerable disagreement on how that balance should be attained. The courts have put to rest some of the physical requirements thought to be important for the police for so many years. But the question of the psychological make-up of an officer - and how it should be measured - has yet to be resolved.

Although there is a wide range of opinion on what type of person is best suited to handle the rigors of the job, there are several basic areas believed to be important as they relate to violence between the police and community. These areas should be incorporated into overall consideration of the type of individuals recruited and selected to be police officers:

- The department should have a ratio of minority-group employees in proportion to the community it serves.
- Continued emphasis should be placed on bringing into law enforcement people with a college background.
- Individuals should be psychologically suited to handle the requirements of the job.

Recruitment

Once a determination is made concerning the type of individual an agency wants to be a police officer, a plan then needs to be developed to recruit them. Many police departments limit their recruiting efforts to local newspaper advertisements when positions are open. This method will usually produce a pool of applicants, but the type of individual sought may not respond to newspaper advertisements.

It is not unusual to hear in police circles that selection criteria are extremely rigid and that only one or two out of ten applicants will survive the entire process and be offered employment. One could also look at that statistic and make a convincing argument that recruitment efforts are not very effective if eight or nine of ten applicants cannot survive the recruiting process. Perhaps the effort devoted to processing applicants

unsuited to become police officers could be redirected to recruiting the right type of applicant. The point here is that the recruiting method should be carefully designed to attract the type of applicant desired.

Law enforcement agencies use a variety of approaches to recruit applicants. Some send recruiting teams to "career days" on college campuses while others send recruiters to various cities to look for experienced police officers. Still others devote the majority of recruiting resources to their immediate geographic area with a concentration on people from the community. Many departments have made use of the local news media through feature stories and public service announcements. Some have also called for business and corporate assistance to develop appropriate brochures that provide accurate information about the department's salaries, benefits, and programs.

A factor that has an immense impact, but is often not addressed very effectively in recruiting plans, involves individuals who are already a part of the police organization. The attitudes of individual officers about their job and the department, if negative, may cause potential applicants to look elsewhere for employment. On the other hand, positive attitudes may exist for the wrong reasons - for example, because the department has an image as a place for "macho," TV-style cops. Therefore, it is important that the recruiting plan and its underlying rationale be shared with all employees so they have a clear understanding of the department's objectives. Employees can serve as excellent recruiters if they know these objectives and appreciate the critical importance of their jobs. Employees can also better discuss some of those issues often put forth as impediments to attracting high quality applicants. For example, they can speak directly to issues such as low pay and the difficulties of shift work. They are in the best position to talk about positive as well as negative aspects of a police career. The objective of a recruiting program should be to attract a large enough pool of desirable applicants to fill department vacancies. This does not mean that the only measure of the recruiting effort should be the number of people who complete employment applications. If a department needs a higher ratio of minorities, and the only people completing applications are non-minorities, or minorities who do not meet basic requirements, then the objective is obviously not being met. The recruiting plan must contain relevant and measurable objectives that are monitored to ensure every effort is being made to meet them.

Selection

After an individual has expressed an interest in becoming a police officer, most departments begin a process that involves a series of steps designed to aid in making the selection decision. The selection process has received a great deal of attention over the last 15 years or so. Arbitrary standards such as requiring that officers be a certain sex have been modified because of the inability to establish them as bona fide occupational qualifications.

The close examination of this process has underscored its importance. It has also helped focus attention on better understanding the requirements of the police officer's job, and on including steps that measure whether a candidate has the potential for meeting those requirements. Even with these improvements, a number of selection issues have continued to generate considerable controversy. Two of these, educational requirements and psychological screening, are alternatives believed to have potential for reducing violence between the police and community. However, these are obviously long term alternatives since psychological screening and educational requirements cannot be imposed upon individuals currently employed.

The education issue has been a long-standing topic of discussion in law enforcement circles. As early as 1931, the Wickersham Commission report noted the need for higher levels of education. [6] The President's Commission on Law Enforcement and the Administration of Justice recommended in its Police report that officers should have a minimum of two years of college, and that supervisors and administrators should have four years. [7]

[6] The National Commission on Law Observance and Law Enforcement, better known as the Wickersham Commission, issued a series of 14 reports on criminal justice and related subjects in 1931. Number 14 was its ***Report on Police***. The Commission's chairman was U.S. Attorney General George W. Wickersham.

[7] ***Task Force Report: The Police,*** President's Commission on Law Enforcement and the Administration of Justice (1967), pp. 126-127.

The National Commission on Police Standards and Goals established a standard in its Police report, published in 1973, that by 1983 a basic entry-level requirement should be a baccalaureate degree from an accredited college or university. [8]

These reports were followed by many other calls for similar requirements, but the reality has been that few departments have actually implemented any changes in entry-level educational requirements. In a recent report published by the Police Executive Research Forum, The American Law Enforcement Chief Executive: A Management Profile, it is noted that:

> In 1976 the Police Chief Executive Committee recommended the immediate institution of a four-year college degree for new chief executives of all agencies with 75 or more full—time employees. Nearly ten years later, almost 50-percent of those officials still do not possess a baccalaureate degree. [9]

If it is not possible to make much progress at that level, the entry-level standards will be extremely slow to change. It is not within the scope of this publication to set forth all of the arguments for vigorously pursuing the upgrading of entry-level requirements. Nevertheless, the belief exists on the part of many that an entry-level requirement of a bachelors' degree would go a long way toward addressing a number of problems in law enforcement, including violence between police and the community.

The psychological fitness of police officers is also of major importance in addressing the violence issue. A police officer has considerable discretion in the manner in which day-to-day responsibilities are fulfilled. This discretion extends to the use of force. One method to improve the prediction of whether an individual is able to handle police responsibilities is the use of psychological evaluations. Although many departments do not use psychological screening as a part of the selection process, the Commission on Accreditation for Law Enforcement Agencies has established the following as a mandatory standard for all agencies:

> 32.6.6 An emotional stability and psychological fitness examination of each candidate is conducted, prior to appointment to probationary status, using valid, useful, and nondiscriminatory procedures.
>
> *Commentary:* Law enforcement work is highly stressful and places officers in positions and situations of heavy responsibility. Psychiatric and psychological assessments are needed to screen out candidates who might not be able to carry out their responsibilities or endure the stress of the working conditions. [10]

The importance which the Commission on Accreditation has placed on this area by making it a mandatory standard is obvious. For agencies that do not currently use this tool in the selection process, it will take a number of years to make a significant impact on the organization, but it is a positive step toward minimizing future problems.

Training

Training can have a significant impact on all aspects of police service delivery and is of critical importance in the control of police-community violence. In a Police Foundation study on the use of deadly force published in 1977 it is noted:

> In the course of this study police chiefs and administrators were asked what steps they would consider most likely to bring about a reduction in unnecessary shootings by police officers. The most common response was to recommend a tight firearms policy coupled with an effective training program. [11]

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[8] ***Police,*** National Advisory Commission on Criminal Justice Standards and Goals (1973), p. 369.

[9] ***The American Law Enforcement Chief Executive: A Management Profile,*** Police Executive Research Forum (1985), p. 108.

[10] ***Standards for Law Enforcement Agencies,*** Commission on Accreditation for Law Enforcement Agencies, Inc.; (1984), pp. 32-37.

[11] Milton, et al., ***Police Use of Deadly Force,*** Police Foundation (1977), p. 105.

While one can generally agree with this response, findings noted in the International Association of Chiefs of Police's (IACP) 1982 report, A Balance of Forces, also need to be considered:

- In-service crisis intervention training as opposed to preservice training was associated with a low justifiable homicide rate by police.

- Agencies with simulator, stress, and physical exertion firearms training experience a higher justifiable homicide rate by police than agencies without such training.

- Marksmanship awards given to officers for proficiency in firearms training are associated with a high justifiable homicide rate by the police.

- In-service training in the principles of "officer survival" is correlated with a high justifiable homicide rate by the police. [12]

These findings clearly suggest that the type and approach to training police officers must be carefully examined. In examining this area Herman Goldstein makes several pertinent observations on police entry-level training in Policing a Free Society:

- The success of training is commonly measured in terms of the number of hours of classroom work. Eight weeks is considered 100 percent improvement over four weeks . . .

- . . . those who have analyzed the status of recruit training have found much that is wrong . . . the programs are structured to convey only one point of view on controversial matters in a manner intended to avoid open discussion.

- . . . there is an unreal quality in the training program in the emphasis placed on military protocol, in their narrow concept of the police function, and in their according-to-the-book teaching of police operations.

- . . . they tend to portray the police officer's job as a rigid one, largely dictated by law, ignoring the tremendous amount of discretion officers are required to exercise.

- . . . training programs fail to achieve the minimal goal of orienting a new employee to his job . . . failure to equip officers to understand the built-in stresses of their job . . . officers are left to discover on their own the binds in which society places them . . .

- If recruit training is inadequate, in-service training is more so. [13]

In Goldstein's observations one begins to understand some of the limitations of automatically turning to training to solve all problems. Perhaps it also suggests why some training programs may be associated with a higher rate of police justifiable homicides. A more recent observation in this area is made by Scharf and Binder in ***The Badge and the Bullet***:

> Our analysis suggests a framework in which to analyze training related to police deadly force. Few training programs have attempted to conceptualize the varied and complex competencies necessary to implement a responsible deadly force policy. Most training . . . focuses upon one or possibly two isolated competencies. Shooting simulators attempt to train police officers to quickly identify threats against them. Some crisis intervention training approaches focus almost exclusively upon the verbal skills useful in dealing with a limited range of disputes. If training is to be effective in reducing the aggregate number of police shootings, it must focus on multiple psychological dimensions, emphasizing those capacities that might influence police behavior in a wide range of armed confrontations. Also, such training should be conducted in environments simulating the complex, and often bewildering, conditions in which deadly force episodes usually take place. From our observations, this approach to shooting training is rare in police departments. [14]

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[12] Kenneth J. Matulia, ***A Balance of Forces*** (Executive Summary), International Association of Chiefs of Police (1982), p. 25.

[13] Herman Goldstein, ***Policing a Free Society*** (1977), pp. 273-279.

[14] Peter Scharf and Arnold Binder, ***The Badge and the Bullet: Police Use of Deadly Force*** (1983), p. 178.

Scharf and Binder's observations indicate a need to rethink the approach to firearms training and, at the same time, reinforce Goldstein's observations almost 10 years earlier on training in general. Both observations, however, seem to suggest that advantages to be gained from training will not be realized until programs go beyond teaching a single response to complex situations. The focus should be on training and developing a "thinking police officer" who analyzes situations and responds in the appropriate manner based upon a value system such as this publication proposes.

This is obviously a much different approach to training than has been used in law enforcement. It requires consideration of a total situation as opposed to focusing solely on the final "shoot/don't shoot" decision. This does not mean that many of the components of current training programs should be dropped. They need to be tied together into a decision-making framework that causes officers to make decisions in earlier stages of responding to a call or handling an incident. This would minimize the risk of a situation evolving to a stage where the use of firearms is required to protect someone's life.

In support of a new approach to police training, Los Angeles County Sheriff's Department psychologists Marcia C. Mills and John G. Stratton reported findings in the ***FBI Law Enforcement Bulletin*** in February 1982 that, "The nature of academy training and type of services actually provided are often discrepant. Seventy to 90 percent of police training is devoted to crime control, laws, and police procedures, while frequently 70 to 90 percent of subsequent job duties are devoted to interpersonal communication and interaction."

Policy and Accountability

Policy is a guide to the thinking and actions of those responsible for making decisions. Its essence is discretion, and it serves as a guide to exercise that discretion. The development of policies to guide the use of discretion by police officers is extremely critical to the effective management of police organizations. It is also of critical importance to the control of violence between the police and community.

A primary consideration of policy development, then, is to build accountability into police operations. As stated in the opening chapter on values, the principle of police agency accountability to the citizens it serves is fundamental to the relationship. Police departments which have adopted values that uphold professionalism and integrity have consistently established policies which recognize the importance of accountability systems that build citizens' trust in police agency programs and personnel.

The importance of policy development has also been underscored by the Commission on Accreditation for Law Enforcement Agencies. Most of the Commission's standards require a written directive to provide proof of compliance with those standards. Almost all of the agencies that have been accredited, or are in the process of self-assessment, have commented on how the documentation of their policies and procedures has been improved. There are four policy areas of particular significance with respect to police violence concerns: use of force, citizen complaints, municipal liability and public information.

Use of Force and Alternatives

The appropriate use of force and the use of the least amount of force in effecting arrests are essential values which characterize a department that respects the sanctity of life. Officers and departments that fail to train in and demonstrate the use of appropriate force not only create the potential for heightened racial conflict, but also raise high municipal liability risks for their communities. Officers who are skilled in conflict resolution will find ways to avoid higher levels of confrontation. Where conflict cannot be avoided, less than lethal force can be employed by law enforcement personnel in accord with changing community values.

Citizen Complaints and Other Redress Systems

Even the best police department will receive complaints. The absence of an effective complaint procedure has figured prominently in many cities troubled by allegations of excessive force. Police executives generally recognize the need for a trustworthy vehicle for citizens to seek redress of grievances involving

alleged police misconduct. Most police chiefs know that when a department conveys to the public that it is open to receive complaints and willing to aggressively examine allegations of abuse, police officers can expect to win the citizens' confidence needed to do their job more effectively. The department's complaint procedure should be set forth in writing regardless of the size of the community or the department.

The best way to ensure that police officers conduct themselves properly in the performance of their duties is to set reasonable policies and then establish effective procedures for internal review and sanctions. But, as indicated above, the system for handling citizen complaints must be one in which all citizens have confidence. Neither can the principle be ignored that the police department is a public service agency which ultimately must be accountable to the citizens. An increasing number of cities in which citizens have lost confidence in the internal review process have tried various configurations of civilian oversight mechanisms or civilian overview boards with mixed results. A number of arguments are made both in favor of and against these mechanisms. For example, some observers hold that the police cannot objectively review themselves, that civilian review strengthens public confidence in the department, and that it ensures that police officers do not abuse the law. On the other hand, critics of civilian oversight or review maintain that civilians lack the knowledge and experience to evaluate the police, that such oversight inhibits officers' use of force when it is warranted, and that such mechanisms are redundant because police themselves review complaints against officers.

When municipal officials attempt to establish a civilian oversight mechanism, police executives should anticipate strong resistance from rank and file officers. In fact, even some of the most progressive police officials do not favor civilian oversight mechanisms. While they agree that there is a need for public accountability, these officials point out that oversight groups are not panaceas and have had only mixed success. They also suggest that emotions aroused by establishment of civilian oversight mechanisms may themselves lead to insurmountable problems.

Municipal Liability

The U.S. Supreme Court in Monell v. Department of Social Services of the City of New York, 436 U.S. 658 (1978), concluded that local governing bodies/ municipalities can be held liable when a plaintiff alleges and proves "that official policy is responsible for a deprivation of rights protected by the constitution." Since that 1978 decision, a number of courts have imposed liability on police supervisors and municipalities that do not take care to guard against officer misconduct and do not provide adequate training for their police officers. In an article by Professors Daane and Hendricks, entitled "Liability for Failure to Adequately Train," the authors state, "Not only does a good training program increase the effectiveness and safety of police officers, it may also reduce the potential for liability of the officers, the supervisors and the agency. This potential for liability may range from cases involving use of force and deadly force, the failure to provide medical care, to those involving arrest procedure." These authors further conclude that, ". . . it is imperative that police officers be provided with excellent training; [and that] [g]ood police management through training helps to reduce liable incidents for the officer, the chief and the municipality."[15]

Public Information

An area of policy that goes hand-in-hand with police accountability and police-community relations is the law enforcement agency's approach to release of public information. It should be recognized that the news media serve as a major source of information about the police and their activities. As such, the media play a key role in developing citizens' views of the police. Given this important media role, it is difficult to understand why so many police agencies fail to develop a public information policy and a relationship with the media based on mutual respect and trust.

This is especially important in the area of police-community violence. Media coverage of incidents

[15] Professor Diane M. Daane, and Professor James E. Hendricks, Criminal Justice Department, Ball State University, Muncie, Indiana, "Liability for Failure to Adequately Train," ***The Police Chief*** (November 1991), p. 26. (See Appendix V for full text).

involving the use of force is often the only information the community has to form an opinion about the appropriateness of police action. Unfortunately, it is not unusual for the police to refuse to provide any substantive information concerning an incident. This forces media representatives to prepare the story based on information gained from bystanders and unofficial agency sources, an approach which may result in less than accurate reporting of the incident. The stage is then set for friction between the police and media. Misinformed community members may also form erroneous perceptions of the police and their actions.

Police officials must provide sufficient information and detail to accurately explain an incident. At the same time, they need to be careful not to jeopardize an investigation or the department's position. This is a difficult expectation of the police, but it is not impossible to deal with both needs. The task is made much less difficult with a clearly articulated public information policy. (See sample public information policy in Appendix VI).

Effective Police Leadership

Today, the policing function is viewed increasingly in terms of the "contractual" relationship with the people. That is, given the impact which law enforcement has on the community, police service delivery should be based on community needs, safety, concerns, and on relentless enforcement of the law against criminals, with due consideration for the safety of officers. The contractual nature of this relationship notwithstanding, frequently neither minority community expectations of police conduct nor police expectations of minority community support have been met. The result, of course, has too often been violent encounters between citizens and the police. The seriousness of this situation, wherever it exists, makes it imperative that the community and police initiate steps to reduce violence. As in all matters involving how law enforcement is conducted, the role of top police executives is key. Among a multitude of other duties, the police executive must establish personal credibility with all segments of the community. Law enforcement standards of conduct must be articulated, and the community must know what behavior the chief expects of the department's officers. The community should understand what constitutes unofficer-like conduct and, above all, must have a reasonable understanding of procedures for investigating and adjudicating cases of use of deadly force.

In order to reduce the potential for violence, police executives must inculcate the values articulated by policy and procedure into two levels of the police department: the administrative level and the "line" or operational level. To accomplish the task of value-transition on one level without doing so on the other is futile, for no change in police behavior will result. In addition to the two levels of the organization which the police executive must address, two dimensions of law enforcement must also be addressed: the police "culture" and various community "cultures." Thus, to effect change in the police-community violence phenomenon, police executives must take a multi-dimensional approach. Traditional approaches to reform have been one-dimensional, and have met with little success.

The necessity for multi-dimensional leadership exists for several reasons. Consider, for example, the police executive who develops the "ideal" use-of-force policy, and who develops a strong system of "internal audit" and reporting to insure that violations are identified and punished. This executive has created an administrative response to the violence problem. However, he or she has not addressed the operational-level aspects which impact upon the use of force by police officers: training, peer-group pressure, informal leadership, initial socialization, and "union" protectionism.

Nor has the executive addressed the external factors which impact on the police use of force: community norms; media treatment of use of force; sanctions against use of force by local courts, prosecutors, and other official agencies; and community tolerance levels for violence.

Policy developed by that executive is most probably doomed to failure. The administrative functions of policy, procedure, audit, review, and sanction will most probably be offset by operational-level attitudes, beliefs, and informal social structures that tell the line officer that it's "better to face an internal affairs investigation than to have your family confronted by the undertaker." This police executive will most likely find that his or her administrative efforts will fail in what appears to be an overwhelming "subculture" among line personnel and community members. The policies, procedures and administrative infrastructure will fail, not because they were inherently "bad," but because they were not combined with operational-level and external-dimension efforts to combat police-community violence.

The police executive who desires to affect the cycle of police-community violence must of necessity focus on at least four functions which offer the potential of creating change. All four of these functions are amenable to change through effective police leadership, and all four combine to aid the chief executive in developing a multi-dimensional approach to police-community violence. These four functions are: the socialization process of police officers; the administrative mechanisms designed to impact the operation of the police department: positive and negative reinforcement of police officers; and the education of the community and the news media public information policy. (See sample public information policy in Appendix VI).

The Socialization of Police Officers

The socialization process for patrol officers has been well documented in the literature - as discussed elsewhere in this publication. Police officers tend to "become" the kind of police officers they are "socialized" to be. The two most important components of the socialization process - and thus the process of leadership - are formal training and informal "peer group" indoctrination of the young officer.

The field training officer, field training program, and, to a lesser extent, formal classroom training, form the cornerstone of the young officer's operational personality. The acquisition of acceptable operational traits and the inculcation of "preferred" organizational values during this period will last for years under the tutelage of effective leadership. The acquisition of "bad habits" can be avoided through a carefully designed socialization process that is implemented by hand-picked personnel at the training academy and in field orientation experiences.

There are several questions the police executive may ask which will help to gauge the effectiveness of a department's leadership in the area of socialization. While these are generic questions, they will help identify areas which need improvement:

- Must field training officers have demonstrated conformance to the department's values?

- What type of officer is routinely appointed as a field training officer for police cadets, those with a high tolerance for violence or those with a low tolerance for violence?

- Is the officer routinely appointed as a field training officer for police cadets a "negotiator" or a "confrontationalist?"

- Are field training officers trained in methods of referral, negotiation, problem resolution, and other "alternative" police responses?

- Are field training officers routinely encouraged to attend public forums, neighborhood meetings, task forces and other "formal" group processes involving the community?

- Do field training officers receive informal as well as formal rewards for their services to the organization?

- Does the formal training process include classroom time devoted to community relations, problem resolution, negotiation, and alternative police response?

- Which receives greater emphasis in the training curriculum, self-defense and firearms instruction or group and interpersonal interaction skills?

The chief executive's answers to these questions will aid in identifying areas which should be addressed concerning the socialization of new police officers. Once the effective socialization of police officers is attained, it is a role of leadership to continue to refine this socialization.

Administrative Mechanisms to Impact Department Operations

This area of leadership is probably the most well known and most utilized area of managing the police-community violence phenomenon. The process of effective leadership here involves determining the values which must be proffered by departmental policy; developing procedures, rules, and regulations which reflect those values; establishing internal audit, review, and sanction processes to enforce compliance; and "interfacing" with the community with regard to the self-policing function involved in reducing the use of "violent" solutions to problems. Again, there are several questions the police executive should ask to determine the extent to which administrative mechanisms regarding police use of force are in place:

- Has the department appropriately integrated the organization's values into its use-of-force policy and then, through leadership, required adherence to them?

- Does the department have written procedures, rules, and regulations which implement these policies and values?

• Does the department have formal internal review, audit, and monitoring processes to ensure that these procedures, rules, and regulations are followed?

• Does the department have a formal process to advise the community on the functioning of the audit, review, and monitoring processes?

Guidance Through Positive and Negative Reinforcement

Effective leadership has its most conventional impact in the area of positive and negative reinforcement of police officers. Contrary to some beliefs, negative reinforcement is not "punishment." This term refers to the removal of unpleasant stimuli from one's environment. Positive reinforcement, of course, refers to the provision of rewards for behavior that is desirable. The chief executive should ask several questions which will assist in assessing the degree to which the leadership of the department is effective, through reinforcement, in fostering non-violent behavior:

• Which officers routinely receive the most sought after special assignments in the department, confrontationalists or negotiators?

• Which officers are assigned the better duty positions, confrontationalists of negotiators?

• For what type of activities are officers most frequently commended by the department - avoiding the use of force while achieving organizational purpose, or using force to effect the arrest of criminals?

• When was the last time the department recognized, formally or informally, an officer for the ability to avoid the use of force?

• Does the performance evaluation system recognize and reward an officer for his or her ability to avoid the use of force?

• Most departments have an item of uniform apparel which identifies firearms proficiency. Does yours have one for force-avoidance skills?

The chief executive's answers to these questions will aid in identifying areas which should be addressed concerning the positive and negative reinforcement of officer behavior. It is the role of leadership to continue to refine the positive socialization initially imparted to police personnel. This is accomplished through selecting appropriate positive and negative reinforcement for personnel who behave in ways which foster non-violent problem resolution.

Community Education

An additional process which aids the police executive in establishing effective leadership in the realm of police-community violence is that of educating the community in the expectations they should have of the department and the expectations which the department has of the community. This function addresses the "community cultures" dimension of effective leadership. No matter what the internal functions of effective leadership within the department, positive change in the police-community violence cycle will occur more easily if the community is involved in the change process. To a large extent, police officers receive "action cues" from the community; thus the community can contribute significantly to retardation of the unnecessary use of force among members of the department.

There are several questions the police executive can ask to determine the extent to which the community is likely to be involved in helping retard the police-community violence cycle. As always, the responsibility for action rests with the police, with assistance from the community:

• What specific community-based programs does the department have which assist police officers in understanding community attitudes toward police use of force?

• What percentage of officers have input to and receive input from existing community groups?

• Are community relations processes centralized in "community relations units" or are they decentralized at the patrol level?

• What mechanism exists for "taking the pulse" of the community on key issues involving the department?

• What mechanism does the department have for delivering to the community "formal" talks on topics of concern to the department and the community?

• How are relationships managed among the department, the community, the courts, the prosecutor, and "community action" agencies?

These questions aid the executive in identifying areas of concern involving managing the police-community "interface." The extent to which this connection is well managed will to some extent dictate the degree of success the police executive can expect from effective leadership.

In summary, the "effective leadership" of a police organization's attempt to control the police-community violence cycle cannot be accomplished by a one-dimensional approach to the problem. A leadership plan which focuses merely on one aspect of the problem is most likely a plan that will not achieve its objectives. What is required is a multi-dimensional approach which focuses on both internal and external factors, an approach which addresses operational problems as well as administrative processes, and which addresses the need for change within the informal leadership of the department as well as the need for change within the community.

Through the development of an "interactive" model of professionalism which focuses on the four stated areas of change within the department and its environment, police executives can develop the effective leadership necessary to have an impact on the police-community violence cycle. Until an approach is developed that is multi-dimensional, interactive, and fully supported by the chief executive, reliance on the "leadership model" to reduce the police use of force will bear little fruit.

Procedures for Effective Policing

A police department's procedures — what it actually practices — are, of course, a fundamental element in determining relationships with the community. Even the most positive values will be of little use unless they are reflected in the performance of officers on the street. Thus, the need to reduce police-citizen violence will not be met solely by adopting a set of values. Practices must be implemented which demonstrate an enlightened, practical approach to policing. Within that context, there are a number of important considerations to be made.

Police-Community Partnership

Improving a police department's image in the community takes more than just concern or wishful thinking. For the police to be truly effective in a changing, complex society, they must recognize that it is in their own self-interest to administer a department that is competent, fair, honest, and responsive to the needs of the individual citizen. The police department must establish an effective partnership with the community as a whole, the foundation of which is mutual trust and understanding. Police organizations must realize that they have the ability to alter their own image within the community.

A well-developed community relations effort should be the product of careful construction, designed by the police and the public together, and should not be the result of an emotional reaction to a temporary crisis in the community. The fundamental tenet of any successful police-community relations effort must necessarily involve an open channel of communication between the police and the public. Once established, a communications vehicle should be further developed to insure that the channel remains open.

Police departments must be sensitive to the fact that virtually every phase of their operations has an eventual impact on the community, which translates into an individual citizen's assessment of a department's effectiveness. Token or artificial efforts toward enhancing public image will quickly be recognized as an insincere gesture, which can only invite public ridicule and repudiation.

Training must also be in place to insure that all officers - veteran and recruit alike - maintain an understanding of, and a sensitivity to, the social and human relations problems that surface within the community. Police departments should adopt a community-oriented attitude in every facet of their operations. The public must be convinced that the department's concern for community relations is not just a priority for administrators or community relations officers, but a serious concern that enjoys the commitment of each officer.

Using Community Resources

Defining the police role within a community should not be solely the responsibility of a law enforcement agency. The entire community, represented by traditional and nontraditional agencies and groups alike, should be called upon to identify local concerns that fall within the purview of the police department. Suggestions should be carefully weighed and freely debated in an atmosphere which recognizes that no single element or agency has exclusive jurisdiction or authority for determining what posture or reaction should be directed toward problems that have impact on the entire community.

Within every community there are business and professional groups, social service agencies, religious and civic organizations, and non-law enforcement city agencies which are potential resources for dealing with many of the problems that confront the police. Such organizations have repeatedly demonstrated their willingness to donate time and effort in support of programs that improve the quality of life in a community. The effective police executive researches the community and develops a "resource bank" of organizations willing to donate time and effort in support of police initiatives to improve services to the community.

The assistance and interaction that these groups afford can be of great benefit in offering cultural, language, direct service, and training opportunities for police officers. In an era of tight fiscal control and dwindling budgets, these organizations can help law enforcement agencies develop specialized programs that address current and future needs. The police and community groups should establish areas of mutual

concern, analyze points of disagreement that call for resolution, and reach a consensus on how all parties concerned can work together effectively in crisis situations.

Police Accessibility

A police department's effectiveness in making itself accessible to the community will invariably depend on whether there is a plan or program to promote and enhance involvement with citizens. Whether the purpose is to inform citizens about police initiatives, to inform them about general police department progress and/or conditions, to secure their input in a specific area, or to discuss effectiveness of the department and its personnel, most police executives depend on three basic avenues. They are: direct dialogue with citizens and representatives of social and other organizations; use of the news media; and communication of selected information through various means, including speeches and assignments to designated personnel. At the same time, all department personnel and all means of communication should be focused on making the department "approachable" to citizens.

The most common standard for measuring a department's effectiveness with respect to accessibility is the number and attitude of citizens who freely approach the department to make inquiries, complain, or volunteer their assistance. If the attitude of citizens demonstrates confidence in the department and pride in performing a civic function, it can be surmised that a substantial level of departmental accessibility has been achieved. On the other hand, if citizen contacts or encounters with the police are characterized mostly by a mixture of fear, rancor, and general distrust, then the police executive and the department's personnel have a lot of hard work ahead of them.

Managing Potentially Violent Circumstances

Each day, police officers are called upon to handle a wide variety of situations, any one of which potentially might result in an officer or citizen suffering serious bodily injury or death. Although no two situations will be exactly the same, police have encountered the vast majority of different kinds of circumstances before. Therefore, most response situations lend themselves to prior analysis and review. Whether the police are called upon to handle a violent domestic dispute, a barricaded subject with hostages, a major civil disturbance, or other situations, departmental procedures can be drafted to provide the individual police officer with at least a measure of guidance and direction that will reduce the chances of unwarranted violence. Care should be exerted to insure that written directives on most response situations are carefully developed, regularly updated, and constantly reviewed by every member of the organization.

Along with written directives, another major component of a police department's efforts to manage circumstances is its commitment to in-service training and development. While many organizations rightfully place a premium on the value of recruit training, they are sometimes less attentive to providing a systematic program of in-service training for veteran officers. Although departments may be powerless to control the level of violence that officers face in every situation, they should recognize that a carefully designed program of in-service training is of fundamental importance to avoiding police-citizen violence and insuring officer safety. Many police contacts with citizens or suspects have the potential for violence, as emphasized elsewhere in this publication, but a well-trained officer is the first line of defense in reducing the risk of serious injury or death.

A Conflict Management Approach

Regarding the enforcement of laws and the maintenance of public order, the latter is clearly more difficult to achieve. There is no magic formula or step-by-step guide that can insure the maintenance of an orderly community. Every community has unique

characteristics and requires a knowledge of the intricacies of the community, its problems, concerns, and priorities, to aid conflict resolution. A problem for the police is the recognition that many of the factors which contribute to crime and delinquency, such as poverty, unemployment, and the lack of education cannot be addressed by the police. In spite of this, the police should be attuned to the concerns and changing priorities of their communities, and be willing to offer assistance in identifying and resolving sources of conflict that have a debilitating effect on the community.

One possible course of action police administrators should consider is developing a conflict management program. The primary purpose of such a program would be to serve as an alert system for tension-breeding incidents that are police related and which could create conflict and disharmony in the community. A conflict management program could enable the police department to more accurately assess the actual level of tension within a community, and develop the bases for better designs for community relations programming. When the program is functioning effectively, the results should provide police leadership with more indepth and timely information that will broaden communication with all parties concerned, thus contributing to the maintenance of order in the community.

In order for a program to function effectively, training in conflict management and resolution should be extended to all persons, police and civilian alike, who have expressed a willingness to become involved in such an experiment. Such an undertaking should be a first step in looking beyond the traditional methods of arriving at conflict resolution and may serve as the impetus for developing other more innovative approaches. In forming a conflict management program, police departments should recruit representatives from all segments of the community. Such a selection procedure would provide for a broad cross-section of viewpoints and capabilities which, in the end, can only serve to maximize the effectiveness of the program.

Hate Violence

Victims of hate crimes are sometimes discouraged from pursuing the case by the actions or inactions of the initial responding officer. The cases are sometimes described as a prank or joke and the investigation is closed. Departments taking this approach send a clear message that the law enforcement unit lacks sensitivity and understanding about what could become a very serious situation.

The following can be used as strategies to address hate crimes:

- Strong Policy Statement (Internal and External). The department and community must be clear about the police executive's position on hate crimes. Every employee in the department must be held accountable for practicing and following that philosophy.
- Training (In-service and Academy Classes). It is important that officers within the department and trainees become aware of and educated about crimes motivated by prejudice. Raising their conscienceness and awareness about such crimes provides for greater opportunity to show sensitivity and understanding when investigating such cases. In addition, officers will remember that hate crimes and subsequent investigations will be taken seriously.
- Procedures.
  - Establishment of a racial-bias unit in large cities to investigate and respond to racial-bias crimes.
  - Establishment of a civil rights office in smaller municipalities.
  - Establishment of a two tier internal review process for all potential hate crimes in accord with the FBI recommendation on bias crime incidents.

Negotiation Versus Confrontation

When the police are called to the scene of a potentially life-threatening situation, more often than not a confrontation not of their making confronts them. In the initial moments, the person or persons responsible for instigating the confrontation may appear to be the power in control. But as sufficient numbers of officers arrive, the inevitable decision on using force to end the confrontation is brought forth for consideration. While no two situations are exactly alike, the merits of negotiation should be a primary consideration. Police who employ force as an immediate response to a crisis

situation are frequently labeled as reactionary - as opposed to being recognized as the power in control of the situation. In most instances, police departments that elect to employ communication skills instead of force are generally credited with reducing the initial level of tension.

Negotiation in a crisis situation generally affords the police an opportunity to carefully formulate a well constructed response. Additional time also facilitates the strategic placement of key personnel, who by then will be in full possession of virtually all of the resources which appear necessary to bring about a successful conclusion of the situation. In the final analysis, if all attempts at talking fail and the time for negotiating comes to an end, the police will be able to demonstrate that they legitimately attempted to use reason instead of force, and only altered their course of action when no other alternative reasonably existed.

Expert skill at negotiating is not a natural talent that is automatically acquired by each new officer who enters the field of law enforcement. Departments should insure that classes in negotiating are contained within the curriculum of their in-service training and development programs. Recognizing that the decision to negotiate - as opposed to resorting to force - will not always be a viable option, the police department should at least indicate its preference for the negotiation approach whenever possible.

Areas Of Special Concern

To understand the causes and to reduce the incidence of violent encounters between the police and citizens, it is necessary to identify situations that have demonstrated a high potential for violence. Unfortunately, data on police use-of-force situations are not collected on a national scale, and the research has been primarily confined to the use of firearms. However, through an empirical approach, it is possible to establish areas of police-community interaction that are of particular concern because of the friction which results. Some of those areas are discussed below, along with suggestions police agencies may consider providing to their officers. It should be emphasized that the list is not intended as comprehensive.

- **Use of Deadly Force.** Of all the decisions a police officer is called upon to make, none has greater impact than the decision to use deadly force. Police officers are often required to make that decision under highly stressful, split-second circumstances which leave little margin for error. The use of such force is justified in only the most extreme circumstances. The obvious reason for this severe limitation is the high potential for serious injury or death to the officer and other persons, innocent and guilty alike.

Aside from the ethical and moral ramifications of taking another's life, or leaving them perhaps permanently disabled, a police officer also faces the prospect of being held criminally liable if the use of deadly force was improperly employed. People in today's litigious society will frequently challenge the officer's decision to use deadly force in a civil court as well. For all of these reasons it is absolutely imperative that officers thoroughly understand their responsibilities, rights, and limitations regarding the use of deadly force.

From the police department's perspective, the presentation of a high standard of specialized training is essential in minimizing the risk that every officer faces in deciding to use deadly force in a particular situation. Such a training effort, which has traditionally concentrated on skills relating to firearms proficiency, should also address the various implications that are attached to an officer's decision to use deadly force. Police agencies also have a special and fundamental responsibility to carefully formulate written policies on the use of deadly force which are clear and can be understood by every member of the organization.

- **Arrest Situations.** More officers lost their lives in 1990 during arrest situations than under any other circumstance, and one-fourth of the officer assaults occurred when officers were attempting arrest. [16] Most of the police use-of-force situations would more than likely fall into the category of "resisting arrests." However, this area is the source of much controversy. The circumstances surrounding arrests have been the cause of major, recent police-minority group clashes in particular.

[16] ***Law Enforcement Officers Killed and Assaulted, 1990,*** Uniform Crime Reports, of the Federal Bureau of Investigation, U.S. Department of Justice (1991).

For most people, an arrest is an extremely stressful experience which can cause reactions that are highly unusual. For some, an arrest is viewed as a complete loss of freedom and their resistance may include the use of firearms, which dramatically increases the possibility of a police officer using force. Unfortunately, the data available does not identify specific types of arrest situations as being more likely to result in use of force by or against an officer.

Studies over the years, however, have provided an indication that some officers are more likely to use force in effecting arrests than others. Therefore, it appears an effort is needed to identify arrest situations where force is used and to determine if there are common factors present. If there is an indication that certain officers or situations result in force being used by or against officers, then approaches can be developed for dealing with those specific circumstances.

• **Responding to Disturbance Calls.** Response to disturbance calls continues to be an area where police officers are exposed to potential loss of life or assault. While some express surprise at this, disturbance situations present clear dilemmas to police officers who must deal with them. They must intervene in disagreements between two or more parties, with little information on the background of the conflict, and often with very little real authority to address the underlying problems — unless the elements of an offense are present.

Moreover, all parties involved in the conflict, generally, have an expectation that the police should side with them since they believe they are right. It is also not unusual for officers to end up in a position where both sides of the conflict direct their wrath at the officer, if it becomes necessary to initiate an arrest. These are the situations that result in force being used by and against the officer. Such situations are all the more volatile when officers and citizens are of different races.

Over the past 15 years, greater attention has been devoted to enhancing the skills of police officers in this area. In the more progressive police departments, time has been allocated in recruitment and inservice training to developing a better understanding of all types of conflict situations with the emphasis on family or domestic violence. With that improved understanding of conflict management, officers are able to handle more of the disturbance calls in a manner that avoids use of force and minimizes their own exposure to assault. All training must focus on major factors in officer assaults: the officer's demeanor, attitude, and lack of skill in using proven psychological techniques to control the behavior of enraged disputants. Officers must have an opportunity to identify, analyze, and openly discuss these factors.

In addition to training officers in conflict management, a greater focus has been placed on developing written policies and procedures. These not only provide guidance in the use of discretion, they set forth concepts such as the need to have at least two officers respond to disturbance calls. They provide the officers with alternatives to arrest, as a means to resolve problems. They also provide, for example, the mechanism for officers to use alternative resources such as spouse abuse shelters to aide in responding to the situations. The combination of training and written guidelines helps increase the level of confidence an officer has in handling domestic situations. This minimizes the potential for resorting to force to implement a solution — which may not fit the problem that caused the disturbance.

• **Traffic Stops and Pursuits.** Police officers make thousands of traffic stops daily. Like other human beings, they have a tendency to become complacent when performing tasks that become routine. These circumstances create an environment where basic procedural mistakes are made that may result in the officer being assaulted or using force to resolve a problem that could have been avoided. The dilemma faced by police administrators lies in ensuring that officers avoid mistakes, without introducing a level of fear that causes officers to overreact to non-threatening situations.

While policies, procedures, and periodic refresher training are helpful, the resolution of this problem rests with the officers themselves and first-line supervisors. The day-to-day environment must be one that reinforces adherence to basic procedures. The environment also needs to reflect a value system which views using force as the least-preferred method of problem

resolution. The establishment of that environment, as observed elsewhere, begins at the top of the organization. However, to be effective, line officers and their supervisors must accept that value.

Police pursuit situations have drawn considerable attention in recent years because of well-publicized civil judgments against local jurisdictions for negligence. This has caused many police departments to examine and begin to adjust their policies toward participating in high-speed chases. In addition to the potential for serious injury or death and high property damage, these situations often end with the pursued individual being subdued by force. Emotions run high in pursuit situations because of their inherent dangers. Both officer and suspect may engage in conduct that would not occur under normal circumstances.

The pursuit situation is very difficult for police administrators to address, and, in some cases, produces one of those "lose-lose" conditions. Many believe a "no-pursuit" policy would lead to more individuals taking a chance on eluding an officer. At the same time, a no-pursuit policy will not necessarily limit the department's liability — because some of these cases may produce a failure-to-protect condition.

Therefore, policies must be developed that guide officer discretion. One provision that often appears in departments' pursuit policies requires that officers suspend the chase, when it reaches the point of creating a greater problem than the initial reason for beginning the pursuit. For maximum impact, this type of statement should be supplemented with real examples of its application, and should be reinforced, even in those times when a pursuit situation does not result in a crash. (See Appendix VIII).

• **Investigating Suspicious Persons.** Over the years, the concept of "suspicious person" has become less-clearly defined as the individual right of freedom of movement has been reinforced. At one time, "suspicious" could mean merely encountering an individual of one race in a neighborhood populated by members of another race, at any time of the day. That evolved to a late-night situation and eventually to a requirement that other circumstances be present. The difficulty in the inability to clearly define and articulate "suspicious" is that it creates the perception of harassment on the part of the individual stopped and questioned. Obviously, this can quickly result in friction between officer and citizen, with the possibility of the citizen resisting an arrest that may be questioned by the community and overturned by the courts.

Unfortunately, much of the formal police training in this area does not adequately prepare an officer to deal with the ambiguities involved — which may result in responses at one extreme or the other. Either the police department is overly aggressive and develops a hostile relationship with one group of citizens, or is not aggressive enough, and gives the impression of ambivalence or laziness. As in other areas, practical guidelines to the use of discretion need to be prepared, disseminated, and reinforced in daily operations. These guidelines have to balance the individual's right to freedom of movement with the need of the community to be free from criminal victimization.

• **Handling, Custody, and Transportation of Prisoners.** Police handling of individuals in custody results in a higher level of assault and death situations than one might expect — given the presumption of police control in these circumstances. However, problems do occur, and experience shows that many times officers are assaulted and suspects injured during the booking process. In fact, injuries and deaths suffered by minorities, already in police custody, have prompted a number of serious police-community conflicts in recent years.

Studies in Baltimore County, Maryland, and Newport News, Virginia, to cite just two examples, have shown that a significant number of altercations occur in the environment where booking takes place. Although the reasons for this are not immediately clear, separation of the arresting officer and the suspect seems to result in fewer incidents. Available data does not distinguish the proportion of such incidents relating particularly to transportation. Nevertheless, an evaluation of procedures and reinforcement of sound ones would contribute to a reduction of conflict.

• **Handling the Mentally Disabled.** The treatment of mental illness has undergone radical revision in recent years. Where in-hospital treatment and confinement was once the norm, the emphasis has now shifted to out-patient and community-based programs as an approach toward recovery. As more and more people with special needs are returned to their respec-

tive communities, it becomes more important than ever for the police to develop a general familiarization with recommended approaches toward handing the mentally ill. Police departments must make a concerted effort to identify local resources that offer special services in the field of mental illness. They should also extend an invitation to area health professionals to participate in a program of in-service training for the benefit of those police officers who are most likely to confront citizens with one or more forms of mental illness.

The goal of such an effort is not to transform the police officer into a diagnostician or professional psychiatrist, but to provide the officer with a special understanding of, and empathy for, the problems of the mentally ill. Channels of communication between the police, the mental health professionals, and local treatment centers should be constantly utilized and upgraded as it becomes necessary.

The police should also recognize that not all forms of mental illness are permanent, nor are they completely debilitating. Some of the people an officer encounters may, on the surface, appear to be functioning with some degree of normalcy, but may still be under enormous pressure or stress that is not readily discernible or articulated. Separating and identifying the person who is affected by mental illness from the person who is simply engaged in antisocial or criminal behavior requires a special degree of skill and experience. It is imperative that officers be provided with the necessary level of training that can elevate them to that special degree of skill, or that arrangements be made so that the services of mental health professionals are readily available to officers in crisis situations.

As most law enforcement professionals know, the results of recent police encounters with the mentally disturbed have led to major police-community confrontations in a number of cities. Fortunately, however, the seriousness of this problem has been recognized, and innovative approaches to it are being developed. For example, in April 1986, the Police Executive Research Forum (PERF) issued guidelines to help police departments handle encounters with the mentally disabled. The report, ***Special Care: Improving the Police Response of the Mentally Disabled,*** resulted from an 18-month study funded by the National Institute of Justice and the Community Trust." [17]

The PERF report describes creative models used by three police departments: Madison, Wisconsin; Birmingham, Alabama; and Galveston County, Texas. While these programs illustrate markedly different approaches, they may be helpful to police departments trying to improve their own handling of the mentally disabled. In Madison, handling calls involving the mentally ill is the responsibility of regular patrol officers, who receive over 20 hours of mental health training. In addition, officers can confer with the county's 24-hour emergency mental health center before attempting to handle difficult cases. The Galveston County Sheriffs Department uses a unit of six specially trained deputies to respond to all mental health calls, thereby relieving regular deputies of this responsibility. The Birmingham Police Department relies on a community service unit consisting of social workers who come to the scene of an encounter to assist officers in reaching a disposition of the situation.

The city of Portland and Multnomah County, Oregon, have also experienced several recent clashes between police and the community over police handling of mentally disturbed persons. Believing that the necessity for police intervention was, in many instances, a manifestation of mentally ill persons "falling through the cracks," Portland and Multnomah County established a task force to develop a coordinated plan of action involving all pertinent city and county agencies. A letter of agreement indicating the responsibilities of these agencies has been included in Appendix VIII.

• **Hostage/Barricade Situations.** Over the past 15 years, most medium-to-large-size police agencies have developed teams of officers to respond to hostage/barricade encounters. These teams usually include negotiators and have established objectives of dealing with these situations without injury to anyone involved. Unfortunately, however, that is not always the result, and when the person or persons involved are members of a minority group, any force used is likely to be more controversial because of the general belief that the police practice a double standard. The tragic encounter between Philadelphia police and the MOVE group in 1985 is a case in point, and there are other, less well publicized incidents that also racially polarized communities.

[17] Gerald R. Murphy, ***Special Care: Improving the Police Response to the Mentally Disabled***, Police Executive Research Forum (1986).

Most police hostage/barricade teams conduct frequent training and hold debriefing sessions at the conclusion of an operation. These teams have made significant contributions toward reducing the amount and degree of force used by the police in addressing these problems. Agencies that have not established this capability should do so if resources permit. If not, the capability could be developed by combining resources or through agreements with other municipal, county, or State agencies.

• **Drugs and Gangs.** One of the major areas of concern in policing is the violence that surrounds drug and gang activity. The increased number of handguns and other firepower, the role of organized criminals and youth gangs, and the amount of money involved in this activity have torn apart communities — created divisions within communities, between police and communities, especially minority communities. Homicide rates, especially among minority youth, have escalated.

Pressures and demands from different segments of the community have led to calls for aggressive policing, even if it entails the violation of individuals' rights. Field practices that violate accepted police practices and procedures are too often condoned in the name of expediency or pressure for immediate results. This issue represents a significant challenge to police executives and the department's value system.

The guidance the executive can provide on such a volatile issue begins with the value system of the police department and the systems established to put these values into operation. The community and law enforcement must be involved in developing a comprehensive approach to drugs and gangs that solicits community cooperation and support. The police department must address both the criminal acts and the community's fears or perceptions. The community and law enforcement must be involved together in developing a comprehensive approach to this issue. Specialized training must be provided to the officers in: effective techniques for investigating drug activity, making arrests, developing intervention and diversion programs, establishing racial and cultural awareness programs, and developing broad based community support through such programs as a citizens crime watch, DARE, and similar type programs.

Check List For Effective Policing

A department's overall operation and management performance is critical and it can determine its needs by utilizing the following checklist. Has the police department established:

- set of values?
- policy on avoiding violence between police and citizens?
- community policing as a philosophy?
- policy on use of force and alternatives to force?
- accreditation program?
- effective citizen complaint procedures and other redress systems?
- affirmative action and recruitment policy?
- programs to reach new immigrant and other population needs?
- community and cultural diversity training?
- ongoing internal/external training programs?
- two-tier process for reviewing hate crime incidents?
- racial bias unit/civil rights officer?
- policy and procedures to reduce violence between police and citizens in the nine identified areas of concern?
- programs to obtain continued feedback from minority communities?
- negotiation v. confrontation skills (conflict management approach)?
- officer involvement in community activities (e.g., police athletic league)?
- desired department culture?
- minority representation in specialized units within the department?

Concluding Statement

It should be reemphasized that the principles of policing presented in this publication, and summarized here, are not seen as either a panacea or as the comprehensive, final word on reducing police-citizen violence. These approaches are offered, first, in recognition that the level of police-citizen violence remains a serious problem that requires attention. Secondly, they are offered in the sincere belief that enough has been learned through the experience of the last several years that a useful contribution can be made through collecting some of that experience and sharing it.

As pointed out elsewhere in this publication, it is recognized that citizens bear a part of the responsibility for the tenor of relations with police. However, it is the police role which is key because of the unique power that is a part of it. To a significant extent, the progress that has been made in reducing police-citizen violence has occurred because determined police executives were willing to act where they saw policies or practices that needed correcting - sometimes against considerable internal and external opposition. Further improvement will also depend in a major way on the willingness, and ability, of police executives to push for meaningful change in their departments.

Thus, this publication is offered as a useful resource. But just as the Community Relations Service does not regard this as the last word on the subject, the agency also does not view the sharing of experience and information as a one-way street. Copies of policies or descriptions of innovative programs from police departments would be welcomed by CRS. It is anticipated that the agency will continue exploring approaches to avoiding police-citizen violence as part of its on-going conflict resolution responsibility, and will widely disseminate the most useful information obtained. CRS will also continue to make its services directly available to police agencies through technical assistance on program development. That assistance is available upon request.

Appendices

The purpose of these appendices is to provide guidelines for the development of effective police agency mechanisms to address the issues referenced by the members of the task force which prepared this publication. Some of the provisions of the materials presented here may well conflict with state law, municipal ordinances, or collective bargaining agreements. The Community Relations Service believes however, that these materials will serve as a balancing factor as the reader reviews similar policies now in effect in his or her own agency.

Appendix I - Role of Police - Page 29

- "The Evolving Strategy of Policing," by George L. Kelling and Mark H. Moore.
- "The Evolving Strategy of Police: A Minority View," by Hubert Williams and Patrick V. Murphy.

Appendix II - Community-Oriented Policing - Page 63

- CRS and Community-Oriented Policing, 1993.
- "Community Policing: A Practical Guide for Police Officials," by Lee P. Brown.

Appendix III - Use of Force and Alternatives - Page 85

- "15 Shooting Reduction Techniques: Controlling the Use of Deadly Force by and Against Police Officers," by William A. Geller.
- "Reasonable and Unreasonable Fear in Police Encounters," by Ron McCarthy, IACP Training Key #398.

Appendix IV - Citizen Complaints and Other Redress Systems - Page 97

- "Police Agency Handling of Complaints: A Model Policy Statement." Police Executive Research Forum.
- Policy and Procedure: Receipt of Citizen Complaints. Newport News, Virginia.
- Policy and Procedure: Conduct of Internal Investigations. Newport News, Virginia.
- "Civilian Oversight of Policing," by Werner Petterson, Community Relations Service. U.S. Department of Justice. 1993.

Appendix V - Municipal Liability - Page 127

- "Liability for Failure to Adequately Train," by Diane M. Daane and James E. Hendricks.

Appendix VI - Public Information - Page 133

- Policy and Procedure: News Media Information Release Policy. Newport News, Virginia

Appendix VII - Managing Potentially Violent Circumstances - Page 141

- "Learning Module Two: Bias-Motivated Crimes — Definitions and Procedures," from the ***Training Guide for Hate Crime Data Collection***.
- ***Racial and Religious Violence, A Law Enforcement Guidebook,*** by Elsie L. Scott and Arlene E. Williams. National Organization of Black Law Enforcement Executives (NOBLE).

Appendix VIII - Areas of Special Concern - Page 183

- "Letter of Agreement between Agencies involved in responding to the Mentally Disabled." Multnomah County, Oregon, 1986.

- Pursuit Policy of the Tampa, Florida, Police Department. 1992.

Appendix I - Role of Police

Perspectives on Policing

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The Evolving Strategy of Policing

By George L. Kelling and Mark H. Moore

Policing, like all professions, learns from experience. It follows, then, that as modern police executives search for more effective strategies of policing, they will be guided by the lessons of police history. The difficulty is that police history is incoherent, its lessons hard to read. After all, that history was produced by thousands of local departments pursuing their own visions and responding to local conditions. Although that varied experience is potentially a rich source of lessons, departments have left few records that reveal the trends shaping modern policing. Interpretation is necessary.

Methodology

This essay presents an interpretation of police history that may help police executives considering alternative future strategies of policing. Our reading of police history has led us to adopt a particular point of view. We find that a dominant trend guiding today's police executives—a trend that encourages the pursuit of independent, professional autonomy for police departments—is carrying the police away from achieving their maximum potential, especially in effective crime fighting. We are also convinced that this trend in policing is weakening *public* policing relative to *private* security as the primary institution providing security to society. We believe that this has dangerous long-term implications not only for police departments but also for society. We think that this trend is shrinking rather than enlarging police capacity to help create civil communities. Our judgment is that this trend can be reversed only by refocusing police attention from the pursuit of professional autonomy to the establishment of effective problem-solving partnerships with the communities they police.

This is one in a series of reports originally developed with some of the leading figures in American policing during their periodic meetings at Harvard University's John F. Kennedy School of Government. The reports are published so that Americans interested in the improvement and the future of policing can share in the information and perspectives that were part of extensive debates at the School's Executive Session on Policing.

The police chiefs, mayors, scholars, and others invited to the meetings have focused on the use and promise of such strategies as community-based and problem-oriented policing. The testing and adoption of these strategies by some police agencies signal important changes in the way American policing now does business. What these changes mean for the welfare of citizens and the fulfillment of the police mission in the next decades has been at the heart of the Kennedy School meetings and this series of papers.

We hope that through these publications police officials and other policymakers who affect the course of policing will debate and challenge their beliefs just as those of us in the Executive Session have done.

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Delving into police history made it apparent that some assumptions that now operate as axioms in the field of policing (for example that effectiveness in policing depends on distancing police departments from politics; or that the highest priority of police departments is to deal with serious street crime; or that the best way to deal with street crime is through directed patrol, rapid response to calls for service, and skilled retrospective investigations) are not timeless truths, but rather choices made by former police leaders and strategists. To be sure, the choices were often wise and far-seeing as well as appropriate to their times. But the historical perspective shows them to be choices nonetheless, and therefore open to reconsideration in the light of later professional experience and changing environmental circumstances.

We are interpreting the results of our historical study through a framework based on the concept of "corporate strategy."[1] Using this framework, we can describe police organizations in terms of seven interrelated categories:

- The sources from which the police construct the legitimacy and continuing power to act on society.
- The definition of the police function or role in society.
- The organizational design of police departments.
- The relationships the police create with the external environment.
- The nature of police efforts to market or manage the demand for their services.
- The principal activities, programs, and tactics on which police agencies rely to fulfill their mission or achieve operational success.
- The concrete measures the police use to define operational success or failure.

Editor's note: *This paper, among the many papers discussed at the Kennedy School's Executive Session on Policing, evoked some of the most spirited exchanges among Session participants. The range and substance of those exchanges are captured in a companion* Perspectives on Policing, *"Debating the Evolution of American Policing."*

Using this analytic framework, we have found it useful to divide the history of policing into three different eras. These eras are distinguished from one another by the apparent dominance of a particular strategy of policing. The political era, so named because of the close ties between police and politics, dated from the introduction of police into municipalities during the 1840's, continued through the Progressive period, and ended during the early 1900's. The reform era developed in reaction to the political. It took hold during the 1930's, thrived during the 1950's and 1960's, began to erode during the late 1970's. The reform era now seems to be giving way to an era emphasizing community problem solving.

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By dividing policing into these three eras dominated by a particular strategy of policing, we do not mean to imply that there were clear boundaries between the eras. Nor do we mean that in those eras everyone policed in the same way. Obviously, the real history is far more complex than that. Nonetheless, we believe that there is a certain professional ethos that defines standards of competence, professionalism, and excellence in policing; that at any given time, one set of concepts is more powerful, more widely shared, and better understood than others; and that this ethos changes over time. Sometimes, this professional ethos has been explicitly articulated, and those who have articulated the concepts have been recognized as the leaders of their profession. O.W. Wilson, for example, was a brilliant expositor of the central elements of the reform strategy of policing. Other times, the ethos is implicit—accepted by all as the tacit assumptions that define the business of policing and the proper form for a police department to take. Our task is to help the profession look to the future by representing its past in these terms and trying to understand what the past portends for the future.

The political era

Historians have described the characteristics of early policing in the United States, especially the struggles between various interest groups to govern the police.[2] Elsewhere, the authors of this paper analyzed a portion of American police history in terms of its organizational strategy.[3] The following discussion of elements of the police organizational strategy during the political era expands on that effort.

Legitimacy and authorization

Early American police were authorized by local municipalities. Unlike their English counterparts, American police departments lacked the powerful, central authority of the crown to establish a legitimate, unifying mandate for their enterprise. Instead, American police derived both their authorization and resources from local political leaders, often ward politicians. They were, of course, guided by the law as to what tasks to undertake and what powers to utilize. But their link to neighborhoods and local politicians was so tight that both Jordan[4] and Fogelson[5] refer to the early police as adjuncts to local political machines. The relationship was often reciprocal: political machines recruited and maintained police in office and on the beat, while police helped ward political leaders maintain their political offices by encouraging citizens to vote for certain candidates, discouraging them from voting for others, and, at times, by assisting in rigging elections.

The police function

Partly because of their close connection to politicians, police during the political era provided a wide array of services to citizens. Inevitably police departments were involved in crime prevention and control and order maintenance, but they also provided a wide variety of social services. In the late 19th century, municipal police departments ran soup lines; provided temporary lodging for newly arrived immigrant workers in station houses;[6] and assisted ward leaders in finding work for immigrants, both in police and other forms of work.

Organizational design

Although ostensibly organized as a centralized, quasi-military organization with a unified chain of command, police departments of the political era were nevertheless decentralized. Cities were divided into precincts, and precinct-level managers often, in concert with the ward leaders, ran precincts as small-scale departments—hiring, firing, managing, and assigning personnel as they deemed appropriate. In addition, decentralization combined with primitive communications and transportation to give police officers substantial discretion in handling their individual beats. At best, officer contact with central command was maintained through the call box.

External relationships

During the political era, police departments were intimately connected to the social and political world of the ward. Police officers often were recruited from the same ethnic stock as the dominant political groups in the localities, and continued to live in the neighborhoods they patrolled. Precinct commanders consulted often with local political representatives about police priorities and progress.

Demand management

Demand for police services came primarily from two sources: ward politicians making demands on the organization and citizens making demands directly on beat officers. Decentralization and political authorization encouraged the first; foot patrol, lack of other means of transportation, and poor communications produced the latter. Basically, the demand for police services was received, interpreted, and responded to at the precinct and street levels.

Principal programs and technologies

The primary tactic of police during the political era was foot patrol. Most police officers walked beats and dealt with crime, disorder, and other problems as they arose, or as they were guided by citizens and precinct superiors. The technological tools available to police were limited. However, when call boxes became available, police administrators used them for supervisory and managerial purposes; and, when early automobiles became available, police used them to transport officers from one beat to another.[7] The new technology thereby increased the range, but did not change the mode, of patrol officers.

Detective divisions existed but without their current prestige. Operating from a caseload of "persons" rather than offenses, detectives relied on their caseload to inform on other criminals.[8] The "third degree" was a common means of interviewing criminals to solve crimes. Detectives were often especially valuable to local politicians for gathering information on individuals for political or personal, rather than offense-related, purposes.

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Measured outcomes

The expected outcomes of police work included crime and riot control, maintenance of order, and relief from many of the other problems of an industrializing society (hunger and temporary homelessness, for example). Consistent with their

political mandate, police emphasized maintaining citizen and political satisfaction with police services as an important goal of police departments.

In sum, the organizational strategy of the political era of policing included the following elements:

- Authorization—primarily political.
- Function—crime control, order maintenance, broad social services.
- Organizational design—decentralized and geographical.
- Relationship to environment—close and personal.
- Demand—managed through links between politicians and precinct commanders, and face-to-face contacts between citizens and foot patrol officers.
- Tactics and technology—foot patrol and rudimentary investigations.
- Outcome—political and citizen satisfaction with social order.

The political strategy of early American policing had strengths. First, police were integrated into neighborhoods and enjoyed the support of citizens—at least the support of the dominant and political interests of an area. Second, and probably as a result of the first, the strategy provided useful services to communities. There is evidence that it helped contain riots. Many citizens believed that police prevented crimes or solved crimes when they occurred.[9] And the police assisted immigrants in establishing themselves in communities and finding jobs.

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The political strategy also had weaknesses. First, intimacy with community, closeness to political leaders, and a decentralized organizational structure, with its inability to provide supervision of officers, gave rise to police corruption. Officers were often required to enforce unpopular laws foisted on immigrant ethnic neighborhoods by crusading reformers (primarily of English and Dutch background) who objected to ethnic values.[10] Because of their intimacy with the community, the officers were vulnerable to being bribed in return for nonenforcement or lax enforcement of laws. Moreover, police closeness to politicians created such forms of political corruption as patronage and police interference in elections.[11] Even those few departments that managed to avoid serious financial or political corruption during the late 19th and early 20th centuries, Boston for example, succumbed to large-scale corruption during and after Prohibition.[12]

Second, close identification of police with neighborhoods and neighborhood norms often resulted in discrimination against strangers and others who violated those norms, especially minority ethnic and racial groups. Often ruling their beats with the "ends of their nightsticks," police regularly targeted outsiders and strangers for rousting and "curbstone justice."[13]

Finally, the lack of organizational control over officers resulting from both decentralization and the political nature of many appointments to police positions caused inefficiencies and disorganization. The image of Keystone Cops—police as clumsy bunglers—was widespread and often descriptive of realities in American policing.

The reform era

Control over police by local politicians, conflict between urban reformers and local ward leaders over the enforcement of laws regulating the morality of urban migrants, and abuses (corruption, for example) that resulted from the intimacy between police and political leaders and citizens produced a continuous struggle for control over police during the late 19th and early 20th centuries.[14] Nineteenth-century attempts by civilians to reform police organizations by applying external pressures largely failed; 20th-century attempts at reform, originating from both internal and external forces, shaped contemporary policing as we knew it through the 1970's.[15]

Berkeley's police chief, August Vollmer, first rallied police executives around the idea of reform during the 1920's and early 1930's. Vollmer's vision of policing was the trumpet call: police in the post-flapper generation were to remind American citizens and institutions of the moral vision that had made America great and of their responsibilities to maintain that vision.[16] It was Vollmer's protege, O.W. Wilson, however, who taking guidance from J. Edgar Hoover's shrewd transformation of the corrupt and discredited Bureau of Investigation into the honest

and prestigious Federal Bureau of Investigation (FBI), became the principal administrative architect of the police reform organizational strategy.[17]

Hoover wanted the FBI to represent a new force for law and order, and saw that such an organization could capture a permanent constituency that wanted an agency to take a stand against lawlessness, immorality, and crime. By raising eligibility standards and changing patterns of recruitment and training, Hoover gave the FBI agents stature as upstanding moral crusaders. By committing the organization to attacks on crimes such as kidnapping, bank robbery, and espionage—crimes that attracted wide publicity and required technical sophistication, doggedness, and a national jurisdiction to solve—Hoover established the organization's reputation for professional competence and power. By establishing tight central control over his agents, limiting their use of controversial investigation procedures (such as undercover operations), and keeping them out of narcotics enforcement, Hoover was also able to maintain an unparalleled record of integrity. That, too, fitted the image of a dogged, incorruptible crime-fighting organization. Finally, lest anyone fail to notice the important developments within the Bureau, Hoover developed impressive public relations programs that presented the FBI and its agents in the most favorable light. (For those of us who remember the 1940's, for example, one of the most popular radio phrases was, "The FBI in peace and war"—the introductory line in a radio program that portrayed a vigilant FBI protecting us from foreign enemies as well as villains on the "10 Most Wanted" list, another Hoover/FBI invention.)

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Struggling as they were with reputations for corruption, brutality, unfairness, and downright incompetence, municipal police reformers found Hoover's path a compelling one. Instructed by O.W. Wilson's texts on police administration, they began to shape an organizational strategy for urban police analogous to the one pursued by the FBI.

Legitimacy and authorization

Reformers rejected politics as the basis of police legitimacy. In their view, politics and political involvement was the *problem* in American policing. Police reformers therefore allied themselves with Progressives. They moved to end the close ties between local political leaders and police. In some states, control over police was usurped by state government. Civil service eliminated patronage and ward influences in hiring and firing police officers. In some cities (Los Angeles and Cincinnati, for example), even the position of chief of police became a civil service position to be attained through examination. In others (such as Milwaukee), chiefs were given lifetime tenure by a police commission, to be removed from office only for cause. In yet others (Boston, for example), contracts for chiefs were staggered so as not to coincide with the mayor's tenure. Concern for separation of police from politics did not focus only on chiefs, however. In some cities, such as Philadelphia, it became illegal for patrol officers to live in the beats they patrolled. The purpose of all these changes was to isolate police as completely as possible from political influences.

Law, especially criminal law, and police professionalism were established as the principal bases of police legitimacy. When police were asked why they performed as they did, the most common answer was that they enforced the law. When they chose not to enforce the law—for instance, in a riot when police isolated an area rather than arrested looters—police justification for such action was found in their claim to professional knowledge, skills, and values which uniquely qualified them to make such tactical decisions. Even in riot situations, police rejected the idea that political leaders should make tactical decisions; that was a police responsibility.[18]

So persuasive was the argument of reformers to remove political influences from policing, that police departments became one of the most autonomous public organizations in urban government.[19] Under such circumstances, policing a city became a legal and technical matter left to the discretion of professional police executives under the guidance of law. Political influence of any kind on a police department came to be seen as not merely a failure of police leadership but as corruption in policing.

The police function

Using the focus on criminal law as a basic source of police legitimacy, police in the reform era moved to narrow their functioning to crime control and criminal apprehension. Police agencies became *law enforcement* agencies. Their goal was to control crime. Their principal means was the use of criminal law to apprehend and deter offenders. Activities that drew the police into solving other kinds of community problems and relied on other kinds of responses were

identified as "social work," and became the object of derision. A common line in police circles during the 1950's and 1960's was, "If only we didn't have to do social work, we could really do something about crime." Police retreated from providing emergency medical services as well—ambulance and emergency medical services were transferred to medical, private, or firefighting organizations.[20] The 1967 President's Commission on Law Enforcement and Administration of Justice ratified this orientation: heretofore, police had been conceptualized as an agency of urban government; the President's Commission reconceptualized them as part of the criminal justice system.

Organizational design

The organization form adopted by police reformers generally reflected the *scientific* or *classical* theory of administration advocated by Frederick W. Taylor during the early 20th century. At least two assumptions attended classical theory. First, workers are inherently uninterested in work and, if left to their own devices, are prone to avoid it. Second, since workers have little or no interest in the substance of their work, the sole common interest between workers and management is found in economic incentives for workers. Thus, both workers and management benefit economically when management arranges work in ways that increase workers' productivity and link productivity to economic rewards.

Two central principles followed from these assumptions: division of labor and unity of control. The former posited that if tasks can be broken into components, workers can become highly skilled in particular components and thus more efficient in carrying out their tasks. The latter posited that the workers' activities are best managed by a *pyramid of control*, with all authority finally resting in one central office.

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Using this classical theory, police leaders moved to routinize and standardize police work, especially patrol work. Police work became a form of crimefighting in which police enforced the law and arrested criminals if the opportunity presented itself. Attempts were made to limit discretion in patrol work: a generation of police officers was raised with the idea that they merely enforced the law.

If special problems arose, the typical response was to create special units (e.g., vice, juvenile, drugs, tactical) rather than to assign them to patrol. The creation of these special units, under central rather than precinct command, served to further centralize command and control and weaken precinct commanders.[21]

Moreover, police organizations emphasized control over workers through bureaucratic means of control: supervision, limited span of control, flow of instructions downward and information upward in the organization, establishment of elaborate record-keeping systems requiring additional layers of middle managers, and coordination of activities between various production units (e.g., patrol and detectives), which also required additional middle managers.

External relationships

Police leaders in the reform era redefined the nature of a proper relationship between police officers and citizens. Heretofore, police had been intimately linked to citizens. During the era of reform policing, the new model demanded an impartial law enforcer who related to citizens in professionally neutral and distant terms. No better characterization of this model can be found than television's Sergeant Friday, whose response, "Just the facts, ma'am," typified the idea: impersonal and oriented toward crime solving rather than responsive to the emotional crisis of a victim.

The professional model also shaped the police view of the role of citizens in crime control. Police redefined the citizen role during an era when there was heady confidence about the ability of professionals to manage physical and social problems. Physicians would care for health problems, dentists for dental problems, teachers for educational problems, social workers for social adjustment problems, and police for crime problems. The proper role of citizens in crime control was to be relatively passive recipients of professional crime control services. Citizens' actions on their own behalf to defend themselves or their communities came to be seen as inappropriate, smacking of vigilantism. Citizens met their responsibilities when a crime occurred by calling police, deferring to police actions, and being good witnesses if called upon to give evidence. The metaphor that expressed this orientation to the community was that of the police as the "thin blue line." It connotes the existence of dangerous external threats to communities, portrays police as standing between that danger and good citizens, and implies both police heroism and loneliness.

Demand management

Learning from Hoover, police reformers vigorously set out to sell their brand of urban policing.[22] They, too, performed on radio talk shows, consulted with media representatives

about how to present police, engaged in public relations campaigns, and in other ways presented this image of police as crime fighters. In a sense, they began with an organizational capacity—anticrime police tactics—and intensively promoted it. This approach was more like selling than marketing. Marketing refers to the process of carefully identifying consumer needs and then developing goods and services that meet those needs. Selling refers to having a stock of products or goods on hand irrespective of need and selling them. The reform strategy had as its starting point a set of police tactics (services) that police promulgated as much for the purpose of establishing internal control of police officers and enhancing the status of urban police as for responding to community needs or market demands.[23] The community "need" for rapid response to calls for service, for instance, was largely the consequence of police selling the service as efficacious in crime control rather than a direct demand from citizens.

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Consistent with this attempt to sell particular tactics, police worked to shape and control demand for police services. Foot patrol, when demanded by citizens, was rejected as an outmoded, expensive frill. Social and emergency services were terminated or given to other agencies. Receipt of demand for police services was centralized. No longer were citizens encouraged to go to "their" neighborhood police officers or districts; all calls went to a central communications facility. When 911 systems were installed, police aggressively sold 911 and rapid response to calls for service as effective police service. If citizens continued to use district, or precinct, telephone numbers, some police departments disconnected those telephones or got new telephone numbers.[24]

Principal programs and technologies

The principal programs and tactics of the reform strategy were preventive patrol by automobile and rapid response to calls for service. Foot patrol, characterized as outmoded and inefficient, was abandoned as rapidly as police administrators could obtain cars.[25] The initial tactical reasons for putting police in cars had been to increase the size of the areas police officers could patrol and to take the advantage away from criminals who began to use automobiles. Under reform policing, a new theory about how to make the best tactical use of automobiles appeared.

O.W. Wilson developed the theory of preventive patrol by automobile as an anticrime tactic.[26] He theorized that if police drove conspicuously marked cars randomly through city streets and gave special attention to certain "hazards" (bars and schools, for example), a feeling of police omnipresence would be developed. In turn, that sense of omnipresence would both deter criminals and reassure good citizens. Moreover, it was hypothesized that vigilant patrol officers moving rapidly through city streets would happen upon criminals in action and be able to apprehend them.

As telephones and radios became ubiquitous, the availability of cruising police came to be seen as even more valuable: if citizens could be encouraged to call the police via telephone as soon as problems developed, police could respond rapidly to calls and establish control over situations, identify wrong-doers, and make arrests. To this end, 911 systems and computer-aided dispatch were developed throughout the country. Detective units continued, although with some modifications. The "person" approach ended and was replaced by the case approach. In addition, forensic techniques were upgraded and began to replace the old "third degree" or reliance on informants for the solution of crimes. Like other special units, most investigative units were controlled by central headquarters.

Measured outcomes

The primary desired outcomes of the reform strategy were crime control and criminal apprehension.[27] To measure achievement of these outcomes, August Vollmer, working through the newly vitalized International Association of Chiefs of Police, developed and implemented a uniform system of crime classification and reporting. Later, the system was taken over and administered by the FBI and the *Uniform Crime Reports* became the primary standard by which police organizations measured their effectiveness. Additionally, individual officers' effectiveness in dealing with crime was judged by the number of arrests they made; other measures of police effectiveness included response time (the time it takes for a police car to arrive at the location of a call for service) and "number of passings" (the number of times a police car passes a given point on a city street). Regardless of all other indicators, however, the primary measure of police effectiveness was the crime rate as measured by the *Uniform Crime Reports*.

In sum, the reform organizational strategy contained the following elements:

- Authorization—law and professionalism.
- Function—crime control.
- Organizational design—centralized, classical.
- Relationship to environment—professionally remote.
- Demand—channeled through central dispatching activities.
- Tactics and technology—preventive patrol and rapid response to calls for service.
- Outcome—crime control.

"... officers' effectiveness in dealing with crime was judged by the number of arrests they made ..."

In retrospect, the reform strategy was impressive. It successfully integrated its strategic elements into a coherent paradigm that was internally consistent and logically appealing. Narrowing police functions to crime fighting made sense. If police could concentrate their efforts on prevention of crime and apprehension of criminals, it followed that they could be more effective than if they dissipated their efforts on other problems. The model of police as impartial, professional law enforcers was attractive because it minimized the discretionary excesses which developed during the political era. Preventive patrol and rapid response to calls for service were intuitively appealing tactics, as well as means to control officers and shape and control citizen demands for service. Further, the strategy provided a comprehensive, yet simple, vision of policing around which police leaders could rally.

The metaphor of the thin blue line reinforced their need to create isolated independence and autonomy in terms that were acceptable to the public. The patrol car became the symbol of policing during the 1930's and 1940's; when equipped with a radio, it was at the limits of technology. It represented mobility, power, conspicuous presence, control of officers, and professional distance from citizens.

During the late 1960's and 1970's, however, the reform strategy ran into difficulty. First, regardless of how police effectiveness in dealing with crime was measured, police failed to substantially improve their record. During the 1960's, crime began to rise. Despite large increases in the size of police departments and in expenditures for new forms of equipment (911 systems, computer-aided dispatch, etc.), police failed to meet their own or public expectations about their capacity to control crime or prevent its increase. Moreover, research conducted during the 1970's on preventive patrol and rapid response to calls for service suggested that neither was an effective crime control or apprehension tactic.[28]

Second, fear rose rapidly during this era. The consequences of this fear were dramatic for cities. Citizens abandoned parks, public transportation, neighborhood shopping centers, churches, as well as entire neighborhoods. What puzzled police and researchers was that levels of fear and crime did not always correspond: crime levels were low in some areas, but fear high. Conversely, in other areas levels of crime were high, but fear low. Not until the early 1980's did researchers discover that fear is more closely correlated with disorder than with crime.[29] Ironically, order maintenance was one of those functions that police had been downplaying over the years. They collected no data on it, provided no training to officers in order maintenance activities, and did not reward officers for successfully conducting order maintenance tasks.

Third, despite attempts by police departments to create equitable police allocation systems and to provide impartial policing to all citizens, many minority citizens, especially blacks during the 1960's and 1970's, did not perceive their treatment as equitable or adequate. They protested not only police mistreatment, but lack of treatment—inadequate or insufficient services—as well.

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Fourth, the civil rights and antiwar movements challenged police. This challenge took several forms. The legitimacy of police was questioned: students resisted police, minorities rioted against them, and the public, observing police via live television for the first time, questioned their tactics. Moreover, despite police attempts to upgrade personnel through improved recruitment, training, and supervision, minorities and then women insisted that they had to be adequately represented in policing if police were to be legitimate.

Fifth, some of the myths that undergirded the reform strategy—police officers use little or no discretion and

the primary activity of police is law enforcement—simply proved to be too far from reality to be sustained. Over and over again research showed that use of discretion characterized policing at all levels and that law enforcement comprised but a small portion of police officers' activities.[30]

Sixth, although the reform ideology could rally police chiefs and executives, it failed to rally line police officers. During the reform era, police executives had moved to professionalize their ranks. Line officers, however, were managed in ways that were antithetical to professionalization. Despite pious testimony from police executives that "patrol is the backbone of policing," police executives behaved in ways that were consistent with classical organizational theory—patrol officers continued to have low status; their work was treated as if it were routinized and standardized; and petty rules governed issues such as hair length and off-duty behavior. Meanwhile, line officers received little guidance in use of discretion and were given few, if any, opportunities to make suggestions about their work. Under such circumstances, the increasing "grumpiness" of officers in many cities is not surprising, nor is the rise of militant unionism.

Seventh, police lost a significant portion of their financial support, which had been increasing or at least constant over the years, as cities found themselves in fiscal difficulties. In city after city, police departments were reduced in size. In some cities, New York for example, financial cutbacks resulted in losses of up to one-third of departmental personnel. Some, noting that crime did not increase more rapidly or arrests decrease during the cutbacks, suggested that New York City had been overpoliced when at maximum strength. For those concerned about levels of disorder and fear in New York City, not to mention other problems, that came as a dismaying conclusion. Yet it emphasizes the erosion of confidence that citizens, politicians, and academicians had in urban police—an erosion that was translated into lack of political and financial support.

Finally, urban police departments began to acquire competition: private security and the community crime control movement. Despite the inherent value of these developments, the fact that businesses, industries, and private citizens began to search for alternative means of protecting their property and persons suggests a decreasing confidence in either the capability or the intent of the police to provide the services that citizens want.

In retrospect, the police reform strategy has characteristics similar to those that Miles and Snow[31] ascribe to a defensive strategy in the private sector. Some of the characteristics of an organization with a defensive strategy are (with specific characteristics of reform policing added in parentheses):

- Its market is stable and narrow (crime victims).
- Its success is dependent on maintaining dominance in a narrow, chosen market (crime control).
- It tends to ignore developments outside its domain (isolation).
- It tends to establish a single core technology (patrol).
- New technology is used to improve its current product or service rather than to expand its product or service line (use of computers to enhance patrol).
- Its management is centralized (command and control).
- Promotions generally are from within (with the exception of chiefs, virtually all promotions are from within).
- There is a tendency toward a functional structure with high degrees of specialization and formalization.

A defensive strategy is successful for an organization when market conditions remain stable and few competitors enter the field. Such strategies are vulnerable, however, in unstable market conditions and when competitors are aggressive.

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The reform strategy was a successful strategy for police during the relatively stable period of the 1940's and 1950's. Police were able to sell a relatively narrow service line and maintain dominance in the crime control market. The social changes of the 1960's and 1970's, however, created unstable conditions. Some of the more significant changes included: the civil rights movement; migration of minorities into cities; the changing age of the population (more youths and teenagers); increases in crime and fear; increased oversight of police actions by courts; and the decriminalization and deinstitutionalization movements. Whether or not the private sector defensive strategy properly applies to police, it is clear that the reform strategy was unable to adjust to the changing social circumstances of the 1960's and 1970's.

The community problem-solving era

All was not negative for police during the late 1970's and early 1980's, however. Police began to score victories which they barely noticed. Foot patrol remained popular, and in many cities citizen and political demands for it intensified. In New Jersey, the state funded the Safe and Clean Neighborhoods Program, which funded foot patrol in cities, often over the opposition of local chiefs of police.[32] In Boston, foot patrol was so popular with citizens that when neighborhoods were selected for foot patrol, politicians often made the announcements, especially during election years. Flint, Michigan, became the first city in memory to return to foot patrol on a citywide basis. It proved so popular there that citizens twice voted to increase their taxes to fund foot patrol—most recently by a two-thirds majority. Political and citizen demands for foot patrol continued to expand in cities throughout the United States. Research into foot patrol suggested it was more than just politically popular, it contributed to city life: it reduced fear, increased citizen satisfaction with police, improved police attitudes toward citizens, and increased the morale and job satisfaction of police.[33]

Additionally, research conducted during the 1970's suggested that one factor could help police improve their record in dealing with crime: information. If information about crimes and criminals could be obtained from citizens by police, primarily patrol officers, and could be properly managed by police departments, investigative and other units could significantly increase their effect on crime.[34]

Moreover, research into foot patrol suggested that at least part of the fear reduction potential was linked to the order maintenance activities of foot patrol officers.[35] Subsequent work in Houston and Newark indicated that tactics other than foot patrol that, like foot patrol, emphasized increasing the quantity and improving the quality of police-citizen interactions had outcomes similar to those of foot patrol (fear reduction, etc.).[36] Meanwhile, many other cities were developing programs, though not evaluated, similar to those in the foot patrol, Flint, and fear reduction experiments.[37]

The findings of foot patrol and fear reduction experiments, when coupled with the research on the relationship between fear and disorder, created new opportunities for police to understand the increasing concerns of citizens' groups about disorder (gangs, prostitutes, etc.) and to work with citizens to do something about it. Police discovered that when they asked citizens about their priorities, citizens appreciated the inquiry and also provided useful information—often about problems that beat officers might have been aware of, but about which departments had little or no official data (e.g., disorder). Moreover, given the ambiguities that surround both the definitions of disorder and the authority of police to do something about it, police learned that they had to seek authorization from local citizens to intervene in disorderly situations.[38]

"...foot patrol and fear reduction experiments [helped] police to understand the increasing concerns of citizens..."

Simultaneously, Goldstein's problem-oriented approach to policing[39] was being tested in several communities: Madison, Wisconsin; Baltimore County, Maryland; and Newport News, Virginia. Problem-oriented policing rejects the fragmented approach in which police deal with each incident, whether citizen- or police-initiated, as an isolated event with neither history nor future. Pierce's findings about calls for service illustrate Goldstein's point: 60 percent of the calls for service in any given year in Boston originated from 10 percent of the households calling the police.[40] Furthermore, Goldstein and his colleagues in Madison, Newport News, and Baltimore County discovered the following: police officers enjoy operating with a holistic approach to their work; they have the capacity to do it successfully; they can work with citizens and other agencies to solve problems; and citizens seem to appreciate working with police—findings similar to those of the foot patrol experiments (Newark and Flint)[41] and the fear reduction experiments (Houston and Newark).[42]

The problem confronting police, policymakers, and academicians is that these trends and findings seem to contradict many of the tenets that dominated police thinking for a generation. Foot patrol creates new intimacy between citizens and police. Problem solving is hardly the routinized and standardized patrol modality that reformers thought was necessary to maintain control of police and limit their discretion. Indeed, use of discretion is the *sine qua non* of problem-solving policing. Relying on citizen endorsement of order maintenance activities to justify police action acknowledges a continued or new reliance on political authorization for police work in general. And, accepting the quality of urban life as an outcome of good police service emphasizes a wider definition of the police function and the desired effects of police work.

These changes in policing are not merely new police tactics, however. Rather, they represent a new organizational

approach, properly called a community strategy. The elements of that strategy are:

Legitimacy and authorization

There is renewed emphasis on community, or political, authorization for many police tasks, along with law and professionalism. Law continues to be the major legitimating basis of the police function. It defines basic police powers, but it does not fully direct police activities in efforts to maintain order, negotiate conflicts, or solve community problems. It becomes one tool among many others. Neighborhood, or community, support and involvement are required to accomplish those tasks. Professional and bureaucratic authority, especially that which tends to isolate police and insulate them from neighborhood influences, is lessened as citizens contribute more to definitions of problems and identification of solutions. Although in some respects similar to the authorization of policing's political era, community authorization exists in a different political context. The civil service movement, the political centralization that grew out of the Progressive era, and the bureaucratization, professionalization, and unionization of police stand as counterbalances to the possible recurrence of the corrupting influences of ward politics that existed prior to the reform movement.

The police function

As indicated above, the definition of police function broadens in the community strategy. It includes order maintenance, conflict resolution, problem solving through the organization, and provision of services, as well as other activities. Crime control remains an important function, with an important difference, however. The reform strategy attempts to control crime directly through preventive patrol and rapid response to calls for service. The community strategy emphasizes crime control *and prevention* as an indirect result of, or an equal partner to, the other activities.

"... police function ... includes order maintenance, conflict resolution, problem solving ..., and provision of services ..."

Organizational design

Community policing operates from organizational assumptions different from those of reform policing. The idea that workers have no legitimate, substantive interest in their work is untenable when programs such as those in Flint, Houston, Los Angeles, New York City, Baltimore County, Newport News, and others are examined. Consulting with community groups, problem solving, maintaining order, and other such activities are antithetical to the reform ideal of eliminating officer discretion through routinization and standardization of police activities. Moreover, organizational decentralization is inherent in community policing: the involvement of police officers in diagnosing and responding to neighborhood and community problems necessarily pushes operational and tactical decisionmaking to the lower levels of the organization. The creation of neighborhood police stations (storefronts, for example), reopening of precinct stations, and establishment of beat offices (in schools, churches, etc.) are concrete examples of such decentralization.

Decentralization of tactical decisionmaking to precinct or beat level does not imply abdication of executive obligations and functions, however. Developing, articulating, and monitoring organizational strategy remain the responsibility of management. Within this strategy, operational and tactical decisionmaking is decentralized. This implies what may at first appear to be a paradox: while the number of managerial levels may decrease, the number of managers may increase. Sergeants in a decentralized regime, for example, have managerial responsibilities that exceed those they would have in a centralized organization.

At least two other elements attend this decentralization: increased participative management and increased involvement of top police executives in planning and implementation. Chiefs have discovered that programs are easier to conceive and implement if officers themselves are involved in their development through task forces, temporary matrix-like organizational units, and other organizational innovations that tap the wisdom and experience of sergeants and patrol officers. Additionally, police executives have learned that good ideas do not translate themselves into successful programs without extensive involvement of the chief executive and his close agents in every stage of planning and implementation, a lesson learned in the private sector as well.[43]

One consequence of decentralized decisionmaking, participative planning and management, and executive involvement in planning is that fewer levels of authority are required to administer police organizations. Some police organizations, including the London Metropolitan Police (Scotland Yard), have begun to reduce the number of middle-management layers, while others are contemplating doing so. Moreover, as in the private sector, as computerized

information gathering systems reach their potential in police departments, the need for middle managers whose primary function is data collection will be further reduced.

External relationships

Community policing relies on an intimate relationship between police and citizens. This is accomplished in a variety of ways: relatively long-term assignment of officers to beats, programs that emphasize familiarity between citizens and police (police knocking on doors, consultations, crime control meetings for police and citizens, assignment to officers of "caseloads" of households with ongoing problems, problem solving, etc.), revitalization or development of Police Athletic League programs, educational programs in grade and high schools, and other programs. Moreover, police are encouraged to respond to the feelings and fears of citizens that result from a variety of social problems or from victimization.

"Community policing relies on an intimate relationship between police and citizens."

Further, the police are restructuring their relationship with neighborhood groups and institutions. Earlier, during the reform era, police had claimed a monopolistic responsibility for crime control in cities, communities, and neighborhoods; now they recognize serious competitors in the "industry" of crime control, especially private security and the community crime control movement. Whereas in the past police had dismissed these sources of competition or, as in the case of community crime control, had attempted to coopt the movement for their own purposes,[44] now police in many cities (Boston, New York, Houston, and Los Angeles, to name a few) are moving to structure working relationships or strategic alliances with neighborhood and community crime control groups. Although there is less evidence of attempts to develop alliances with the private security industry, a recent proposal to the National Institute of Justice envisioned an experimental alliance between the Fort Lauderdale, Florida, Police Department and the Wackenhut Corporation in which the two organizations would share responses to calls for service.

Demand management

In the community problem-solving strategy, a major portion of demand is decentralized, with citizens encouraged to bring problems directly to beat officers or precinct offices. Use of 911 is discouraged, except for dire emergencies. Whether tactics include aggressive foot patrol as in Flint or problem solving as in Newport News, the emphasis is on police officers' interacting with citizens to determine the types of problems they are confronting and to devise solutions to those problems. In contrast to reform policing with its selling orientation, this approach is more like marketing: customer preferences are sought, and satisfying customer needs and wants, rather than selling a previously packaged product or service, is emphasized. In the case of police, they gather information about citizens' wants, diagnose the nature of the problem, devise possible solutions, and then determine which segments of the community they can best serve and which can be best served by other agencies and institutions that provide services, including crime control.

Additionally, many cities are involved in the development of demarketing programs.[45] The most noteworthy example of demarketing is in the area of rapid response to calls for service. Whether through the development of alternatives to calls for service, educational programs designed to discourage citizens from using the 911 system, or, as in a few cities, simply not responding to many calls for service, police actively attempt to demarket a program that had been actively sold earlier. Often demarketing 911 is thought of as a negative process. It need not be so, however. It is an attempt by police to change social, political, and fiscal circumstances to bring consumers' wants in line with police resources and to accumulate evidence about the value of particular police tactics.

"... demarketing 911 ... is an attempt by police to ... bring consumers' wants in line with police resources ..."

Tactics and technology

Community policing tactics include foot patrol, problem solving, information gathering, victim counseling and services, community organizing and consultation, education, walk-and-ride and knock-on-door programs, as well as regular patrol, specialized forms of patrol, and rapid response to emergency calls for service. Emphasis is placed on

information sharing between patrol and detectives to increase the possibility of crime solution and clearance.

Measured outcomes

The measures of success in the community strategy are broad: quality of life in neighborhoods, problem solution, reduction of fear, increased order, citizen satisfaction with police services, as well as crime control. In sum, the elements of the community strategy include:

- Authorization—community support (political), law, professionalism.
- Function—crime control, crime prevention, problem solving.
- Organizational design—decentralized, task forces, matrices.
- Relationship to environment—consultative, police defend values of law and professionalism, but listen to community concerns.
- Demand—channelled through analysis of underlying problems.
- Tactics and technology—foot patrol, problem solving, etc.
- Outcomes—quality of life and citizen satisfaction.

Conclusion

We have argued that there were two stages of policing in the past, political and reform, and that we are now moving into a third, the community era. To carefully examine the dimensions of policing during each of these eras, we have used the concept of organizational strategy. We believe that this concept can be used not only to describe the different styles of policing in the past and the present, but also to sharpen the understanding of police policymakers of the future.

For example, the concept helps explain policing's perplexing experience with team policing during the 1960's and 1970's. Despite the popularity of team policing with officers involved in it and with citizens, it generally did not remain in police departments for very long. It was usually planned and implemented with enthusiasm and maintained for several years. Then, with little fanfare, it would vanish—with everyone associated with it saying regretfully that for some reason it just did not work as a police tactic. However, a close examination of team policing reveals that it was a strategy that innovators mistakenly approached as a tactic. It had implications for authorization (police turned to neighborhoods for support), organizational design (tactical decisions were made at lower levels of the organization), definition of function (police broadened their service role), relationship to environment (permanent team members responded to the needs of small geographical areas), demand (wants and needs came to team members directly from citizens), tactics (consultation with citizens, etc.), and outcomes (citizen satisfaction, etc.). What becomes clear, though, is that team policing was a competing strategy with different assumptions about every element of police business. It was no wonder that it expired under such circumstances. Team and reform policing were strategically incompatible—one did not fit into the other. A police department could have a small team policing unit or conduct a team policing experiment, but business as usual was reform policing.

Likewise, although foot patrol symbolizes the new strategy for many citizens, it is a mistake to equate the two. Foot patrol is a tactic, a way of delivering police services. In Flint, its inauguration has been accompanied by implementation of most of the elements of a community strategy, which has become business as usual. In most places, foot patrol is not accompanied by the other elements. It is outside the mainstream of "real" policing and often provided only as a sop to citizens and politicians who are demanding the development of different policing styles. This certainly was the case in New Jersey when foot patrol was evaluated by the Police Foundation.[46] Another example is in Milwaukee, where two police budgets are passed: the first is the police budget; the second, a supplementary budget for modest levels of foot patrol. In both cases, foot patrol is outside the mainstream of police activities and conducted primarily as a result of external pressures placed on departments.

"... team policing ... was usually planned and implemented with enthusiasm.... Then, with little fanfare, it would vanish ..."

It is also a mistake to equate problem solving or increased order maintenance activities with the new strategy. Both are tactics. They can be implemented either as part of a new

organizational strategy, as foot patrol was in Flint, or as an "add-on," as foot patrol was in most of the cities in New Jersey. Drawing a distinction between organizational add-ons and a change in strategy is not an academic quibble; it gets to the heart of the current situation in policing. We are arguing that policing is in a period of transition from a reform strategy to what we call a community strategy. The change involves more than making tactical or organizational adjustments and accommodations. Just as policing went through a basic change when it moved from the political to the reform strategy, it is going through a similar change now. If elements of the emerging organizational strategy are identified and the policing institution is guided through the change rather than left blindly thrashing about, we expect that the public will be better served, policymakers and police administrators more effective, and the profession of policing revitalized.

"If . . . policing . . is guided through the change rather than left blindly thrashing about, . . . the public will be better served . . ."

A final point: the classical theory of organization that continues to dominate police administration in most American cities is alien to most of the elements of the new strategy. The new strategy will not accommodate to the classical theory: the latter denies too much of the real nature of police work, promulgates unsustainable myths about the nature and quality of police supervision, and creates too much cynicism in officers attempting to do creative problem solving. Its assumptions about workers are simply wrong.

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Points of view or opinions expressed in this publication are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice or of Harvard University.

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Organizational theory has developed well beyond the stage it was at during the early 1900's, and policing does have organizational options that are consistent with the newly developing organizational strategy. Arguably, policing, which was moribund during the 1970's, is beginning a resurgence. It is overthrowing a strategy that was remarkable in its time, but which could not adjust to the changes of recent decades. Risks attend the new strategy and its implementation. The risks, however, for the community and the profession of policing, are not as great as attempting to maintain a strategy that faltered on its own terms during the 1960's and 1970's.

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The Executive Session on Policing, like other Executive Sessions at Harvard's Kennedy School of Government, is designed to encourage a new form of dialog between high-level practitioners and scholars, with a view to redefining and proposing solutions for substantive policy issues. Practitioners rather than academicians are given majority representation in the group. The meetings of the Session are conducted as loosely structured seminars or policy debates.

Since it began in 1985, the Executive Session on Policing has met seven times. During the 3-day meetings, the 31 members have energetically discussed the facts and values that have guided, and those that should guide, policing.

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The Evolving Strategy of Police: A Minority View

By Hubert Williams and Patrick V. Murphy

. . . there is an underside to every age about which history does not often speak, because history is written from records left by the privileged. We learn about politics from the political leaders, about economics from the entrepreneurs, about slavery from the plantation owners, about the thinking of an age from its intellectual elite.
— **Howard Zinn**[1]

Introduction

Kelling and Moore, in their recent interpretation of the strategic history of American policing, succinctly summarize that history as falling generally into three eras: (1) political, (2) reform, and (3) community.[2] This attempt to create paradigms, as with all such attempts, should be seen metaphorically, providing us with ways to crystallize the complexities of history in simplified terms. Seen in this way, their analysis provides useful insights and a clearer interpretation of the changing role of police in American society—at least with respect to the majority in that society. Despite its utility, we find their analysis disturbingly incomplete. It fails to take account of how slavery, segregation, discrimination, and racism have affected the development of American police departments—and how these factors have affected the quality of policing in the Nation's minority communities. Furthermore, we find Kelling and Moore to be silent on the important role that minorities have played in the past, and will play in the future, in affecting and improving the quality of policing in America. These omissions seriously diminish the accuracy and objectivity of their analysis and make it less useful than it otherwise could be in understanding the past and predicting the future of American policing.

This is one in a series of reports originally developed with some of the leading figures in American policing during their periodic meetings at Harvard University's John F. Kennedy School of Government. The reports are published so that Americans interested in the improvement and the future of policing can share in the information and perspectives that were part of extensive debates at the School's Executive Session on Policing.

The police chiefs, mayors, scholars, and others invited to the meetings have focused on the use and promise of such strategies as community-based and problem-oriented policing. The testing and adoption of these strategies by some police agencies signal important changes in the way American policing now does business. What these changes mean for the welfare of citizens and the fulfillment of the police mission in the next decades has been at the heart of the Kennedy School meetings and this series of papers.

We hope that through these publications police officials and other policymakers who affect the course of policing will debate and challenge their beliefs just as those of us in the Executive Session have done.

The Executive Session on Policing has been developed and administered by the Kennedy School's Program in Criminal Justice Policy and Management and funded by the National Institute of Justice and private sources that include the Charles Stewart Mott and Guggenheim Foundations.

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This paper addresses these omissions by adding a "minority perspective." Ours represents a "minority perspective" in two different senses. First, our understanding of what factors have shaped the evolution of policing was shared by only a minority of those participating in the discussions of the Harvard Executive Session on Community Policing. Whereas Kelling and Moore (and many others) attempted to explain the evolution of policing in terms of strategic choices made by police executives who were developing a professional ideology, we see policing as powerfully conditioned by broad social forces and attitudes—including a long history of racism. They see police departments as largely autonomous; we see them as barometers of the society in which they operate.

"... the legal order not only countenanced but sustained slavery, segregation, and discrimination ... and ... the police were bound to uphold that order ..."

Second, our view is particularly attuned to how institutions, norms, and attitudes have dealt with racial minorities and how those dealings affected the role of police during each of the eras described by Kelling and Moore. More optimistically, we believe that improvements have occurred in the last several years and that further improvements are possible, although not assured, in the future. We are particularly aware of the implications for African-American minorities, but we believe that the patterns set in these relations have importantly affected relations with other racially distinctive minorities such as Hispanics, Asians, Native Americans, and other people of color.

In this paper, we contend that the strategies of police in dealing with minorities have been different from those in dealing with others, that the changes in police strategies in minority communities have been more problematic, and that, therefore, the beneficial consequences of those changes for minorities have been less noticeable. Specifically, we argue that:

- The fact that the legal order not only countenanced but sustained slavery, segregation, and discrimination for most of our Nation's history—and the fact that the police were bound to uphold that order—set a pattern for police behavior and attitudes toward minority communities that has persisted until the present day. That pattern includes the idea that minorities have fewer civil rights, that the task of the police is to keep them under control, and that the police have little responsibility for protecting them from crime within their communities.

- The existence of this pattern of police behavior and attitudes toward minority communities meant that, while important changes were occurring in policing during our Nation's history, members of minority groups benefited less than others from these changes—certainly less than it might have seemed from the vantage point of the white community and the police executives who were bringing about those changes.

- The Kelling and Moore discussion of the "political era" of policing, a period generally defined by them as extending from after Reconstruction through the first decade of the twentieth century, neglects the early role of the first varieties and functions of police in this country—as well as the legal and political powerlessness of minority communities in both the North and the South. This omission means that their analysis fails to recognize that members of those minority communities received virtually none of the benefits of policing that were directed to those with more political clout.

- Many of the most notable advances in policing brought about by the advent of the "reform era" proved to be elusive, if not counterproductive, for minorities. Several of the hiring and promotional standards, although implemented as antidotes to the rampant nepotism and political favoritism that had characterized policing during the "political era" proved to be detrimental to blacks—just at the time when, to a limited extent, because of their increasing political power, they were beginning to acquire the credentials that would have allowed them to qualify by the old standards.

- The potential of "professional policing" during the reform era was not fully realized—either for minorities or for whites—until the civil rights revolution of the late 1960's and the coming to power of progressive mayors, both black and white, and the police executives appointed by them who were capable of bringing about changes relevant to blacks and other minorities. It was that movement, led primarily by black Americans, and that political empowerment that finally began to produce the putative benefits of professional policing: a fairer distribution of police services, less use of deadly force, greater respect for individual rights, and equal opportunity for minorities within the Nation's police departments. Without that movement, the promise of professional policing would have remained hollow.

"... minority communities received virtually none of the benefits of policing ... directed to those with more political clout."

- The minority community also played a key role in initiating the era of community policing. It was the riots of the late 1960's—and the election of many black and white progressive mayors, who appointed likeminded police chiefs—that stimulated broad social investments in police agencies,

therefore putting the issue of police-community relations inescapably on the minds of police executives and the mayors who appointed them. The fact that police actions triggered many of the riots and then could not control them revealed to everyone the price of having a police department backed only by the power of the law, but not by the consent, much less active support, of those being policed.

"... the riots of the late 1960's ... stimulated broad social investments in police agencies ..."

• The era of community policing holds potential benefits and hazards for the quality of American policing. The potential benefits lie in the fundamental tenet of community policing: the empowerment of communities to participate in problem solving and decisions about delivery of services based on the needs of individual neighborhoods. The hazards lie in the possibility of excluding those communities that have been the least powerful and least well organized and thus repeating the historical patterns of race relations in the United States. If, however, the more recent trends towards inclusion of African-Americans and other minorities in policing and in the broader society are continued, then community policing might finally realize a vision of police departments as organizations that protect the lives, property, and rights of all citizens in a fair and effective way.

The political era: Policing the powerless

Kelling and Moore argue that during the political era, from the introduction of the "new police" in the 1840's until the early 1900's, American police derived both their authority and resources from local political leaders. We maintain that their account is based largely on an analysis of policing in the cities of the northeastern United States, mostly following the Civil War and Reconstruction, and omitting the importance of racial and social conflicts in the origination of American police departments. As such, their analysis omits several crucial parts of the story of policing in America: the role of "slave patrols" and other police instruments of racial oppression; the role of the police in imposing racially biased laws; and the importance of racial and social turmoil in the creation of the first versions of America's "new police."

Most analyses of early American history reflect an understandable, white, twentieth-century bias toward northern, urban, white conditions. While the literature is replete with studies of the growth of law enforcement in northern urban areas in general[3] and northern cities such as Boston,[4] Chicago,[5] Detroit,[6] and New York City,[7] in particular, little attention has been paid to police development outside the urban North. Kelling and Moore reflect a similar bias. Since the vast majority of blacks in the early years of America lived in the South, and about 80 percent of those lived outside of cities, this perspective creates a significant distortion.

Prominent police historian Samuel Walker has noted the difficulty of establishing dates marking the origins of American modern-style policing, that is, a system of law enforcement involving a permanent agency employing full-time officers who engage in continuous patrol of fixed beats to prevent crime. The traditional analyses, based on urban evidence, have suggested that such policing evolved from older systems of militias, sheriffs, constables, and night watches, and culminated in the "new police" of Boston in 1838, New York City in 1845, Chicago in 1851, New Orleans and Cincinnati in 1852, Philadelphia in 1854, St. Louis in 1855, Newark and Baltimore in 1857, and Detroit in 1865.[8]

As Richardson points out, however, these analyses neglect that:

> [many other cities with] elaborate police arrangements were those with large slave populations where white masters lived in dread of possible black uprisings. Charleston, Savannah, and Richmond provided for combined foot and mounted patrols to prevent slaves from congregating and to repress any attacks upon the racial and social status quo. In Charleston, for example, police costs constituted the largest item in the municipal budget.[9]

Indeed, as both Walker[10] and Reichel[11] contend, there is a strong argument to be made that the first American modern-style policing occurred in the "slave patrols," developed by the white slave owners as a means of dealing with runaways. Believing that their militia was not capable of dealing with the perceived threat, the colonial State governments of the South enacted slave patrol legislation during the 1740's, e.g., in South Carolina:

> Foreasmuch [sic] as many late horrible and barbarous massacres have been actually committed and many more designed, on the white inhabitants of this Province, by negro slaves, who are generally prone to such cruel practices, which makes it highly necessary that constant patrols should be established.[12]

Neighboring Georgians were also concerned with maintaining order among their slaves. The preamble to their 1757 law establishing and regulating slave patrols contends:

> ... it is absolutely necessary for the Security of his Majesty's Subjects in this Province, that Patrols should be established under proper Regulations in the settled parts thereof, for the better keeping of Negroes and other Slaves in Order and prevention of any Cabals, Insurrections or other Irregularities amongst them.[13]

Such statutes were eventually enacted in all southern States. Although specific provisions differed from State to State,[14]

most of these laws responded to complaints that militia duty was being shirked and demands that a more regular system of surveillance be established.

"... their analysis omits ... the importance of racial and social turmoil in the creation of the first versions of America's 'new police.'"

In Georgia, all urban white men aged sixteen to sixty, with the exception of ministers of religion, were to conduct such patrol "on every night throughout the year." In the countryside, such patrols were to "visit every Plantation within their respective Districts once in every Month" and whenever they thought it necessary, "to search and examine all Negro-Houses for offensive weapons and Ammunition." They were also authorized to enter any "disorderly tipling-House, or other Houses suspected of harbouring, trafficking or dealing with Negroes" and could inflict corporal punishment on any slave found to have left his owner's property without permission.[15]

Foner points out that "slave patrols" had full power and authority to enter any plantation and break open Negro houses or other places when slaves were suspected of keeping arms; to punish runaways or slaves found outside their plantations without a pass; to whip any slave who should affront or abuse them in the execution of their duties; and to apprehend and take any slave suspected of stealing or other criminal offense, and bring him to the nearest magistrate.[16] Understandably, the actions of such patrols established an indelible impression on both the whites who implemented this system and the blacks who were the brunt of it.

Reflecting the northern, urban perspective, Kelling and Moore begin their consideration of American policing only after the earliest "new police" were established in the 1840's and 1850's. Even so, their analysis neglects to point out the importance of the role played by social discord in general, and the minority community in particular, in the creation of these departments. Phenomenal increases in immigration, rapid population growth, and major changes in industrialization led to more and more people, many of whom were from an impoverished, rural background, settling in an alien urban environment. Conflicts between black freedmen and members of the white urban working class significantly contributed to social unrest.

In 1830 Alexis de Tocqueville toured the United States to study prison reform. Unfamiliar with American norms, he was surprised to discover that there was more overt hostility and hatred toward blacks in the North, where slavery did not exist, than in the South, where it did. Those who challenged the status quo by demanding the abolition of slavery suffered verbal and physical abuse in northern cities.[17] This tension was reflected in a number of race riots in the mid-1830's in America's major cities. New York City had so many racial disorders in 1834 that it was long remembered as the "year of the riots." Boston suffered three major riots in the years 1834 to 1837, all of which focused on the issues of anti-abolitionism or anti-Catholicism. Philadelphia, the "City of Brotherly Love," experienced severe anti-Negro riots in 1838 and 1842; overall, the city had eleven major riots between 1834 and 1849. Baltimore experienced a total of nine riots, largely race-related, between 1834 and the creation of its new police in 1857. In a desperate attempt to cope with the social disorder brought about by this conflict, America's major cities resorted to the creation of police departments. Clearly, this was a case of the political system responding to incendiary conflict within the society at large by demanding that the police be reorganized to deal with those conflicts.

In their discussion of the political era, Kelling and Moore observe that the police found their legitimacy either in politics or in law. For blacks, both before and several generations after the Civil War, neither of these bases of legitimacy provided much, if any, opportunity to shape policing to their benefit. As the authors point out, local political machines often recruited and maintained police in their positions, from foot officer to police chief. In return, the police encouraged voters to support certain candidates and provided services designed to enhance that support. Departments were organized in a decentralized manner, giving officers a great deal of discretion in carrying out their responsibilities. Police officers were closely linked to the neighborhoods in which they patrolled, often living there and usually of the same ethnic stock as the residents.

For those with political influence, this era provided close proximity to power. Good jobs could be had. Special favors could be obtained. The police could be expected to be extremely sensitive to community concerns—or lose their jobs if they were not.

"... the first American modern-style policing occurred in the 'slave patrols' ..."

For those with no access to political power, however, the situation was very different. Before slavery was abolished, the issue of black political power in the South was moot. The Constitution itself provides a sardonic reflection on the state of political power assigned to slaves. The group of white delegates assembled in Philadelphia never even considered slave representation, slave votes, or slave power. The only issue was

whether a *slave owner* would enjoy a three-fifths increment of representation for every slave he owned.

During the debate, William Paterson stated bluntly that slaves were "no free agents, have no personal liberty, no faculty of acquiring property, but on the contrary, are themselves property" and hence like other property "entirely at the will of the master." To make certain there was no mistake, the Constitution explicitly prohibited Congress from abolishing the international slave trade to the United States before 1808.

"... de Tocqueville ... was surprised to discover that there was more overt hostility and hatred toward blacks in the North ..."

Early American law enforcement officials in slave States were empowered—and expected—to enforce statutes carrying out the most extreme forms of racism, not restricted solely to enforcing slavery. In 1822, for example, Charleston, South Carolina, experienced a slave insurrection panic, caused by a supposed plot of slaves and free blacks to seize the city. In response, the State legislature passed the Negro Seamen's Act, requiring free black seamen to remain on board their vessels while in Carolina harbors. If they dared to leave their ships, the police were instructed to arrest them and sell them into slavery unless they were redeemed by the ship's master. The other coastal slave States soon enacted similar legislation.

Berlin presents this brief synopsis of Southern justice:

> Southern law presumed all Negroes to be slaves, and whites systematically barred free Negroes from any of the rights and symbols they equated with freedom. Whites legally prohibited Negro freemen from moving freely, participating in politics, testifying against whites, keeping guns, or lifting a hand to strike a white person ... In addition they burdened free Negroes with special imposts, barred them from certain trades, and often tried and punished them like slaves. To enforce their proscriptive codes and constantly remind free Negroes of their lowly status, almost every State forced free Negroes to register and carry freedom papers, which had to be renewed periodically and might be inspected by any suspicious white.[18]

Police supervision further strengthened the registration system. City officials periodically ordered police to check the papers of all newly arrived free Negroes or investigate freedmen who failed to register or lacked visible means of support.[19]

Outside the slave States, the rights of blacks were only somewhat less restricted. Although Henry David Thoreau and William Lloyd Garrison exaggerated when they called Massachusetts a slave State, their harsh denunciation is a reminder that a black person could be a slave there or in any of the other "free" States because of the protection afforded by the Federal and State constitutions for masters' rights in fugitive and sojourning slaves. It fell to agents of law enforcement, constables and members of the day and night watches, to carry out these laws. By 1800, some 36,505 northern Negroes still remained in bondage, most of them in New York and New Jersey.[20]

Several northern States enacted gradual emancipation statutes after the Revolution. Because such statutes freed only children born after a specified date, however, many slaves remained unaffected, and the freed children were held in apprenticeship until some time in their adult years. The State of New Jersey was typical. In 1804, the legislature freed the children born to slave mothers after July 4 of that year; the child so freed would be "apprenticed" to its mother's owner, men until age 25, women until 21. Only in 1844 did it remove all barriers to the freeing of slaves. Again, these laws were also enforced by the local constable.

Even after the northern States took action to free slaves—ranging from constitutional provisions in Vermont in 1777 to gradual-abolition acts in New Jersey in 1804 and New York in 1817, the legal and political rights of blacks were quite circumscribed. Every new State admitted to the Union after 1819 restricted voting to whites. Only five States—Massachusetts, Rhode Island, Maine, New Hampshire, and Vermont—provided equal voting rights for black and white males. Illinois, Ohio, Indiana, Iowa, and California prohibited black testimony in court if whites were a party to the proceeding, and Oregon forbade Negroes to hold real estate, make contracts, or maintain lawsuits. Massachusetts banned intermarriage of whites with blacks and enforced segregation in hotels, restaurants, theaters, and transportation. Berlin describes a raid in 1853 in which St. Louis police raided well-known hangouts of freedmen, whipped those who were unregistered, and shipped them out of town. Such raids continued for almost a year.[21]

Litwack describes the situation of northern blacks this way:

> In virtually every phase of existence, Negroes found themselves systematically separated from whites. They were either excluded from railway cars, omnibuses, stagecoaches, and steamboats or assigned to special "Jim Crow" sections; they sat, when permitted, in secluded and remote corners of theaters and lecture halls; they could not enter most hotels, restaurants, and resorts, except as servants; they prayed in "Negro pews" in the white churches, and if partaking of the sacrament of the Lord's Supper, they waited until the whites had been served the bread and wine. Moreover, they were often educated in segregated schools, punished in segregated prisons, nursed in segregated hospitals, and buried in segregated cemeteries.[22]

Indeed, as pointed out by C. Vann Woodward, an eminent historian of the South, "One of the strangest things about Jim Crow [the laws and practices separating the races] was that the system was born in the North and reached an advanced age before moving South in force."[23]

> ***"[If] free black seamen . . . dared to leave their ships, the police were instructed to arrest them and sell them into slavery . . ."***

With neither political power nor legal standing, blacks could hardly be expected to share in the spoils of the political era of policing. There were virtually no black police officers until well into the twentieth century. Thus, police attention to, and protection for, areas populated primarily by racial minorities was rare during this era.

The reform era: Policing by the law for those unprotected by it

According to Kelling and Moore's interpretation, the basic police strategy began to change during the early 1900's. By the 1930's, they argue, the reform era of policing was in full sway. Strikingly, their discussion completely overlooks the momentous events of the Civil War and Reconstruction, a time of great change in the legal and political status of minorities.

In the earliest days of the Civil War, President Lincoln and other northern politicians insisted that the issue of slavery had little to do with the conflict. In fact, in July 1861, when Congress assembled in special session, one of its first acts was to pass, almost unanimously, the Crittenden Resolution, affirming that the "established institutions" of the seceding States were not to be a military target. To a large extent, this position was dictated by political forces—to keep the border States in the Union, generate support among the broadest constituency in the North, and weaken the Confederacy by holding out the possibility that they could return to the Union with their property, including their slaves, intact.[24]

Eventually, however, as the Confederacy put slaves to work as military laborers and the presence of Union troops precipitated large-scale desertion of plantation slaves, this policy was overcome by events. On January 1, 1863, Lincoln signed the Emancipation Proclamation. Bowing to political reality, however, he excluded from its purview the 450,000 slaves in Delaware, Kentucky, Maryland, and Missouri; 275,000 in Union-occupied Tennessee; and tens of thousands in occupied portions of Virginia and Louisiana.

By 1864, the Senate approved the 13th amendment, abolishing slavery throughout the Union, but it failed to receive the necessary two-thirds majority in the House. Eventually, in January 1865, this amendment narrowly won House approval and was sent to the States for ratification. Although several Southern legislatures were reluctant to lend their support, this amendment was ratified by the end of the year. To some, this not only ended one of America's most shameful institutions but offered the hope of the beginning of a Nation where North and South, black and white, were ruled by one law impartial over all. As we know with historical hindsight, such an interpretation was far too optimistic.

Even at the time, questions were raised about the practical implications of the amendment. James A. Garfield asked, "What is freedom? Is it the bare privilege of not being chained?. . . If this is all, then freedom is a bitter mockery, a cruel delusion." More to the point, Frederick Douglass maintained, "Slavery is not abolished until the black man has the ballot."[25]

In fact, a political vacuum developed between 1865 and 1867 in which the opponents of the extension of full citizenship to blacks were able to exercise great influence. President Andrew Johnson, with hopes of receiving the support of his fellow Southerners in the election in 1868, left the definition of black rights to the individual States. They accepted the opportunity with a vengeance. In addition to prohibiting black suffrage, the provisional legislatures passed the Black Codes, a series of State laws intended to define the freedmen's new rights and responsibilities.

> ***"In the earliest days of the Civil War, President Lincoln . . . insisted that the issue of slavery had little to do with the conflict."***

Mississippi and South Carolina enacted the first and most severe Black Codes toward the end of 1865. Mississippi required all blacks to possess, each January, written evidence of employment for the coming year. Laborers leaving their jobs before the contract expired would forfeit wages already earned and, as under slavery, be subject to arrest by any white citizen. A person offering work to a laborer already under contract risked imprisonment or a fine. Blacks were forbidden to rent land in urban areas. Vagrants—under whose definition fell the idle, disorderly, and those who "misspend what they earn"—could be punished by fines or involuntary plantation labor; other criminal offenses included "insulting" gestures or language, "malicious mischief," and preaching the Gospel without a license. In case anything had been overlooked, the

legislature declared all existing penal codes defining crimes by slaves and free blacks "in full force" unless specifically altered by law. South Carolina's Code barred blacks from any occupation other than farmer or servant except by paying an annual tax ranging from $10 to $100.[26]

"[The 13th amendment] offered the hope of the beginning of a Nation where North and South, black and white, were ruled by one law impartial over all."

Virtually all of the former Confederate States enacted such laws. Blacks protested most bitterly, however, against apprenticeship laws, which seized upon the consequences of slavery—the separation of families and the freedmen's poverty—to provide planters with the unpaid labor of black minors. Generally, these laws allowed judges to bind to white employers black orphans and those whose parents were deemed unable to support them. The former slave owner usually had first preference, the consent of the parents was not required, and the law permitted "moderate corporal chastisement."[27]

This entire complex of Black Codes was enforced:

> . . . by a police apparatus and judicial system in which blacks enjoyed virtually no voice whatever. Whites staffed urban police forces as well as State militias, intended, as a Mississippi white put it in 1865, to "keep good order and discipline amongst the negro population."[28]

Sheriffs, justices of the peace, and other local officials proved extremely reluctant to prosecute whites accused of crimes against blacks. In those rare cases in which they did prosecute, convictions were infrequent and sentences were far more lenient than blacks received for the same crimes. For example, Texas courts indicted some 500 white men for the murder of blacks in 1865 and 1866, but not one was convicted.[29]

Largely in response to the Black Codes, Congress passed, over President Johnson's veto, the Civil Rights Act of 1866. This act defined all persons born in the United States (except Indians) as national citizens and spelled out rights they were to enjoy equally without regard to race—making contracts, bringing lawsuits, and enjoying "full and equal benefit of all laws and proceedings for the security of person and property." No State law or custom could deprive any citizen of these rights. Furthermore, Federal officials were authorized to bring suit against violations and made all persons, including local officials, who deprived a citizen of a civil right liable to fine or imprisonment.

To institutionalize the legal implications of the Civil War beyond the reach of shifting political majorities and presidential vetoes, Congress, after a long struggle, passed the 14th amendment, providing, among other things, that equal protection under the law be afforded to every citizen. Although it implicitly acknowledged the right of States to limit voting because of race, they could do so only at the expense of losing a significant portion of their congressional representation.

The 1866 congressional election essentially became a referendum on the 14th amendment—Republicans in favor, President Johnson and the Democrats opposed. The Republicans won an overwhelming victory, large enough to give them well over the two-thirds majority required to override a veto. In contrast, all Southern legislatures except Tennessee repudiated the amendment by enormous majorities.

Frustrated, and sensing its political strength, the Congress passed, again over Johnson's veto, the Reconstruction Act of 1867. This act divided the eleven Confederate States, except Tennessee, into five military districts and stipulated the process by which new State governments could be created and recognized. This process required the ratification of the 14th amendment, writing of new constitutions providing for manhood suffrage, and approval of these constitutions by a majority of registered voters.

After two years of "Presidential Reconstruction," characterized by a lack of commitment to the extension of full rights to blacks, the era of "Radical Reconstruction" began. Given the right to vote, many blacks participated in—and won—election to the new State legislatures. To allay any concerns that the issue had not been addressed completely, Congress passed the 15th amendment, providing the right to vote to all persons, regardless of "race, color, or previous state of servitude," and prohibited the abridgement of that right by Federal and State governments. The Civil Rights Act of 1875 outlawed the exclusion of blacks from hotels, theaters, railroads, and other public accommodations.

The results of black suffrage on policing were not long in coming. Blacks appeared in several southern police departments soon after Radical Reconstruction began, especially where Republicans were in office and where blacks constituted a large percentage of the population. Black police appeared in Selma, Alabama, in 1867; Houston, Texas, in 1870; and Jackson, Mississippi, in 1871.[30] In New Orleans, a majority of whose population was black, a police board composed of three black members out of five appointed a police force that included 177 blacks by 1870.[31]

Such change was not always easy, however. In July 1868, in Raleigh, North Carolina, under the headline "The Mongrel Regime!! Negro Police!!" the Conservative *Daily Sentinel* announced the appointment of four black police officers and

concluded that "this is the beginning of the end."[32] Race riots occurred in Jackson and Meridian, Mississippi, because black police attempted to use their police authority over whites.[33]

"... apprenticeship laws ... seized upon the consequences of slavery ... to provide planters with the unpaid labor of black minors."

In 1872, a Republican mayor in Chicago appointed the first black policeman in the North, where black suffrage was not required by Congress. Three years later, a mayor belonging to the People's Party replaced that officer with another black. In 1880, the Republicans won the mayor's office again, resulting in the appointment of four more black policemen. These officers all worked in plain clothes—in part not to offend the sensibilities of racist whites—and were assigned to black neighborhoods, practices adopted in most departments that hired blacks at that time. By 1894 there were 23 black policemen in Chicago.[34] Blacks were appointed in other cities in the North soon after those in Chicago: in Washington, D.C., in 1874; in Indianapolis in 1876; in Cleveland in 1881; in Boston in 1885.[35]

Lane provides one of the most thorough and fascinating analyses of the political complexities involved in appointing the first black police officers.[36] The approximately 7,000 blacks in Philadelphia's Seventh Ward had become a consistent Republican constituency, accounting for more than 10 percent of the party's vote. During the 1880 mayoral campaign, however, the black vote became a target of both parties' attention. Although the Seventh Ward voted overwhelmingly for the Republican candidate, the winner was Samuel King, a reform Democrat. Mayor King then appointed Alexander Davis and three other black men to the police department.

The selection criteria applied in appointing these Philadelphia officers reflect a common pattern in the choice of the earliest black officers. As Lane points out:

> In an era before any sort of civil service, when many officers were semiliterate at best, the four blacks chosen, although currently trapped in unskilled jobs, were characteristically overqualified.[37]

Davis, although born a slave, had graduated from Lincoln University, worked as a schoolteacher, and founded a newspaper. Only one of the other blacks appointed at that time had no experience beyond "laboring work."

Despite their qualifications, the appointment of the first black police officers in Philadelphia produced the same responses as were seen in many other cities. Several officers quit the force in protest. The new men were assigned to beats in or near black neighborhoods and immediately attracted crowds of spectators, saying such things as "Ain't he sweet?" or "Is the thing alive?"

As in Philadelphia, most departments, to appease the racial attitudes of whites, did not allow black officers to arrest whites or to work with white officers. Even as late as 1961, a study reported by the President's Commission on Law Enforcement and Administration of Justice found that 31 percent of the departments surveyed restricted the right of blacks to make felony arrests; the power of black officers to make misdemeanor arrests was even more limited.[38]

Miami established a different designation for the two races: blacks were "patrolmen" and whites were "policemen." In Chicago, blacks were largely confined to the Southside districts; in St. Louis, the "black beats" ranged from the central downtown area to the Northside. Los Angeles established a special "black watch" for the predominantly black Newton Station district.

After the initial dramatic changes brought about by the effects of Radical Reconstruction, the situation for blacks—and policing—began to revert to the *status quo ante*. As early as 1867, black suffrage went down to defeat in referendums in Minnesota, Ohio, and Kansas. Moderates within the Republican party began to back away from "extreme radical measures" such as egalitarianism. The Ku Klux Klan, founded in 1866 in Tennessee as a social club, launched a reign of terror against Republican leaders, black and white. In some parts of the South, armed whites blocked blacks from voting. Violence spread, especially in Georgia and Louisiana where, unable to hold meetings, Republicans abandoned their presidential campaign. By 1868, Republicans, the stalwart supporters of black rights, began to lose some of their strength in the South.[39]

"Texas courts indicted some 500 white men for the murder of blacks in 1865 and 1866, but not one was convicted."

By 1872, the presidential election focused on southern policy, the Democrats emphasizing the evils of Reconstruction and the need to restore local self-government. Although the Republicans won, a significant number of former Radicals supported the Democratic ticket, indicating that their campaign themes were more powerful than the returns would indicate.

While political support for Radical Reconstruction waned, debate about whether the 14th amendment applied only to States raged throughout the Nation—and has continued to do so even in the last decade. Presidents Grant and Hayes retreated

from strict enforcement of the so-called "Reconstruction amendments." The Supreme Court began to shift away from the broad interpretation of the 13th amendment to the narrower 14th and 15th. This shift, in turn, encouraged legislators to narrow their concerns as well.

"Given the right to vote, many blacks participated in—and won—election to the new State legislatures."

In 1874, a long-awaited compilation of the United States laws, known as the *Revised Statutes*, was produced. This document rearranged the Nation's laws into supposedly relevant, logical categories. Inexplicably, however, this rearrangement failed to list the Civil Rights Act of 1866 either in the published text or in the "historical" documentation. Instead, various parts of the 1866 law were scattered throughout the document, under various chapter headings. Civil rights as an independent subject worthy of the attention of lawyers, judges, law professors, and an entire generation of law students was neither easily researched nor, by implication, important. One by one, case by case, the legal rights of blacks were ruled away.

Against this already ominous backdrop came the Compromise of 1877, by which the Federal Government agreed to end Reconstruction, withdraw military forces from the South, and cease enforcing civil rights laws. In exchange, the election of the Republican candidate for president, Rutherford B. Hayes, was assured. The dike that had laboriously been constructed against racist retaliation was suddenly broken. The stage was set for a massive reversal of the gains made in the previous 20 years.

In 1883, the Supreme Court, in deciding five litigations joined as the *Civil Rights Cases*, declared the Civil Rights Act of 1875 unconstitutional. Reflecting the earlier debates over the Reconstruction amendments, the ruling was based on the premise that those amendments prohibited only States, not individuals, from infringing on the equal protection and due process guaranteed to individuals by the Constitution.

Moreover, in 1896, the Supreme Court, in the landmark decision of *Plessy* v. *Ferguson*, found State laws that required segregation of the races in public accommodations to be constitutional, thereby endorsing the proposition that public facilities could be "separate but equal." This decision virtually completed the quarter-century-long process of standing the law established by the Reconstruction amendments on its head. The effects were quickly seen in police departments. In department after department, blacks lost their jobs, either by dismissal or by being forced to resign. The disappearance of blacks from the New Orleans police department serves as the most dramatic example of this trend. From a high of 177 black officers in 1870, the number dropped to 27 in 1880. By 1900, only five black officers remained; by 1910 there were none. The city did not appoint another black to the police force until 1950.

It is in this context that the Kelling and Moore discussion of the reform era must be interpreted. They argue that police reformers, led by August Vollmer and O.W. Wilson, changed the basic orientation of American policing in response to the excesses of the political era. The paradigm thus adopted, they contend, rejected politics as the source of authority for the police, replacing it with law and professionalism.

In an effort to curtail the close relationship between local political leaders and police, civil service replaced patronage and influence in the selection, assignment, and retention of police officers. Individual police officers were expected to avoid becoming closely associated with, and therefore contaminated by, the areas in which they patrolled. In some cases, they were prohibited from living in their beats. To further eliminate local political influence, functional control was centralized. By the time this era had reached its peak, during the 1950's and 1960's, police departments had become largely autonomous agencies, led by professionals guided by law, immune from political influence.

As dramatic as this change must have appeared to the white middle-class inhabitants of America's major cities, the transition to the reform era was barely noticeable to blacks and other minorities. Relying on law, rather than politics, as the source of police authority had many desirable aspects for those provided full protection by the law. Once again, however, for those who lacked both political power and equal protection under the law, such a transformation could have little significance.

"... black policemen ... all worked in plain clothes ... and were assigned to black neighborhoods ..."

Even the particular mechanisms implemented to bring about reform proved to be of little avail to blacks and other minorities. Civil service examinations, for example, designed to avoid the influence of patronage and nepotism, provided slight consolation for those who had been denied access to quality education. These examinations, which according to some experts, reveal less about the qualifications of the applicants than about the cultural biases of the examiners, winnowed out a far higher proportion of blacks than whites. In Boston, for example, the examiners failed 75 percent of the blacks as opposed to 35 percent of the whites in 1970. In Atlanta, in the

same year, 72 percent of the blacks and only 24 percent of the whites failed. In New York, in 1968, 65 percent of the blacks as opposed to 31 percent of the whites failed. Mexicans and Puerto Ricans fared even worse, perhaps because the tests were given in English.[40]

"Miami established a different designation for the two races: blacks were 'patrolmen' and whites were 'policemen.'"

Background investigations, which blacks and other minorities are more likely to fail than whites, also served as a barrier to inclusion. Fogelson reports evidence indicating that investigators rejected 41 percent of black applicants as opposed to 29 percent of whites in St. Louis in 1966; 68 percent of the blacks, as opposed to 56 percent of the whites, were rejected in Cleveland in 1966; and 58 percent of the blacks, as opposed to 32 per cent of the whites, in Philadelphia in 1968.[41] He concludes that these disparities were a function of two things, notwithstanding racial prejudice. First, many departments were unwilling to accept any applicant who had been arrested or convicted for any criminal offense, no matter how trivial—the President's Crime Commission showed that blacks were more likely to have a criminal record than whites.[42] Second, most departments were reluctant to hire anyone who was truant from school, changed jobs too often, associated with known criminals, or had broken military regulations, all of which are more prevalent among blacks and other minorities than among whites.[43] Regardless of the merits of these criteria, their effect was the same—the exclusion of minorities.

Centralization of control also provided little help for minorities, inasmuch as it meant that already strained relations with the police officer on the beat translated into even more strained relations with a distant government downtown. Reduced contacts with local officers meant that limited opportunities to bridge the racial barrier became even more limited.

"Individual police officers were expected to avoid becoming closely associated with, and therefore contaminated by, the areas in which they patrolled."

In their efforts to attract qualified recruits, the reformers not only raised salaries, increased benefits, and improved working conditions, they also extended their recruitment efforts. One method of expanding the pool of applicants was to abolish residency requirements. This reform, although defended by reformers on professional grounds, handicapped the blacks, Hispanics, and other minorities by slowing down the ethnic turnover in police departments. Without such a change, as whites fled from the inner cities, the increasing percentage of minorities remaining could have been expected to have been more readily reflected in the ranks of the police. Furthermore, despite heavy immigration of minorities to the Nation's urban centers, the competitive edge that had been experienced earlier by the Irish and other white ethnic minorities no longer held sway.

Despite its limitations, the reform era provided, for members of the majority, a marked improvement in the delivery of professional police services. For members of minority groups, however, the change from the political era, in which they lacked political power, to the reform era, in which they lacked the support of the law, meant, for the most part, more of the same. In only 7 of the 26 cities for which the Kerner Commission collected data was the percentage of nonwhite police officers equal to as much as one-third of the percentage of nonwhites in the city.[44]

The community era: Policing disintegrating communities

By the late 1970's and early 1980's, according to Kelling and Moore, we had entered the era of community policing. Although law remained a source of authority, the police began once again to recognize that, ultimately, they are dependent on neighborhood, or community, support to achieve their goals. Turning to the citizens they serve for consultation, the police realized that more was expected of them than simply enforcing the law. Looking at people as clients of their services, the police found that they were also being judged on their ability to maintain order, resolve conflict, protect rights, and provide other services. In order to be able to remain responsive to community concerns, organizational decentralization was necessary. To remain even more flexible, officers were given authority and discretion to develop responses appropriate to local needs.

To organized, empowered communities, this strategy of policing offered extraordinary opportunities to participate in structuring the nature of police services delivered. As a result of community demands, for example, programs such as foot patrol were revived, long before they were found to be effective in reducing fear and, in some cases, crime. Despite the popularity of such initiatives, a closer examination of the areas in which such foot beats were created reveals one of the serious problems with this approach. In the State of New Jersey, for example, where foot patrol was funded by the Safe and Clean Neighborhoods Program, most foot beats were instituted in areas with strong community or business organizations—or both—with strong support from and access to political leaders.

Those without such resources—and those most in need of police services—often found themselves in a long queue.

Although the 1954 Supreme Court decision in *Brown* v. *Board of Education of Topeka* began to provide blacks and other minorities with their just share of legal rights and remedies, that provision came only with "all deliberate speed." As this glacially slow process continued, something more virulent occurred in minority communities, especially in the inner cities. Those who could afford to do so moved into less crowded, more comfortable, neighborhoods, leaving behind vacant houses—and those who could not afford an alternative. Businesses closed. Tax bases eroded. Among those who remained, unemployment, especially among minority youths, grew markedly higher than among whites. The incomes of employed minorities was significantly lower than that of whites. The quality of education deteriorated. School dropout rates rose precipitously. Infant mortality rates reached alarming levels. Decent, affordable housing became scarce. More and more children were born to unwed mothers. Drug and alcohol use became endemic. Crime and the fear of crime soared out of control.

The convergence of these factors produced a vicious circle. The police, regardless of the era or the strategic paradigm, must, along with families and other community institutions, concern themselves with crime and the fear of crime. The inner cities, where families, schools, jobs, and other community institutions were disintegrating at a rapid pace, presented the police with the most serious crime problems of all. But the police, because of a gross underrepresentation of minorities among their ranks, a lack of sensitivity and understanding of minority concerns and culture, and, therefore, a lack of community support, were least able to deal effectively in the inner cities—precisely where they were needed most.

"Centralization of control . . . meant that already-strained relations with the police officer on the beat translated into even more strained relations with a distant government downtown."

Frustrated and angry, many blacks came to see the police as symbolizing the entire "system"—those institutions and resources that had been so unresponsive to their needs. Tensions rose, culminating in the series of riots in America's inner cities during the middle and late 1960's. Many Americans had their first glimpse of ghettos as they burned through the night. Reflecting the nature and extent of the underlying problems, Senator Robert Kennedy observed, after visiting the scene of the Watts riot, "There is no point in telling Negroes to observe the law . . . It has almost always been used against them." Despite the tragic destructiveness of those riots, they did concentrate the minds of the Nation's leaders wonderfully. In 1967, President Johnson appointed the National Advisory Commission on Civil Disorders (the Kerner Commission) to investigate the causes of the disorder and to recommend solutions. In a trenchant analysis, the commission report concluded that "Our Nation is moving toward two societies, one black, one white—separate and unequal."[45] Essentially, they said, what lay behind the riots was a long historical pattern of racism on the part of whites in America. In one of the most forceful passages of their report, the commissioners observed:

> What white Americans have never fully understood—but what a Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it.[46]

". . . the police began once again to recognize that, ultimately, they are dependent on neighborhood, or community, support to achieve their goals."

Specifically, the Kerner Commission found that many of the riots had been precipitated by police actions, often cases of insensitivity, sometimes incidents of outright brutality. They saw an atmosphere of hostility and cynicism reinforced by a widespread belief among many blacks in a "double standard" of justice and protection. More generally, they concluded that:

> In many ways the policeman only symbolizes much deeper problems. The policeman in the ghetto is a symbol not only of law, but of the entire system of law enforcement and criminal justice.[47]

The report offered five basic suggestions to address this situation:

- Change operations in the inner city to ensure proper officer conduct and to eliminate abrasive practices.
- Provide adequate police protection to inner city residents to eliminate the high level of fear and crime.
- Create mechanisms through which citizens can obtain effective responses to their grievances.
- Produce policy guidelines to assist police in avoiding behaviors that would create tension with inner city residents.
- Develop community support for law enforcement.

Fearful that new conflagrations would occur otherwise, and responding in many cases to newly elected black and progressive white mayors, many departments followed the commission's recommendations. As a result, a number of improvements have occurred that have reduced the barriers between the police and the inner city. Many more blacks and other minorities are now patrolling our streets. Strict rules against the unnecessary use of weapons, brutality, harassment, verbal abuse, and discourtesy have been promulgated and enforced. The use of aggressive patrol techniques has been curtailed, restricted to those situations in which it is justified. Steps have been taken to ensure adequate patrol coverage and rapid response to calls for service from inner city areas. Open, impartial, and prompt grievance mechanisms have been established. Policy guidelines have been implemented to direct officers' discretion in potentially tense situations. New approaches—storefront offices, adopting (or even organizing) neighborhood groups, addressing the causes of fear—have been put into effect to improve relations with the community.

"... the police ... were least able to deal effectively in the inner cities—precisely where they were needed most."

Because of these changes, the relationship between the police and citizens has improved considerably in the last several years—to a large extent in white middle-class neighborhoods, to a lesser extent in the inner city. Any transition to an era of community policing will be both a cause and an effect of these improvements. But such a transition is far from complete in the inner city. A recent assessment by the Commission on the Cities found that, despite a brief period of improvement, the conditions that produced the dissolution of ghetto communities are actually getting worse. "Quiet riots," the report concludes, are occurring in America's central cities: unemployment, poverty, social disorganization, segregation, housing and school deterioration, and crime are worse now than ever before.[48] These "quiet riots," although not as alarming or as noticeable to outsiders as those of the 1960's, are even more destructive of human life. Under such conditions, it is unreasonable to expect that the residents of the inner city will have the characteristics—whether social, economic, or political—that are required to sustain the partnership required of the community policing approach.

Furthermore, although the police are better prepared to deal with residents of the inner city than they were 20 years ago, they are far from having totally bridged the chasm that has separated them from minorities—especially blacks—for over 200 years. There are still too few black officers, at all levels. Racism still persists within contemporary police departments. Regardless of rules and guidelines, inappropriate behavior on the streets still occurs. Complaints about differential treatment, patrol coverage, and response time persist. And empirical studies have shown that community-oriented approaches that are effective in most neighborhoods work less well, or not at all, in areas inhabited by low-income blacks and other minority groups.

"... many of the riots had been precipitated by police actions, often ... insensitivity, sometimes ... outright brutality."

We welcome the prospect of entering the community era of policing. In a dramatic way, this represents a return to the first principles of policing as established in London in 1829. As Critchley so aptly put it, "From the start, the police was to be ... in tune with the people, understanding the people, belonging to the people, and drawing its strength from the people."[49] Once community policing becomes a pervasive reality, we will have finally approximated the attainment of that goal. We have begun to bring such fundamental changes about in many of our Nation's police departments. But because of the devastation afflicting our inner cities and the inability of our police to relate to those neighborhoods, the areas that most require a transition to the community era will unfortunately be the last to experience such a change.

Summary

Kelling and Moore have contributed a valuable addition to our repertoire of concepts for understanding the strategic history of American policing. Their interpretation of the shifts in policing from a political to a reform to a community era provides useful insights. It is our contention, however, that the applicability of this interpretation is confined largely to the white majority communities of our Nation. For blacks, and to a lesser extent other minority groups, the utility of this analysis is quite limited.

"... the community era requires an empowered, cohesive community to be able to deal with a sensitive, responsive police agency ..."

During the political era, for example, blacks were completely powerless, leaving them unable to exert the influence necessary to affect police strategy. According to the paradigm Kelling and Moore posit to have prevailed in the reform era, police strategy was determined largely on the basis of law, which left blacks almost completely unprotected. Finally, the community era

requires an empowered, cohesive community to be able to deal with a sensitive, responsive police agency; neither precondition prevails in many contemporary minority neighborhoods.

Significant progress has been made, however. Large numbers of blacks and other minorities have joined—and in many cases have become leaders of—our major departments. The use of violence by police against minorities has declined dramatically in the last decade. Special efforts have been made to provide training to make our police officers sensitive to the needs and concerns of minority communities. Enlightened, better educated police leadership has opened the profession to new approaches and ideas. The rising popularity of community-oriented policing will undoubtedly further improve the relationship between the police and minorities.

"... many of the most articulate proponents of community policing are themselves African-American police executives."

We think it is a particularly hopeful sign in this regard that many of the most articulate proponents of community policing are themselves African-American police executives. Their unswerving emphasis, in their statements of values, on the protection of constitutional rights and the protection of all citizens, gives us reason to be optimistic about the future of policing.

Nevertheless, the history of American police strategies cannot be separated from the history of the Nation as a whole. Unfortunately, our police, and all of our other institutions, must contend with many bitter legacies from that larger history. No paradigm—and no society—can be judged satisfactory until those legacies have been confronted directly.

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The Executive Session on Policing, like other Executive Sessions at Harvard's Kennedy School of Government, is designed to encourage a new form of dialog between high-level practitioners and scholars, with a view to redefining and proposing solutions for substantive policy issues. Practitioners rather than academicians are given majority representation in the group. The meetings of the Session are conducted as loosely structured seminars or policy debates.

Since it began in 1985, the Executive Session on Policing has met seven times. During the 3-day meetings, the 31 members have energetically discussed the facts and values that have guided, and those that should guide, policing.

Appendix II - Community-Oriented Policing

CRS and Community-Oriented Policing

Philosophy

The CRS publication Principles of Good Policing: Avoiding Violence Between Police and Citizens outlines the goals that CRS promotes in its work with police departments and communities in this country. A key goal is the involvement of the community by the police in the delivery of policing services. Community-oriented policing is a philosophy of policing in which police and citizens work together to solve a wide range of community problems and disorders, including crime prevention and reduction of the fear of crime. The closer a department comes to the community policing ideal, the closer it comes to the CRS goals as stated in the Principles of Good Policing.

Community-oriented policing represents a shift from reactive, incident-driven police service to a proactive, problem-solving approach, and has become more germane as communities and law enforcement agencies realize that they cannot solve the increasingly intertwined issues of drugs, crime, and violence without citizen involvement.

Definition

Community-oriented policing programs are based on a collaboration between police and citizens in non-threatening and supportive interactions which include efforts by police to listen to citizens, take seriously the citizen's definitions of problems, and solve the problems that have been identified. Program goals may include improved citizen satisfaction towards the police, improved police attitudes towards citizens, more effective police service as defined by the police, and more effective service as defined by citizens. Focus is on problem identification, analysis, and utilization of systematic problem solving techniques, together with a strong community partnership, as a means to more effective long term solutions to persistent crime problems.

Characteristics of community-oriented policing include some level of community involvement in decision-making, a relatively permanent assignment of police officers to a neighborhood in order to instill mutual feelings of trust and responsibility between officers and the community, and a commitment of resources and personnel to meet the needs of the community.

The community is perceived as an agent and partner in promoting security, rather than as a passive audience. Community may be defined in geographic (neighborhood) or interest (racial/ethnic group) terms, or both.

Implementation Problems

Community-oriented policing cannot function in a vacuum. Its success depends on broad-based support inside and outside the police department. Success requires the cooperation and involvement of the police, citizens (individuals & groups), civic officials (elected & appointed), public & private agencies, business men and women, and the media.

Because implementation requires changing the police culture ("I do not want to be a social worker."), retraining the police officer, and restructuring performance evaluation and reward systems, it can take years to fully implement a broad-based community policing program in any given department. The average tenure of a police chief is approximately 3.5 years. Therefore, a commitment to the implementation of community-oriented policing requires going beyond the individual police executive to the Department and community as a whole.

Effectiveness

One of the biggest problems concerning community-oriented policing is the shortage of long-term programs from which to draw meaningful data for a solid analysis of its effectiveness as a policing program. Most of the current research is focused on the police perspective. However, community-oriented policing programs seem to be more effective in terms of community satisfaction with the police, improved neighborhood stability, improved race relations, reduced juvenile delinquency, reduced fear of crime, reduced crime rates for certain types of crime, and generally

positive job satisfaction among police officers. Reduction of fear of crime is the greatest documentable positive aspect of community oriented policing.

Comparison with Police-Community Relations

Community-oriented policing is not police-community relations (PCR). They differ both in terms of goals and the approaches used. Community-oriented policing focuses on solving problems, whereas police-community relations seeks to improve police relationships with citizens by changing citizen attitudes about the police.

Community-oriented policing is a philosophy and commitment to involve citizens in the process of reducing and controlling local problems of crime, drugs, fear of crime, and other disorders, and in efforts to improve the overall quality of life in the community. PCR is not a philosophy, but an approach/response, often viewed as public relations, aimed at reducing hostility towards police by citizens.

Most community-oriented policing programs have been initiated to counter a specific or general crime problem, to increase police visibility, to meet police department priorities, to increase merchants' sense of security, or to improve police-citizen communication.

Community-oriented policing offers real, personalized police officers who offer concrete help, whereas PCR officers, by and large, are strangers whose assistance and impact is both sporadic and limited. The duties and activities of the community-oriented policing officer include: law enforcement, directed patrol, community involvement, identifying and prioritizing problems, reporting (sharing information), problem-solving, communicating, conflict resolution, referrals, visiting, recruiting and supervising volunteers, proactive projects, targeting special groups, targeting disorder, networking with the private sector, networking with non-profit agencies, and administrative/professional duties. In contrast, the duties of the PCR officer often consist mostly of public speaking presentations, which provide valuable information to community and other groups about the police department.

Comparative differences between community-oriented policing and PCR, and traditional policy and community-oriented policing, are indicated in the following tables:

Police-Community Relations versus Community-Orienting Policing

Police-Community Relations

- Goal: Change attitudes and project positive image of police - improved relations with citizens is main focus
- Staff Function: Ad hoc, irregular contact of officers with citizens
- Committees identify problems and push police to respond
- Police accountability is ensured by civilian review boards and formal police supervision
- Traditional organization with new programs periodically added, no fundamental organizational change training, evaluation, and promotion
- Acceptance is often localized to a PCR unit
- Influence is from the top down - those who "know best" have input and make decisions
- Officer is contacted by the public on an intermittent basis through a central office
- Citizens are encouraged to volunteer and to lobby for more government (including law enforcement) services
- Success is determined by traditional measures, e.g. crime rates

Community-Oriented Policing

- Goal: Solve problems - improved relations with citizens is a welcome by-product
- Line Function: Frequent, regular contact of officers with citizens
- Citizens identify problems and cooperate in agenda setting with police
- Police accountability is ensured by the citizens receiving the service
- Systemic organizational change and departmen tal restructuring, ranging from officer selection to training, evaluation, and promotion
- Department-wide philosophy
- Influence from the bottom up - those receiving help set priorities and influence police policy
- Officer is continually accessible, in person or by telephone recorder, in a decentralized office
- Officer encourages citizens to solve many of their own problems and to volunteer to assist neighbors
- Success is determined by the reduction in citizen fear, neighborhood disorder, and crime

Traditional Policing versus Community-Oriented Policing

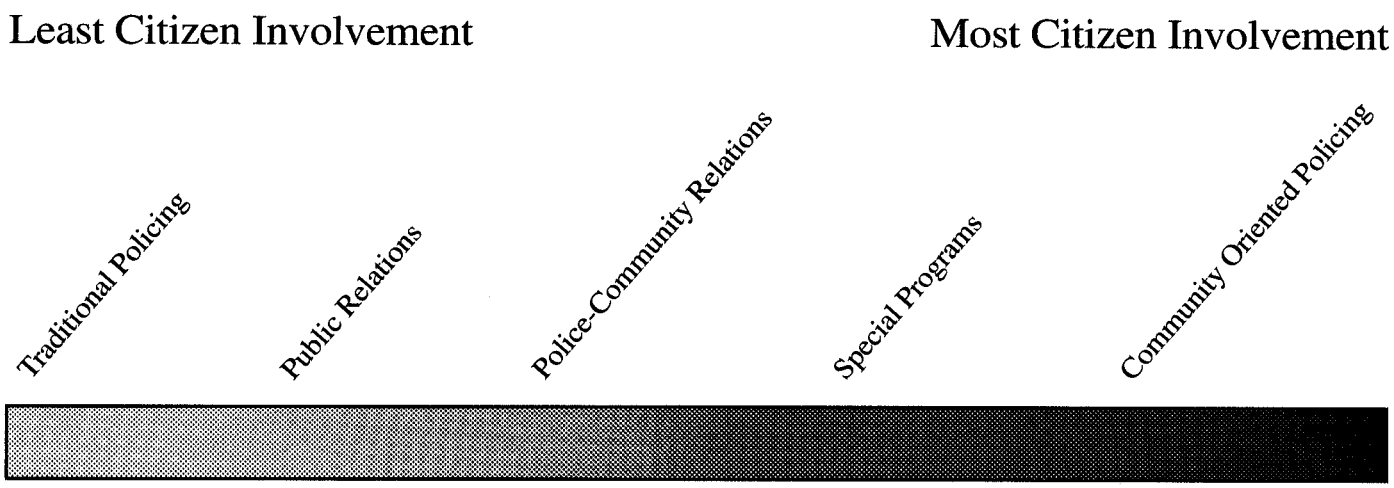
Traditional Policing	Community-Oriented Policing
• Police are a government agency responsible for law enforcement	• Police are the public and the public are the police
• Conflicting priorities	• Improving the quality of life
• Focus on solving crimes	• Focus on broad problem-solving approach
• Efficiency is measured by detection and arrest rates	• Efficiency is measured by absence of crime and disorder
• Highest priority is on crimes of high value (e.g. bank robberies) and those that involve violence	• Highest priority is on the problems that disturb the community the most
• Police deal with incidents	• Police deal with citizen's problems and concerns
• Police effectiveness is determined by response time	• Police effectiveness is determined by public cooperation
• Police take service calls only if nothing else is happening	• Service calls are considered a vital function and a great opportunity
• Police professionalism is measured by swift effective response to serious crime	• Police professionalism is keeping close to the community
• Crime intelligence (study of particular crimes or series of crimes) is the best intelligence	• Criminal intelligence (information about the activities of individuals or groups) is the best intelligence
• Police accountability is legalistic and bureaucratic	• Police accountability emphasizes local accountability to meet community needs
• PD headquarters role is to provide necessary rules and policy directives	• Police headquarters role is to support and legitimize organizational values
• Press role is primarily to keep the "heat off"	• Press role is to facilitate communication with the community
• Prosecutions are regarded as an important goal	• Prosecutions are regarded as but one tool among many

Adapted from Malcolm K. Sparrow, "Implementing Community Policing," ***Perspectives in Policing***, No. 9 (November 1988), National Institute of Justice, U.S. Department of Justice.

Continuum of Community Policing Programs

There are currently a plethora of programs, billed as community policing, that are being implemented around the country. From the CRS perspective, a key defining factor in analyzing these programs is the level of citizen involvement in the program.

A continuum of community policing programs could run from traditional policing to basic public relations, to program specific problems and approaches, to community-oriented policing in division-wide or system-wide programs.



Community-Oriented Policing Programs

These programs include community-oriented, youth, special group, and specific problem programs with citizen involvement in defining the problems and effecting solutions. Other community policing programs include:

Strategic policing: emphasizes the challenges of dealing with specific and difficult kinds of crime such as narcotics trafficking, terrorism, white collar crimes, serial murders, & organized gang activity that are not well controlled by traditional police methods (block associations);

Problem-oriented policing: method of working with citizens to help them identify problems and design and implement solutions to those problems. Examples follow.

- Oakland, CA - family crisis and family management teams - drug impetus
- Morgantown, WV - communication links between business, academic, and student communities
- Madison, WI - organizational planning (Experimental Police District)
- Houston, TX - defined priorities as police/citizen cooperation, crime prevention, and the use of police resources to reinforce community values (Police Interaction Program [PIP])
- Colorado Springs, CO - Acacia Park drug eradication program
- Los Angeles, CA - Operation Cul-de-Sac, Drug Abuse Resistance Education (DARE), and Safe Streets Bureau
- San Diego, CA - Problem Oriented Policing (POP)
- Sacramento, CA - POP
- St. Louis, MO - Community Oriented Policing System (COPS)

Neighborhood policing: interactive policing method where officers assigned to work in a particular neighborhood and citizens who either reside and/or work there mutually develop ways to identify problems and concerns. This cooperative group also assesses viable solutions by providing available resources from both the police department and the community. The purpose is to establish trust and harmony between the public and police, exchange information to enhance safety, and help identify and resolve neighborhood problems, i.e., stop, walk, & talk. Examples of cities with neighborhood policing programs are listed below.

- Flint, MI - foot patrols
- Charleston, SC - "Take Back the Streets"
- Aurora, CO - Police Area Representatives (PARs)
- Newport News, VA - Community Oriented Patrol Program (COPP)
- New York, NY - Community Policing On Patrol (CPOP)
- Reno, NV - Community Oriented Policing & Neighborhood Advisory Groups (COP & NAG)
- Irvine, CA
- Colorado Springs, CO
- Delray Beach, FL
- San Francisco, CA - Kobans
- Baltimore, MD - Citizen Oriented Police Enforcement (COPE)
- Newark, NJ - foot patrols
- Houston, TX
- Santa Ana, CA
- Oakland, CA
- Denver, CO
- Detroit, MI
- Birmingham, AL

Elements That May Be Part Of A Community-Oriented Policing Approach

Special group programs: senior citizens, Hispanics and Blacks, low-income and high-risk groups, commercial crime initiatives on shoplifting, bank robbery prevention, business and residential security, and trespassing prevention.

Specific problem programs: landlord-tenant dispute settlement, residential burglary reduction, gun safety, crime stoppers, citizen and police reward programs, and illegal drugs and youth problems (Tulsa, OK; Orlando, FL; Reno, NV; Philadelphia, PA; West New York, NJ; Lincoln, NE; Houston, TX; Syracuse, NY; & Buffalo, NY).

Community-oriented programs: police-community liaison, Neighborhood Watch, Seniors Against Crime, DART, CORT, public information and education, volunteer and paraprofessional participation, and team policing.

Youth-oriented programs: youth law education programs, block parent programs, youth awareness campaigns, youth camps and clubs, child safety and identification programs, "McGruff" crime fighter program, and Police Athletic League.

A Few Examples Of Community Oriented Policing Approaches

• Neighborhood Watch Programs

• REDDI (Report Every Drunk Driver Immediately) imvolves Police Department establishing a toll free number so citizens can tell the police department where drunk drivers are. (New Hampshire)

• Surveying citizens for problem identification, too many cars speeding, kids hanging out, suspected drug traffic, prostitution, etc., and then deploying officers targeting specific issues.

• Police Department teaming up with other government agencies, such as public works, welfare, public housing, to deal with specific problems.

• Police Department, in cooperation with Alcohol Beverage Control Board and local judges, determines that prostitution is problem at certain bars in certain part of town. Police Department gets judges to stipulate that probation of prostitutes include requirement to stay out of that part of town. Result is safer neighborhood with lower number of prostitutes working in that area.

• Public housing project was crime ridden, tenants unhappy. Police surveyed residents to discover that they see crime as serious problem, but are equally upset over deterioration of housing complex. Police officer works with city Public Housing Authority and sanitation departments to clean up grounds of complex. Visibly better living conditions led to reduced burglary rates. (New Briarfield Apartments, Newport News, Virginia)

Adapted from William Spelman and John E. Eck, "Problem-Oriented Policing," ***Research in Brief*** (January 1987), National Institute of Justice, U.S. Department of Justice.

Some Positive Impacts of Community-Oriented Policing
(Varies by City)

- Greater Community Satisfaction with the Police
- Improved Neighborhood Stability
- Improved Race Relations
- Reduced Juvenile Delinquency
- Reduced Fear of Crime
- Reduced Crime Rates for Certain Types of Crime
- Positive Job Satisfaction among Police Officers
- Decrease in Vagrancy
- Decrease in Sale and Use of Illicit Drugs
- More Favorable Attitudes Between Police and Citizenry and a Greater Willingness to Work Together Cooperatively

"Experience has shown that community policing as a dominant policing style is a better, more efficient, and more cost-effective means of using police resources. In the final analysis, community policing is emerging as the most appropriate means of using police resources to improve the quality of life in neighborhoods throughout the country."

Quote from Lee P. Brown, "Community Policing: A Practical Guide for Police Officials," ***Perspectives on Policing***, No. 12 (November 1989) National Institute of Justice, U.S. Department of Justice.

Perspectives on Policing

September 1989 No. 12

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Community Policing: A Practical Guide for Police Officials

By Lee P. Brown

Like many other social institutions, American police departments are responding to rapid social change and emerging problems by rethinking their basic strategies. In response to problems such as crime, drugs, fear, and urban decay, the police have begun experimenting with new approaches to their tasks.

Among the most prominent new approaches is the concept of community policing. Viewed from one perspective, it is not a new concept; the principles can be traced back to some of policing's oldest traditions. More recently, some of the important principles of community policing have been reflected in particular programs initiated in a variety of places within police departments.

What is new is the idea that community policing is not a particular program within a department, but instead should become the dominant philosophy throughout the department. Exactly what it means for community policing to become a department-wide philosophy and how a police executive can shift an organization from a more traditional philosophy to a community-policing philosophy has been unclear.

Our experience in Houston is beginning to clarify these issues. We are developing a clear, concrete picture of what it means to operate a police department committed to a philosophy of community policing. We have also learned how to manage the process of evolution towards a philosophy of community policing. And we are learning how the basic administrative and managerial systems of the department

Author's Note: Special thanks are expressed to Lt. Timothy N. Oettmeier for his initial research, upon which this essay is based.

This is one in a series of reports originally developed with some of the leading figures in American policing during their periodic meetings at Harvard University's John F. Kennedy School of Government. The reports are published so that Americans interested in the improvement and the future of policing can share in the information and perspectives that were part of extensive debates at the School's Executive Session on Policing.

The police chiefs, mayors, scholars, and others invited to the meetings have focused on the use and promise of such strategies as community-based and problem-oriented policing. The testing and adoption of these strategies by some police agencies signal important changes in the way American policing now does business. What these changes mean for the welfare of citizens and the fulfillment of the police mission in the next decades has been at the heart of the Kennedy School meetings and this series of papers.

We hope that through these publications police officials and other policymakers who affect the course of policing will debate and challenge their beliefs just as those of us in the Executive Session have done.

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must be changed to accommodate and encourage community policing. The purpose of this paper is to make this experience available to the field, and to give concrete, operational content to what are otherwise mere abstractions and possibilities.

The origins of community policing

Houston's interest in community policing as an overall philosophy of policing did not spring full-blown from any particular person's mind. Instead, it has emerged from the evolution of police thought. That police leaders are challenging the assumptions they have held for several decades should not be construed as an attempt to debunk all that has worked well for many years. Rather the rethinking should be seen as a sign of police leaders' commitment to ensuring that the strategies they adopt will be viable not only now but in the future as well. Only by refining what works well and scrapping or reshaping what no longer meets the community's needs can police departments face up to the problems and deliver the services that citizens deserve and should expect.

"... police leaders are challenging the assumptions they have held for several decades ..."

The evolution to community policing is not complete. What is commonly called traditional policing remains this country's dominant policing style. From its introduction in the 1930's through the 1970's, when it reached its peak of popularity, traditional policing has developed a number of identifying characteristics, such as the following:

- The police are *reactive* to incidents. The organization is driven by calls for police service.
- *Information* from and about the community is limited. Planning efforts focus on internally generated police data.
- *Planning* is narrow in its focus and centers on internal operations such as policies, procedures, rules, and regulations.
- *Recruitment* focuses on the spirit of adventure rather than the spirit of service.
- *Patrol officers* are restrained in their role. They are not encouraged or expected to be creative in addressing problems and are not rewarded for undertaking innovative approaches.
- *Training* is geared toward the law enforcement role of the police even though officers spend only 15 to 20 percent of their time on such activities.
- *Management* uses an authoritative style and adheres to the military model of command and control.
- *Supervision* is control-oriented as it reflects and reinforces the organization's management style.
- *Rewards* are associated with participating in daring events rather than conducting service activities.
- *Performance evaluations* are based not on outcomes but on activities. The number of arrests made and the number of citations issued are of paramount importance.
- *Agency effectiveness* is based on data—particularly crime and clearance rates—from the FBI's Uniform Crime Reports.
- *Police departments* operate as entities unto themselves, with few collaborative links to the community.

"Traditional policing gave citizens a false sense of security ... Fortunately for the police profession, the 1970's fostered a full-scale attempt to analyze a host of policing issues."

For 40 years, traditional policing ostensibly served the public well, primarily because it was seen as a marked improvement over the policing style it had replaced—one that was characterized by negative political control and widespread corruption. Traditional policing gave citizens a false sense of security about police officers' ability to ensure the safety of the community. That the policing style might not be as effective as it seemed came into sharp focus by the middle 1960's and early 1970's when riots and protests exploded with rampant regularity across America. As citizens and police officials alike watched the scenario unfold, probing

questions were raised about the apparent inability of the police to prevent—or at least control—such outbreaks.

By the time the 1960's arrived, it was increasingly clear that both elected officials and the public knew little about the police and their operations. The situation called for decisive action and led to the formation of a number of commissions to examine the events surrounding the riots and to offer recommendations for improving police operations. The commissions' discussions included topics ranging from violence in cities and on college campuses to criminal justice standards and goals.

The attempts to remedy what was seen as an intolerable situation, however, were not confined to meeting-room discussions. Massive amounts of money for police operations and research were funneled through the Federal Law Enforcement Assistance Administration as part of the Government's response to the concern.

Fortunately for the police profession, the 1970's fostered a full-scale attempt to analyze a host of policing issues. The extensive research effort, which continued into the 1980's, produced findings that prompted many thoughtful police professionals to rethink how best to use police resources. Some of the more significant findings are described below:[1]

- *Increasing the number of police officers* does not necessarily reduce the incidence of crime nor increase the proportion of crimes that are solved. The relationship that does exist is between crime and adverse social conditions, such as poverty, illiteracy, illegal drugs, unemployment, population density, and social heterogeneity.

- *Random patrol* produces inconsistent results. It does not necessarily reduce crime nor enhance an officer's chances of apprehending a criminal suspect. It also does not bring the police closer to the public or reduce citizens' fear of crime.

The use of foot patrols (a popular tactic of community policing), on the other hand, has been shown to reduce the fear of crime though not necessarily the actual number of crimes that are committed.

- The assignment of *one officer per patrol car* is just as effective and just as safe as the assignment of two officers per car. The number of crimes committed does not rise, and the number of criminals apprehended does not fall when officers patrol solo. Nor do officers face a greater risk of injury or death when they travel alone.

- *Saturation patrol* reduces crime by temporarily suppressing the illegal activities or displacing them to other areas.

- Seldom do patrol officers encounter a *serious crime in progress.*

- *Rapid response* is not as important as previously believed because there generally is an extended delay before citizens call the police. A rapid police response is important only in the small percentage of cases where a life is being threatened or apprehension of the suspect is possible. Citizens are satisfied instead with a *predetermined response time* upon which they can depend. For incidents that are minor and do not require an officer's presence at the scene, citizens are satisfied with *alternative* methods, such as having the incident report taken over the telephone.

- *Criminal investigations* are not as successful as previously believed. Because crimes are more likely to be resolved if the suspect is apprehended immediately or a witness can supply the person's name, address, or license-plate number or recognizes him in a photograph, successful investigations occur when the suspect is known and when corroborating evidence can be obtained for arrest and prosecution. A key source of information about crimes and criminal suspects is the public.

Additional proof—beyond the reams of data generated by researchers—that time-honored policing strategies were ineffective came in the form of a widespread fear of crime among citizens, record-high crime rates, and record-high prison populations despite the availability of more officers and more funds for law enforcement efforts. As a result, progressive police administrators soon began to question the efficacy of traditional policing strategies. Their review of the situation heralded the beginning of an incremental transition to community-oriented programs and thus the beginning of Phase I of community policing.

Two phases in community policing: from programs to style

The growing awareness of the limitations of the traditional model of policing stimulated police departments across America to experiment with new approaches to reducing crime, stilling fears, improving police community relations, and restoring community confidence in the police. For the most part, these experiments were conceived and executed as discrete programs within traditional departments. That is, the

> ***“. . . begun with fanfare, they produced important results, and then they faded . . .”***

programs were typically initiated as a response to a particular problem, involved only a small fraction of the organization, were time-limited, were explicitly identified as experiments, and were subject to particularly close scrutiny by researchers. Often the programs had their own champions and command structures within the departments.

Examples of these programs include the foot patrol experiments in Newark, New Jersey, and Flint, Michigan; the problem-solving project in Newport News, Virginia; the fear reduction programs in Houston, Texas, and Newark; the Community Patrol Officer Program in New York City; the Directed Area Responsibility Team experiment in Houston; the community policing experiment in Santa Ana, California; the Basic Car Plan and Senior Lead-Officer programs in Los Angeles; and the Citizen-Oriented Police Enforcement program in Baltimore County, Maryland. Often these programs had a curious fate. They were begun with fanfare, they produced important results, and then they faded within the departments that had initiated them. These programs, and their fates, constituted Phase I of the field's experience with community policing. They taught two important lessons.

First, the programs taken together pointed toward some new frontiers for policing. They taught the field that if it viewed incidents as emerging from problems, then new avenues for contributing to the solutions of the underlying problems opened up. They taught the field that fear was an important problem in its own right, and there were things that police departments could do to reduce fear quite apart from reducing actual criminal victimization. They taught the field that the community could be an important partner in dealing with the problems of crime, fear, and drugs and that to build that partnership with the community, the police had to find more effective ways of interacting with the community and responding to their needs. These basic ideas provided the intellectual foundations for the emerging new conceptions of community policing.

Second, the ultimate demise of many of the programs showed the difficulty of trying to operate programs that embodied some of the important principles of community policing in the context of organizations whose administrative systems and managerial styles were designed for more traditional models of policing. It seemed clear that if the field as a whole or any police department within the field were to succeed in implementing community policing, it would have to be as an overall philosophy of the department.

The development of community policing in Houston

Houston took these lessons to heart. We were tempted by the potential of community policing, but worried about the tendency of individual programs to collapse after they had been operating for a while. It was also hard to see how one could move from a department committed to traditional policing to a department that had adopted community policing as a philosophy. Our solution to these problems was to follow the experience of the field and to understand that the implementation of community policing in Houston would also have to have two phases.

Phase I of community policing is the implementation of programs designed to provide the public with meaningful ways to participate in policing efforts. The initial phase does *not* require a complete change in the organization's operating style. Phase II, on the other hand, *does* require the organization to make such a change.

Because Phase I involves only the implementation of individual programs, the systems that support the organization's policing style—such as recruitment, training, performance evaluation, rewards, and discipline—do not change. In other words, the individual *programs* are separate entities that do not involve the entire department or affect the entire community.

> ***“Phase II, however, involves more sweeping and more comprehensive changes.”***

Phase II, however, involves more sweeping and more comprehensive changes. It is not merely programs that are being implemented—it is the department's *style* that is being revamped. Unlike individual programs, style affects the entire department and the entire community.

The Houston Police Department evolved from Phase I to Phase II over a 5-year period starting in 1982. The department operated under a set of values that emphasized problem solving and collaboration with the community. It also redesigned its patrol beats to reflect natural neighborhood boundaries. Most important, though, were its experiments with a variety of community-oriented programs that resulted in greater community involvement with the department. At the end of the 5-year evolutionary period, the department made an organizational commitment to adopt community

policing as its dominant operating style. The department's experiences during Phase I were invaluable and made the transition to Phase II much easier, for the individual programs enabled the department to accomplish the following:[2]

- Break down barriers to change.
- Educate its leaders and rank-and-file members on the merits of community policing.
- Reassure the rank-and-file that the community policing concepts being adopted had not been imported from outside the department but instead were an outgrowth of programs already in place.
- Address problems on a small scale before making the full transition to community policing.
- Reduce the likelihood that members of the department would reject the concepts of community policing as "foreign" or not appropriate for the department and the community.
- Demonstrate to the public and elected officials the benefits of community policing.
- Provide a training ground for community policing concepts and strategies.
- Create advocates among those persons who would become community-policing trainers.
- Demonstrate its willingness to experiment with new ideas.

Based on Houston's experience, it is clear that organizations that have not operated Phase I community policing programs will have to begin Phase II with a clear understanding of what community policing is and how it differs from traditional policing.

Although it is an operating style, community policing also is a *philosophy* of policing that contains several interrelated components. All are essential to the community policing concept and help distinguish it from traditional policing.

Results vs. process. The first component of the community policing philosophy is an orientation toward *problem solving*. Embracing the pioneering work of Herman Goldstein,[3] community policing focuses on *results* as well as process. Incorporated into routine operations are the techniques of problem identification, problem analysis, and problem resolution.

Values. Community policing also relies heavily on the articulation of policing values that incorporate citizen involvement in matters that directly affect the safety and quality of neighborhood life. The culture of the police department therefore becomes one that not only recognizes the merits of community involvement but also seeks to organize and manage departmental affairs in ways that are consistent with such beliefs.

Accountability. Because different neighborhoods have different concerns, desires, and priorities, it is necessary to have an adequate understanding of what is important to a particular neighborhood. To acquire such an understanding, officers must interact with residents on a routine basis and keep them informed of police efforts to fight and prevent neighborhood crime. As the communication continues, a cooperative and mutually beneficial relationship develops between the police and the community. Inherent in this relationship is the requirement that officers keep residents abreast of their activities. This ensures accountability to the community, as well as to the department.

Decentralization. The decentralization of authority and structure is another component of community policing. Roles are changed as the authority to participate in the decisionmaking process expands significantly. The expansion of such authority in turn makes it necessary to alter organizational functions throughout the department.

Power sharing. Responsibility for making decisions is shared by the police and the community after a legitimate *partnership*—one that not only enables but also encourages *active* citizen involvement in policing efforts—between the two groups has been established. *Passive* citizen involvement will not suffice. Active participation is essential because citizens possess a vast amount of information that the police can use to solve and prevent neighborhood crime. Power sharing means that the community is allowed to participate in the decisionmaking process unless the law specifically grants that authority to the police alone.

"Individual neighborhoods are not placed in multiple beats."

Beat redesign. Beat boundaries are drawn to coincide with natural neighborhood boundaries rather than in an arbitrary fashion that meets the needs of the police department. Individual neighborhoods are not placed in multiple beats. If questions arise about the neighborhood to which a citizen belongs, that person is asked to help the police determine the neighborhood with which he identifies.

Permanent assignments. Under community policing, shift and beat assignments are issued on a permanent, rather than a rotating, basis. This allows the beat officer to become an integral part of the community that he has been assigned to protect. When a beat officer is reassigned to another area, his replacement is required to participate in an orientation period with the outgoing officer. During this time the outgoing officer briefs his replacement on the contacts he has made and the knowledge he has gained over the past several months or years, thus providing a continuity of service to the community's citizens.

"...beat officers ... must be given the authority to make decisions ..."

Empowerment of beat officers. Rather than simply patrolling the streets, beat officers are encouraged to initiate creative responses to neighborhood problems. To do so, beat officers must become actively involved in the affairs of the community. In addition, they must be given the authority to make decisions as they see fit, based on the circumstances of the situation. This empowerment reflects the trust that police leaders have in their officers' ability to make appropriate decisions and to perform their duties in a professional, productive, and efficient manner.

Investigations. The premise that neighborhood crime is best solved with information provided by residents is an aspect of community policing that makes it necessary to decentralize the investigative function and focus on neighborhood, or area-specific, investigations. Centralized investigations, however, cannot be eliminated entirely as these are needed to conduct pattern- or suspect-specific *citywide* investigations. Both levels, despite their different focus, are responsible for developing a knowledge base about crime in their area and for developing and carrying out strategies designed to resolve crime problems. Investigations under community policing, however, are viewed from a problem-solving perspective.[4]

Supervision and management. Under community policing, the role of persons at all levels within the organization changes. For example, the patrol officer becomes the "manager" of his beat, while the first-line supervisor assumes responsibility for facilitating the problem-solving process by training, coaching, coordinating, and evaluating the officers under him. Management's role is to support the process by mobilizing the resources needed to address citizen concerns and problems. In carrying out this role, management needs to be not only flexible but also willing to allow officers to take necessary and reasonable risks in their efforts to resolve neighborhood problems and concerns.

Training. Also changed under community policing are all aspects of officer training. At the recruit level, cadets are provided information about the complexities and dynamics of the community and how the police fit into the larger picture. Cadet training also enables the future officer to develop community-organizing skills, leadership abilities, and a problem-solving perspective based on the understanding that such efforts will be more effective if departmental and community resources are used in concert.

Supervisory training, on the other hand, is designed to provide the skills needed to facilitate the problem-solving process. This is accomplished by training officers to solve problems, coordinating officers' activities, planning community-organizing activities, and mapping out criminal investigations.

Because they must be the leaders of the changed roles that characterize community policing, management personnel's training includes the further development of leadership skills, including the ability to excite people about the concept of community policing.

"... management personnel's training includes ... the ability to excite people about the concept of community policing."

Performance evaluation. With the changed roles for all personnel comes the need for a revised system for evaluating officer performance. Rather than simply counting numbers (e.g., number of citations issued, number of arrests made, number of calls handled), performance quality is based on the officer's ability to solve problems and involve the community in the department's crime-fighting efforts. The criterion then becomes the *absence* of incidents such as criminal offenses, traffic accidents, and repeat calls-for-service.

Managing calls-for-service. Inherent in the community policing philosophy is the understanding that all police resources will be managed, organized, and directed in a manner that facilitates problem solving. For example, rather than directing a patrol car to each request for police service, alternative response methods are used whenever possible and appropriate. Such alternative techniques include the taking of incident reports over the telephone, by mail, or in person at police facilities; holding lower-priority calls; and having officers make appointments with an individual or a group. The result is more time available for officers to engage in problem-solving and community-organizing activities that

lead to improvements in the quality of neighborhood life. Equally important, officers will be able to remain in their beats and handle those calls that require an on-scene response.

“Officers now are expected to develop innovative ways of solving neighborhood problems.”

The Houston Police Department is committed to community policing and is in the process of implementing it with the name of "neighborhood-oriented policing." It is a policing *style* that is responsive to the needs of the community and involves the redesigning of roles and functions for all departmental personnel.

One significant role change is that of the beat officer. No longer is his job structured solely around random patrols and rapid response to routine calls-for-service. Officers now are expected to develop innovative ways of solving neighborhood problems. Inherent in this expanded role is the need for increased communication and interaction with the people who live or work in the officer's beat.

For more than a full year now, the department has been engaged in its version of community policing, resulting in a wealth of experience and insights that can be used to construct a definition of community policing. By definition then, community policing is *an interactive process between the police and the community to mutually identify and resolve community problems.*

Inherent in this definition is a rather dramatic change in the traditional orientation of the police toward the public. The formal separation of the police from the public no longer suffices. What is called for under community policing is the formation of a union between officers and citizens mutually committed to improving the quality of neighborhood life. The formation of such a partnership requires the police to develop appropriate management systems, use available resources more effectively, and work with the community to resolve problems and prevent and control crime.

When considered in light of the necessary reorientation of management attitudes toward the public, community policing also can be thought of as a *management philosophy*. As such, community policing provides a conceptual framework for directing an array of departmental functions and requires management personnel to do the following:

- Ensure cooperative interaction among various departmental functions.
- Ensure collaborative interaction between officers and citizens so that a consensus can be reached on what needs to be done to improve the quality of neighborhood life.
- Integrate the desires and expectations of citizens with the actions taken by the police to identify and address conditions that have a negative effect on the quality of neighborhood life.
- Ensure that all actions are designed to produce planned results.
- Begin addressing a number of organizational issues (such as determining the exact nature of manage ment's responsibilities, deciding which activities best enable management to carry out its responsibilities, and establishing an accountability system for monitoring progress and documenting results).

The Houston experience has shown that community policing is a better, smarter, and more cost-effective means of using police resources and that a new culture in which officers, supervisors, and managers strive to become a part *of* and not apart *from* the community is needed as well. These findings serve to illustrate the dual nature of community policing. That is, it embodies both an operational philosophy and a management philosophy, and each benefits not only the police but also the community. The benefits to the community are as follows:[5]

- ***A commitment to crime prevention.*** Unlike traditional policing, which focuses on the development of efficient means of *reacting* to incidents, community policing strives to reaffirm Sir Robert Peel's premise that the basic mission of the police is to *prevent* crime and disorder.
- ***Public scrutiny of police operations.*** Because citizens will be involved with the police, they will be exposed to the "what," "why," and "how" of police work. Such involvement is almost certain to prompt critical examinations and discussions about the responsiveness and efficiency of police operations in addressing the community's problems.
- ***Accountability to the public.*** Until the advent of community policing, officers were accountable for their actions only to police management. Now officers also will be accountable to the public with whom they have formed a cooperative partnership. Because citizens will be involved in activities such as strategic planning, tactic implementation, and policy development, police

personnel will need to become more aware of and more concerned about the consequences of their actions.

- ***Customized police service.*** Because police services will be localized, officers will be required to increase their responsiveness to neighborhood problems and citizens' concerns. As police-citizen partnerships are formed and nurtured, the two groups will be better equipped to work together to identify and address problems that affect the quality of neighborhood life. For their part, police officers will develop a sense of obligation or commitment to resolving neighborhood problems. The philosophy underlying traditional policing does not provide for such a commitment.

- ***Community organization.*** The degree to which the community is involved in police efforts to address neighborhood problems has a significant bearing on the effectiveness of those efforts. In other words, the success of any crime-prevention strategy or tactic depends on the police and citizens working in concert—not on one or the other carrying the entire load alone. Citizens therefore must learn what they can do to help themselves and their neighbors. The police, in turn, should take an active role in helping citizens achieve that objective.

The benefits of community policing to the police are as follows:[6]

- ***Greater citizen support.*** As citizens spend more time working with the police, they learn more about the police function. Experience has shown that as citizens' knowledge of the police function increases, their respect for the police increases as well. This increased respect, in turn, leads to greater support for the police. Such support is important not only because it helps officers address issues of community safety but also because it cultivates the belief that the police honestly care about the people they serve and are willing to work with all citizens in an attempt to address their concerns.

- ***Shared responsibility.*** Historically the police have accepted the responsibility for resolving the problem of crime in the community. Under community policing, however, citizens develop a sense of *shared* responsibility. They come to understand that the police alone cannot eradicate crime from the community—that they themselves must play an active role in the crime-fighting effort.

- ***Greater job satisfaction.*** Because officers are able to resolve issues and problems within a reasonable amount of time, they see the results of their efforts fairly quickly. The net result for the officer is enhanced job satisfaction.

- ***Better internal relationships.*** Communication problems among units and shifts have been a long-standing problem in police agencies. Because community policing focuses on problem solving and accountability, it also enhances communication and cooperation among the various segments of the department that are mutually responsible for addressing neighborhood problems. This shared responsibility facilitates interaction and cooperative relationships among the different groups.

- ***Support for organizational change.*** The implementation of community policing necessitates a change in traditional policing roles and in turn a change in functional responsibilities. Both modifications require a restructuring of the department's organizational structure to ensure the efficient integration of various functions, such as patrol and investigations. The changes that are needed include new management systems, new training curriculums and delivery mechanisms, a new performance-evaluation system, a new disciplinary process, a new reward system, and new ways of managing calls-for-service.

Questions asked and answered

In their book *Community Policing: Issues and Practices Around the World,* David Bayley and Jerome Skolnick urge police leaders to be cautious about the success of community policing. It is advice well taken. The process of going from a traditional style of policing to a community-oriented style is not an easy task. It therefore is essential to identify, acknowledge, and address any obstacles or legitimate concerns that might impede the transition. Some of the questions most often raised about community policing are discussed below.[7]

- *Is community policing social work?*

Community policing calls for an expansion of the role of the police in that it focuses on problems from the citizen's point of view. Experience has shown that the concerns of citizens often are different from what the police would say they are. For example, before listening to citizens' concerns became routine, officers assumed that the public worried most about major crimes such as rape, robbery, and burglary. After talking with the people who live and work in their beat, officers found that the community's main concerns were quality-of-life issues such as abandoned cars and houses, loud noises, and rowdy youngsters.

It is for this reason—the need to address citizen concerns—that the role of the police has been expanded. This is no

> ***“Rather than being soft on crime, community policing is a more effective method . . .”***

meant to imply, however, that the police are expected to solve the problems by themselves. On the contrary, it means that the police should be able to do at least one of two things: mobilize the community to solve the problem (e.g., organize a neighborhood clean-up program) or enlist the services of the appropriate agency to address the problem (e.g., the city Public Works Department to clean away debris).

Concerns that such activities are akin to social work are ill-founded. The police officer's expanded role does not even come close to meeting the definition of social work. As a profession, social work is an ongoing and often long-term relationship between the social worker and the client. This is in contrast to the *usually* short-term, problem-focused relationship that develops under community policing.

- *Will community policing result in less safe neighborhoods?*

By any standard, the police working alone have been unable to control crime effectively. Experience has shown that increased citizen involvement results in more efficient crime-control efforts. The success of Neighborhood Watch groups is but one example of the effectiveness of making crime fighting a joint effort. Other programs, such as Crime Stoppers, have led to the solution of many serious offenses. Because community policing includes the public as a full partner in the provision of crime-prevention and crime-fighting services, it stands to reason that public safety will *increase* rather than decrease.

- *Will officers be reluctant to enforce the law under community policing?*

Among the tenets of community policing is the need to develop a close relationship between beat officers and the people who live and work in that area. In most neighborhoods only a small percentage of the population commits illegal acts. The goal of community policing is to become a part of the law-abiding majority and thereby develop a partnership to effectively deal with the law-violating minority.

Experience has shown that if police work closely with the "good" citizens, the "bad" ones are either displaced or driven out of the area. It therefore is incorrect to suggest that as the police develop close relationships with the citizens in their beat, law violators will not be arrested.

- *Is community policing soft on crime?*

The police always will have as one of their primary roles the enforcement of laws. Under community policing, police officers not only will have an expanded skills-base at their disposal, but they also will have access to a previously untapped resource—input from members of the community. The two resources together provide officers with a most effective means of enforcing the laws and should eliminate any concerns that community policing will weaken officers' ability to perform this task. Rather than being soft on crime, community policing is a more effective method for fighting crime.

> ***“Will community policing result in unequal services to minority communities?”***

Because community policing calls for the tailoring of police services to meet the unique needs of each neighborhood, minority communities can expect to receive better, rather than unequal, services. This is not to imply that one community will receive preferential treatment at the expense of another. Rather, it means that each community will receive services that are *appropriate* to its particular problems, concerns, and priorities.

- *Will community policing result in police corruption?*

Experience has not shown nor even suggested that community policing leads to corruption. For corruption to arise, there must be a culture ripe for its development, and such certainly is not the case with community policing and its emphasis on police officer professionalism, expanded discretionary decisionmaking authority, trust in officers' sound judgment and good intentions, and officers' accountability to law-abiding citizens. This does not mean, however, that the police can ignore their responsibility to detect and respond to corruptive influences and incidents should they occur.

- *Will access to community policing be distributed fairly?*

This question would be appropriate only if community policing were no more than a program; however, it is an overall operating *style* and philosophy of policing. Nowhere among the tenets of community policing is there anything that would, in and of itself, result in the unequal distribution of services between the poor and the affluent. By its very nature, community policing calls for the appropriate delivery of services to all neighborhoods.

- *Will community policing require more resources?*

Because community policing is an operating style and not a new program, no additional officers are needed. More pertinent is the issue of how the agency's resources will be used. Experience has shown that community policing is a more cost-effective means of using available resources than is traditional policing for two reasons: community participation in the crime-control function expands the amount of available resources, and the solving of problems (rather than responding again and again to the same ones) makes for a more efficient deployment of combined police and community resources.

- *Is community policing antitechnology?*

The use of high-technology equipment and applications is essential to the efficient practice of community policing. Without high technology, officers would find it difficult to provide the level and quality of services the community deserves. Computer-aided dispatching, computers in patrol cars, automated fingerprint systems, and on-line offense-reporting systems are but a few examples of the pervasiveness of technology in agencies that practice community policing.

- *Will older officers resist community policing?*

Experience with both community-oriented *programs* and community policing as an operating *style* has shown that older officers are *more likely* to accept community policing than are younger officers. The maturation that comes with age plays a significant role in older officers' greater willingness to adopt the new policing style. Research has shown that younger officers tend to become police officers because they are looking for adventure. As officers grow older, they become less interested in action and more interested in providing services.

Conclusion

As an operating style, community policing evolves and exists in two phases. Phase I involves the implementation of community-oriented programs designed to improve the ability of the police to address problems such as crime, drugs, fear, and urban decay. These programs, however, are not intended to involve all members of the department or all members of the community. Phase I also is marked by a continuity in the organization's operating style and the systems that support it.

"Because community policing becomes the dominant service-delivery style, the corresponding support systems must change as well."

Phase II involves significant changes in the police mission and the organization's operational and management philosophies. Because community policing becomes the dominant service-delivery style, the corresponding support systems must change as well.

The transition, however, is not instantaneous; rather, it is evolutionary. An institution that traditionally has delivered services on the basis of time-honored conventional wisdom cannot be expected to easily or quickly adopt a new method of operating.

The phase of community policing in which an agency finds itself should not be used as a criterion for evaluating the agency. Experience has shown, however, that implementing Phase II is easier if the agency has had experience with individual community-oriented programs.

Because community policing is relatively new as a style of policing, questions have been raised about its effectiveness. Any doubts, however, should be put to rest. Experience has shown that community policing as a dominant policing style is a better, more efficient, and more cost-effective means of using police resources. In the final analysis, community policing is emerging as the most appropriate means of using police resources to improve the quality of life in neighborhoods throughout the country.

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The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program Offices and Bureaus: National Institute of Justice, Bureau of Justice Statistics, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime.

Notes

1. Jerome H. Skolnick and David H. Bayley, *The New Blue Line: Police Innovations in Six American Cities,* New York, The Free Press, 1986: 4–5.

2. See for example, Lee P. Brown et al., *Developing Neighborhood Oriented Policing in the Houston Police Department,* Arlington, Virginia, International Association of Chiefs of Police, 1988; and Timothy N. Oettmeier and William H. Bieck, *Developing a Policing Style for Neighborhood Oriented Policing:* Executive Session #1, The Houston Police Department, February 1987.

3. Herman Goldstein, "Improving Policing: A Problem-Oriented Approach," *Journal of Crime and Delinquency* 25 (April 1979): 236–258.

4. Timothy N. Oettmeier and William H. Bieck, *Integrating Investigative Operations Through Neighborhood Oriented Policing:* Executive Session #2, The Houston Police Department, January 1989.

5. Jerome H. Skolnick and David H. Bayley, *Community Policing: Issues and Practices Around the World,* Washington, D.C., National Institute of Justice, May 1988: 67–70.

6. Ibid.: 70–73.

7. Ibid.: 81–87.

The Executive Session on Policing, like other Executive Sessions at Harvard's Kennedy School of Government, is designed to encourage a new form of dialog between high-level practitioners and scholars, with a view to redefining and proposing solutions for substantive policy issues. Practitioners rather than academicians are given majority representation in the group. The meetings of the Session are conducted as loosely structured seminars or policy debates.

Since it began in 1985, the Executive Session on Policing has met seven times. During the 3-day meetings, the 31 members have energetically discussed the facts and values that have guided, and those that should guide, policing.

Appendix III - Use of Force and Alternatives

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15 SHOOTING REDUCTION TECHNIQUES: CONTROLLING THE USE OF DEADLY FORCE BY AND AGAINST POLICE OFFICERS

prepared for the
Police Executive Research Forum
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Washington, D.C.
by
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Police leaders in urban centers require no persuasion concerning the importance of effective techniques for reducing the use of deadly force by and against their officers. The adverse consequences of the inappropriate or unnecessary use of deadly force are all too familiar to most law enforcement executives. Among the litany of liabilities flowing from such shootings are:

- civilian injuries and deaths
- officer injuries and deaths
- strained police-community relations
- departmental, municipal, and personal liability
- personnel problems, including emotional trauma to the involved officers and poor morale among other agency members

Thus, the police administrator's initiatives to control officer-involved shootings are prompted by concerns about the sanctity of human life, community welfare, officer career risks, the effectiveness of the overall police program in the community, and personal, departmental, and municipal financial jeopardy.

What techniques are being used around the country to mount a balanced program to reduce police use of deadly force while simultaneously enhancing officer safety and public protection?

The most often discussed approach is a restrictive written shooting policy. The Supreme Court's March 27, 1985 decision in Tennessee v. Garner, invalidating parts of the written deadly force rules in roughly half the states, will further intensify reform of written policy as a shooting control technique. But policy is only one of many useful techniques in the police administrator's repertoire. Indeed, although policy is probably the most publicly visible "intervention," arguably it is not the most important in terms of influencing officer behavior.

Many police executives have found it useful to consider a large number of administrative innovations as a "package" of protections to officers, the public, and crime suspects. Such executives have taken the position that, in a subject as complex and emotion-laden as shootings of and by police officers, to address any single part of it effectively requires that you look at all the elements, including street survival, restraint in officer use of deadly force, and a host of other matters. Among the key methods that have been used to reduce officer-involved shootings are the following:

1. **Officer survival training**, including tactics for maintaining cover and concealment; anticipating and reducing potential police-civilian violence; coordinating movement of officers on the scene of a crime in progress and standardizing the language and behaviors of undercover officers to avoid stray bullet and mistaken identity shootings; identifying the most effective and self-protective law enforcement techniques for off-duty officers to employ when they unexpectedly find themselves present at a crime scene as either the victim or a bystander, etc.

2. **Range training** that realistically replicates field conditions (firing at night, in bad weather, after an exhausting pursuit, in close quarters, etc.).

3. **Weapons training** (handling, unloading, firing different kinds of weapons that officers might carry or recover from suspects) and **specification of regulation departmental firearms**. A large percentage of accidental shootings by officers of themselves, their colleagues, and civilians can be related to bad gun-handling habits, such as unconsciously cocking a revolver, and to the use of semi-automatic weapons.

4. **Equipping officers** with soft body armour, "less-lethal" weapons (such as TASERs (on an as-needed basis), batons, flashlights for temporarily blinding opponents, and mace), etc.

5. **Interagency assistance networks** to meet the emergency needs of field personnel for accurate criminal history information on suspects, for multi-professional assistance (such as mental health expertise), and so forth.

6. **Deployment decisions that have been reached only after a consideration of their costs and benefits** in terms of law enforcement objectives and officer and public safety. For example, in some departments, aggressive "buy and bust" narcotics operations aimed at small dealers have been abandoned because they posed inordinate invitations to corruption, provided a negligible law

enforcement benefit, and were responsible for large numbers of officer injuries and deaths. In such instances, attention was shifted to investigation of larger dealers.

7. **Simple shooting policy that permits officers to fire when necessary, to protect life but prohibits other shootings.** A simple policy has the virtue of not requiring the officer to be a lawyer or a judge in a dark alley. The more difficult the officer's "split-second decision," the more likely he or she is to shoot unnecessarily or hesitate too long--and the more likely others are to "second guess" the officer afterwards. A policy that permits shooting only at offenders who have committed a life-threatening act in the officer's presence will improve the officer's working environment--by decreasing minority community resentment of police officers and reducing lawsuits and administrative discipline against the officer. Both the municipality and the individual officer will also be spared considerable grief and fiscal jeopardy if **departmental policy forbids off-duty officers from carrying their guns if they intend to be consuming alcohol or any other intoxicant to an extent that would impair their physical or mental abilities.**

8. **Strong and effective supervision** of officers during training and in-service periods to help instill in officers good habits that fellow officers have found useful over the years in avoiding unnecessary injury to themselves, the public, and crime suspects. If supervision reveals that an officer's skills and assignment are mismatched in ways that pose a serious risk of unnecessary injury to the officer or others, every attempt should be made to arrange a more suitable assignment.

9. A **proactive field investigations and inspections unit** to identify factors that produce unwarranted shootings and that enable officers to make successful, nonviolent arrests of potentially dangerous suspects.

10. **Debriefing officers** after incidents in which they have fired their weapons (other than firing for training or sports purposes) or have been fired upon. The debriefing, accomplished through both a written report by the officer and an interview with him or her by a **departmental "shooting review panel,"** should seek to identify better ways in the future to protect officers, the public, and, to the extent possible consistent with officer and public protection, crime suspects. In the past, such debriefing has revealed, for example, the use of "criminal back-up teams" during bank robberies. These were "passive" robbers who blended into the bank lobby crowd until police apprehended the "active" robbers, and then drew guns on the police.

11. **Formal research** on patterns of shootings of and by police, to better identify their causes and appropriate control strategies and to enable the police to more effectively respond to unwarranted attacks on the legitimacy of their use of deadly force. Any significant departmental initiative to better protect officers and civilians should be evaluated to determine its impact. In addition,

research should attempt to identify the "ingredients of success" in situations where police officers have been able to resolve potentially violent incidents and make any necessary arrests without either incurring or inflicting serious injury.

12. **A fair, expeditious, influence-free administrative review system,** which examines officer conduct in a way that minimizes unnecessary anxiety and inconveniece to all the parties, including the officer and the civilian complainant, if any. An officer who used deadly force in a reasonable, sincere belief that, based on the facts available at the time, he or she needed to shoot in order to prevent a serious threat to life, should be fully supported by the Department (including provision of any legal counsel that might be required in court proceedings) and should not be subjected to protracted and redundant inquiries into the justifiability of his or her actions. On the other hand, the core message to an officer found to have been overly aggressive in pursuit of legitimate law enforcement goals should be: We appreciate what you are trying to do, but you will have to find another way to do it. Too often, those reacting to police conduct emphasize only the latter part of this message--"find another way!"--failing to show necessary support and gratitude for the fact that the officer genuinely meant well. Obviously, for the small number of officers who are simply "bad apples," neither a supervisor nor anyone else need feel obliged to express any appreciation in the course of deciding how best to prevent such misconduct in the future.

13. **Counseling by competent personnel** for officers who desire such help in dealing with emotional problems, family difficulties, problems relating to alcohol and the like, and in dealing with post-shooting trauma.

14. **Cultural awareness training** to familiarize officers with relevant differences between identifiable ethnic, racial, religious, and other groups. Ignorance of such differences might lead an officer to misinterpret the danger or safety of a situation. Knowledge of such differences might help the officer defuse potentially explosive situations, especially domestic squabbles. In addition, **any efforts that can help reduce racial conflict between police and the minority community** will improve the officer's working conditions markedly by reducing both unprovoked and retaliatory violence against police officers.

15. **Departmental reward systems,** both formal and informal, which honor as equal acts of courage and law enforcement ingenuity an officer's decisiveness in using deadly force when necessary and his or her ability to exercise restraint in resolving potentially dangerous situations. Just as officers should not be rewarded for recklessly firing weapons, commendations should not be issued to officers who, by failing to shoot, unreasonably endanger themselves, their colleagues, or other innocent people.

Training Key® #398

Reasonable and Unreasonable Fear in Police Encounters

Fear is a basic emotion that we all share but one that is rarely explored in any serious manner within police circles. Police officers encounter many situations that may legitimately arouse their fear responses, but many also harbor fears that are not well founded and that may result in responses that are inappropriate or overreactive. Understanding the difference between reasonable and unreasonable fear therefore, is necessary if police officers are to deal effectively with this emotion.

Fear is an emotion that is experienced by all police officers to one degree or another and is an implicit part of what can be encountered when working in the law enforcement profession. Yet, few police officers can identify a time when they entered into a serious discussion on the subject with fellow officers and openly examined the manner or degree to which fear affects their work and their lives. Open discussion of this subject is atypical in police circles because to admit that fear affects police officers may be regarded as an admission that one lacks the necessary degree of courage or emotional fortitude to effectively perform his duties. Much for these same reasons, there is little if any serious examination of this subject in professional police literature or in police training courses. As a result, most police officers must face their fears and come to grips with them in their own way.

Fear is a natural, automatic response to perceived danger and is essential if one is to stay alert during such periods. The operative words here, however, are "reasonable" and "perceived". In the latter instance, one can readily recognize that not all perceived dangers are real. An inexperienced police officer may experience fear reactions where little or no danger exists. Even an experienced officer may, because of psychological or emotional predispositions, be influenced by factors that activate a fear response but that are baseless. A number of the more common fears of this type will be examined later. Reasonable fear is common to all police officers and can be triggered by any one of a number of legitimately dangerous situations: conducting a building search at night for an armed suspect, facing a violent mentally ill suspect or facing an armed attacker are among many such instances.

Reasonable fear, based on truly dangerous circumstances, is a mechanism that is necessary for an officer's safety. This is a controlled, legitimate and manageable fear as opposed to uncontrolled panic. Uncontrolled and inappropriate fear are not only unreasonable but dangerous, not just for the officer in question but for those with whom he interacts under such circumstances. Such fears are often responsible for inappropriate responses or failure to respond, or in overresponses such as the use of excessive or deadly force. The consequences of all these inappropriate actions have been the subject of numerous tragedies involving death or serious bodily injury, not to mention the typical costly lawsuits that so often follow such instances. It is essential, therefore, that police officers and their supervisors be able to distinguish between reasonable and unreasonable fears, how fear affects our responses and what steps can be taken to prevent accidents and tragedies caused by unreasonable fear.

Types of Unreasonable Fear

There are factors that may be part of an officer's psychological and emotional background that can form the basis for unreasonable fears. Fears that can plague police officers include:

- Racial fear
- Cultural fear
- Fear of physical harm
- Fear of doing harm
- Positional fear
- Psychological fear
- Fear of peer disapproval

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Examination of each of these categories of fear is necessary because it provides the opportunity to discuss openly the problem of fear, to establish a strategy to identify officers who can fall victim to one or more of these unreasonable fears, and to develop positive proactive approaches to address the problem and solve it before tragedy occurs.

Racial Fear. Racial fear is usually thought of in the context of a white police officer assigned in a neighborhood predominantly inhabited by a race of people other than white, typically a black neighborhood. Racial fear is obviously an unreasonable fear as it is the product of prejudice, rumor, a lack of personal contact with the racial group and a natural tendency to gravitate to individuals who share similar heritage and experiences.

The law enforcement officer who suffers this form of unreasonable fear is performing an emotional high-wire act every time he goes into the field. Obviously if an officer is continually afraid of his surroundings the stress level will build, often causing the officer to exhibit signs that a problem is present. These signs or symptoms can manifest themselves through the officer's acting out a "super cop" on-duty personality, wherein he is overly officious, boastful, swaggering, unnecessarily loud and over-reactive to movements or circumstances that do not disturb other officers. Ongoing paranoia can serve as the catalyst for improper conduct.

Another signal that an officer is having problems in this regard is when he becomes obsessed with both protective and offensive police equipment. The officer's fear may encourage him to buy and carry all types of police control devices, some of which may not be authorized by his agency. An example of frequently abused "unauthorized" equipment is ammunition that has been hand-loaded to achieve excessively high velocities. These actions will reoccur if officers who are unreasonably insecure and threatened by their surroundings are allowed to continue on a path of progressive paranoia.

An officer may also exhibit the beginning of a problem with racial fear by performing petty, rather than significant, police work. This occurs because the officer is reacting to his feelings of anger toward the community that he feels is scaring or threatening him. For this and related reasons, the colleagues of this type of officer may not wish to work with him because of fear of what he may do in a tactical situation. Supervisors may become aware of these same potential problems through the officer's relatively high incidence of citizen complaints for offensive behavior or the use of excessive force.

Cultural Fear. An officer who harbors cultural fear differs from one with racial fear, mainly in that he can belong to the same ethnic group as the community in which he works and feels threatened. A black officer who has been reared in a middle class, quiet, low-crime area can be just as intimidated by dissimilar social attitudes and community factors as an officer suffering racial fear. In fact, the symptoms the two different officers might exhibit are much the same.

Several conditions can create cultural fear:

- The officer has a lack of exposure to the community's culture.
- The community culture threatens the officer's value system.
- An officer feels snobbish or resentful toward the community and the way the residents interact with each other and with the officer. The officer may be threatened by the frequency of crime or by the residents' way of life that is strikingly different from the pattern of life in which the officer grew up.

Often an officer saddled with this type of fear will refer to the particular culture as "those people" or "that jungle" or "those animals." He may also be embarrassed to be of the same race as "those people," a feeling that generates anger against the community and its residents.

Fear of Physical Harm. The occupation of police officer and the potential of being hurt, no matter how unlikely, is ever-present to an extreme degree in the minds of some officers. Certainly, a police officer is at risk occupationally. However, the degree of fear can be totally inconsistent with the reality; in fact, it can be so strong that officers have been observed driving away from "hot" calls or requests for assistance from their fellow officers. Such officers are fearful beyond reason and prone to react improperly if forced into facing a threatening situation.

Some symptoms of an overabundance of a fear of physical harm are the equipment fixation syndrome; carrying unauthorized equipment; overreaction to minor incidents; excessive and unnecessary backup requests; constant requests for assignments to nonfield positions;and, as previously mentioned, avoidance of or failure to respond to potentially threatening calls for service.

Fear of Doing Harm. Incidents have demonstrated the inability of some officers to use force in general, and deadly force in particular, when it is necessary and justified. Officers have been involved in situations where they have virtually allowed themselves to be killed by a criminal. In one incident an officer, contrary to his training, provided his own gun to the suspect. The suspect then killed another officer at the scene; ordered this officer to his knees; fired a shot pointblank at the officer's head, but missed; and finally, fired a fatal shot at the officer. During this entire incident, the officer offered no resistance, again in opposition to his training.

Fear of doing harm not only endangers the officer's life, but can prevent the officer from using the reasonable and necessary level of force to protect

citizens and other officers from serious bodily injury or death. Too often, the decision to use deadly force is looked upon as a choice that, if not exercised, could impact negatively only on the officer faced with making the decision. Based upon actual field incidents, however, this is not the case. An officer who cannot shoot endangers the lives of others as well as his own.

Fear of doing harm can be instilled in a person through various influences:

- Cultural background
- Family influence
- Religious beliefs and
- The individual's emotional nature that restrains him from the use of force.

Several signs can indicate this problem is present:

- Underreaction to physical threats,
- Taking unnecessary chances when faced with a dangerous, armed suspect, and
- Lack of normal levels of aggressiveness and command presence.

It is important to note that an officer who may have this problem does not lack personal courage! Officers who face a dangerous suspect wielding a shotgun and actually approach him in a effort to resolve the incident without using deadly force are hardly lacking in courage.

Positional Fear. Positional fear is a fear confronted by some law enforcement supervisors and managers. For the purposes of this topic, we are limiting positional fear to field crisis incidents where supervisors and managers respond and, by virtue of their rank, are thrust into the position of the decision maker in a life-and-death situation.

Several factors serve to create or add to the problem of fear associated with command responsibility. These include the following:

- The agency has no process of selecting crisis managers from its supervisors, so managers are never tested until a crisis occurs.
- The supervisor/manager may lack training.
- The supervisor/manager may not be suited for a tactical leadership role. That is, he:
  - is emotionally incapable of handling prolonged periods of intense stress, and/or,
  - is a competent supervisor or manager on a daily basis, but cannot make quick assessments and firm decisions based on those assessments during a crisis.

The supervisor/manager who is weak and cannot make decisions at crisis incidents is endangering lives. This weakness is rooted in fear. The fear of failure and the criticism that would follow drives the individual to nearly complete inaction, or into performing insignificant tasks that are peripheral to the problem at hand. This leader is hoping that if he does nothing, the problem will resolve itself. In fact, sometimes the problem does resolve itself, a result that gives the supervisor a false sense of security for the future.

A supervisor may manifest positional fear in numerous ways. He may:

- Delegate upwards.
- Direct anger, usually toward subordinates at the scene, and take little or no supervisory action against the problem.
- Exhibit a "low profile" and hope that if he does nothing, the problem may go away.
- Change agency response practices that have been carefully weighed and put in place for such emergencies.
- Underdeploy a situation obviously requiring more, not less, law enforcement officers.
- Disappear at the most critical times in a crisis.

Law enforcement agencies must prepare agency leaders to respond capably to crisis incidents. Proper selection of capable crisis managers through assessment centers and other selection procedures would help ensure that positional fear problems do not emerge in the midst of a crisis situation.

Psychological Fear. This type of fear is present in many situations: the first time a person gives a speech to a large group; the first time an athlete performs in front of a crowd; or a musician performs in front of a large audience. The fear experienced during these and similar circumstances can cause a well prepared, practiced individual to perform poorly. It should come as no surprise, therefore, that a threatening incident such as a major demonstration may evoke a violent response by a police officer who may suffer from a psychological predisposition to fear such situations. Kent State University's National Guard tragedy is a classic example of a group of otherwise well trained individuals who, feeling threatened by a large, noisy crowd, reacted in an inappropriate and deadly manner out of fear.

Psychological fear is manifested in a situation where an officer is confronted with non life-threatening conditions, but which create a terror or panic situation for the officer. Situations that may trigger such psychological fears include:

- Unusually large numbers of people,
- High noise levels, such as those heard during a loud demonstration, or
- Police presence that is small or insignificant, causing the officer to feel a heightened sense of vulnerability.

Indicators that an officer is being overwhelmed in these or other circumstances include when he:

- Has not exerted any level of physical activity or reaction to the situation, and may appear sweaty, pale or speechless,
- Does not hear orders or instructions given to him because he is totally focused on the activity to the

exclusion of everything else around him, or
- Exhibits wild overreaction followed by total inaction.

Extensive training and close supervision are necessary for an individual who suffers from these types of psychological fears.

Fear of Peer Disapproval. Law enforcement is unique to other occupations in several respects, one of which is the issue of peer approval and acceptance. The nature of the work law enforcement officers perform can create strong interpersonal ties geared toward commonly shared goals and objectives, and the feeling that one can be relied upon in times of confusion or physical threat. The fact that strong friendships typically develop between police officers is symptomatic of these shared views and ideas and the need for officers to be supportive of one another. The perception that one is a competent and trustworthy fellow officer are extremely important elements in the peer approval formula. They are also relatively fair measures of how one evaluates his own performance. Fear of peer disapproval is a normal feeling among most police officers, but for some it can become an all-consuming, overriding desire. Peer approval can, for a few, become more important even than reverence for the law and respect for the truth.

The need for approval from the officer's peers creates a pressure or stress never intended by the agency, its management or, for that matter, the officer himself. If not recognized and controlled by good supervision, the officer can go to dangerous extremes to achieve approval. In extreme cases he may even seek out or encourage violent or deadly force confrontations in the field in order to prove his competence and enhance his stature in the eyes of his colleagues. Ironically, such unnecessary aggressiveness is often regarded negatively by his fellow officers, a situation that creates even greater fear of peer disapproval within the officer.

Some indicators that an officer is suffering with this type of problem include when he:
- Seeks approval through theatrics rather than quality police work,
- "Talks" better arrests than he makes, exaggerating or lying about past and present actions,
- Exhibits an anti-supervisor attitude and sees supervisors as inhibitors of aggressive police work,
- Behaves like a roll-call lawyer - in a crowd of officers he is very authoritative, but without other officers present is very reserved in actions as well as work productivity,
- Is immature in his approach to the job and cannot accept well-intended constructive criticism when he is taken aside and counselled by a peer or supervisor, and
- Uses excessive force in an effort to appear tough and capable.

Controlling Unreasonable Fear

There are several solutions to the problems associated with unreasonable fear in police work and among police officers. Some of the actions that can be taken involve individual officers while others are actions that can only be taken by the police agency.

Discussion of Fear. One of the most obvious starting points to solving these problems is to encourage free and open discussion of fears associated with police work. Police officers need to determine whether the feelings they have are common among their colleagues and, therefore, "normal" reactions. These are legitimate and healthy concerns, but the answers to these questions cannot be provided if officers are unwilling or afraid to speak openly and candidly about the subject of fear. Police departments need to encourage discussion of this subject in open forums and to introduce potential officers to the subject at the recruit level. Police officers who have particular concerns about their feelings concerning fear, and who are hesitant to discuss these feelings for fear of disapproval, should seek to discuss these emotions with a police psychologist or a competent outside counseling service. Police departments should also be supportive of these services and encourage officers to use them if necessary. Denial that these problems exist or that they can create a potentially explosive field situation does a disservice to individual officers and places other police officers, civilians and the department in potential danger.

Develop an Individual Self-Assessment System. Many police officers develop their own self-assessment systems early in their careers and use them to evaluate their job performance, tactics,and attitudes on a constant basis. After a citizen contact or incident is completed, an officer can mentally recap and evaluate everything that occurred to include his tactics and approach; his presence in terms of controlling the contact; his demeanor and personal feelings and emotions during the contact; his conversational patterns; and probably most importantly, his emotional levels throughout the contact. This self-evaluation, if done honestly and immediately after an incident, can alert one to a possible problem. We know when we are fearful, sometimes when no one else knows, and we can fairly accurately gauge whether that level of fear and resulting actions were justified by the circumstances. Self-evaluation may identify a problem and initiate a request for help.

Supervision. Here as in other personnel considerations, the assistance and support of first-line police supervisors is critical. Police supervisors must be vigilant in regard to the symptoms of unreasonable fear previously identified and be prepared to provide assistance before the possible problem develops serious consequences. An appropriate action may involve nothing more than a face-to-face discussion with the officer about the perceived problem.

Nonetheless, it is important that the officer in question be aware that his actions or shortcomings are noticeable and having an impact upon his performance, if not the possible safety of others.

Field training officers are crucial in this process as they are among the first to see an officer in action and generally work more closely with the officer than any other member of the department. At this early stage it is also possible to take corrective actions, such as providing additional training or guidance, that will assist the officer before the problem becomes entrenched and less likely to be solved. If simple guidance comes early enough, it may be sufficient to save a police career and offset potential tragedy.

Once the problem is identified, it is then incumbent upon the police department to provide the type of remedial support system necessary to help officers overcome their fears. A department that is quick to dismiss probationary officers for such problems without making legitimate attempts to provide assistance to an otherwise acceptable police candidate, or that does not make legitimate attempts to assist other afflicted officers with similar difficulties, sends a seriously negative message to all members of the police department—one that serves to inhibit candor rather than encourage openness about the problems associated with fear.

Officer Selection and Training. In addition to the areas already noted, police departments have a significant role to play in both the selection and training of police officers. In the first instance, there are presently available a variety of psychological testing instruments that may be employed in order to gain an understanding of potential problems related to fear as well as other areas. Police departments should make full use of recent developments in psychological testing and interview techniques to ensure that potential police candidates are equipped to work in the law enforcement environment.

Training is also essential to prepare police officers for the types of stressful encounters that they face before they are placed in the community. Classes on normal and abnormal fear reactions should be taught at the basic recruit level along with training scenarios to train and evaluate the ability of potential officers to deal in stressful and fear producing environments.

Summary

The knowledge of fear and how if affects all persons - as well as the fact that fear can be a resource and actually strengthen an officer who is threatened - is, in and of itself, a solution to fear.

Think of a natural fear we all have: the fear of falling. Everyone has this fear at birth. If we stand on a narrow curb six inches above street level, we have no difficulty maintaining our equilibrium. We can even walk the narrow curb with ease and still keep a steady, unwavering balance. We are at ease internally, thus physically capable of accomplishing the simple act of walking the curb. Suddenly the curb rises 100 feet into the air! We become aware that we are standing on the same curb, but we are no longer at ease. We are truly terrified, and it is probable that we would waiver, tremble, lose our balance and fall.

Steel workers walk the beams of a high-rise building under construction and are totally at ease doing so. We know they are not born to do this, that they have an instinctive fear of falling. Training and repetition create an ability for the steel worker to do his job under circumstances that are life-threatening. But the fear is controlled and used as a resource. The fear is directed at an awareness of the threat and initiates a response based upon careful movements, constant observation of foot placement and wind factors, adherence to learned safety techniques and reliance upon equipment.

No doubt, many a person considering becoming a steel worker has decided that the high wages and satisfaction of doing this type of unusual work was not worth coping with the instinctive fears of heights and falling. And, no doubt, some have decided to become a steel worker and discovered that they could not overcome the problem of fear, so have chosen another career. The apprentice steel worker must make that decision early because he has to walk the beams every day.

The law enforcement officer who walks the curb at its daily 6-inch height cannot measure his emotional suitability as early or often as the steel worker. When the curb rises 100 feet into the air, and he knows that he isn't suited for the job, he may not leave. He may hope the curb never rises again, but eventually he knows it will. When the curb rises, the police officer must have the skills, the reactions, the emotional training, the confidence and the total understanding of the situation to deal with it properly.

The preceding discussion asks police officers to consider that some of their fears are unfounded . . . .a fact that can cause an officer to "fall from the curb" when it is really only six inches off the ground.

Acknowledgment

This *Training Key* was prepared by Ronald M. McCarthy, Director, Center for Advanced Police Studies, International Association of Chiefs of Police and Senior Supervisor (Ret.) Los Angeles Police Department, Special Weapons and Tactics Team.

Appendix IV - Citizen Complaints and Other Redress Systems

Police Agency Handling of Citizen Complaints: A Model Policy Statement

Police Executive Research Forum

The following model policy on police agency handling of citizen complaints was adopted by the members of the Police Executive Research Forum in September 1981. It is intended to provide police officials with precise guidelines for the development of effective agency mechanisms to handle citizen complaints. Further, it aims to establish standards for these mechanisms which will ensure effectiveness as well as fairness to officers and citizens alike. Some of the provisions in this policy will conflict with state law, municipal ordinances and collective bargaining agreements in some jurisdictions and, as such, cannot be implemented. Other provisions may be inappropriate for the unique traditions of certain communities and police agencies and, as such, should not be adopted. Thus, this policy statement can serve as a blueprint for the development of effective discipline procedures as well as a framework for the review and revision of existing practices.

Model policy statement

Statement of purpose The purpose of this policy is to improve the quality of police services. This is accomplished in three ways. First, through the provision of meaningful and effective complaint procedures, citizen confidence in the integrity of police actions increases and this engenders community support and confidence in the police department. Improving the relationship between the police and the citizens they serve facilitates police-citizen cooperation, an element vital to the department's ability to achieve its goals. Second, disciplinary procedures permit police officials to monitor officers' compliance with departmental procedures. Adherence to de-

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partmental procedures assists officers in meeting departmental objectives and a monitoring system permits managers to identify problem areas in which increased training or direction is necessary. Finally, the third purpose is to clarify rights and ensure due process protection to citizens and officers alike. Heightening officer awareness of the rights afforded them when charged with misconduct will increase the appreciation of the comparable rights afforded citizens accused of a crime.

In light of these purposes, the objective of this policy is to provide citizens with a fair and effective avenue for redress of their legitimate grievances against law enforcement officers, and, by the same token, to protect officers from false charges of misconduct or wrongdoing and provide accused officers with due process safeguards. The agency seeks to maintain its integrity and that of its employees. In so doing, the agency shall not hesitate to impose disciplinary actions on guilty officers, to remove from employment those officers who prove to be unfit for law enforcement work, and to dismiss unjustified allegations against innocent officers.

It is the policy of this agency to accept and investigate all complaints of officer misconduct or wrongdoing from any citizen or agency employee. Following a thorough and impartial examination of the available factual information, the officer shall be found innocent or guilty of the allegation. Guilty officers shall be disciplined according to the degree of misconduct.

The imposition of corrective actions and necessary penalties are among the methods available to management to achieve agency goals and compliance with agency policies and procedures. Use of this authority is intended to eliminate the particular behavior and to censure the individuals that account for the misconduct. Furthermore, the discipline process shall be used to identify and correct unclear or inappropriate agency procedures, as well as organizational conditions that may contribute to the misconduct, such as poor recruitment and selection procedures or inadequate training and supervision of officers.

This agency is committed to providing law enforcement services that are fair, effective, and impartially applied. In so doing, officers are held to the highest standards of official conduct and are expected to respect the rights of all citizens. Officers' voluntary adherence to these standards, motivated by a moral obligation to perform their job to the best of their ability, is eminently desirable and an ultimate objective of this agency.

If an officer does not adhere to the standards of official conduct, either through deliberate action or negligence, disciplinary action shall be applied in a prompt and certain manner.

Prevention of misconduct It is the policy of this agency to emphasize the prevention of misconduct as the primary means of re-

ducing and controlling it. While disciplinary actions are properly imposed on officers who have engaged in wrongdoing, they are of limited utility if they shield organizational conditions which permit the abuses to occur. Too often inadequate training and lack of supervision are factors that contribute to the officers' improper behavior. This agency shall make every effort to eliminate the organizational conditions which may foster, permit, or encourage improper behavior by its employees.

Recruitment and selection Finding and appointing the highest quality of individuals to serve as law enforcement officers is a priority for this agency.

During the selection process, written psychological tests and individual interviews shall be completed by each candidate in an attempt to identify those who would be unsuited for police work. These procedures may also be used for promotional testing, as well as prior to assignments that are especially sensitive or that pose the greatest opportunities for abuse and wrongdoing.

Training Recruit training and in-service training for veteran officers shall emphasize the sworn obligation of police officers to uphold the laws and provide for the public safety of the citizenry. Police ethics shall be a major component in the training curricula, as well as an in-depth examination of the rules, procedures and outcomes of the disciplinary process. Periodic training bulletins shall be issued to each officer to explain any new statutory requirements or significant procedural changes.

Written directives manual Each officer shall be given an official, agency-written directives manual which contains specific directions for conducting all aspects of police work. Categories of misconduct shall be clearly described and defined. The directives shall emphasize the officer's responsibility and accountability to the citizens of the community, and their obligation to protect the civil rights of all citizens.

The disciplinary process shall be thoroughly explained in the manual, including precise descriptions of the proper authority of the internal affairs office, the interrogation process, the officer's rights, the hearing board, and all appeal procedures.

Supervisory responsibility Proper training of agency supervisors is critical to the discipline and performance of patrol officers. Emphasis shall be placed on anticipating problems among officers before they become manifest in improper behavior or debilitating conditions, identifying potentially troublesome officers, identifying training needs of officers, and providing professional support in a consistent and fair manner.

Community outreach Commanding officers shall strive to remain informed about and sensitive to the needs and problems in the community. Formal and regularly scheduled meetings with advisory councils composed of citizens, meetings with citizens and informal meetings with community leaders shall be used to hear the concerns of citizens, to identify potential crisis situations, and to keep open channels of communication between the agency and the community. The disciplinary process is publicized and clearly explained in these forums, and the availability of a secure post office box for hesitant citizens to file grievances is publicized.

Data collection and analysis Monthly reports shall be prepared by the internal affairs office for submission to the agency's chief executive that summarize the nature and disposition of all misconduct complaints received by the agency. Further, notation will be made of age, sex and racial characteristics of the complainants and the officers, as well as the complainants' residential neighborhoods. Terminated complaints shall be recorded and reasons for the termination explained.

Copies of the report shall be distributed to all command and supervisory personnel, as well as to training commanders. Notations shall be made for corrective actions of any developing patterns of abuse of a similar nature in a particular neighborhood.

An annual report, summarizing the types of complaints received and the dispositions of the complaints, shall be prepared and made available to members of the public and the press. The names of complainants and accused officers shall not be published in this report.

Purpose The system that has been established to investigate officer misconduct and to impose disciplinary actions is intended to be fair, thorough and objective. In order to maintain the integrity of this system, precise rules governing the process for receiving, investigating and adjudicating misconduct complaints are published and in effect. These rules are written in clear and easy to understand language, and adequately publicized in both the community and the agency. The rules are internally consistent, realistic and provide due process protections for the person who files the complaint and for the accused officer.

The disciplinary system is open to all persons who wish to file a complaint. It is located in an accessible, clearly marked office and operates week days, from early morning to early evening. During weekends and nights, supervisory personnel are directed to accept complaints. Procedures are explained to the person making the complaint, who is then kept informed of the status of the complaint at each stage of the process. The complaint disposition process is limited to 120 days, unless granted 30-day extensions by the agen-

cy's chief executive. While some citizens will be satisfied only if their complaints result in a guilty finding, others will accept a non-guilty finding if they perceive the process has been open, objective, rigorous and thorough.

In order to maintain high morale among agency personnel, the disciplinary system is designed to function in a consistent and prudent manner. It does not challenge or interfere with the prerogative of law enforcement administrators to supervise officers and it gives full support to officers who perform their law enforcement duties in a thorough and effective manner.

Code of conduct Specific categories of misconduct that are subject to disciplinary action are precisely defined. These include:

Crime: Complaint regarding the involvement in illegal behavior, such as bribery, theft, perjury or narcotics violations.

Excessive force: Complaint regarding the use or threatened use of force against a person.

Arrest: Complaint that the restraint of a person's liberty was improper or unjustified.

Entry: Complaint that entry into a building or onto property was improper and/or that excessive force was used against property to gain entry.

Search: Complaint that the search of a person or his property was improper, in violation of established police procedure or unjustified.

Harassment: Complaint that the taking, failing to take, or method of police action was predicated upon factors irrelevant, such as race, attire, sex, age, etc.

Demeanor: Complaint regarding a department member's bearing, gestures, language or other actions which are offensive or of doubtful social propriety or give the appearance of conflict of interest, misuse of influence or lack of jurisdiction or authority.

Serious rule infractions: Complaint such as disrespect toward supervisor, drunkenness on duty, sleeping on duty, neglect of duty, false statements or malingering.

Minor rule infractions: Complaint such as untidiness, tardiness, faulty driving, or failure to follow procedures.

Penalties A scale of progressive penalties permitted by law and/or bargaining agreements is used by the agency to punish guilty officers. These are: (1) counseling; (2) verbal reprimand; (3) letter of reprimand; (4) loss of vacation time; (5) imposition of extra duty; (6) monetary fine; (7) transfer; (8) suspension without pay; (9) loss of promotion opportunity; (10) demotion; (11) discharge from employment; (12) criminal prosecution.

The disciplinary process

Receipt and processing of complaints Complaints shall be accepted from any source, whether made in person, by mail or over the telephone. Individuals are encouraged to submit their complaints in person in order to obtain as complete a report as soon as possible after the incident. In cases in which the complainant cannot file the report in person, agency personnel may visit the individual at his or her home, place of business or hospital in order to complete the report.

Complaints shall be accepted from anonymous sources, juveniles and persons under arrest in police custody so long as the complaint contains sufficient factual information to warrant an investigation. Each complaint shall be investigated to its logical conclusion and the investigation results properly placed into the appropriate category of completed cases.

Any individual who files a complaint shall receive a written brochure or form that explains the disciplinary process in clear and concise language. Individuals who file written complaints or those made over the telephone shall receive a written confirmation of the receipt of their complaint, signed by the internal affairs office director, including a unique case reference number and the name of the staff member who will handle their case. The name of an internal affairs staff member with whom to discuss the investigation termination decision and the office telephone number shall be included on the form. Also, a complaint description form, to be reviewed and signed by the complainant and returned to the agency, shall be sent to the complainant. Persons who file complaints charging excessive use of force shall be asked to sign a form authorizing release of their relevant medical records to the police agency.

While encouraging the filing of legitimate complaints against officers as means by which they can be held accountable to the public, the department simultaneously seeks to hold members of the public responsible for the filing of false and malicious allegations against police officers. In cases of this nature, the complainants will be informed that appropriate legal proceedings will be instituted to remedy such action.

In cases where the identity of the officer is unknown, the internal affairs office investigator shall use all available means to determine proper identity. Complaints should be referred to the internal affairs office where they shall be recorded in a central log and assigned a unique case number. If, however, an officer receives a complaint and the department is able to resolve the situation, through an explanation of rules or procedures, to the complainant's satisfaction, a termination of complaint form shall be completed, signed by the complainant and the officer, and sent to the internal affairs office. If such a complaint is not filed in person, the termination of complaint form shall be mailed for signature and returned to the internal affairs office.

Investigation and adjudication of complaints Complaints of harassment, demeanor and all rule infractions shall be forwarded from the internal affairs office to the accused officer's commanding officer who, in turn, shall require the officer's supervisor to investigate the allegation of misconduct. The supervisor shall interview the complainant, all witnesses and the accused officer, as well as review relevant reports, activity sheets, or dispatcher forms. The supervisor shall then submit a report to the commander summarizing the matter and determining if the complaint is sustained. If it is, the commander shall determine disciplinary action and forward notification of the action through the chain of command to the agency's chief executive for approval. If, however, the commander determines that the required disciplinary action exceeds a verbal reprimand, he shall forward the investigation report and his recommendations to the director of the internal affairs office for review.

The commander's recommendation shall be submitted to a Review Council of the internal affairs office for concurrence. The Review Council shall be composed of three senior officers appointed for two-year terms by the agency's chief executive. Following Council concurrence, the recommendation shall be sent to the agency's chief executive for approval.

If, however, the supervisor determines that the complaint is not sustained, his or her report is sent to the commander for review and, if approved, forwarded to the internal affairs office for review and to the chief executive for approval. The complainant shall be sent a letter from the agency's chief executive explaining the outcome of the complaint, the reasons for the decision not to fault or discipline the officer, and available appeal procedures.

Complaints of repeated harassment, demeanor and serious rule infractions, and complaints of a serious nature shall be handled by the internal affairs office. An office investigator shall conduct confidential investigation of the complaint and assemble the necessary materials, such as:

1. Physical evidence
2. Statements or interviews from all witnesses
3. Statements or interviews from all parties of specialized interest, such as: doctors, employers, lawyers, teachers, legal advisors, parents, etc.
4. Investigative aids, such as the various reports, activity sheets, complaint cards, and dispatcher's forms.

In cases where preliminary investigative data indicate the possibility of a criminal act on the part of the officer, the case shall be referred to the district attorney. This should be accomplished prior to the lodging of a formal accusation against an officer. In all other cases, after the gathering of preliminary investigation data, the accused officer shall then be notified of the complaint and an appointment scheduled for questioning. The officer shall be entitled to be accompanied by one other person of his or her choosing to attend the questioning session in order to provide counsel and to ensure protection of the officer's civil rights. The questioning shall take place at a time when the officer is on duty or during his or her normal working hours. In extremely serious cases that involve the public interest or which may bring the agency into disrepute, the accused officer may be questioned during non-working or non-waking hours.

Before the questioning begins, the accused officer shall be informed of the nature of the complaint, the name of the person in charge of the investigation, and the names of all persons who will be present during the questioning. The questions shall be specifically, directly and narrowly related to the performance of the officer's official duties. Also, the officer shall be advised that failure to answer questions will result in disciplinary action, but that his or her answers and the fruits of these answers cannot be used against him or her in a criminal proceeding. If, at any time during the questioning session, the officer becomes a suspect in a criminal act, the administrative questioning shall end, and the officer shall be so informed and read the *Miranda* warnings. The case shall then be referred to the district attorney. Otherwise, the officer shall be expected to answer questions or submit materials and statements to the investigator when so directed. The officer shall be given an opportunity to respond to the complaint orally or in writing. No more than two investigators shall question the officer at one time and they shall not subject the officer to offensive language, threaten punitive action, or make promises of reward as an inducement to answer questions. The questioning session shall be conducted for a reasonable duration, taking into consideration the complexity and gravity of the matter being investigated. The officer shall be allowed time for meal breaks and to attend to physical necessities.

The agency shall protect the accused officer from contact with the news media unless he or she gives written consent. Neither the home address nor a photograph of the accused officer shall be released without the officer's written consent.

All questioning sessions may be tape recorded. The accused officer may review the tapes or purchase copies of a transcription, if any are made, before any subsequent statements are made in furtherance of the investigation of the same case.

Where not precluded by state or local law or by the bargaining agreement, the police chief executive shall have the right to require the use of a polygraph examination as a condition of continuing employment.

No officer shall have his or her locker or other department-assigned storage space searched, except in his or her presence, or with his or her written consent, unless a valid search warrant has been obtained or the officer has been notified that a search will be conducted in the presence of an internal affairs officer and a property control officer.

All documents concerning complaints of officer misconduct shall be considered confidential. They may not be removed from the internal affairs office by any person without express consent of the office director, or on the written order of a court of competent jurisdiction or the agency chief executive.

Conclusions of fact The investigator shall consider all relevant documents, testimony and evidence in order to determine what actually happened. He or she shall prepare a summary report that provides a complete account of the situation. Gaps or conflicts in evidence and testimony shall be noted and the investigator shall not draw conclusions of fact from them.

At the end of the report, the investigator shall state a conclusion of fact for each allegation of misconduct from among the following dispositions:

Proper conduct: The allegation is true, but the action of the agency or the officer was consistent with departmental policy, and the complainant suffered no harm.

Improper conduct: The allegation is true and the action of the agency or the officer was inconsistent with department policy, and the complainant suffered harm.

Policy failure: The allegation is true, and although the action of the agency or the officer was not inconsistent with department policy, the complainant suffered harm.

Insufficient evidence: There is insufficient evidence to prove or refute the allegation.

Unfounded complaint: Either the allegation is demonstrably false or there is no credible evidence to support it.

If the investigator concludes that the conduct of any officer was improper, he or she shall cite in the disposition report the agency rule, regulation, or order which was violated. He or she shall also note any mitigating circumstances surrounding the situation, such as unclear or poorly drafted agency policy, inadequate training, or lack of proper supervision.

The investigation report shall be sent to the director of the internal affairs office who, in turn, shall request the officer's commanding officer to recommend an appropriate disciplinary action. The investigation report and the commander's recommendation shall then be sent to the internal affairs office's Review Council for concurrence and to the agency's chief executive for approval. In cases involving sustained complaints of misconduct that involve disciplinary actions more severe than a verbal reprimand or counseling, the officer's commanding officer shall send a written notification of the intended disciplinary action to the accused officer.

In addition to existing appeal procedures, an officer may, within 30 days, file a written response to any adverse comment entered in his or her personnel file. Such written response shall be attached to the document containing the adverse comment.

Imposition of a disciplinary action Following the determination of a sustained complaint of officer misconduct, and allowing for any appeals, agency executives shall act swiftly and deliberately to impose a proper and just disciplinary action on the officer. The final determination of disciplinary actions exceeding summary punishments shall be the prerogative of the agency's chief executive.

The disciplinary action to be taken shall be determined by the seriousness of the misconduct and by the extent of wrongdoing or injury to the victim. It shall also be commensurate with the circumstances surrounding the total incident and with the officer's service record or prior sustained complaints. If the complaints were for incidents of misconduct similar or identical to the current incident, the disciplinary action shall be more severe than for a first offense.

External factors, such as the officer's service record and any sustained complaints for the past three years, shall be considered for a possible referral to appropriate counseling programs. To make such a referral, the officer's physical, emotional and psychological health shall be determined by competent professionals.

Participation in a counseling program may be required of an officer in lieu of a more serious disciplinary action if, in the determination of the agency's chief executive, the officer would benefit. Such a disposition may be revoked in favor of the more severe penalty, however, if the officer fails to participate or to participate successfully in the program.

Once the officer has waived his or her right to an appeal or has exhausted the appeal process, his or her supervisor shall impose the disciplinary action and then forward a summary report to the officer's commander for approval. Once approved, the report shall be sent to the director of the internal affairs office for case closure. The agency's chief executive shall notify the complainant explaining the outcome of the investigation.

Conclusions of fact and of the imposed penalty will be noted in the officer's personnel file after he or she has the opportunity to read and sign it.

I. INTRODUCTION

The effectiveness of a law enforcement agency is dependant upon public approval and acceptance of police authority, therefore, the Department must be responsive to the community by providing formal procedures for the processing of complaints from the public regarding individual officer performance.

Many complaints are the result of misunderstanding. It is to the advantage of the Department member that complaints and the circumstances surrounding the incidents prompting them be thoroughly investigated and resolved.

II. PURPOSE

A. To establish guidelines for receiving and investigating citizen complaints concerning employee performance or misconduct while still providing members of this department with procedural safeguards against malicious or false allegations.

III. POLICY

This Department will investigate all allegations of employee misconduct received from any source outside or inside the Department.

IV. INTERNAL AFFAIRS/DUTIES & RESPONSIBILITIES

The goal of the Internal Affairs Unit is to insure that the integrity of the department is maintained through a system of internal discipline where objectivity, fairness, and justice are assured by intensive, impartial investigations and review.

A. Review and investigations concerning allegations of misconduct by members of this Department shall be the responsibility of the Internal Affairs Unit. Misconduct is defined as:

1. Commission of a criminal offense.

2. Violation of departmental policy and procedures.

3. Conduct which adversely reflects upon the employee and the Department.

B. In addition to investigations concerning allegations of misconduct, the Interal Affairs Unit shall be responsible for the coordination of investigations involving the discharge of firearms as outlined by the Firearms Discharge Review Team policy of this Department (Series #1201).

C. *Internal Affairs shall be responsible for any other investigation as directed by the Chief of Police.*

D. *Internal Affairs Unit may refer investigations to the employee's supervisor for investigation as outlined under the Processing Misconduct Complaints section of this policy.*

E. *Internal Affairs members or officers temporarily assigned to that unit shall have the authority to interview any member of the Department and to review any record or report of the Department relative to their assignment in compliance with the Policeman Bill of Rights (Section 2.1-116.1). Members of the Internal Affairs Unit will come under the direct authority of the Chief of Police.*

F. *The Internal Affairs Office will maintain a comprehensive central complaint file on citizen complaints received whether investigated by that office or the Bureau Commander.*

I. *PROCEDURE*

A. *Acceptance of Complaints*

1. *All employees of the Department are charged with the responsibility for courteously and willingly receiving any complaint that may be lodged against the Department or any employee, to include complaints made over the telephone or received by mail.*

2. *Citizen complaints may be lodged at the police facilities located at 224 26th Street or the Denbigh Municipal Annex located at 368 DeShazor Drive.*

3. *Central will not accept citizen complaints on police department employees but will transfer the complaints in the following manner:*

a. *Calls received during normal working hours, 8:00 am to 5:00 pm, Monday through Friday, will be transferred to the Internal Affairs Office, 247-8844. If an Internal Affairs Officer cannot be located, the complainant will be transferred to the appropriate Bureau Commander who will receive the complaint.*

b. *An Internal Affairs officer will take the necessary information and forward it to the appropriate Bureau Commander unless the nature of the complaint dictates that it be investigated by Internal Affairs.*

c. *If a complaint is received by Central at hours other than 8:00 am to 5:00 pm, the call will be transferred to the Watch Commander. If the Watch Commander is not available the complainant will be so advised and*

arrangements will be made by Central to have the next immediate supervisor contact the complainant.

4. *On all complaints, the complainant will be encouraged to file legitimate complaints against officers in person. Complainants will be reminded that they will be held responsible for filing false and malicious allegations and that appropriate legal procedings could be instituted by individual officer(s).*

5. *If a complaint is lodged at the Information Desk during normal working hours, 8:00 am to 5:00 pm, Monday through Friday, the complainant will immediately be taken to the Office of Internal Affairs. If an Internal Affairs officer is not available at that time, the person will then be taken to the Bureau Commander in charge of the officer in question. If the officer in question is not known, then the person will be taken to the Uniform Bureau Commander who will assign a person to handle the complaint. Once the complaint has been taken it will be forwarded to the Office of Internal Affairs. If appropriate, it will then be reassigned by Internal Affairs to the employee's Bureau Commander for completion.*

6. *If a complaint is lodged at the Denbigh Municipal Annex, the person receiving the complaint will take the complainant to either the watch supervisor, if the complaint is against uniform personnel, or the detective in charge, if the complaint is against personnel so assigned, who will make the initial investigation and see that the complaint is passed to Internal Affairs who will make the appropriate reassignment.*

7. *In all cases when complaints are received the Citizen Complaint Review Form will be completed and forwarded to Internal Affairs. (See Attachment 1).*

8. *Upon receipt of any complaint (by person, mail or phone) a copy of the Citizen Complaint Form will be provided to the complainant (in person, or by mail if the origin of the complaint is by phone or mail). The form will indicate a person in charge of the complaint who shall be available to the complainant in the event of questions which may develop at a later date. It shall be the responsibility of the officer in charge of Internal Affairs Unit to insure that a copy of the form is provided to the citizen. (See Attachment II)*

B. *Internal Investigation Assignments*

1. *Complaints received concerning employees will be assigned to the employee's supervisor or Watch Commander under the following circumstances:*

   a. *Complaints of harassment*

b. *Complaints of demeanor*

c. *Violations of Rules and Regulations except those involving criminal activity.*

2. *Internal Affairs will be responsible for the investigation of:*

a. *Complaints involving criminal activity*

b. *Complaints against all ranking personnel*

c. *Complaints of sexual harassment*

d. *Shootings (in accordance with Firearm Discharge Review Team)*

e. *Complaints of internal theft*

f. *Review and investigation of all excessive force complaints*

g. *Any other investigation as directed by the Chief of Police*

END POLICY NUMBER 1202

Darrel W. Stephens
Chief of Police

NEWPORT NEWS POLICE DEPARTMENT

INTERNAL AFFAIRS UNIT

NOTIFICATION OF CITIZEN COMPLAINT

Citizen Information:

Name: _____

Address: _____
(Street)

_____
(City) (State) (Zip)

Phone: _____ _____
(Home) (Work)

Briefly state the nature of the complaint: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

(Use additional sheet if necessary)

_____
Signature of Complainant

_____ _____
Date & Time of Complaint Person Taking Complaint

_____ _____
Officer(s) Involved Place Complaint Taken

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1. Make sure the citizen registering the complaint is advised that someone from Internal Affairs will contact them regarding their complaint the next working day.
2. This form is to be sealed in an envelope and forwarded to Internal Affairs by 0800 hours the next working day.

_____ _____
Date & Time Received by Internal Affairs Date & Time Contact was made with the Complainant

Case Number _____

Dear _____

This will acknowledge receipt of the complaint made by you on _____ *concerning the actions of a member(s) of this department on* _____.

An investigation will be conducted into the allegations contained in your complaint and you will be advised of the results of the investigation in approximately four (4) weeks. In the meantime, should a question arise, you can contact this office by calling 247-8844, Monday through Friday, between the hours of 8:00 am and 5:00 pm.

Sincerely,

_____
Internal Affairs Unit

Policy & Procedure	No. 1203	1 of 7 pgs
Subject: Conduct of Internal Investigations	Effective Date: 08/20/84	
	Issued By: DWS	Distribution: All
	Amends/ Supercedes:	

I. PURPOSE

To inform members of the department of the circumstances under which internal investigations will be conducted by the Newport News Police Department.

II. POLICY

The Newport News Police Department will to investigate allegations of misconduct on the part of the employee. Employees have an obligation to cooperate during investigations. These investigations will be conducted within the framework established herein.

III. PROCEDURE

A. Investigation of Complaints

1. Citizen complaints shall not be investigated by persons involved in or implicated by the complaint.

2. On being notified that they have become the subject of an Internal Affairs investigation, the employee will be provided with written explanation of the allegations and the employee's rights and responsibilities relative to the investigation. (See Attachment I). If the investigation focuses on criminal matters, it will be investigated by the appropriate Squad in the Investigations Division. Internal Affairs will also conduct an investigation for administrative purposes.

3. Generally, all investigations must be completed within thirty (30) days of initiation, with status reports to the Chief of Police every seven (7) days. If completion is not possible, the time may be waived with the approval of the Chief of Police.

4. Upon completion of complaints investigated by the employee's supervisor or Watch Commander, to include interviewing all witnesses, complainants, the accused officer(s) and any pertinent documents, a report must be prepared by that supervisor summarizing the investigation and determining if the complaint was sustained. In addition, the supervisor will recommend what disciplinary action, if any, should be taken, and shall forward that recommendation to the Chief of Police through the chain of command.

5. A copy of the investigation conducted by the supervisor will be forwarded to the Internal Affairs Unit for record keeping and review. The employee's commanding officer shall be responsible for the preparation of a letter for the Chief's

signature to the employee involved and complainant informing him of the outcome of the investigation.

6. *An investigation conducted by the Internal Affairs Unit shall be documented and retained in the same manner as an investigation conducted by an employee's supervisor. The completed investigation will be forwarded to the employee's supervisor and Bureau Commander for review and recommendation to the Chief of Police. The recommendation will fall within the categories listed in Section B of this policy. If it is determined that the complaint should be classified as sustained, the Bureau Commander will also forward a recommendation for disciplinary action to be taken, if any.*

7. *Final determination of case status shall be the responsibility of the Chief of Police.*

8. *The complainant will be notified in writing of the case disposition by the Chief of Police or his designee. The Bureau or Division commander will prepare the letter for the Chief's signature.*

B. *Adjudication of Complaints*

1. *All complaints whether investigated by an Internal Affairs officer or supervisor will be entered into one of the following five (5) categories:*

   a. *Not Involved*

      Officer was not present at the time the alleged misconduct occurred.

   b. *Unfounded*

      Allegation is false or not factual.

   c. *Not Sustained*

      Insufficient evidence either to prove or disprove the allegation.

   d. *Exonerated*

      Incident occurred, but was lawful and proper.

   e. *Sustained*

      The allegation is supported by sufficient evidence to jusitfy a reasonable conclusion that the allegation is factual.

2. *Internal Affairs will maintain a central complaint file where final disposition of all complaints will be noted.*

3. *Complaints determined to be sustained by the Chief of Police shall require a record of the complaint and final disposition to be entered in the Department member(s) personnel file. The member shall be notified in writing of the final disposition and if the complaint is to be placed in the personnel file. The Chief of Police may, after review of the case, reclassify a non-sustained allegation as a sustained complaint and then take action as outlined in this policy.*

4. *All allegations shall be maintained by the Internal Affairs Unit in a separate file by complainant's name and nature of complaint.*

5. *The City Attorney shall be notified of all investigations which might result in civil action against the employee or the City and a copy of the investigation forwarded to the Office of the City Attorney by the Chief of Police.*

6. *Monthly and annual reports shall be prepared by the Internal Affairs Unit summarizing to the Chief of Police, the nature and disposition of all complaints received by the Unit. The monthly and annual report will also reflect areas of concern that should be noted by the Chief of Police.*

C. *Disposition of Sustained Complaints*

1. *Disciplinary action taken shall be determined by the seriousness of the violation and/or the extent of injury to the victim. It shall be commensurate with the circumstances surrounding the incident and in consideration of the officer's service record and prior sustained complaints.*

2. *Participation in a counseling program may be required of an officer in lieu of a more serious disciplinary action, if it is determined by the Chief of Police that the employee would benefit. The failure to participate by the employee, however, will revert the incident back to the more serious disciplinary action.*

3. *A Notice of Disciplinary Action Letter shall be written by the Bureau Commander on all complaints where disciplinary action is taken. The original goes to the employee, a copy to the personnel file, a copy retained by the supervisor and a copy to Internal Affairs for completion of their records.*

D. *Emergency Suspension*

1. *Any commanding officer (Sergeant or above) has the authority to relieve any member under his command from duty until*

the next day when it appears that such action is in the best interest of the Department.

2. *The individual being relieved from duty will be required to report to his commanding officer the next day at 0800 hours unless otherwise directed by such commanding officer.*

3. *The commanding officer relieving any employee under his supervision from duty shall immediately notify the Bureau Commander who will notify the Chief of Police. A written report by the relieving officer shall immediately be forwarded to the Chief of Police.*

E. *Investigative Tools*

1. *Departmental Questioning*

An employee may be compelled to answer questions that are related to his duties or fitness. Failure to answer such questions may form the basis for disciplinary action and may result in dismissal from the department.

a. *The answers given during the investigation of an administrative matter will not be used against the employee in any criminal proceeding.*

b. *The answers given do not constitute a waiver of the privilege against self-incrimination as in criminal matters.*

c. *Prior to being formally charged during an administrative investigation, no attorney will be permitted to be present.*

2. *Medical and Laboratory Examination*

A commanding officer may, based on his observation, require a department employee to submit to a test for alcohol or drug use while on duty. The results may be used in a disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.

a. *If the employee is believed to be under the influence of alcohol, a licensed breathalyzer operator will administer the test. The commanding officer will witness the test and will be required to sign the report.*

b. *If the employee has a reading of .05 or higher, or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty and a report made to the Chief of Police by the commanding officer.*

c. *If the employee is believed to be under the influence of self-administered drugs, he may be compelled to submit to a blood and/or urine test. The test shall be administered under medical supervision where hygienic safeguards are met. The sample will be handled using the same safeguards as evidence in a criminal process.*

d. *If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty and a report made to the Chief of Police by the commanding officer.*

e. *If an employee refuses to submit to a test, (alcohol or drugs) then the commanding officer will immediately relieve the employee from duty for failure to cooperate in an administrative investigation, and a report must be forwarded to the Chief of Police.*

3. *Photograph and Lineup Identification Procedures*

Officers may be required to stand in a lineup for viewing by citizens for the purpose of identifying an employee accused of misconduct. Refusal to stand in a properly conducted lineup is grounds for disciplinary action and could result in dismissal.

a. *A photo identification book of department employees may be maintained for the purpose of identification by citizens of an employee accused of misconduct. Photographs of employees for the identification book will be required by the department and will be used as it narrowly relates to the employee's job.*

b. *Photographs or videotape pictures of employees, whether knowingly or unknowingly by the employee, may be taken for the purpose of internal investigations when it relates to the employee's job and the employee is suspected of misconduct.*

4. *Financial Disclosure Statements*

An employee may be compelled to make financial disclosure statements, when it is directly and narrowly related to allegations of misconduct involving any unlawful financial gain. Any evidence gained during the investigation of an administrative matter can not be used in any criminal proceeding.

5. *Utilization of polygraph examinations in internal investigations shall be in accordance with the departmental policy regarding its use (Policy # 0116).*

F. Confidentiality of Investigations

1. *The progress of Internal Affairs investigations and all supporting materials are considered confidential information. This confidentiality serves the need to protect both the officer accused and the complainant.*

2. *The Chief of Police or his designee is the only party empowered to release for public consumption the details of an internal investigation.*

3. *This confidentiality rule in no way precludes reporting to the public, statistical information on the processing of all complaints and internal investigations that were received and processed by Internal Affairs.*

4. *The contents of completed Internal Affairs case files will be retained by this unit for two (2) years.*

END OF POLICY NUMBER 1203

Darrel W. Stephens
Chief of Police

ADMINISTRATIVE PROCEEDINGS RIGHTS
NOTIFICATION OF CHARGES/ALLEGATIONS

ATTACHMENT I

NEWPORT NEWS POLICE DEPARTMENT *Date:* *Time:*

_____

Rank *Computer No.* *Unit of Assignment*

_____

The Virginia State code (2.1-116.2) provides that whenever an investigation by an agency focuses on matters which could lead to the dismissal, demotion, suspension or transfer for punitive reasons of a law enforcement officer, the following conditions shall be complied with:

1. *Any questioning of the officer shall take place at a reasonable time and place as designated by the investigating officer, preferably when the officer under investigation is on duty and at the office of the command of the investigating officer or at the office of the local precinct or police unit of the officer being investigated, unless circumstances dictate otherwise.*

2. *Prior to the officer being questioned, he shall be informed of (1) the name and rank of the investigating officer and of any individual to be present during the questioning and (2) the nature of the investigation.*

Departmental policy provides that:

1. *You are entitled to read the complaint lodged by the complainant.*

2. *Refusal to answer all questions pertaining to the allegations made by the complainant, either verbally or in writing, shall be grounds for disciplinary action and may result in dismissal from the department.*

3. *The answers given during the investigation of an administrative matter will not be used against you in any criminal proceedings.*

4. *The answers given do not constitute a waiver of your privilege against self-incrimination as related to criminal matters.*

5. *Prior to being formally charged, during an administrative investigation, no attorney will be permitted to be present.*

Accordingly, you are hereby advised that the following allegations have been directed to you:

COMPLAINANT(S): *1.*_____ *2.*_____

_____

_____

The undersigned hereby acknowledges receipt in writing of the charges or allegations against him and his rights as pertaining to administrative proceedings.

_____
(Signature)

WITNESSES:

_____

_____

Civilian Oversight of Policing

By Werner Petterson, Midwest Regional Office
Community Relations Service
March 1993

Civilian oversight of policing has had two distinct periods. The first period began as early as the late 1950s and concluded in the late 1960s. During that time, several civilian review boards came and went. The President's Crime Commission surveyed (1966) 57 police departments and found that 19 had some form of civilian review. The second period started in the mid-1970s as civilian oversight reemerged in a variety of forms, not simply as civilian review boards. There are approximately 60 agencies in existence today (1993).

Comparisons of these two periods point to significant differences in the nature and methodology of civilian oversight. One observer described the first period as "symbolic" because the oversight was illusory in nature and constrained by functional limitations. The existing oversight agencies are characterized as systems of "checks and balances"
with local governments authorizing civilians to monitor the extraordinary powers granted to police by society and to have a "functionally independent role to play in the actual process of handling citizen complaints."

The first period has been judged a failure and several reasons are given: the agencies were only advisory in nature, relied upon police investigations, met with stiff police resistance, were poorly and narrowly defined in terms of authority and function, were preoccupied with individual complaints and overlooked the inadequacies of police administration in providing policies and procedures to control police behavior, had fleeting political support, and eventually lost public confidence. These experiences have served as lessons in developing the present forms of civilian oversight.

In 1973, prompted by a citizens' initiative, Berkeley, California, established the Police Review Commission. In 1974, Chicago's Office of Professional Standards and Detroit's Board of Police Commissioners were respectively created by executive order and city charter amendment. These civilian oversight agencies investigate citizen complaints, adjudicate their merits, and recommend any necessary discipline to the police executive. In most cases, the police executive is the final determiner of police discipline. An exception to the rule is Chicago's Police Board.

There is substantial diversity in the duties and powers of today's civilian oversight agency. Pragmatic considerations have shaped local government decisions in designing these agencies. The question, "Will it work?" is answered through political compromises as government leaders contend with competing community and police interests. Given this social dynamic, it is extremely difficult to recommend a particular form of civilian oversight.

There are five forms of civilian oversight, each of which can have two organizational structures: (a) an office of professionals, comprised of administrators and investigators, or (b) an appointed citizens board or commission, supported by a professional staff. The cities of Cincinnati, Ohio; New Orleans, Louisiana; Flint, Michigan; Fresno and San Francisco, California; Albuquerque, New Mexico; and Seattle, Washington, have professionally staffed offices. The cities of New York, New York; Cambridge, Massachusetts; Washington, D.C.; Miami, Florida; Dallas, Texas; Denver, Colorado; San Diego, Long Beach, and Oakland, California; Minneapolis, Minnesota; and Prince George's County, Maryland, have an appointed citizens board or commission.

The five forms of civilian oversight are:

- **Monitor:** Civilian review begins at the conclusion of the police internal affairs process and is limited to assessing the overall competence and fairness of that process. Its duty is to recommend improvements in the internal affairs process. It does not render decisions or make comments about individual complaints. This form no longer exists. Minneapolis, Minnesota, abandoned this approach after it proved ineffective and expanded the role of citizens in the complaint review process by creating the Civilian Review Authority.

- **Auditor:** Civilian review begins at the conclusion of the internal affairs process or just prior to the police executive's disciplinary decision. This form can

be seen in the special prosecutor's offices in Albuquerque, New Mexico, and Seattle, Washington. An appeals process provides an auditor form of civilian oversight; such an approach can be seen in Virginia Beach, Virginia; Toledo, Ohio, and Denver, Colorado. Some of these agencies provide for an independent investigator.

• **Hybrid:** This form is the "civilianization" of the internal police process. Chicago's Office of Professional Standards is the only example. The police executive brought civilian administrators and investigators into the police department to handle complaints of use of force, including shots fired.

• **Semi-External:** In this form, the civilian oversight process begins with the filing of complaints and concludes with disciplinary recommendations. What distinguishes this form from an external agency is that police officers serve as complaint investigators (Cleveland, Ohio) or are members of the review board or commission (Washington, D.C.).

• **External:** The complaint process, from complaint filing to disciplinary recommendation, is a civilian operation. New York, New York; Detroit, Michigan; San Francisco and San Diego County, California; Cincinnati, Ohio; and New Orleans, Louisiana, have an external form of civilian oversight. Such a system does not replace the police disciplinary process.

For communities which are beginning to discuss the concept of civilian oversight of policing there are critical issues to consider. Most of those issues revolve around two principles. First, civilian oversight is not a panacea for disciplining police officers. It is, however, a credible and viable means for redressing citizen grievances. Second, it is another means for involving citizens in the policing of their communities. Community-oriented policing makes citizens and police officers partners in defining police services. By comparison, civilian oversight provides a citizens' perspective into how those services are being delivered in the community.

Appendix V - Municipal Liability

Liability for Failure to Adequately Train

By Professor Diane M. Daane, J.D., and Professor James E. Hendricks, Ph.D., Criminal Justice Department, Ball State University, Muncie, Indiana

Adequate police training is even more important now than it was in the past. Not only does a good training program increase the effectiveness and safety of police officers, it may also reduce the potential for liability of the officers, the supervisors and the agency. This potential for liability may range from cases involving use of force and deadly force, to failure to provide medical care, to those involving arrest procedure.

Because of these considerations, it is imperative that police officers be provided with excellent training. Good police management through training helps to reduce liable incidents for the officer, the chief and the municipality.

In the past, law enforcement officers, supervisors and municipalities were protected from civil liability by the doctrine of sovereign immunity, i.e., the government's freedom from being sued for damages in all situations except those it consents to via statute, such as the Federal Tort Claims Act. However, immunity recently has been either eliminated or modified in most jurisdictions.

It is imperative that police officers be provided with excellent training, which helps to reduce liable incidents for the officer, the chief and the municipality.

Today, police supervisors, as well as the municipality, may be held liable if inadequate or improper police training causes injury or violates a person's civil rights. This liability may be based on the concept of negligence, which usually follows state law and is brought in state court. If a civil rights violation has occurred, the suit is filed in federal court.

Negligence

Negligence is the breach of a legal duty owed to the plaintiff that causes injury to the plaintiff. The duty owed to the plaintiff may be breached by any action that falls below the reasonable standard of care customarily exercised by members of police administration in matters of training. The duty owed to the plaintiff may also be breached by a failure to act where there is a legal duty to act, such as the failure to provide adequate training.

Each state has its own laws dealing with police and municipality liability. However, state courts are willing to impose liability on police supervisors and municipalities that do not provide adequate training. The case law dealing with this issue is minimal. Police administrators should be familiar with statutes and case law defining police liability in their jurisdictions.

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It is important to remember that negligence involves liability for injuries to a person that were not intended by the wrongdoer. Fault is based on the failure of an officer to perform some duty that was required under the circumstances. Allegations of intentional misconduct are not an issue in these situations, for the obligation of a department to train police officers is a well-established legal concept.

Each state has its own laws dealing with police and municipality liability. However, state courts are willing to impose liability on police supervisors and municipalities that do not provide adequate training.

In one case, an off-duty New Jersey police officer removed his gun from its holster in order to use the bathroom in his home. The gun discharged, and a little girl in the next apartment was seriously injured. The injured child and her parents sued the city for failing to train the police officer in off-duty weapon handling. In light of evidence that the officer had received no training whatsoever in off-duty handling of the weapon, that there was no prescribed type of holster and that he received no retraining of any type during his 16 months on the police force, the jury awarded the little girl $180,000 and her parents, $45,000.

On appeal, the city raised the issue of whether there was sufficient evidence of inadequate training to warrant going to the jury. The appellate court found that there was and upheld the lower court's verdict. The issue of whether the city was liable for negligent training was never raised. [*Peer* v. *Newark*, 71 N.J. Super 12, 176 A.2d 249 (1961).]

Civil Rights

In the past, most cases against police supervisors and municipalities were based on a violation of civil rights. However, since the U.S. Supreme Court has recently increased the standards for imposing liability for civil rights violations for police supervisors and municipalities, we may see an increase in the number of negligence cases brought to state court.

Federal civil rights law imposes liability on police officers, police supervisors and municipalities for violating any person's civil rights. Supervisors and municipalities are not held liable solely because they hire or supervise an officer who violates another person's civil rights. Instead, the plaintiff must show that the supervisor or municipality is at fault for the infringement of the plaintiff's constitutional rights.

Supervisors may be sued in either their individual or official capacity. In civil rights cases, an action against a supervisor in his individual capacity requires the plaintiff to show that the supervisor, acting in his official capacity, deprived a person of a federal right. A civil rights action against a supervisor in his official capacity requires the plaintiff to prove there is a causal connection between a policy and the particular constitutional violation alleged. Most successful suits against supervisors are filed against them in their official capacity.

In order to establish liability of police supervisors or the municipality in civil rights cases, it must be proven that the execution of a policy violates the person's civil rights. Policy includes not only written or formal policy, but the more nebulous types of policy inherent in the design and implementation of a training program. When policy is derived from a training program in this manner, liability cannot be imposed on the basis of a single incident of unconstitutional activity by a police officer.

In fact, liability in these types of cases—where the policy itself is not unconstitutional—must be based upon considerably more proof than a single incident of unconstitutional activity. This rule was established by the U.S. Supreme Court in *Oklahoma City* v. *Tuttle*, 471 U.S. 808, 105 S.Ct. 2427 (1985), in which a police officer responded to a robbery in progress call at a bar. Upon entering the bar, Tuttle, who matched the description of the suspect in the bulletin, approached the officer, who asked him to remain in the bar.

The officer then restrained Tuttle while he questioned the barmaid, who told the officer that no robbery had occurred. While being restrained, Tuttle squirmed and bent toward his boots. Finally, he broke away from the officer and—ignoring the officer's commands to halt—went outside. When the officer followed, Tuttle crouched down with his hands in or near his boots, and then began to straighten. Believing his life was in danger, the officer fired his weapon, fatally wounding Tuttle. A toy gun was later found in Tuttle's boots.

Tuttle's wife brought suit against the officer and the city under 42 U.S.C. 1983, alleging that Tuttle's constitutional rights had been violated. The action against the city alleged that the city's police training policy resulted in inadequate training.

This policy was not a written policy attributable to a policy maker, but a nebulous policy based on custom. During the trial, testimony from an expert in police training stated that the officer's training was grossly inadequate; however, there was no evidence of any similar incidents by other officers. The Court held that proof of a single incident of unconstitutional activity is not sufficient to impose liability for a municipality where the policy referred to is not itself unconstitutional.

In another decision, the Court significantly reduced the scope of liability for municipalities involved in civil rights actions. Prior to 1989, most federal courts imposed liability for inadequate police training where it was established that the inadequacy or impropriety of police training was the result of reckless or grossly negligent disregard for the constitutional rights of persons within a department's jurisdiction. Mere negligence was never the standard. In *Canton* v. *Harris*, 489 U.S. 378, 109 S.Ct. 1197 (1989), the U.S. Supreme Court tightened the standard for imposing liability on municipalities for inadequate training, requiring a deliberate indifference to the rights of persons who come into contact with the police. This "deliberate indifference" standard is more stringent than was the gross negligence or recklessness standard.

In *Canton* v. *Harris*, the plaintiff, who had been arrested, fell down several times while in custody and responded incoherently when asked if she needed medical attention. Under Canton Police Department policy, the shift commander had sole discretion to determine whether a detainee required medical care, despite the fact that shift commanders were given no special training in this area. The plaintiff did not receive any medical attention while in custody. After she was released, her family took her to the hospital, where she was treated for several emotional ailments. Plaintiff filed suit against the city under 42 U.S.C. 1983 for violating her right to receive medical attention while in police custody. She alleged that the city was liable for its failure to train its personnel, which resulted in the violation of her constitutional rights. However, the Court found that there are limited circumstances in which failure to train can be the basis for liability under Section 1983.

Conclusion

In order for a plaintiff to be successful in a civil rights action alleging municipal liability for failure to train, the plaintiff must show that there was a policy attributable to policy makers that violated the constitutional rights of others or that—in the case of a policy based on custom—there was more than one incident of constitutional rights violation. The plaintiff must also show that the policy was the result of deliberate indifference to the rights of persons within the jurisdiction of the police department. Such a stringent standard may be difficult for a plaintiff to prove.

Since the standard for liability for inadequate or improper training in a civil rights case is so stringent, we are more likely to see plaintiffs filing suit in state court alleging negligence in the training of police officers. Negligence is substantially easier to establish than is the standard of deliberate indifference.

Because of the likelihood that failure-to-train police cases will be filed in state courts alleging negligence, adequate training is even more important—particularly in small departments with limited budgets. Small police departments with fewer opportunities for initial training and regular in-service training are particularly vulnerable to this type of suit. A well-planned training program can save vast amounts of money, especially now in this litigious society. ★

Appendix VI - Public Information

Policy & Procedure	No. 1102	1 of 6 pgs
Subject: News Media Information Release Policy	Effective Date: 04/25/83	
	Issued By: DWS	Distribution: All
	Amends/ Supercedes:	

I. PURPOSE

To set forth guidelines for personnel who may be approached by members of the news media concerning major incidents, criminal investigations and internal matters.

II. POLICY

A. Any major incident likely to attract widespread news media attention shall be brought to the attention of the Public Information Officer without delay by the ranking police officer at the scene. He/she may direct Central supervisor on duty to notify same.

B. News media representatives will be allowed immediate access to designated areas during major incidents when they openly display identification identifying them as news media representatives.

C. News media representatives will be denied access to areas other than the assembly point or command post when, in the judgement of the ranking police officer, their presence will interfere with the police operation.

D. If the major incident is a fire, and the officers of this Department have the primary mission of supporting the Newport News Fire Department, the ranking police officer at the scene will allow news media representatives access to the Fire Department command post unless otherwise directed by the ranking firefighter on the scene.

E. It shall be the policy of the Newport News Police Department to provide representatives of the news media with information about the activities of the department, in accordance with the procedures outlined here.

F. The supervisor of the Public Information Office will be appointed by the Chief of Police and will have the designated title of Public Information Officer. The Public Information Officer will supervise all media news releases and all personnel assigned to that office. He/she will have the full authority of the Office of the Chief of Police and will report directly to same.

III. PROCEDURE

A. Notification and Response

1. When the Public Information Officer is notified of a major incident, he will determine from field officers what location is to be used as an assembly point for news media representatives and will notify the Dispatch Center and the front desk of this location.

2. *When notified of a major incident, the Public Information Officer will respond to the assembly point and will coordinate with the ranking officer of the command post any additional areas to which the news media representatives will be admitted. At no time will news media representatives be permitted to interfere with the functions of the command post.*

3. *When mobile television or radio transmitting units arrive at the scene of a major incident, operators will be directed to go on foot to the news media representatives assembly point to receive assistance in determining the most strategic locations in which to place their mobile units. Once the location has been established, assistance will be provided by Department personnel to advance such mobile units to that location, if such assistance can be made available.*

4. *Situation briefings will be provided at the command post or at a designated location on a timely basis. Such briefings will be conducted by the Public Information Officer or the ranking officer in charge. When possible, such briefings will include key personnel involved in the situation who can give factual, firsthand, updated reports on the situation.*

B. *Release of Information*

1. *Upon request or as soon as practical, the Public Information Officer, ranking investigating officer or designated Department member will provide news media representatives at the scene of all incidents the following information:*

   a. *Known facts and circumstances relating to the crime which will not hinder or prejudice the investigation.*

   b. *A general description of the suspects, if known, or evidence seized.*

   c. *Facts and circumstances of arrest, including the time and place of arrest, any resistance encountered, or pursuit.*

   d. *The race, sex, age, occupation and family status of the suspect. A suspect may NOT be identified by name until he/she has been formally charged with the commission of a crime.*

   e. *The nature, substance or text of the charges brought against the suspect, including a brief description of the offense, and an announcement of the scheduling or result of any stage in the judicial process.*

   f. *The identity of the investigation and/or arresting officers, providing such information does not jeopardize or compromise personnel assigned to undercover operations.*

g. *The identity of the victim* ***AFTER*** *next of kin have been notified and the ranking investigating officer has approved release of names.*

h. *No photographs of suspects or witnesses will be permitted in any working areas of the Department facility.*

2. *Information pertaining to the following areas will* ***NOT*** *be released:*

a. *A detailed description of suspects or evidence which could hinder or prejudice the investigation.*

b. *Prior criminal record of the accused.*

c. *The character or reputation of the accused. (If the accused has not been apprehended, an officer associated with the investigation may release any information necessary to aid in the apprehension of the accused or to advise the public of a potential danger.)*

d. *The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement, to perform any examination or submit to any test.*

e. *Personal opinions about the suspect, his/her guilt or innocence, mental status, anticipated plea, or value of evidence against the accused.*

f. *The identify, testimony or credibility of confidential witnesses.*

3. *It will be the responsibility of the investigating officer to consult with his or her immediate supervisor before releasing information not covered by this order, or information that may adversely affect the outcome of the current investigation.*

4. *Requests for information regarding any investigation not released at the scene of the crime, may be directed to the Public Information Officer for follow-up.*

5. *News media access to the working elements of the investigations section will be limited except when accompanied by a member of the department.*

a. *During the periods of limited access, the Public Information Officer will be provided timely briefings to be forwarded to the members of the news media, via telephone, personal interview, and/or news release information desk.*

C. *Crime Scenes*

1. *News media representatives may be given guided access to crime scenes when it is determined practical by the ranking investigating officer except in the following instances:*

   a. *When the crime scene is on private property and the owner of the property clearly requests that news media representatives not be given access.*

   b. *When the presence of news media representatives might adversely affect the preservation of evidence at the scene or interfere with the investigation.*

2. *Crime scenes will be secured by Department personnel and access will not be permitted within the outer limits unless authorized by the ranking investigating officer. News media coverage will be permitted adjacent to any barriers.*

3. *News media representatives will be provided information about the crime at all crime scenes either by the Public Information Officer, the ranking investigative officer or his designee, or in the event neither is present, the officers responding to the original call, to include officers working traffic accidents. Department members providing such information will respect the rules of evidence, relate only factual information and omit assumptions, speculations and opinions. At no time will the news media be told no one can talk to them. If in doubt refer them to a supervisor.*

D. *Internal Matters*

1. *Requests for information regarding internal investigations which could lead to the filing of criminal charges against Department personnelwill be treated as any other criminal investigation insofar as release of information is concerned.*

   a. *However, because an investigation could be conducted by both the investigations section and the internal affairs office, such requests should be directed to the Public Information Officer.*

   b. *No commanding officer of the Department employee undergoing such investigation shall under any circumstances release information concerning the investigation.*

2. *All other inquiries about internal investigations involving Department personnel will be addressed to the internal affairs officer. In the event that officer is not available, the Division or Unit Commander of the affected Department employee may release information as outlined below:*

a. *If a matter is still under investigation, confirmation of the existance of an ongoing investigation and information on the nature of the allegations should be released. Names of the individuals involved in the investigation will* ***NOT*** *be released or confirmed under any circumstances.*

b. *If an investigation is concluded, information to be released will include the nature of the allegations, established facts that were uncovered concerning the allegations in the current case only, Department action that is to be imposed, if any, and the name of the Department employees involved.*

E. *Police Files Information*

1. *Department personnel will not provide any information or copies of reports to the media except the following, which will be available to news media representatives on a day-to-day basis:*

a. *Vehicular accident reports.*

b. *Initial offense/incident reports.*

c. *Mug shots of individuals who has been charged and pending trial. In all cases where mug shots are released, the identifiers shall be first cut off the photos.*

2. *All other requests from members of the news media for information contained in Department files will be granted only with prior authorization from the Chief of Police or his designate.*

F. *Interviews and Photographs*

1. *Photographs or videotape may be taken from any area where the news media representatives have been given access. Officers may, however, restrict the use of flash, strobe or high intensity lights when the use of such equipment would hinder a police operation, endanger officers or citizens by exposing them to unnecessary risks, or create a hazard (e.g., cause an explosion in a gaseous atmosphere).*

2. *Areas of access for news media representatives within the confines of the Newport News Police Department facility will include:*

a. *Any areas open to the public.*

b. *Any designated area set aside for news media briefings.*

c. *Any area to which the news media representatives are*

provided a guided access by a member of this Department.

3. *News media representatives shall be permitted to interview victims of crime or disasters, who have consented to such interviews providing:*

   a. *The victim is not undergoing medical attention.*

   b. *The victim appears able to make sound decisions, is not visibly upset, severly injured or emotionally distraught.*

   c. *Investigative personnel have completed their interviews.*

   e. *If victims desire not to be interviewed, the news media representative will be advised.*

IV. RESPONSIBILITY

A. *The Public Information Officer will supervise the office and all personnel assigned to it. The Public Information Officer will report directly to the Chief of Police on all matters pertaining to that office. He/she will carry out any other assignments designated by the Chief of Police.*

B. *For daily news releases, members of the news media should contact the Public Information Officer or a member of the office during normal working hours. Contact can be made either by phone or in person unless prior arrangements have been made.*

C. *Day-to-day telephone requests for information will be referred to and handled by the Public Information Officer, or a member of the office staff. In their absence, it will be handled by the Captain of Detectives, Shift Captain or their designee.*

D. *When this agency is involved in a mutual effort with other service agencies outside of this department's jurisdiction, it will be the responsibility of the agency having primary jurisdiction to release or coordinate the relase of information to the news media.*

END OF POLICY NUMBER 1102

Darrel W. Stephens
Chief of Police

Appendix VII - Managing Potentially Violent Circumstances

LEARNING MODULE TWO:
Bias-Motivated Crimes -- Definitions & Procedures

MODULE DESCRIPTION:

Provides: (1) a suggested "model" approach to reporting hate crime; (2) definitions of hate crime terminology; and (3) criteria for determining whether a hate crime has occurred.

COURSE OBJECTIVES:

* The student will be able to define: Bias/Hate Crime; Ethnicity/National Origin Bias; Hate Group; Racial Bias; Sexual Orientation Bias; Bisexual; Gay; Heterosexual; Homosexual; Lesbian; Religious Bias; Responding Officer; and Second Level Judgement Officer/Unit.

* The student will be able to explain the "two-tier" process for reporting hate crimes.

* The student will be able to list the types of criteria used to make a determination of whether a crime was bias motivated.

CAVEAT:

The training material presented herein represents a composite of suggested procedures from law enforcement officers and administrators who have already established hate-crime reporting systems within their departments. Since the material is designed for use in training new, as well as experienced, officers, some of it is basic and some portrays what an experienced officer normally does.

DEFINITIONS:

Bias - A preformed negative opinion or attitude toward a group of persons based on their race, religion, ethnicity/national origin, or sexual orientation.

Bias Crime - A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, religion, ethnic/national origin group, or sexual orientation group. Also known as "Hate Crime."

[**Note**: Even if the offender was mistaken in his/her perception that the victim was a member of the group he or she was acting against, the offense is still a bias crime because the offender was motivated, in whole or in part, by bias against the group.]

Bisexual - [adjective] Of or relating to persons who experience sexual attraction toward, and responsiveness to, both males and females; [noun] a bisexual person.

Ethnicity/National Origin Bias - A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions (e.g., Arabs, Hispanics, etc.).

Gay - [adjective] Of or relating to males who experience a sexual attraction toward, and responsiveness to, other males; [noun] a homosexual male.

Hate Crime - Same as "Bias Crime."

Hate Group - An organization whose primary purpose is to promote animosity, hostility, and malice against persons belonging to a racial, religious, ethnic/national origin, or sexual orientation group which differs from that of the members of the organization (e.g., the Ku Klux Klan, American Nazi Party, etc.).

Heterosexual - [adjective] Of or relating to persons who experience a sexual attraction toward, and responsiveness to, members of the opposite sex; [noun] a heterosexual person.

Homosexual - [adjective] Of or relating to persons who experience a sexual attraction toward, and responsiveness to, members of their own sex; [noun] a homosexual person.

Lesbian - [adjective] Of or relating to females who experience a sexual attraction toward, and responsiveness to, other females; [noun] a homosexual female.

National Incident-Based Reporting System (NIBRS) - The new unit-record reporting system which is being implemented to replace the traditional UCR Summary Reporting System (SRS). NIBRS provides for expanded collection and reporting of offenses, arrests, and their circumstances.

Racial Bias - A preformed negative opinion or attitude toward a group of persons who possess common physical characteristics (e.g., color of skin; eyes and/or hair; facial features; etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites, etc.).

Religious Bias - A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists, etc.).

Responding Officer - The first law enforcement officer on the scene of an alleged bias incident. This officer may have witnessed the incident take place, may have been called to the scene by the victim or a witness, or may have received the assignment from a superior officer or dispatcher. This officer is responsible for determining whether a "Suspected Bias Incident" has occurred.

Second Level Judgment Officer/Unit - The officer or unit within the law enforcement department who has received in-depth training in bias-related incidents and is tasked with making the final determination whether a hate crime has occurred.

Sexual Orientation Bias - A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals, etc.).

Summary Reporting System (SRS) - The traditional tally system which has been used since 1930 to collect UCR data.

SUPPLEMENTARY OFFENSE DEFINITIONS:

Agencies which do not submit hate crime data through the National Incident-Based Reporting System (NIBRS), i.e., those who submit Quarterly Hate Crime Reports to the FBI, should use the following definitions for reporting hate crime data on Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property:

Simple Assault - An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property - To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

> [**Note**: This offense does not include destruction or damage to property caused by the crime of Arson.]

PROCEDURES:

The following is a suggested two-tier procedure for handling hate crime collection within your agency. It includes:

(1) the officer on the scene of an alleged bias crime making an initial determination that bias motivation is "suspected"; and

(2) a second officer or unit with more expertise in bias matters making the final determination of whether a hate crime has actually occurred.

Two-Tier Decisionmaking Process

The FBI's UCR Section examined hate crime collection procedures and forms currently in use at various law enforcement agencies across the country. It found that most law enforcement agencies which collect hate crime data employ a two-tier decisionmaking process. The first level is the law enforcement officer who initially responds to the alleged hate crime incident, i.e., the "Responding Officer" (or "First Level Judgment Officer"). It is the responsibility of the Responding Officer to determine whether there is any indication that the offender was motivated by bias. If there is, he/she is

to designate it as a "Suspected Bias Incident" and forward the case file to a "Second Level Judgment Officer/Unit." In smaller agencies this is usually a person specially trained in hate crime matters, while in larger agencies it may be a special unit.

It is the task of the Second Level Judgment Officer/Unit to review carefully the facts of the incident and make the final determination of whether a hate crime has actually occurred. If so, the incident is to be reported to the national UCR Program as a bias-motivated crime.

Responding Officer's Responsibilities

Law enforcement's response to an alleged hate crime begins no differently than to any other crime. The Responding Officer must quickly evaluate what has happened and take any necessary action to stabilize the situation. After that has been done, there are two unique areas of concern which should be recognized by an officer responding to an alleged hate crime: (1) sensitivity to the needs of the victim; and (2) the elements of a bias crime.

First, the Responding Officer should be sensitive to the effects of a bias crime on the victim. A victim of any crime may feel isolated from others, fearful that the occurrence will happen again, and angry that he/she became a victim. However, there is a deeper level of isolation, fear, and anger that the victim of hate crime feels. This individual has been chosen from the rest of the population to be victimized for no other reason than his/her race, religion, ethnicity/national origin, or sexual orientation. There is nothing this person can do; indeed, there is nothing he/she ought to do to change his/her race, religion, ethnicity, or sexual orientation. And yet, it is because of these very innate qualities of the person that he/she was victimized. This type of personal experience can result, many times, in a feeling of loss of control over one's life. By recognizing these dynamics, the Responding Officer can address the special needs of the victim, thereby placing him/her at some ease and thereby making it easier to elicit from him/her necessary information concerning the alleged offense. Another task of the Responding Officer is to determine whether additional resources are needed on the scene, such as community affairs/relations representatives, mental/physical health professionals, and/or the clergy. At a minimum, the victim should be referred to appropriate social and legal services.

Second, the Responding Officer must be knowledgeable of the elements of a bias-related crime. As set forth in this document, a bias crime is a criminal offense committed against a person or property which is motivated by the offender's bias against the victim's race, religion, ethnicity or national origin, or sexual orientation. At the level of the Responding Officer, if there is any indication that the offender was motivated by bias, the incident should be classified as a Suspected Bias Incident.

The types of factors to be considered by the Reporting Officer in making a determination of whether the incident is a Suspected Bias Incident are:

* Is the motivation of the alleged offender known?

* Was the incident known to have been motivated by racial, religious, ethnic, or sexual orientation bias?

* Does the victim perceive the action of the offender to have been motivated by bias?

* Is there no clear other motivation for the incident?

* Were any racial, religious, ethnic, or sexual orientation bias remarks made by the offender?

* Were there any offensive symbols, words, or acts which are known to represent a hate group or other evidence of bias against the victim's group?

* Did the incident occur on a holiday or other day of significance to the victim's group or the offender's group?

* What do the demographics of the area tell you about the incident?

If these or other factors indicate that the offender may have been motivated by bias, the incident should be classified as a Suspected Bias Incident and sent on to the Second Level Judgment Officer/Unit for review. While the mere utterance of a racial epithet by the offender does not provide sufficient basis to report a crime as a Suspected Bias Incident, it, combined with other factors indicating bias, could do so. For the purpose of first-level bias crime reporting, the old adage of "when in doubt, check it out" should be followed--i.e., questionable cases should be referred to the Second Level Judgment Officer/Unit for resolution.

Second Level Judgment Officer's/Unit's Responsibilities

The second tier in the decisionmaking process is where the final decision is made regarding whether an offense was bias motivated. Therefore, the people who make final decisions must be specially trained to the point of being "experts" on bias matters. The Responding Officer had merely to determine whether there was any indication that the offense was motivated by bias. On the other hand, the Second Judgment Officer/Unit must carefully sift through the facts using more stringent criteria to determine whether the incident was, in fact, a hate crime.

The second level of review can be a specially trained officer, investigator, supervisor, or specially established hate crime unit. This does not mean that every agency must establish a "Special Hate Crime Unit." Given the fiscal constraints prevalent throughout most of the law enforcement community, such a proposition would be an unreasonable requirement. However, what is suggested is that somewhere in the agency's already established crime reporting review process, someone should be specifically tasked with the responsibility of reviewing Suspected Bias Incidents and making the final decision as to the existence or nonexistence of bias motivation.

During the second review, the Second Level Judgment Officer/Unit should have time to consider carefully the findings of the Responding Officer and perhaps even conduct interviews of the victims and witnesses, if necessary. For an incident to be reported as a hate crime, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias. While no single fact may be conclusive, positive answers to the types of questions listed below are supportive of a finding of biased motivation. But, an important distinction should be made. The mere fact that the offender is biased against the victim's racial, religious, ethnic/national origin, and/or sexual orientation group does not mean that a hate crime was involved. Rather, the offender's criminal act must have been motivated, in whole or in part, by his/her bias.

The Second Level Judgment Officer/Unit should seek answers to the following types of questions before making the final determination of whether an incident was motivated by bias:

* Is the victim a member of a target racial, religious, ethnic/national origin, or sexual orientation group?

* Were the offender and the victim of different racial, religious, ethnic/national origin, or sexual orientation groups? For example, the victim was black and the offenders were white.

* Would the incident have taken place if the victim and offender were of the same race, religion, ethnic group, or sexual orientation?

* Were biased oral comments, written statements, or gestures made by the offender which indicate his/her bias? For example, the offender shouted a racial epithet at the victim.

* Were bias-related drawings, markings, symbols, or graffiti left at the crime scene? For example, a swastika was painted on the door of a synagogue.

* Were certain objects, items, or things which indicate bias used (e.g., the offenders wore white sheets with hoods covering their faces) or left behind by the offender(s) (e.g., a burning cross was left in front of the victim's residence)?

* Is the victim a member of a racial, religious, ethnic/national origin, or sexual orientation group which is overwhelmingly outnumbered by members of another group in the neighborhood where the victim lives and the incident took place? This factor loses significance with the passage of time, i.e., it is most significant when the victim first moved into the neighborhood and becomes less significant as time passes without incident.

* Was the victim visiting a neighborhood where previous hate crimes had been committed against other members of his/her racial, religious, ethnic/national origin, or sexual orientation group and where tensions remain high against his/her group?

* Have several incidents occurred in the same locality, at or about the same time, and are the victims all of the same racial, religious, ethnic/national origin, or sexual orientation group?

* Does a substantial portion of the community where the crime occurred perceive that the incident was motivated by bias?

* Was the victim engaged in activities promoting his/her racial, religious, ethnic/national origin, or sexual orientation group? For example, the victim is a member of the NAACP, participates in gay rights demonstrations, etc.

* Did the incident coincide with a holiday relating to, or a date of particular significance to, a racial, religious, or ethnic/national origin group (e.g., Martin Luther King Day, Rosh Hashanah, etc.)?

* Was the offender previously involved in a similar hate crime or is he/she a member of a hate group?

* Were there indications that a hate group was involved? For example, a hate group claimed responsibility for the crime or was active in the neighborhood.

* Does a historically established animosity exist between the victim's group and the offender's group?

* Is this incident similar to other known and documented cases of bias, particularly in this area? Does it fit a similar modus operandi to these other incidents?

* Has this victim been previously involved in similar situations?

* Are there other explanations for the incident, such as a childish prank, unrelated vandalism, etc.?

* Did the offender have some understanding of the impact his/her actions would have on the victim?

The Second Level Judgment Officer/Unit should respond to the scenes of large bias incidents, such as race riots, demonstrations, etc. When doing so, a determination should be made whether additional resources should be called to the scene, such as police tactical units, community affairs/relations representatives, mental/physical health professionals, and/or the clergy.

It is important to note that, only after the Second Level Judgment Officer/Unit has made a decision that the crime was bias motivated, should it be reported to the FBI's UCR Section.

RACIAL AND RELIGIOUS VIOLENCE

A LAW ENFORCEMENT GUIDEBOOK

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INTRODUCTION

This guidebook is a practical tool for local police departments to use in dealing with racial and religious violence. It is one of the products of a one year research project carried out by the National Organization of Black Law Enforcement Executives under a grant from the National Institute of Justice to develop state of the art policies, practices and procedures for responding to incidents which are apparently religiously or racially motivated. A larger document, **Racial and Religious Violence: A Model Law Enforcement Response,** provides background material on the recommended policies.

Racially and religiously motivated attacks are a particularly insidious form of violent behavior. Because of the fear generated by these attacks, whole communities are victimized. An act which may be seen as minor, compared to other crimes by local police or the community at large, can send powerful shock waves through the minority community at which it is directed. These acts create an aura of danger, and serve as compelling reminders to minority citizens that their neighborhoods, their streets and even their own homes may not be safe. Treating such incidents as serious sends a message to the community that their local law enforcement agencies will protect them.

This guidebook was developed with the advice and participation of community organizations, human relations specialists, lawyers, experts in civil liberties and law enforcement officials. Its recommended policies, practices and procedures are currently working in a handful of jurisdictions across the country. Methods to identify, report and investigate religious and racial harassment and violence are examined and a range of standards are presented for consideration by each agency based on its own resources and priorities. It is hoped that this guidebook will provide the appropriate framework for local police agencies that want to develop sensitive and workable programs for handling these crimes.

A MODEL LAW ENFORCEMENT RESPONSE

Outlined below is a recommended model law enforcement response to incidents of racially and religiously targeted harassment and violence. The model is designed to be a practical approach to prevention and response. The model is a composite of the responses of agencies surveyed during the course of the project.

The first section of the model delineates the role and responsibilities of the chief executive of the agency. The model will be meaningless if the chief executive does not provide leadership through a well defined written policy that provides the framework for an appropriate departmental response. In the second section a model directive that outlines the responsibilities of the various officers and divisions of large and small agencies is presented.

A. Role and Responsibilities of the Chief Executive

1. Provide leadership by developing a strong policy statement and disseminating it to all officers and the public at large.
2. Develop a directive which defines a racially or religiously targeted incident and outlines procedures for responding to such incidents.
3. Ensure that all sworn personnel receive human relations training and that investigators receive specialized training.
4. Ensure that an appropriate response is given to all serious incidents and that follow-up investigation is carried out.
5. Require that periodic reports of incidents and the actions taken be prepared by the appropriate officer(s).
6. Assure that an annual review of incidents and the departmental response is prepared and submitted to the chief elected official of the jurisdiction.
7. Ensure that relevant information on incidents is shared with other appropriate agencies in a timely manner.
8. Ensure that prompt and immediate action is taken against officers who violate the policy by such conduct as failure to take reports of incidents or involvement in a hate violence incident.
9. Keep abreast of all legislative action proposed or taken to alter or amend existing police authority in racial or religious harassment investigations.

B. Sample Directive

1. **Policy Statement**

   It is the policy of the ..... Department to ensure that rights guaranteed by state laws and the U.S. Constitution are protected for all citizens

regardless of their race, color, ethnicity or religion. When such rights are infringed upon by violence, threats or other harassment, the Department will use every necessary resource to rapidly and decisively identify the perpetrators, arrest them and bring them before the court.

All acts of racial or religious violence or threats will be viewed as serious, and the investigations will be given priority attention. Such acts generate fear and concern among victims and the public and have the potential of recurring, escalating, and possibly causing counter-violence.

2. **Definition**

A racially or religiously targeted incident is an act or a threatened or attempted act by any person or group of persons against the person or property of another individual or group which may in any way constitute an expression of racial or religious hostility. This includes threatening phone calls, hate mail, physical assaults, vandalism, cross burnings, firebombings and the like.

3. **Responsibilities** (A Large Agency Model)

a. Patrol Officer

(1) When a patrol officer arrives on the scene and determines that the incident may be racially or religiously targeted, he or she will:

- Apprehend the perpetrator (if applicable)
- Request a patrol supervisor
- Protect the crime scene
- Stabilize the victim
- Conduct a preliminary investigation
- Provide assistance to the victim and/or referral to the appropriate legal or service agency
- Prepare a field report

(2) Conduct a follow-up investigation within seven days of any incident that he or she initially responds to.

b. Patrol Supervisor

(1) Upon arriving at the scene of a possible racially/religiously targeted incident, he or she will:

- Interview the patrol officer
- Determine whether additional personnel, such as a crime scene search officer, are needed
- Ascertain if the occurrence is racially or religiously targeted
- Take steps to insure that the incident does not escalate

- Assist in the stabilization of the victim
- Supervise the preliminary investigation.

(2) Notify the district commander, watch commander or senior official on duty, as appropriate;

(3) Assure that all reports are properly completed and submitted prior to the end of that tour of duty.

c. District/Station Commander

(1) After being notified of a hate violence incident, he or she will:

- Immediately report to the scene if the incident is determined to be serious
- Notify appropriate units such as community relations or crime prevention, investigations and intelligence
- Ensure that the chief executive is notified
- Determine whether the Public Information Office should be notified.
- Determine whether community, religious and civic leaders should be informed and if their assistance is needed.

(2) Review all field reports.

(3) Personally visit the victim (or the surviving family) within one week of the incident as appropriate.

(4) Conduct surveillances and other appropriate activities to ferret out suspects and/or evidence.

(5) Assure that follow-up investigations are conducted.

(6) Prepare scheduled reports of incidents for the chief executive, community relations unit and intelligence unit.

d. Investigative Unit

(1) Receive copies of all reports of racially or religiously targeted incidents and establish a file or cross reference file system for the reports.

(2) Canvass the community to identify and interview witnesses.

(3) Coordinate the investigation with the crime scene search officer or appropriate unit.

(4) Conduct surveillances and other appropriate activities to ferret out suspects and/or evidence.

(5) Coordinate victim assistance with crime prevention unit.

(6) Notify other relevant agencies or networks.

(7) Maintain liaison with other units of the department.

(8) Coordinate the investigation with other law enforcement agencies where appropriate.

(9) Prepare cases for prosecution in court and provide testimony.

(10) Keep the reporting/arresting officer informed of the status of the case.

(11) Keep the victim informed of the status of the case.

(12) Prepare monthly reports for the district commander.

(13) Develop factual information for the Public Information Office.

(14) Prepare monthly tally reports of reported incidents.

e. Community Relations or Crime Prevention Unit

(1) Meet with neighborhood groups, residents in target communities and other groups to allay fears, reduce the potential for counter-violence and provide safety and protection information.

(2) Assist victims and their families.

(3) Conduct public meetings on racial/religious threats and violence in general and as it relates to specific incidents.

(4) Establish a liaison with formal minority organizations and leaders.

(5) Expand existing preventive programs such as anti-hate seminars for school children.

f. Intelligence Division

(1) Assist in investigations.

(2) Maintain liaison with federal, state and local agencies for the exchange of intelligence information.

(3) Notify the district commander or chief executive of patterns or anticipated movement of hate groups.

g. Training Division (Police Academy)

(1) Include human relations training in recruit and in-service training programs.

(2) Include courses on minority cultures in recruit training. Solicit input from minority officers and community leaders.

(3) Review and revise training program to reflect changes in the community and in society.

(4) Provide training in victim assistance.

(5) Assure that investigators receive specialized training.

4. **Responsibilities** (A Small Agency Model)

a. Chief Executive

In addition to the role and responsibilities of the chief executive that are outlined in section A, the small agency chief must also carry out most of functions of the community relations unit, public relations officer and district commander of the large agency. The additional specific responsibilities of the small agency chief are outlined below:

(1) After being notified of a hate violence incident, he will:

- Immediately report to the scene where appropriate
- Designate a supervisor to oversee the investigation
- Determine whether community, religious and civic leaders should be informed
- Determine whether the press should be notified
- Ensure that appropriate action is taken by subordinates.

(2) Personally visit the victim (or the surviving family) within one week of the incident.

(3) Meet with neighborhood groups, residents in target communities and other groups to allay fears, reduce the potential for counter-violence and provide safety and protection information.

(4) Coordinate the investigation with other law enforcement agencies where appropriate.

(5) Notify other relevant agencies or networks with jurisdiction or interest.

(6) Maintain contact with minority organizations and leaders.

(7) Document all actions taken.

b. Uniformed Officer

(1) When a uniformed officer arrives on the scene and determines that the incident may be racially or religiously targeted, he or she will:

- Protect the crime scene
- Stabilize the victim
- Apprehend the perpetrator (if applicable)
- Notify the uniform supervisor
- Conduct a preliminary investigation
- Take steps to prevent the incident from escalating
- Provide assistance to the victim
- Prepare a field report

(2) Conduct follow-up investigations.

(3) Canvass the community to identify and interview witnesses.

(4) Coordinate victim assistance.

c. Uniform Supervisor

(1) Immediately report to the scene of any serious incident

(2) Determine whether additional personnel are needed.

(3) Notify the chief executive if the incident is serious

(4) Receive and review all field reports.

(5) Supervise the preliminary investigation of all serious cases.

(6) Prepare periodic reports on hate violence activity for the chief executive.

(7) Assist the chief executive in carrying out community relations functions.

d. Investigator/Intelligence Officer

(1) Assume control of the investigation.

(2) Maintain all reports of racially and religiously targeted incidents.

(3) Contact appropriate state and/or local law

(4) enforcement agencies for assistance with serious cases.

(5) Maintain liaison with federal, state and local agencies for intelligence information exchange.

(6) Keep the arresting officer informed of the status of the case.

(7) Keep the victim informed of the status of the case; Prepare case for prosecution in court and provide testimony;

(8) Conduct surveillances and other appropriate activities to ferret out suspects and/or evidence.

e. Training

The training responsibility may have to be carried out with the cooperation of regional or state agencies.

POLICY/PROCEDURE

A. Commentary

A written directive is a tool of good management. Written procedures provide a framework for the appropriate use of police officer discretion. Patrol officers should not have to make arbitrary decisions because they have no guidelines for handling a reported incident. The policy should be written, however with some flexibility, so that officers will have adequate room to exercise individual judgement in some circumstances.

Written procedures are especially crucial in dealing with hate violence offenses. These types of cases, if handled improperly, can ignite a whole community and can lead to retaliation if the victims do not feel that local law enforcement is acting in their interest.

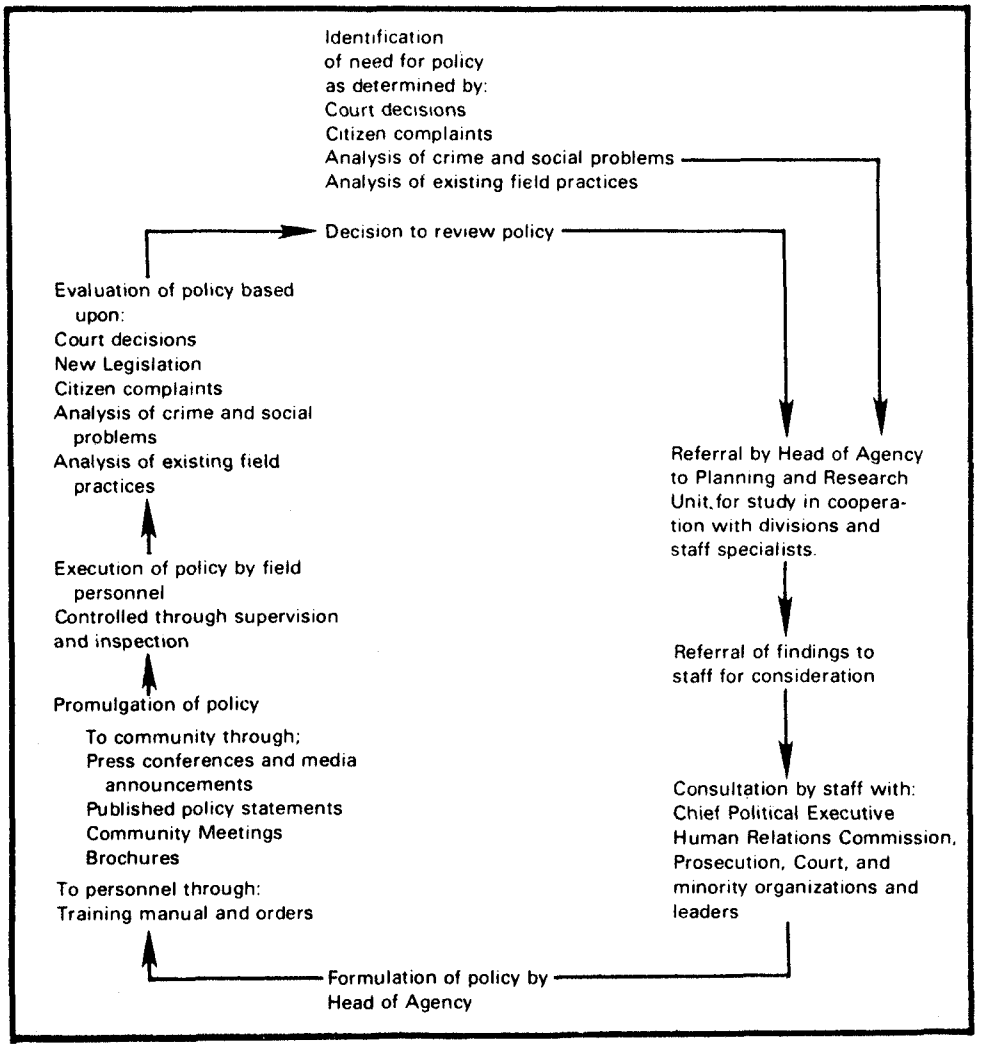
Directives addressing hate violence incidents should be issued by the chief executive of the agency and communicated to the sworn personnel through the use of:

1. Bulletin Boards
2. Roll Call Announcements
3. Recruit Training
4. In-Service Training

B. Model Checklist

1. Every department's policy should include the following:
   a. The department's opposition to racial and religious violence;
   b. The department's recognition that such crimes have a serious impact on the victim and the community as a whole;
   c. The department's commitment to use its resources to protect the rights of all citizens regardless of race, color, creed or religion;
   d. A definition of a racially and religiously targeted incident. The definition can be taken directly from the relevant law or laws or it may be an operational definition developed by the agency;
   e. A summary of the provisions of any relevant legislation; and
   f. Clear and precise procedures for field investigation, reporting, follow-up and public information relating to such incidents.
2. Every officer should be made aware of the statement through recruit training, roll call training or some other form of inservice training.
3. The policy statement should be disseminated to the community at large through the media, community meetings and educational programs.

FORMULATION AND EXECUTION OF LAW ENFORCEMENT POLICY



Adapted from **Task Force Report: The Police**, p.26

TRAINING

A. Commentary

Once an agency adopts a policy, new recruits as well as veteran officers should be trained in its proper implementation. The training program, in addition to explaining what the policy and procedures are, should also focus on why the department has adopted such a policy. An officer who knows why a policy is adopted is more likely to comply with it and, to the extent that he identifies with the policy, is more likely to work toward its successful implementation.

Officers should also be provided with human relations training. Human relations training involves the study of intergroup relations with special emphasis on race relations, ethnic and religious relations. This type of training is necessary in urban areas where there is a diverse ethnic mix and where racial tensions have often led to conflict, and in small areas where unfamiliar cultures may cause unwarranted acts of violence.

The focus of the training should be on changing behavior rather than attitudes. Officers should be trained to understand that regardless of their personal feelings, they are sworn to uphold the law and administer justice in an impartial manner.

B. Model Training Checklist

1. The curriculum of all training programs should include courses in human relations, especially the understanding of the various cultures in our society.
2. All sworn personnel should receive instruction on civil rights laws and other legislation related to handling racially and religiously targeted incidents.
3. All officers should be required to take sensitivity training.
4. Training should be behavior focused.
5. Adequate resources should be provided for training programs.

REPORTING

A. Commentary

In general, law enforcement reporting systems do not separately capture information on crimes that are racially or religiously motivated. When these attacks are reported, they are usually recorded by crime type only, that is, homicides, assaults, or property offenses. In addition these crimes are severely underreported -- by more than 50% according to some officials' estimates. These factors combine to make it virtually impossible for police to determine the scope or severity of hate violence cases or to detect trends in these offenses over time.

The failure of victims to report incidents is an issue of concern for many agencies. Many victims may elect not to become involved in the criminal justice process, others may distrust the police, feeling that they will do nothing to help them. Some victims may fear reprisals if they report incidents to the police.

Establishing a good reporting system may lead to more apprehensions and arrests of perpetrators of such crimes. It may also lead to an increase in reporting by victims and can enhance an agency's ability to determine crime patterns through crime analysis. Reporting systems can also provide agencies with the information they need to develop prevention and investigative strategies. Above all, such a system can demonstrate to the community that the agency has a genuine interest in the problem and that it will vigorously enforce the laws and ordinances relating to such offenses.

Community-based organizations can play a major role in improving the quality of law enforcement reporting systems. Since many victims are more likely to have contact with community-based organizations than with law enforcement agencies, community-based organizations are in a position to encourage increased reporting. Victims can be assured that their complaints will receive immediate attention. Organizations can instruct victims as to the proper procedures for reporting. Through daily contact with minority persons, organizations can provide information to potential victims so that they will be more likely to report to the police if they become victimized.

B. Model Reporting Checklist

I. Every department should establish a reporting procedure for racially and religiously targeted incidents. The procedure should be written and circulated to all sworn personnel. The procedure should include standards for defining and identifying incidents.

2. Departments should either develop special reporting forms or require that any such incident be noted as a possible racially or religiously targeted incident on the incident report form.

3. Human relations agency and community organization representatives should be briefed on how the procedures operate.

4. Citizen reporting of racially and religiously targeted incidents should be encouraged by each agency. Increased reporting should be brought about through the use of public service announcements, posters, leaflets, brochures and presentations to community groups.

5. Private organizations and public agencies should be encouraged to report incidents they are aware of to the police. They should be encouraged to develop their own reporting forms for such incidents.

6. States should be encouraged to establish uniform statewide reporting procedures.

C. **A Reporting System Should Be Designed To:**

1. Develop or improve special reporting procedures for racially and religiously targeted incidents.

2. Encourage minority persons to report incidents by:

   a. Sponsoring conferences, seminars, and workshops to discuss the issue;

   b. Providing information on reporting in organizational publications and minority focused newspapers as well as through other media sources; and

   c. Informing citizens concerning proper reporting procedures.

3. Develop reporting forms that can be used by citizens who prefer to report to an organization.

4. Prepare annual reports of incidents that the department is aware of, along with an analysis of the cases and trends.

INVESTIGATION

A. Commentary

Investigations should be carried out by trained specialists. However, a number of officers who are not detectives or investigators may become involved in a typical investigation, especially in smaller departments.

Much of the work of an investigator involves working with people from diverse backgrounds and orientations. The investigator must, therefore, be a skilled communicator. The investigator must have the ability to gain the confidence of persons crucial to a case and to distinguish between facts and allegations. The officer must be able to show compassion and sensitivity toward the plight of the victim while gathering the evidence needed for prosecution. In addition, investigators should be familiar with all hate groups operating within the department's jurisdiction.

B. Need for Special Investigation Procedures

Victims of these types of cases, like other victims of violent crime tend to experience emotional stress as a result of their victimization but the stress may be heightened by a perceived level of threat or personal violation. Like the victims of rape, many become traumatized when they have to recall the details of the incident. Special units or specially trained officers are usually successful in obtaining the cooperation of rape victims while at the same time helping them to overcome some of the resulting fear and emotional pain. Similar techniques should be used in dealing with hate violence victims.

Investigators assigned to handle hate violence cases should have special training in working with minority persons. They should be thoroughly familiar with the lifestyles and culture of minority communities. Some minority persons distrust the police; therefore, every effort must be made to make them feel that the police are on their side. An insensitive investigator may not only alienate witnesses and potential witnesses in a particular case, he or she may create additional distrust or even hostility.

Many Southeast Asian and Latin American victims and witnesses will have difficulty communicating with investigators who only speak English. Therefore, at least one investigator should be able to speak any language (e.g., Spanish) common to large populations of minority persons in a given jurisdiction.

Minority leaders and organizations are useful resources for any investigator. Minority leaders can help to broaden the investigator's understanding of a different culture. They can

also help to convince uncooperative witnesses to cooperate with investigators and encourage more victims to report incidents.

C. **Model Investigation Elements**

1. Investigations should be given priority treatment. Follow-up should be timely, and victims should be kept informed of the progress of the investigations.

2. Departments with a large number of cases should designate special investigators to handle these cases. These investigators should receive special training.

3. Investigators who are good ethnic communicators should be selected to handle these types of cases. Jurisdictions with large populations of minorities who speak a foreign language should try to involve an investigator in these cases who speaks the language fluently. Investigators should have experience in working with minority persons.

4. Investigators should be required to prepare periodic reports on investigations in progress for the chief executive of the agency.

5. Investigators should collaborate with intelligence units when hate groups are involved.

6. Investigators should be trained in victim assistance.

7. Where necessary, investigators should arrange for victim/witness protection and neighborhood surveillances and patrols.

8. Investigators should work closely with prosecutors to ensure that the strongest cases possible are presented.

VICTIM ASSISTANCE

A. Commentary

Assistance to victims of crime has become a national priority. The final report of the President's Task Force on Victims of Crime (1982) noted that the manner in which police interact with victims affects not only the victim's immediate and long term ability to deal with the event but also the victim's willingness to assist in prosecutions.

Victims of racially and religiously targeted incidents incur damage to their homes and property, physical injury and sometimes death. In addition to physical suffering, being victimized because of one's race, religion or national origin brings negative attention to one's differences, injures one's dignity and self-esteem, and makes one feel unwanted in the community. Yet, because most crimes against racial and religious minorities are not extremely violent, victims are not usually given any special attention or assistance.

B. Model Victim Assistance Program

1. All incidents should receive a prompt response.

2. All officers should receive adequate training in victim assistance.

3. If feasible, the department should provide direct services to victims such as:

   (a) Temporary relocation
   (b) Referrals for counselling
   (c) Additional security

4. The department should assist victims in the criminal justice process and inform them about avenues for redress.

   (a) The department should establish cooperative programs with social service agencies which provide victim assistance.

   (b) The department should promote and assist in developing community programs which provide victim assistance.

5. A written directive should outline the department's victim assistance program, if the department has one.

6. Victim assistance training should instruct police officers to adhere to the following rules when responding to all victims:

   (a) Maintain a gentle manner -- avoid forceful behavior;

   (b) Have a non-judgmental, non-critical attitude;

(c) Allow the victim to ventilate;

(d) Support the victim from the time of the initial police contact through final appearance;

(e) Provide prevention and precautionary advice;

(f) Conduct follow-up within one week of the incident and the initial response.

7. A referral system should be established in which police direct victims to appropriate public agencies such as local human relations commissions or social service agencies which address housing concerns, discrimination and civil rights violations.

INTERAGENCY COOPERATION

A. Commentary

The interdependence of law enforcement agencies and other agencies in responding to hate activity within the criminal justice system can be enhanced through programs which promote training, information exchange and law enforcement support. The impact that cooperation can have upon the problem can be much greater than that of a single agency. Instead of cooperating on an **ad hoc** basis, law enforcement agencies should develop cooperative programs that are proactive.

B. Model for Interagency Cooperation

1. Personnel should receive thorough training in the criminal justice process and the interdependence of agencies in responding to hate activity.

2. Departments should develop cooperative programs with other concerned federal, state and local government law enforcement agencies, prosecutors and parole and probation commissions. Programs can include:

   (a) Information exchange;

   (b) Manpower and training support; and

   (c) Cooperation in investigations, apprehensions, prosecutions and corrections.

3. Departments should participate in and develop task forces or coordinating councils to discuss law enforcement concerns in general and hate activity specifically.

4. Departments should promote interagency cooperation through departmental policies and procedures.

POLICE/COMMUNITY COOPERATION

A. Commentary

Racially and religiously targeted crimes not only bring suffering to the victims but may create tension and chaos in the community. Cooperative police-community programs that address this problem unify the community and signal to perpetrators that such behavior does not reflect the opinions of the majority.

The battle to eliminate violence against racial and religious minorities cannot be fought single-handedly by the police. The nature of the problem demands strategies that integrate efforts of the community with law enforcement practices and procedures.

The key to the success of a local police department's program will be the steps it takes to establish a working relationship with community-based organizations and associations. Formal programs and linkages will not only reinforce the department's commitment to deal with racial and religious harassment, but will involve the community in providing assistance and seeking solutions to this problem.

B. Model Cooperative Program

1. Departments should implement policies which address police-community relations and cooperation as well as personnel conduct in regard to community relations.

2. Departments should initiate and develop cooperative programs which include:

   (a) Forming networks with established groups to exchange information and share resources;

   (b) Providing victim assistance; and

   (c) Conducting public awareness programs.

3. Joint public announcements opposing racism and bigotry should be issued by the police and the community.

4. Elected officials should be encouraged to take appropriate action in regard to legislation.

SPECIAL UNITS

A. Commentary

The decision to establish a special unit should take into consideration available resources, the frequency, scope and severity of hate violence incidents, the community's perception of hate violence as a problem and alternative methods available to address hate violence.

Personnel selected for the unit should possess skills in investigation, human relations and knowledge of the problem. Seniority should not be the sole determining factor in selection. The head of the special unit should be directly responsible to the department chief executive. The effectiveness of the unit and its impact upon the problem should be assessed periodically.

B. Recommendations

1. The special unit centralizes the department's response to hate violence. The responsibilities of the unit should include the following:

   (a) Coordinating all of the department's activities in hate violence incidents;

   (b) Designing strategies for combating hate violence;

   (c) Maintaining liaison with other units within the department as well as with concerned governmental agencies;

   (d) Conducting crime analysis and comprehensive investigations;

   (e) Maintaining files and records on incidents; and

   (f) Assisting victims.

2. The department's written policy or general order should inform all personnel about the existence of the special unit.

3. The special unit should have written policies governing:

   (a) Field procedures for responding to and investigating incidents;

   (b) Reporting procedures;

   (c) Notification to commanding officers and other units within the department;

   (d) Termination of investigations; and

(e) Public notice and press statements regarding incidents.

4. Personnel selected for the unit should receive the necessary training and education on hate violence in the community.

5. The unit should provide periodic written reports on its activities.

LEGISLATION

A. Commentary

Even though states have always had laws prohibiting acts of vandalism, arson, assault and homicide, these laws by and large have not provided for additional penalties when acts of violence are deemed racially or religiously motivated. Furthermore, enforcement of state laws in regard to minorities has sometimes been uneven.

In recent years, some states have begun to take action in response to the resurgence of hate activity. Several states have enacted comprehensive legislation specifically designed to curtail violence against racial and religious minorities. Other states have enacted laws that prohibit specific activities characteristic of hate violence like cross-burnings, wearing of masks or paramilitary training.

Although well intentioned, the constitutionality of some of these state laws have been questioned. Despite the criticism, law enforcement officials in states which have specific legislation are more sensitive to the problem and many have developed policies, practices and procedures to respond appropriately.

B. Recommendations:

1. Support new laws or increase penalties for crimes that are determined to be racially or religiously targeted.

2. Support state civil rights laws similar to the federal civil rights statutes. (See Massachusetts Law.)

3. Support legislation empowering individuals to bring suit for injunctive relief, monetary and punitive damages in racial and religious violence cases.

4. Implement a program that reviews the adjudication of cases against persons charged with crimes against racial and religious minorities with emphasis on penalties imposed.

Massachusetts Civil Rights Law

AN ACT FOR THE PROTECTION OF THE CIVIL RIGHTS OF PERSONS IN THE COMMONWEALTH.

Section 11 H. Whenever any persons, whether or not acting under color of law, interfere by threats, intimidation or coercion, or attempt to interfere by threats, intimidation or coercion, with the exercise or enjoyment by any other person or persons of rights secured by the constitution of laws of the United States, or of rights secured by the constitution or laws of the commonwealth, the attorney general may bring a civil suit for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the right or rights secured. Said civil action shall be brought in the name of the commonwealth and shall be instituted either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which the person or persons whose conduct complained of reside (or) have their principal place of business.

Section 11 I. Any person whose exercise or enjoyment of rights secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the commonwealth, has been interfered with, or attempted to be interfered with, as described in section 11 H, may institute and prosecute in his own name and on his own behalf a civil action for injunctive and other appropriate equitable relief as provided for in said section, including the award of compensatory money damages. Any aggrieved person or persons who prevail in an action authorized by this section shall be entitled to an award of the costs of the litigation and reasonable attorney's fees in an amount to be fixed by the court.

Section 37. No person, whether or not acting under color of law, shall by force or threat, willfully injure, intimidate or interfere with, or attempt to injure, intimidate, or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the commonwealth or by the constitution or laws of the United States. Any person convicted by violating this provision shall be fined not more than one thousand dollars or imprisoned not more than one year or both; and if bodily injury results, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than ten years, or both.

PREVENTION

Law enforcement officials can play a major role in preventing hate activity. Each of the response activities discussed in the previous sections can be used to prevent future incidents. One of the most important preventative actions that an agency can undertake is a prompt and adequate response to early signs of problems and initial incidents.

Public denouncements by the agency head can serve notice to potential perpetrators that hate violence will not be tolerated. Public statements should be buttressed by activities such as the development of strong directives and aggressive investigations that diminish the possibility of hate violence occurring.

Education and training are key components of any prevention program. Officers must be trained and the community educated concerning incidents, laws, causes and consequences of such activity and the importance of reporting. In addition, law enforcement agencies must create networks with other criminal justice agencies and community groups to develop and implement effective proactive programs.

AGENCY RESPONSES TO THE PROBLEM

A. The Boston Police Department

The police commissioner of the Boston Police Department established a Community Disorders Unit (CDU) in 1978 after the city had experienced several years of increasing racial tensions. The unit was created by a departmental policy that was disseminated throughout the department. The policy reads in part:

> It is the policy of this department to ensure that all citizens can be free of violence, threats, or harassment, due to their race, color, or creed, or desire to live or travel in any neighborhood. When such citizen's rights are infringed upon by violence, threats, or other harassment, it is the policy to make immediate arrests of those individuals who have committed such acts. Members of the police force responding to these incidents will be expected to take immediate and forceful action to identify the perpetrators, arrest them, and bring them before the court.... It will be the policy of this department to seek the assistance of state and federal prosecutors in every case in which civil rights violations can be shown.

The policy statement further outlines the procedures for handling a "community disorder". A "community disorder" is defined as a conflict which disturbs the peace, and infringes upon a citizen's right to be free from violence, threats, or harassment.

The patrol officer who initially responds to the incident completes the incident report form by checking the box labeled "community disorder"

The Operations Division notifies the district captain and area commander if a serious crime is involved. The duty supervisor makes recommendations for preventing future incidents when he files a community disorder control sheet.

The CDU takes charge of the investigations after the patrol officers conduct an initial investigation. Some of the activities carried out by the unit are: interviewing victims; obtaining physical evidence; securing emergency housing for the victims; making referrals to social service agencies; and arranging for additional security for victims. CDU officers are also involved in improving relations between the police and minority persons. Special emphasis is placed on Southeast Asian communities where language barriers and cultural differences have led to under-reporting of harassment cases.

In addition to working with other units of the Boston Police Department, CDU officers cooperate with local and state prosecutors to increase the chances of successful prosecutions. The CDU has trained Boston police officers as well as officers in smaller Massachusetts jurisdictions.

CDU officers believe that their effectiveness was strengthened by the passage of the Massachusetts Civil Rights Act of 1979. This act, which was modeled after federal statutes, in addition to providing civil remedies for individuals, allows the attorney general to bring civil suits against civil rights violators.

Racial, ethnic and religious violence and harassment still exist in Boston, but the number of cases has decreased. The police department's actions, combined with strong denouncements of hate violence by the mayor, and several successful prosecutions in highly publicized cases, have served notice to some elements of the community that the city is serious about reducing racial and ethnic violence.

B. **Baltimore County Police Department (MD)**

The state of Maryland's response to racially and religiously targeted violence and harassment has been a model for other states and localities. As a result of Governor Harry Hughes' 1981 decision to establish the Task Force on Violence and Extremism, a statewide effort has evolved which includes participation by numerous community based organizations, the state's Human Relations Commission, and all of the state's law enforcement agencies.

Under a law passed in 1981, all of the state's law enforcement agencies are required to maintain a filing and reporting system on all acts of racially and religiously targeted violence and harassment. The impact of this requirement has been greater law enforcement awareness of the problem and a movement to develop more specific policies, practices and procedures by several law enforcement agencies in the state. While some agencies have only issued procedural directives to comply with the law, other agencies like the Baltimore County Police Department have implemented detailed guidelines to respond, report and investigate hate violence incidents.

In addition to issuing a policy opposing hate activities, the Baltimore County Police Department has developed guidelines on hate violence which are very explicit in defining the various types of acts that can be considered racially and religiously targeted. The guidelines further instruct officers to report those incidents which may not be defined in the guidelines but **appear** to be racially or religiously motivated until further investigation proves otherwise.

The seriousness of these types of crimes is emphasized in the departmental guidelines. Instructions are provided for field officers to respond to and report a hate violence incident as well as instructions for other units which may get involved in a hate violence case. Investigating officers, for example, are instructed to respond immediately and in a sensitive way to the feelings and needs of the victim(s). Follow-up visits are encouraged to ensure proper action has been taken to the

satisfaction of the victim(s). Crime lab personnel are directed to gather evidence and submit appropriate items to the intelligence unit.

Under the guidelines established by Baltimore County, precinct commanders are instructed to become involved when an incident occurs. Precinct commanders are to supervise the response to an incident and ensure that appropriate action has been taken. It is also the responsibility of the precinct commander to make contact with the victim(s), if necessary. Contact with community leaders concerning the progress of an investigation is to be maintained by the precinct commander. The precinct commander is also required to seek assistance from the Community Relations Division, if necessary.

Although the efforts of law enforcement agencies are not reflected in the number of incidents which continue to increase in the state, law enforcement officials feel that their efforts have contributed to more reporting of incidents and have increased public confidence in law enforcement services. Moreover, the response of the law enforcement community has prompted more action by state legislators and prosecutors.

RESOURCES

Training

Training and Research Innovation Group
P.O. Box 4588
San Clemente, CA 92672

Reporting

Baltimore County Police Department
400 Kenilworth Drive
Towson, MD 21204

Maryland State Police
Criminal Intelligence Section
1201 Reisterstown Road
Pikesville, MD 21208

Special Units

Boston Police Department
Community Disorders Unit
154 Berkeley Street
Boston, MA 02116

Detroit Police Department
Ethnic Community Response Unit
1300 Beaubien Street
Detroit, MI 48226

New York Police Department
Bias Investigation Unit
One Police Plaza
New York, NY 10038

Georgia Bureau of Investigation
Anti-Terrorist Squad
3121 Pathersville Road
Decatur, GA 30034

Hate Groups

Anti-Defamation League of B'nai B'rith
833 United Nations Plaza
New York, NY 10017

Police-Community Relations

Montgomery County Police Department
Community Relations Division
2350 Research Boulevard
Rockville, MD 20850

U.S. Dept. of Justice
Community Relations Service
5550 Friendship Blvd.
Chevy Chase, MD 20815

Fairfax County Police Department
Cross Cultural Community Relations
Mason District Station
6507 Columbia Pike
Annandale, VA 22003

Legislation

NAACP
186 Remsen Street
Brooklyn, NY 11201

U.S. House Judiciary Committee
Subcommittee on Crime & Criminal Justice
House Office Building
Washington, DC 20515

Information and Referrals

Center for Democratic Renewal
(formerly the National Anti-Klan Network)
P.O. Box 10500
Atlanta, GA 30310

National Institute Against Prejudice
and Violence
525 West Redwood Street
Baltimore, MD 21201

Human Rights Resource Center
1450 Lucas Valley Road
San Rafael, CA 94903

Litigation

Washington Lawyers' Committee for
Civil Rights Under Law
1400 I Street, N.W.
Washington, DC 20006

Boston Lawyers' Committee for
Civil Rights Under Law
294 Washington Street
Room 506
Boston, MA 02108

Southern Poverty Law Center
P.O. Box 548
Montgomery, AL 36104

General assistance can be provided by your nearest FBI office.

Appendix VIII - Areas of Special Concern

MULTNOMAH COUNTY, OREGON

Board of County Commissioners

Earl Blumenauer
Pauline Anderson
Gretchen Kafoury
Caroline Miller
Gordon Shadburne

Dennis Buchanan, County Executive

LETTER OF AGREEMENT

GOAL

The goal of this Letter of Agreement (LOA) is to improve community safety and the proper care of mentally ill persons.

PROBLEM

Mentally ill persons who act in ways which are threatening to their own safety and/or the safety of others, often receive intervention from many agencies and services. These responders usually have differing missions and goals in their interventions. The result can be poor coordination in efforts to resolve the situation.

Furthermore, the service systems themselves are in continual development and change which may result, at times, in agencies not being familiar with the services available and the methods of obtaining these services.

OBJECTIVES

1. To establish agreement as to the role of each of the participating programs.

2. To increase interagency cooperation and shared responsibility for the effective intervention and treatment of these persons.

3. To encourage increased sharing (including automated data base information) between all parties of the LOA where appropriate and consistent with Oregon State law.

4. To make information and methods on accessing the emergency response systems for the dangerous mentally ill available to the public.

5. To provide consultation and training to all parties of the agreement.

6. To review incidents involving the actions of such dangerous persons to assure that the emergency response system has responded in an effective manner to enhance the safety of all parties.

7. To periodically review and test the system to assure its readiness to respond and to recommend improvements.

PREMISES

1. Each participant recognizes that the primary responsibility for dealing with the mentally ill person may change throughout the intervention. As the lead agency changes, all other involved agencies agree to give their full support and cooperation to the lead agency.

2. The effectiveness of this LOA will be dependent not only upon endorsement by the leaders of these agencies but especially upon the agency staff actually involved in the delivery of service.

PREMISES (continued)

3. Oregon law provides that the Social Services Division (SSD) is the delegated mental health authority in Multnomah County. Therefore, it is the responsibility of the SSD to exercise leadership in the coordination of the mental health emergency response system.

4. If a potentially dangerous mentally ill person is of a culturally distinct group, all participants to this LOA will attempt to involve individuals and agencies with expertise and experience in that group's mental health needs.

RESPONSIBILITIES

Multnomah County Department of Human Services (DHS)

1. Multnomah County DHS will standardize policies and procedures involving crisis intervention among all contract providers.

2. Multnomah County DHS will establish procedures for implementing placing persons under police officer holds pursuant to ORS 426.215 Program-Initiated Police Officer Holds - House Bill 2088, effective January 1, 1986.

3. Multnomah County DHS will inform concerned agencies, community groups, and the general public regarding crisis intervention, evaluation services for youth and adult populations, and procedures for civil commitment.

4. Multnomah County DHS will assure that a designated person be available at all times, with the full authority of the Director of the Department of Human Services, to intervene and resolve special emergency situations concerning policies and procedures of the DHS.

5. Multnomah County DHS will assure that consultation concerning contacts with the mentally ill, including violent or potentially violent and those in need of immediate intervention, be available to the police.

6. Multnomah County DHS will accept and take appropriate action on information received from the police or other LOA agencies concerning persons suspected of being mentally ill, including those who are potentially violent or dangerous to themselves or others to assure appropriate treatment and intervention.

7. Multnomah County DHS will assure that orientation and training programs occur for all LOA agencies concerning the emergency treatment and intervention of mentally ill persons.

8. Multnomah County DHS will convene a critical incident review of any incident which, in the judgement of the Director, constituted a serious situation involving a mentally ill person and was dealt with by more than one participating agency. The purpose is to review both successful interventions as well as failures in the mental health emergency system.

9. Multnomah County DHS, in conjunction with the Department of Justice Services, will initiate convening the signatories of this Letter of Agreement.

RESPONSIBILITIES (continued)

Police Agencies

1. Police agencies will establish a new unit, or assign to an existing unit, personnel trained in mental health emergency intervention.

2. Police agencies will establish policies and procedures that police personnel will follow when dealing with mental health emergencies as well as during routine encounters with persons believed to be mentally ill, potentially violent, or dangerous to themselves or others. These policies and procedures will be updated to reflect changes, seek standardization among the various police agencies, and compliance with Oregon Revised Statutes.

3. Police agencies will participate in training of police personnel in procedures for dealing with mentally ill persons and provide cross-training with other LOA agencies.

4. Police agencies will provide, within provisions of the law, consultations to LOA agencies regarding contacts with mentally ill persons, including the violent or potentially violent and those in need of interventions.

5. Police agencies will respond to calls received regarding an immediate threat from a potentially dangerous mentally ill persons when such calls are received from a mental health agency or from a private practitioner.

6. Police agencies will provide for the mandatory response of a police supervisor when a dispute arises between personnel of the police and any other LOA agency staff regarding a psychiatric emergency.

7. Police agencies will establish a direct liaison between the Manager of Crisis Services for each Quadrant in which services are provided and police agency for the purpose of:

   a. Increasing availability and utilization of mental health crisis services to the police at the "line" level; and

   b. Resolving any conflicts occurring between staff of either agency regarding roles and/or procedures.

8. Police agencies will assure that all police officers are trained in procedures in dealing with mentally ill persons and are knowledgable of mental health resources, and that all appropriate police personnel will receive ongoing training.

9. Police agencies will require that a referral to a mental health agency be made where the determination is made that there is not grounds for a police hold to be placed on a mentally ill person, but where clear and serious mental illness does or may be thought to exist.

RESPONSIBILITIES (continued)

10. Police agencies will establish policies to insure rapid service of probation and parole warrants when the Court or the Board notifies of a violation constituting an immediate danger to self or others.

Multnomah County District Attorney's (DA) Office

1. The Multnomah County District Attorney's Office will provide a 24 hour information number where advise can be obtained by officers and mental health personnel concerning the appropriate processing of mentally ill persons.

2. The Multnomah County District Attorney's Office will provide training to all participating agencies in this LOA.

3. The Multnomah County District Attorney's Office will be open to consultation with mental health personnel regarding disposition of cases where it is likely that a crime has been committed, but the suspect is mentally ill, and this factor will be considered in disposition of the case.

4. The Multnomah County District Attorney's Office will seek specific budgetary resources to provide a Deputy District Attorney to attend all civil commitment hearings.

Mental Health Service Providers*

1. Mental Health Providers will assign an agency person to be the liaison to police agencies which operate within the LOA.

2. Mental Health Providers will provide consultation and ongoing training to the LOA agencies under the coordination of the DHS.

3. Mental Health Providers will consider requests for consultation and aid in intervention by police agencies to be of the highest priority.

4. Mental Health Providers will make available within provisions of the law, to the public, information on emergency mental health services available. This will be coordinated by the DHS.

5. Mental Health Providers will develop protocols for the handling of dangerous mentally ill persons both within agency premises and when intervening in public situations.

6. Mental Health Provider agencies performing initial triage roles will develop and maintain clear protocols for determining when to refer requests for help to designated crisis intervention teams.

7. Mental Health Providers, in cooperation with the DHS, will explore feasibility of having access to crisis services in a more publicly accessible and secure location, such as hospital emergency rooms, to perform crisis screening functions.

* Mental Health Service Providers who are signatories of this agreement

RESPONSIBILITIES (continued)

State and County Probation and Parole Departments

1. Multnomah County Probation and Parole Department will formulate procedures specifically for dealing with mentally ill clients.

2. Multnomah County Probation and Parole Department will appoint specific individuals to act as coordinator of their responsibilities concerning mentally ill clients.

3. Multnomah County Probation and Parole Department will develop specific caseloads or specialized supervision of mentally ill clients.

4. Multnomah County Probation and Parole Department will provide consultation and training to all participating agencies in this LOA.

5. Multnomah County Probation and Parole Department will participate in any interagency response team or other coordinated activity as outlined in the LOA.

6. Multnomah County Probation and Parole Department will, when allowable, provide information as requested by other agencies regarding the potentially dangerous mentally ill client.

7. Multnomah County Probation and Parole Department will assure that consultation concerning contacts with the mentally ill, including violent or potentially violent and those in need of immediate intervention, be available to all parties of the LOA.

8. Multnomah County Probation and Parole Department will immediately report to the Court or the Board any violation of conditions of supervision or release by a person mandated to receive mental health treatment when such violation constitutes potential danger to self or others.

IMPLEMENTATION

Governance

A Psychiatric Emergency Policy Council (PEPC), comprised of representation from the Justice Coordinating Council, the Mental Health Advisory Committee, and the signatories of this agreement will meet quarterly to:

1. Monitor implementation of the Action Plans of the LOA;

2. Establish strategies to accomplish necessary changes in local and state public policy and funding relating to the potentially dangerous mentally ill;

3. Develop appropriate additions (or deletions) to the LOA; and

4. Report progress of implementation to the appropriate public policy boards or commissions.

IMPLEMENTATION (continued)

Operations

A Psychiatric Emergency Operations Team (PEOT), comprised of a designated representative from each LOA agency, will function as a member of PEOT to do the following:

1. Develop procedures to implement the Action Plan of the LOA;

2. Coordinate actual psychiatric emergency response procedures defined in the Action Plan;

3. Review each response experience and develop necessary revisions;

4. Report progress of implementation to the Policy Council each month; and

5. Develop recommendations to the Policy Council relating to necessary changes in the Action Plan, Letter of Agreement, public policy, staffing, funding, and organizational procedures relating to operational requirements to implement the Action Plan.

Representatives from other agencies will be invited to participate as well (e.g. City of Gresham Police Department, City of Troutdale Police Department, Oregon State Police, State Probation & Parole-Northwest Region, etc.

CONCLUSION

All signatory agencies agree to participate and support the efforts of the Letter of Agreement and the Psychiatric Emergency Policy Council (PEPC).

Implementation of this LOA will begin on June 16, 1986 and will remain in effect until revised by written agreement among the participating agencies.

_____

Dennis Buchanan
County Executive

Date: _____

_____

Gretchen Kafoury, Presiding Officer
Board of County Commissioners

Date: _____

_____

Betsy A. Skloot, Director
Multnomah County Department of Human Services

Date: _____

_____

Kathleen Haley, Executive Director
Psychiatric Security Review Board

Date: _____

_____

Penny E. Harrington, Chief
Portland Police Bureau

Date: _____

_____

Deke Olmsted, Director
Multnomah County Justice Services

Date: _____

_____

Fred Pearce, Sheriff
Multnomah County Sheriff's Office

Date: _____

_____

Michael Schrunk, District Attorney
Multnomah County District Attorney's Office

Date: _____

CONCLUSION (continued)

_____

L. Mac Lockett, Chief
Portland Public Schools Police

Date: _____

_____

Larry Rank, Protective Services Manager
Port of Portland Police Department

Date: _____

_____

Charles E. Hill, Chief of Police
Transit Police

Date: _____

_____

Laura Scolar, Executive Director
Metro Crisis Intervention Service

Date: _____

_____

David N. Cramer, Executive Director
N/NE Community Mental Health Center

Date: _____

_____

John Parker, Executive Director
Southeast Mental Health Network

Date: _____

_____

Derald Walker, Executive Director
Mt. Hood Community Mental Health Center

Date: _____

_____

June Dunn, Executive Director
Mental Health Services West

Date: _____

OFFICE OF THE CHIEF OF POLICE

GENERAL ORDER NO.: 923.15

DATE: March 19, 1992

TO: ALL DIVISIONS

SUBJECT: Pursuit Policy

Effective immediately, the policy of the Tampa Police Department concerning vehicle pursuit shall be as follows:

1. No pursuit shall occur unless the officer initiating the pursuit reasonably believes that the driver or an occupant of the pursued vehicle has committed a felony involving violence or the threat of violence to another person. Such crimes include, without limitation, murder (all degrees), manslaughter, vehicular homicide, aggravated assault, aggravated battery, battery on a police officer, kidnapping, aggravated child abuse, robbery and others. Officers shall not initiate or actively participate in pursuits not meeting the above criteria.

2. Pursuits shall not occur or continue when the danger of the pursuit clearly exceeds the necessity of immediate capture. Factors to be considered include:

a. whether the suspect has been identified and could be located at a later time;

b. the nature of the offense and the strength of the evidence known to the officer;

c. weather, road, traffic and lighting conditions;

d. duration (time and distance) of the pursuit; and

e. speeds involved and other traffic offenses adding to the danger of the pursuit.

3. Officers shall continue to comply with SOP 386 concerning pursuits except as modified by this general order.

4. Supervisors shall continue to monitor pursuits and shall order any pursuit to terminate when the danger of the pursuit clearly exceeds the necessity of immediate capture. This shall not relieve the officer(s) involved of the responsibility to terminate pursuits themselves when the danger of continuing the pursuit becomes apparent.

5. This department shall not actively participate in pursuits initiated by other agencies when the pursuit does not meet the criteria for pursuits by TPD officers. In those cases, TPD

officers shall assist the pursuing agency by attempting to keep the pursuit in sight in order to assist in capturing suspects and by attempting, where practical, to clear intersections in advance of the approaching pursuit.

6. No officer shall intentionally ram a pursued vehicle or otherwise attempt to force any pursued vehicle to crash or leave the road. No roadblocks designed to halt a pursued vehicle shall be used.

EDUARDO GONZALEZ
Chief of Police

EG:pma

cc: Deputy Chief of Administrative Services
Deputy Chief of Investigative Services
Deputy Chief of Uniform Services
Community & Human Resources Division
Tactical Division
Services Division
Detective Division
Uniform District I
Uniform District II
Public Safety Administrator

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*U.S. G.P.O.:1993-342-497:84255

The Community Relations Service

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Boston, MA 02110
(617) 424-5715

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26 Federal Plaza, Room 3402
New York, NY 10278
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To report incidents of racial harassment and hate violence and to request assistance, call the Community Relations Service at 1-800-347-HATE. A TDY operator is available for the hearing impaired from 9:00 a.m. to 5 p.m. Eastern time.

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