

BEST PRACTICES REVIEW

PARC supports and assists those responsible for the oversight of police departments – law enforcement executives, monitors, civil officials, and government agencies – to advance effective, respectful, and publicly accountable policing.

Table of Contents	
Agencies Under Investigation	1
Civilian Oversight	2
Community Policing/Problem Oriented Policing	3
Consent Decrees/Memoranda of Understanding	3
Litigation	5
Mental Illness	9
Racial Profiling	10
Standards/Training	12
Use of Force	13
Conferences	15

Agencies Under Investigation

The Justice Department’s Civil Rights Division announced the opening of a preliminary inquiry into alleged police misconduct in the Miami Police Department – including a rise in police shootings of young minorities in the past several years – and will decide whether to pursue a full investigation. *Associated Press, March 8, 2002.*

The Columbus Dispatch reported that Mayor Coleman has taken steps to improve the police department in response to the Justice Department’s investigation, including: reorganizing

and adding 25 sergeants to the Internal Affairs (IA) bureau; proposing moving IA out of the police headquarters to a community-based office; equipping 100 police cruisers with audio and video equipment for traffic stops; collecting racial data on all traffic stops; requiring all officers to take an anti-bias training course; altering police regulations prohibiting racially motivated stops; and revising use of force forms to include the method of force used. *Columbus Dispatch, April 4, 2002.*

On April 18, 2002, Detroit Police Chief Jerry Oliver announced a reorganization plan to address officer-involved shootings, officer safety, and the Justice Department investigation. The plan will require all command staff employees to reapply for their jobs. Other changes include: creation of a new Fitness for Duty unit which assesses officers physical and psychological health; hiring a lawyer as civilian deputy chief to head a new risk management branch; creation of a department to work with the Justice Department; and creation of a Special Services unit that will investigate possible criminal charges against officers involved in shootings. Oliver does not anticipate additional expenses to implement the proposed reforms. *Detroit Free Press, April 19, 2002.*

Civilian Oversight

On February 14, 2002, Miami commissioners approved the 13-member Civilian Investigative Panel to investigate police misconduct in the Miami Police Department. The board is the first of its kind in Florida and one of five in the country with subpoena power. The board will take complaints, subpoena police officers and investigate complaints. *Miami Herald, February 15, 2002.*

Schenectady, New York officials are debating over oversight provisions for the new Civilian Police Review Board. The principal change would allow the new board to assign an independent investigator to review the findings of the Police Department Internal Affairs Unit regarding citizen complaints of misconduct by officers. Critics contend that the proposed legislation does not establish a board with sufficient power or resources to significantly improve police-community relations. Opponents claim that the process was flawed due to the absence of key constituencies on the task force, such as representatives of the NAACP, Hamilton Hill Neighborhood Association, and the Human Rights Commission. *Albany Times Union, March 6, 2002.*

The St. Louis Police Board is advancing discussions that may lead to the creation of the region's first civilian oversight board. The Justice Department is assisting the St. Louis Police Board and other parties to come to a consensus about the powers of a proposed oversight board. *St. Louis Dispatch, March 20, 2002.*

A Senate committee is weighing a bill to give the Prince George's County Citizen Complaint Oversight Panel subpoena power to investigate misconduct complaints against the police department. *Capitol News Service, March 28, 2002.*

On April 15, 2002, Salt Lake City Mayor Rocky Anderson announced that he wants major reforms in the Salt Lake City Civilian Review Board. He called for reforms including an opportunity for board members to make recommendations to the police chief prior to any disciplinary action and hiring an independent investigator to examine excessive force and other serious complaints brought against Salt Lake City police officers. Anderson proposed that nearly \$80,000 from the City's budget be set aside for the investigator position. Other proposed changes include doubling the number of board members to 14, creating a criminal and financial penalty for anyone who knowingly files false reports against officers, and the creation of an early warning system. Anderson's reform suggestions are supported by Police Chief Rick Dinse, the ACLU of Utah, members of the City Council, and citizens. The police union was consulted about his proposal, which the City Council is expected to vote on in May 2002. *Salt Lake City Tribune, April 15, 2002.*

On April 16, 2002, the annual San Jose independent auditor report was released, which stated that women are vastly underrepresented in the SJD and called for new recruiting strategies to increase the number of female officers. Women comprise about 10 percent of the SJD police force and 46 percent of Santa Clara County residents.

Police Chief Bill Lansdowne expressed his desire to hire more female officers but stated his concern that targeting women may conflict with Proposition 209, which eliminated gender or racial preferences in hiring for public sector jobs. *San Jose Mercury News, April 17, 2002.*

On April 15, 2002, the U.S. Department of Justice announced it will launch a civil rights investigation into the Schenectady Police Department. Mayor Al Jurczynski hailed the news as a step forward for the city and said he plans to cooperate. *Albany Times-Union, April 16, 2002.*

On April 19, 2002, Los Angeles Inspector General Jeffrey Eglash released a confidential report stating that Los Angeles police department officials failed to disclose important information about a 1999 officer-involved shooting to members of the city's civilian Police Commission who were responsible for reviewing and ruling on the case. *Los Angeles Times, April 19, 2002.*

Community Policing/ Problem Oriented Policing

The Police Executive Research Forum (PERF) released a report on community policing and problem solving. In *Citizen Involvement: How Community Factors Affect Progressive Policing*, author Mark Correia states that community members must be organized into a cohesive social network in alliance with government officials in order for community policing to work successfully. Correia advocates that law enforcement officials examine how communities mobilize and develop trust

in order to further promote effective policing. The 124-page report can be ordered from PERF on their Web site at www.policeforum.org.

The Police Executive Research Forum (PERF) released a report that found that law enforcement officers can make improvements in their communities when they implement problem-oriented policing. The report, *Excellence in Problem-Oriented Policing*, is a joint effort of PERF and the Justice Department's Office of Community Oriented Policing Services (COPS). The report profiles several departments that have developed award-winning initiatives in problem-oriented policing, including: community-involvement in crime detection and prevention, analysis of causes of crime, and the use of legal or other tactical research to solve community problems. *Excellence in Problem-Oriented Policing* (NCJ-190326) is available from the National Criminal Justice Reference Services at <http://www.ncjrs.org>.

Consent Decrees/Memoranda of Understanding

The Office of the Independent Monitor of the Los Angeles Police Department (LAPD) released their second quarterly report on February 15, 2002. The report stated that the LAPD made significant progress in implementing reforms under the 2001 Consent Decree, including: internal reorganizations and restaffing; establishment of the Critical Incident Investigation Division to provide stricter oversight on use of force; organization and staffing of the new gang unit; reallocation of serious misconduct allegations to the Internal Affairs Group, and modifications to its

procedures and reporting requirements. The monitor report noted that there were areas that needed improvement, including: investigative timeframes not being met in use of force investigations; tracking of internal affairs lacking precision; supervisors failing to initial several tracking logs and reports, and deficiencies in LAPD audits. The second quarterly report can be accessed electronically at [http://www. Apd online.org](http://www.Apdonline.org) .

A Riverside, California city council meeting in March 2002 announced a five-year strategic plan which called for the Riverside Police Department to increase its community policing efforts, increase the officer training budget, and increase supervisor involvement in assessing community issues and problems and increased oversight of personnel. This effort is in conjunction with the consent decree that the police department entered into with the state Attorney General's Office. According to the plan, the RPD has many Community Oriented Policing and Problem Solving (COPS) programs in place, including Operation Safe Parks and the Crime Free Multi-Housing program. Operation Safe Parks unites citizens living near parks with police to develop action plans to battle crime. The Crime Free Multi Housing program educates owners and managers of rental units to eliminate criminal activity. The plan calls for increased involvement of neighborhood groups in policing efforts. Officers will also receive more training. The RPD would like patrol officers to devote 40 percent of their time to community problem solving. Lieutenant area commanders will have widespread knowledge of their region and share that information with the chief and executive staff. That

information will include an area's potential problems, such as gang members, parolees and sex offenders in addition to knowing crucial contacts such as the clergy, community leaders, and neighborhood block captains. *The Riverside Press Enterprise, March 5, 2002.*

On April 8, 2002, the District of Columbia Metropolitan Police Department and the law firm of Fried, Frank, Harris, Shriver & Jacobson announced that Michael R. Bromwich, a partner and the head of the internal investigations, compliance and monitoring practice group, was selected as the Independent Monitor for the department. Bromwich, the former Inspector General of the United States Justice Department, will lead a team of lawyers, police practices experts and statisticians in monitoring implementation of the June 2001 Memorandum of Understanding with the U.S. Department of Justice. The agreement provides for the Independent Monitor to review and report on the implementation of a series of reforms including: establishing appropriate policies for the use of force; handling internal investigations of the use of force; investigating allegations of officer misconduct; and creating management and computer systems to ensure civil rights integrity, and training. The agreement provided for the creation of the independent monitor position and for the monitor's assessment of the MPD's compliance with the terms of the agreement for a period of five years. *Associated Press, April 9, 2002.*

On April 12, 2002, the Cincinnati Police Department entered into a Memorandum of Agreement with the U.S. Department of Justice. Provisions of the Memorandum of Agreement

include enhancing department policies on: the use of force by officers, including the use of firearms, beanbag shot guns and 40 millimeter foam rounds, chemical irritant and canines; procedures for handling incidents involving the mentally ill; procedures for reporting and documenting the use of force; procedures to ensure that investigation of all uses of force are thorough; procedures for receiving, investigating, and resolving misconduct complaints; supervisory measures to reduce use of force and promote police integrity; training, and the establishment of an independent monitor to review and analyze implementation of the Agreement by the CPD and the City of Cincinnati. The Independent Monitor will review and report on implementation of the Justice Department Agreement and the ACLU racial profiling settlement agreement. The Monitor's duties include: evaluating use of force reports and investigations; analyzing data concerning uses of force and any actions taken by CPD to address deficiencies; and assessing supervisory reviews of use of force incidents, misconduct investigations and supervisors' use of the Risk Management System. The agreement terminates five years after its effective date or earlier if the parties agree that the CPD and the City are in substantial compliance with each of the provisions for at least two years. The report can be accessed electronically at <http://www.usdoj.gov/crt/split/Cincmoafinal.htm>

Litigation

In *Brown v. Gilmore*, 01-1749, the 4th Circuit Court ruled that police may use minimal force to apprehend a resisting

individual in a difficult situation. The plaintiff, Tara Brown, alleged that Myrtle Beach police officers falsely arrested and used excessive force against her. Following a car accident with another vehicle, the police asked Brown and the other driver to move their cars to avoid blocking traffic. Brown allegedly refused three requests to do so and allegedly shouted at the officers. Police subsequently arrested Brown for disorderly conduct and handcuffed her. Brown then allegedly refused to enter the cruiser and officers allegedly pulled her in. Brown claimed the officers did not have probable cause to arrest her and had berated her and used violence to handcuff and put her in the police car. Chief Judge Harvie Wilkinson III ruled that police did have probable cause. The cars were blocking a main street leading into downtown Myrtle Beach and had impeded traffic. The court further stated that the force used against Brown was necessary to make the arrest. *Crime Control Digest*, February 15, 2002.

On March 4, 2002, the Rhode Island chapter of the American Civil Liberties Union filed a lawsuit against the Woonsocket Police Department, claiming officers failed to document traffic stops as required by law. The ACLU filed the lawsuit after reviewing the department's statistics for the first nine months of 2001. *Associated Press*, March 4, 2002.

On March 6, 2002, Schenectady police officers Richard D. Barnett and Michael Siler were sentenced to jail after admitting they shook down drug dealers and gave crack cocaine to informants. Barnett was issued 15 months in jail for each count, with the sentences running concurrent, and three

years probation. Siler was sentenced to 24 months in prison and three years probation on each of four charges: extortion, cocaine distribution, marijuana and heroin distribution, and racketeering. His sentences also are concurrent. *Albany Times Union, March 6, 2002.*

On March 11, 2002, the City of Cincinnati offered to settle with 39 people injured by beanbag projectiles used by police during the April 2001 protests and riots, for amounts varying from \$1,000 to \$8,000. The city set March 15, 2002, as the deadline to accept or decline the offers. *Cincinnati Enquirer, March 14, 2002.*

On March 13, 2002, Sharon Forbis announced her plans to file an excessive-force lawsuit against the Portland, Maine police department. Forbis alleged that Portland officers broke three of her ribs in spring 2001 after she called them to her house to break up a fight between her sons. Forbis filed a notice of claim with the city in fall 2001, alleging that Portland police threw her to the floor, hit and handcuffed her. Forbis also claimed that she was unfairly charged with two counts of assault and several other charges, all of which were dropped in September 2001. The claim seeks damages of \$500,000. Forbis' lawsuit will be the sixth excessive force lawsuit against the department since early 2001. *Associated Press, March 14, 2002.*

On March 15, 2002, the trial of Buffalo Police Narcotics Officer Darnyl Parker, accused of taking \$37,000 at gunpoint from an undercover FBI agent and using his son in a drug ring, ended with a split verdict. Jurors said they found no credible evidence of a conspiracy

involving Parker and Detectives David Rodriguez, John Ferby, and Robert Hill. Jurors said the conspiracy involved Parker and Buffalo drug dealer Theodore Calhoun, who was acting as an FBI informer in the case. *Buffalo News, March 17, 2002.*

On March 18, 2002, a federal jury ruled in favor of Rebecca DiSorbo, a woman who said she was beaten at the Schenectady police station after she snubbed an off-duty city officer's advances at a bar. The second phase of the trial will be held in April 2002 to determine what damages the City of Schenectady and the officers can be held liable for. *Daily Gazette, March 21, 2002.*

On March 20, 2002, a jury found that Schenectady officer John Lewis and Schenectady Investigator William Potenza falsely arrested Michael Noga and ordered them to pay him \$235,000 in damages for violating his rights. In 1998, Noga removed property from a garage that he leased to a tenant, Paul Cirincione. When Cirincione found Noga removing the belongings, he allegedly told Officer Lewis, a personal acquaintance. A warrant was issued for Noga's arrest for theft, with Potenza as the arresting officer. Noga claimed there was a clause in his rental contract which allowed him to remove a tenant's belongings if the tenant failed to pay rent. Noga further claimed that Cirincione used his personal relationship with Lewis to have him arrested. The jury determined that Lewis and Potenza, along with a citizen who rented the garage, maliciously prosecuted Michael Noga. *Daily Gazette Reporter, March 21, 2002.*

On March 21, 2002, the ACLU amended their lawsuit against the Denver Police

Department to include the accusation that the police used information obtained during an illegal search to expand their spy files on 'peaceful' protestors. The original lawsuit accused police in Golden, CO and Denver of conducting an overzealous and oppressive search at Denver Justice and Peace Committee offices in December 2000. The search was part of an investigation into vandalism that occurred days earlier at a local department store. Four unidentified suspects attired in Santa Claus suits ran through the store, spray-painting merchandise. At the same time, an anti-sweatshop group, the Denver Justice and Peace Committee, marched outside the store. No one with the group was charged with the vandalism and they denied any involvement in illegal activity. Police allegedly spent over three hours in the Denver Justice and Peace Committee offices during the raid, confiscating membership lists, newsletters and other materials. The ACLU alleged that the search was overly broad and violated federal privacy laws. *Rocky Mountain News*, March 22, 2002.

On March 28, 2002, Suffolk County, NY highway patrolman Frank Wright, accused of forcing female drivers to strip or face arrest, was charged in federal court with violating the civil rights of five women. *New York Times*, March 29, 2002.

The Ventura County Sheriff's Department reached a \$ 125,000 settlement with Lee Mannheimer, a man who filed a false-arrest suit after he was jailed on suspicion of attempting to kill his ex-wife. Mannheimer filed a federal civil rights lawsuit after his arrest in September 1999. In his lawsuit,

Mannheimer alleged deputies had violated his civil rights by arresting him even though he had an alibi on the night Morrisset was killed. *Los Angeles Times*, March 29, 2002.

On April 3, 2002, the 2nd U.S. Circuit Court of Appeals ordered a hearing on whether police officer Francisco Rosario, convicted of lying about the Abner Louima incident, was entitled to immunity. The Circuit Court questioned the late Eastern District Judge Eugene Nickerson decision to dismiss the claim by Rosario that he was entitled to immunity before he went on trial in June 2000. Rosario was convicted for making false statements and conspiring to make false statements about what he saw on the night of August 9, 1997, when officer Volpe allegedly sodomized Abner Louima. *New York Law Journal*, April 4, 2002.

On April 3, 2002, the Ohio Supreme Court broadened the search and detention powers of police. The court ruled in one case that officers can search compartments in automobiles after an arrest and concluding in another that evidence obtained by an officer outside his jurisdiction can be used in court. The search-and-seizure ruling stemmed from a Cincinnati drug arrest and reverses a case that was decided by the court in 1992. The ruling said police violated a suspect's constitutional rights when they opened a closed container inside his glove compartment after removing him from his vehicle and arresting him for a traffic violation. In his dissent, Chief Justice Tom Moyer noted that officers have the authority to search a vehicle if they believe their lives are in danger or that evidence may be destroyed. *Cleveland Plain Dealer*, April 4, 2002.

On April 10, 2002, a group of African American families filed a complaint against the San Francisco Police Department, alleging that officers used excessive force in several recent shootings and an incident in which teenagers were allegedly groped by police officers. The lawsuit claims that police disproportionately used excessive force against African Americans. African American teenager Vilda Curry was hit by ricochet fire on March 16th when police shot and killed Richard Tims, a teenage boy who was wanted for stabbing another boy moments before. Curry, who was struck in the stomach by a bullet, allegedly suffers pain in her pelvis and may experience a lifetime of difficulty walking. *San Francisco Gate, April 10, 2002.*

On April 10, 2002, Roosevelt Johnson filed a federal lawsuit, which was filed jointly by the ACLU of Nevada and Roosevelt's private attorney, against the City of North Las Vegas and four officers alleging he was racially profiled in a February 23, 2002, traffic stop. The officers named in the complaint were looking for a black man in a Toyota or Nissan when Roosevelt Johnson said he was stopped in his Nissan Altima. Johnson was later released when officers realized he was not the suspect. In addition to the racial profiling claims, the lawsuit alleges false arrest, battery, affliction of emotional distress, and negligence. *Las Vegas Review Journal, April 11, 2002.*

On April 15, 2002, a wrongful death and civil rights violation lawsuit was filed in U.S. District Court against the City of Oakland and the Oakland Police Department by the family of suspected bank robber Jamil Wheatfall, who died after an altercation with officers trying

to arrest him. The suit names the City of Oakland, Police Chief Richard Word and six officers present at the time of Wheatfall's arrest as the defendants. The lawsuit alleges that the officers assaulted and battered Wheatfall as he tried to surrender, beating him with batons and kicking him, including after he was handcuffed. Additionally the lawsuit alleges that once on the ground, one of the officers used a chokehold on Wheatfall's neck, restricting his breathing. The lawsuit seeks \$1 million in damages. *Oakland Tribune, April 19, 2002.*

A federal jury is scheduled to begin deliberations on April 12, 2002, in a lawsuit brought by Eugene Pratt against the Sacramento Police Department's canine policy. SPD policy authorizes a canine bite in a building search when the suspect is concealed, regardless of whether there is a threat to the officers. Someone the officers cannot see is considered to be concealed, even if the person is making no attempt to hide. Pratt was asleep, and thus concealed, on May 17, 1999, when officers were outside his house to announce their presence and serve him an arrest warrant. An officer then allegedly kicked the front door off its hinges and released his German Shepherd into the home. All three officers testified that they pounded on the front door at different times, identified themselves and told Pratt to come out, but he did not respond. Pratt's lawyer questioned their version of the story and claimed that police dispatch log does not support it. The department states that this is the first excessive-force claim involving the department's dogs. *Sacramento Bee, April 12, 2002.*

On April 15, 2002, Deronn and Vincent Turner and Stephen Williams, three black men who sued the Tulsa Police Department over videotaped violence after a 1996 Ku Klux Klan rally, agreed to a \$175,000 settlement. The incident which resulted in the lawsuit occurred at a rally outside the Tulsa County Courthouse, which they had attended as spectators. About 15 minutes after the rally, the plaintiffs were among a crowd gathered peacefully on a sidewalk. Allegedly, 10 mounted Tulsa police officers rode into the crowd, allegedly used pepper spray and threw citizens to the ground to make arrests. The incident was recorded on videotape by a bystander. The lawsuit alleged that Williams was grabbed by several officers, beaten, sprayed with OC spray and tortured. Vincent Turner was arrested for failing to disperse and disturbing the peace. When Deronn Turner protested the arrest, she was allegedly grabbed and slammed to the ground by an officer. Williams' assault charge was dismissed in 1996 by a judge who stated that the videotape was evidence that the charge should not have been filed. Other criminal charges filed against the plaintiffs were also subsequently dismissed. *Associated Press, April 16, 2002.*

Mental Illness

Several police departments in Florida have developed a new plan for dealing with mentally ill chronic offenders. The program was modeled after the "Memphis model" and has been adopted by 30 departments nationwide, including Miami, Miami-Dade, Fort Lauderdale, and Broward County police departments and has been credited with a reduction in the number

of disturbances brought about by mental illness that lead to arrest, forcible restraint, injuries, or emergency room visits. The Memphis program calls for officers to soften their voices and slow their actions to de-escalate the potential of using force against individuals with mental illness. Since introducing the program in 1988, the Memphis Police Department has killed only 2 mentally ill persons. *Washington Crime News, February 8, 2002.*

The Monterey County, California Police Department developed a new program, in cooperation with the county health department, a medical doctor, and law enforcement officials to respond to people with mental illness. The 40-hour training program includes role-playing, interactive participation of persons with mental illness, identification of symptoms and types of medication used by persons with mental illness, panel discussions, crisis negotiation tactics, suicide prevention and crisis intervention training. The program also created multi-agency agreements with the ambulance services to respond to all requests for assistance, local hospitals to accept the mentally ill persons, and an on-call psychiatrist to provide additional assistance in dealing with the person. *FBI Law Enforcement Bulletin, February 2002.* The full article can be accessed electronically at the FBI's Web site at <http://www.fbi.gov/publications/leb/leb.htm>.

The Ventura, California Police Department developed the Crisis Intervention Training program to train 34 officers to exercise restraint and utilize calming techniques when dealing with an emotionally or mentally troubled person. The 40-hour training program was credited with successfully

training several officers to de-escalate a recent potentially dangerous situation involving a mentally ill woman. A distraught woman, clutching her baby, warned Ventura police officers that she would drop the infant if they didn't withdraw from the situation. An officer trained his flashlight on the woman and immediately began speaking calmly to win her confidence. After a few minutes, the baby was handed to the officers and the woman was sent to a clinic for treatment. *L.A. Times, March 10, 2002.*

Eight Portland, Maine police officers received crisis intervention training to deal with persons with mental illness. A social worker, who is assigned to the department as the force's first response to people in severe crisis, works with the Crisis Intervention Team to de-escalate and reduce the number of conflicts involving mentally ill persons that end in forcible arrest or violence. The training was funded by a grant provided by the National Alliance of the Mentally Ill of Maine, and is supported by the state, the police department and Maine Medical Center. The intervention team program was modeled after the Memphis program. Portland is the first department in Maine to get the training, but alliance officials wish to expand it to departments in cities across the state. Portland police respond to approximately 700 calls from mentally ill persons who are threatening to hurt themselves or another person per year. *Portland Press Herald, March 25, 2002.*

As of April 2002, 23 Oklahoma City police officers were trained for the Crisis Intervention Team to work with the mentally ill. The team was based on the Memphis Model and trains officers in signs of mental illness, de-escalation,

and use of non-threatening communication techniques. *The Oklahoman, April 8, 2002.*

Racial Profiling

The Police Executive Research Forum released *Police Interactions with Racial and Ethnic Minorities* by Samuel Walker. Walker examines whether the collection of traffic stop data to track and prevent racial profiling is misguided or a crucial reform effort. The paper presents social science data that provides evidence that the police do not systematically discriminate against racial and ethnic minorities. Walker's report can be ordered on PERF's Web site at www.policeforum.org.

A California grand jury released a report recommending that the Ventura County Sheriff's Academy provide a curriculum to teach cadets how to avoid the occurrence of racial profiling. The report stated that there must be specific written guidelines and ongoing training for all law enforcement employees as to what constitutes probable cause to detain a person. *Washington Crime News Service, February 15, 2002.*

In March 2002, Captain Randal Quan, project manager for the Portable Officer Data Device System (POEDS) program, announced that the LAPD will publish its Request for Proposal to use wireless PDAs and software to monitor racial profiling. Quan did not call it racial-profiling monitoring software, but stated that the PDA should have all the functionality needed to capture the fields required by the consent decree to address the issue of racial profiling. *CNN, March 4, 2002.*

In March 2002, New York Police Commissioner Raymond W. Kelly issued an order to his top commanders against the use of racial profiling as a tool for arrests, traffic stops or other law enforcement actions. The Police Department has not acknowledged that it engages in racial profiling. Kelly stated that he issued the order to clarify the department's position to the officers and the public. Police officials stated that the order, the first of its kind issued by the department, takes admonitions from its existing guidelines, as well as from legal rulings on the issue, and puts them in one policy statement. *New York Times, March 14, 2002.*

On March 27, 2002, the state of New Jersey released a new study of drivers on the New Jersey Turnpike. The study was commissioned by the state Attorney General's office and found that in the sections of the toll road where the speed limit is 65 miles per hour, blacks were far more likely to speed than whites. Officials in the Justice Department initially asked the state not to make the results public because it was concerned that the methodology may be unsound and its conclusions incorrect. The state troopers union called for the release of the report, claiming it would bolster the argument that racial profiling has been exaggerated by civil rights advocates and other groups. The report was released with a disclaimer questioning the methodology used and the possible conclusions inferred from the findings. *New York Times, March 22, 2002.*

On April 1, 2002, the Pennsylvania State Police began collecting race and ethnicity data on all traffic stops. The state is voluntarily participating in a pilot study to determine whether troopers are stopping motorists for valid

reasons or because of race or ethnicity. The data will be analyzed independently by the Population Research Institute at Pennsylvania State University to determine which racial groups are being stopped the most and if the reasons for the stops are legally valid. *Pittsburgh Live, March 17, 2002.*

On April 5, 2002, the Northeastern University Center for Criminal Justice Policy Research, consultants to Rhode Island Attorney General Sheldon Whitehouse, reported that black and Hispanic drivers were twice as likely as whites to be searched without being arrested during the last three months of 2001. Blacks and Hispanics were three times as likely to be searched when there was an arrest. The two-year study was mandated by the General Assembly following several years of complaints from minority group members that they were subject to racial profiling. The April report summarized the first year's findings. *Providence Journal, April 8, 2002.*

On April 9, 2002, the ACLU agreed to the five year racial profiling settlement agreement with the Cincinnati Police Department. The agreement contains the following provisions: changes in use of force policies, including revisions to canine, mace, and weapons policies, providing a use of force continuum, and instituting a foot pursuit policy; creation of a Citizen Complaint Authority with at least five professional staff investigators, a professional executive director, and seven civilians; implementation of community problem oriented policing (CPOP) strategies; creation of a mutual accountability plan which includes surveys about citizen complaints, and police satisfaction with their encounters with citizens; institutes

a community partnering plan to educate members of the community on Community Problem Oriented Policing and dealing with the police. The report can be accessed electronically at <http://www.aclu.org/profiling/FinalSegment.pdf> *ACLU News*, April 9, 2002.

On April 11, 2002, Ohio Senator George Voinovich proposed that the Justice Department provide education on racial profiling to state and local police. The bill would direct the Justice Department to encourage state and local police to end discriminatory practices, develop policies to prevent racial profiling and help police with training programs. *Cincinnati Enquirer*, April 11, 2002.

On April 15, 2002, New Jersey Attorney General David Samson announced that a state study found that 64% of those stopped on the Turnpike were minorities this year. Last year the percentage of minorities stopped was 73%. *The Jersey Journal*, April 15, 2002.

On April 15, 2002, Mercyhurst's Civic Institute released the results of its 46-page study, "Analysis of Police Stops and Searches, City of Erie, PA". The report found a statistically significant disparity by race and ethnicity in the approximately 2,000 traffic and pedestrian stops analyzed. The department implemented a policy in effect March 25, 2002, which prohibits racially biased policing but does not plan to continue the data collection. *Erie Times-News*, April 17, 2002.

Standards/Training

The Commission on Accreditation for Law Enforcement Agencies (CALEA) approved two changes to the

assessment process effective January 1, 2002, a pre on-site mail review of selected standards and a panel review where agency personnel make presentations concerning standards compliance. The intent of these changes is to allow the assessment to be tailored to the individual agency by allowing for agency input into what standards are reviewed in the different stages of assessment. *CALEA Newsletter*, February 27, 2002. <http://www.calea.org>.

Following the corruption charges of three Buffalo officers in March 2002, department chief of staff James P. Giammaresi worked with Hilbert College in developing the curriculum for "No Nonsense Ethics for Policing." Training sessions began in fall 2002 and more than half of the approximately 125 supervisors have attended. The training features videos, role-playing exercises, experiments and discussions. Recruits must attend twelve hours of ethics training in the police academy. In addition to curriculum addressing some of Buffalo's corruption problems, the program coordinators examined corruption scandals in the New York City and Los Angeles police departments. *Buffalo News*, April 2, 2002.

Following the recent allegations of sexual abuse of women by police officers in Suffolk, Nassau and Long Island New York, Samuel Walker conducted a study on police misconduct that he labeled "driving while female". The results of his study, *Driving While Female (DWF)*, were released in March 2002. Walker collected and analyzed police department data ranging from minor harassment to sexual assaults allegedly committed by officers. The study concluded that local, state and

federal authorities need to address the arrests of women targeted for traffic stops because of their sex. To do so, Walker suggests that departments collect and analyze data on traffic stops for possible female bias. Departments should also issue a formal policy prohibiting DWF abuse, defined as the use of law enforcement powers for the purpose of stopping female drivers, absent suspicion of criminal activity. Supervisors must educate themselves about the potential of DWF abuse and take all allegations of such seriously. An independent oversight agency should be in place to investigate DWF complaints and complainants should have the option of lodging their complaint with a female investigator. Lastly, Walker suggests that departments hire more females. Walker's report can be obtained at www.policeaccountability.org/drivingfemale.htm

Government scientist Mark Grubelich, of the Sandia National Laboratories in Albuquerque, developed a device to enable police to stun and subdue kidnappers or terrorists without endangering hostages. Grubelich created a small stun grenade that creates a blinding, deafening but harmless explosion. The grenade is made of plastic and contains a metal powder that is forced out of 16 quarter-inch holes in the bottom. The particles hang in the air momentarily before igniting by combining with oxygen. The powder explodes outside the container, therefore the blast is far less likely to harm persons nearby. *Washington Post*, April 8, 2002.

M-26 taser guns were introduced to the Boulder Police Department the week of April 8, 2002. Thirty officers were

trained in its use. *Rocky Mountain News*, April 19, 2002.

Kentucky State Police began a 13-week Spanish immersion class due to the increase in Spanish-speaking residents in the state. State police plan to eventually have at least one Spanish-speaking officer and dispatcher at each of the agency's 16 posts. State Police Commissioner Ishmon Burks stated that Spanish fluency was identified as being among the agency's urgent needs when he was appointed in 2001. *Louisville Courier-Journal*, April 18, 2002.

Use of Force

The Journal of Criminal Justice produced a report that examines the relationship between officer behavior and citizen complaints. The authors, William Terrill and John McCluskey, suggest that citizen complaints may not indicate problem behaviors displayed by officers, but could instead indicate officer productivity. The article examines how officers daily encounters with the public relate to citizen complaints and how the behaviors of high and low-complaint officers compare. Terrill and McCluskey conclude that officers with high complaint histories of excessive force and discourtesy do engage in these behaviors more frequently than those with few complaints, but are also more likely to question alleged lawbreakers, thus enhancing productivity. *Journal of Criminal Justice*, Vol. 30, Issue 2. March - April 2002.

According to a study by medical researchers at the University of California, San Diego and funded by the Office of Community Oriented Policing

Services, OC (pepper) spray does not increase the risk of respiratory injury or asphyxia, even when a suspect is hogtied in a maximum restraint position. The conclusion was reached after OC spray was used on 34 volunteer police recruits - 24 men and 10 women, ranging in age from 22 to 46 and weight from 115 to 236 pounds. The OC "dosing" was designed to replicate pepper spray use in the field. Subjects heads were placed in an "exposure box" and were subjected to a one-second spray from five feet away. The tests showed that at 1.5 minutes and 10 minutes after exposure, there was no significant difference between the OC subjects and those that received a placebo spray in the amount of air expelled by the subjects after maximum inhalation. The study further showed that OC spray exposure did not result in any additional restriction in pulmonary function. The report is available from the National Criminal Justice Reference Service at <http://virlib.ncjrs.org/LawEnforcement.asp>

About 100 Palm Beach County sheriff's deputies were trained on the use of a non-lethal PepperBall weapon. It uses compressed air to launch round, marble-size projectiles at more than 300 feet per second. It has practically no recoil, but the projectile it hurls can stop a person in mid-stride. The device is typically aimed at the center of the chest and the projectiles cause pain and psychological shock. The third incapacitating effect comes from release of pepper spray powder that envelops the upper body and causes extreme irritation of the eyes and lungs. Deputies are trained to aim for the chest to avoid serious head injuries. The weapons were first used to subdue protesters at the World Trade

Organization meeting in Seattle and later by the Salt Lake County sheriff's office to subdue a group at the Winter Olympics. *Palm Beach Post*, March 19, 2002.

Prompted by the police shooting of Nicholas Singleton, the Miami Police Department is looking into switching to different ammunition that will make it easier to trace bullets back to a particular officer's gun. During the Singleton incident, investigators could not determine which of the three officers involved had fired the deadly shot. In the late 1980s, the department switched to a Glocks .40-caliber model because the weapons had greater firepower. In the early 1990s, there were several police shootings in which multiple officers were involved and the department realized it could not identify the origin of the bullets fired. Glock since developed the "Miami barrel", which marks "signature" groove onto the bullet's casing when it was fired. Several problems surfaced. The Winchester Ranger SXT bullets' copper jacket, the part of the slug that bore the signature mark, often ripped off the bullet's lead core on impact, making identification impossible. After years of firing the barrel on the Glock .40-caliber often wore down and lost its ability to imprint the bullet with the signature grooves. The police department is negotiating with Glock officials to come up with a barrel that does not lose its ability to mark a bullet and is looking at switching to Speer Gold Dot bullets -- whose copper jacket is electronically fused to its lead core so it will not rip apart upon impact. Community leaders praised the department's move. The change in ammunition is part of a department initiative to change the policy and circumstances surrounding

the use deadly force. In October 2001, the department tightened the guidelines for firing at a suspect. Before the policy change, officers could fire at a violent felon who was fleeing; now they can shoot only when their lives or the lives of those nearby are in "immediate danger". *Miami Herald, March 6, 2000.*

In March 2002, the Schenectady, New York Police Department began using a new use of force report form. On the form, officers are required to specify the type of physical maneuvers they had to employ and the type of impact weapon used. *Albany Times Union, March 31, 2002.*

On April 10, 2002, the Minneapolis City Council Executive Committee met to discuss revising use of force policies employed by the MPD. Mayor R.T. Rybak suggested that the Minneapolis community and the police join to get a shared understanding of the circumstances surrounding the justifiable use of force and what happens when officers violate the policy. The City's Executive Committee gave the mayor and City Coordinator John Moir two weeks to develop a plan. Rybak and Moir are to present their plan at a joint meeting of the Public Safety and Regulatory Services Committee and the Health and Human Services Committee. The Minneapolis use of force policy will be compared to that of other cities and a plan will be devised to ensure officers are held accountable for adhering to the policy. The initiative spurred out of several recent questionable use-of-force incidents, including a March fatal police shooting of a mentally ill Somali man, an April event involving arrests and allegations of excessive force by University of Minnesota hockey fans

and a March incident involving bicycle protesters. *Minneapolis Star Tribune, April 11, 2002.*

Conferences

May 1-5, 2002 -- National Black Police Association's (NBPA) Southern Region Spring Conference in Little Rock, AR.

For more information, visit NBPA's Web site at

<http://www.blackpolice.org/Spring2002.html>

May 15-19, 2002 -- National Black Police Association's (NBPA) Western Region Spring Conference in Seattle, WA.

For more information, visit NBPA's Web site at

<http://www.blackpolice.org/Spring2002.html>

May 30 - June 1, 2002 -- Institute of Police Technology and Management Conference on Community Policing for Traffic Officers in Jacksonville, FL. For more information, call 904-620-4786.

June 22-26, 2002 -- National Sheriffs Association (NSA) Annual Conference in Tucson, AZ. Topics include: new technology and innovation and new ideas on improving community relations. For more information, visit NSA's Web site at

http://www.sheriffs.org/defaults/default_s_annualconference.htm

July 19-25, 2002 -- National Organization of Black Law Enforcement Executives (NOBLE) Annual Conference in Tampa, FL.

For more information, visit NOBLE's Web site at <http://www.noblenatl.org/>

August 7-12, 2002 -- National Association of Police Organizations (NAPO) Convention in Sedona, AZ. For more information, visit NAPO's Web site at <http://www.napo.org/napo7htm>

August 19-24, 2002 – Hispanic American Police Command Officers Association (HAPCOA) Annual Conference in Albuquerque, NM. For more information, visit HAPCOA's Web site at

http://www.hapcoa.com/2002_conference.htm

August 19-25, 2002 – National Black Police Association's (NBPA) Annual Education and Training Conference in Los Angeles, CA. For more information, go to NBPA's Web site

<http://www.blackpolice.org/LA.html>

October 2-4, 2002 – The Society for Police and Criminal Psychology Annual Conference in Orlando, FL. For more information, visit SPCP's Web site at

<http://cep.jmu.edu/spcp/confer.htm>

October 5-9, 2002 – International Association of Chiefs of Police (IACP) Annual Law Enforcement Information Management Conference in Minneapolis, MN. For more information, visit IACP's Web site at

<http://www.iacptechnology.org/2002LEIM.htm>

October 31 – November 3, 2002 – National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference in Cambridge, MA. For more information, visit NACOLE's website at

<http://www.nacole.org>

December 2-4, 2002 – Americans For Effective Law Enforcement (AELE) Conference on Discipline and Internal Investigations in Las Vegas, NV. For more information, visit AELE's Web site at

<http://www.aele.org/Seminars.html>

The Best Practices Newsletter is printed 12 times per year by the Police Assessment Resource Center (PARC), Copyright (c) 2002, all rights reserved. Material in this newsletter may be reproduced and/or circulated without permission when proper acknowledgement is made.

No Copyright is claimed in the text of the statutes, regulations and excerpts from court opinions quoted in this work.

The opinions expressed herein are not those of PARC and their inclusion herein does not constitute an endorsement by PARC.