

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.

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Civilian Oversight

New Orleans’ Police-Civilian Task Force, formed to improve relations between the New Orleans Police Department and the city’s community in the wake of the controversial shooting of an unarmed teenager by NOPD officers, has released a draft report. The report, which has been discussed with members of the community at a series of public meetings, claims that the establishment of an independent police monitor is essential if the goal of producing accountable policing in New Orleans is to be realized. The report also

recommends the creation of an ombudsman who would ensure the proper functioning of the police complaints process, the establishment of a mediation service to resolve minor misconduct allegations, and the institution of a number of improvements to existing NOPD structures and procedures. The report can be accessed at www.new-orleans.la.us/home/reports/policeCivilianTaskForce.php.

The 15th Semiannual Report on the Los Angeles County Sheriff’s Department (LASD) by Merrick Bobb and PARC has been released. The report begins by examining the number of deputy-involved shootings and uses of force at the LASD’s Century Station. Century deputies have historically been involved in shootings at a higher rate than their counterparts at other LASD stations, and the station’s management of shootings has been the subject of criticism in previous reports. The latest report notes that a period of attentive management during 1999 and 2000 appears to have produced a significant drop in shootings. This success was followed by a significant rise in shootings as managers were reassigned. The report contends that the recent rise in shootings at Century can, and must, be reversed through renewed management efforts. The report then examines the LASD’s Performance Review system, which is used to redirect the careers of personnel whose performance provides cause for

concern. The report concludes that the system appears to work – driving down the number of high-risk incidents, such as uses of force and complaints, generated by the subject deputies. Moving to the issue of risk management, the report criticizes the LASD for its failure to use information developed in litigation to improve the effectiveness of internal administrative investigations. Several cases are noted where substantial payments were made by the County to resolve charges of wrongdoing by deputies, but where no discipline was imposed. An examination of a series of regional- and station-level experimental initiatives is followed by commentary on the LASD's Canine Unit. A recent rise in the unit's bite ratio is observed, and occasions where bites could have been avoided are identified. A paradigmatic canine program is suggested, along with in-depth discussions of "guard and bark" and "find and bite" techniques, deployment policies and less-harmful canine alternatives. The full report is available on-line at www.parc.info.

Community Policing/Problem Oriented Policing

Research findings published in *Police Quarterly* suggest that the implementation of community policing by police agencies has an overwhelmingly positive impact on officers' levels of job satisfaction. Using data collected from twelve jurisdictions, researchers found that the initial dissatisfaction by personnel that can result from organizational change is heavily outweighed by the increased satisfaction that community policing provides. They also observe, however, that an incomplete shift towards

community policing by an agency can actually decrease levels of satisfaction, and that comprehensive organizational commitment to community policing principles is required for personnel benefits to be realized. *Police Quarterly*, Vol.5, No.2, June 2002.

Officers engaged in community-oriented policing are more open to alternative policing strategies, more optimistic about community policing's impact on crime, more positive about community policing in general and more satisfied with their assignments than non-community officers, according to Richard Adams, William Rohe and Thomas Arcury, the authors of "Implementing community-oriented policing: organizational change and street officer attitudes." Their findings, based upon a study of officers working in six small- to mid-sized agencies in North Carolina, also suggest that officers employed by agencies that operate with a participatory style of management have more positive attitudes towards community policing and their own roles as community officers. *Crime & Delinquency*, Volume 48, Number 3, July 2002.

A coalition of community activists in Compton, California, has produced a pamphlet that advises motorists what to do if they are stopped by police. The pamphlet is designed to reduce the chances of stops turning into violent confrontations, and was developed with assistance from Los Angeles County Sheriff's deputies. The project was initiated following the much-publicized video-taped arrest of Donovan Jackson by the Inglewood Police Department, and its organizers hope that other communities will follow their example.

Among other things, the pamphlet suggests that people should calmly obey officers' instructions and keep their hands visible at all times. *Los Angeles Times*, August 18, 2002.

Police and community members in the predominantly African-American neighborhood of Evanston are working together to reduce crime under a program developed by the Cincinnati Community Action Now (CAN) taskforce. The program is based upon an acclaimed program initiated in Boston a decade ago, which engaged police and Black churches in a joint effort to reduce "Black-on-Black" crime and improve police-community relations. CAN's program involves developing community courts for first-time juvenile offenders, training civilians how to interact with officers, and organizing neighborhood patrols by volunteers to steer young people away from drugs, gangs and violence. Police officers have begun attending community council meetings, and the sight of off-duty officers playing basketball with local young people at the neighborhood recreation center is reported to have become commonplace. *Cincinnati Enquirer*, August 14, 2002.

Consent Decrees/Memoranda of Understanding

The Office of the Independent Monitor (OIM) has released its first quarterly report on the Metropolitan District of Columbia Police Department (MPD). The OIM was established in March 2002 to monitor the compliance of the District of Columbia and the MPD with the Memorandum of Agreement (MOA) they entered into last year with the

Department of Justice. In its report, the OIM found that the MPD has failed to meet deadlines for reform set by the MOA, but that significant progress has been made towards fulfilling stipulations regarding the department's use of force policies, use of firearms policy, use of force investigations, public information and internal investigations of misconduct. It was also reported, however, that significant progress is still required before the MPD will be in compliance with requirements in the areas of discipline, personnel performance, management and training. The OIM concludes that the failure of the MPD to meet deadlines – including some that had already been extended – is a "serious cause for concern," and that a full commitment to the MOA by both the leadership and rank and file of the MPD must be achieved if full compliance is to be realized. The MOA provides for the OIM to monitor the MPD for a period of five years. The full report can be accessed at <http://www.policemonitor.org/020801.pdf>.

The team responsible for monitoring New Jersey's compliance with the consent decree under which its state police currently operates has released its sixth report. The state entered into the consent decree with DOJ in 1999. The report is overwhelmingly favorable, describing recent progress towards compliance as "remarkable." The monitors found that previous problems with the videotaping of traffic stops had been all but eliminated, and that the professionalism of officers apparent in their review of videotapes was impressive. The monitors attribute such improvement to better supervision and training of officers, highlighting the fact

that supervisors now regularly attend consent searches and canine deployments. The report notes that the improvements have led to a decrease in the number of consent searches and an increase in “find rates.” Moreover, the report notes improvements in the number of internal investigations being completed, and in the police academy curricula. Tempering this praise, however, is acknowledgement that significant room for improvement remains with respect to certain aspects of the consent decree. The monitors identify weaknesses in the supervisor training process, and express “grave concern” with the slow pace at which MAPPS – a computerized personnel performance tracking system considered pivotal to the attainment of overall consent decree compliance – is being developed. The full report can be accessed at http://www.njpublicsafety.com/monitors_report_6.pdf.

The auditor monitoring the city of Pittsburgh’s compliance with a DOJ consent decree has released his eighteenth quarterly report. The consent decree was executed in 1997. The report finds the City in compliance with the majority of the 78 “tasks” mandated by the consent decree, but does charge non-compliance in the implementation of revised investigative protocols for the City’s office of Municipal Investigations (OMI). The revised protocols were intended to ensure that the OMI conducts thorough and fair investigations into allegations of misconduct by Pittsburgh Bureau of Police officers. The auditor reports that a full 15% of the investigations reviewed during the previous quarter had to be returned for further investigation, and that several cases that alleged serious

misconduct by officers had been allowed to “age” for a number of years before being reviewed. In addition, it is reported that some serious misconduct allegations have been inappropriately investigated and reported using a “memo” format intended only for less-serious cases. The auditor notes that failures by the OMI to properly administer misconduct cases have led to credible allegations being abandoned. The full report is available on-line at http://www.aclu.org/issues/policepractices/Pittsburgh_AQR/18AQR.pdf.

The fourth quarterly report of the Independent Monitor responsible for ensuring compliance by the Los Angeles Police Department (LAPD) with the terms of the consent decree entered into by the LAPD and the Department of Justice in 2001 has been released. The report notes that the monitor found the LAPD to be in compliance with 39 of the 58 performance categories in the consent decree. The principal areas of concern highlighted by the report include a flawed internal audit process, a backlog of uninvestigated misconduct complaints and non-categorical use of force reports, and the unusable nature of the database intended to collate information on pedestrian and motor stops. The monitor identifies understaffing as a factor retarding the auditing and Internal Affairs functions. The failure of the LAPD to develop a system that effectively transfers information from traffic and pedestrian stop reports onto their database is blamed for the inadequacy of the database, along with doubts over the integrity of the information going into the system due to incorrect completion of report cards. The monitor expresses concern over the continued failure of the

LAPD to achieve compliance in these categories in spite of the fact that such non-compliance had already been noted in previous reports. The monitor identifies faulty resource allocation and management failures as factors currently precluding full compliance with the terms of the consent decree. The report also identifies several important areas in which the LAPD has achieved full compliance. These include effective “sting” audits of officer misconduct, the timely investigation of categorical use of force incidents, and the “professional and responsible” conduct of public outreach and community affairs meetings. The full report is available on-line at <http://www.krollworldwide.com/lapd/>.

The second report by the monitor and PARC examining compliance by the Wallkill Police Department (WPD) with the consent decree entered into by the WPD and the New York State Attorney General in 2001 has been released. The report praises the WPD for having made substantial progress towards its goal of providing effective, respectful and constitutionally-sound police service. The selection of a new police chief is highlighted as a significant step forward, and the new chief’s performance is credited with having improved officer morale, departmental staffing and police-community relations. Along with the impact of the new Chief’s effective leadership, a recent rise in the department’s rates of pay is identified as a positive step that will enhance the department’s ability to achieve compliance with the terms of its consent decree. The report acknowledges that the rehabilitation of the Wallkill Police Department is still very much a work-in-progress, and highlights a number of

tasks that require continued attention. These include the development of sergeants’ supervisory skills, the investigation of complaints in a timely manner, the implementation of an early warning system, the establishment of a written protocol defining the responsibilities of the department and the state police, and the development of standards of performance that will ensure officers stop motorists and pedestrians only when it is appropriate to do so. The full report is available on-line at www.parc.info.

The Cincinnati Police Department (CPD) has issued its first status report since entering into a Memorandum of Agreement (MOA) with the Department of Justice (DOJ) in April 2002. The MOA ended a year-long federal civil rights investigation into the department’s operation. The report suggests that initial compliance has been achieved with respect to many of the more than 100 stipulations included in the MOA. Several issues remain unresolved between the CPD and DOJ, however, including concerns about canine procedures, officer discipline systems, and the appointment of a monitor. The report can be accessed on-line at <http://www.cincinnati-police.org/doj/compliance01.pdf>. *Cincinnati Enquirer*, August 13/14, 2002.

Legal Affairs

A judge’s ruling that the trial of the two Inglewood police officers accused of offenses arising from the videotaped arrest of a black teenager in the Californian city would be held in the neighboring city of Torrance provoked an angry reaction from some activists

who claimed that the officers would receive a more sympathetic hearing from jurors in Torrance, a city whose population is mainly White, than they would have received in mainly Black and Hispanic Inglewood. However, the Torrance Judge assigned to hear the case recused himself, and the trial was moved to a new courthouse, located less than two miles from where the alleged assault occurred. A tentative trial date of October 15th has been set for Jeremy Morse, who has been indicted for assault by a peace officer under color of authority, and Bijan Darvish, indicted for filing a false police report. *Los Angeles Times*, August 14/August 22, 2002.

A number of law enforcement agencies in Louisiana have filed a lawsuit against the Ford Motor Company, alleging that the company's widely-used Police Interceptor vehicle is prone to gas tank explosions when involved in rear-end collisions. The alleged fault with the Police Interceptor has reportedly been held to be responsible for eleven officer deaths nationwide. The vehicle's critics contend that the location of the fuel tank between the rear axle and rear bumper creates undue danger in a collision, a danger they allege is exacerbated by the nearby placement of sharp objects such as bolts. Law enforcement agencies in Arizona, New Jersey, Pennsylvania and Texas have filed similar suits. An estimated 85% of police cruisers in use nationwide are Interceptors. *Times-Picayune*, August 12, 2002.

Mental Illness

Mental health professionals in Pinellas County, Florida, are presenting a 40-

hour course for law enforcement officers in Crisis Intervention Training, based upon the model developed by the Memphis Police Department to improve the effectiveness of officers' dealings with the mentally ill. The course, which is free and taught by instructors who volunteer their time, is intended to equip officers with the skills to deal with mentally ill persons without the need for force. The course brings together law enforcement officers, mental illness sufferers and the families of sufferers, in order to facilitate the sharing of perspectives and the development of mutual understanding. The course also provides instruction to officers on how to recognize symptoms of mental illness, methods for defusing potentially violent situations and for assessing the risk of violent or suicidal behavior, and the availability of community resources. Officers who have completed the course are reported to have found it enlightening and directly relevant to their work. *Community Links – The Magazine of the Community Policing Consortium*, August 2002. Available on the web at <http://www.communitypolicing.org/magazine/>.

Racial Profiling

“Theory and Racial Profiling: Shortcomings and Future Directions in Research,” a report by Robin Engel, Jennifer Calnon and Thomas Bernard, sounds a note of caution to those involved in the investigation of racial profiling through the collection of data on traffic and pedestrian stops. The authors argue that the widespread assumption that data revealing racial disparities are necessarily evidence of racially-prejudiced behavior by officers

is untested, and may be flawed. They note the often heated political climate that characterizes discussions of racial profiling, and the increasingly widespread practice of data collection. The article argues that before collected data can be meaningfully interpreted, current assumptions must be challenged and better theoretical models must be developed. *Justice Quarterly*, Volume 19, Issue 2, June 2002.

Police officers in Providence, Rhode Island, are not complying with a state anti-discrimination law introduced in 2000, according to a Superior Court Judge. Officers are legally obliged to complete data collection cards every time they stop a motorist, but reportedly are failing to do so in some cases, despite the fact that video cameras have been installed in their patrol vehicles. The data collection cards are supposed to provide information for a mandated study intended to determine whether officers are engaging in racial profiling. Experts on racial profiling from Northeastern University, who are conducting the study, reportedly fear that the incomplete information they are receiving from Providence will undermine the credibility of the study's results. Providence's Chief of Police, Richard T. Sullivan, has responded to his department's critics by claiming that the "vast majority" of his officers are properly completing data-collection cards, and that some of the problems identified by Northeastern's experts are due to technical difficulties rather than departmental non-compliance. *Providence Journal*, August 14/18, 2002.

A federal judge has approved Cincinnati's racial profiling settlement,

initiating a five-year program to reform the city's police department. The settlement is designed to eliminate racially-biased policing, and was agreed to following the filing of a lawsuit by the American Civil Liberties Union and the Cincinnati Black United Front, who accused the Cincinnati Police Department of having engaged in discriminatory practices against the city's African American residents. The city had already agreed to a pact with DOJ to end a federal "pattern or practice" civil rights investigation into its police department, which was prompted by the rioting that broke out in April 2001. Together, the agreements are intended to produce significant changes in police procedures relating to the use of force, citizen complaints and incidents involving the mentally ill. An independent monitor will oversee the reform process. *Cincinnati Enquirer*, August 6, 2002.

Police officers in Missouri made almost 1.4 million traffic stops during 2001, resulting in nearly 100,000 searches and 77,000 arrests, according to a study conducted by the Missouri attorney general's office. The study, mandated by a 2000 state law, revealed racially disparate practices by police officers, and prompted the attorney general to voice concern that racial profiling might be occurring in Missouri. The results demonstrated that Blacks are 33% more likely to be stopped by police than their representation in the state's population would predict. Moreover, once stopped, Black motorists were 80% more likely to be searched than Whites. Hispanic motorists, meanwhile, were stopped at a proportionate rate, but were almost twice as likely to be searched as Whites. The survey also revealed disparities in "hit"

rates for searches between racial groups, showing that while the overall rate at which contraband is discovered as a result of a search is 20%, the rates for Black and Hispanic motorists stood at 15.3% and 10.6% respectively. Missouri's attorney general has expressed hope that the findings of the survey will provide a "means of opening dialogue" on the issue of racial profiling. The report is available online at <http://www.moago.org/rpoverview.htm> *Criminal Justice Newsletter*, Volume 32, Number 14.

The state of New Jersey has settled lawsuits by three Black men who alleged they were victims of racial profiling by agreeing to pay out \$250,000. The plaintiffs had claimed that they suffered humiliation when subjected to unconstitutional traffic stops by state police. The settlement is reported to be the largest ever awarded in a civil rights case where the victims were not jailed or injured. *Legal Intelligencer*, August 22, 2002.

Standards/Training

A recently published article entitled "Police ethics education: a waste of time?," by Paul N. Tinsley and Craig S. MacMillan, examines the worth of ethics training to police organizations. The authors define ethical public service as that which is unbiased, accountable and trustworthy – and argue that because police officers can use force, exercise discretion and operate under limited scrutiny, police agencies have an unparalleled obligation to ensure ethical performance. They then attempt to debunk a series of commonly-voiced objections to police ethics training,

ranging from the notion that ethics are primarily learned outside of professional life to the suggestion that no acceptable teaching models exist. In each case, they argue that objections to ethics training are based on unsupported assumptions. The authors make the case that agencies that value principled, professional performance by their officers should provide ethics training. They underline their case by warning that failure by an agency to take ethics seriously can amount to implicit approval of unethical sub-cultural values, and risks allowing such values to inform officers' performance. *The Police Chief*, August 2002.

A report by Michael G. Maxfield of Rutgers University's School of Criminal Justice entitled "Guide to Frugal Evaluation for Criminal Justice" is now available. Based upon research funded by the National Institute of Justice, this report addresses the issue of how to evaluate criminal justice policies in ways that are both practical and cost effective. The report aims to assist in the search for "what works" in criminal justice policy – a search that Maxfield claims is displacing a once-pervasive climate of cynicism among criminal justice professionals. The report provides guidance for local officials contemplating policy evaluation by explaining methodologies, promoting self-evaluation and suggesting practical measures that can be used to keep evaluation costs down. It argues that evaluations should be goal-oriented, logical and evidence-based. The findings of the report are intended to have broad relevancy and to prove useful to professionals involved in policing, multi-agency criminal justice collaboration, anti-drug initiatives, and

problem-solving criminal justice programs. The full text can be accessed at <http://www.ncjrs.org/pdffiles1/nij/187350.pdf>.

In recent years, more police officers have died on duty in accidents than at the hands of criminals, according to "Accidental Deaths of Law Enforcement Officers," by Anthony Pinizotti, Edward Davis and Charles Miller. The authors, who identify vehicular accidents as the primary cause of on-duty death, found that, as has previously been shown to be the case with felonious killings, certain characteristics could be identified as placing officers at higher risk of being involved in a fatal accident. The researchers revealed that "at risk" officers are typically in their mid-thirties with around ten years of police service; work hard; have an "it will never happen to me attitude," which the researchers associate with a feeling of indestructibility while driving a police vehicle; have not received recent driver training; have accumulated years of successful police service that gives them a feeling of comfort in performing their duties; and are prepared to pursue less serious offenders in risky circumstances. The report recommends that agencies reduce their officers' exposure to the risk of accidents by ensuring that all officers are appropriately trained and supervised, particularly with respect to their use of vehicles. It also suggests that agencies analyze their own accident records to identify reoccurring factors such as time of day or activity type in order that preventative measures can be taken. The full text of the report can be accessed on the web at <http://www.fbi.gov/publications/leb/2002/july02leb.pdf>.

The level of risk arising from vehicle pursuits is currently too high, and could be reduced through the development of better training and policies, according to research findings published in the *FBI Law Enforcement Bulletin*. The author of "High-speed police pursuits," John Hill, highlights the magnitude of the problem of pursuit-related risk, noting that; a person dies every day in the US as a result of a pursuit; a police officer is killed in a pursuit every eleven weeks; forty-two percent of all people killed by pursuits are innocent bystanders; and, while most pursuits involve an initial offense no more serious than a traffic violation, a full one percent result in death. Despite these statistics, and the alleged preventability of pursuit-related accidents, Hill claims that many police agencies do not devote enough energy to reducing the chances that their officers will kill or be killed in a pursuit. He argues that a lack of driver training elevates risk levels, and identifies classroom training that teaches officers *when* to pursue as an essential complement to behind-the-wheel programs that teach *how* to pursue. He calls for agencies to approach pursuit training in much the same way they do their firearms training. And, while acknowledging that many agencies have improved academy driver training programs in recent years, he notes that this by itself has done nothing to improve the skills and judgment of veteran officers. Hill argues that the most effective way to minimize the risk presented by a pursuit is to terminate it. He also points to the growing availability of technological and tactical alternatives that can reduce the need for officers to engage in pursuits. The full text can be accessed on the web at

<http://www.fbi.gov/publications/leb/2002/july02leb.pdf>.

The National Institute of Justice's National Law Enforcement and Corrections Center has received a number of reports that frangible bullets – a type of bullet widely used in police firearms training, designed to break up and lose energy to reduce the danger of ricochets – have penetrated bullet-resistant armor. The NIJ has ordered a study into these reports, the results of which will form part of a guide to the selection and application of frangible ammunition. The study is due for release in 2003. www.policemag.com, August 8th, 2002.

The National Highway Traffic Safety Administration has issued a safety alert to the law enforcement community regarding the danger posed to officers by airbag-propelled equipment in police vehicles. When a police vehicle is involved in an accident that causes the airbag to deploy, any objects mounted in the airbag's path can become a missile-like hazard to the vehicles occupants. In one accident investigated by the NHTSA, an officer in Louisiana was injured when his in-vehicle computer was launched towards him by an airbag. Investigators have determined that a variety of technological gadgets, such as cell phones and radar devices, are unwittingly being positioned in locations that could prove hazardous to officers if their vehicles become involved in an accident. Two options are reportedly suggested to law enforcement agencies: Position equipment out of the path of airbags, or have a switch installed that can deactivate the passenger side airbag. *Los Angeles Times*, August 7, 2002.

“Lapel cameras” – miniature video cameras attached to an individual's clothing – are to be used on a trial by police officers in Allegheny County, Pennsylvania. The cameras will transmit a signal to a receiver in the officer's patrol vehicles, and are intended to provide an audio-visual record of police-civilian encounters. The use of video cameras in police vehicles has become widespread as departments seek to provide enhanced safety for their officers, and to shield against allegations of civil rights abuses. Allegheny County authorities hope that the lapel cameras will extend the benefits of video documentation to encounters that take place away from police vehicles. The miniature cameras cost \$420 a piece, and are already used by three police departments, according to the company that manufactures them. *Associated Press*, August 16th, 2002.

Use of Force

Justice Quarterly has published the results of research by William Terrill and Stephen Mastrofski in an article entitled “Situational and Officer-based Determinants of Police Coercion.” The report's findings are based upon a study of over three thousand encounters between officers and suspects in Indianapolis, Indiana, and St. Petersburg, Florida, and concludes that officers usually use force to counter suspects' resistance or threats. Contradicting the findings of previous studies, their report claims that officers did not use more force against disrespectful suspects. However, they do suggest that officers used more force against certain groups -- males, minorities, the poor and the young -- regardless of suspects'

behavior. The authors also show that inexperienced and less-educated officers are more likely to resort to force than their more experienced and better-educated colleagues. They recommend diversity training, educational requirements for recruits, and the assignment of experienced officers to patrol duties as means by which agencies can reduce their use of force rates. *Justice Quarterly*, Volume 19, Issue 2, June 2002.

Book Review

Profiles in Justice: Why Racial Profiling Cannot Work, by David Harris.

According to the recently published *Profiles in Justice* by David Harris, systemic racial bias by police agencies causes officers to “racially profile” motorists for traffic stops: A practice that he finds immoral, unethical, unconstitutional, and ineffective as a crime control strategy.

Harris, a Law Professor and racial profiling expert, contends that racial profiling is a pervasive problem. He contextualizes the issue using anecdotes provided by several profiling victims, including an army sergeant, a district judge and a criminal defense attorney. Dismissing the notion that incidents of racial profiling can be explained simply as the actions of a few bigoted officers, Harris argues that profiling is the consequence of a systemic problem in American law enforcement.

Harris traces the lineage of racial profiling to demonstrate that it developed from the law enforcement technique of criminal profiling.

According to Harris, criminal profiling involves the characterization of criminals in terms of personal and behavioral factors, in order to facilitate the ready identification by officers of those individuals or groups most likely to be involved in crime. According to Harris, criminal profiling evolved into racial profiling as law enforcers came to regard racial minority status as indicative of criminality. Harris challenges the view of those proponents of racial profiling who claim the disproportionately high representation of minorities in the penal system justifies racially-biased policing, arguing that this overrepresentation is itself the product of disparate policing practices.

Harris cites a number of studies to provide support for his argument that members of racial minority groups are treated unfairly by police. He reveals that minorities are not only more likely to be subjected to a traffic stop, but that they are also more likely to be stopped on a “pretext,” i.e., they are more likely to have their license plates run for checks, more likely to be detained for long periods of time, and more likely to be searched.

Two of the studies Harris cites are particularly noteworthy by virtue of the innovative research methods they employed. In the first of these, John Lamberth used direct observation of drivers to establish the overall racial composition of motorists driving in the area where his study was conducted. Most previous research has used census data to approximate the “benchmark” racial composition of the population against which actual police stops are compared. The second study, by Jay Meehan and Michael Ponder, used

records of mobile data terminal (“MDT”) transmissions to examine pre-stop profiling practices. This enabled them to determine that minority drivers were more likely than Whites to have their license plates checked.

Harris argues that police agencies rarely analyze the productivity of their practices, and this can lead them to operate ineffectively. He uses evidence gathered in studies in New York, North Carolina and Maryland to illustrate that racial profiling is just such an ineffective practice. Each of the studies he cites demonstrated that while Black and Latino motorists were stopped at a higher rate than Whites, the rates at which contraband was discovered during a search were lower for those groups. Each thereby illustrates the folly of using racial characteristics as a predictor of criminality.

For those readers interested in the reform of agencies engaging in racial profiling, Harris presents the case of the United States Customs Service as a model. This agency became the subject of controversy when scores of African American women complained that they had been unfairly targeted for intrusive searches by customs agents. An investigation by the General Accounting Office found evidence that discriminatory practices were indeed occurring. This prompted reforms in the Custom Service’s methods, giving rise to a system whereby agents needed to have an *articulable* suspicion, based upon observed behavior and not racial characteristics, before a search could be justified. The revised system saw the “hit” rate for searches increase.

Harris calls for the police to focus on behavior instead of race, claiming that

such a move would promote public safety, in addition to facilitating equitable, respectful police service. He recommends policies prohibiting racially-biased policing, cultural diversity training programs, and the adoption of technological tools that analyze data and detect racially disparate practices.

Harris’ book is an admirable resource guide for those interested in learning more about racial profiling. It offers an in-depth analysis of evidence of racial profiling, details arguments for and against the use of race or ethnicity in the apprehension of criminals, describes Supreme Court decisions that have facilitated racial profiling, scrutinizes statistical studies, commends state and federal legislative efforts to address the problem, and provides model police policies, procedures and recommendations. Harris argues strongly that racial profiling is ethically, morally and constitutionally reprehensible, eroding citizen trust while doing nothing to control crime.

Interview

In April 2000, the Minnesota state legislature declared that racial profiling by police was not a problem in Minnesota. Despite this, Chief William Finney of the St. Paul Police Department decided to initiate a survey of his department’s practices in relation to traffic stops and searches of people and vehicles. The results of the survey revealed that St. Paul officers were stopping and searching a disproportionately high number of people from racial minority groups. In June 2001, the St. Paul Police

Department entered into an agreement with the NAACP. The terms of the agreement, designed to remedy concerns about racially-biased policing in St. Paul, were formulated at a series of meetings between the police department and the NAACP. A representative of the Department of Justice's Community Relations Service acted as a mediator at the meetings. Chief Finney, who is one of PARC's senior advisors, recently spoke to PARC about racially-biased policing and his department's agreement with the NAACP.

PARC: *Why did the St. Paul Police Department decide to examine whether it was engaging in racially-biased policing, even after the state legislature had declared that racial profiling wasn't occurring in Minnesota?*

Chief Finney: I believe that the Minnesota state leadership had its head in the sand on this issue. In the early 1990s, the Minnesota Supreme Court recognized that there was racial bias in the criminal justice system. I was also receiving anecdotal evidence from communities of color that suggested racially-biased policing was taking place. Those of us in positions of authority had a responsibility to take a look at the issue.

PARC: *What causes police departments to engage in racially-biased policing practices?*

Chief Finney: Basically, it's in the nature of how police departments are structured. The role of the police is to maintain the status quo, keep the peace, promote public safety and enforce the law. The status quo is established by the affluent and powerful members of

society. Police departments are constituted to deal with what they see on the street. Patrol is the biggest function of all police departments, and cops are trained to notice differences – things that are out of the ordinary. This means that they watch communities of color more closely. Add to this that communities of color are usually lower-income, and lower-income people are more likely to engage in practices people may regard as creating a disturbance. Police departments are organized and trained to deal with crime that takes place in the street, and not white collar crime. Because lower-income people's crime usually happens in the street, police have more contact with communities of color.

PARC: *What are the consequences of racially-biased policing practices?*

Chief Finney: A loss of confidence and faith in the police department, by ever-growing communities of color. America is less White than it used to be. Communities are coming to this country from the third world, expecting to find the American Dream. They expect to be able to speak out against unfair treatment, and this country has a whole legal process in place to protect their rights. Failure to gain their confidence will cause serious problems for officers and the department. Communities will take action, either through the federal government, or on the streets. My role as Chief is to do what I can to earn the confidence of the communities I serve. We are not *the* police, we are *their* police. My job requires constant engagement with communities. A good public service organization will identify communities' priorities and concerns. If I don't do that, people will lose confidence and take to the streets.

PARC: *Now that the measures agreed to with the NAACP have been in place for just over a year, do you know “what works?”*

Chief Finney: Dialogue works. It’s not a question of *if* problems will occur between police and communities, it’s a question of *when*. Dialogue that takes place prior to a problem occurring establishes a basis for understanding with community leaders when a difficult incident arises. For example, last year we had an incident where a suspect tried to carjack a male, but the male wrested the gun from him. Police officers were already looking for the suspect, and arrived on the scene as the good guy was holding the gun. They told him to put the gun down, which he did, but then the bad guy started struggling and the good guy picked up the gun again. He refused to put it down when the officers told him to do so, and was shot. That situation could have exploded, but I was able to get straight on the telephone with community leaders – people I knew through the process of developing the agreement – to discuss the incident with them.

PARC: *What benefits has the St. Paul Police Department reaped as a result of entering into the agreement?*

Chief Finney: You know you have the highest degree of confidence you can get when communities call you and tell you when something is happening, when they are willing to officially engage with the police department to help solve problems and when the level of support for the police is high. The police don’t have enough officers to keep the peace on their own. The willing compliance of

communities is required – the essence of community policing. This is just what the agreement has achieved for us.

PARC: *What disadvantages has the St. Paul Police Department encountered as a result of entering into the agreement?*

Chief Finney: There have been no disadvantages. Some cops might grumble about it, but it’s not unusual for cops to complain when changes take place. In time, they come to accept the new ways of doing things.

PARC: *What steps have you taken to convince rank and file St. Paul Police Department officers that the agreement deserves their support?*

Chief Finney: We had a series of small group meetings to brief all our staff on the agreement. We also placed the agreement on our intranet so all the staff could view it. Also, we sat down with the officers’ Federation during the process of developing the agreement, so that we could get their input, and so they would appreciate what we were doing.

PARC: *How would you characterize your experience of dealing with the Department of Justice’s Community Relations Service?*

Chief Finney: The guy we had was very good. Departments should invite the Community Relations Service in before something happens that brings in the federal government with a consent decree. Like my mother would say to me: “A hard head makes a soft butt.” Consent decrees are appropriate for hard-headed departments, but I believe departments should make the approach and seek assistance themselves, rather

than waiting for a consent decree to be imposed upon them. I see the Community Relations Service as being like a marriage counselor – we were having some marital difficulties with the community, so we brought the Community Relations Service in. Our approach to the community was “Let’s talk about it. If there’s something we can do to make things better, we’ll do it.”

PARC: *What advantages does a formal, written contract have over the tacit agreements that usually define police-community relations?*

Chief Finney: I think that people feel like they have accomplished something when they have a contract in their hands. A contract gives a community more confidence in their ability to achieve change, and this is especially the case for less-affluent communities.

PARC: *How is the St. Paul Police Department measuring and assessing the impacts of the agreement?*

Chief Finney: We track the impacts by having an ear to the ground, by seeking feedback from the community. I have a lot of contact with people from the community, and they usually tell me that officers are complying with the agreement. And if an officer does something wrong, I will quickly find out. In addition, I have a very good relationship with the head of the local NAACP. I have regular conversations with him, and he tells me how things are working out.

Director's Cut

A column by PARC Director, Merrick Bobb

Early in August, Roy Ratliff, an ex-convict, kidnapped two teenage girls at gunpoint near Quartz Hill, California and later raped them, according to newspaper reports. Ratliff had served prison time for three felonies, was wanted for absconding from parole, was on the run from another rape charge, and, in addition, was a suspect in a Las Vegas carjacking. Through tips collected from the new California Child Safety Amber Network -- which posts kidnap alerts on radio, television, and electronic freeway billboards -- the girls were rescued, and the kidnapper was found and shot dead by a deputy from the Kern County Sheriff's Department. The *Los Angeles Times* summed up the incident with a quote from the Kern County Sheriff:

“And out at the site where the girls were rescued and their assailant killed, Sheriff-Coroner Sparks stood a few yards from the dead man's body and said he, too, was satisfied with the way the day ended.

‘We don't have to rehabilitate the son of a bitch,’ he said. ‘This man right here is not going to appeal his case to the Supreme Court.’”

Los Angeles Times, Page A26, Friday, August 2, 2002.

Roy Ratliff's criminal record was appalling. The kidnap and rape of the teenage girls were horrifying. The Sheriff's statements were shocking.

We do not know from the necessarily sketchy newspaper description whether lethal force was justified to capture Roy Ratliff. We are willing to assume for purposes of argument that it was. If so, it is an occasion for sober reflection, not for satisfaction. It is not a question whether to mourn Roy Ratliff's passing or to celebrate the girls' rescue. Rather, it is a question whether it is ever appropriate for a senior law enforcement official to take satisfaction, however grim, that an officer-involved shooting saved the time and expense of a trial and possibly fruitless efforts to reform a hardened criminal. With remarkable concision and economy of expression, Sheriff-Coroner Sparks, in two clipped sentences, swept away everything cumbersome and inefficient about American criminal justice – the clutter of due process; the tiresome right to trial by jury; the much-abused right to appellate review.

Police officers carry guns to protect themselves and others from imminent threats of death or serious bodily harm; not to mete out justice. It is hard to put an interpretation on Sheriff-Coroner Sparks' statement other than that he has arrogated to himself the power to conclude that it was a more just result that Ratliff was dead than burdening others with a trial, an appeal, the possible assertion of constitutional or other rights, and the task of seeing whether he could possibly be reformed and turned into a productive citizen.

We're even willing, if only for purposes of argument, to assume that Ratliff's guilt and incorrigibility were beyond reasonable discussion. Nonetheless, Sparks' statements were

still abhorrent; the very essence of a bad cop's attitudes. The policeman's job is to bring a suspect to justice; not to bring about what the cop might think is a just result. We hope that attitudes like that apparently held by Sparks is a rarity in law enforcement.

PARC advocates effective and respectful policing. To us, an essential element of the police officer's job is to make arrests in the safest possible way, without compromising the safety of the suspect, third parties, or the police officers themselves. Among other things, *effective* policing means quickly solving a crime and then turning the suspect over unscathed so that justice can be done by those, and *only* by those who, with the consent of the governed, are so empowered – judges and juries. *Respectful* policing includes reverence for human life, individual dignity, the Constitution and laws of the United States, and recognition of the limited powers of a police officer.

PARC's job, in part, is to help assure that even if exceedingly rare, the attitudes implied by the quote from Sheriff-Coroner Sparks never have any traction.

Conferences

September 22-27, 2002- International Association of Law Enforcement Planners (IALEP) Charting New Courses Training Conference, Long Beach, CA. For more information, visit IALEP's Web site at <http://www.ialep.org/>.

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 3-5, 2002 – National Institute of Justice, American Bar Association, Criminal Justice Section, American Academy of Forensic Sciences & National Center for State Courts Conference examining roles of science and scientists in the criminal justice system. Miami, Florida. For more information, visit <http://www.ojp.usdoj.gov/nij/new.htm>.

October 5-9, 2002 – 109th Annual IACP Conference The International Association of Chiefs of Police conference is to be held in Minneapolis, Minnesota. For more information, visit <http://theiacp02.expoexchange.com/>.

October 20-24, 2002-International Association of Women Police (IAWP) Annual Conference in Canberra, Australia. For more information go to IAWP's Web site at <http://www.iawp.org/conferen.htm>.

October 31 – November 3, 2002 – National Association for Civilian Oversight of Law Enforcement “The value of civilian oversight – dollars and

sense” conference, to be held in Cambridge, Massachusetts. For more information, visit www.nacole.org/welcome.htm.

Nov. 11-13, 2002 – Americans for Effective Law Enforcement Police Civil Liability and the Defense of Citizen Misconduct Complaints Seminar, to be held in Las Vegas, Nevada. More information is available at <http://www.aele.org/wkscivil.html>.

November 13-16, 2002 – Commission on Accreditation for Law Enforcement Agencies “Maximizing Excellence” conference, to be held in Portland, Oregon. For more information, visit www.calea.org/newweb/ConferenceInfo/Portland/conferenceinfo.htm.

November 22-24, 2002 – 13th Annual Problem-Oriented Policing Conference Annual conference organized by the Police Executive Research Forum, to be held in San Diego, California. For more information, visit <http://www.policeforum.org/conference.html>.

Dec. 2-4, 2002 - Americans for Effective Law Enforcement Public Safety Discipline and Internal Investigations Seminar, to be held in Las Vegas, Nevada. More information is available at <http://www.aele.org/wksdisc.html>.

December 2-6, 2002 – 2nd Annual Advanced Issues in Internal Affairs, Police Discipline & Citizen Complaint Conference Public Agency Training Council training seminar, sponsored by the Las Vegas Police Department, to be

held in Las Vegas, Nevada. Register on-line at www.patc.com.

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