

# 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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## Agencies Under Investigation

The FBI and Detroit Police Department are conducting an ongoing investigation that thus far has yielded indictments against nine people on charges of stealing at least 222 pounds of cocaine from the Department’s evidence room. The investigation commenced in July, following the execution of a memorandum of understanding between the FBI and the Detroit Police Department authorizing the FBI to participate in the investigation. Currently, an inventory of the evidence

room is being conducted and documentation and security procedures for the evidence room are being revised. Prior to the investigation, all impounded property was recorded on paper, and there were no surveillance cameras in the room. *Detroit Free Press, October 10, 2002.*

After a year-long investigation, a commission reported that the Suffolk County, Massachusetts Sheriff’s Department, has rampant management and political patronage problems. The seven-member commission was appointed by the governor in July of 2001, after seven correction officers were indicted for beating six inmates and then covering it up. Other officers were accused of fondling female inmates or coercing them to engage in intercourse. The commission found that the Department has inadequate training, undefined hiring and promotion practices, and poor staff morale. Moreover, the commission found that many employees “owe their jobs to well-connected politicians.” Sheriff Richard Rouse resigned his post last month. *Associated Press, October 18, 2002.*

## Civilian Oversight

The Office of Independent Review (“OIR”), created in 2001, released its first report concerning the Los Angeles Sheriff’s Department (“LASD”). OIR

was formed to oversee internal affairs investigations and assure their completeness and integrity. In its report, OIR described LASD's apparent failure to investigate more than 800 pre-litigation claims of wrongdoing filed between 1993 and 2001 and recommended steps to ensure informed investigations of such claims in the future. The report included an evaluation and in-depth analysis of 39 administrative discipline cases from 2002. OIR made recommendations concerning the investigations, charges and discipline involved—most of which LASD accepted. In none of the cases did OIR find LASD'S "disciplinary determination to be unreasonable or unsupportable." In addition, the report recommended changes in LASD's procedures concerning responses to subpoenas for MDT information; formulation of policies and training concerning surveillance activities by a specialized unit; and revisions to the policy relating to the use of restraints on inmates. The full report can be accessed online at, <http://www.laoir.com/report1.pdf>.

In her mid-year report, the Independent Police Auditor of the San Jose, California Police Department recommended that the Department reduce the outside time to investigate citizen complaints from ten to six months. In support of the recommendation, the Auditor noted that the decrease from 1999 to 2001 in civilian contacts (from 819 to 461) and in formal complaints (from 229 to 143) would not cause the shortening of time for investigation to be an untoward burden on the PD. The report also addressed the status of and departmental responses to the Auditor's previous

recommendations pertaining to the information center, recruiting and retention, training, vehicle stops and the internal affairs database. The Auditor reported that she had requested further action in 17% of the Department's internal affairs investigations and had registered disagreements with 5% of the final resolution of complaints. The full report can be accessed electronically at <http://www.ci.sanjose.ca.us/ipa/02Mid-Year.html>.

The most recent report of the Boise, Idaho Ombudsman found that the number of citizen complaints, commendations, and inquiries significantly decreased from 202 to 131 during the first half of 2002 in comparison with the same period in 2001. The number of contacts with the office for the first six months dropped even more steeply (from 1,231 to 516). In resolving 52 complaints in the first half of 2002, the Ombudsman found 8% sustained, 38% unfounded, 35% exonerated, 8% not sustained, and 11% resulted in no finding due to complaint withdrawals and complainants' failure to cooperate. The full report can be viewed electronically at, <http://www.boiseombudsman.org/Internet%202002MidYearReport.PDF>.

In a report that has generated widespread comment in the press, Integrity Officer Ellen Green-Ceisler noted that officers of the Philadelphia Police Department's Narcotics Bureau in the last 3 1/2 years had failed on 7,269 occasions on which Narcotics Bureau officers to appear at hearings and trials due, in part, to demoralization. In addition, narcotics officers and supervisors have violated department policies and have gone unpunished; the

bureau performs haphazard and shallow background checks on employees, and provides inadequate training and supervision. Green-Ceisler noted that, while she had not discovered extensive corruption in the 601-member Narcotics Bureau, a lack of oversight and accountability had created potential for a serious scandal. Green-Ceisler presented the Department with a preliminary copy of her report in July. In response, the Department pledged to intensify checks on court appearances, to strictly monitor search warrants, and to more closely regulate the use of informants. Police Commissioner Sylvester M. Johnson agreed that much of the report was accurate. *Philadelphia Inquirer*, October 24 & 25, 2002.

According to a September 2002 report by the chairman of the Riverside, California Community Police Review Commission to the City Council, citizens had filed fewer use-of-force and discrimination complaints against officers. The most frequent subject of complaints in the same time period was for alleged lack of courtesy. The report noted that since early in 2001, the commission has made 13 policy recommendations, nine of which have been implemented by the Police Department or are being considered. The report can be viewed online at <http://www.ci.riverside.ca.us/cprc/Reports/monthly2002.htm>.

### Community Policing/Problem Oriented Policing

The latest guide from the Office of Community Oriented Policing Services ("COPS), *Mediating Citizen Complaints*, gives detailed information and instructions about how best to

implement a mediation program for citizen complaints against officers. The guide details how mediation programs have played a successful role in settling disputes and lessening conflict. The guide also highlights impediments that may arise and includes suggestions on how to overcome them. An electronic version of the guide can be accessed at [http://www.usdoj.gov/cops/pdf/cp\\_resources/pubs\\_ppse/e04021486web.pdf](http://www.usdoj.gov/cops/pdf/cp_resources/pubs_ppse/e04021486web.pdf).

San Jose, California's Office of the Independent Police Auditor recently published *The Student's Guide to Police Practices* which discusses citizens' and police officers' rights, police practices, and makes suggestions to ease interactions between youth and police officers. Specifically, the guide encourages students to act respectfully and be sensitive to how their actions and appearance may be perceived by the police. Among other topics, it outlines in accessible language the legal principles relating to traffic and other stops, Miranda rights, and the criminal law that are of particular interest to young people. The manual can be accessed online at [http://www.nacole.org/YouthBooklet\\_SanJose\\_9\\_02.pdf](http://www.nacole.org/YouthBooklet_SanJose_9_02.pdf).

The city of Cincinnati and Hamilton County, Ohio will share a \$925,265 grant provided by the Bureau of Justice Assistance of the U.S. Department of Justice to fund police overtime, traffic investigation vans, and an educational program that teaches children to make sensible decisions when using the Internet. *Cincinnati Enquirer*, October 10, 2002.

The Baltimore Police Department will use a \$1.1 million state grant to hire full-time social services professionals to

assist troubled teens in each of the Department's nine districts. The Baltimore Intervention Services for At-Risk Youth program is scheduled to begin in December. *Baltimore Sun*, October 10, 2002.

### Consent Decrees/Memorandum of Understanding

Federal District Court Judge Susan Dlott selected Alan Kalmanoff, a Berkeley, California law professor, to head the monitoring team for the Cincinnati Police Department. Ohio Supreme Court Justice Andrew Douglas will likely join the 20-person monitoring team when he retires from the bench at the end of the year. Kalmanoff will be overseeing a Memorandum of Agreement between Cincinnati and the U.S. Department of Justice, as well a Collaborative Agreement that settled a suit by the Black United Front and the ACLU against the City and the Fraternal Order of Police. The team's responsibilities include reviewing and recommending training and use-of-force policy changes, building stronger community-police relations, and modifying the citizen complaint procedure. Kalmanoff was selected by the court after the parties had been unable to agree upon a monitor. *Cincinnati Enquirer*, October 10, 2002.

The Department of Justice, the District of Columbia, and the District's Metropolitan Police Department ("MPD") agreed on September 30 to modify many of the timelines set forth in the Memorandum of Agreement between the parties and to note that the MPD was no longer deemed by DOJ to be in violation of those provisions. The modification acknowledged that the

MPD had made significant progress in its attempts to fulfill its obligations under the MOA and had been "consistently improving both the quality and the timeliness of its deliverables in the last several months." The MPD continued to be deemed in violation of the MOA for its failure to develop and implement an early warning system within the required timeframes. The text of the modification can be accessed online at [http://www.usdoj.gov/crt/split/documents/mpd\\_moa\\_mod\\_chart\\_093002.htm](http://www.usdoj.gov/crt/split/documents/mpd_moa_mod_chart_093002.htm).

### Legal Affairs

A former Los Angeles police sergeant who had complained of offensive remarks to her by a lieutenant and further alleged that she was thereafter transferred and demoted in retaliation has obtained a \$1.25-million settlement. The sergeant had not worked since 1999. According to the lawsuit which she filed in 1998, the lieutenant had told her that he was opposed to affirmative action policies; felt that they resulted in unjustifiable promotions of women of color like her, and that he cared only for the progress of white men. The sergeant said that she complained about the comments to the division commander, who failed to take action, and instead began to criticize her work. *Los Angeles Times*, October 17, 2002.

### Mental Illness

St. Paul, Minnesota Police Chief William Finney announced to the City Council that the Department would provide officers with additional training on dealing with people with mental illness.

All patrol officers and managers will participate in a four-hour course on mental health issues. In addition, the Department will show a videotape at roll calls that describes recent changes in laws related to mental health issues. Finney declined, however, to follow a recommendation by mental health advocates that special teams respond to incidents involving the mentally ill. The changes came after September incidents that resulted in the fatal shootings of two men who had histories of mental illness. The cases remain under investigation. *Star Tribune, October 24, 2002.*

### Racial Profiling

In an ongoing examination whether the Denver Police Department has engaged in racial profiling, University of Colorado professor Deborah Thomas, issued the first of three contemplated annual reports, finding from an analysis of 200,000 traffic and pedestrian stops over a one-year period that the racial and ethnic distribution of people stopped was roughly proportional to the city's population. Whites accounted for 48% of traffic stops, compared with 31% for Hispanics and 17% for blacks. Blacks and Hispanics, however, were three times more likely to be subject to a search than were whites. Hispanics were searched in 11% of police traffic stops, blacks in 10% – compared with whites at 3%. Since the process of data analysis is ongoing, the report purposefully refrained from drawing any conclusions. The study was mandated as part of a settlement of a lawsuit that alleged excessive force and the use of racial epithets in a 1996 incident involving a crowd of 400

people, many of whom were black. *Rocky Mountain News, October 29, 2002.*

In a recent report, the ACLU accused the San Francisco Police Department of insufficient efforts to curtail alleged racial profiling in traffic stops and searches. The ACLU analyzed more than 50,000 stops between July 1, 2001 and June 30, 2002, finding that blacks and Latinos were three times more likely to be searched than white drivers and that black drivers were stopped at rates far beyond their percentage of the city's population. Although he agreed that dealing with asserted racial profiling was a top priority, Police Chief Earl Sanders disagreed with the conclusions in the ACLU report. He noted that the department is conducting its own research on the issue and is in the process of developing new racial profiling policies. *San Francisco Chronicle, October 8, 2002.*

Twelve African American plaintiffs in Eastpointe, Michigan are requesting \$21 million in damages, mandatory training for police, and an end to asserted racial profiling of young people on bikes. The plaintiffs allege that the police department systematically stopped more than 100 black bike riders between the ages of 11 and 18 because of their race and in some cases searched and handcuffed them. The ACLU has also joined the lawsuit. *NACOLE Update, October 12, 2002.*

### Standards and Training

The U.S. Department of Justice Office of Community Oriented Policing Services ("COPS") announced a total of \$7.6 million in grants of up to \$125,000 each

to 142 major law enforcement agencies under the *Creating a Culture of Integrity* initiative. The grants are intended to encourage mutual respect between police and citizens. Law enforcement agencies applied for the grants in order to develop new, community-conscious policies and practices regarding traffic stops, the use of force by officers, civilian review boards, community-representative recruitment and hiring, and other issues that affect public confidence in law enforcement. In addition to benefiting the jurisdictions that will receive funding, the grants seek to further promising practices that can be used by other law enforcement agencies. More information about the COPS Integrity initiative may be found at [www.cops.usdoj.gov](http://www.cops.usdoj.gov).

### Use of Force

According to an article entitled "On the Cutting Edge" in *Police Magazine*, very few police departments have an official use of force policy concerning use of knives by officers or training programs to teach officers how to deploy them. The article cites two departments that have taken steps to address the issue: the Fountain Valley, California Police Department and the Ontario, California Police Department. The Ontario PD enacted a policy and has implemented a training program that includes defensive knife tactics. Ontario's policy includes measures to deter officers from planting knives on subjects by requiring that the knife issued to each of the Department's 250 sworn officers be engraved with "Ontario PD" and carry a specific identification number. Officers are subject to weapon inspections and cannot carry knives that are not registered with the Department.

Although not as comprehensive, the Fountain Valley Police Department's proposed policy calls for the collection of information on officers' knives such as manufacturer, model, and description. The Department also foresees the implementation of defensive knife training tactics. The full article can be accessed online at [http://www.policemag.com/t\\_cipick.cfm?rank=87831](http://www.policemag.com/t_cipick.cfm?rank=87831).

### Interview

After more than 40 years as a law enforcement professional, Charles Reynolds continues to augment his impressive range of experience. Most recently, Mr. Reynolds has added international experience to his years of U.S.-based policing work. He has participated in major police reform endeavors in Belize and Northern Ireland. Mr. Reynolds' stateside experience includes 26 years as the police chief of a number of New England jurisdictions. In addition, he was one of the first court-appointed monitors to oversee a consent decree between the U.S. Department of Justice and a local police agency. He has served as a consultant for municipalities in 17 states. The following interview is divided into three parts focusing on Mr. Reynolds work in Steubenville, Ohio, Northern Ireland, and Belize.

In 1997, Steubenville and its police department entered into a consent decree with the Department of Justice to settle a suit alleging that the police had engaged in a pattern or practice of failing to investigate alleged misconduct, discipline officers, or provide adequate training or supervision. In the approximately 20 years prior to the

consent decree, Steubenville had paid \$850,000 in settlements for police misconduct lawsuits. Mr. Reynolds assumed the role of monitor for the Steubenville Police Department in 1997.

### **Steubenville, Ohio**

**PARC:** *Did you experience any personal difficulties or adjustments when you transitioned from your longstanding role as a police chief to the role of an independent auditor?*

**CR:** On the contrary, I think my background in policing and my familiarity with the “police department culture” has been helpful. Without it, I think the job would have been quite difficult. In addition, I found that my experience with police accreditation was extremely beneficial, both as the chief of a department that went through the accreditation process and most especially as an assessor. I often compare the requirements of the consent decree with the accreditation standards, both of which require the development of and compliance with good policies, procedures and practices. Also in both cases, the parties enter into an agreement to do so. Thus I believe that my knowledge of policing and the accreditation process provided me with the necessary background for a smooth transition.

**PARC:** *Since 1997 when you assumed the role of independent auditor in Steubenville, do you think that the role of auditor has become more widely accepted by law enforcement managers and personnel nationwide?*

**CR:** I think it varies with the sophistication of the particular law enforcement leadership. Generally, however, police chiefs and police

officers want to work in a department that they can be proud of and that is respected by the community. Sometimes outside oversight is the answer.

In a broader sense however, it appears that police accountability or more specifically the lack of police accountability is becoming of more concern to the public, and the establishment of oversight bodies, whether under the provisions of a decree or otherwise, is becoming a popular remedy. This is truly unfortunate since it is the police chief who should be given the authority, support and opportunity to hold his or her personnel accountable for their actions without outside interference.

In addition, police departments already have legally mandated oversight by governors, mayors, legislators, city councilors, city managers, police commissions and other bodies. It is generally when these bodies have failed to effectively do their jobs to support the police, but at the same time to hold the police accountable, that the need for an oversight body arises.

**PARC:** *In Steubenville you were required to work with a chief that was not supportive of the consent decree. Were you able to establish a productive relationship with the chief? If so, how did you accomplish that and what were the main components of that relationship?*

**CR:** I was able to establish a productive relationship with the chief by being open, frank, and transparent. There were no surprises when the quarterly report was released and I was always available to him. He knew that if I made an error in the report, he merely had to

bring it to my attention and it would be corrected.

**PARC:** *Did the attitudes and culture of the town have any adverse effects on the culture of the department and its efforts to comply with the consent decree?*

**CR:** In most cases the police department reflects the culture of the community, both good and otherwise. This community went through some really hard economic times and has not yet recovered. Of course that had an effect on the police department, but the hope always is that good shall prevail and that seems to be the case here. At the time the decree was entered there was a lot of support for it from citizens and police officers alike. Of course there was opposition as well, especially from within the department. While there are those still resisting the decree for reasons even they cannot explain, most see the benefits that have resulted from it.

**PARC:** *What did you do to gain support within the Steubenville Police Department among the command staff and the rank and file?*

**CR:** I initially met with the command staff and officers both in their offices and on patrol. They were uncertain, inquisitive and misinformed about the decree. I explained that I was there to monitor compliance with an *agreement* that the city had entered into with the Department of Justice. My basic message was that the consent decree simply required them to follow good police practice similar to that found in most police departments in the country.

When they questioned this premise, in a friendly way, I challenged them to cite a

decree requirement that was inconsistent with best policing practices.

During one particular meeting with the senior staff, a sergeant complained that the decree required the department to accept and fully investigate every citizen complaint, and he went on to describe with some contempt the type of people who make complaints against the police. I answered his comments with the following question, "When a citizen believes he or she has a complaint, where should he or she go -- to the police department, to the sheriff, county prosecutor, state patrol, state bureau of criminal investigation, attorney general, the U.S. Attorney, FBI, the media or somewhere else?" He replied that he wanted them to, "come right here," to which I replied, "That is the correct answer." There are other examples as well.

**PARC:** *Use of force was also a major focus of the consent decree. Has the department been able to successfully implement the proposed reporting methodology and policies? If not, what obstacles have arisen? If the implementation was successful, what have been the major benefits?*

**CR:** The policies and reporting procedures have been implemented, but the problem involved more than simply reporting methodology and policies. It also involved supervision and disciplinary issues. Nevertheless, this is another area that has been a success story. While there have been excessive force complaints since 1997, each has been investigated and resolved by internal affairs, and there have been no civil suits. I think it is safe to say that uses of force are now watched more closely and taken more seriously than they were before 1997.

**PARC:** *What elements of the consent decree have been the most difficult for you to measure and report on as the independent auditor?*

**CR:** Supervision and discipline. This entails more than developing policies, completing forms, and checking the correct boxes. It is leadership, training, counseling, encouragement and the whole gamut of supervisory issues that must be internalized and practiced not only by the chief, but by middle managers, first line supervisors and ultimately by the officers on the street. This is difficult to quantify and report on in a precise way.

**PARC:** *Besides improved police practices, what benefits did the Steubenville department gain as a result of the consent decree?*

**CR:** Better organization, training opportunities and better equipment. The leadership training as of late has been especially helpful. The management information system has also been helpful in acquiring the data necessary to make judgments about police conduct.

**PARC:** *Can you attribute any of the consent decree compliance difficulties that the Steubenville department has had to the fact that it is a small department with limited resources?*

**CR:** Limited resources or the inappropriate prioritization of resources appears to have been a fundamental problem leading up to the decree as well as compliance with the decree. Simply put, this police department did not train or equip its personnel, and endured the result. As a result of the decree, an

extensive training program has been instituted and officers are frequently sent to outside specialized schools, a sophisticated computer system is in place, and there have been other improvements. However, this has not been easy. Often the necessary talent and experience was not available internally and funds were not readily available to hire outside technical assistance. A larger department would undoubtedly have staff capable of addressing many of the decree requirements and funding would be available for outside assistance when required. This is not always the case in the smaller departments. However, Steubenville has committed significant resources to the improvement of the department and continues to do so.

**PARC:** *How does the Steubenville department differ today from your initial visit in December of 1997?*

**CR:** The facility is renovated, training is ongoing, officers prepare their reports on computers and information is automated. There is a realization that citizens have a right to complain and, when they do, a full investigation will be conducted. There is also the realization that even if citizens do not complain, misconduct is likely to be discovered. Consequently, there is a better relationship with the public, with the legal community and, I believe, with the political leaders within the community.

#### **Northern Ireland**

**PARC:** *Can you describe your position and duties in the Northern Ireland police reform efforts?*

**CR:** I serve as a consultant and evaluator to the Office of the Oversight

Commissioner for Policing Reform in Northern Ireland. The Oversight Commissioner is Tom Constantine, former superintendent of the New York State Police and former DEA Administrator. This office was created as a result of the Good Friday Agreement and the subsequent study of the Royal Ulster Constabulary by the Independent Commission on Policing for Northern Ireland. The Independent Commission produced its report containing 175 recommendations in September 1999. As the name implies, the Oversight Commissioner has the responsibility for overseeing and reporting on progress with the implementation of these recommendations at least three times each year. I serve as a member of a team that originally consisted of the Commissioner, myself and two other consultant/evaluators as well as a full-time staff in Belfast. The team is now expanded by two additional consultant/evaluators.

**PARC:** *What are your primary areas of focus relating to the Independent Commission on Policing's recommendations in Northern Ireland?*

**CR:** The Report of the Independent Commission is one of the most comprehensive and far-reaching reports on policing that perhaps have been completed since the U.S. President's Commission Report many years ago. My focus is on the topical areas of *Policing in a Peaceful Society*, *Public Order Policing*, *Special Branch*, *Size of the Police Service*, and *Composition and Recruitment*. *Policing in a Peaceful Society* involves such things as building new and renovating existing police stations to appear more like ordinary buildings rather than the fortified compounds that

now exist, but have been necessary for the protection of the officers. It also includes the increased use of ordinary vehicles on patrol rather than armored Land Rovers that have been and are now used in many places. *Public Order Policing* involves the deployment, training and tactics used by the Police Service when called to police public order situations. *Special Branch* is the intelligence component of the police service. Of interest here is the size of the unit and the sharing of information with district commanders and criminal investigators. The *Size of the Police Service* deals with the recommended downsizing of the police service from approximately 11,000 officers to 7,500 through a severance program and normal attrition. *Composition and Recruitment* pertains to the recruitment of police officers and civilians, and the development of a police service that is more representative of the community it serves by appointing to the service an equal number of Catholic and non-Catholic recruits and civilians.

**PARC:** *Have cultural, social or systemic policing differences presented any unique challenges for you as an auditor in Northern Ireland?*

**CR:** There is an adjustment when dealing with the cultural and social differences. It has also been somewhat of a challenge to understand the history that led to the current situation in Northern Ireland. However, the policing differences are relatively easy to understand and adjust to. Policing is policing, and police officers are police officers, wherever they may be.

**PARC:** *Generally speaking, have the police departments in Northern Ireland been receptive to the revisions set forth by the*

*Independent Commission on Policing?*

**CR:** This report recommends far-reaching and comprehensive changes that are advanced by any standard. The Police Service is working to accommodate and implement the recommended changes.

**PARC:** *The issue of human rights has been referred to as the “centerpiece” of the Independent Police Commission’s recommendations. What are the main causes for concern, and what adjustments are being made by the police agencies within Northern Ireland?*

**CR:** After emerging from a civil war and achieving a “cease fire” the police are shifting some of their focus away from security to ordinary policing concerns. In so doing, they are reviewing all policies and plans for compliance with the UK Human Rights Act of 1998, which went into effect in 2000 and which is in conformance with the European Convention on Human Rights. Some of the specific steps they have or are taking are the development of a new oath of allegiance and a new statement of ethics, a revamping of their entire training curriculum to include a strong human rights component, and the developing of a promotional process that includes an evaluation of the officer’s human rights consciousness and performance.

**PARC:** *Did the commission find models of “human rights-based policing” elsewhere?*

**CR:** The models used were largely from the United States and Canada, but also included some European countries, and of course the United Kingdom.

**PARC:** *Do you think this approach is being*

*used by any departments in the U.S.? Could such an approach be used in the U.S.?*

**CR:** Our Bill of Rights is the basis for the approach used in the United States. Of course, some seem to enjoy debating the degree to which the police adhere to the Bill of Rights, but the high degree of public respect enjoyed by the police speaks for itself.

**PARC:** *One of the listed objectives is to move towards a “routinely unarmed police force.” Presently, this recommendation has not been met. Are there extenuating circumstances that have impeded the implementation of this recommendation?*

**CR:** The police service has not yet moved ahead with this recommendation due to the existing security situation, which *at this time* appears to be inconsistent with the notion of an unarmed police force.

**PARC:** *A key component of the restructuring process pertains to the recruitment of diverse new officers so that all segments of the population are represented? Can you provide insight into the premise and overall importance of this task? In addition, which segments of the population are presently under-represented in the police force and what efforts are being made to recruit them?*

**CR:** The premise is based on the fact that the police force was 90% Protestant, and therefore a large segment of the community believed that the police force did not represent them. The Consensia Partnership, which is the private recruitment firm hired to do the recruitment, has done a masterful job of recruiting applicants that are fairly representative of the community. In the first recruitment campaign, Consensia

received 20,283 application requests, which resulted in 7,518 actual applications. Amongst the received applications, 35.6% were Catholic and 40.9% women. The second campaign produced 9,607 application requests and 4,885 applications received, which 38.7% were Catholic and 38.8% women.

**PARC:** *Have you learned anything about policing in Northern Ireland that would be useful to police in the U.S.? In other words, do the police in Northern Ireland have anything to teach the police in the U.S.?*

**CR:** There are some lessons to be learned from the situation in Northern Ireland. The police in the United States should learn what may occur when any segments of the community believes that they are not being treated fairly and equally. For a number of reasons, the police in Northern Ireland are combating the perception, true or not, that they treat certain segments of the population more favorably than others. The police in the United States should do whatever they can to avoid having this occur to them.

With this said, in my opinion the police here should refrain from participation in partisan politics, which could quickly become the basis for a similar perception, especially on a local level. The police should represent everyone equally and must guard against becoming involving in any conduct that creates the *perception* that they are not doing so. The police code of ethics is a good foundation to rely on for guidance.

**PARC:** *What advice can you draw from your experiences in Northern Ireland, and impart to civilian overseers in the U.S.?*

**CR:** It is critically important that civilian

overseers are rigorous, but honest, objective, fair and sensitive to the fact that their every word means something to the people involved. This is no job for someone with a preconceived notion that his or her way is the only way, who will not listen, or who has an agenda other than to do a fair and objective job.

**Belize**

**PARC:** *Can you provide an overview of the work you are performing in Belize?*

**CR:** I am presently working with the Belizean government to improve the capabilities of its police department to deal with crime and the delivery of police service. Belize is a laid-back developing country that has had all of the problems of globalization thrust upon it, including crime. Crimes foreign to its culture such as murder, drive by shootings, torture, and robberies are out-stripping its capabilities and we are working to develop the means to effectively deal with this situation. The government is committed to doing so, and I am confident that we will be able to do so. The Belize Police Department consists of nearly 1,000 officers who have police and national security responsibilities for a population of 250,000, in a country a little larger than the state of Massachusetts. They have but 70 vehicles, little or no technology, and limited forensics, intelligence, and training. They also have internal discipline and related problems. The government is serious about attacking these problems and the group that I am associated with on this project, USA International, is working with the government to develop a plan to address these and other issues and reduce crime.

**Director's Cut**

A column by PARC Director, Merrick Bobb

In 1992, the Board of Supervisors of Los Angeles County commissioned an investigation of how well or how poorly the Los Angeles County Sheriff's Department ("LASD") was managing the risk of police misconduct, particularly the risk of excessive force. I served as General Counsel of that investigation which resulted in the **Kolts Report** issued in July of that year. As my staff and I did our research, we found a handful of progressive U.S. police departments experimenting with the collection of statistics on the frequency that their officers were subjects of citizens' complaints. These departments were proceeding on the assumption that an elevated number of citizens' complaints served as an indicator or "early warning" that a particular officer might engage in serious misconduct in the future; hence, the term "early warning system." We were intrigued by the notion and wondered whether it was possible to devise a system that indeed could predict which officers posed a risk of serious misconduct, thereby giving police management an opportunity to intervene at an early stage. What we found was that the "early warning systems" in use were not up to the job, largely because of the paucity of data being collected. Simply put, the raw number of citizens' complaints against officers did not provide enough information about officer performance to be useful in framing a strategy to identify and manage the officers posing the greatest risks.

Thus, as we proceeded with our investigation in **Kolts**, we asked each sergeant, lieutenant, captain and senior manager that we interviewed in the LASD the following question: "If you were given the responsibility of identifying and dealing with the officers under your span of control who pose the greatest risk of future misconduct, what

information would you want to have in front of you to do the job?” What we learned was highly instructive and ultimately provided the roadmap for the early warning and tracking system recommended in **Kolts** and that the LASD put in place a few year’s later.

The sergeants, lieutenants, and captains wanted raw numbers of citizens’ complaints, to be sure, but that was not all they wanted. They said they needed to know what the complaint was about, how well it was investigated, what the result was, whether any discipline or retraining occurred as a result of the complaint, what kind of assignment the officer had when he or she generated the complaint, and how many complaints were generated by other officers in similar assignments and on similar shifts. They wanted to know how their particular precinct compared to others in terms of the numbers of citizen complaints and whether their particular precinct faced differing crime patterns that might lead to a differentially higher number of complaints.

They also wanted more specific information about subjects beyond citizens’ complaints. They needed to know which officers used force more often than other similarly situated officers. They advocated that officers be required to report each time they used force. They wanted to know how often officers were the subject of internal affairs investigations for possible criminal misconduct or policy violations and how many officer-involved shootings, hit and non-hit, the officers were involved in. They wanted information concerning the frequency with which officers they supervised were sued, what the lawsuits were about, and whether the suits led to plaintiff’s or defense verdicts or settlements, and, if so, in what amounts.

Senior executives wanted to know which precincts generated more uses of force, more shootings, more litigation, more internal investigations, and created more risk than

other precincts. They wanted to know how many lawsuits were in fact pending and what the scope of the exposure was.

The upshot was that we took what everyone said they wanted – and added several capabilities that we thought were critical – and worked closely with the LASD to ensure that the resulting system would meet those collective needs. We deemed it important that the resulting system take the form of a relational database capable of conducting complex interrelated queries. In other words, a captain had to be able to ask the computer to compile information as detailed as “tell me each time an officer on the early morning shift used a baton on an intoxicated male between January 1, 1992 and the present.” Or, “give me a printout of the number of officer-involved shootings during July 2002 compared to each July during the last ten years.” Or, “identify all officers who generated three or more citizens’ complaints for rudeness or discourtesy who within two years thereafter were sued for excessive force.”

Another key insight was that the underlying documentation in each of the categories needed to be easily accessible to the commanding and supervising officers. It was insufficient if the early warning system only disclosed the bare fact that there had been a sustained internal affairs investigation of an officer for excessive force. It was inefficient if the captain had to trek downtown to the Internal Affairs office to find the file in order to learn about the facts and circumstances of the event. Similarly, it was not useful for a captain to know that a given officer generated six complaints for failure to perform to standards if she had to go downtown to review the complaints themselves. Thus, it was crucially important that all key documents – the citizen’s complaint, the use of force form, the report from the IA investigation – be scanned in or otherwise attached

so that the captain could “drill down” using the computer on her desk to whatever level of detail was necessary.

The LASD, as noted earlier, constructed a system meeting these demands. It is called the Personnel Performance Index, or PPI. To date we have come across only two departments which possess what we consider to be similarly sophisticated systems: Pittsburgh and Miami-Dade. Each of these three departments has a computerized relational database capable of the sophisticated inquiries that supervisors and executives need to foster accountability. Interestingly, the settlement agreements in DOJ Civil Rights Division investigations of police departments in Washington D.C., Los Angeles, and Cincinnati require those departments to construct computerized relational databases with the breadth of data that is collected in the PPI – and more. As time has gone by, the data necessary to effectively identify and manage the risk of police misconduct has grown. For example, at the time the PPI was constructed, the term “racial profiling” had not been coined; nor had the data needed to identify possible patterns of racial profiling been defined. The newer systems will have that data.

The DC and LA early warning and tracking systems, if and when they are ready, will join those in Pittsburgh, Miami-Dade, and Los Angeles County as the state of the art. In future issues of the *Best Practices Review*, I hope to comment on another important aspect of early warning and tracking systems – how to construct and operate them so as to minimize error, prejudice and misuse of the systems and protect the officers about whom information is being collected.

## Conferences

**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 12-16, 2002 – American Society of Criminology** Annual conference, in Chicago, Illinois. Topics include: recognizing the diversity of domestic violence, gang interventions, crime mapping, issues in community policing, incarceration of racial minorities and more. More information is available at <http://www.asc41.com>.

**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](http://www.calea.org/newweb/ConferenceInfo/Portland/conferenceinfo.htm).

**November 18-20, 2002 Southeastern Community Oriented Policing Education (SCOPE) Institute** "Regional Ethics and Integrity" conference, to be held in Knoxville, Tennessee. For more information, visit <http://www.leic.tennessee.edu/>.

**November 22-24, 2002 – 13<sup>th</sup> 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 – 2<sup>nd</sup> Annual Advanced Issues in Internal Affairs, Police Discipline & Citizen Complaint Conference** Public Agency Training Council seminar, sponsored by the Las Vegas Police Department, to be held in Las Vegas, Nevada. Register on-line at [www.patc.com](http://www.patc.com).

**April 28-30, 2003 – Americans for Effective Law Enforcement** Critical Incident Response: Management and Liability seminar, to be held in Las Vegas, Nevada. For more information, visit <http://www.aele.org/wkscrit.html>.

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