

BEST PRACTICES REVIEW

With the generous support of the Ford Foundation, **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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Times, January 8, 2003, and *New York Daily News*, January 9, 2003.

The Atlanta Police Foundation, which was created by Police Chief Richard Pennington, hired a consulting firm to review how the Atlanta Police Department investigates, classifies, and reports the city’s crimes. Linder & Associates is expected to audit a year’s worth of reported crimes to determine if each was appropriately handled. The firm will also assess the department’s response time to emergency calls, the clearance rate on crime reports, and its deployment of officers. The department has previously been criticized for under-reporting of serious crime. In 1998, the Georgia Bureau of Investigation found that a significant number of 1996 rapes and robberies were not properly reported. *Atlanta Journal-Constitution*, January 22, 2003.

Civilian Oversight

The Appellate Division of the State Supreme Court ruled that the New York Civilian Complaint Review Board (“CCRB”), the agency that investigates police misconduct complaints, is legally permitted to prosecute officers for misconduct. The court also ruled that complaints substantiated by the agency must be heard by Police Department administrative law judges, rather than by a civilian tribunal. The unions that brought the challenge to the new procedures are considering a further appeal. Even in the absence of a successful appeal, the expansion of the CCRB’s jurisdiction could be derailed by New York City’s budget crisis. *New*

The Santa Cruz, California City Council unanimously abolished the Citizens’ Police Review Board a week after cutting \$60,000 from the its \$90,000 budget. The volunteer board has been criticized by activists for being ineffective and by others for being unduly critical of the police. The city selected Robert Aaronson as interim auditor of complaints against the police, and is considering creating a permanent auditor’s post. *Santa Cruz Sentinel*, January 26, and 30, 2003.

Nathanael L. Ford, who in his 28 years with the Toledo, Ohio Police Department rose to the rank of deputy chief, has been appointed to serve as the first director of Cincinnati's new police oversight entity, the Citizen Complaint Authority ("CCA"). Ford, whose selection involved a collaborative process among the interested parties, will lead a staff which will investigate complaints of serious police misconduct. The investigations are supposed to be completed within 90 days. The results are then presented to the seven-member CCA board, which will propose disciplinary action to the city manager. The CCA supersedes the Citizen Police Review Panel, which ceased operations after many of its members resigned to protest its ineffectiveness. The agency may also evaluate use-of-force trends and make policy recommendations. The mayor called the CCA the "cornerstone" of the city's two landmark agreements on police-community relations. *Cincinnati Enquirer*, January 24, 2003.

Minneapolis's City Council has revised the functioning of the Civilian Review Authority ("CRA"). Rather than being an independent entity, the CRA will become part of the city's Civil Rights Department. The move will help lessen the effects of a 27-percent budget cut. The CRA hearings process has been revised to eliminate the formal presentation of evidence and witnesses and the standard of proof required for sustaining a complaint has been reduced from "clear and convincing evidence" to a "preponderance of the evidence." An evidentiary hearing may still be held before an arbitrator following the imposition of discipline by the chief. *Star-Tribune*, December 31, 2002.

The Iowa City City Council called for a review of the police department's traffic stop policies by the Police Citizens Review Board. The request comes after a controversial case in which a motorist alleged that he was unnecessarily sprayed with mace and assaulted after being stopped for traffic violations. The police department will conduct its own review of its policies. *Iowa City Press-Citizen*, January 17, 2003.

Saul Green, the new Cincinnati police monitor, estimated that the oversight process of the city's settlement agreements will cost approximately \$3.4 million. Green's estimate is considerably less than the \$7-million sum predicted by the former monitor, Alan Kalmanoff. It is also lower than the \$5-million cap set by the Council. Kalmanoff, a Berkeley law professor, resigned just four weeks into his five-year term following disputes about his first bill and his estimated total spending. Green said that he expects to release his first progress report on April 1, 2003 and will issue quarterly reports thereafter. *Cincinnati Post*, January 10, 2003.

Community Policing/Problem Oriented Policing

The Raleigh, North Carolina Police Department recently decentralized its operations, moving from its main station downtown to several stations covering six districts throughout the city. District lines were drawn to reflect the volume of calls from the areas in question. The move is expected to allow officers to focus on the needs of their respective districts. *Technician Online*, January 22, 2003.

“Proactive Policing, Strategies that Work” in *The Police Chief* describes seven strategies that have proven to improve the quality of life in communities at little or no cost. The strategies are directed at solving community problems rather than making major arrests. The Oklahoma County Sheriff’s Office assigned a “trash cop” to the task of locating, investigating, and cleaning up illegal dumping sites. The new position resulted in the arrests of suspects who were illegally dumping tires. In Sugar Land, Texas the police department instituted a program to persuade and assist homeowners to voluntarily remove junked cars from their property.

In Milpitas, California, the police department implemented measures to reduce robberies in shopping center areas by increasing contact with business owners, conducting foot patrols, and parking older police cars in various mall parking facilities. The article also discusses an information-sharing program in Calera, Alabama to reduce daytime crime in residential neighborhoods; a community-policing program in Woodcliff Lake, New Jersey that assigned officers to small residential and business sectors of the town; stepped-up traffic enforcement in residential areas of Chandler, Arizona; and a program in Lynchburg, Virginia that incorporated a public awareness campaign, targeted patrols, and aggressive investigation to reduce automobile break-ins. *The Police Chief*, January, 2003.

Consent Decrees/Memoranda of Understanding

The monitors for the New Jersey State

Police, James Ginger and Albert Rivas, released their seventh semiannual report for the period ending September 30, 2002. A review of 294 traffic stops, including the videotapes of those stops, showed no violations of the consent decree and no reliance on race or ethnicity in initiating or conducting the encounters. The State Police eliminated a significant part of its backlog of old internal affairs investigations and was processing almost all new internal affairs investigations within 120 days. The report noted that the quantity and quality of supervision of troopers on the road had improved. Several deficiencies were identified, including an insufficient training process for supervisors, a lack of understanding of police procedures and decree requirements by patrol units that resulted in 14 problematic searches, and inadequate staffing levels at the training academy. While noting significant progress in bringing a computerized tracking system online, the monitors estimated that it would be another year before the system was fully operational. The full report is available online at www.state.nj.us/lps/monitorsreport7.pdf

The village of Mount Prospect, Illinois and its Police Department agreed to enter into a memorandum of agreement with the Department of Justice following a three-year investigation into allegations that the police engaged in racial profiling of Hispanics. The Village and Police Department admitted no wrongdoing but agreed to implement a number of reforms, including implementation of cultural sensitivity training, drafting a policy against discrimination, and recording the race and ethnicity of all drivers stopped by the police. Under the terms of the

agreement the department is expected to also begin publishing semiannual reports of traffic stop statistics by race and must provide complaint forms in English and Spanish to people who express dissatisfaction with an officer's behavior. The agreement is binding for five years and monitoring will cease after three years if the department complies. The investigation was prompted by an employment discrimination suit brought by a Hispanic police officer who had been fired. The officer testified in a successful discrimination suit that police supervisors ordered officers to target Hispanic motorists. Thereafter, the federal judge wrote to DOJ's Civil Rights Division asking for an investigation. *Chicago Tribune*, and *Daily Herald*, January 23, 2003.

Los Angeles County and the Department of Justice entered into a memorandum of agreement that sets standards for managing the estimated 2,500 mentally ill inmates in the county jails. The agreement, which resulted from a six-year federal investigation, allows the county to avoid a civil rights lawsuit. In 1997 DOJ issued a letter that detailed numerous alleged constitutional deficiencies with regard to mental health care, including inadequate intake screening and evaluation, diagnosis, referral to mental health professionals, treatment plans, administration of medications, suicide prevention, tracking and medical record keeping, staffing, communication, and quality assurance. The report also alleged that the county had mistreated and abused mentally ill inmates, including using excessive force and improper restraint practices. The agreement requires improved screening standards for new inmates,

lockdown restrictions, improved appropriation and prescription of psychotropic medicines, detailed and accurate recordkeeping, and expedited evaluation of suicidal inmates. In addition, trained mental health workers are expected to structure and monitor comprehensive treatments plans. Since the investigation began, the Sheriff's Department has moved mentally ill prisoners into better facilities and created a computerized medical record tracking system, while the psychiatric care staff has been doubled. In 1998 and 1999 two mentally ill inmates died after struggles with officers. The DOJ will continue to monitor the jail conditions. The text of the memorandum of agreement can be accessed at www.usdoj.gov/crt/split/documents/lacountyjail_mh.htm. *Los Angeles Times*, January 12, 2003.

Legal Affairs

Eleven suspended or fired Miami police officers began a several-month-long trial in federal court on corruption and conspiracy charges. The former officers face a range of accusations that include shooting unarmed suspects, planting weapons, and lying to investigators. The case focuses on four different shootings that resulted in the deaths of three black suspects and the wounding of a homeless white man. All of the shootings were found to be justified by the department's internal review process and by state prosecutors. The defendants, all of whom are Hispanic, and many of whom were members of a now-disbanded street team known as "the Jump Out Boys," face five or more years in prison if convicted. *New York Times*, January 22, 2003.

Fifty witnesses, mostly police officers and supervisors, were summoned to appear before a grand jury in a case involving assault and attempted robbery accusations against the son of the San Francisco Police Department's assistant chief and two other officers. The grand jury is also expected to hear from two men who allege that they were beaten by the three off-duty officers. The Police Department's handling of the case has generated criticism, including from the District Attorney who convened the grand jury. The chief internal investigator, who was removed from the case and transferred, publicly charged that he was being punished for assertively examining the incident and that the department command staff had hindered his investigation. In addition, until its legal staff overruled it, the department planned to attach the text of subpoenaed officers' prior statements during the investigation to the subpoenas the department was delivering to them. The Chief of Police has defended the department's internal inquiry. *San Francisco Chronicle*, January 19, and 25, 2003.

One of two former Jefferson County, Kentucky Police Department narcotics detectives indicted for police misconduct pleaded guilty during trial and agreed to testify against his former partner. The ex-detectives, who resigned after they were arrested, are accused of creating false search warrants with photocopies of judges' signatures; obtaining warrants through the use of fraudulent affidavits; and pocketing payments meant for informants. The former officer pleaded guilty to 299 counts involving burglary, tampering with public records, possession of forged documents, theft by deception, perjury, official misconduct,

and harassing a witness. His former partner who remains on trial faces almost 300 counts involving similar charges. *Courier-Journal*, January 25, 2003.

Mental Illness

"Police Training and Specialized Approaches to Respond to People with Mental Illness," by researchers Judy Hails and Randy Borum, concludes that there appear to be deficiencies in training police recruits and veteran officers in responding to calls involving people with mental illness ("PwMI"). However, the researchers note "great promise" in the trend for agencies to create a specialized first response to these encounters.

The authors examined survey responses from 84 medium and large law enforcement agencies regarding the extent of training provided for handling calls involving PwMI and the nature and prevalence of specialized response programs. Seventy agencies reported providing from zero to 41 hours of recruit training devoted to responding to calls involving PwMI. The median number of training hours was 6.5. Fourteen agencies that responded to the survey did not quantify training hours, and some provided little or no training on the topic. Many agencies noted that instruction periods often included related topics such as substance abuse, other mental disabilities, and management of unruly suspects. The researchers acknowledged that it was difficult to determine which agencies have adequate training. They noted that the average training time was limited and considerably less than the 16 hours recommended in the model curriculum

proposed by the Police Executive Research Forum in 1997.

Twenty-seven agencies (32%) reported that they had instituted some form of specialized response for calls involving PwMI. Eighteen of the responding departments (21%) stated that they had a special unit within the department designed to assist officers with PwMI. Eleven departments (13%) indicated that they had one or more “in-house” mental health professionals available to assist officers. Nine departments (11%) stated that they had a group of specially trained officers designated to provide a specialized response. In addition, seven departments (8%) did not list any in-house specialized response but noted that they contacted a mobile mental health crisis team when a specialized response was needed. The authors stated that police-based specialized responses, such as crisis intervention teams, “have strong potential to reduce unnecessary arrests and uses of force.” *Crime and Delinquency*, Volume 49, Number 1.

The San Bernardino, California Police Department will implement a Crisis Intervention Team to deal with mentally ill persons in early February. The team has been taught to recognize symptoms of mental illness, use nonviolent methods when interacting with mentally ill individuals, and utilize community resources to keep those individuals from going to jail. The team will be available for deployment during every shift. In the 200 other jurisdictions around the country that use such specialized teams, officer-involved shootings, officer injuries and calls for police assistance have all decreased. *San Bernardino County Sun*, January 17, 2003.

California law enforcement agents recently participated in a daylong workshop that focused on how to approach and interact with autistic and other mentally disabled individuals. Experts at the workshop explained that mentally disabled people can usefully participate in investigations if managed appropriately. Experts advised law enforcement personnel to speak in a calm voice and to remain patient whenever possible. *Pasadena Star-News*, January 16, 2003.

Racial Profiling

The State of New Jersey agreed to a \$775,000 settlement stemming from racial profiling allegations by twelve motorists, including two lawyers. The American Civil Liberties Union negotiated the agreement that includes payments ranging from \$25,000 to \$200,000, which will be paid by the state and the New Jersey Turnpike Authority. As part of the settlement, the state admitted no wrongdoing. The lawsuit was initiated in 1997 by two lawyers whose allegations of assault during a 1996 traffic stop eventually led to reforms to the citizen complaint process for trooper misconduct. The pair was awarded \$400,000 of the settlement. New Jersey has paid nearly \$19 million to settle racial-profiling lawsuits since the late 1990s. *New Jersey Star-Ledger*, January 8, 2003.

The Santa Cruz, California Sheriff’s Department and four local police departments in the county recently hired Lamberth Consulting to analyze their traffic stop statistics to determine whether their departments have engaged in racial profiling. The consulting firm

utilizes “point to point” measurements of traffic populations in order to ensure that any comparisons of traffic stop data are made directly against the traffic population where the stop was made. The departments voluntarily opted to engage the consultants in the hope that it would lessen the chances they would be sued. *Santa Cruz Sentinel*, January 11, 2003.

“How to Correctly Collect and Analyze Racial Profiling Data: Your Reputation Depends on It!” by Joyce McMahan, Joel Garner, Ronald Davis, and Amanda Kraus, seeks to help law enforcement agencies address racial profiling data collection and analysis. The report discusses important methodological issues surrounding the topic. In writing the guide, the authors and the CNA Corporation conducted a literature review, two conferences, and an analysis of ongoing data collection and analysis processes. Their key findings and recommendations included:

- Community engagement is essential to defuse community tensions.
- Researchers and police managers need to work together throughout the project to achieve accurate data and analysis.
- The actual implementation of data collection and analysis will require consideration of city-specific circumstances and input.
- All involved should understand that data collection and analysis will not provide all the answers, particularly because there is no generally accepted definition of racial profiling.
- Clear guidelines need to be established on how information on racial profiling should be used, who will own it, who will be responsible for using it, how confidentiality can be maintained, and

how frequently reports should be generated and released.

- Police departments need guidelines on how to effectively use the data in the community.

The full guide can be accessed online at www.cops.usdoj.gov/pdf/e11021793.pdf

The Los Angeles Police Department (“LAPD”) released its first traffic stop data report that showed that the race and ethnicity of the people stopped is roughly proportional to the makeup of Los Angeles’s population. Blacks and Latinos, however, were far more likely to be ordered out of their cars and subjected to searches than were whites. The report, which covers July through November of 2002, is mandated by the federal consent decree, to determine whether officers engage in racial profiling. Thirty-eight percent of the drivers stopped by police were recorded as Latino, 33 percent as white and 18 percent as black. Of those pulled over, 7 percent of whites were asked to step out of their cars, compared with 22 percent of both Latinos and blacks. Once out of their cars, 67 percent of blacks were patted down and 85 percent were subject to a search of their person, car, residence or belongings, while 55 percent of Latinos were frisked and 84 percent were searched. Only 50 percent of whites were frisked and 71 percent were searched. City officials cautioned that the data must be analyzed before any sound conclusions can be drawn. Although the consent decree does not require the LAPD to analyze the statistics, the department has indicated that it will hire a consultant to do so. *Los Angeles Times*, January 7, 2003.

Standards/Training

Following the September 11th terrorist attacks, many have been concerned that enhanced security measures are infringing on civil rights. In their article, "Amnesty Boxes: A Component of Physical Security for Law Enforcement," Charlie Mesloh, Mark Henych, and Randy Mingo suggest that amnesty boxes increase security without being unduly intrusive. An amnesty box is a sealed container located directly ahead of a metal detector or search checkpoint that allows individuals to dispose of contraband without fear of detection or arrest. They have long been used in military and international airports.

In addition to minimizing the degree of intrusiveness for those being screened, amnesty boxes can reduce the risk to law enforcement and contract security officers working checkpoints by providing guilty individuals with a non-confrontational option to avoid imminent detection. The tool was used at a concert at the University of Central Florida. The authors stated that the University found the devices to be helpful for a number of reasons, including a reduction in arrests, which in turn alleviated a potential strain on resources; law enforcement's visibility was enhanced; and the boxes may have served as an added deterrent to criminal behavior. The article can be accessed at

<http://www.fbi.gov/publications/leb/2003/leb03.htm>. *Law Enforcement Bulletin*, January 2003.

The International Association of Chiefs of Police ("IACP") has published "Best Practices for Institutionalizing Mentoring Into Police Departments."

Authors Harvey Sprafka and April Kranda detail step-by-step methods for small police departments interested in implementing a mentoring program within their agencies. The benefits of instituting a formal mentoring program include the promotion of agency loyalty and inclusiveness, identification of program goals, creation of structure and procedures, and the definition of mentor/protégé roles and responsibilities. In addition, mentoring programs can enhance recruitment efforts, retention, and personnel leadership development. The step-by-step plan includes precise guidelines pertaining to key personnel, operations, and policies within the department. The authors also define specific responsibilities for the mentor and protégé, and use the Knoxville, Iowa Police Department's mentoring program as a model. The full report can be accessed online at <http://www.theiacp.org/documents/pdfs/Publications/mentoring.pdf>.

"The Laguna Niguel Experience" explains how to perform a staff allocation study. Laguna Niguel, California Police Services conducted a study to determine how many patrol personnel are needed at different times of a day, week and year. Researchers examined current and historic calls for service and the times of day those calls took place. They studied how patrol deputies spent their time and asked deputies to fill out a questionnaire that solicited their ideas on ways to improve police services. The researchers put the information from officers' patrol logs into a spreadsheet to determine how much time was spent on policing activities during each deployment period. The results of the study indicated

that certain deployment periods were understaffed, while others were overstaffed. The results were subsequently applied by the Orange County Sheriff's Department, which provides law enforcement services to Laguna Niguel. *The Journal of California Law Enforcement*, Volume 37, No. 3.

Two aldermen proposed a measure that would alter the rules governing chases by Chicago police officers. The ordinance would limit pursuits as well as their speed. The plan was initiated two weeks after a pregnant pedestrian was killed when she was hit by a vehicle being pursued by officers. The measure proposes that police could pursue suspects only if a felony involving violence has been committed and, even then, could go no faster than 25 miles an hour above the posted speed limit. A representative of the Fraternal Order of Police expressed reservations about the proposal, as he thought offenders would conclude that they did not need to stop for the police. The suggested measure also includes stiffer penalties for those who flee, and may include confiscation of their vehicles. *Chicago Tribune*, January 17, 2003.

Interview

PARC staff recently had the opportunity to speak with Esther Bush, the President of the Urban League of Pittsburgh and a PARC Board Member. In addition to the League's traditional work in education, employment and housing, Ms. Bush's initiatives have included a charter school, family support centers, home ownership counseling and purchasing, and youth development. Under her leadership, the Urban League of

Pittsburgh joined with other civil rights and advocacy groups to press the Department of Justice ("DOJ") in 1996 to investigate the operations of the Pittsburgh Bureau of Police ("PBP"). The following year, the DOJ, the city of Pittsburgh and the PBP entered into a consent decree after the DOJ alleged a widespread pattern of civil rights violations. In September 2002, the consent decree was lifted from the PBP, while the Office of Municipal Investigations – the entity that receives and investigates civilian complaints – continued under federal court supervision. PARC staff spoke with Ms. Bush about the importance of positive police-community relations and the success of the consent decree in achieving this.

PARC: *The city of Pittsburgh has a long history of poor police-community relations, particularly within minority communities. From the perspective of the director of one of the largest civil rights organizations in the city, can you outline some of the events that precipitated the 1997 consent decree between the Department of Justice and the Pittsburgh Police Bureau?*

EB: There has been a long history of poor police-community relations in the city of Pittsburgh. The shooting death of African-American motorist Jonny Gammage in 1995 by five Pittsburgh police officers received a lot of attention locally and nationally. A consortium of community groups, including the Urban League, NAACP and the ACLU, decided to address and help remedy police misuse of force. After several unsuccessful attempts to get the federal government involved, we were very pleased that the Justice Department saw

fit to intervene in 1996. The national attention that the Jonny Gammage case received seems to have influenced the Justice Department's decision.

PARC: *What was the impact of police misconduct and misuse of force on Pittsburgh's minority communities?*

EB: I think police misconduct directed at minorities is a national, systemic problem. In 1998, Urban League President Hugh Price convened a national leadership conference composed of civil rights leaders from all sectors of society to discuss the issue of police misuse of force against minorities. With an eye towards presenting our case to former President Clinton we collectively agreed that police misconduct and racial profiling were systemic problems within all police departments in the United States and that we needed someone, like the President, to intervene.

PARC: *Why is it important to establish good police-community relationships?*

EB: I think having positive police-community relations is crucial. Police and citizens alike want the same things for our communities – a healthy, safe environment to live and work. When that doesn't exist, neither groups like the Urban League, nor the police, are happy.

PARC: *What is the nature of your relationship, as President of the local Urban League, with Pittsburgh Police Chief Robert McNeilly?*

EB: Police Chief McNeilly and I have a good working relationship that involves mutual trust. He is doing his best to improve the Pittsburgh Bureau of Police

and his actions clearly show that. Even before signing the consent decree, Chief McNeilly began addressing some of the deficiencies in the department and informing the community of his actions. That is his personal style. I can call Chief McNeilly about any concern that I may have – something I value immensely.

PARC: *What steps have you mutually taken to nurture the relationship?*

EB: Open conversations – where I can tell him what I see, hear, feel, and think – are crucial. In my job at the Urban League, I serve as an intermediary between the police and minority communities. I host a radio program and have interviewed Chief McNeilly in the past. The live radio show provides community members with an opportunity to have their questions and concerns directly addressed by the police chief. When he is interviewed, he knows he is going to get phone calls from people who are unhappy with him, and who have some legitimate issues and concerns. Through my show, I provide him with a forum to respond to community members' concerns. Chief McNeilly conducts community debriefing meetings which I am invited to attend. Additionally, Chief McNeilly has invited other community leaders and me to the PBP prior to major department changes or events to give us a "heads up" on what the department has been working on and when it is scheduled to happen. This places me in a better position to respond to community members' questions. From a very respectful position, I like our working relationship and I believe it has benefited the community, in general.

PARC: *Recently several law enforcement agencies, such as the Minneapolis and Grand Rapids, Michigan Police Departments, have engaged in formal mediation sessions with DOJ officials, and community leaders, such as the Urban League or the NAACP, following a questionable incident, or series of incidents, involving the police and the resulting mistrust of police. Do you believe there is any value to these sessions?*

EB: I think mediation is a powerful tool. Both sides want the same thing, but have different ideas about how to get there. They can't both get everything that they want; however, they can work together so that the community achieves what it needs. The willingness to participate in these sessions sends a loud and clear message to the community that the police department cares about their concerns.

PARC: *As a result of the consent decree, the Pittsburgh Police Bureau implemented a number of community policing programs to improve relations between police and the communities in which they serve. The purpose of these programs was to familiarize police officers with local communities, enabling officers and residents to develop a rapport and to work together in resolving crime problems. How would you judge the success of the community policing programs implemented in Pittsburgh's minority neighborhoods?*

EB: I think those programs are excellent because they provide laypeople with an opportunity to see what police officers go through on a daily basis and how they are trained to approach situations. I believe information is power. The PBP

provided several-week-long training to educate citizens about police practices. The average layperson may see or read about a questionable incident involving the police and he/she may believe the action looks wrong, but may not understand the underlying circumstances, context or proper police tactics for the situation. That is why educating the public is crucial. It's a two-way street – police, too, can learn from the community.

I think that community policing has aided in solving crimes, but not to the degree that one would hope. A citizen that educates him/herself in order to be objective in assessing a situation involving the police is far different from a citizen who is surrounded by family members and friends who have been wrongfully arrested and subjected to negative stories about the police. The overwhelming majority of citizens understand that the police are there to do a job and care about what they do. However, there are legitimate reasons why citizens distrust the police, which prevent the formation of citizen-police partnerships. Racial profiling, for instance, is an issue that any young black male should be concerned with because it is highly possible that he will be arrested for simply walking down the street: living while black is a reason for being picked up. While some citizens are more trustful of the police, this has not permeated all sectors of the African-American community.

PARC: *Pittsburgh's consent decree required that citizen involvement in policing be increased through publication of consent decree compliance reports. What has been the value of those reports?*

EB: Making the information public and keeping the media informed was a very important step. The reports contain tangible results of the PBP's progress, written by an outside source.

PARC: *How was your relationship with the court-appointed monitor, James Ginger?*

EB: Our monitor did an excellent job of reaching out to the community from the beginning of his appointment. As a civilian, he had a greater degree of credibility with the community than a police official might have. Listening to him testify recently that the department was in compliance with the decree and was, in some ways, a "model" department felt comforting to me, even though I believe that the monitoring should have continued.

PARC: *What effects has the consent decree had on the kind of police service the minority communities in Pittsburgh receive, and on those communities' perceptions of the police?*

EB: I think there were a lot of positive changes that arose out of the consent decree. I think that our leadership, headed by Police Chief McNeilly, was committed to improving policing. McNeilly wanted to make his police force state-of-the-art. I am very proud that Pittsburgh's early warning system has received international recognition. Another positive change is that police officers are consistently disciplined for unbecoming conduct. These things are tangible and consistent.

I am one of the main proponents of having a monitor even after a consent decree. But, at the same time, I am very pleased that there has been consistency

and I believe that Police Chief McNeilly wants it to continue that way. Chief McNeilly was committed to the consent decree from the beginning, but it took others longer to support it. That is why the full five-year term is important – because you need to change systemic behavior and that does not happen overnight.

I think that the consent decree has improved the community's perceptions of the police to a certain degree; however, there is still a lot of mistrust of the police. When you talk to people in the community, they want to believe that things are changing, but there is not a significant level of trust yet. I have seen improvements, heard positive comments from working class to senior-management, but have also heard of questionable incidents, concerns and distrust.

PARC: *Now that the Department of Justice has agreed to lift the consent decree, do you have any concerns about the future operation of the Pittsburgh Police Bureau?*

EB: My concern is that the gains made in the consent decree have not yet been systematized, so that new police officers are enculturated in an environment that universally treats people with a high degree of respect. I believe ongoing monitoring of the department is necessary to ensure that the gains made are fully actualized. Officers are less likely to make mistakes if they know that someone is monitoring their actions and behavior.

PARC: *Pittsburgh's OMI (Office of Municipal Investigations) – the entity which receives and investigates civilian complaints – has failed to achieve*

compliance with the terms of the consent decree and, unlike the Police Bureau, has not been released by the federal court from its provisions. What do you think should be done to ensure that complaints against the Pittsburgh Police Bureau are effectively processed?

EB: I believe it would be a positive step for OMI to work with the Citizens' Review Board on resolving complaints. This would add additional credibility to the complaint adjudication process and may reduce the time it takes to complete investigations.

The community, myself included, has been very concerned about OMI's case backlog and felt it was very important that OMI remain bound to the consent decree. Disciplining officers found guilty of infractions is a paramount concern of community members. If cases aren't adjudicated until years after the incident, where is the discipline coming in? It conveys a message to the citizens that the department doesn't care that police were accused of something inappropriate.

PARC: *The Civil Rights Division's Special Litigation Section is in charge of investigating and overseeing the "pattern or practice" consent decrees. Do you believe the current administration is taking a different approach to that taken by the previous administration? Have you noticed any specific changes in Pittsburgh?*

EB: From Pittsburgh's perspective, I have not seen any change, nor has Sheila Adams, the president of the Urban League from Cincinnati. Indeed, when Sheila, Hugh Price, and I went to D.C. to meet with Attorney General John Ashcroft, we were very complimentary

of the Department of Justice's handling of the process and their involvement of key community leaders. Attorney General Ashcroft was very pleased to hear that and stated that he was not planning on changing the operation of DOJ's Special Litigation division.

PARC: *What advice would you give to an agency that has recently been placed under a consent decree with the Department of Justice or other government entity?*

EB: Keep the community informed and maintain relationships with key community leaders. Police chiefs should be very strategic in involving leaders in the process. Any community leader that has influence needs to be involved and informed. Be sure that the term "community leader" is broad enough that you catch everyone. You will develop a great deal of mutual trust from these partnerships that will trickle down to the community.

If you, as a police department, are unfortunate enough to have a consent decree placed on you – take advantage of it. The consent decree is going to improve you and make your community a better place to live. Let it be your tool for doing the right thing. If unions, police officers, or others complain about a policy or procedure, you can use the consent decree as leverage to ensure that these changes are made. When you have the power of the consent decree, you have a lot of power to do the right thing.

Director's Cut

A column by PARC Director, Merrick Bobb

Law enforcement officers and their unions are wary of early warning systems because of their potential for misuse by management. This month's column will address the principal underlying fear – that too much will be made of the numbers themselves – and suggest ways of allaying it. Little is accomplished by ignoring these concerns and worries or to suggest, as some police executives do, that the fears of line officers are overblown, or are the result of a disinformation campaign by the union, or are merely the function of overactive, cynical and skeptical instincts. Dismissals of police officers' fears do not help advance acceptance and understanding of early warning systems.

Early warning systems generally track the number of citizen's complaints lodged against given officers, the number of times given officers use force, are named as defendants in lawsuits, are involved in shootings, or are the subject of internal investigations. In many departments utilizing an early warning system, a specified number of instances in each of the categories will trigger a report to a precinct captain or lieutenant. This system is employed by the Miami-Dade Police Department. Miami-Dade's early warning system, known as the Early Intervention System ("EIS"), generates data about officer conduct in three different reports.

First, each month the Professional Compliance Bureau ("PCB"), Miami-Dade's internal affairs unit, circulates to command level officers an "Early Identification Report" that lists the names of each employee who, within the past 60 days, generated two or more citizen's complaints, or two or more use of force reports, or both. This report is for

informational purposes only and no specific action is required on the part of command level officers, although they are free to look further into the information and take any appropriate action.

Second, PCB circulates a quarterly report that contains the additional data and EIS profiles of employees who have received two or more complaints, or three or more use of force reports, or both within the past 90 days. In response, command level officers must analyze each flagged officer and take corrective action memorialized in a written report sent to PCB.

Third, PCB circulates an annual report that fills in gaps left by the quarterly reports. The annual report identifies all officers who have, within the past 12 months, garnered four or more citizen's complaints, seven or more use of force reports, or two or more shooting incidents. Command-level personnel are again required to take a careful look at these employees, take any appropriate action, and provide PCB with a written report.

The risk in programs like these – one that Miami-Dade, by many accounts, has successfully avoided – is that the numbers themselves take on a life of their own and are not accompanied by adequate analysis. Soon after the 1994 introduction of the Personnel Performance Index (“PPI”) at the Los Angeles County Sheriff’s Department (“LASD”), we had occasion to set forth our goals and expectations for the LASD’s use of the PPI. What we said then may be applicable to other law enforcement agencies. The backdrop was a concern that the introduction of the PPI had not been accompanied by sufficient briefing of the deputies who would be subject to it. The paucity of explanation had opened the door for the vocal and the cynical to stampede the credulous into distrust.

Critics were sowing unease among deputies by posing hypotheticals about how the deputies would be punished for a certain number of unfounded complaints. Fearmongers were suggesting that the only path to promotion would be an absence of reported uses of force. Our response was along the following lines.

The task of articulating the standards for use of an early warning system is complex, but certain general principles can be stated easily. The system is a tool for inquiry, investigation, and, if necessary, for intervention. It is not for discipline or punishment per se; nor is it for deciding promotions, selection for desirable assignments, or transfers per se, although patterns of inappropriate conduct over time should influence selection for coveted assignments, promotion, personnel evaluation, and imposition or augmentation of discipline in appropriate circumstances.

The information in an early warning system is a springboard, not an end in itself. It should prompt a precinct captain to inquire further and to have regular dialogue with the sergeants, lieutenants, and officers about the data and statistics the system discloses. If particular officers seem to be getting more citizen's complaints or are reporting heavier or more frequent uses of force than their counterparts, the captain or lieutenant should ask why this is occurring and what, if anything, can or should be done about it, rather than jumping to a premature conclusion that the numbers alone demonstrate a problem. Each precinct captain or operations lieutenant should set up appropriate guidelines and standards tailored to the particular station or facility.

Unfounded or unresolved investigations or the mere reporting of use of force, without more, should never be disqualifying for promotion or assignment to a coveted position. Nor should they be used to augment punishment in and of themselves. Nor

should they alone make a difference with respect to whether a new citizen's complaint with similar allegations is deemed founded or unfounded. They alone should not dictate an officer's evaluation.

But investigations or reported uses of force may contain information that it would be irresponsible to ignore. Use of force in and of itself is not the issue. Rather, it is whether the force used was necessary and reasonable. If an officer reports more frequent and heavier uses of force than peers who are similarly situated, there may be reasons why the officer needs attention and requires some intervention. For example, the Tampa Police Department recently found that its early warning system pointed to a two-officer patrol team with a disproportionately high number of reported flashlight and baton strikes. As a first step in diagnosing the problem, the Tampa PD sent the two officers for a training evaluation. A live training exercise revealed that the officers were not adept and lacked practice in the use of control holds and thus resorted to impact weapons to overcome resistive suspects. Use of the early warning system led to a non-punitive, constructive solution to the problem: training.

Sometimes, however, an early warning system will point to a problem where the solution might lead ultimately to discipline. For example, if there is a pattern of citizen's complaints all alleging a gratuitous kick or punch to a suspect after the individual is handcuffed, a supervisor would have to be negligent to ignore the alleged pattern when the next citizen's complaint comes in so alleging. Not long ago, we reviewed a series of citizen's complaints about an officer who was alleged time and again to have used gratuitous force. In each instance, the allegation was considered in isolation and the citizen's complaint was held to be unfounded or unresolved. Use of the early warning

system, however, disclosed a *pattern* in the citizen's complaints. In each instance, the force alleged was identical: a karate kick to the complainant's upper chest or shoulders.

Given that the officer was a well-known martial arts enthusiast, the pattern of similar allegations disclosed by the early warning system is clearly significant and cannot be ignored the next time a similar allegation is up for investigation. The pattern should influence how the credibility of the complainant is judged, and should increase the likelihood that the next citizen's complaint of similar misuse of force will be held founded. The early warning system, in this instance, is not used for punishment but rather to provide a richer context in which to resolve a given complaint. It is not the number of citizen's complaints per se that is the problem; rather, it is the pattern that emerges – which the early warning system pointed out.

We therefore advocate that early warning systems not just be a repository of numbers and statistics, but rather be used as a tool to point to possible problems. In order to function in this way, an early warning system should allow the user to gain access to and drill down through background materials behind each entry. The early warning system should be constructed so that the user (with a proper level of access and clearance) can bring up the entire file for each internal affairs investigation that has taken place. Likewise, a user should be able to pull up each citizen's complaint, the narrative of the investigation of the complaint, and other documents generated in connection with the investigation. If precinct captains or operations lieutenants have to make a trip to Internal Affairs every time they want to review a file behind a number on an early warning report, they will likely not do it. Nor will a phone call to IAB necessarily yield better results. There is no guarantee that all the relevant details will be disclosed, and no system to track

what data was actually communicated. Better to have the documents electronically attached to the early warning system so that users can go immediately to the basic source documents and review them online.

To conclude, the fears of line officers and unions that the numbers will be misused cannot be ignored and must be addressed. The way to address the fear is by assurance that the numbers alone will not be the basis for punitive action, but rather that they will be considered in context. In other words, an early warning system must be used to produce results that are seen as fair. The more the analysis moves beyond mere numbers to find out why the numbers are so distributed, the greater the chances for a fair result.

This column has focused on fairness when one line officer is compared to another. In the future, we will address fears that an early warning system will be used to highlight possible misconduct by line officers while ignoring or minimizing misconduct by supervisors or failures to provide adequate supervision. We will also address fears that information stored in the computer can unfairly come back to haunt an officer many years later and long after the misconduct has ceased.

Conferences

March 17-19, 2003 – Americans for Effective Law Enforcement Discipline and Internal Investigations for Law Enforcement, Corrections and the Fire Service, to be held in San Francisco, California. More information is available at www.aele.org/wksdisc.html.

March 19-22, 2003 – Commission on Accreditation for Law Enforcement Agencies Spring conference “Maximizing Excellence” to be held in Orlando, Florida. More information is available at www.calea.org/newweb/ConferenceInfo/Orlando/conferenceinfo.htm.

March 26-28, 2003 – Institute for Law Enforcement Administration Contemporary Issues in Police Administration, to be held in Dallas, Texas. More information is available at www.theilea.org/index.html.

April 22-26, 2003 – National Center for Women in Policing 8th Annual Leadership Conference, to be held in Los Angeles, California. More information is available at www.womenandpolicing.org/conference.asp.

April 28-30, 2003 – Americans for Effective Law Enforcement Critical Incident Response: Management and Liability Seminar, to be held in Las Vegas, Nevada. More information is available at www.aele.org/wkscrit.html.

June 21-25, 2003 – National Sheriffs’ Association Annual conference and exhibition, to be held in Nashville, Tennessee. More information is available at www.sheriffs.org/defaults/

[defaults_s_annualconference.html](http://www.sheriffs.org/defaults_s_annualconference.html).

July 11-17, 2003 – National Organization of Black Law Enforcement Executives Annual Training Conference and Exhibition, to be held in Tulsa, Oklahoma. More information is available at www.noblenatl.org.

July 31-August 3, 2003 – National Association of Women Law Enforcement Executives 8th Annual Conference, Tempe, Arizona. More information is available at www.nawlee.com/conference.html.

September 21-24, 2003 – National Association for Civilian Oversight of Law Enforcement 9th Annual Conference, Los Angeles, California. More information is available at www.nacole.org.

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