

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.

Civilian Oversight

Oakland PD Issues 'Riders' Reform Report

The Oakland (CA) Police Department's Office of Inspector General has issued its first semi-annual report stemming from the settlement agreement in the "Riders" civil rights case (*Delphine Allen, et al. v City of Oakland, et al.*). As part of the Agreement entered into between the city and private plaintiffs, the Oakland Police Department will implement a number of reforms, including: improving officer training and use-of-force policies; adding investigators to Internal Affairs; improving the citizen complaint and investigation process; and hiring a Monitor to track and report on the department's compliance.

According to the semi-annual report, budget shortfalls may impact the ability of the Department to implement some of the provisions of the Agreement on time, such as administrative oversight, compliance auditing, and the acquisition of software and computer hardware to create an improved early warning system and traffic stop database. Three of the 52 tasks have been implemented since the Agreement was signed on January 22, 2003. The report notes that "progress on the

majority of tasks has proceeded without significant concern," but it warns that a number of tasks have missed compliance deadlines, are beyond target dates, or are "slipping." The lawsuit that resulted in the Negotiated Settlement Agreement was originally filed in federal court in December 2000 by 119 plaintiffs. In February 2003, the City of Oakland agreed to pay the plaintiffs and their attorneys \$10.9 million. The lawsuit alleged that four Oakland police officers, known as the "The Riders," engaged in false arrests, planting of evidence, excessive use of force, lying in police reports, and other misconduct. The four officers were later fired and put on trial for 26 felony and misdemeanor counts.

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Jurors continued their deliberations as this newsletter went to press. The report is online at: <http://www.oaklandpolice.com/agree/1smarpt.PDF>. The Settlement Agreement itself can be found at: <http://www.oaklandcityattorney.org/PDFS/Riders/SettlementAgreement-DelphineAlle.pdf>; *Press Release, Oakland City Attorney's Office, February 19, 2003; Contra Costa Times, August 1, 2003; "City of Oakland Settles 'Riders' Civil Rights Suits."*

Canadian Civilian Oversight Commission Releases Annual Report

The Commission for Public Complaints Against the Royal Canadian Mounted Police (RCMP) has released its annual report for the Fiscal Year 2002. During the period examined, the Commission received 889 formal complaints, successfully resolved 280 complaints using the Alternative Dispute Resolution process, and completed 133 complaint review reports. While the RCMP agreed with 53 percent of the Commission's "adverse findings" and 79 percent of their recommendations in the first five months of the fiscal year, in the last seven months of the fiscal year, the RCMP agreed with the Commission's "adverse findings" and recommendations 94 percent of the time.

In addition to reviewing complaints from the public regarding alleged RCMP abuses, the Commission also initiated two investigations, one involving a high-speed police vehicle pursuit and the other stemming from a police raid in which police used powers under Canada's new anti-terrorism legislation.

The report is online at: <http://www.cpc-cpp.gc.ca/>.

Austin Police Monitor Resigns

Iris Jones, the first police monitor in Austin (TX), resigned on July 16 to take a job with the law firm Akin, Gump, Strauss, Hauer & Feld in Washington, D.C. Her resignation was effective August 31. Jones was appointed to the monitor position in February 2002 to review police investigations and receive complaints from the public about police misconduct. In her first year as the police monitor, her office received 239 complaints about officers, including two controversial police shooting deaths. Jones was Austin's first African-American city attorney and worked for the city in several capacities for 11 years. *Austin American-Statesman, July 18, 2003.*

DC Civilian Oversight Office Publishes Decisions Online

The Office of Citizen Complaint Review (OCCR), an independent agency that receives, investigates, and resolves police misconduct complaints against the Metropolitan Police Department in Washington, D.C., has begun publishing their decisions on their website. The first eleven decisions are currently available, and all future decisions will be published once they are issued.

The OCCR began receiving complaints in 2001. Its decisions are issued by 17 complaint examiners who are approved by OCCR's governing body, the Citizen Complaint Review Board. After decisions are issued, sustained allegations are forwarded to the Chief of Police for his review and the imposition of officer discipline.

OCCR decisions can be found at: <http://occr.dc.gov/info/decisions.shtm>

NYC Mayor Names Six Lawyers to Police Corruption Commission

On August 13, Mayor Michael Bloomberg named six attorneys to the Commission to Combat Police Corruption, including Mark F. Pomerantz, a partner at Paul, Weiss, Rifkind, Wharton & Garrison, who was named chairman. Pomerantz was formerly the chief of the criminal division for the U.S. Attorney's Office of the Southern District of New York from 1997 to 1999.

The five other new members named to the commission are: David Acevedo, chief trial attorney in the enforcement division of the U.S. Commodity Futures Trading Commission; Vernon S. Broderick, Weil, Gotshal & Manges counsel; Kathy Hirata Chin, a partner at Cadwalader, Wickersham & Taft; Edgardo Ramos, a partner at Day, Berry & Howard; and James D. Zirin, a partner at Sidley, Austin, Brown & Wood.

Mayor Bloomberg recently came under fire from the *New York Post* for taking so long to fill the positions. Five of the six board positions were empty since December 2001, when the Giuliani administration ended and the previous board resigned.

New York Law Journal, August 14, 2003;
New York Post, July 22, 2003.

NYPD Adopts Revisions

At the recommendation of the Civilian Complaint Review Board (CCRB), the NYPD has issued an interim order revising Patrol Guide procedure 203-09. The revision reflects an effort to clarify what is required of an officer when a civilian requests the officer's name, badge number, or other identifying

information. The revision requires the following of officers: "Courteously and clearly state your rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so. Allow the person ample time to note this information."

The new order stems from a study conducted by the CCRB entitled, "Refusal to Provide Name and/or Shield Number: An Analysis of an Allegation," which was featured in its January-December 2002 status report. The CCRB'S study was based on complaints filed in the first six months of 2002 and prompted by the high substantiation rate for allegations that officers refused to identify themselves properly.
<http://www.ci.nyc.ny.us/html/ccrb/html/news.html>.

Consent Decrees/Memoranda of Understanding

Steubenville Compliance Audit Published

Charles D. Reynolds, the independent auditor who oversees the Steubenville (OH) Police Department, has released his twenty-second quarterly report. The report covers the period from April 1 to June 30, 2003, and reviews compliance of the City of Steubenville and its police department with 106 tasks required by the Consent Decree they entered into with the Department of Justice in September 1997. Tasks pertain to such issues as enhancing officer training and supervision, instituting use-of-force review policies, reforming Internal Affairs operations, and improving the citizen complaint process.

The audit found that compliance had remained the same since the last report, with the police department remaining in full compliance with all but one of the 106 tasks. The report noted that the current Chief and senior staff have taken "a number of steps that have enhanced the compliance process," and that their initiatives "were key to the City achieving substantial compliance with the Decree in March 2003." The auditor also noted that "continued attention is required to insure the City does not slip into non-compliant status."

District of Columbia Monitor's Report Published

The Office of the Independent Monitor (OIM) for the District of Columbia and the Metropolitan Police Department (MPD) has released its fifth quarterly report, covering activities undertaken from April 1 to June 30, 2003. The OIM was established as part of the June 2001 Memorandum of Agreement (MOA) signed by the city, MPD, and the Department of Justice. Since March 2002, the OIM has been monitoring the city's and MPD's compliance with the terms of the agreement.

The report found a "significant increase" in uses of force during April and May when compared to January through March; the OIM reported that it will be reviewing the uses of force to determine if the rise "reflects anything other than seasonal trends that accompany rises in the incidence of violent crime in the City." Other findings include: confusion among MPD officers and supervisors about whether, when, and how to complete Use of Force Incident Reports (UFIRs); "significant shortcomings" in misconduct investigation files; and a

Personnel Performance Management System (PPMS) that has not been implemented and has been delayed for so long that the department is considered out of compliance. On the positive side, the Monitor does acknowledge improvements in the department's canine program and notes that the "MPD has been working in good faith to comply with the requirements of the MOA and has made significant progress toward MOA compliance." The report is online at: <http://www.policemonitor.org>.

Cincinnati Monitor Issues Second Quarterly Report

Cincinnati's Independent Monitor issued its second report, covering the period from January to April 1, 2003. The Monitor reviews the progress of the Cincinnati Police Department (CPD) in implementing the reforms required by the Memorandum of Agreement (MOA) made with the Justice Department. The Monitor also reviews progress by the City and police department in implementing the Collaborative Agreement (CA) made with the Cincinnati Black United Front and the ACLU of Ohio.

The report notes that there were "a number of setbacks and disagreements" at the beginning of the quarter, but "significant progress" has been made since then: a Mental Health Response Team has been established; a new foot pursuit policy is in place; use-of-force policies have been revised; use-of-force investigations have been improved; and the Citizen Complaint Resolution Process "is working as it was designed to do." The report does note, however, that some use-of-force investigations "were not as complete as they needed to

be," and that some investigations of citizen complaints of excessive force were not thorough and that most were not reviewed by the CPD's Internal Investigations Section, as required by the terms of the MOA. The report can be accessed online at:

<http://www.cincinnati-monitor.org>.

Detroit PD to Add Non-Lethal Weaponry

A Detroit Police Department committee has recommended that officers be equipped with lightweight collapsible batons and Tasers. The

recommendation comes as a result of the federal consent decree that requires the department to add non-lethal weapons to their arsenal. Currently, Detroit police officers only carry handguns and pepper spray. The Detroit Board of Police Commissioners organized a public meeting to discuss the new weapon, featuring a demonstration in which the Taser was used on Police Chief Jerry Oliver.

Detroit Free Press, July 25, 2003.

RAND Recommends 'New Sense of Professionalism' for LAPD

A new study from the RAND Corporation recommends that the Los Angeles Police Department (LAPD) institute a number of changes to its training program to achieve "a new sense of professionalism among its officers." The nine-month study was conducted on behalf of the LAPD under a provision of the 2001 Consent Decree between LAPD, the L.A. Board of Police Commissioners, the city of Los Angeles, and the Department of Justice. RAND had one overarching recommendation: The LAPD "should adopt a concept of police professionalism that incorporates the tenets of corporateness,

responsibility, and expertise as the mechanism for guiding the development and execution of its training...." Five other primary recommendations called on the LAPD to:

- Establish a lessons-learned program; Introduce and maintain high quality throughout every aspect of LAPD training;
- Restructure the LAPD Training Group to allow the centralization of planning, instructor qualification, evaluation, learning retention, and more efficient use of resources;
- Integrate elements of community-oriented policing and diversity awareness training models throughout training; and
- Develop training on use of force, search and seizure, and arrest procedures that meets current standards of excellence.

The report can be downloaded or ordered for free online at:

<http://www.rand.org/publications/MR/MR1745/>.

Community Policing/Problem Oriented Policing

Recent Publications on Community and Problem-Oriented Policing

Problem-Oriented Policing: From Innovation to Mainstream, Johannes Knutsson ed.

This 10-paper anthology discusses how to enhance the impact of problem-oriented policing on law enforcement and crime prevention. Published by the Criminal Justice Press, (<http://www.criminaljusticepress.com>). \$37.50 (paper)

“Community Policing in Action! A Practitioner's Eye View of Organizational Change”

This report from DOJ's Office of Community Oriented Policing Services (COPS) takes a look at nine police and sheriff's departments from around the country and examines the challenges and obstacles they faced in implementing the principles of community policing.

Online at:

<http://www.cops.usdoj.gov/Default.asp?Item=893>.

“Promising Strategies from the Field: A National Overview”

This COPS publication highlights the projects of 11 law enforcement agencies that found innovative uses for COPS funding. The report describes COPS grantees' efforts to operationalize and institutionalize community policing strategies to reduce crime and improve communication between law enforcement and the communities in their jurisdictions.

Online at:

<http://www.cops.usdoj.gov/Default.asp?Open=True&Item=815>.

“Promising Strategies from the Field: Spotlight on Sheriffs”

This report examines the progress of sheriffs' departments that received COPS grants, and the impact COPS helped make on their communities. This edition focuses on six sheriffs' offices. Online at:

<http://www.cops.usdoj.gov/Default.asp?Open=True&Item=816>.

Legal Affairs

Inglewood Case Ends in Mistrial, New Trial Set

On July 29, Superior Court Judge William R. Hollingsworth Jr. declared a mistrial in the case against former Inglewood police officer Jeremy Morse. Morse was charged with “assault under color of authority” stemming from a videotaped arrest during which he pushed a handcuffed teenager onto a car and struck him in the face. The jury was deadlocked 7 to 5, in favor of conviction, after three days of deliberations. Morse's former partner, Bijan Darvish, was acquitted of charges of filing a false police report.

One of the turning points of the trial was the testimony of the prosecution's expert witness, Commander Charles Heal of the Los Angeles County Sheriff's Department. Heal, an expert in police use of force, testified that Morse's actions were excessive, but he would have recommended discipline instead of criminal prosecution.

A new trial for Morse has been set for October 22, with the pre-trial hearing scheduled for September 19. *Los Angeles Times*, July 31, 2003 and August 13, 2003.

Los Angeles Settles Lawsuit

The City of Los Angeles paid more than \$261,000 to three people injured by police who fired rubber bullets and beanbag rounds at them. The incident occurred during an October 20, 2000, protest at the LAPD's Parker Center Headquarters, and involved activists opposed to police brutality and the death penalty. Thousands participated

in the march to Parker Center, but about 200 broke off from the group and headed toward the back of the headquarters. According to the plaintiffs' attorney, LAPD officers then blocked the permitted route for the march and indiscriminately fired into the crowd. Police officials said they broke up the protest after some activists began throwing glass bottles and vandalizing bus shelters.

Xochitl Estrada, a student who sustained a permanent injury to her eye after being shot with a rubber bullet, was awarded \$200,000. Noluthando Williams, a youth programs consultant who was shot in the face, received \$35,000. Brad Olsen, who was accompanying his teenage son and his son's friend to the protest, was shot at close range and will receive \$26,500. *Los Angeles Times, August 15, 2003.*

Huntington Beach Pays \$2.25 Million in Wrongful Death Suit

The City of Huntington Beach (CA) has agreed to pay the family of Antonio Saldivar \$2.25 million for his fatal shooting in May 2001. Saldivar was shot after police confused him for a crime suspect they were pursuing. When police came across 18-year-old Saldivar, he was holding a toy rifle. When Saldivar was told to raise his hands, he instead pointed the gun at the officer, who shot him.

According to the plaintiff's attorney, Ray Brown, the family offered to settle the case for \$900,000, and would have accepted \$500,000. Brown said the city adamantly refused to settle. The officer who shot Sadivar, Mark Wersching, was cleared of all wrongdoing by the Orange County Sheriff's Department and the FBI.

Wersching reportedly was named in two other police misconduct incidents that resulted in a total of \$450,000 paid in settlements. He has since been removed from patrol duty and transferred to an office job. *Los Angeles Times, August 15, 2003.*

Chicago Jury Awards \$1.5 Million in Police Shooting

The family of an unarmed man who was killed by a Chicago police officer was awarded \$1.5 million by a Cook County jury. Officer Kenny Lunsford shot Michael Russell in the back as he tried to flee after a rival gang member was shot. Jurors rejected the officer's testimony, with one juror saying, "Lunsford just was not credible." The key fact that was disputed in the case revolved around the question of whether Russell or his friend was the shooter. The jury awarded \$900,000 to Russell's family for loss of companionship and \$600,000 for pain and suffering. *Chicago Tribune, August 8, 2003.*

Lawsuit Filed Against Erie Police

The citizen complaint process is at the center of a lawsuit recently filed in federal court against the Erie (PA) Bureau of Police. The lawsuit was filed by John D. Sterling, who alleges that two Erie officers broke his nose and elbow while falsely arresting him outside a tavern in January 2000.

The lawsuit claims that the agency's citizen complaint process is so flawed that "police officers have been emboldened to engage in behavior that violates citizens' rights." The main problems outlined by the lawsuit include requirements that complaints be notarized and submitted in duplicate form, as well as the form's warning that

complainants could be prosecuted for perjury if the complaints contain false statements. The lawsuit cites testimony by the department's Internal Affairs director, who said that he recommended that the notarization requirement be eliminated but his superiors turned him down. The director also noted that only one officer had been disciplined as a result of a citizen complaint. The citizen complaint process has been criticized by the Erie NAACP, the mayor, and City Council President Mario Bagnoni, a former deputy police chief. *Erie Times-News*, July 27, 2003 and August 14, 2003.

Legislative Update

Critics Charge New Legislation Would Inhibit Police Accountability

Legislation was recently introduced in the U.S. House and Senate that includes provisions would inhibit accountability for police misconduct. The companion bills, S. 1277 and H.R. 2967, are titled the "State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2003," and were introduced by Sen. Joseph Biden (D-Del.) and Rep. Jim Ramstad (R-Minn.).

The bills are premised on the assertion that officers do not enjoy due process protections when they are investigated or disciplined for misconduct. Yet critics charge that, among other things, the legislation would undermine supervisory powers, impede civilian review, create confusion due to definitional ambiguities, would curtail transparency in the handling of such investigations, and could undermine the Justice Department's "pattern or practice" civil powers. Furthermore, opponents contend that the bill would

inhibit accountability efforts by prohibiting the retention of complaints that are not sustained and otherwise limits record-keeping in a way that could hinder effective early warning systems. Critics also note that the legislation raises the burden of proof needed to sustain some complaints against officers without explaining why that standard needs to be raised. The bills have been referred to the relevant judiciary committees for further action. The full text of the bills is online at: <http://thomas.loc.gov>.

California Legislation Addresses Police Conduct, Accountability

Four bills sponsored by California State Assembly Speaker Herb Wesson (a Democrat representing the 47th District, which includes Inglewood and other parts of Los Angeles) that address police misconduct and accountability have passed the Assembly and are currently making their way through the Senate. All of the bills contain recommendations from the Speaker's Commission on Police Conduct, formed in July 2002, in part response to the videotaped violent arrest of a 16-year-old by Inglewood police officers.

- AB 1077 requires law enforcement agencies to receive citizen complaints via fax, electronic mail, US mail, and at designated non-law enforcement location. It also requires citizen complaints to be collected statewide in a uniform manner so the U.S. Department of Justice can produce an annual report on citizen complaints.
- AB 1119 requires all law enforcement agencies in California with 100 or more

peace officers to implement Early Intervention Systems.

- AB 1331 requires the Attorney General to establish and administer a whistleblower policy for peace officers, and makes it a misdemeanor punishable by up to a year in jail and a \$10,000 fine for anyone who retaliates against a whistleblower.
- AB 1383 increases the frequency of refresher courses for officers from every five years to every three years; promotes training in racial and cultural issues, anger management, and information regarding civil liability damage awards; and entitles peace officers to receive consultations with a mental health provider once every four years.

The full text and analyses of the bills can be found on the California Legislature's website at: <http://www.leginfo.ca.gov>. More information on the Speaker's Commission on Police Conduct is online at: <http://democrats.assembly.ca.gov/policeconduct>.

Racial Profiling

New Laws on Taped Interrogations and Racial Profiling in Illinois

Illinois Governor Rod Blagojevich signed six criminal justice reform bills in late July, including one measure requiring that the police audiotape or videotape interrogations in homicide cases. Another new law requires that state and local police collect traffic-stop data to analyze it for racial disparities, with another provision requiring State Police officers to receive cultural diversity training.

One new law requires police to record electronically custodial interrogations and confessions in homicide investigations, with exceptions for questioning that happens outside police facilities or if the suspect specifically requests that his or her interrogation not be taped. It would allow judges and juries to view the interrogations and assess the mental and physical state of defendants when they confessed to police. Under the new law, any statement that is not electronically recorded would, with some exceptions, be inadmissible in court. The Illinois Commission on Capital Punishment had recommended that interrogations be taped after it found that some suspects had been coerced into confessing responsibility for crimes they had not committed. Another new law requires state and local police in Illinois to record the race of all persons stopped for a traffic violation, beginning January 1, 2004. If a vehicle search is conducted, the officer also must record if the search was consensual.

The state's Department of Transportation will be responsible for collecting and analyzing the data and will release its findings every July, starting in 2005 and ending in 2007. Training regarding, "cultural diversity, including sensitivity toward racial and ethnic differences" for State Police was also mandated. *Chicago Tribune, July 17 and July 18, 2003.*

Report on Allegations of Biased Policing in Seattle

The "Report on Seattle's Response to Concerns about Racially Biased Policing," was released by the Seattle Police Department's Office of Professional Accountability (OPA) on June 30. The

report presents data collected during 2001 and 2002 involving allegations of biased policing based on race, gender, religion, age, and sexual orientation. The OPA found that approximately 10 percent of total citizen complaints in 2001 and 2002 alleged biased policing. Of the biased policing allegations, only one was upheld or "sustained" by the OPA. That case involved an officer who made a derogatory comment about the sexual orientation of an arrestee. The most frequent allegation that was investigated involved officers making "inappropriate race-based comments," or racial slurs. The report notes: "These allegations are difficult to sustain for the same reason that other complaints against police officers are difficult to sustain, i.e. lack of independent witnesses; problems with the credibility of complainants; and lack of follow-through with the complaint process by the complainant."

The report is available online at: <http://seattle.gov/police/opa/Docs/BiasedPolicing.pdf>.

Study: Rhode Island Police Engage in Racial Profiling

A study by Northeastern University researchers shows that Rhode Island police disproportionately stop or search cars driven by non-whites in more than half of the state's cities and towns. The study, commissioned by the state's Attorney General, examined nearly a half-million traffic stops during 2001 and 2002. It found that non-white drivers were searched two to two-and-a-half times more often than whites and that whites were caught with contraband more often than non-whites.

According to the study, 17.8 percent of non-white motorists were found with

contraband, while 23.5 percent of whites were. Jack McDevitt, one of the report's authors and the director of Northeastern's Institute on Race and Justice, said that the disparities were "so large that there's no reason to wait to try to address them." The study is online at: http://www.projo.com/news/profiling_report.pdf.

Providence Journal-Bulletin, July 1, 2003.

Study: Socioeconomic Class Responsible for More Police Stops

Researchers from Sam Houston State University have found that socioeconomic status, not racism, results in Houston (TX) police officers stopping a greater percentage of African-Americans than whites on the streets. Because officers are disproportionately deployed in neighborhoods with lower incomes, higher crime rates, and higher minority populations, more stops of minorities occur as a result. According to the study, while African-Americans represent 24 percent of the adult population in Houston, they represent 35 percent of the police stops. Whites make up 35 percent of the adult population but comprised 32 percent of stops. The analysts noted that the police department's aggressive drug enforcement activities may also account for the disparity.

Houston Chronicle, May 2, 2003.

Standards and Training

Key West Officers Get Training in 'Customer Service'

Police officers in Key West (FL) are receiving training in customer service as part of the city's community policing efforts. An audit of citizen complaints found that the majority of people who

filed a grievance alleged officer rudeness and problems with officers' demeanor. The training is an attempt to reduce those complaints and improve community relations.

The first seminar in a series of trainings focused on officer accessibility, the perception of rudeness, and establishing a relationship with residents.

Officers were urged to get out of their patrol cars more frequently and meet at least four new citizens a day. Officers also explored scenarios where people might perceive them as being rude, and how those situations could be resolved. *keysnews.com, July 27, 2003.*

Police Chief Tips on Safe and Effective Traffic Stops

The Police Chief magazine recently published two articles on conducting safe and effective traffic stops. The first article, by Earl Sweeney, Director of the New Hampshire Police Standards and Training Council, gives officers tips on ways in which they can reduce citizen complaints, including allegations of racial profiling. Sweeney describes how to approach and greet motorists, what procedures should be followed during a stop to reduce hostilities, and what rules officers should follow to reduce allegations of racial profiling. Sweeney notes that focus groups made up of minority motorists have shown that motorists expect officers to do two things above all else: "Greet us respectfully and in a pleasant manner," and "Tell us why you stopped us." Richard J. Ashton of the International Association of Chiefs of Police (IACP) discussed the work of the IACP's Law Enforcement Stops and Safety (LESS) Subcommittee, the recent improvements in police vehicle design, and best practices in traffic stop procedures. The

LESS subcommittee intends to compile, analyze, and expand the research on officer safety during traffic stops and other roadside contacts. *The Police Chief, July 2003.*

Use of Force

Report Clears Rhode Island Police in Smoke Shop Raid; Review Panel to Investigate

An internal investigation into a state police raid on a tax-free tobacco shop run by the Naragansett Indians found that the use of force by officers was justified. The July 14 raid resulted in a melee between state police and members of the tribe, all of which took place in front of television news cameras. According to the report ordered by Rhode Island Governor Carcieri, the officers "acted appropriately" and "responded to the assaults by tribal members with the lowest level of force." No weapons or pepper spray were used, nor were any blows struck. The report also noted that state police were told by a confidential informant that "the tribe would resist and not cooperate with any action by the state police at the smoke shop, but would not use deadly force." Seven tribal members were arrested and seven officers were hurt.

The incident is also being studied by an independent review panel headed by Brown University President Ruth Simmons. Two of the primary issues that will be investigated are whether the governor, when he ordered the raids, was aware that the tribe members would likely resist, and if the state police were instructed to retreat if they met resistance. *Providence Journal-Bulletin, August 2, 2003.*

Books

Understanding Police Use of Force, by Lt. Howard Rahtz

This 159-page book by Lt. Howard Rahtz, the Training Academy Director for the Cincinnati Police Department, is intended to facilitate informed discussion among citizens, police, and students on the use of force in law enforcement. Topics include: definitions; legal framework; use-of-force options; minimizing use of force; the racial divide; and steps toward better policy and understanding. Published by the Criminal Justice Press. (<http://www.criminaljusticepress.com>).

News Briefs

Sex Scandal Hits Pennsylvania State Police

Four civil rights lawsuits have been filed in federal court against the Pennsylvania State Police as a result of sexual assaults by ex-trooper Michael Evans. Evans is serving a five-to-ten-year sentence after pleading guilty to sexually assaulting six women. He has already admitted to assaulting three of the four women now suing the police. The lawsuits contend that Evans' supervisors did not adequately investigate complaints against him, leaving him on the job to assault others. The state has already paid \$805,000 in response to lawsuits filed by two other victims.

As part of the pending lawsuits, case files detailing sexual misconduct allegations against 47 troopers were released. Thirteen of the 47 cases against officers were substantiated by investigators, while the remaining 34 were deemed not to be credible or did

not result in disciplinary actions. In all, 163 sexual misconduct complaints against Pennsylvania State Police have been investigated by Internal Affairs between 1995 and 2001.

In the wake of the scandal, Gov. Edward Rendell has requested that the state police review how the Evans' case was handled. Some policing experts have also recommended that Pennsylvania State Police, which is almost 96 percent male, add more women to its force to change the force's "climate" and reduce sexual misconduct and harassment. *Philadelphia Daily News*, June 27, 2003 and July 7, 2003; *Philadelphia Inquirer*, July 6 and July 23, 2003.

LAPD Rampart Scandal Investigation Found Lacking

According to the Los Angeles Times, prosecutors have not adequately investigated LAPD's Rampart scandal while officers and their supervisors have impeded prosecutors' efforts throughout the process. In the article, the former president of the Los Angeles Police Commission whose term recently ended was asked if the department had conducted a thorough investigation into the Rampart allegations, and he replied: "No -- quite the opposite."

The Rampart scandal broke in September 1999 when then-officer Rafael Perez pleaded guilty to stealing cocaine from an LAPD evidence facility. In exchange for a lighter sentence, he provided testimony in a case in which he and another officer shot and framed an unarmed man, as well as testimony describing alleged corruption in Rampart's CRASH anti-gang unit. The article noted the following problems during the investigation of the scandal:

- At various times, prosecutors believed that LAPD officers and supervisors were “intentionally sabotaging the probe” and withholding evidence. As a result, prosecutors launched a grand jury inquiry to determine if detectives or supervisors were hindering the prosecution of their fellow officers;
- LAPD detectives forced officers suspected of committing crimes to cooperate with administrative investigations, over the objections of prosecutors. “The practice made criminal prosecution of those officers all but impossible because statements they made in departmental proceedings could not be used against them in court.”;
- While over 100 convictions of individuals arrested by officers accused of misconduct were overturned after the scandal broke, only a handful of those officers were charged with a crime -- prosecutors dropped more than 30 cases against defendants without explanation; and
- District Attorney Steve Cooley disbanded the Rampart task force and released a report that minimized the scandal. He did not address many of Perez’s allegations, including 8 out of 10 shootings Perez alleged were unjustified and covered up.

Caruso, who remains on the Police Commission, told the reporters that the LAPD was more concerned about limiting the fallout from the scandal than about ridding itself of corrupt officers. “I suspect a lot of it was to sort of circle the wagons and protect the fort.... The big lesson we have to learn from Rampart is that it’s not about protecting the fort; it’s about protecting the city,” said Caruso.

Los Angeles Times, August 11, 2003.

In Memory of Carl B. Klockars

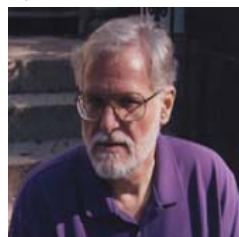
Noted police integrity expert, Carl B. Klockars, died July 24 at the age of 57. Klockars was a professor of criminal justice and sociology at the University of Delaware, where he taught since 1976. He wrote more than fifty scholarly articles, and authored and edited six books, including the recently released, *The Contours of Police Integrity*. Klockars was considered a pioneer in building collaborative relationships between academia and police departments, and taught two generations of police officers at the University of Delaware.

Klockars’ wife said of her husband, “If you had to sum him up in one word, that word would be ‘integrity.’ He lived his life with integrity.”

His book, *The Contours of Police Integrity*, is available from Sage Publications at: <http://www.sagepub.com/author.aspx?aid=502777>.

Interview

The Committee to Review Research on Police Policy and Practices was formed by the National Academy of Sciences to



Prof. Wesley Skogan

review existing research on police operations and practices. The committee’s report, *Fairness and Effectiveness in Policing: The Evidence*, was

released in July 2003. The chairman of the committee was Wesley Skogan, a professor of Political Science at Northwestern University, as well as a faculty fellow at Northwestern’s Institute for Policy Research. He is an expert on crime and the police, and his

research focuses on citizens as producers and consumers of law. He has conducted evaluations of police innovations and community organizations, and studies of the impact of crime and citizen participation in crime-related programs. PARC spoke with Prof. Skogan about the committee's findings.

PARC: Give us some background on the Committee to Review Research on Police Policy and Practices. Why was it formed? What was its mission?

Prof. Wesley Skogan (WS): One of the things the National Academy of Sciences does is produce reports for various parts of the federal government on research issues.

Modern police research has been going on in this country since about 1963, and so NIJ (the National Institute of Justice) thought it was time to get an overview of what the research told us about police practices, and what were the big gaping holes in the body of research. We took our mission from the beginning as twofold: one, to see what police research said to practitioners, and two, what police research said to those who fund research. Our report follows those two dual tracks.

PARC: Could you summarize some of the major findings of the committee's report?

WS: We concluded that you could divide the corpus of police research into two important strands: one strand was on the effectiveness of policing in terms of crime fighting, and the other was on the lawfulness and legitimacy of policing. We related that to what we call the dual mandate of the police, which is

to respond to crime and disorder problems on the one hand, and to ensure justice and bring offenders to account on the other hand.

We characterized two broad policing strategies, in the largest organizational sense of strategies: one which we'll call "traditional, across-the-board policing," and the other is "focused and tailored" policing. We concluded that traditional, and across-the-board policing is not particularly effective.

This is policing that focuses on things like the size of the department, emphasizes rapid response to all 911 calls, fast driving times, turning over everything immediately to detectives, and expecting them to do the major case solving. We concluded, according to the research, by and large that is not as effective as the alternative model, which we call the tailored and focused model.

The tailored and focused model includes such things as identifying crime hot spots, intelligence-driven policing, and community and problem-solving policing, to the extent they involve setting locally-tailored priorities and then tailoring responses to those local problems in very specific and focused ways. There's a lot of research that shows that this intelligence-driven policing and focused and tailored policing is much more efficient and effective than the across-the-board, traditional model of policing.

PARC: Did you find any critical issues in policing that have not been adequately researched?

WS: Let's stay focused on this first part of the dual mandate. On that side, there is surprisingly limited research on the effectiveness of problem-solving

policing and community policing, despite the fact that the federal government has been spending billions of dollars, and that has been the focus of police hiring. There also is astonishingly little on the effectiveness of some of the most fundamental aspects of managing police organizations. Police organizations are human service organizations and the quality of service is almost entirely determined by your people. We found that there is virtually no research on the actual impact of differential recruiting policies, except the research that simply looks at the race and gender composition of the force, and we have no idea if that makes any difference.

There is astonishingly little research on police training, either the best ways to do it or about what. And since that is really fundamental to policing, we suggest much more research on training. There also is very little research on supervision and management, or police and executive leadership. So when we consider the notion of police departments as organizations, there has been very little research on the guts of the organization and what makes it work.

PARC: Let's talk about the second part of your mandate as you saw it – the research on police lawfulness and legitimacy.

WS: Interestingly, police research was born around concerns about racial discrimination, police brutality and unlawful behavior. That was the original motivating force behind modern police research. It had to do with discovering discretion, documenting the biased ways in which discretion was exercised, and

uncovering corruption and finding ways to manage corruption. So lawfulness was a big focus of early police research.

But somewhere in the eighties, lawfulness got lost as a research agenda item. Of course, some researchers continued to look at that, but basically it was not funded by NIJ, OJJDP (Office of Juvenile Justice and Delinquency Prevention), BJS (Bureau of Justice Statistics), or the National Science Foundation. They shifted their focus from lawfulness to effectiveness in crime-fighting. The subjects which were the original impetus for doing police research basically vanished. One thing we call for is new research on police lawfulness, which has to do with the relationship between organizational policies, practices and leadership on the one hand, and the lawfulness of police behavior on the other.

One big area of research is on the use of deadly force, which is probably the liveliest of the issues in the tradition of lawfulness that is still being done, and we call for a lot more research on that. We call for the creation of a national register of police discharge of firearms, police shootings, and police killings of people as a stand-alone, data-collection effort. We argue that the concern about the use of force lies at the heart of democratic accountability of street-level policing.

We also reviewed the research on the effectiveness of various policies, practices and laws in controlling police conduct. We looked at the impact of Supreme Court decisions, legal changes, changes in departmental policies, and department leadership on a variety of

outcome measures like use of force, use of deadly force, shootings, and killings. We call for a return to the roots of police research, in a sense, of going back and seriously addressing police misconduct issues. We have a long section on corruption because that also is a very big legitimacy issue in policing. Belief in the honesty of the people who police us is really fundamental to giving them the respect that they should have. Research on police corruption, in particular, has vanished, and with the death of Carl Klockars, there is nobody doing it.

We talk about the various ways people have studied corruption, the difficulties of that kind of research, and we suggest some ways forward. So that's the lawfulness part. Then there's the legitimacy part. If you think of lawfulness as the study of police conduct, then the legitimacy part is the study of public perceptions and reactions to policing — what the public thinks about policing. One can be thought of as the supply side of police behavior, and the other is the consumption of it by the mass public. We reviewed research on what the public thinks about the police, what victims think about the police, and what kind of experiences people who are stopped by the police report having. We stressed the importance of what the committee called, "process-oriented policing." We have a whole chapter on that topic and it brings together all this research on the importance of how police conduct themselves in their encounters with the public and how dramatically that affects public opinion about policing, public satisfaction about policing, and how dramatically it affects people's willingness to obey the law and the orders of police officers. It affects recidivism; it affects a lot of practical

things the police should care about, like support from the public, support from taxpayers, and people giving them and the law respect. So, the section on legitimacy really focuses on process-oriented policing, the many benefits that come from it, and the need for more research on process-oriented policing.

One of the other topics that has disappeared from the research agenda is police and victims. There has been astonishingly little research over the last 15 years on how police respond, how they deal with victims, and the impact on how victims recover from their experience — victim satisfaction.

In the seventies, that was a big topic of research and nobody has done anything since. But victims, we argue, are one of the core constituencies of the police. Of all the people they should be worrying about, it is their victims — the millions of people who call them every year.

PARC: The committee's report notes that "Fairness and effectiveness in police work are not mutually exclusive, but mutually reinforcing." What does existing research say about the relationship between fairness in policing and its effectiveness?

WS: There is a lot of research that shows that when you have good practice-oriented policing, when you earn and keep the legitimacy and respect of the public, that reduces recidivism, increases crime reporting, increases the cooperation of bystanders, and helps make the police more effective.

PARC: *So there is research that actually shows that crime is reduced when the public respects the police more?*

WS: Even recidivism among people who have been sent to prison is lower. The effects are quite strong. Of course, there needs to be more research, but what we point out is that there is this body of literature that suggests all of these really important impacts of process-oriented policing.

PARC: *Did the committee find any correlation between agencies using problem-oriented policing and community policing techniques and how the public feels about them?*

WS: Yes, but surprisingly few studies for the magnitude of the commitment that American police departments have made to problem-oriented policing. What “community-oriented policing” means varies enormously from place to place, which it should.

That’s why we put it in the category of “locally tailored responses to crime.” It should be different from place to place, but that makes it hard to speak in general about community policing.

PARC: *So the question is, how does one define community policing?*

WS: Right. Well, you define it by how you do it. One needs to look at the evaluations of specific tactical projects and programs that typically get adopted by departments that do community policing and ask, “Do those things work?” But the committee did no general assessment of community policing because it is highly variable from place to place.

PARC: *Let’s discuss a hot political topic these days – racial profiling. Did you review the state of affairs of racial*

profiling research? What did you find? Were there any impediments to collecting this kind of data?

WS: The committee recommends enormous caution in terms of data collection. We are unconvinced of the policy utility of the kind of collection that is currently going on. We think the kind of collection that many states have mandated will produce data that is uninterpretable for policy or operational purposes. It is also being done as a political response, but our job is to assess the research design and the data collection, and we think it is unlikely to actually yield much that is useful. So, we call for NIJ to continue their work on evaluations of ways to study racial profiling because we don’t think that the current collection makes much sense.

PARC: *What kind of changes to the racial profiling data collection would you recommend?*

WS: We’re not recommending changes. We say the collection doesn’t make much sense. If you put observers out in cars, what you find is that officers still don’t fill out the contact forms 25 percent of the time, and that’s with the observer sitting in the back seat. That’s an example of a methodological problem.

Who knows how often they don’t fill it out when nobody’s watching. You also find that the observers and the officers disagree on the race of the people when they do code the forms. We also discuss what is well-known in this field — the “denominator problem.” This is where you have traffic stops as the numerator, but what’s the denominator against which you produce rates that you know

you can compare them? NIJ has sponsored some good research in that area, but what we know is that it is difficult, of limited generality, and unlikely to be something that operational departments can do. So, we're a voice of caution about the utility of all the effort that is going into the current racial profiling data collection.

PARC: *Did you review the research on early warning systems?*

WS: We did not. We mention that they're being adopted by many interesting police departments and there is a lot of interest in it, but also ask why there isn't some more research on it.

PARC: *The report notes that there is not much research on citizen oversight review mechanisms and how effective they are in improving police practices. Is there anything you would like to add to that?*

WS: We would like to have the opportunity to review more research on the effectiveness of citizen oversight review mechanisms. It just didn't make it into the report. And frankly I can't tell you how much research is out there that we didn't include.

PARC: *Can you tell our readers how police departments can reduce officer-involved shootings and their use of force? What did the research say about that?*

WS: It says that the important issues are department policies, leadership, supervision, and management — exactly

the same things you do to reduce corruption. You have to tackle the peer culture, but you also have to tackle corruption. There is no different management strategy than for tackling things like corruption. There is a lot in the report about officer-involved shootings and use of force because that's one of the better developed areas, by far, for the police research on lawfulness.

PARC: *What do you hope will be accomplished by this report? Who is the audience?*

WS: The key audiences for the report are the people who fund police research — NIJ and COPS (Community Oriented Policing Services Office). They're big audiences of ours because, over time, they set an important part of the police research agenda. We'll be doing a congressional staffer briefing, but who knows how many are interested in policing these days. Perhaps the apocryphal practitioner out there will be interested in our findings about focused and tailored policing. Those are our principle audiences — people in the policy community who talk with and consult with police departments on the one hand, and the Washington research funders on the other. National Academy reports are written for the funder, and most are written for research funding. That's their core function. We were somewhat "out there" because we thought we would also try to say something to practitioners. Many National Research Council reports don't speak to practitioners at all, so we were rather proud of ourselves.

Conferences

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

September 29-October 1, 2003 - Americans for Effective Law Enforcement Police Civil Liability and the Defense of Citizen Misconduct Complaints seminar, to be held in Las Vegas, Nevada. For more information, visit www.aele.org/wkscivil.html.

October 5-8, 2003 - National Internal Affairs Investigators Association Annual Training Conference to be held in Phoenix, Arizona. More information is available at: <http://www.niaia.org/members/events/default.asp>.

October 21-25, 2003 - International Association of Chiefs of Police Annual conference to be held in Philadelphia, Pennsylvania. More information is available at: theiacp02.expoexchange.com/.

October 21, 2003 - Police Executive Research Forum Town Hall Meeting, to be held in conjunction with the 2003 IACP conference in Philadelphia, PA. More information available at: www.policeforum.org/conference.html.

November 20-22, 2003 - Police Executive Research Forum Problem-Oriented Policing Conference, to be held in San Diego, CA. More information available at: www.policeforum.org/conference.html.

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