

POLICE PRACTICES REVIEW

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CIVILIAN OVERSIGHT

Philadelphia IAO Issues Disciplinary Report

A report by the Philadelphia (PA) Integrity and Accountability Office (IAO) has branded the Philadelphia Police Department's (PPD) disciplinary system "fundamentally ineffective, inadequate and unpredictable." The report reveals that:

- Minimal effort has been made to implement reforms to the disciplinary system recommended over two years ago by a Task Force on Police Discipline.
- The PPD's imposition of disciplinary penalties is "haphazard and inscrutable."
- The disciplinary process is commonly subject to "excessive" delays.
- Since 2000, almost 50 percent of PPD personnel found to have violated PPD policy or to have committed serious misconduct have not been formally disciplined.
- Inadequate discipline is imposed in "numerous" cases.

Fifty case studies are provided to illustrate what the IAO judged to be "inadequate, and in some cases, incomprehensible" disciplinary resolutions. Among these are the reprimands given to members of a specialist undercover unit who "routinely prepared and submitted falsified police reports;" a failure to discipline a probationary officer who fraternized with criminals and made false statements to conceal those relationships; and a failure to penalize a commander who collected overtime for non-police activities while conducting a romantic affair with a junior officer. Concluding that adequate reform will not occur as long as the disciplinary system remains solely under the control of the PPD, the report recommends the establishment of an independent body to review disciplinary matters, determine penalties, and enforce



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POLICE ASSESSMENT RESOURCE CENTER

With the generous support of the Ford Foundation, PARC, in cooperation with monitors, law enforcement executives, civic and government officials, and other interested constituencies, aims to strengthen police oversight so as to advance effective, respectful, and publicly accountable policing.

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disciplinary system guidelines. (*Report on the Disciplinary System*, December 2003; *Philadelphia Inquirer*, January 6 and 7, 2004; *Philadelphia Daily News*, January 6 and 7, 2004.)

Portland Releases Report on Profanity

The Citizen Review Committee and the Independent Police Review Division (IPR) of Portland (OR) have released a report entitled, *Officer Use of Profanity*. The report stemmed from the recommendation of Portland's predecessor civilian oversight office urging the Portland Police Bureau (PPB) to review and report on its profanity policy, and from the IPR's receipt of a large number of profanity-related citizen complaints against PPB officers.

Current PPB policy requires that: "No member shall use profanity in the performance of his/her duties, except where necessary to establish control or to quote another person in reports or testimony." The report observes that the PPB's policy of allowing the use of profanity as a control method places the agency at odds with other law enforcement agencies surveyed. However, the authors' survey also revealed that all departments that expressly prohibit profanity would excuse an officer's use of profane language under certain circumstances, indicating that PPB policy mirrors practices in other jurisdictions. The report determines that officers are given inadequate and inconsistent guidance about the use of profanity, and concludes that unnecessary profanity hinders police effectiveness by running counter to the PPB's "service orientation," and possibly by unduly escalating police-citizen encounters. Based on these findings, three recommendations are made:

- PPB policy should be revised to state that profanity may be used to "establish control only in the exceptional circumstances where its use may help avoid the deployment of physical or deadly force."
- Officers should be required to uniformly report the use of profanity as a control technique.
- The PPB should produce a training bulletin to guide officers' use of profanity.

The full report is available online at www.portlandonline.com/shared/cfm/image.cfm?id=36436.

Complaints Against NYPD Increase

New York City's Civilian Complaint Review Board (CCRB) has reported that 5,581 complaints were filed against New York City Police Department officers in 2003 – a rise of 21 percent over 2002's figure. Of the complaint investigations completed in 2003, 14.4 percent were substantiated, at least in part. This compares with a rate of 10.1 percent for 2002. According to the CCRB's Executive Director, Florence Finkle, the increase in complaints does not necessarily indicate an increase in police misconduct. Finkle told reporters, "we simply don't know why complaints go up or down." The full report is available online at <http://www.ci.nyc.ny.us/html/ccrb/pdf/edjan04.pdf>. (*Newsday*, January 14, 2004; *New York Post*, January 15, 2004.)

Denver Names Reform Commission Members

Following his December 2003 announcement of a series of reforms to the Denver (CO) Police Department (DPD), Mayor John Hickenlooper has named the members of a police reform commission. Over a period of 90 days, the commission will review the DPD's use of force policy and civilian oversight proposals, and will then issue recommendations. The commission's membership comprises 18 community members, 11 law enforcement officers, seven city officials, a former district judge, and a former state senator. Among the police reforms already announced by Mayor Hickenlooper are improvements in training, the acquisition of new less-lethal weapons, the inclusion of civilians on the DPD Firearms Discharge Review Board, and the establishment of a tactics review board. The reforms come in the wake of a controversial July 2003 officer-involved shooting of a developmentally disabled teenager who was armed with a knife. (*Rocky Mountain News*, December 17, 2003 and January 9, 2004.)

CONSENT DECREES/ MEMORANDA OF AGREEMENT

P.G. County and Justice Department Enter Pacts

The U.S. Department of Justice (DOJ) has entered into a consent decree and a memorandum of agreement with Prince George's County and the Prince George's County Police Department (PGPD). The signing of the two agreements follows a three-year "pattern or practice" investigation of the PGPD's canine unit and use of force. The consent decree requires the PGPD to reform the operation and management of its Canine Section, and the memorandum of agreement requires department-wide reforms of use-of-force policies, training, and management.

Among the reforms required by the agreements are: the adoption of a "guard and bark" model for canine operations; annual force training for all officers; the provision of adequate less-lethal weaponry to patrol officers; a prohibition of neck restraints for all but deadly-force scenarios; and revisions to policy and training covering the use of OC spray. The development of a protocol for the PGPD's field training officer program is also required, as are improvements to the intake, processing, and disposition of citizen complaints. Compliance with the consent decree will be assessed by the DOJ itself, and an Independent Monitor will assess compliance with the memorandum of agreement. Both documents are available online at www.usdoj.gov/crt/split/documents/pgpd/pgpd_cover.htm.

Justice Department Settles with Georgia City

The U.S. Department of Justice (DOJ) has entered a memorandum of agreement with the City of Villa Rica (GA) and the Villa Rica Police Department (VRPD). The agreement requires a series of reforms to the VRPD's highway interdiction operations, training, complaints system, management, and supervision. The signing of the agreement follows a year-long DOJ investigation into whether VRPD officers were engaging in a pattern or practice of discriminatory law enforcement and improper searches and seizures. Reforms required by the agreement include:

- strict adherence to VRPD racial profiling policy;
- expanded written documentation of traffic stops;
- video recording of traffic stops;
- direct supervisory oversight of the highway interdiction unit;
- acceptance of all citizen complaints, no matter the method of submission;
- internal affairs investigation of all racial profiling complaints;
- training for all officers regarding VRPD policies and procedures;
- training on search and seizures and conducting professional traffic stops;
- tracking of trends in traffic stop data; and,
- development of a tracking system to monitor officer conduct.

The full memorandum of agreement is available online at www.usdoj.gov/crt/split/documents/villa_rica_moa.pdf.

Monitor Releases First Report on Detroit

The Independent Monitor (IM) evaluating Detroit's compliance with two consent judgments it entered into with the U.S. Department of Justice has released her first report. The consent judgments, effective as of July 2003, require reforms of the Detroit Police Department's (DPD's) use of force and conditions of confinement. The report covers the quarter ending November 30, 2003, and provides an assessment of compliance with 108 paragraphs or sub-paragraphs. The IM found that the DPD achieved compliance with just one paragraph. Despite this finding, the IM identifies several areas in which progress has been made. These include:

- the establishment of a police department compliance unit whose staff has generally been cooperative and "open to fulfilling" its role;
- the development of a Holding Cell Compliance Committee, which has taken several steps towards achieving compliance with that judgment's provisions;
- the implementation of most requirements intended to inform citizens how to file complaints; and,
- a clear effort to move towards compliance with requirements to ensure prompt judicial review for arrestees.

The IM also identifies a number of "major areas of concern," including:

- the DPD's "inability" to develop policies that comply with the requirements of the consent judgments;
- poor communication between DPD bureaus;
- staffing shortages, which are particularly acute in the compliance unit's Audit Team and in the Training Bureau; and,
- insufficient planning for the allocation of funds for physical remediation required by the "conditions of confinement" judgment.

In addition to compliance assessments, the report provides a history of the events that ultimately produced the two consent judgments.

The full report is available online at www.krollworldwide.com/library/detroit/DPD_O1_Report_1_20_04.pdf.

Oakland Monitoring Team Releases First Report

The Independent Monitoring Team (IMT) responsible for assessing compliance by the Oakland (CA) Police Department with a settlement agreement requiring police reforms has released its first quarterly report. The agreement was the product of private plaintiffs' civil litigation and requires the Oakland Police Department (OPD) to comply by completing 52 "tasks." OPD functions covered by the tasks include internal affairs, supervision, use of force, training, personnel practices, and community policing. The IMT found that the OPD failed to meet 14 of the 16 compliance deadlines set by the agreement for the first quarter, despite what the IMT recognizes as "good faith efforts and progress in a number of areas." OPD accomplishments identified by the IMT include the establishment and adequate staffing of a strong compliance unit, the personal involvement and commitment of the Chief of Police, and the drafting of several new policies and procedures. Meanwhile, the OPD's "lagging" progress in developing its Personnel Information Management System (a computer database intended to enhance the OPD's ability to track officer performance and manage the risk of police misconduct) and a failure to complete the drafting of a consistent discipline policy are highlighted as areas for concern. In addition to evaluating compliance with the agreement, the report provides an overview of the IMT, its role, and its activities during the first 90 days of the monitoring process.

The full report is available online at relmanlaw.comx/IMT%20First%20Quarterly%20Report.pdf.

COMMUNITY POLICING

New D.C. Police Patrol Districts Unveiled

District of Columbia officials have released details of a plan to restructure the deployment of Metropolitan Police Department (MPD) officers. The restructuring is intended to improve both response times and police-community relations. Under current arrangements, the MPD's territory is divided into 83 Patrol Service Areas (PSAs). The plan proposes to cut the number of PSAs to 43. Each of the new, larger PSAs will have at least 21 officers assigned to it. High crime PSAs will be assigned additional officers. Officials hope that the restructuring will facilitate more

efficient use of police resources by equipping each PSA with a larger number of officers, thereby allowing PSA commanders more flexibility to deploy those officers to crime hot spots. The PSA system was adopted by the MPD in 1997 as an element of its community policing strategy, with the goal of fostering better communication between officers and neighborhood residents. Officials have since determined that PSAs were too small and that the MPD has insufficient officers to make the existing structure work effectively. (*Washington Post*, January 12, 2004; *Washington Times*, January 12, 2004.)

RACIAL PROFILING

Massachusetts Study Reveals Disparities

Data published by the Northeastern University Institute on Race and Justice show that Massachusetts law enforcement officers issued traffic tickets to a disproportionately high number of drivers from racial minority groups between April 2001 and June 2003. The findings, based upon an examination of more than 1.3 million tickets, form part of an ongoing study ordered by the Massachusetts legislature in 2000. According to State Public Safety Secretary Edward Flynn, the data do not prove that racial profiling is occurring in Massachusetts, but do provide “a basis from which to ask intelligent questions.” The degree of disparity found by analysts varies between jurisdictions. The Milton Police Department ticketed the most disproportionate number of minority drivers, with 58 percent of tickets going to minorities among an estimated driving population that is 15.8 percent minority. In Boston, where an estimated 33 percent of the driving population belongs to a racial minority group, 50 percent of tickets were issued to minority drivers. In total, 247 of the 341 agencies surveyed gave a disproportionately high number of tickets to minority drivers. The Northeastern University report is available online at www.irj.neu.edu. (*Associated Press*, January 21, 2004; *Boston Globe*, January 21, 2004.)

Illinois Law on Racial Data Collection Takes Effect

A statewide effort to collect and analyze racial data from traffic stops has begun in Illinois. Under a new law, officers are required to record their perception of the driver’s race for each traffic stop they conduct where the primary reason for the stop was a traffic violation. Stops for crime, assistance, or equipment

violations will be exempt from the new reporting requirement. The racial data gathered will be analyzed by Northwestern University. Officers are required to classify motorists according to five racial categories: Caucasian, African American, Hispanic, Asian/Pacific Islander, or Native American/Alaskan Native. Police training manuals on the new law instruct officers not to ask drivers which racial group they belong to, nor to tell them to which of the five categories they have been assigned. The first report detailing results of the study will be released in 2005. Data collection is currently scheduled to continue until the end of 2007, at which time state lawmakers will decide whether it should be continued. (*Daily Herald*, January 2, 2004; *Liberty Suburban Chicago Newspapers*, January 8, 2004.)

STANDARDS & TRAINING

Erie Accused of Gender Discrimination

The U.S. Department of Justice (DOJ) has filed a lawsuit against the City of Erie (PA) alleging that the physical tests required for admittance as a recruit to the city’s police department have a discriminatory impact on women, illegally limiting the number of women who can obtain employment with the department. According to the DOJ, police applicants are required to complete a 220-yard obstacle course in 90 seconds. The course involves scaling six- and four-foot walls, climbing through a window, crawling eight feet under a two-foot-high platform, doing 17 push-ups and nine sit-ups, then pulling the trigger on a service revolver once with each hand. Since 1996, only 13 percent of female candidates have passed the test, compared to 71 percent of their male counterparts. A Deputy City Solicitor for Erie said that the city has been moving towards a system of physical testing similar to the model used by Pennsylvania’s Municipal Police Officers Education and Training Commission, which grades according to a sliding scale that takes account of age and sex. (*Associated Press*, January 8, 2004; *WJETTV.com*, January 8, 2004.)

U.K. Police to Launch Diversity Effort

New recruits and officers seeking promotion will be asked to report their sexual orientation under a pilot program in three English police forces, scheduled to begin in the spring. The plan, created by the Association of Chief Police Officers of England, Wales and Northern Ireland (ACPO), and the Gay Police

Association (GPA), will be assessed after six months, and it is expected that it will be implemented nationwide by the end of the year. According to an ACPO spokesperson, the police service needs “a better understanding of the make-up of [its] workforce” to ensure that it is representative of the community. A GPA spokesperson claimed that the collection of information about officers’ sexual orientation is necessary in order to tackle homophobia within the police force and to ensure that gay officers are not being discriminated against. The new plan is being launched alongside a gay recruitment drive by London’s Metropolitan Police – the first of its kind in Britain. (*Sunday Times* (London), January 4, 2004.)

FORCE MANAGEMENT

Houston PD's Training Questioned

According to a report by the *Houston Chronicle*, several senior members of the Houston (TX) Police Department (HPD) believe that insufficient firearms training is provided to HPD officers – a view supported by experts cited by the newspaper. The *Chronicle* reports that most HPD officers are not required to attend regular tactical training, with only three elective officer safety courses each serving 50 to 60 officers, offered annually to the department’s 5,000-plus officers. Other gaps in HPD force management identified by the *Chronicle* include the absence of a

The Fall 2003 edition of the New York State Bar Association’s Government, Law and Policy Journal examines civilian oversight of police conduct. The special issue features seven articles and an interview with a volunteer member of Albany’s Citizens’ Police Review Board, Michael Whiteman. The issue includes articles describing oversight models in New York state, lessons learned from citizen review in New York City, the reliability of racial data from traffic stops, oversight and collective bargaining, privacy issues, and the mediation of citizen complaints.

In ‘Mediating Disputes Between Citizens and Police,’ author Todd R. Samolis, Director of Police/Community Relations Programs at the Center for Dispute Settlements in Rochester, New York, observes that traditional complaint systems often compound complainants’ frustration and anger. According to Samolis, as most citizen complaints against police officers stem from “negative interpersonal interaction,” the use of an interpersonal mediation process to resolve the complaint presents a sensible option. He cautions, however, that it is inappropriate to mediate more serious complaints, including allegations relating to force, serious procedural violations, or criminal conduct, and advises that the availability of mediation should not impinge upon a complainant’s right to a formal investigation. The role of the mediator is identified as one of “facilitating a balanced, impartial process where both the complainant and the police officer can feel safe to fully discuss the circumstances that gave rise to the complaint.” Noting that there is no universally accepted mediation model, Samolis provides a guide to mediation processes that includes the following elements:

- No statements made during the mediation by either officer or complainant may be used during future proceedings.
- The mediator will usually encourage complainants to explain how the incident has affected them.
- The officer will be given an opportunity to respond to the complainant’s statements. It is common for the officer to use the opportunity to explain departmental policy or a legal issue, or to give reasons for the behavior complained about (*e.g.*, the officer had just attended a hostile incident and was still agitated).
- If mediation fails, most programs allow for the reinstatement of the formal investigation process.

Benefits of mediation identified by Samolis include a sense of fairness for all parties, the promotion of understanding between citizens and officers, expeditious resolution of complaints, and greater satisfaction for officers and citizens alike. Challenges are also highlighted, including the issue of how to increase the rate of case referrals to mediators, the question of whether officers’ participation is truly “voluntary,” and the difficulties inherent in establishing a balance of power between an officer and a citizen in the mediation process. (*Government, Law and Policy Journal*, New York State Bar Association, Fall 2003, Volume 5, Number 2.)

requirement that officers carry incapacitant spray, inadequate instruction in control holds, and limited availability of Tasers. Two recent shootings by HPD officers are currently under review by the Federal Bureau of Investigation. Both cases involved unarmed teenagers and have been described by department or police union officials as accidental firearms discharges. (*Houston Chronicle*, November 27, 2003 and December 29, 2003.)

St. Paul Officers to Carry Tasers

Around 100 Saint Paul (MN) Police Department officers are to be equipped with Tasers, purchased with a \$100,000 federal grant. Tasers are intended to give the officers an additional less-lethal option for dealing with violent encounters. The deaths of two mentally ill people at the hands of St. Paul officers in 2002 prompted the department to provide additional training on mental illness to its officers and to update its force policy to include the deployment of Tasers. (*Associated Press*, January 2, 2004; *Minneapolis Star Tribune*, January 1, 2004.)

LEGAL AFFAIRS

U.S. Supreme Court Rules on Traffic Stop Arrests

The U.S. Supreme Court has unanimously ruled that when a police officer finds money and drugs in a vehicle and all occupants have access to the drugs but none admits ownership, the officer may arrest all occupants of the vehicle. The ruling came in the case of *Maryland v. Pringle*, in which an officer had pulled over a speeding vehicle with three occupants. The officer asked the driver for his license and registration and observed a large roll of cash as the driver opened up the glove compartment. The officer asked the driver for consent to search the vehicle for drugs and money. The driver consented and the officer found five baggies containing crack cocaine in the back-seat armrest. When none of the vehicle's occupants admitted ownership of the drugs, all three were arrested. The front seat passenger subsequently admitted that the drugs belonged to him and his companions were released. A conviction for drug possession with intent to distribute followed but was overturned by the Court of Appeals of Maryland, which found that the arresting officer lacked "probable cause." The Supreme Court ruling reversed that decision. Writing for the court, Chief Justice William H. Rehnquist noted, "We think it an entirely

reasonable inference...that any or all three of the occupants had knowledge of, and exercised dominion and control over, the cocaine." (*Associated Press*, December 15, 2003; *Los Angeles Daily Journal*, December 16, 2003.)

Roadblocks Approved by U.S. Supreme Court

The U.S. Supreme Court has ruled that Illinois police acted constitutionally when they used a roadblock to stop motorists in order to ask them for information about an unsolved fatal hit-and-run traffic collision. The ruling (*Illinois v. Lidster*) overturned an Illinois Supreme Court decision that police could only use roadblocks to solicit information from motorists in emergencies. The decision followed the case of a motorist who was arrested for drunk driving after being stopped at a roadblock by officers investigating an (unrelated) hit-and-run. The roadblock had been set up at the location of the hit-and-run, exactly one week after the incident had occurred. The motorist's subsequent drunk driving conviction was overturned by the Illinois Supreme Court, which cited a 2000 U.S. Supreme Court decision that roadblocks designed to catch drug offenders violated the Fourth Amendment (*Indianapolis v. Edmond*). In its latest ruling, the U.S. Supreme Court held that its 2000 ruling does not govern the Illinois case. (*Reuters*, January 13, 2004; *Associated Press*, January 13, 2004.)

NEWS BRIEFS

Oakland Revises Risk Management Policy

In a move intended to reverse recent increases in the cost of lawsuits filed against the Oakland (CA) Police Department, Oakland's City Council has approved a plan to reform its risk management policy. Under the new plan, the police and other city departments will be given a budget to settle claims each year. That budget will be based upon a ten-year average of payouts. If a department's lawsuit costs exceed its budget, it must justify additional claims before the City Council before any further allocation of funds can be authorized from a city-wide risk management reserve fund. Conversely, if a department's costs are less than the budgeted allocation, a request can be made for the Council to permit the remaining money to be used for additional departmental programs. In addition to the new funding arrangement, the plan requires police commanders to meet with officers who are subjects of complaints and allows the re-activation

of internal affairs investigations if new evidence arises during a lawsuit or Citizens Police Review Board session. (*Oakland Tribune*, January 8, 2004.)

Los Angeles Settles with LAPD Whistleblowers

The City of Los Angeles has agreed to pay almost \$4 million, plus \$2 million in legal costs, to settle nine lawsuits brought by Los Angeles Police Department (LAPD) officers who alleged they had been retaliated against for reporting misconduct by colleagues. One of the officers claimed that he had lost his job for reporting that one officer planted a gun after an officer-involved shooting and that another officer had hit a pregnant woman in the stomach with an impact weapon. The LAPD claimed that it had dismissed the officer because he gave false and misleading testimony to a Board of Rights panel. A Deputy City Attorney's confidential memorandum, extracts of which were reported by the *Los Angeles Times*, observed that a jury could find that the "disciplinary system was manipulated to target [the officer] and ultimately terminate his employment." Moreover, the memorandum advised that "the fact that the actions against him occurred after his complaints regarding alleged misconduct, that prior thereto he had a good record...may also lead a jury to conclude that a retaliatory motive was at work." Other allegations prompting settlements included:

- an officer's claim that he had been subject to retaliation after complaining that a captain gave preferential treatment to lesbian officers;
- an officer's claim that he suffered retaliation after revealing mismanagement of computer contracts; and,
- a claim by an officer that he was shunned, and that officials threatened to file an unwarranted personnel complaint against him, after he testified that the controversial 1999 shooting of Margaret Mitchell should not have occurred. Mitchell was a 102-pound woman who was shot when she allegedly lunged at officers with a screwdriver. (*Los Angeles Times*, December 18, 2003.)

Suspect Shoots Himself in Interview Room

An hour after his arrest for allegedly shooting a sheriff's deputy, a man killed himself with a .45 caliber handgun in a San Bernardino County Sheriff's Department interview room. The gun had not been recovered from the suspect during or after his arrest.

San Bernardino Sheriff Gary Penrod said that officers had failed to adequately search the suspect after he was arrested. The Sheriff showed journalists video footage from a surveillance camera that showed the suspect pulling a large handgun from his pants while he sat awaiting interview by detectives. The footage showed that the suspect then killed himself with a single shot from the weapon. According to the Sheriff, each deputy that received the suspect may have incorrectly assumed that the previous deputy had already performed an adequate search. (*San Bernardino Press-Enterprise*, December 20, 2003; *Los Angeles Times*, December 20, 2003.)

Uncooperative Houston Officers Dismissed

The Houston (TX) Police Department has dismissed five officers after they failed to cooperate with an Internal Affairs investigation. The officers were under investigation for allegedly taking money from bar owners in exchange for warnings about impending law enforcement raids and for overlooking illegal activities while working off-duty in bars. The department had twice ordered the officers to respond to detailed written questions, warning them that they would lose their jobs if they did not comply. The five are due to stand trial on criminal charges relating to their alleged activities. (*Associated Press*, January 6, 2004.)

Police Chief Denies Violating Protesters' Rights

The Metropolitan Police Department (MPD) has rewritten its mass-demonstrations handbook in light of some "mistakes" that were made during large anti-globalization protests in 2000 and 2002, according to Chief Charles Ramsey. Speaking during a District of Columbia City Council hearing on police practices during demonstrations, Chief Ramsey denied accusations that his department had tried to limit protesters' right to free speech. The hearing was chaired by D.C. Council Member Kathy Patterson as part of what she described as a larger debate over public safety and the protection of civil liberties. Protesters and activists testified that undercover officers had infiltrated protest meetings and had encouraged protesters to break the law. Chief Ramsey defended the practice of using undercover officers to gather intelligence and disputed charges that officers had acted as *agents provocateurs*. He said that the MPD does everything it can to avoid mass arrests, adding that procedures have recently been revised to emphasize that officers should issue clear warnings

before making arrests, and to require that all command-level officers carry bullhorns in their vehicles. (*Washington Post*, December 18, 2003; *Washington Times*, December 19, 2003.)

No Probable Cause in Seattle Arrests

A federal judge has ruled that the Seattle (WA) Police Department (SPD) lacked probable cause when it arrested a group of 157 protesters and bystanders during a demonstration against the World Trade Organization in December 1999. According to lawyers representing the arrestees, the protesters and bystanders were corralled and detained by SPD officers outside of an area that had been designated as a "no-protest zone," and arrestees were booked using an inaccurate arrest warrant. Court documents contend that officers made no attempts to separate protesters from uninvolved bystanders. The City of Seattle claims that the arrests were made for pedestrian interference, only after the group failed to disperse. The judge cautioned that her ruling should not be interpreted as invalidating all mass arrests. (*Seattle Times*, December 31, 2003; *Associated Press*, December 31, 2003.)

Honolulu Gets Internal Alcohol Abuse Policies

The Honolulu (HI) Police Department has promised to improve its policies for dealing with alcohol abuse by its officers. The pledge settles a federal lawsuit brought by the family of a young woman who was killed in October 2000 when a drunk, off-duty officer ran a red light and collided with her car. The settlement calls for the department to implement a program to identify and treat officers with alcohol problems. The department currently has a substance abuse program, but it does not cover alcohol. The officer responsible for the collision was convicted of manslaughter and sentenced to 20 years in prison. (*Honolulu Advertiser*, January 7, 2004; *Associated Press*, January 7, 2004.)

Details Emerge about Detroit Officers' Alleged Abuses

Prosecutors allege that Detroit (MI) Police Department officers planted drugs and guns on citizens on at least 13 occasions during a two year period, according to a court filing; eighteen officers indicted in 2002 are due to stand trial. Additional allegations made in the filing include: claims that officers illegally entered homes and made arrests, then reported that the arrests were made in public; that officers falsely stated that they were in "hot pursuit" to justify unlawful entries; and

that officers concealed injuries they inflicted on citizens. (*Associated Press*, January 7, 2004; *Detroit News*, January 7, 2004.)

Settlement Reached in Diallo Case

The family of Amadou Diallo has agreed to a \$3 million settlement in their civil lawsuit against New York City. Diallo died after being shot by officers from the New York City Police Department's (NYPD) plainclothes Street Crime Unit in February 1999. The officers who shot Diallo later said they thought the wallet in his hand was a gun. The involved officers were tried and acquitted of murder and other charges. After that acquittal, the U.S. Department of Justice determined that federal civil rights charges were unwarranted. The NYPD decided that the shooting did not breach departmental policies, but ordered the officers to undergo retraining. (*Associated Press*, January 6, 2004; *New York Times*, January 7, 2004.)

INTERVIEW

PARC Executive Director Merrick Bobb recently conducted an interview with the Pasadena (CA) Chief of Police, Bernard K. Melekian.



MB: This is December 16, 2003. Our interviewee is Bernard K. Melekian, Chief of Police of the City of Pasadena. He has 138,000 residents to care for with a police force of only 248 officers. Chief Melekian has served in this capacity in Pasadena for almost eight years and before that rose through the ranks of the Santa Monica Police Department to the rank of captain. Chief Melekian is a member of a number of police professional organizations including PERF, the Los Angeles County Police Chief's Association, IACP, and the Council of the State Government's Mental Health Consortium. He chaired the Attorney General's Commission on Special Weapons and Tactics (SWAT) teams for California. Chief Melekian is also in the Coast Guard Reserves.

Chief Melekian, we understand that you are going to be switching to something called values-based policing. It was reported in the papers that values-based policing would be a whole new paradigm and that the present policy manual could be reduced from

several hundred pages to a couple. The disciplinary system would also be changed significantly. Could you tell us a bit more about that?

BM: For a number of years it has struck me that we have talked about community policing and the need for law enforcement to interact with the community it serves. While we have paid lip service to that concept, the system that we created to ensure compliance with the behavior that we want is still very legalistic and process driven.

I was told a story once about an assistant chief in a major department who had a case in which an officer had been drinking on duty and driving around town with his girlfriend in his patrol car. The officer was disciplined, but at the hearing it became apparent that while the department had a rule against drinking on duty it did not have a rule against driving around in your patrol car with your girlfriend. So, this assistant chief went back to his office and was writing what he came to refer to as the girlfriend policy and realized how stupid this was. Every one of our departments has policy manuals that are hundreds of pages thick. Almost anyone could write a quiz using the Pasadena manual – which runs 340 pages – that no one, including myself, could pass.

It seems to me that the purpose of discipline is to gain voluntary compliance with the behavior that we want. Presumably that behavior is reflective of the values of the organization. Values-based policing is not unique to Pasadena. I know of at least two cities that have experimented with it, although apparently they have moved away from it – Plano (TX) and Boulder (CO).

It struck me that we should reduce our policy manual to a statement of values – in this case the Pasadena way with the core values of excellence, innovation, and integrity. We should say to our officers that we want you to know these values. We not only want you to recite them, we want your decisions to be made based on them. We want every decision that you make in the field to be folded under this umbrella – that would be a fundamental shift in policing.

MB: How would the disciplinary system run under values-based policing?

BM: For starters, the current policy manual would in effect become a procedure manual. So it would be

what it is now anyway. Most of the time, outside of the big ones, in keeping with some current philosophy which we have dubbed “blue grains,” there are 12 or 13 policies that everyone is expected to know – deadly force, pursuits, that kind of stuff. The rest of the stuff is a reference book. If somebody does something, I go through the manual, or somebody goes through the manual and sees which policy fits. That policy manual would become a procedure manual, and at the top of every policy would be a statement “as a general rule,” meaning that, as a general rule, you should try and follow the procedure.

Clearly one of our values is going to be adhering to the procedure manual wherever possible. To specifically answer the question about discipline, I see it as in some ways an almost military framework. Our current operating definition of excellence is to render the best possible service that you can under the circumstances that you are presented with, with the resources available. For example, under what I visualize as values-based discipline, if an officer were to go to someone’s house and be told, “I came home and someone stole my bike,” and the officer says, “too bad for you. I don’t have time to take your report,” and got back in the car and left, the charge would be a violation of the principle of the value of excellence. The specification would be failure to render appropriate service to a citizen when asked. In other words, the officer failed to take a report.

MB: So what you are suggesting is that you will link each of those values to a particular part of the manual so that the officer is informed as to what you require in general and then what you specifically require in the situation at hand?

BM: I think yes and no. I think, for example, we don’t want to too rigidly adhere to the idea of – here’s the value, and somewhere over here in the procedure manual is something that fits – then we won’t really have made the fundamental shift. The citizen made a request for service from an officer that was reasonable and appropriate for the circumstances, e.g., a person came home and his or her bike was gone off the front porch and he or she wants to report it stolen. Then the expectation is that the value of excellence is the service to the community – that means that [refusal to take a report] is wrong, even if in the procedure manual, there is nothing in there that says, “whenever a citizen reports a stolen bicycle, you will take a

report.” Even if it doesn’t say that anywhere....

MB:the supervisor is expected to use his judgment as a basis for imposing or withholding discipline.

BM: Yes.

MB: That sounds intriguing. When will you put this into effect?

BM: Right after the first of the year we will begin the process of – and I would really like to work with PARC on this – we want to use some people inside the department and inside the community to draft the values statement. The hope is, by next fall at the absolute latest, that we would be ready to go.

MB: That sounds very good. Let me change subjects. Last January, there was a shooting in Pasadena that generated controversy. Could you briefly describe that incident, involving a 22-year-old Hispanic male who was mentally ill?

BM: Yes, about 5:30 in the evening, the parents of a young man who had suffered from mental illness of one form or another for a number of years was brought to a local hospital with his parents who were hoping they could get treatment for him. While waiting to be examined, he removed a pair of scissors from his pocket and began to wave them around and yell. The scissors were nine inches long and came to a sharp point. The subject was loud and aggressive and the scissors were perceived as a threat.

The staff explained to the parents that if they could not take the scissors away from him then they would have to take him outside. The parents did take him outside, but in the meantime one of the staff members called the police. Our officer arrived within two to three minutes, pulled into the driveway of the hospital and saw a man and an older woman struggling in the driveway. He believed that the person he saw was the person the hospital had called about.

The officer exited his car and approached the two people. He had not responded with lights or sirens and he did not feel that it was a life-threatening emergency. It simply appeared to be a relatively benign disturbance. He got out and walked towards the subject. He did not know the relationship between the man and the woman; he did not know it was his mother. He asked Mr. (name withheld) to step away

CONFERENCES

February 17-18, 2004 – Sacramento Police Department, Western Regional Racially Biased Policing Summit, Sacramento, CA. Online at <http://www.sacpd.org>

March 8-10, 2004 – Americans for Effective Law Enforcement (AELE), Critical Incident Response Workshop, Las Vegas, NV. Online at <http://www.aele.org/Seminars.html>

March 17-20, 2004 – Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), Spring Conference, Pasadena, CA. Online at <http://www.calea.org/newweb/ConferencelInfo/Pasadena/conferenceinfo.ht>

April 21-23, 2004 – Police Executive Research Forum, Annual Meeting, San Antonio, TX. Online at <http://www.policeforum.org/>

June 16-18, 2004 – Office of Community Oriented Policing Services (COPS), Second Annual National Community Policing Conference, Washington D.C. Online at <http://www.cops.usdoj.gov>

June 26-30, 2004 – National Sheriffs’ Association, Annual Conference and Exhibition, Seattle, WA. Online at <http://www.sheriffs.org/>

July 10-15, 2004 – National Organization of Black Law Enforcement Executives, 28th Annual Training Conference and Exhibition, Dallas, TX. Online at <http://www.noblenatl.org/>

August 19-22, 2004 – National Association of Women Law Enforcement Executives, 9th Annual Conference, Arlington, VA. Online at <http://www.nawlee.com/>

October 14-16, 2004 – National Latino Peace Officers Association, 31st Annual Training Institute and Convention, Miami, FL. Online at <http://www.nlpoa.com/>

November 13-18, 2004 – International Association of Chiefs of Police, Annual Conference, Los Angeles, CA. More Information available at <http://iacp.expoexchange.com/>

from the woman, but I don't remember specifically whether he asked the woman to step away or whether he asked Mr. (name withheld), but asked that they separate themselves in any event. At that point Mr. (name withheld) was yelling at him and produced the scissors from his pocket and began to advance on the officer.

MB: How far apart was Mr. (name withheld) from the officer at this point?

BM: I believe that when the officer got out of his car, the distance was about 30 to 50 feet. The officer drew his weapon and told the gentleman to stop. The officer walked backwards, retreating from the subject while calling on him to drop the scissors. He retreated until he walked into the back of his car, all this time he was calling for backup on the radio. A portion of this is on video.

He was pointing his weapon at Mr. (name withheld) who continued to advance with the scissors. Mr. (name withheld) continued to advance until he was 10-15 feet away from the officer. At that time the officer shot Mr. (name withheld) about four times, Mr. (name withheld) fell to the ground and the officer put out another broadcast.

Later we measured it and the officer's total route of travel was somewhere in the neighborhood of 90 feet, all the while walking backwards. Mr. (name withheld) got up and began to advance again. The officer retreated another 30 feet or so, again yelling at the subject to cease his advance and put down the scissors. Some of this was visible and heard by a number of witnesses. He fired several more shots and Mr. (name withheld) fell down again. By this time the helicopter was overhead putting out a broadcast for more units.

Incredibly, Mr. (name withheld) got up a third time and began to advance on the officer, who again retreated 30 or 40 feet, and fired several more rounds. Mr. (name withheld) fell down and stayed down. He was transported to the hospital and subsequently died.

MB: Now almost immediately this became a very hot issue in Pasadena and put you at the very center of a controversy. How did you decide that you would handle this matter and how did you decide how to deal with the Hispanic community?

BM: It was very clear from the beginning that this was going to be a very controversial situation. Here was a man that was brought to a hospital by his parents and was subsequently shot to death on the front lawn of the hospital. It's hard to envision a much more tragic situation than that. There were a number of ironies with this situation.

I was, as mentioned earlier, involved in a two-year study with the Council of the State Government's Mental Health Consortium that wrote the manual on the recommended interaction between the mentally ill and the law enforcement community. I testified in front of Congress on this. I received a federal grant that brought us two officers paired with two

psychiatric social workers – we call them our H.O.P.E. (h o m e l e s s o u t r e a c h , psychological evaluation) Team – to respond to incidents just like this. In fact, the

second unit on the scene that arrived as the shots were being fired was the H.O.P.E. Team.

MB: How was the H.O.P.E. Team dispatched to the hospital?

BM: Whenever a call involves a mentally-ill person in a confrontation, the H.O.P.E. Team is automatically sent.

MB: I see.

BM: They were on-duty and responded, they just didn't happen to get there first. Almost immediately, the attorney who had attached himself to the family made a public statement that this was a murder. It was very clear that standing up and saying no comment, or that the matter was under investigation, or any of the usual euphemisms that we in law enforcement tend to use wasn't going to work.

"Here was a man that was brought to a hospital by his parents and was subsequently shot to death on the front lawn of the hospital. It's hard to envision a much more tragic situation than that."

Another complicating factor was that I had already been notified that I was to report for active military duty in another ten days. I was going to leave my job and I did not want to leave the acting chief a nasty and complicated situation. I made the decision that what we were going to do was call a press conference and take every bit of evidence that we had – tapes, photographs, diagrams, charts – and simply put it out there. We were going to tell the story in all its graphic detail, and in fact, we did that. It got a lot of coverage. We laid out all of the facts, we answered as many questions as we could, I don't think we said, "no comment," or "I don't know" to anything. We drew a diagram for them.

The two attorneys showed up. They were clearly upset that we were doing this, and that told me that we were doing the right thing. They couldn't believe that we were putting all of this information out to the public.

There were a couple of things that didn't look good in the media. For example, the officer in his stress broadcast over the radio, "the fool won't stay down." They tried to make a big deal out of him using the term, "fool." Whatever he said it didn't really matter very much. Everyone who listened to the tape could hear the stress and the panic in his voice. Nevertheless we put the story out and it was front-page news. It led the 5 o'clock news for about two days and then it went away.

It doesn't mean that I think that everything that happened was right. There are things that I wish we had done differently. However, I think the officer did the only thing he could have done under the circumstances.

MB: Was that said at the press conference?

BM: Yes, I said it very specifically. I said, and I strongly believe, that Mr. (name withheld) was a product of a failed mental health system. This system did not allow his parents the resources they needed to deal with him, and put these folks in the unenviable position of taking care of their son for years. They didn't have any place to go get help for him or for themselves as caregivers.

As I said to Congress in September of 2000, where this issue was concerned, we were turning police

officers into armed social workers. Officers enter these situations without knowing all the facts and then they have to deal with it while only being provided minimal resources.

I don't think that when the officer drove up there he expected to walk into anything. It is not clear yet, and I haven't looked at his detective interviews, but it appears that he didn't know that Mr. (name withheld) and his parents had moved outside. The initial call was that the disturbance was in the hospital. I believe he rolled up and was planning to wait for backup and then go into the hospital and deal with the problem. Instead the problem was right in front of him.

MB: Did you speak with leaders of the Hispanic and civil rights communities?

BM: You know interestingly, most of the interest in this was driven from outside of Pasadena. The lawyers are from Los Angeles, the family is from Los Angeles, and the demonstrators that appear in front of the station on an almost monthly basis are from Los Angeles. I did talk with some of the leaders with the Hispanic community, and they really weren't all that concerned about it. They understood that it was a tragedy and wished it hadn't happened, but they were not buying into the rhetoric against the Pasadena police.

Within a week of that press conference there was a flyer distributed, I am sure by the attorneys – although they deny it – that said that what happened in front of the hospital, was that the officer pulled up in front of the hospital in his car, got out of the car, ordered the man's mother to stand aside, and executed him in front of the entry to the hospital. Nobody in Pasadena, nobody in the Hispanic community, in the civil rights community believes that. They don't believe that version of events, they have listened to the tapes, they have listened to the news media and they have called upon their own experience with the Pasadena Police Department.

MB: When you looked at the shooting itself, does the fact that some fifteen rounds were capped off and hit Mr. (name withheld) indicate anything? In other words, what inferences do you make from the sheer number?

BM: If you look at the incident's timeline, then it is

clear that there were three separate shootings. This was not an incident in which fifteen rounds were fired off as fast as you could fire them off. I don't remember the exact number, but those rounds were fired off in three separate groups, which means the officer fired, stopped, and assessed the situation. He continued to issue commands and continued to retreat away from the threat. He was not firing mindlessly.

I also believe that maybe we need to seriously look at whether 9 mm ammunition is appropriate. There are always questions when many rounds are fired. I am not unconvinced that one of the reasons that so many rounds get fired is that officers lack faith that 9 mm ammunition will actually stop people. Officers are supposed to fire until the person has ceased in their life-threatening activities. If the officer doesn't believe that the ammunition is going to be effective or if the ammunition is not immediately visibly effective, it may mean that the officer is going to continue to fire.

MB: What about the use of non-lethal weapons like pepper spray, once he was down or even before?

BM: I think he clearly had pepper spray at his disposal. I don't know whether the decision to not go to it instantly is trainable because he wasn't there five to ten seconds out of that car and Mr. (name withheld) came out with his scissors. So I think he recognized a deadly force incident and responded. Once he used his weapon, I don't think that it is reasonable to expect him to put his weapon away and then go to pepper spray.

I think pepper spray is something that is less lethal and is instantly available. In terms of other less-lethal devices, there were some in the field in supervisors' cars, such as beanbag rounds, and I don't know this for a fact, but I think that we had a least one 40 mm rubber bullet weapon, but they weren't instantly available to him. Even if he did have them in his trunk he would not have had time to get to them. This whole thing hinges on the fact that he rolled up in front of the hospital and the problem was right in front of him. I believe, after having talked to him and having been at the scene that had he known that the disturbance was in front of the hospital that he wouldn't have pulled up where he pulled up. From the audiotapes he was told that the disturbance was inside the hospital, and I really believe that he thought he was going to pull up, get out of his car, wait for

somebody else, and they were going to walk into the hospital together, and instead he rolled right on top of them.

MB: Pasadena was very quiet about the incident. Do you attribute that to your strategy of relaying all of the facts as they became available to you? Is that something that you would recommend to other police chiefs?

BM: I think that every case is unique, but I think that the short answer is "yes," I would most of the time because it seems to me that what often happens is the longer we wait to talk to the media about a high profile case, the more likely that they will talk with someone else. Further, you will have no control over what the person they talk with has to say.

I really believe that there were two things that contributed to the quiet. First, the citizens in Pasadena, and it is a majority/minority community, have faith in their police department. They don't see their police department as brutal or out of control, or looking to hurt people or insensitive, or whatever words you want to put on it. There wasn't a lot of interest inside of Pasadena. The belief was that the police department would do the right thing and justice would be served.

I also think the lawyers for the plaintiffs were placed on the defensive by the department's decision to tell everything that happened. They could spin their story, they could say this stuff like the officer walked up, got of his car and executed him, but it was very difficult for them to ignore the facts that the department laid out.

Nevertheless, it is very frustrating to me that the media did not choose to pursue the truth and challenge the attorneys. They were making outrageous statements, outright lies in fact and they were never challenged in the same way that I would have been had I made statements like that. I also thought it was interesting that they never came back to me to ask me what had happened because the evidence was very clear. The evidence had been given to them and I think that is why the story went away.

Another part of our strategy was not to continue to fuel the story. There would be calls back from the press – "so and so said this do you want to talk about it? Or, it has been a month (since the press conference)?" I

said, “no, on such and such a date and time we gave you every piece of information there was to give. Now you have quotes, statements, you have a packet – I saw your reporter get it. We have nothing additional to add.”

MB: Including witness statements from that evening?

BM: We indicated that there were witness statements. We did not identify the witnesses, but we did talk about how many there were and that they were not police witnesses.

MB: (Name withheld), of course, was mentally ill and was variously described in the paper as paranoid or as seriously depressed. How would you in the best of all possible worlds have seen this incident handled?

BM: I think that all of the suggestions that have been made assume a static situation in which the officer had time to conduct an evaluation of what approach and action to take.

Whether that was the SWAT Team or getting the H.O.P.E. Team there – all of those things – presume that he had the opportunity to evaluate things and make a decision,

and if in fact Mr. (name withheld) had been inside the hospital or inside an examination room doing what he was doing, I think that might be a more reasonable expectation.

Mr. (name withheld) was outside on the front lawn struggling with a woman, and I say struggling, apparently she was trying to get him to give her the scissors, which he wouldn't do. The two of them in the dark were going back and forth, and the officer pulled up, and as I have said before, the situation is now in front of him. There was no time for evaluation; there wasn't time for anything except to react. The officer didn't know who this woman was. He didn't know if she was being hurt, he didn't know if she was being threatened by this guy or not.

In a perfect world I wish that Mr. (name withheld) had given the scissors to the hospital staff. I wish the H.O.P.E. Team had arrived first. I wish anything had

happened which would have kept Mr. (name withheld) alive. I would certainly give anything to have prevented him from being killed in front of his parents. As a parent I can't imagine anything more horrible than that, but the officer didn't set out to do that.

MB: What other advice would you give a progressive, well-meaning police chief faced with this kind of tragic situation that has the potential of sparking unrest in the community?

BM: If for example, it had sparked unrest in the community I would have done the same thing in a series of public meetings. I might not have just done a press conference; I might have actually gone out in the community and talked about it. I would have done it personally. If the event is high profile enough the reality is that the chief has to know that your job and reputation within the community is on the line, not necessarily in that order. People want to see that

you are on top of it, that you are not sending people out there to handle it. So, I probably would have done that. I think it is important to get out in front of it in terms of discussing it.

“...the role of dispatch and the information that they gather from the people who call in and the information they put out to units in the field is critical. Their actions will set the tone for how the officer is going to respond.”

It is also important to make it clear that while there is going to be an analysis and that at the end of the day that analysis is going to reveal that there is something better that we could have done. It may also reveal that there is nothing else that could have been done.

You look at the officer's tactics, training, equipment, and the officer's state of mind. One of the things you didn't ask me today, but that I think is a key point, is the role of the police dispatcher. That was one of the points of discussion with the Council of State Governments panel. Specifically, that the role of dispatch and the information that they gather from the people who call in and the information they put out to units in the field is critical. Their actions will set the tone for how the officer is going to respond.

I don't know what I would tell a chief to do, but I know what I would tell him not to do. I would tell him not to hunker down in your cave and issue one-line statements. You are going to have to go out and talk about it. Even if it is not a high-profile incident, I think those four things that I mentioned – tactics, training, equipment, and state of mind should all be evaluated.

We started off talking about values-based policing – almost all shootings are in policy, almost all shootings are legal, but that begs the question, should they have happened? I think you have to look at those four things – tactics, training, equipment, state of mind – and say, “what can we do better?”

Rightly or wrongly, the media often drives law enforcement's response to these incidents. That's a pragmatic, process-driven response and not a values-based response. I'm not sure that's the right approach. A thing is either the right thing to do or it is not.

“...almost all shootings are legal, but that begs the question, should they have happened?”

What if there hadn't been any media interest? Would we still have done that, and the answer is probably not. All too often we are externally driven. There are other incidents in which we were less than perfect, but there was no media interest in it. There were no questions about it. Nobody seemed to care about it. So, we didn't issue statements about it. I know that whether you like the media or not, you should recognize that they have the power to drive your job.

MB: Pasadena is very diverse, with very wealthy areas along with some very poor neighborhoods. What did you do as police chief to gain the trust of the community?

BM: I think one of the things that I did the first couple of years, especially since I came to Pasadena from another police agency, was that I attended every community meeting I possibly could. Every neighborhood event, every barbeque, every speaking event, everything, I was there. The Sheriff used to say, “I have to run for re-election every four years.” I told him that I run for election every day, and I often felt like I was on the campaign trail getting to meet people.

It was probably also fortunate that we did have a strategic plan that we put out in front of the public pretty quickly. I instituted a “state of the police department” annual address that occurs every October – it is a community gathering of approximately 200 people and addresses law enforcement issues that effect both the department and the community. I instituted an open media policy so that print and TV media know our media policy – they don't like all of it because it says that only sergeants and above can talk to media – but that officers and detectives should not talk to the press. Some of them don't like that, but they get their stories and they always get their questions answered. If they call the chief's office I will always return their calls and they know that. I made it clear that I was going to have a fair and open police department and fortunately I have officers who have made that a reality.

Somebody asked me once about vision. I said there was a fine line between vision and hallucination and that line was defined by the people who

work for you. I can give speeches all day long, but if the officers that are working in the radio cars and behind the detective desk, if they don't treat people well, it doesn't matter what I say. I am just running my mouth.

I think it is very important, and this may sound a little off the subject – we instituted something called the Cornerstone Project – I feel very strongly about it. I think one of the greatest flaws in American policing is that we tell our officers to go out there and treat people with dignity and respect, and if we don't treat them like that in the buildings – in the police departments around the country – then we should not be surprised when they treat the public badly. I have to say that as a general rule I don't believe that we treat our employees very well. I'm not talking about pay and benefits or compressed work schedules. I'm talking about how we treat them as people.

I think Southwest Airlines did a study about 20 years ago, maybe more now, that found a direct correlation between how their employees as ticket agents treated the public and how those ticket agents were treated by their immediate supervisors. Let's face it – if your

supervisor belittles you or treats you without respect, you can't really do much until you go out and deal with the public. Then you can get even.

So, a big part of the Cornerstone Project says that our employees are the most treasured assets, the cornerstone of our success. There is a whole myriad of programs, things like the patrol committee, where I meet with line patrol officers with nobody else in the room, and they can tell me what their problems are.

Probably two years into my administration we had an incident where an officer was working a pretty high crime area. He and his partner stopped a bunch of kids who were slinging dope. While they were dealing with that, some neighborhood gang-member walked by and he said something to the officer and the officer said something back to him, and the guy says something to the officer like, "I'll kick your ass." The officer responded with "If you are going to kick my ass, come here and do it." The guy turned around and came at the officer, and the officer hit the guy with his stick and broke his arm. The suspect was arrested for resisting and interfering – the standard response.

Except that when the sergeant arrived and looked at all the facts of this case, he un-arrested the subject, told the officers to take the handcuffs off and get him to the hospital. He acknowledged in public that we were at fault and that the young man hadn't committed a crime. This was our first test and that sergeant's response told me that we were getting somewhere.

I knew we were getting somewhere because some of the local groups wanted to protest in front of the station, protest police brutality and all of those things. They never got more than seven people on any given day, and the reaction in the African American community was that Chief Melekian will take care of it, whatever has to happen will be done right.

The third piece, and in some ways the piece that I am most proud of, was that we saved this officer's career. He had about two years on the job and he had a lot of potential. He came before me as part of the discipline process and I think that he really expected to be fired. The recommendation up the chain was fire him, because it was a clear case of excessive and unwarranted force. This all goes back to values-based policing. The legalistic model says to the employee: "you screwed up, you violated this policy, clearly we can't have officers using excessive force, so you will be fired." However, the officer stands in front of me and says, "Chief I screwed up. I lost my temper. I shouldn't have done that."

It is clear that this officer made a tremendous mistake, but at least he knows it is a mistake. So I gave him a choice, I said that you can have a 60-day suspension,

"So I gave him a choice, I said that you can have a 60-day suspension, which is a pretty hefty bite out of your paycheck or I said you can have a 10-day suspension, but here is a list of five people within the community that you have to go and introduce yourself to and tell them what happened and tell them why you want to keep working here."

which is a pretty hefty bite out of your paycheck or I said you can have a 10-day suspension, but here is a list of five people within the community that you have to go and introduce yourself to and tell them what happened and tell them why you want to keep working here. He did that, he took the 10-days, he went

and saw the five people, and it was six years ago and he still works here, he is a great success, his career is fine, and he has never had another incident like that.

MB: That really summarizes very well what you mean by values-based policing. I want to thank you very much, Chief Melekian.

BM: Thank you, Mr. Bobb.