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CIVILIAN OVERSIGHT

Report Addresses Human Rights, Accountability

The Office of the Oversight Commissioner (OOC) has issued its fourteenth report measuring the Police Service of Northern Ireland's (PSNI) progress in achieving the reforms envisioned in the Belfast Agreement of 1998. The agreement led to the Independent Commission on Policing, which made 175 recommendations to reform law enforcement in Northern Ireland. The recommendations addressed human rights, accountability, community policing, officer training, and the composition and recruitment of the PSNI, among other issues. The commission also urged the creation of the OOC, to be led by a commissioner from a country other than the United Kingdom or Ireland as a mark of independence.

To date, 114 of the 175 recommendations have been implemented, said Oversight Commissioner Al Hutchinson, former Assistant Commissioner of the Royal Canadian Mounted Police. With 61 recommendations remaining, the OOC's reports have begun focusing on particular themes central to "the development of a police service capable of attracting and sustaining support from the community as a whole." This latest report highlights the themes of human rights and accountability.

Hutchinson said important questions are whether a "human rights ethos" has taken hold in the PSNI, and to what extent the ethos is discernible in police culture and the behavior of individual officers. According to the OOC, the PSNI has issued a new, comprehensive Code of Ethics; created and filled a human rights legal advisor position within the police service; and provided human rights awareness training to more than 12,000 officers and civilian staff, or almost the entire service. The OOC recommended that the police service conduct an external evaluation of the training's

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impact on officer behavior, particularly in light of recent violent public order disturbances. Reliable data on the effects of training are not yet available, and Commissioner Hutchinson said the PSNI, its Policing Board, and others must generate this sort of information more often.

The OOC report discussed progress made in improved transparency as well as democratic, legal, financial, and internal accountability. High marks were given to the Policing Board, which oversees the PSNI for the public, and the District Policing Partnerships (DPP), set up to engage police districts and local communities in dialogue. The report noted that the board and the DPPs both improve democratic accountability by building public support and involving civilians in policing. The Office of the Police Ombudsman, which handles complaints against police and investigates PSNI practices and policy, has been an “indisputable asset” for holding officers legally accountable for misuse of power.

The Police Appraisal System has helped address internal accountability. “Police officers from Constable up to and including Chief Superintendent” are now reviewed annually. Also, the PSNI and the Ombudsman have developed a protocol that allows statistics to be screened for officers with multiple complaints against them, giving police supervisors an early warning and intervention tool. Commissioner Hutchinson recommended greater policing involvement by the public and its elected officials. This would be “conducive to sustaining policing changes already made in Northern Ireland, and would go some way to addressing the democratic deficit that arguably exists at the present time.” The OOC report can be accessed online at www.oversightcommissioner.org/.

Berkeley (CA) Commission Issues Annual Report

The City of Berkeley Police Review Commission (PRC) recently released its 2004 Statistical Report. Last year, the report shows, 45 complaints were filed against the Berkeley Police Department (BPD) or its officers, down from 47 in 2003 and an average of 50 over the previous three years. A total of 213 allegations were made in the complaints—an average of 4.7 per each complaint. A case opened as a result of a complaint can be resolved at the PRC through a board of inquiry (consisting of three commission members) or without one, such as with administrative closures or complaint mediation.

Improper arrest, search, stop, or detention (ASD) comprised 59 of the total 213 allegations (or 28 percent), followed by excessive force at 32 (15 percent), and discourtesy at 30 (14 percent). ASD allegations have risen in number and as a percentage over the past few years while discourtesy allegations have fallen.

A smaller percentage of cases closed in 2004 went to boards of inquiry, and boards also sustained allegations less frequently. Boards were convened for 44 percent of all cases closed last year and sustained 20 percent of those cases' allegations. In 2002, those percentages were 52 and 31, respectively. African Americans, who comprise 14 percent of Berkeley's population according to the 2000 census, filed a disproportionately high percentage of the complaints PRC received but represented a smaller proportion of complainants than in past years. Although African Americans filed 43 percent of the cases in 2004, this percentage dropped from 64 percent in 2003.

The report also covers several PRC policy recommendations submitted to the BPD last year. The commission suggested the BPD create a supervisory panel to oversee the work of the department's non-sworn members. The PRC also said the BPD should modify its guidelines on releasing written police reports. The commission and department "agreed to a new policy concerning the release of reports that may contain sensitive information," so as to not "endanger a person" or an investigation or invade privacy, the report stated. The full report can be accessed online at www.ci.berkeley.ca.us/prc/.

CONSENT DECREES/ MEMORANDA OF AGREEMENT

Monitor Reports on Detroit's Progress

The eighth quarterly report on the City of Detroit's and the Detroit Police Department's (DPD) compliance with two Consent Judgments finds that the City and the DPD have continued making progress in the development, approval, and dissemination of required policies. "Unfortunately, once again," said the court-appointed Monitor, "these efforts have not yet resulted in substantial compliance, as substantial compliance has several components,

generally including policy/procedural revisions, implementation, training/instruction and audit." Both agreements were reached with the U.S. Department of Justice (DOJ) in 2003. The Use of Force and Arrest and Witness Detention Consent Judgment (UOF CJ) and the Conditions of Confinement Consent Judgment (COC CJ) require the City and the DPD to address areas such as: use-of-force and firearms policies; force and arrest documentation, investigation, and review; risk management; officer training; and holding cell conditions. The latest report covers the quarter ending August 31, 2005.

During the quarter, the Monitor reviewed a total of 121 provisions—65 UOF CJ and 56 COC CJ paragraphs or subparagraphs—finding the City and DPD in compliance with eight and not in compliance with 101; the remaining 12 either had a determination withheld or had not yet been evaluated. The Monitor commended the DPD for submitting or resubmitting its policies on citizen complaints and use-of-force reporting and investigations for DOJ review. Despite the progress, the Monitor found that a number of approved policy directives "were not adequately disseminated, resulting in the DPD's non-compliance with a number of Consent Judgment paragraphs." The DPD was not in compliance with firearms, intermediate force, or foot pursuit provisions, among others, in the UOF CJ.

The DPD's Audit Team was commended for cooperating with the Monitor to improve the 2005/2006 Fiscal Year Audit Protocol. The Monitor found that the protocol establishes "a regular and fixed schedule that covers all UOF CJ and COC CJ required audits with sufficient frequency." The Monitor also praised the Audit Team for submitting its first compliant audit during the quarter—the Environmental Health and Safety audit required by the COC CJ. The other 16 of 17 evaluated audits, however, were not in compliance, and the DPD had not submitted 33 of the 52 audits that should have been completed by the time of the report, according to both judgments. The skipped audits include those on use-of-force investigations, prisoner injury investigations, probable cause, and stops and frisks.

The DOJ inspected all but one of the DPD's precincts during the previous quarter to assess holding cell conditions relative to COC CJ standards. The Monitor noted that based on recent correspondence, the DOJ

believes “that the current conditions in the holding cells continue to pose a potential dangerous situation for persons confined there.” The DPD’s First Precinct and Headquarters holding facilities continued to have suicide hazards such that arrestees held there must be “visually supervised by an officer at all times.” Numerous Life Safety Code violations were also identified, a few of which were a lack of sprinkler systems; faulty fire alarms; electrical wiring problems; and a lack of maintenance logs for fire equipment. The DPD said these and other deficiencies would be addressed by a planned new detention facility. The DOJ recommended a series of short-term measures be immediately implemented to reduce safety risks to detainees. The full quarterly report can be accessed online at www.krollworldwide.com/library/detroit/DPD_Q8_Report_10-17-2005.pdf.

Cincinnati PD Praised for Progress

The Independent Monitor for the City of Cincinnati and Cincinnati Police Department (CPD) compliance with the 2002 Memorandum of Agreement (MOA) and Collaborative Agreement (CA) has issued its eleventh quarterly report. The report covers the period from April 1 to June 30, 2005, as well as additional monitoring activities through September 30 of this year. The MOA, reached with the U.S. Department of Justice, mandates reforms in use of force, the citizen complaint process, training, and risk management. The CA—among the City, Fraternal Order of Police, and private plaintiffs—requires implementation of Community Problem Oriented Policing (CPOP), mutual CPD and community accountability, bias-free policing, and creation of the Citizen Complaint Authority to review complaints and investigate certain uses of force.

In addition to commending the MOA and CA parties’ “excellent work,” the monitoring team, led by Monitor Saul Green and Deputy Monitor Richard Jerome, praised the “collaborative, productive relationships being at work between the Parties,” without which the progress made during the quarter could not have been accomplished. The CPD and the Justice Department finally resolved their differences on documentation and investigation requirements for all uses of force involving Tasers. Taped statements of officers and witnesses will now be taken when a person makes a misconduct

complaint against an officer and when a Taser is used on a restrained individual.

The Monitor found the CPD in compliance with foot pursuit and use-of-force policies, training, and actual practice. The MOA’s requirements regarding the creation of a Mental Health Response Team (MHRT) to handle incidents involving mentally ill individuals have also been met. “We particularly commend the CPD for training additional MHRT officers,” the Monitor wrote.

The bulk of the Monitor’s criticism regarding MOA compliance was reserved for the citizen complaint process. The CPD is not in compliance with provisions that a form be completed for each complaint, a unique number assigned each complaint, and each complaint resolved in writing. The Monitor also noted that too many investigations were not timely: Of 72 complaint cases closed during the quarter, 20 exceeded the MOA-mandated limit of 90 days for investigation.

CA compliance efforts during the quarter included increased officer training. The first problem-solving roll call training bulletin was issued, and 16 CPD officers attended two-day training on problem-oriented policing. The department and its CPOP Partnering Center sponsored neighborhood trainings for landlords on crime prevention and for citizens on the court process. All five CPD districts submitted quarterly problem-solving reports, as required by the CA. A number of the reports “were more descriptive of identified problems than prior quarterly write-ups,” said the Monitor, “and we recognize this as an improvement.” The full Monitor report can be accessed online at www.cincinnati-oh.gov/police/downloads/police_pdf12402.pdf.

COMMUNITY POLICING

COPS Addresses Crime Analysis in Guide

The U.S. Department of Justice’s Office of Community Oriented Policing Services (COPS) recently published *Crime Analysis for Problem Solvers in 60 Steps*, a guide aimed specifically at police department crime analysts. Authors Ronald V. Clarke and John E. Eck say that crime analysts’ broad responsibility is to identify the factors that contribute to a pattern of crime through problem-oriented policing (POP), focused on

FAREWELL TO A PIONEER AND FRIEND

Dr. James J. Fyfe—author, nationally renowned expert on use of force, and a New York City Police Department (NYPD) deputy commissioner—died on November 12 in Princeton, New Jersey. Fyfe, who was 63, had been battling cancer, said his wife, Candace S. McCoy, a professor of criminology. He joined the NYPD as a patrolman in 1963 and worked his way up to the rank of lieutenant when he left in 1979 after earning his Ph.D. in criminal justice from the State University of New York at Albany.

Dr. Fyfe spent more than two decades in academia, the first ten years at American University in Washington, DC, and the next 11 at Temple University in Philadelphia. Besides teaching, he researched police policies and practices in areas including the use of deadly force and became known as an expert witness, testifying in several major trials. “Jim Fyfe taught me how to look at officer-involved shootings and other uses of force,” said PARC President and Special Counsel to the Los Angeles County Board of Supervisors, Merrick J. Bobb. “Rather than focusing narrowly on the moment when the officer pulled the trigger, Jim came up with decision point analysis, a system which steps back in time to the moment when the officer received a call to respond and tracks each critical strategic or tactical choice the officer made along the way. PARC has consistently used this methodology, thanks to Jim.”

During his career, Dr. Fyfe studied issues such as off-duty officers’ use of guns and challenged the “fleeing felon” rule that allowed police to shoot at suspects escaping from crime scenes. He authored or co-authored many books, including *Police Administration* and *Above the Law: Police and the Excessive Use of Force*. He returned to the NYPD in 2002 when Commissioner Raymond Kelly chose the professor as the department’s deputy commissioner overseeing officer training. Mr. Bobb added, “I will very much miss our long conversations, his warm hospitality at the house he had in Princeton, the way he referred to his wife as ‘the real McCoy,’ his intelligence, his doggedness, and his great contribution to policing.”

removing the causes of specific, recurring crime. “[C]ommunity policing that fails to incorporate the principles of POP within it is unlikely to have a substantial impact on reducing crime,” the authors note. They also say that one properly trained analyst can improve hundreds of officers’ productivity and effectiveness by helping to define and lead problem-solving policing efforts.

The COPS report urges analysts to become local crime experts; they can learn to “see the whole crime picture” that officers with specific cases, beats, and issues cannot. One recommendation is for the SARA approach be the guiding principle in problem solving: *scan* data for incident patterns; *analyze* potential causes for the patterns; *respond* to crime patterns early on in the causal chain; and *assess* the impact of any interventions. The causes for a crime often vary—for example, the reasons why cars are stolen—and the “differences between crimes explain why the solutions to each cannot be the same.” The differences, say Clarke and Eck, deserve specific crime analysis.

Also recommended for defining crime patterns and problems are six elements, known as CHEERS: the *community* must experience harm; the *harm* must affect people or institutions; members of the community must *expect* the police to address the harm’s causes; there must be describable *events* that comprise the problem; the events must be *recurring*; and there must be *similarity* among the recurring events. The community should be considered a partner in combating the crime problem, the report asserts. “Solving problems usually requires the active cooperation of the people and institutions that have failed to take responsibility for the conditions that lead to the problem.”

Other steps include identifying risk-prone facilities where crime occurs (i.e. convenience stores, gas stations, and schools), understanding how hot spots develop and how to diagnose them, looking at long-term changes and trends, and increasing the efforts needed for individuals to commit the crimes that make up a pattern. The full COPS report can be accessed online at www.cops.usdoj.gov/.

FORCE MANAGEMENT

ACLU Taser Study Criticizes Lack of Regulation

The American Civil Liberties Union of Northern California (ACLU-NC) has released a report that concludes, “[w]hile the Taser stun gun has the potential to save lives as an alternative to deadly force, it poses a serious health risk as long as it remains largely unregulated.” The report said that according to Taser International, 159 police departments in the U.S. fully deployed Tasers to officers in 2002, and by July 2005 a total of 1,735 departments did so. As Taser use has increased, said the ACLU-NC, so too has the number of deaths “in incidents that involved the police use of Tasers.” According to the report, 71 people in the U.S. and Canada died between 1999 and September 2004, and the figure rose to around 148 over the next year. Despite this, “officials at Taser International have yet to concede that their product has led to a single identifiable death,” said the report.

Stun Gun Fallacy: How the Lack of Taser Regulation Endangers Lives warns that the Taser is marketed as an alternative to firearms but is used in circumstances in which police “would never—and could never legally—use a gun,” to gain compliance at times even from passively resisting suspects. The report argues that age, body size, medical conditions, drug use, and repeated Taser applications can make some individuals more prone than others to ventricular fibrillation. Taser training materials, however, contain misleading or no information on the Taser’s potential effects on various populations, such as children, the elderly, or people under the influence of drugs, criticized the report. “The combination of misleading safety claims coupled with encouragements of liberal usage could be a recipe for disaster and lead to more deaths,” the ACLU-NC wrote.

The ACLU-NC surveyed 79 law enforcement agencies in Northern and Central California as part of its study; 56 of the agencies have Tasers in their arsenals, and all but two of the 56 provided their Taser policies and/or training materials. Compounding Taser’s safety and marketing issues is the lack of Taser regulations across the country. Of the 54 California agencies providing information, the ACLU-NC found:

- only four regulate the number of Taser shocks officers can give an individual;

- only four use any of their own developed training materials;
- only 13 of the agencies using Taser International’s training material use the latest version;
- only 10 prohibit or regulate Taser use on passive resisters;
- only 23, 19, and 10 prohibit or regulate Taser use on pregnant women, the elderly, and juveniles, respectively;
- only eight explicitly prohibit or regulate Taser use on the unconscious;
- and only 14 regulate Taser use on handcuffed or restrained individuals.

The report recommended that the California Legislature mandate minimum standards for Taser use or at least require departments adopt policies regulating the number of allowable shocks and the use of Tasers on certain populations. The ACLU-NC said any legislation should require every agency to collect use-of-force data on Tasers for public scrutiny and to determine Tasers’ affects on overall police use of force. The report encouraged local police and elected officials to act on their own to regulate Taser use and to review their training materials, revising them and retraining officers if necessary. The full report can be accessed online at www.aclunc.org/police/051006-taser_report.pdf.

STANDARDS & TRAINING

Amnesty Cites Abuses against LGBT Community

While police departments are increasingly providing their officers with sensitivity training related to the lesbian, gay, bisexual, and transgender (LGBT) community, there persist “serious patterns of police misconduct and brutality aimed at LGBT people, including abuses that amount to torture and ill treatment,” says Amnesty International (AI) in a new report. *Stonewalled: Police Abuse and Misconduct against Lesbian, Gay, Bisexual and Transgender People in the U.S.* provides a national overview of “continuing problems of police misconduct” against LGBT people by describing issues of profiling and selective enforcement, searches and detention, police response to crimes, and training and accountability.

AI sent surveys to 52 police departments and their internal affairs divisions in each state’s largest city as

well as to the departments and divisions in San Antonio and the District of Columbia. Complete surveys were returned to AI from 29 departments and 11 internal affairs divisions. Of surveys sent to 24 existing civilian complaint review boards in the jurisdictions, nine complete surveys were returned. AI primarily focused on four cities—Chicago, Los Angeles, New York, and San Antonio—because of their geographical diversity, documented history of misconduct against the LGBT community, and steps taken to address abuses, said the report.

Twenty-eight percent of responding departments said they provide no training on LGBT issues. Other departments conduct training to varying extents on issues such as strip searches of transgender individuals; same-sex domestic violence; LGBT-targeted hate crimes; sexual assaults on LGBT individuals; and LGBT sex workers. Los Angeles and San Antonio, for example, were found to provide training on the first three issues. Five of 11 responding internal affairs divisions (or 45 percent) told AI that they have LGBT issue training for staff, and two have mandatory training. One of the nine responding external oversight bodies had any sort of staff training, and only two had a LGBT community liaison.

Police misconduct or simple lack of training or policies, said AI, particularly affects the LGBT's "most targeted populations, such as transgender people, young people, homeless individuals, immigrants and sex workers." AI said that physical and verbal harassment of transgender individuals is more severe the less they "pass" for members of the opposite sex. Additionally, 17 of 29 surveyed departments reported not having a policy on detention of transgender people. Individuals are "often placed in holding cells according to their genitally determined sex rather than their gender identity or expression, placing them at greater risk of verbal, physical and sexual abuse at the hands of other detainees." AI recommended that authorities consider transgender individuals' assessments of where they would be most safely housed in facilities segregated by gender. All LGBT people in custody, AI continued, should be given the same access to resources and services if detained separately from other people. Only seven departments had any specific policies addressing strip searches conducted on transgender individuals. AI said two officers of the gender a transgender person requests should conduct any necessary frisks or searches.

AI said that "moral regulations," which include laws against public sexual expression and lewd conduct, are often so vaguely worded that gay men are disproportionately arrested and detained because of officers' discretion to determine what offensive behavior is. The report suggested that departments require officers to document their perception of the gender, gender identity, and sexual orientation of those arrested for violations of such regulations. This would help identify patterns of potential discrimination, said AI. The full report can be found online at <http://web.amnesty.org/library/Index/ENGAMR511222005?open&of=ENG-347>.

Advice Offered for Scenario-Based Training

"Scenario-based training is an amalgamation of knowledge and skills-based training" that provides officers with tools and abilities for any encounter, writes Sergeant Michael D. Lynch of the West Virginia State Police Academy in the most recent *FBI Law Enforcement Bulletin*. "Just as new officers cannot learn how to use a firearm in a classroom setting without practical shooting exercises on the range, they also cannot know how to handle a hostile, fast-paced situation without training in a realistic, dynamic setting." Lynch's article, "Developing a Scenario-Based Training Program," discusses the necessary training objectives and organizational considerations that should be a part of any such training program that helps officers develop skills and abilities that can be transferred into the field.

Officers must know the law in order to enforce it, says Lynch, and scenarios "should incorporate multiple events and violations to test officers' abilities to discern which charges may apply." Also, training should present various situations that force officers to adjust their responses as circumstances change and that address the appropriate level of force, which is a safety and liability issue, according to the article.

Designing scenarios, advises Sergeant Lynch, requires starting at the end: "what to measure or evaluate at the completion of the scenario." Students must then be told not only what they did poorly but also what they did well, and they should be evaluated on how each training objective was or was not met related to a specific scenario. A scenario-based training program needs various personnel, including: a training coordinator to oversee the program, its direction, and

its effectiveness; facilitators to control the scenarios; and role players to simulate real situations. Lynch suggests using seized mobile homes as cost-effective training areas and home furnishings as training props. The full article can be accessed online at www.fbi.gov/publications/leb/2005/oct05leb.pdf.

LEGISLATION

Florida Bill Could Limit Stun Gun Use

A Florida Senate bill, if passed, would severely limit the circumstances under which officers may use electric stun guns on suspects. Senate Bill (SB) 214 reads that a decision by a law enforcement officer “to use a dart-firing stun gun must involve an arrest or a custodial situation during which the person who is the subject of the arrest or custody escalates resistance to the officer from passive physical resistance to active physical resistance.” The legislation also requires that the person must either have the “apparent ability to physically threaten the officer or others” or be preparing or trying to flee or escape.

The pending bill is currently in committee and is being sponsored by State Senator Stephen Wise and State Representative Dick Kravitz, both Republicans. According to reports, SB 214 and its counterpart in the House are likely to move quickly since the two legislators head the criminal justice committees in their respective chambers. The bill mandates an initial four-hour, basic training course for officers on the use of stun guns, followed by a minimum of one hour of subsequent annual training.

A competing bill introduced by State Senator Gary Siplin, a Democrat, has identical language on the circumstances of stun gun use but differs on training. Senate Bill 560 states that “instructional standards must include at least 3 hours of training on the effect a dart-firing stun gun has on persons under the influence of alcohol or drugs.” State Senate staff analysis said that as of June 28, 2005, 240 law enforcement agencies in the state used “electronic control devices” (such as Tasers and Stingers). The pending bills and related analysis can be accessed online at www.flsenate.gov/Welcome/index.cfm. *Associated Press*, November 18, 2005.

NEWS BRIEFS

DOJ Investigates Virgin Islands PD

In a recent letter to the U.S. Virgin Islands Police Department (VIPD), the U.S. Department of Justice (DOJ) made recommendations to improve the VIPD’s policies and to ensure the policies’ compliance with constitutional rights. The DOJ addressed VIPD police manuals; use of force and use-of-force reporting, review, and investigation; the civilian complaint process; and officer supervision and training.

The Special Litigation Section of the DOJ’s Civil Rights Division first launched its investigation of the VIPD in March 2004 for an alleged “pattern or practice” of misconduct pursuant to powers legislated to the Justice Department in the Violent Crime Control and Law Enforcement Act of 1994. The letter said that a majority of VIPD policies and procedures are outdated, most having been adopted 20 years ago and not updated since. The VIPD does not delineate limitations on the use of deadly and non-deadly force. The DOJ said the police department’s use-of-force policies should give guidance on appropriate intermediate force weapons, limit head strikes with impact weapons as last-resort tactics, include force alternatives such as de-escalation techniques, and “require that officers use the lowest level of force necessary to safely resolve a situation.” The Justice Department also recommended that the VIPD bar officers who fail firearms qualifications from serving in a position requiring use of a firearm.

Among other concerns, the letter stated that the VIPD does not have standards or procedures for screening officer applicants, formal supervisory oversight of officers, or established training curricula for new recruits. No clear intake process exists for civilian complaints of misconduct by VIPD personnel. Although Internal Affairs is required to investigate allegations of excessive force, no single agency or individual is responsible for complaint numbering, tracking, and oversight. The DOJ also found that the internal affairs standard operating procedure “does not provide clear guidance regarding the distinction between criminal and administrative investigations and the requisite procedural and legal protections should there be potential criminal misconduct.” The letter can be accessed online at www.usdoj.gov/crt/split/documents/virgin_island_pd_talet_10-5-05.pdf.

Dozens of New Orleans Officers Terminated

New Orleans Police Department (NOPD) Acting Superintendent Warren J. Riley recently announced the termination of 45 officers and six civilian employees who failed to report or left their assignments during Hurricane Katrina, which pummeled the Gulf Coast at the end of August. These 51 members of the NOPD had not reported for duty as of October 28, said a press release from Riley. According to reports, only one of the 45 terminated sworn members—a sergeant—was above the rank of patrol officer.

An additional 15 officers who were the subject of investigations quit the force. “They also were under investigation for failing to report to duty and elected to resign rather than submit to an administrative review,” the press release stated. Superintendent Riley also received resignation letters in the few weeks following Katrina from 45 officers who cited personal reasons such as relocation or new employment. Since the hurricane, the number of officers the NOPD has lost stands at 116, or about seven percent of the department. Two officers committed suicide.

Reportedly, 228 other officers are under investigation for abandonment, though these NOPD members returned to their jobs after being absent without permission. The department said that as of October 31, the NOPD’s commissioned strength would be 1,448 officers. The NOPD web site can be accessed at <http://secure.cityofno.com/portal.aspx?portal=50>. *New Orleans Times-Picayune*, October 28 and 29, 2005.

INTERVIEW

In August 2004, **Monica Thornton** simultaneously became the Vera Institute of Justice’s (Vera) regional representative for the Altus Global Alliance (an international alliance of six organizations working to improve public safety and justice globally) and took charge of Vera’s international projects. Ms. Thornton recently served as Senior Director of Criminal and Supreme Court Programs at Safe Horizon, an organization that had its origins at Vera in the 1970s. Before Safe Horizon, where she oversaw



domestic violence centers, victim restitution programs, and victim assistance services, Ms. Thornton practiced international corporate finance at Curtis, Mallet-Prevost, Colt and Mosle and at Morgan Stanley. She is an attorney by training, and her international experience includes work with the Harvard Institute of International Development in Thailand, the Center for Haitian Rights in Port-au-Prince, the Family Life Movement of Zambia, and the Mexican-American Legal Defense and Educational Fund. She received her BA from Smith College and her JD from the School of Law at the University of California, Berkeley. **PARC** recently spoke to Ms. Thornton about the Altus Global Alliance.

PARC: When was the Altus Global Alliance (Altus) founded? What is its mission and structure?

MT: Altus was officially founded a couple of years ago, but it has been fully staffed for about a year. There are six different member organizations within the alliance, of which Vera is one. Each organization conducts similar types of criminal justice reform work. Each organization emphasizes empirical research and partnerships with government entities. That is really the Altus mission—to combine these methods in a multicultural approach to criminal justice reform on an international level as well as on regional and local scales. We all have much to learn from each other and from different regions of the globe.

The six member organizations are from five continents—a very globally representative team. This certainly leads our project formulation and our discourse to have a different feel and taste than it would if Altus were simply based out of one country. An Altus representative works out of each member organization. On top of that, we recently added a European director in The Hague who’s primarily responsible for fundraising in the European Union with foundations, governments and private individuals. We also have a communications officer to help disseminate the work of each member organization and Altus.

Altus is actually staffed by all of the organizations. So all of the Vera staff and all of the staff of the other member organizations in countries like Russia and India are, in fact, the staff of Altus. The structure was built purposefully in the hopes of being able to provide more of a multicultural approach to criminal justice reform and promoting justice and security for people.

Altus' mission heavily emphasizes a multicultural approach. I believe this is absolutely necessary in today's world.

Altus provides the opportunity to link organizations that have worked together in the past and have all made substantial reform in their own countries and regions. The idea is to push forward on a global scale. There's very little comparative criminal justice data available on a global or even regional front, and there's a great need for it. For the next year or so, Altus is going to focus, on police accountability and the quality of police oversight on local, national, regional, and global levels. This is becoming a particularly important global issue that has significant local impact. It is a very big task and it appears that no organization is currently working on these issues globally. We're hoping to fill this gap.

PARC: *Could you describe your background and what brought you to the Vera Institute of Justice and Altus?*

MT: My background is by definition multicultural. I was born in Mexico City, grew up in Buenos Aires, Argentina, and was schooled on the East Coast at Smith College and then on the West Coast at the University of California at Berkeley for law school. I lived in Bangkok for several years before officially landing in New York in 1997. Prior to coming to Vera, I had practiced international corporate finance at a law firm and then at Morgan Stanley. I jumped full-time into the nonprofit world about five years ago, after having my volunteer and nonprofit work increasingly creep into my daily professional corporate life. I went to one of Vera's first spin-offs—Safe Horizon [an organization that provides support and promotes justice for victims of crime and abuse in New York City]. There, I was the Senior Director for the Criminal and Supreme Courts program, managing a staff in all five New York City boroughs that provides services to victims of violent crimes, approximately 25,000 clients a year. I was attracted to the position because the staff members I was meant to manage did not mirror the community they were attempting to serve. For example, in a heavily Latino Spanish-speaking community few staff members spoke Spanish—I wanted to change this. One of my goals by taking on the challenge of working in the courthouses was to increase not only the cultural competency of the staff but also the language competency of the staff.

And then the opportunity came up at Vera to work with Altus and head up Vera's international work and efforts. The position would also allow me to integrate Vera's domestic work with the international work Vera had done in the past (and will continue to do). This opportunity was right up my alley. That said, one thing that first sparked my interest in Altus is my belief that the process of globalization is proving more and more difficult for all countries, not only those that are developing but also those that are industrialized. Vera's past domestic and international work provides a solid approach for reform that I support—an approach based on empirical research and innovative, practical solutions.

PARC: *Does Vera have a specific role within Altus?*

MT: Vera has a specific role as a founding member of the alliance but doesn't have a more significant position or a weighed vote. Everyone in the alliance is an equal partner. The directors of each organization are all very special people who have had an incredible impact in their own right. Yet although the organizations share much in common, they implement their work in slightly different ways. Some of their thematic areas also vary. This is how we complement each other.

What Vera brings to Altus is what all the organizations bring—an expertise in a particular region and the experience of success and failure, both of which can be learning opportunities.

PARC: *Besides Vera (and the United States), which other organizations and countries are members and represented as part of the Altus alliance? Could you briefly describe them?*

MT: The other member organizations are all very dynamic, and like Vera, they are leaders in their countries and regions. The members are based in countries on five continents, with two countries in Latin America. The Institute for Development and Communication (IDC) is located in Chandigarh, India. To give you an idea of how we're staffed, my counterpart at IDC has her Ph.D. and focuses her work on gender, including gender violence (particularly feticide). IDC focuses a lot on post-conflict areas; it also emphasizes gender and ethnic minority issues. The organization is located in the Punjab region of India, which borders India and Pakistan, a particularly

conflict-ridden area. IDC has been able to take its knowledge of post-conflict areas across the region in Southeast Asia and has a longstanding presence in its community because long ago the organization started a vocational school to promote safety and advancement for the community. IDC believes that providing vocations and furthering educational opportunities for disenfranchised people actually promotes the safety of the community.

The INDEM Foundation [“Information Science for Democracy”] is in Moscow, Russia, and works in several other cities in the Russian Federation. My counterpart there is a lawyer like myself. INDEM’s primary focus is to promote democratic institutions and practices. Such work has included incarceration reform, access to police and police stations, and monitoring elections. INDEM also has a particularly strong statistical and mathematical approach through most of its work. Recently, Director Georgi Satarov, who used to be an advisor to former Russian President Boris N. Yeltsin, spearheaded a project to measure the amount of corruption in Russia, with a focus on the period since President Vladimir Putin arrived. The increase is shocking and the report was widely covered by both Russian and Western media. INDEM is one of the few standing pro-democratic institutions in Russia.

The Center for Studies on Public Security and Citizenship (CESeC) is our Brazilian partner in Rio de Janeiro. My counterpart is a Ph.D. in anthropology and taught at the University of Brasilia. He specializes in police training. Much of that group’s work has focused on reforming the penal system. CESeC also works to reduce the outrageously high murder rate in Brazil’s urban areas, and in doing this, has helped reform policing and access to justice. It also has done a fair amount of work in bettering the conditions for youth. For example, they have a particularly interesting program called “Afro-Reggie” which partners police officers as mentors to street children to reduce the tensions between the two groups. Police brutality is a daily occurrence in Brazil, and CESeC

Director Julita Lemgruber has personally participated in the country’s development of an ombudsman system as she served as police ombudswoman for the State of Rio de Janeiro and later as the general director of the prison system.

Also a member is the Center for Studies on Public Safety (CESC), which is based in Santiago, Chile. My counterpart is a specialist in the training of prison personnel. In fact, he ran the country’s training program for many years. CESC’s work ranges from access to justice to youth initiatives; recent efforts focus on reform of police systems, not only in Chile but throughout Latin America. I have been working closely with the center in moving police reform forward in Mexico City and in some Mexican states.

Lastly is the Center for Law Enforcement Education of Nigeria (CLEEN), based in Lagos. My counterpart is also an attorney and founded the National Victims’

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Foundation in Nigeria. CLEEN has a large role in Nigeria and Africa and has filled a very big leadership void as the leader of criminal justice reform. CLEEN has campaigns to end police corruption and abuse, improve

incarceration conditions, and promote the ombudsman offices and oversight bodies in the country. The center is extremely involved at the community level, educating the public about its rights. For example, they have just launched a “Wanted” campaign to have the community help the police department locate corrupt and abusive officers. In turn, this helps to educate the public about the oversight systems and increase trust.

PARC: *From your unique vantage point, do you see global trends or concerns in policing, accountability, and related challenges?*

MT: Definitely. In my opinion, one of the largest challenges is the same for U.S. police forces as it is for all the police forces with whom Altus members work—which is to attain and maintain a professionalism while observing civil liberties. This

is a discussion you hear daily in the U.S. The starting points in each country may be different, but the challenge is the same across regions.

Other common trends are that transparency and accountability are in greater demand at the same time that police forces are being given more and more power. We see this across the board, without exception. Another common concern is corruption, though not limited to police forces—corruption from judicial systems to incarceration and how this impacts public safety and the poor of each country is another commonality. This runs through all of the regions and pertains to the U.S. as well.

A lot of the domestic work being done by each organization is being infiltrated with lessons that are being learned from our increased international access. We approach issues as an alliance. Our goal is to be able to move international collaborations forward with greater speed and less expense. The concept of the formation of this alliance was to be able to reach and pull together more quickly the expertise that lies within each organization. That is part of my role as Vera's Altus representative.

PARC: *How do Altus members work together to support and advance country-specific undertakings? Is Vera ever called upon to provide assistance to other members?*

MT: Sometimes there is a notion that the U.S. is leaps and bounds ahead of everyone and that we have so much more to give than to get—I strongly disagree with this. Although I do believe that the U.S. has a very strong legal system and has ensured civil liberties much more so than many other countries, nevertheless, there is much for us to learn not only because of different approaches countries have taken, lessons that they've learned, and successes and failures but also because the U.S. still continues to be a huge melting pot.

The international exposure the Vera staff gains when it works on international projects informs Vera's domestic work, most of which targets a client-base which is heavily migrant and immigrant. Vera is usually trying to provide solutions that need to be culturally adapted to the communities they are serving. I think Altus provides the opportunity for Vera staff to enhance their cultural awareness and linguistic competency and to make projects more accessible to the local communities Vera tries to help.

PARC: *Do the Altus members agree regarding general "best practices" concepts in the field of police accountability?*

MT: This is the million-dollar question, or the million-euro question! All of the member organizations believe that the existence and quality of police accountability are essential. But since Altus' mission is to work using a multicultural approach, the systems

"All Altus members are strong advocates for the strengthening and creation of police accountability systems, but we are also focusing on determining the quality of those systems. We all agree that each community needs a system which allows for transparency and accountability, but the outstanding question is what works best."

of accountability look different in various situations and cases. The end goal, however, is the same. All Altus members are strong advocates for the strengthening and creation of police accountability systems, but we are also focusing on determining the quality of those systems. We all agree that each community needs a system which allows for transparency and accountability, but the outstanding question is what works best. This has yet to be determined by anyone, but we all hope it can be answered one day.

This goes for the U.S. as well. There's a huge lack and a huge need for police accountability and oversight throughout the United States, in urban, suburban, and rural areas. The majority of our law enforcement agencies don't have any form of police oversight. Many people don't realize this—they think that there "must" be some ethically non-compromised oversight mechanism throughout the U.S. policing system.

PARC: *So how would you say the U.S. stacks up, vis-à-vis other countries represented in Altus, in terms of criminal justice and accountability?*

MT: If you look at criminal justice in general, I believe that the U.S. certainly has a strong legal system that ensures civil liberties like no other. That said, it is still fallible and has a lot of cracks through which people fall. As with almost everything, it's a bit relative, depending upon what we're comparing. One issue I get approached a lot about is U.S. exceptionalism, the view that the U.S. doesn't want to participate in the world as an equal partner or why certain rules are viewed not to apply to the U.S. For example, I often get asked why the U.S. will not sign on to the International Criminal Court. For me, the lack of U.S. participation is disappointing, and I hope it will change. On an individual, case-by-case measure, the U.S. system stacks up very well. As a global participant, we still have some basic benchmarks to meet.

“Policing is another area that is susceptible to a ‘copycat’ syndrome. You can’t apply theories in different countries without having the technology, or the civil liberties protections, or the trained officers to incorporate the theories and practices.”

PARC: *Are there any specific areas regarding public safety in which other countries could learn from the United States? What could the U.S. learn from some of these other countries represented in Altus?*

MT: I actually encourage people not to assume that the developing world should copy what industrial countries have done. As transitioning and developing countries move towards democracy, you want to keep your eye on not only the positive but also the negative lessons that can be learned from us. For example, the use of incarceration is certainly problematic. We're seeing U.S. numbers grow to unacceptable levels, and this is mirrored globally. Policing is another area that is susceptible to a “copycat” syndrome. You can't apply theories in different countries without having the technology, or the civil liberties protections, or the trained officers to incorporate the theories and practices. You can't start off with a different set of premises and expect the same results. I was in the middle of nowhere in Mexico, speaking with a community police officer. He said, “What we have to do is have ‘zero tolerance.’” He was speaking in Spanish but actually said “zero tolerance” in English, although he had only a minimal elementary education. I asked him why he thought that. He replied, “Well, because [former New York City Mayor Rudy] Giuliani is a very smart man, and this is how you reduce

crime.” We export positive, and we export negative, on many different levels. We have to be responsible for both. This is why I think the U.S. needs to continue to sit at the international table, as uncomfortable as it may be at times, and participate.

In my opinion, one learning area for the U.S. from some developing countries is the connection between providing a strong educational system and reducing conflict and crime. Currently, in the U.S. we are spending outrageous amounts of money on incarceration, policing, counter-terrorism, etc., but children are dropping out of school at alarming rates and are becoming less and less apt to understand the world they are entering as young adults. This year I've had the opportunity to travel to both India and China. They have such a huge difference in the cultural appreciation of education for their children—I think we could learn to re-prioritize a bit.

PARC: *What would you say that you, personally, have learned from other Altus members?*

MT: So much, but from IDC in India, I've learned about communal approaches to criminal justice and the need to move the community forward as a whole. In Russia, I've seen our colleagues focus on statistics and learned how empirical research can be linked to challenging increasingly authoritative restrictive policy and regimes. In general, I've learned that many times your assumption about other countries and systems are erroneous. For me, my goal is to be able to walk into multicultural situations with a blank slate.

PARC: *Altus recently held a conference—“Police Accountability and the Quality of Oversight”—in The Hague. Whom did the conference bring together?*

MT: There was a decision made within Altus that police accountability would be at the forefront of our agenda. Internationally there were a lot of events during the year that we thought were particularly important, one being the July 2005 shooting of the Brazilian man in the London Underground. This led us to put together a conference with a unique structure—country teams,

and we invited Nick Hardwick, [Chairman of the Independent Police Complaints Commission of England and Wales as the keynote speaker](#). We tried to bring together people from a particular city who normally would not work together on the topic of police accountability with the hope that they would solidify their relationships and continue to cooperate afterwards. Each team was comprised of police managers, journalists, academics, NGO leaders, and/or legislators. The goal was to have three different categories of oversight included on these teams—internal police controls, state and government controls (ombudsmen and monitors, for example), and social controls, made up of media and civil society. Each team presented a paper on their particular situation or the status of police accountability and oversight in their city, country, or region. Some teams were able to come to a consensus, while others were not. There were a total of 17 countries represented, and we had simultaneous translation into four languages. The Dutch Ministry of Foreign Affairs hosted the conference, which was very generous.

I was responsible for the U.S. and Mexico teams. The U.S. team was led by Sheriff Lee Baca of the Los Angeles County Sheriff's Department (LASD) and also included Los Angeles Police Department Deputy Chief Michael Berkow, LASD Chief Bill McSweeney, Michael Gennaco of Los Angeles County's Office of Independent Review (which monitors the LASD), and Merrick Bobb, PARC President and Special Counsel to the Los Angeles County Board of Supervisors who audits the LASD. I think the U.S. team members walked away realizing that they do have a role in participating globally and can serve as leaders but are also faced with the challenge of becoming more culturally aware. And I think all of the teams learned that no one has a perfect system, though that is what we all strive for.

PARC: *What accomplishments or developments came out of the conference?*

MT: There was a lot of excitement generated at the conference and the big question is what Altus will be doing moving forward. Altus will be publishing a guide in early 2006 of good police accountability and oversight practices. This guide will not be a country-by-country review; it will be a trend review of good practices happening across the board on police accountability. The guide will include many of the oversight examples that came up during the conference, and we are seeking more information, so readers who can share successful or unsuccessful police oversight experiences should contact me.

PARC: *What other current Altus projects are underway?*

MT: In addition to the guide, we are further developing a police walkthrough kit, which has the goal of enabling civil society organizations, religious groups, youth groups, journalists, and others to engage their local precincts in a dialogue about access to police stations and providing better community safety. This is still in the development stage, but we are planning a one-week event held simultaneously across the globe during which people will go into their precincts with a common tool to begin assessing public access to police stations and responsive policing.

Altus also has projects in which several members are involved. For example, there is a Youth-Police Index that will hopefully bring together research experts to design a solid, multicultural tool to be applied in New York, Santiago, Rio, Moscow, and Lagos. This index will help to measure the status of relations between police and youth. This is an example of member collaboration, but the work itself will be carried out in each organization's country simultaneously and separately. Such a project tries to resolve the lack of comparative data and will help build an empirical tool which is multicultural.

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PARC: *What was the impact of Altus' work with the Greek Ombudsman prior to the 2004 Olympic Games in Athens?*

MT: This is a different type of Altus engagement—a technical assistance project. In that project, we helped the Greek Ombudsman develop a practical, step-by-step guidebook for their police forces, which included training on managing large crowds. We presented very practical situations, like what to do when 150 people are in a small room with one exit. Our work received a very positive response, and the Greek press covered it extensively. We won on two ends—we were able to provide more training and information to the Greek police, and the Greek public learned more about their rights and the complaint process.

The latest replication of this project was used in the Indo-Pakistani Games, which as you can imagine could have been a real hotbed for conflict. Altus member IDC of India helped officials develop a handbook similar to what was done for the Olympics in Greece. You can see that there are many needs that are similar, and if you make your response culturally acceptable and adaptive, you actually don't have to recreate the wheel every time.

PARC: *Are Altus member organizations facing a challenge in fighting for enhanced police oversight when crime and public safety issues are more pressing concerns? How do you persuade public and governmental leaders that enhanced oversight and accountability can actually increase safety and justice?*

MT: Yes, Altus members are facing this challenge. This was one of the central debates at our police accountability conference—how much power police should retain, and how much police should give away. LASD Sheriff Baca brought this issue to the table. As an elected official, he has many constituencies to answer to, one of which is the public at large. We knew that his response might be slightly different than someone who's more of a career official or an appointment. There's this tug and pull between how much power you give away on police oversight and accountability, and how much power you keep to maintain order and reduce crime. There were plenty of disagreements within country teams at the conference, which I feel was a small microcosm of the discussions going on daily throughout the world. Everyone has a different feel for where that grey line

gets drawn. As globalization continues, as the war on terrorism continues, as we see successes and failures, this line will become more and more defined.

Many officers at the conference clearly understood that how success is measured determines what efforts are undertaken. If success is measured by being able to professionally and democratically police a community, then the link that has to be made is that police must gain trust from their community. If police are not open about what they're doing, if they don't have participation from the community, if there are no oversight bodies, then police will not have the community's trust. But trust can be achieved in many different ways; there is no one solution. It involves patrol officers, management, training, facilities, and acknowledgment of all the vulnerable groups in a community. Oversight and accountability help obtain the trust of the community, which makes for successful policing—which makes a safe community.

PARC: *Does Altus have any plans to expand? What does the future of the alliance look like?*

MT: One day we will expand. Currently, in addition to our six member organizations we have two associate members—the Open Society Justice Initiative based in New York and Penal Reform International based in London. They differ from other organizations since their program reach is global. But I would love to see Altus expand into China, and I hope we'll eventually see a partner from there. I also think that Francophile Africa and the Middle East would be important future additions. We've only really been operating full-blown for about a year so it will take some time. In my opinion, we have no option but to learn more about each other and these partnerships make me more optimistic about the future.

Monica Thornton can be reached through Vera's web site at www.vera.org.

CONFERENCES & MEETINGS

December 11-14, 2005 – National Association for Civilian Oversight of Law Enforcement, 11th Annual Conference, Miami, CA. Online at www.nacole.org/

December 12-14, 2005 – Office of Juvenile Justice and Delinquency Prevention, Youth for Justice Seminar for School Resource Officers and Community Police: West Coast Training, Los Angeles, CA. Online at http://crf-usa.org/ojjdp/sro_west.htm

January 4-7, 2006 – National Sheriffs' Association, Mid-Winter Conference, Palm Springs, CA. Online at www.sheriffs.org/

January 8-11, 2006 – American Probation and Parole Association, Winter Training Institute, Austin, TX. Online at www.appa-net.org/

January 9-13, 2006 – Coordinating Council on Juvenile Justice and Delinquency Prevention, 2006 National Conference, Washington, DC. Online at www.juvenilecouncil.gov/2006NationalConference/

February 28 - March 4, 2006 – Academy of Criminal Justice Sciences, Annual Meeting, Baltimore, MD. Online at www.acjs.org/pubs/167_668_2915.cfm

March 27-30, 2006 – Phoenix Police Department, 2006 Early Identification and Intervention Best Practices Training Conference, Phoenix, AZ. Online at www.phoenix.gov/police/