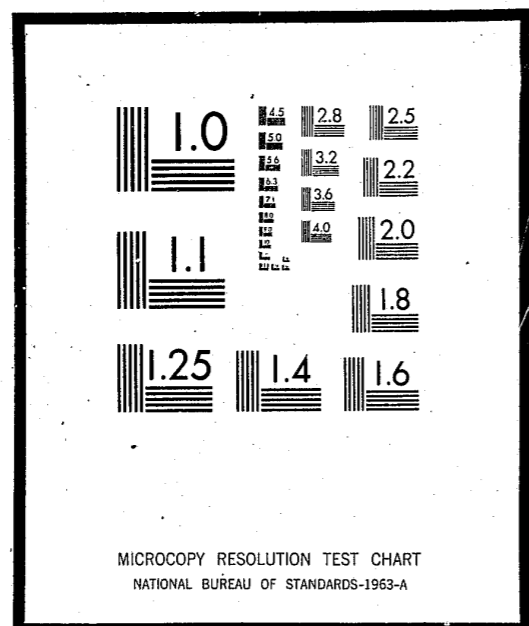


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PRESCRIPTIVE PACKAGE

IMPROVING POLICE / COMMUNITY RELATIONS

By

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Governor's Committee on
Law Enforcement and Criminal Justice
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FOREWORD

This handbook is one of a series of "prescriptive packages" being sponsored by the National Institute of Law Enforcement and Criminal Justice. The aim of the prescriptive packages is to provide criminal justice administrators with both background information and operational guidelines in selected program areas. The guides are based on available research and recent program experiences in various parts of the country.

This particular report represents an effort to identify various police operational and organizational practices specifically aimed at the improvement of police / community relations. Site visits and personal interviews constituted the primary means of obtaining the basic information for this study, although a survey was also made of the available literature.

The resulting handbook emphasizes the need for improved community relations being stressed in all major police activities. The report reviews various innovative program experiences, sets forth a general strategy for improvement, and presents operational guidelines in the areas of policy administration, field operations, training, personnel procedures, and conflict management.

GERALD M. CAPLAN

Director

National Institute of Law Enforcement
and Criminal Justice

PREFACE

This manual is designed for the use of police administrators and their command staffs as a guide for undertaking positive steps to improve the relationship between a police department and the community it serves. It should prove useful as a general orientation manual for middle level supervisors and line officers who plan to implement efforts similar to those discussed here. Personnel assigned to police-community relations units within police departments should also find it of interest. Hopefully, it can serve as a resource document for recruit and in-service training programs, as well as providing information for citizens with an active interest in improving police-community relations.

This manual is based on the experiences of several medium and large-size cities that have made substantial progress in improving police-community relations after having experienced a period of hostility, resentment and sporadic violence between police and community. It is grounded in the belief, supported by the experience of these cities, that the most effective way to improve the police-community relationship is to improve the quality of service provided by the police department and to adopt a community-oriented attitude in all aspects of departmental operations.

It is clear that even police agencies that have wide varieties of special community relations programs such as band concerts, school visits, etc., will not be successful in improving the police-community relationship unless the department is also sensitive to the community impact of its daily operations. The experiences described in this manual support the view that the functions most important in fulfilling the department's mission — such as patrol, criminal investigation and dispute settlement — are also functions that have the greatest impact on the police relationship with the community.

The manual has been completed after a comprehensive review of the literature on police-community relations and numerous field visits to selected cities to review overall programs and evaluate the success of specific programs. The evaluations contained herein are largely subjective, based on the impressions of project coordinators and participants. However, where available, objective measures of community response have been relied upon.

The entire manual has been reviewed by a group of top police administrators who have vast experience in dealing with the problems of deteriorating police-community relationships. These chiefs offered many helpful suggestions; however, the authors alone assume responsibility for the views contained herein.

Our thanks for advice and counsel goes to, among others, Assistant Chief Charles Adams of Charlotte, North Carolina; Commissioner Robert di Grazia, Boston, Massachusetts; Chief Raymond Hoobler, San Diego, California; and Chief Harry Whiddon, Akron, Ohio. Special thanks should go to Director Clarence M. Kelley, Director, Federal Bureau of Investigation, (formerly Chief of Police, Kansas City, Missouri), who was particularly helpful in providing us with an understanding of the police improvement process. Chief Robert M. Igleburger, recently retired Chief of Police, Dayton, Ohio, also played an invaluable role in providing detailed comments on various drafts of the material. More than any other chief in the country, he moved toward putting into practice the principles upon which this manual is based.

Our special thanks to Arnold R. Rosenfeld of the Committee on Law Enforcement for his continued support.

Assistance in research and writing was provided by Paul Estaver, Patrick Ryan, and Helen Gabert. The early drafts of the manuscript were edited by Mark H. Furstenberg and Kathleen Rachstein MacDonald. The final Manuscript was edited by Daniel Ford.

Finally, we wish to thank our Project Manager at the National Institute, Walter R. Burkhart, for his remarkable patience, counsel, and advice during the long period of research and writing.

1. — THE COMMUNITY RELATIONS PROGRAM

LESSONS FROM EXPERIENCE

BACKGROUND

Police / community relations is an infant science. In fact, it is not a science but an imperfect body of knowledge and experience, based largely on two assumptions which every police officer has had the opportunity to make for himself:

*When a police department is believed to be honest, fair, and helpful, then the task of law enforcement is greatly simplified.

*A police department has a definite (although limited) ability to improve its reputation in the community it serves.

Police officers have been able to draw these conclusions since the earliest days of their profession. Sir Robert Peel — who is generally credited with having organized the first professional police department — has been immortalized on both sides of the community-relations issue. In England, Sir Robert's policemen became known with some affection as "the bobbies". In Ireland, where a substantially identical organization was imposed upon a population that was hostile to any kind of English authority, policemen were known as "the bloody Peelers."

As an issue, then, community relations is nothing new in law enforcement. Nor is it a contemporary idea that a police department can take steps calculated to improve its standing in the community: broadly defined, such programs have been in existence for at least a generation. When, in the 1930's, uniformed officers visited schools to assure the children that "the policeman is your friend," they were practicing police / community relations in its most basic form.

It was not until the mid-1950's, however, that the concept of a formal Community Relations Unit began to take hold in U.S. police departments. One of the earliest units was formed in St. Louis, Missouri, about 1956. It consisted of a number of citizen committees, based in the precincts but coordinated by a central office; its activities included youth councils, school visits, cruiser tours, a speaker program, a newsletter, and other image-building efforts. Similar units were soon established in Chicago, San Francisco, and other cities. Some of the more innovative departments even began to incorporate psychology and human-relations courses in their police academy curricula.

Within ten years, these units (and police departments in general) were obliged to cope with an unprecedented challenge. Social unrest became a fact of American life in the 1960's fueled by racial concerns, an unwanted war, and the affluence that permitted young people to engage in civil protest almost as a career. By 1968, the police response had become a matter of broad public concern. It attracted the attention of four Presidential and numerous local commissions; it was the subject of countless studies, articles, books, and speeches. As result of this pressure, U.S. police departments began to adopt community-relations programs on a wholesale basis. They established the appropriate bureaucracies, opened storefront offices to reach the public, trained their people in community relations, and generally tried to accommodate their critics.

Unfortunately, police—community relations continued to deteriorate. The critics therefore concluded that the police were unwilling or unable to reform. The police, for their part, concluded that reform was useless if it neither made their work easier nor stilled the critics. Neither side asked the fundamental question: can a community-relations program, in itself, improve the climate of police / community relations?

The typical Community Relations Unit was established in the belief that no more was

required of a police department than a concern about its image. The time-tested methods of law enforcement were to continue as before, but would become suddenly effective as a result of the change in public opinion. In short, community relations was to be a cosmetic endeavor, undertaken without reference to the larger framework of police operations.

Five years of study and debate, beginning with the Crime Commission of 1967, did little to widen this concept of police / community relations. On the contrary, the commissions have tended to encourage the narrow view. Public attention has been directed either to the root causes of social unrest (matters over which the police have little control) or to the unhappy relationship between the police and the public (itself only a symptom of social unrest.) There has been little discussion between these two extremes. The role of the police in urban areas, the rising demand for police services, the differing expectations of what those services should be, the need to relieve policemen of duties unrelated to law enforcement, the conflict between police authority and political authority . . . these are among the fundamental issues in contemporary police work. They are also among the factors that have contributed to the decline in police / community relations. Yet, for the most part, they have been avoided or overlooked in the debate which has been prompted by that decline.

THE STATE OF THE ART

During the ten or twenty years of their existence, community relations programs have generally fallen into three categories: efforts to establish a dialogue between the police department and the community; efforts to improve the department's reputation with individuals and groups regarded as hostile to it; and efforts to supplement police training with new materials on human relations, race relations, sociology, and psychology.

The Dialogue

The earliest community relations programs concentrated on opening or improving channels of communication. They relied on neighborhood advisory committees, composed of residents who met regularly — usually once a month — with police officers assigned to the neighborhood. Highly structured, coordinated by a city-wide committee, the advisory groups tended to follow a program carefully planned by the Community Relations Unit. Their discussions were usually limited to such non-controversial topics as burglary prevention, self-defense for women, auto theft, and the like. Moreover, to the extent that the meetings actually reduced the distance between police and citizens, their success was limited to the very individuals who did not feel alienated from the police in the first place.

Image Enhancement

The second kind of program — improving the police image — was by far the most popular of the community relations approaches. Intended to project the police department as caring about the welfare of the citizenry, it initially emphasized purely public-relations efforts. In Philadelphia's "Operation Handshake," for example, new policemen were assigned to visit high-crime neighborhoods and meet the residents. Forth Worth, St. Louis, and other police departments welcomed conventioners with an information packet on their cities. The Des Moines department conducted a personal-safety series on the local public television station.

Such public relations projects have since evolved into more substantial efforts to bring police and citizens into closer, more informal contact. Some departments in California have held "coffee klatches" in private homes, where neighbors gather to watch films on residential burglary, for example. Even more significant are the projects which encourage officers to undertake a range of services not traditionally performed by police. In Dallas, police storefront

personnel assist unemployed people to find jobs. Houston has hired teenagers to serve as summer police aides, working as tour guides, clerks, and information officers.

Supplementary Training

In the third type of program, police recruits and officers are given training in community relations issues. All the Presidential commissions recommended such training as a way of giving police a broader understanding of — and a greater sensitivity to — the range of human and social problems that confront them. Most recruit-training programs now include some materials on sociology, human relations, psychology, and minority-group history. Some incorporate person-development techniques such as role playing. Usually the instructors are drawn from the police department or from another city agency — and, in the later case, their lectures tend to emphasize the resources which the agency can provide.

In-service training has been much the same kind, although more use has been made of outside instructors. It has generally attempted to change the officers' attitudes and to increase their knowledge and understanding of human relations.

A few departments have experimented with different learning approaches. In Covina, California, police officers were assigned as participant observers to skid-row situations. In Dayton, (Ohio) and Grand Rapids, (Michigan) small groups of police and blacks have met in "retreats" to confront each other's views. Such programs, which attempt to remove learning from the classroom and free students from the lecture deserve wider application.

Another kind of in-service training has been conducted by special institutes operated by outside organizations. The National Institute on Police and Community Relations, held annually at Michigan State University from 1955 through 1969, was the best-known of these programs. Emphasizing structured dialogue, it was regarded highly enough to be emulated in a number of communities. During the years when police problems became acute, such institutes were very much in vogue. Their popularity has declined, as police officials knew that new approaches are necessary.

EVALUATION OF PAST PROGRAMS

A Marginal Operation

Most community relations programs have been established as a function separate from patrol, crime prevention, detection, and the other traditional purposes of policing. Because the "separateness" of community relations has been emphasized, it has tended to be marginal to the operations of the police department. Training is an example. Most recruit curricula concentrate on the development of traditional police skills (baton handling, firearms use, etc.). Community relations courses have been attached to the curricula as a response to outside pressures; they have been tailored to fit the schedules of the outside instructors; and they are often scattered through the curriculum.

The treatment of community-relations training as something apart from the police operations is even more strikingly illustrated by the institute concept. Often limited to a one-time meeting in which police planning was minimal, the typical institute was divorced entirely from the police organization. Officers were sent to it — assigned to go through the "ordeal" — and many of them understandably believed that they were being sent into the camp of the enemy.

This characteristic of police / community relations has not been confined to training. Many departments encouraged the formation of neighborhood community-relations committees and assigned their personnel to attend them, yet the meetings avoided issues which divided the police from the community. The committees tended to instead deal with "safe" issues like

crime control and youth recreation. The basic reason for having formed them in the first place — citizen hostility toward the police — has rarely been raised in the neighborhood meetings, much less dealt with.

While the committees have indeed launched programs, most of those programs were concerned with the police image and selling the police to the public. Their intention was to involve citizens, especially in crime-control efforts or as citizen auxiliaries to the police. Seldom have programs been devised to question the role of the police, the effectiveness of current practices, or the extent to which police priorities reflect those of the community.

The Crisis Atmosphere

The typical community relations program was born in an atmosphere of crisis and has been maintained with commitment only as long as the crisis is remembered. In one city, in response to a major disorder, a special precinct council system was set up to air citizen concerns. As soon as the crisis subsided, the councils were abolished.

There are numerous problems with beginning a community relations project (or any other kind, for that matter) in a crisis period. Major disruptions are usually the result of complex and deeply-rooted community problems. The emotions generated by the crisis often obscure the real issues; the response is generally a program to cool those emotions rather than to deal with the problems. A good contingency plan for responding to community emergencies is far more effective than improvising under crisis conditions.

Lack of Administrative Commitment

Too often, police and other city officials have regarded community relations efforts as attempts to relieve immediate pressures. Their lack of commitment has been communicated clearly to the ranks at which the programs must be carried out. Low budgets, a large proportion of black officers, training projects divorced from the rest of the curriculum, the employment of civilians and other characteristics have communicated to the police department that community relations is not a serious activity.

As a consequence, police officers working in this specialized area have become alienated from the rest of the department. Too often, they are forced to compromise either their loyalty to the department or their standing with fellow-officers. Even if they are willing to sacrifice the approval of their peers and endure alienation from the department, their efforts are unlikely to succeed: since the police actions which caused the problems have continued, the citizens may simply say "The PCR officers are okay, but the rest of the department isn't."

Unclear Objectives

Most community relations programs have suffered from cloudy objectives and little evaluation. To the extent that goals were defined, they tended to be cast in generalities like "improving the relationship between the police department and citizens", or "giving citizens a greater appreciation of the police department and increasing their willingness to cooperate in attaining its objectives." Rarely, if ever, has a department established clear goals for its community relations program and then attempted to measure its progress toward these goals. Thus it is literally impossible for the department to determine whether the program has succeeded.

All of this is not to say that community relations, as practiced to date, has been an unqualified failure. Many programs have had some positive effect on the quality of the

police / community relationship. They have brought important issues to the surface and focused community and police attention upon those issues. They have obliged departments to concede that community attitudes toward police service are a legitimate concern of the department, and they have opened training programs to new subjects and issues.

But it must be admitted that, for a variety of reasons, the community relations concept has been a disappointment. While some program elements have worked in practice, others have not, and police departments have failed to separate the constructive approaches from those that are ineffective or counterproductive.

SOME CONSTRUCTIVE APPROACHES

Our study of the experiences of the past ten years has suggested a number of concepts upon which future community relations efforts might well be based. In general, the more successful programs tend to fit several or all of the following categories:

*The department that provides a high quality of police service tends to have the best police / community relationship.

Without quality policing, special programs designed to improve the community relations can have only a marginal effect. If citizen calls for service are quickly answered, if the officers responding exhibit a professional and sympathetic attitude toward their work, if the police department strives to improve both the efficiency and the effectiveness of its service . . . then the department will lay the foundation for a positive relationship with the community.

*The department that continually assesses the level of tension in its community is best able to respond to community crises and changing neighborhood concerns.

When police know and understand the origins of community tension and conflict, they will be able to avoid "crisis" responses.

*The department with policies that control individual officer discretion, explain departmental priorities, and provide guidelines for achieving goals is likely to have the greatest community understanding of the police role — and the least disparity between community expectations and police performance.

Those departments having the best community relations are the ones that have involved citizens in the policy-making process. In any event, if a police agency has well-articulated policies, its officers will be better able to provide quality service, officer role conflict will be minimized, and the community will be better able to understand police activities.

*A department with recruit and in-service training that deals with both police procedure and community dynamics tends to have police officers with the ability to handle crisis situations.

Training has a clear relationship to officer performance in sensitive community areas. Since quality police service depends on officers who have a high degree of expertise in a wide variety of police performance areas, training programs should concentrate on skill development. Skills of importance include the ability to understand the dynamics of group tension and to utilize resources to deal effectively with these tensions.

*The department that has committed itself to fair personnel practices, equal employment opportunity, and an open citizen-complaint system is likely to have fewer minority-group conflicts and better community relations.

There are few issues that focus more public attention on the police agency than personnel practices, minority-group representation, and citizen-complaint procedure. Failure to establish firm administrative procedures in these areas has left many departments open to criticism from groups that can charge the agency with failure to respond to present-day concern for equal rights.

*The department that has institutionalized a police role of crises management is best able to respond to community crises and intergroup tensions.

Once a police agency has identified community tensions, it must then proceed to resolve them. Because conflict resolution is such a complex matter, the police "repertoire" of responses

must be varied, and it is advantageous if innovative responses — so long as they are effective and consistent with department policies — are encouraged.

*The department that has organized its patrol force in a manner that encourages individual or unit accountability, that stresses community service as a patrol objective, and that undertakes field operations with clear goals in mind, is likely to experience less interference and hostility from community residents.

The "humanization" of the bureaucracy — difficult as this may be to achieve — and the freedom for individual police officers to respond to community concerns can have an important positive impact on the police / community relationship.

These observations suggest that community relations is a broader concept than has been previously recognized. We might redefine community relations, therefore, as the degree to which a police agency is responsive to the community, is cognizant of the community's social composition, and has priorities for police action that reflect neighborhood residents' concerns. In its simplest sense, the police / community relationship can be seen as the result of the quality of policing, how rapidly citizen calls for service are answered, how the officer conducts himself when he speaks to a citizen and the willingness of police to engage in non-criminal oriented activities.

2. — THE COMMUNITY RELATIONS PROGRAM

A STRATEGY FOR IMPROVEMENT

Experience has demonstrated that a community relations program, by itself, will have a minor impact on the police / community relationship. Experience further suggests that the departments with good police / community relationships are those which have instituted a number of basic reforms, the effect of which has been an improvement in the delivery of police services. For example, when a department adopts a training program that improves the skill displayed by its officers when they respond to citizen calls, then respect for the department generally increases. Similarly, when a department adopts forthright policies on such issues as firearms use, citizens rights, and stop-and-search, then police action generally becomes more acceptable to the community.

There is little hard data to support these observations. In fact, some observers insist that police performance is like a haircut, that nobody notices them unless they are badly done. Even so, a better police department — like a better haircut — is likely to meet with a more favorable reception, despite the fact that the public is unaware of the change.

The question now arises of how a department can implement reforms that will have a positive effect on police / community relations. This and subsequent chapters, based on the experience of departments throughout the country, will attempt to answer that question. No formula or model program will be presented, because widely differing community compositions result in equally varied problems, expectations, and responses. However, the improvement process in all cases must go through three specific stages:

*The police administrator makes an objective assessment of police / community relations in his city.

*The administrator provides for the coordination of the necessary improvement program — frequently accomplished through the formation of a specialized Community Relations Unit.

*Under the guidance of this central unit, the department adopts methods of police operation that have been proven to be effective and constructive.

Development of Program Goals

A careful assessment of police / community relations is essential to any strategy of improvement, in order to ensure that the programs selected are responsive to the city's particular needs. This is a much more difficult task than might initially be supposed. The police administrator is normally so close to the department's day-to-day operations that he cannot be objective about their successes and failures. To assist the administrator in this difficult process, we have provided a list of thirty-five questions which he might ask himself (see Appendix A). Thoughtful answers to those questions, ranging from the climate of law enforcement to specific details of departmental management, will provide the administrator with a useful checklist for improvement.

If well done, the assessment will provide a clear picture of existing problems, such as youth-police conflict, interest-group protest, political agitation over police policy, and related issues. The police agency can react to these problems in a number of ways, some of which are constructive, while others may be counter-productive. For example, if the assessment reveals community tension caused by young people congregating on street corners, a number of options are open to the department. It can send in police officers to disperse the group each time they congregate; it can ignore the problem; it can begin arresting the young people on such charges as "disturbing the peace"; or it can develop a preventive strategy aimed at finding an alternative place for the young people to meet.

Similar alternatives are available for confronting problems more in the public view. Should the assessment indicate that the government is concerned about the department's enforcement of vice laws, for example, the department can ignore the council's concern; it can respond with an immediate increase in vice enforcement; or it can meet with the critical councilors to identify the source of their concern, the extent of the problem and the vice-enforcement strategy that will satisfy these concerns.

Departments successful in dealing with this type of problem have adopted an approach of openly seeking to identify the basis of the problem and then designing a strategy for dealing with it. Public criticism of police operations, as reflected in the assessment process, is often emotional and negative. Likewise, the police response is too often one of retrenchment or defensiveness. This type of response only worsens the problem — escalating its emotional level, causing the assignment of police resources that could have been better used elsewhere, and focusing attention upon the police instead of upon the problem originally brought to light.

A good community relations program is based on development of creative, constructive responses to the problems identified in the assessment process. The first step is the identification of primary goals. What does the administrator want the program to accomplish? What are the most important problems the program will have to address? How will the department evaluate program success?

The importance of the goal-setting process cannot be understated. Many worthwhile police community relations efforts have been unsuccessful simply because clearly-stated goals were never developed. Goal-setting also provides an important tool for evaluating the department's progress toward an improved police community relationship. The scope of the initial program should be sufficiently narrow to permit its effectiveness to be judged at regular intervals. The administrator says, in effect, "I intend the department to accomplish X in Y period of time". Having established his initial goal, he will then be able to determine the efficacy of the measures undertaken.

*Oakland undertook a very specific, problem-oriented program when it sought to reduce assaults on police officers through its violence-prevention program.

*New York City was specific in its efforts to develop a program for improving the department's effectiveness in handling family disputes.

*Washington, D.C. identified a particular community relations goal when it implemented its firearms policy (see the appendix).

In each instance, the goal was narrowly defined and related to one specific problem — quite different from an overall target of "improving police / community relations". A goal of community relations improvement is meaningless unless it is perceived in the context of real issues. The improvement can only take place when specific problem-related activities are undertaken. The department must continually ask itself: "What is **causing** conflict between the police and public?"

Based upon his assessment of community police problems, the Administrator and his command staff should select one or two areas for initial action. They may decide to concentrate on youth problems at local high schools (as New Orleans has done or they may elect to develop a program aimed at minority recruitment (such as the one undertaken in Dallas). The specifics of the problem selected are not as important as the determination that the problem is a significant one and affects either the ability of the police to deliver services or the environment in which that delivery occurs. Three major questions should be asked in goal definition:

1. **What problem do we desire to confront?**
2. **What are the indicators of success by which resolution of that problem can be judged?**

For example, if the problem is antagonism between police and students when police are summoned to deal with school disturbances, the indicator of success might be the absence of school disorders. Less ideally, the goal might be the existence of a positive relationship bet-

ween students and police in schools.

3. **What factors bearing on the problem can be manipulated toward problem resolution?**

This question is intended to assure that success is actually possible. If the problem of school unrest is occasioned by rapid racial changes in the city's population, the police role is confined to their response; they cannot alter the basic social problem.

PROGRAM STRUCTURE AND ORGANIZATION

Almost every police / community relations program has revolved around a centralized Community Relations Unit which undertakes specialized community relations activities. The role of the centralized unit has universally been program design, program implementation, and liaison with community groups.

With few exceptions, the centralized Community Relations Unit has been viewed by the rest of the department as having total responsibility for police / community relations. As it has become increasingly obvious that it is the **quality** of police service delivery, rather than any specialized program, that determines the state of a police / community relationship, a number of cities — including Kansas City (Missouri), and Dayton (Ohio) — having recently abolished their specialized units and moved towards placing total responsibility for police community relations efforts on line personnel.

Despite its shortcomings, there are a number of reasons for the continued acceptance of a centralized unit concept. Most important, such a unit provides an organizational means for carrying out special programmatic efforts. If nobody is assigned to a task as his particular responsibility, it often won't be done. A specialized unit is a means of pinpointing that responsibility. Moreover, such a unit is a demonstration of the department's commitment to improve the police community relationship, while at the same time providing the department with a means for focusing internal attention on community relations activities.

These reasons have convinced a majority of police officials throughout the country that it is desirable to have a centralized Community Relations Unit. Our study supports this contention. If such a unit is to be effective, however, its duties must be clearly defined and its responsibilities narrowed to those of a staff unit, not bearing any operational responsibility.

Two major considerations should govern the formation of a Community Relations Unit: organizational placement and unit responsibilities. Both are important and can directly affect program success.

Organizational Placement

A unit's placement depends on the department's circumstances. Two considerations, however, should determine the organizational pattern:

*Organizational placement can indicate a commitment to the unit's activities. Obviously, a unit attached to the Office of the Chief will be viewed differently than one placed far down under a Division of Technical Services. If a police administrator is starting his Community Relations Unit from scratch and desires to attach initial importance to it, he may want to make it part of his own office and then consider moving it at a later time. This pattern has been followed in many cities. Frequently, organizational placement is a compromise between the realities of organizational structure and the demands of citizen groups, who view community relations as one of the department's highest priorities.

*Organizational placement determines the responsibility for program implementation. Our study indicates that, when a Community Relations Unit is attached to a particular branch of the police department, that branch commonly ends up with the responsibility for implementing its programs. Thus, if a Community Relations Unit is established within the Bureau of Administration, the new programs will be carried out for the most part by Bureau of Ad-

ministration personnel, because other units in the department will not regard community relations as their responsibility.

These observations indicate that the most effective placement of a Community Relations Unit is in a) the patrol or field operations division, or b) the office of the chief. The former places responsibility for program implementation on line personnel — whose actions have the greatest effect on police / community relations. When a unit is placed in the office of the chief, implementation can be assured through the authority normally associated with that office.

Unit Responsibilities

Since a Community Relations Unit cannot, by itself, have a major impact on community relations, it is important for its responsibilities to be clearly defined. The operating responsibility for its programs must rest with line or field personnel if the problem of unit isolation is to be avoided. Accordingly, the unit's primary responsibility should be coordination, not program direction. The unit's coordinating activities in turn should be concentrated in two areas: the collection and assessment of information on the present state of police community relations; and the planning and evaluation of special programs.

In its coordination role, the unit should act as **community relations advisor** to the command staff. The unit should undertake a continuing assessment of the state of police / community relations, noting and analyzing such factors as assaults on police officers, the use of force, complaints against police officers, the status of major neighborhood and community issues, and the general social and criminal trends.¹

The unit should also be the **repository for information** upon which specific action-oriented corrective programs are based. The development of problem-solving programs, and their implementation, must remain the responsibility of line police units. The Community Relations Unit can assist field officers in program design and implementation, but actual operations must be field based. It should be emphasized that the coordinating role is a difficult one. There is often a tendency for the Community Relations Unit to take charge of special projects and programs. Likewise, there is a tendency for field officers to resist the responsibility for community relations because they haven't enough time, because they see it as different from "real police work," and because they are not held accountable for the state of police community relations in their operating area.

Line accountability for the state of the police-community relations is an area in which the coordinating unit can play an important role. Community relations must be made the responsibility of the beat officer and the Community Relations Unit can assist in this task by keeping detailed records on tension levels and special problems identified by beat officers. To accomplish this, the Community Relations Unit must develop a means by which those officers can transmit data to the department administration. The degree to which a beat officer accurately describes the state of police / community tensions and community actions can then form the basis of how he will be evaluated, and of how police program resources will be allocated. (San Diego, California is well along in developing a model "beat profile" program.) The importance of beat evaluation was clearly seen during the disorders of the late 1960's, when riots repeatedly erupted in areas of cities having high — but unreported — levels of tension.

The ability to **assess community tensions** is a prerequisite to problem solution. Valid data on the state of community dynamics can avoid the necessity for crisis response and permit preventive action in advance of major incidents. It should be the responsibility of the Community Relations Unit to keep this information current and to report trends and significant events to the chief administrator.

Program planning and evaluation comprise the unit's important secondary responsibility.

Having assessed the police / community relationship, and having identified the most serious problems with which the department will have to deal, the unit must devise a plan for meeting those problems. The steps in programming include: a) developing a concept for attacking the problem, b) formulating the concept into an action-oriented program, c) designing a plan for program implementation, and d) identifying the needed resources for program implementation. Most community relations problems involve community conflicts. Programming to deal with these conflicts is commonly called conflict management (see Chapter Seven). Successful programming efforts are those which concentrate on providing line personnel with constructive conflict responses.

This concept of programming does not eliminate the need for a community relations unit to undertake **special programs**, such as police athletic leagues, public relations campaigns, crime-stop activities, and other generally known problem-oriented activities.*However, community relations efforts are most effective when they are problem-oriented, directly addressing specific issues of importance to line personnel. A "my friend the policeman" program may have a positive effect on some citizen attitudes toward the police department. Yet line personnel — who deal daily with alcoholics, family fights, youth-gang disturbances, and minority group tensions — will find the program of little immediate value in their work. Indeed, the alienation between line and community personnel has developed largely because community relations programming has not focused on field problems.

In its broadest sense, then, the responsibilities of the centralized Community Relations Unit center about continual identification of community problems that may become police issues, coupled with advising the department on its best response to those issues. By collecting salient facts on issues — as expressed through group tensions, police community conflicts, and related factors — the unit develops strategy for a departmental response.

PROGRAM IMPLEMENTATION ISSUES

Even the best community relations program will not succeed if certain administrative issues are not dealt with throughout the design and implementation process. As bureaucracies, police departments have a natural tendency to resist change. The Community Relations Unit must, therefore, confront such important issues as the administrative commitment (or lack of it) to program success, staff involvement and participation, community participation, resistance from internal and external groups, and the impact of the new programs on normal police activities.

Administrative Commitment

The department's improvement program must have the support and commitment of its administrators. Programs lacking this support will not succeed because members of the organization will immediately sense that priorities are elsewhere.

Our study of community relations efforts throughout the country has repeatedly shown that a program will fail if the department's administration does not actively support the program and does not display a direct commitment to it. Conversely, a number of productive and meaningful efforts have succeeded, despite strong and external resistance, because the administration maintained an active interest in the program. For example, the Urban Squad in New Orleans (Louisiana) succeeded because the superintendent of police viewed the program as one of the department's top priorities and became personally involved in its planning and implementation. Similarly, in Oakland (California) the police chief actively supported the

*A public relations campaign has a proper role in the overall community relations effort. When an organization has a good product to sell, it need not hesitate to engage in salesmanship.

development of a training program to orient recruits to the department and the communities it serves. Even though it meant the complete revamping of the department's training process, the program has been very successful. And in Kansas City (Missouri) the Office of Civilian Complaints was able to raise public confidence in the department because the chief of police was deeply committed to seeing the office succeed.

There are numerous other examples of the importance of administrative commitment. They clearly demonstrate that programs lacking administrative commitment have little, if any chance of success, while those with such support enjoy at least a reasonable chance.

Staff Participation

No program can succeed on the basis of administrative commitment alone, however. The degree to which the department's staff feels involved in the design and implementation process is another vital factor. The most notable example is in Kansas City (Missouri), where the chief of police formed a series of task forces throughout his department. Including members of all ranks, these task forces addressed themselves to designated problem areas, such as improvement of the patrol function, personnel and training issues, and the improvement of police/community relations. They had complete freedom to analyze causes of the given problem, and to consider alternatives for improving performance in that area. The officers serving on a task force were also the men responsible for implementing field activities in that area of concern. The result has been a series of operational experiments aimed at improving the qualities of police service delivery in Kansas City. Because staff members — and especially patrolmen — were involved in their development, these innovations have been generally well accepted in the department.

While involvement of beat officers in the decision-making process is a radical departure from traditions, the experiences of Kansas City, Oakland, and a number of other cities has clearly shown the wisdom of this departure. Staff involvement may require finding new or expanded roles for some middle and upper officials, but a failure to provide it (as shown by the rapid growth of the police unionization movement) will probably doom most meaningful programs to failure. In particular, staff involvement should include those officers with the most potential for resisting the reforms.

Community Participation

As with staff involvement, participation by members of the community being served is important if the results are to be accepted. When the chief of police in Dayton (Ohio) was considering an extensive program of police improvement in 1968, he appointed a citizen council to advise the department on program format and problem solution. This step contributed greatly to rapport with a generally-alienated community, and to the community's acceptance of the department's efforts.

There has been a general movement throughout the country toward more responsive government. The decentralization concept, adopted by so many cities, is primarily aimed at bringing government closer to the people it serves. This goal is as important to the police as it is to other units of government. When a police department is unwilling to consider and accept citizen input, it must generally resort to a public relations campaign to "sell" its ideas and programs. Experience has shown that such efforts usually fail to convince an increasingly intelligent citizenry, if they are dissatisfied with police performance.

Overcoming Resistance

Even with staff and citizen involvement in program planning and implementation, a police department must be prepared to encounter resistance. Internally, police officers may see

community relations programs (such as the implementation of a police firearms policy or the institution of a new police-complaint process) as infringing on their rights and job security. Externally, segments of the community may regard new programs (such as innovative field operations and clearly defined policy) as police establishment efforts to co-opt the citizenry.

Not all resistance can be eliminated, of course, but the police administrator must be willing to listen to criticism and to address himself to it. He should also determine whether the resistance is caused by the program itself or by the methods used to implement it — a determination that is greatly simplified when program goals have been clearly defined in the first place. If the criticism is directed at the goals of the program, he should publicly support their debate; if it focuses instead on methodology, he should encourage compromise solutions that will make the program more widely acceptable.

Much departmental resistance can be reduced through communications and training. An internal communications program will let police officers know what is expected of them; if the task is a new one, training will give them the resources to comply with it.

Impact on Traditional Activities

The department's implementation of an improvement program frequently upsets the normal routine of the organization. While the program may have a high administrative priority, there has been a tendency for its sponsors to forget that the police organization is necessarily oriented toward the delivery of services on a 24-hour-a-day basis. The emergency and semi-emergency functions of the department must continue; when an improvement program seems to conflict with these duties, the implementation process may well falter.

An improvement program cannot exist in a vacuum. The introduction of a police firearms policy, the development of new personnel procedures, the implementation of community-based in-service training, the large-scale assessment and response to community crises . . . all bear a direct relationship to the overall police role and the performance of police service. A firearms policy affects the way the police deal with crime; a personnel program influences the allocation of police resources. To insure success, the administrator must see that his department understands the place of the improvement program in the overall picture of policing.

For example, the chief of police in Dallas (Texas) developed a five-year plan for department improvement as one means to orienting his officers to change and its effect on their daily work. Other means of dealing with the program's impact include development of a program-evaluation section within the department to monitor program activities (as was done in San Diego, California), and the implementation of an on-going, widespread publicity campaign about project activities.

If the police officer on street duty regards an improvement program's effect on his primary police duties as negative, he will resist the implementation of that program. It is, therefore, imperative that the police administrator continually assess the program's impact on normal police activities, and that he work toward creating an environment that supports the continuous improvement of police services and the introduction of innovative methods.

SUMMARY

While community relations programming can be an effective tool in improving police community relations, such efforts by themselves will have only a minor impact. It is the **quality** of police service which determines that relationship; police improvement efforts, therefore, must reflect a commitment toward quality service.

The administrator who desires to improve his police/community relationship must first assess the state of that relationship. He must then formulate a centralized unit to coordinate

the appropriate activities. Specific programs must be undertaken by line personnel.

Programs that improve police service delivery are the most likely to affect the police / community relationship. The most important areas for action are policy making, field operations, police training, police personnel procedures, and conflict management. The following chapters explore these important areas, review their impact on the police / community relationship, and suggest how police administrators can adopt successful programmatic approaches.

NOTES FOR CHAPTER TWO

1 As the National Advisory Commission on Criminal Justice Standards and Goals noted, "Every police agency should recognize the importance bilateral communications with the public and should constantly seek to improve its ability to determine the needs and expectations of the public, to act upon these needs and expectations, and to inform the public of the resulting policies developed to improve the delivery of police services (Standard 1.4, Communicating with the Public).

3. — ISSUES IN COMMUNITY RELATIONS:

THE MAKING OF POLICY

DISCRETIONARY POWER

The police enjoy great discretion in virtually all of their functions, ranging from management decisions (how to allocate resources) to operational decisions (whether to intervene in a given situation and what kind of action to take). Even more important, the greatest amount of discretion lies at the base of the structure. It is the patrolman who has the widest range of alternatives in handling the functions he is called upon to perform: no matter what he is required to do, there are always a number of methods available from which he must choose.

One observer has concluded, after comparing police operations with those of other agencies, that the police are "the most important decision-makers of our society. And they make more direct determinations in individual cases than any other class of administrators. I know of no close second."*

Paradoxically, many police administrators — citing the principle of "laws, not men" — do not perceive the range of alternatives available to the patrolman on the beat. That discretion is difficult to perceive makes it even more difficult to employ effectively.

The existence of so much discretion among beat personnel is a critical problem for the police administrator concerned about community relations. The actions of individual officers — often invisible to their superiors and therefore unreviewable — do much to determine the police / community relationship. The officer who is overaggressive, who harasses individuals, or who exercises poor judgment not only harms that relationship, but does so with relative certainty that he will not be held accountable for his actions. Even skillful officers may not always behave in ways which promote a good police / community relationship. The existence of so much discretion makes it difficult to manage the department and improve community relations. It also shrouds many of the department's operations in unnecessary secrecy.

> It is impossible, of course, to eliminate discretion from the police role. Laws, rules, and policies cannot be written with sufficient breadth and precision to cover every situation in which police are required to act. The vagueness of the law, the ambiguity of the situations in which police intervene, the isolation of the individual officer on his beat, the difficulty of supervising people who work essentially alone . . . these are the sources of discretionary power, and they rest in the very nature of the police role.

Thus, justice cannot be served by law enforcement which attempts to eliminate judgment and force officers to follow rigid codes. The officer on the scene **must** exercise judgment and make decisions. Only he can make the subtle connection between what he is confronting and what the law requires; only he can decide whether legal force should be applied or whether some sanction short of the law will be more effective. Only the patrolman can consider the mores of the neighborhood, the mood of the people concerned, and the requirements of the situation.

But neither can a police department be composed entirely of officers making autonomous choices based on individual whims. The result would be excessive variations in the application of power, little opportunity for citizens to influence police practices, and vastly diminished

*Davis, Kenneth Culp, *Discretionary Justice*, p. 222.

accountability. Therefore, what is needed is a recognition that the police department functions as an administrative agency, like any other public agency; as such, it needs an administrative rule-making process to structure, limit, and control the discretion of its employees.¹

THE ROLE OF POLICY

Properly developed and administered, police policies can help effect the following desirable changes.

Redefinition of Goals

Policy formulation provides an opportunity for the department to redefine its role in the community and to assess its practices in terms of community expectations.² Thus, the emerging policy statements should do more than enumerate rules governing officer behavior: they should reflect the goals and commitments of the department. The Los Angeles department recently published portions of its newly developed manual. One of the sections, dealing with community relations, contains the following provision which helps establish the overall goals of the department:

Law enforcement, frequently being restrictive of individual freedom, brings the police into contact with members of the public under circumstances which have a far-reaching impact upon the lives of the affected individuals. A citizen's encounter with the police can be a very frightening and emotionally painful experience, and under these circumstances, the risk of a misunderstanding is very great. The minimization of this risk is a challenge intrinsic in each public contact by the Department.

The Department must strive for the establishment of a climate where an officer may perform his duties with the acceptance, understanding, and approval of the public. Additionally, the willing and practiced participation of the people in enforcing the law is essential for the preservation of freedom.

Community Involvement

Perhaps the single most damaging aspect of the absence of police policies is that it effectively isolates the community from decisions about how it is to be policed.

The opportunity to influence and change policies is essential, both to a democratic form of government and a healthy police / community relationship. The absence of written policy precludes that opportunity. The process of policy development, on the other hand, enables the department to open its practices, problems, and potentials to public review. The departments undertaking a comprehensive re-examination of their policies have provided for varying degrees of community participation, but all have found openness and some public debate to be desirable. The Los Angeles manual provides:

Law enforcement operations in a free society must not be shrouded in secrecy. It is necessary that there be full public disclosure of policies and an openness in matters of public interest. Consistent with protection of the legal rights of involved individuals and with consideration of the necessity for maintaining the confidentiality of Department records and of other primary Department responsibilities, the Department is to disseminate accurate and factual accounts of occurrences of public interest. Additionally, the Department must strive to make known and accepted its objectives and policies.

Mutual Understanding

Along with openness should come increased understanding of what the police do and what problems they face. Much community resentment stems from the fact that the police do not seem to measure up to the crime-fighting image created by movies and television. In fact, the police cannot live up to that image, because it is a fragmented and unrealistic one. The police

role is far more complicated than that presented by the mass media, and the problems they face are more complex. Policy which grapples with these complexities and corresponding dilemmas should increase public understanding.

Any process that increases understanding in one direction is likely to be reciprocal. Policy development involving both officers and community members is likely to be the most successful in this respect.

Unfortunately, many police officers also believe, or want to believe, in the crime-fighting image perpetuated by the media. They are disillusioned that patrol work does not provide more crime-fighting opportunities, and they long to be promoted to detective rank. A thorough review of the police role should make it clear that the other duties performed by the patrolman are equally vital to community well-being and safety. Broader realization of this point among departments and beat officers should improve the police / community relationship.

Policy-Making Authority

Soundly formulated policy would transfer some policy-making power, now vested in street officers, to the department heads. Without policies governing the use of force, priority of calls, encounters with juveniles, field stops, and the like, each officer is able to enforce his own style of justice in the community. In order to increase uniformity and accountability, the circumstances under which an officer may fire warning shots, engage in a high-speed chase, or shoot at a fleeing juvenile should be decided at the highest levels in the department. The chief should, of course, consider the experience and opinions of street officers and those of the community. The Los Angeles manual's provision on barricaded suspects helps illustrate the point:

A barricaded suspect poses an extreme danger not only to officers who seek to arrest him, but to other persons as well. Good judgment demands that a tactical plan be developed rather than immediately rushing a barricaded suspect.

Officers should seal avenues of escape and call for assistance. Once the suspect is isolated, time is to the benefit of the officers, and the full resources of the Department are available to assist officers in removing the suspect from his location. To minimize the possibility of injury to officers and others, appropriate special equipment and trained personnel should be requested as needed. If possible, an effort should be made to contact the suspect in an attempt to persuade him to voluntarily surrender force is used.

Guidelines for Behavior

Policy should spell out, with as much clarity as possible, guidelines for the exercise of authority. The policies can then be used to influence officers' behavior through improved training, effective supervision, and clear standards for imposing sanctions or providing rewards.³

Unfortunately, many situations responsible for police / community tensions are those for which no all-purpose formula can be devised. The proper steps to take in resolving a dispute between husband and wife, for example, cannot be set forth in step-by-step fashion. Similarly, the appropriate action to take when confronted by juveniles on a street corner will vary according to the size of the gathering, the time of day, the degree of blockage of the public way, and the extent of intimidation to pedestrians. Good policy can, however, provide guidelines even to ambiguous situations: what variables to evaluate, what options are available, what courses of action are prohibited — or prohibited except under very specific conditions — and which methods are to be preferred. The Cambridge (Massachusetts) policies on family dispute intervention and field interrogations are among the better ones developed in this area (see the appendix).

Increased Professionalism

When a department shapes its own rules, rather than waiting for court intervention, the

result may well be a more professional police response. It has often been noted that the "exclusionary rule" might never have been imposed upon the states in **Mapp. v. Ohio** if police departments had taken a more aggressive role in curtailing illegal search and seizure, instead of giving their officers a relatively free hand. In **U.S. v. Wade**, the Supreme Court encouraged police departments to develop their own detailed policies on eyewitness identifications, within the limits set by the Court. Many departments, such as Washington (D.C.), Boston (Massachusetts), and Kansas City (Missouri), have adopted such policies and procedures to guide their officers. The Cambridge (Massachusetts) policy is included in the appendix.

* * *

Each of the preceding items bears directly on the police / community relationship. "What right do you have to do that?" is a question frequently asked or implied by individuals with whom the police have contact. Helping to educate the public on police practices and policies should relieve some of the ambiguity and tension between the police and community. Well-developed policies will define the limits of police authority, reveal some of the perplexing contradictions in the police role, and increase appreciation for the complexity of the police mission. Involving the public in developing or reviewing these policies should help even more.

PRINCIPLES TO FOLLOW

The following principles or specific steps have proved helpful to departments in Los Angeles (California), Washington (D.C.), Dayton (Ohio), and several other cities — cities which have devoted significant effort to policy development in the last few years.

The department should acknowledge and discuss the role of discretion in police work. Such discussion may head off efforts to "abolish police discretion" by making the public aware that criminal law is too broad, street situations too varied, and the patrolman's role too complex for discretion to be eliminated altogether. Important police decisions cannot be made by rote. They must be made in consideration of individual circumstances, although guided of course by policy. The mere acknowledgement that police officers possess great discretion is a significant step, and one which can facilitate community understanding of the department and its operations. Such an acknowledgement is the necessary precondition to an understanding of policy and its purposes.

***All policies should embody a commitment to democratic values, to the legitimacy and appropriateness of constitutional limitations, and to the fundamental goals of community service and responsiveness.** Policy-making can be a tool to improve the police / community relationship only if these principles are kept in mind. As the American Bar Association draft report on **The Urban Police Function** noted:

In formulating an overall direction for police services and in selecting appropriate objectives and priorities for the police, communities should be guided by certain principles that should be inherent in a democratic society:

The highest duties of government, and therefore the police, are to safeguard freedom, to preserve life and property, to protect the constitutional rights of citizens and maintain respect for the rule of law by proper enforcement thereof, and to preserve democratic government;

Implicit within this duty, the police have the responsibility for maintaining that degree of public order which is consistent with freedom and which is essential if our urban and diverse society is to be maintained;

In implementing their varied responsibilities, police must provide maximum opportunity for achieving desired social change by freely-available, lawful, and orderly means . . .*

*The Urban Police Function, American Bar Association Project on Standards for Criminal Justice, Tentative Draft, March, 1972, p. 74.

***The department should use the policy-making process as a framework in which to examine or establish its basic goals and priorities.** Meaningful policy — that which is truly relevant to operations — cannot be developed if the department adheres to narrow definitions of police responsibility, such as that which confines the policeman's role to crime-fighting. Effective policy-making must take place in an environment which recognizes the complexity of police work. It must raise questions about priorities, and about the adequacy of its response to those priorities and to all other obligations inherent in policing a community.

In this regard, Cambridge (Massachusetts) and Dayton (Ohio) have developed policies on such matters as handling the mentally ill, providing juveniles with counseling and social-service referrals in lieu of arrest, intervening in family disputes, and handling demonstrations and disorderly groups. Official acknowledgement of the importance of these functions should help raise their status within the department, thus improving performance of these functions and contributing to an improved police / community relationship.

***The department should use the policy-making process to explore new roles and areas of service which traditionally have not been considered the business of police.** Some departments are experimenting with referrals to other social agencies as a routine part of police work; others are providing counseling on the rights of parties involved in civil disputes; still others are intervening in tenant conflicts and consumer-fraud complaints.

The departments should also explore closer relationships with other local agencies. Since agency policies will often interrelate, cooperation may afford additional opportunities to promote police goals. The Cambridge (Massachusetts) policy on handling the mentally ill was worked out in close consultation with the emergency-room and psychiatric units at the local hospital. Prior to development of this policy, lack of agreement on procedures and mutual misconceptions of role had created friction between officers and members of the hospital staff. While developing the policy, police-hospital relationships improved significantly, and problems in implementing the policy have been minor (see appendix). In a similar effort, the Dayton (Ohio) department recently sent its revised draft policy on handling juveniles to the local juvenile court for comment before implementation.

***The issues to be addressed in the policy-making process should be carefully selected, especially during early efforts at establishing policy in the department.** Policy-making should be recognized as complex, and its development as difficult. Often a good place to begin is with the ambiguities remaining after a Supreme Court decision to limit police power in some particular area; from this starting point, many departments have been successful in outlining concrete policies with respect to eyewitness identification, warrantless searches, search and seizure of automobiles, and dissemination of arrest records. As well as being useful to the department, helping to standardize procedures and clarify policies, such efforts have the added attribute of persuading courts that the police are able and interested in regulating their own behavior. The Dayton (Ohio) policy on dissemination of arrest and conviction records is included in the appendix. The issues raised by court decisions are easy in comparison to subjects that do not lend themselves to specific procedures and concrete definition. Nonetheless, policy must be developed for these far more ambiguous matters. They are the ones which demand the most discretion, and which affect the police / community relationship most intensely.⁴ Fair, practical, and well-grounded policy must be developed for such issues as selective enforcement, field interrogation, investigative techniques, resource use, interpersonal-conflict intervention, handling the mentally ill and emotionally disturbed, dealing with juveniles, and social service referrals. The appendix includes several examples of policies in these areas.

***The department should develop and enforce strict policy governing the use of deadly force.** The "fleeing felon" rule has grown increasingly inappropriate in light of changed community values, diminished use of capital punishment, improved apprehension abilities, and — most

significantly — greater appreciation for cultural diversity. Few actions produce such an immediate and intense hostility toward police as the fatal shooting of an unarmed black or Spanish-speaking juvenile suspected of breaking and entering. In a time of cultural tension, the police can ill afford to shoot every fleeing felon as the common law permits. Rather, a policy should be established similar to that of the FBI — authorizing deadly force only to protect life.

If this is seen as too drastic, another modification of the common law rule, sometimes referred to as the "vicious felon" rule, would be an improvement. This rule would permit shooting at a fleeing suspect only if it were known to be a virtual certainty that the suspect did indeed commit a felony, such as rape, murder, aggravated assault, kidnap, robbery, or other crime likely to endanger human life. Some departments have adopted this rule, with the further modification that no suspect believed to be under 18 be fired upon except to protect life. New Orleans (Louisiana) and several other cities require that deadly force not be used in apprehending felons unless the officers believe "the person whose arrest is sought will cause death or serious bodily harm if his apprehension is delayed." (see the appendix for further examples of use-of-force policies.)

The department should also initiate policy governing the use of non-deadly force. As a minimum, it should define the steps to be taken before force is used, and outline a reporting procedure to be followed each time force has been applied or a weapon drawn.

***The departments should involve beat officers in policy development.** Although traditionally considered a responsibility of command, policy-making most intimately affects the operating personnel. By involving patrolmen in the formulation of policy, the department greatly increases the prospect of having that policy accepted and obeyed. Moreover, the patrolmen have the most recent experience on the streets and can contribute current, first-hand observations. Finally, patrolmen involved in policy-making are exposed to views and perspectives not previously considered, thus deepening their understanding of the job.

Dayton (Ohio) has formed several task-force panels of officers to review selected policies and make recommendations for revision. These units study such matters as field interrogations, bomb threats, family crisis intervention, traffic ticketing, prostitution, and handling disorderly groups. Drafts produced by the panels are generally circulated throughout the department, revised, and finally sent to the chief's office for action.

In Cambridge (Massachusetts) a task force was formed to revise the department's entire policy manual. Working with a legal and drafting consultant, and relying on a questionnaire circulated throughout the department, the task force produced a draft for the chief's consideration in approximately eight months. It is widely regarded as one of the finest available.

A department not wanting to involve line personnel to this extent might consider the approach used by the Metropolitan Police in Washington (D.C.). There, policy developed by the department's legal staff is circulated primarily to command-level personnel, but occasionally to those lower in the department. Rank-and-file review is far easier to implement than rank-and-file involvement in policy making. The latter requires guidance from individuals with legal skills and broad perspective, clerical support, time away from regular duties, and the command staff's willingness to accept some risks. But limited experience indicates that, in the long run, involvement pays off.

The department should experiment with community participation in policy making. An initial step might be the wide spread circulation of proposed policies, together with an opportunity for community comment. Dayton (Ohio) is conducting an experiment in which community representatives join police officers on policy development and drafting committees. Such steps do not mean that the department is surrendering its responsibility for making decisions. It does mean, however, command officers will have the benefit of a process in which police representatives and their constituents work together to forge mutually acceptable policy.⁵ In most cases they will reach agreement. When they do not, the commanders

will at least have the advantage of knowing the various position before making their decisions. On a more limited basis, Cambridge (Massachusetts) arranged several meetings between its policy task force and community groups, including high school students, merchants, public-housing tenants, and minority organizations. And San Jose, (California) recently requested a blue-ribbon citizens' panel to examine police performance and make recommendations about policy changes that would improve community relations. After careful study, the panel made detailed recommendations regarding the issuance and use of weapons, citizen-complaint procedures, training, and other administrative matters.

Citizen involvement in policy-making has several beneficial effects on police community relations. First, it offers citizens an opportunity to comment on, and often to influence, important police matters. Secondly, it gives an opportunity for police officers and citizens to sit together in a problem-solving setting, and to explore one another's views. The police officers gain a greater appreciation of citizen views; citizens derive a better understanding of the complex police job.

Subject matter for citizen involvement must be carefully selected. Confidential procedures — such as use of undercover agents, informants, and the like — are not matters in which active community participation will be of value. But police handling of alcoholics, family crisis intervention, release of arrest records, guidelines for traffic enforcement, handling disorderly groups, and many related subjects are appropriate for citizen involvement. In fact, so many subjects lend themselves to cooperative effort that the problem may be one of choosing among them.

A potential problem is the determination of who shall represent the public. The experience of the OEO and Model Cities programs illustrates the difficulty of forming truly representative citizen boards. In cities where feasible neighborhood groups already exist, they should be contacted. In areas having no organized groups, the department, in cooperation with local leaders, will have to recruit participants. Care should be taken not to select too many unthinking critics or supporters of the police. Cambridge (Massachusetts) selected groups which either had a history of conflict with the police or had to work with the police on a regular basis. Meetings were held by invitation in neutral territory — a local church.

In order to avoid difficulties, the department should make clear from the outset that citizens will act in only an advisory capacity. Ultimate responsibility for implementing department policy rests in the department.

Regardless of how deeply the department involves citizens in policy formation, it should seek to open other avenues of citizen participation. These could include publishing drafts on policy in newspapers, circulating them to community groups, sponsoring discussions and hearings, meeting in open session with the City Council, and appearing on talk shows and news programs.

The department should make every attempt to respond to legitimate suggestions and criticism, by reassessing its plans and making the appropriate alterations. Although this makes planning somewhat slower and more difficult, it has an enormous impact on police / community relations.

***The department must circulate policy to its members in a form which makes it useful, comprehensible, and credible.**⁶ Police policy, no matter how skillfully developed, is of no value unless understood by the members of the department. Police officers receive great amounts of instruction, that both supervisors and officers will be held accountable for its implementation, and that it is built into the system for evaluating performance.

Cambridge (Massachusetts) has taken several steps to insure that officers become familiar with department policy. Each officer receives a copy of the policy manual in loose-leaf notebook form (to permit updating). He also receives a smaller, pocket-sized version which he is en-

couraged to keep with him while on duty. Shortly after the manual was introduced, a forty-hour, in-service training program — designed to explain its content, its philosophy, and the way it should be used — was provided for all officers on the force. As an added incentive for referring to the manual, both editions include sections on employee rights and benefits, the rather complicated state retirement system, civil service protections and appeal rights, and contract provisions.

Manuals can be used during recruit and in-service training, with alternative versions of policy used to stimulate discussion about methods and styles of policing. They can also be incorporated into promotional examinations or other measures of supervisory potential. In particular, performance evaluations should consider how closely the officer observes departmental policy.

***The department should use the policy-making process to eliminate petty rules.** Many current manuals contain obsolete rules concerning dress, hair, or other matters of professional appearance that can be used to harass police officers. Policy should be confined instead to important issues in the operation of the department and the exercise of police authority. By eliminating trivial detail, much of it resented by patrolmen, the department will encourage rank-and-file acceptance of policy.

***The department should take advantage of the policy-making experience of other cities.** This does not imply that policy manuals should be adopted in their entirety. Policy requirements differ among cities just as they do among neighborhoods. But neither is it necessary for a department to begin anew. Excellent, up-to-date manuals are being written in Washington (D.C.), Dayton (Ohio), Cambridge (Massachusetts), and other cities, and can well be used as a starting point for departments interested in launching the policy-making process. The Project on Law Enforcement Policy and Rulemaking at the Arizona State University College of Law, (Tempe, Arizona 85281) is one very successful attempt to centralize the drafting of policy for a number of client departments. The Project has developed draft policies on hot-pursuit driving, eyewitness identification, dissemination of arrest and conviction records, search and seizure of motor vehicles, and searches of persons and places without warrants. The quality of these drafts is excellent.

***The department should adopt a process of regular, automatic policy review so that outdated, inappropriate policy is eliminated or replaced.** One method of achieving this goal is the formation of a standing committee of patrolmen who meet regularly — perhaps monthly — to review policy and to receive policy-related complaints from the community and the department itself.

SUMMARY

Police / community relations will suffer when a department does not acknowledge the extent of the discretionary power exercised by its officers. This problem may be relieved by well-developed and well-articulated policy on matters vital to the operation of the department. In order to increase the effectiveness of the policy, and to increase departmental and community acceptance of it, a great degree of openness is desirable in its formulation. Policy should be regarded as a disciplinary, supervisory, and training device. Further, it should foster the professionalism required for a sound police / community relationship.

NOTES FOR CHAPTER THREE

1 The National Advisory Commission on Criminal Justice Standards and Goals touched on this when they noted, "Every police chief executive should immediately establish and disseminate to the public and every agency employee written policy which acknowledges that police effectiveness depends upon public approval and acceptance of police authority" (Standard 1.2, Limits of Authority).

2 Standard 1.1, The Police Function, states, "Every police chief executive should immediately develop written policy based on policies of the governing body which provides formal authority for the police function and should set forth the objectives and priorities which will guide the agency's delivery of police services. Agency policy should articulate the role of the agency in the protection of constitutional guarantees; the enforcement of the law; and the provision of services necessary to reduce crime, to maintain public order, and to respond to the needs of the community."

3 The National Advisory Commission on Criminal Justice Standards and Goals states the need for policy defining the police role in Standard 8.1, Establishing the Role of the Patrol Officer: "Every police chief executive should immediately develop written policy that defines the role of the patrol officer and should establish operational objectives and priorities that reflect the most effective use of the patrol officer in reducing crime."

4 The necessity for public acceptance of the police authority is stated in Standard 1.2, quoted above in Note 2.

5 See Standard 1.2, quoted above.

6 A sound comprehension by police of their role is stressed in Standard 1.5, Police Understanding of Their Role: "Every police agency should immediately take steps to ensure that every officer has an understanding of his role and an awareness of the cultural uniqueness of the community where he works."

4. — ISSUES IN COMMUNITY RELATIONS:

FIELD OPERATIONS

THE ROLE OF FIELD OPERATIONS

The police have nearly all of their contact with citizens through patrol operations, and the bulk of their resources are devoted to that function. The police / community relationship is made on the streets — it is made by officers on patrol. Consequently, the police administrator who wants to improve community relations must take a hard look at his patrol procedures and activities.

Good patrol work is community service. Most police-citizen contact is initiated by the citizen, and thus provides the officer an opportunity to be of service to someone in the community. The citizen's expectations are often complex and even unfathomable: he may have fears about an intruder, and thus needs to have his fears allayed; he may be angry at the noise of the party next door, and thus wants redress; he may be frantic with bullies who have beaten his child, and thus feels a need for legal revenge. By using good judgment, by showing concern, and by attempting to provide service, the patrolman can lay the foundation of a good police / community relationship. The officer must understand that although the call may not be especially exciting or unusual, it is likely to represent a significant event in the life of the citizen. The patrolman will undermine community relations if he belittles the importance of that request, if he is belligerent, or if he treats the citizen's claim for service with less than full concern.

If this were the full extent of police service, it would be relatively easy to maintain satisfactory police community relations. In many contacts with citizens, however, police are asked to arbitrate between conflicting claims and to take action on one side or the other. There may be differences about what happened and what ought to be done. The officer must negotiate, arbitrate, and somehow satisfy all parties to the dispute that he has acted in a fair and equitable manner. In such situations, difficult as they are, the patrolmen frequently has been asked to intervene. In other instances — such as field interrogation or stop and frisk situations — an officer is intervening where his presence is not desired. Especially in the case of a "victimless crime," the police officer may find the legitimacy of his presence vigorously questioned.

If the department is to enjoy good community relations, its officers must be sensitive to the impact their actions will have on the neighborhood they serve. This is a matter of supervision and of training. It is also a matter of the department's willingness to hold officers accountable for their actions. A fundamental reason for the strain in police / community relations appears to be departmental failure to adopt a community policing orientation. Citizen attitudes are too often considered unimportant to police policy makers — in fact, those attitudes may be dismissed as irrelevant to the "professional" decisions that police administrators must make. Criticism is frequently rejected out-of-hand as resulting from "anti-police" bias. And, all too often, patrol activities are evaluated in terms of arrest figures and crime rates: tactics initiated to reduce crime may be measured only by their short-term effects, ignoring their impact on police / community relations.

This disregard for community opinion is often most acute in those high-crime, low-income areas of the city where many members of minority groups reside. Too many departments make a practice of assigning their worst officers to these areas as a kind of "punishment duty." Unfortunately, this practice also punishes the community segments most in need of effective police services, and greatly aggravates the police / community relationship.

A community-oriented approach to policing is not a simple matter. It requires measurements

which do not now exist — measurements which will reflect the community's opinions about the quality and sensitivity of police service. It also requires an ability to satisfy, insofar as possible, citizen expectations that may vary from area to area.¹

ESTABLISHING A POSITIVE RELATIONSHIP

Accountability and Responsibility

***Patrol officers and supervisors should be evaluated in part by how well they develop the confidence of the community.** This is especially important in those sections which, historically, have had poor relations with the department. Many departments have taken steps in recent years to ensure that community-oriented measures of effectiveness are included in the evaluation process. In Baltimore (Maryland), for example, interviews are conducted with citizens who recently have had contact with the police. The citizens — who are selected on a random basis — are asked how well the police officers served them. Other departments, ranging from Simi Valley (California) to Holyoke (Massachusetts), are likewise giving more consideration to community reactions to specific patrol tactics. The methods include neighborhood meetings, "rap sessions," and the monitoring of citizen complaints and commendations.

Where feasible, patrol officers should be permanently assigned to a particular area of the community and (with their supervisors) should be given prime responsibility for all police functions in that area. Accountability is the essence of a sound delegation of authority. It is also a means of encouraging positive police performance. Most "team policing" experiments in recent years have relied heavily on this principle of geographic accountability. In Holyoke (Massachusetts), New Orleans (Louisiana), Dayton and Cincinnati (Ohio), Los Angeles (California), and New York City, officers have been assigned to particular areas and given responsibility for both the quality of policing and for community relations in those areas. The actual level of responsibility, of course, varies significantly. Smaller communities like Holyoke and Dayton have been able to place most of the responsibility on patrol officers, whereas New York and Los Angeles have continued to rely on more centralized authority.

The Role of the Patrol Officer

The patrol officer must accept direct responsibility for providing services in ways that improve the police / community relationship. He can be guided in this task by positive supervision and various modifications in his duties. For example, permitting the patrol officer to conduct investigations increases both his status and his responsibility.² When investigation is separated from patrol, the beat officer tends to see himself as a small cog in the police bureaucracy, rather than as a professional responsible for solving the problems of clients. Expanding his investigative responsibilities gives him an added opportunity to provide service that can lead to improved police / community relations. Such a step also gives citizens the feeling that the officer on patrol is not merely performing a perfunctory role.

Dayton, Holyoke, Cincinnati, and New Orleans have had varying degrees of success in transferring broader investigative responsibility to the patrol officer. Each has tried to expand the patrolmen's duties by permitting him to follow up the preliminary investigations of crime occurring within his district. The officer is generally given broad discretion regarding when and how specialized units (such as detectives) will be called into these investigations. In the case of homicides, serious assaults, or other particularly serious or complicated matters, it has been agreed that technical experts should be involved from the beginning. A successful program of this type generally requires some additional training for the patrol officer in investigative techniques, Constitutional limitations, and related matters. Manpower scheduling must also be designed to provide the officer with sufficient time to complete his follow-up investigations.

Where workloads are heavy, the officer will have to be equally imaginative in scheduling patrol activities, in order to maximize use of the available time. This has been a significant problem, particularly in Dayton, where fiscal austerity has reduced the size of the department at a time when calls for service have increased substantially. Despite such problems and some increased costs, practically all of the departments are sufficiently satisfied with progress to continue the team-policing effort. In fact, some communities, including Cincinnati and Holyoke, are now expanding their programs.* After a two-year trial in a single patrol sector, Holyoke is now converting its entire department to the model of geographic accountability and unified investigative and patrol functions. Dayton is planning a similar move.

Neighborhood Identification

Patrol sectors should be based on definable neighborhood boundaries, and a given neighborhood should not be split into more than one patrol sector. One of the advantages of geographically-organized patrol is the officer's ability to take account of varying needs and desires in different areas of the city. Such differences often follow neighborhood lines.³ The New Orleans Urban Squad, for example, patrols two large housing projects which form distinct communities. Similarly, the Holyoke experiment began in a well-defined, low-income area with a substantial number of Spanish-speaking residents. The area is separated from the rest of the city by a canal and an industrial section. In Dayton, the original team-policing area involved a more diverse neighborhood, but the residents viewed it as a distinct community; it was bounded by a river and a highway, called by a single name, and represented by several community organizations.

Advisory Councils

The departments should encourage the establishment of neighborhood or community councils composed of community leaders willing to meet regularly with members of the patrol unit. Membership on the advisory council might be by invitation or even by community election. Neither method provides a foolproof way of obtaining citizens who will represent viewpoints other than their own, or of selecting individuals genuinely interested in police problems. Consequently, an effort must be made to strike a balance of viewpoints and to find people willing to meet and work on community problems. The function of neighborhood councils is to explore community problems, needs, and priorities, as well as departmental strengths and inadequacies. The goal is to improve police services and increase community-police cooperation. The councils should receive departmental support, perhaps including part-time clerical assistance, a telephone-answering service with a highly publicized number, and some compensation for council members. The police officers, of course, should be able to carry out council-related business as part of their official duties. The programs previously cited have all included neighborhood meetings or advisory councils. Even departments that have not made major revisions in the patrol function have found neighborhood advisory councils to be helpful. Miami (Florida) recently initiated a major effort in this regard, and other cities, such as Cambridge (Massachusetts), have begun small-scale programs utilizing neighborhood advisory committees. It is important that the officers responsible for policing a neighborhood be a part of the neighborhood council. Their attendance at meetings should be encouraged, since this will contribute to increased communication and understanding. This tactic has been used with considerable success in Cambridge, where officers assigned to the Riverside-

*There has been a good deal of experimentation in the kind of training introduced and in the approach to such issues as manpower scheduling. Dayton has relied on an extensive formal training program, while New York and Cincinnati have used a more informal "group process" approach. Cincinnati has turned over all manpower scheduling responsibilities (within the experimental patrol district) to the sergeant on the beat. Other departments, not having gone quite so far, have greatly expanded the discretion of the local units.

Cambridgeport area regularly attend community meetings. Their willingness to become involved in community affairs has resulted in reduced community tensions.

To be successful, the department must be sincere in its desire to involve the community. It must communicate this desire, it must be willing to commit adequate resources, and it must clearly set forth the limitations of committee authority. Perhaps no factor contributes more to the demise of such committees — or to a deterioration of both police and community attitudes — as misunderstandings about the advisory group's authority. In one large city, a community relations project was virtually destroyed because it became embroiled in the issue of community control. Members of the advisory committee demanded more power than the department was prepared to relinquish, and much bitter feeling resulted. The need for advance planning and a clear and early communication of project aims and limitations is paramount.

Most departments have insisted that such committees have an advisory function only. Quite understandably they have been unwilling to turn important management functions, patrol assignments, transfers, and complaint reviews over to an untested neighborhood panel. Generally, these efforts have had better results than those in departments where the role of such committees has been intentionally or unintentionally vague. At least one department, however, has given the committee veto power over the assignment of a team-policing District Commander, and has suffered no apparent harm from that decision. Dayton (Ohio) decided that if its team-policing program were to work, the District Commander would have to have full community support. The Chief of Police nominated a well-respected lieutenant; the advisory council was impressed with the officer and backed him unanimously. Careful planning by the department (and a shrewd assessment of the feeling of the council) thus resulted in a major advancement in confidence between the department and the community.

Police Auxiliaries

A number of police departments have developed volunteer police auxiliary units to alleviate problems of inadequate manpower. A useful variation of this approach is being tested in Dayton, where a large and enthusiastic auxiliary program has organized volunteers into neighborhood teams. An individual can belong only to the auxiliary unit within his own neighborhood, and can patrol only in that neighborhood. This arrangement has facilitated community acceptance of the program, and has helped screen out volunteers whose motives might be questionable.

Open Community Meeting

Patrol officers and advisory councils should schedule regular public meetings with prepared agendas and time for general discussion. In this way, viewpoints not represented in council meetings are likely to be heard. Several departments, including those in Los Angeles and Cincinnati, have experienced success with this type of program. Care should be taken that community needs and priorities are reflected in the agenda, and that such meetings are not used exclusively for pre-packaged departmental presentations.⁴

Task-Oriented Patrol

During periods when officers do not have a heavy service-call demand and are primarily on preventive patrol, they might well undertake specific tasks such as contacting troubled families or talking with tenant groups, landlord merchants, and others. Crime prevention, the adequacy of alarm systems and locks, fears or concerns about particular crimes . . . are all appropriate subjects. Patrolmen should be encouraged to develop specialties, and departments should provide opportunities for training and proper application of skills. A few departments have experimented with this task-oriented form of patrolling, although none has

reported any significant success. In at least one department, the program faltered due to a lack of supervisory leadership. However, almost all departments report that some of their officers become bored with long periods of inactivity and seek additional special tasks. Often, such officers are remarkably successful in creating new opportunities for contact between police and the community. During his regular tour of duty, for example, one patrolman in Randolph (Massachusetts) developed and implemented an entire community relations program, including classroom visits and speaking engagements. Every department should identify such officers and encourage their initiative. In Novato, California, different patrol officers spend their lunch hour each week in the community's junior and senior high schools. Advance publicity, an informal setting, cooperative officers and growing student enthusiasm have made the program a success.

Crime prevention offers one of the most promising areas for such special endeavors. The service may be provided on a centralized basis, but — in order to maximize the community relations benefits — it should rest largely with the regular neighborhood patrol officers.

Ride-Along Programs

Patrol officers and advisory councils should encourage public participation in "ride-along" programs so that citizens may observe the complexities of police work. Officers should make a special point of inviting hostile or critical community members to participate. Ride-along programs have been said to be of limited value, primarily because of lack of community participation. The failures, however, appear to be largely related to lack of preparation or follow-through: departments that have made a concerted effort to encourage participation have found ride-along programs to be worthwhile. Public response in Washington (D.C.), Syracuse (New York), Menlo Park (California), Montgomery County (Maryland), Cambridge (Massachusetts), and many other communities has been very encouraging. Menlo Park, for example, has concentrated on involving young blacks in its program, and has found that participation is greater when groups of three juveniles ride in a single patrol car. This is probably because they are more comfortable with friends in an alien environment, and because they feel less likely to be mistaken for informers or arrested suspects. Another technique under consideration by a number of departments is linking the ride-along program to the social studies curriculum of the local junior high or high school. Novato (California) routinely asks participants in its ride-along program to evaluate the experience, the officer they rode with, and the department as a whole. Several improvements in operations have resulted from the response.

The Patrol Officer as Referral Agent

Officers should not neglect community services in the belief that the police function is restricted to crime control. The community supports the operation of the department twenty-four hours a day; it is entitled to whatever services the department can reasonably render during that time. These include order-maintenance or conflict-management duties, provision of certain emergency services, and other specialized government tasks. (A service-oriented patrol force may also increase its impact on crime, by stimulating community cooperation and participation in general police activities.)

San Diego (California) is planning to assign officers to develop profiles of the neighborhood they police. The profiles will include the social services and other resources available to the community, the patterns of crime and calls for service, and identification of community leaders and block representatives. This information will be gathered from census and other data, and by meeting with individuals and groups on a block-by-block basis. The information will be used to enable the officers to make better use of the formal and informal community resources available to help them. Patrol officers should be aware of the social services available in their

communities, and, after dealing with the immediate situation, should refer persons in need of assistance to the appropriate agency. This has been done with some success in New York City as part of a special family crisis-intervention project. Other departments have developed formal and informal relationships with social service agencies and have encouraged their officers to make referrals to them. Officers should also be aware of the rights of individuals in domestic disputes, landlord-tenant conflicts, consumer-fraud complaints, and other civil situations. Rights and procedures may then be explained to the disputants. In some situations patrol officers may take an even more active role; Oakland (California) has had highly favorable response to its Landlord-Tenant Complaint Program, and has recently expanded the program because of its popularity, especially among low-income residents. The department receives many calls each day from persons inquiring about their rights. The dispatch officer or an officer working in the Conflict Management Bureau explains the relevant sections of California law, and advises the caller to consult an attorney for any legal action. When a dispute cannot be simply resolved, officers may arbitrate or otherwise help to move the conflict out of the street and into the courtroom or to the negotiating table.

The Patrol Officer as Mediator

Patrol officers must learn conflict-management techniques that will defuse hostility. Officers are often thrust into a controversy by opposing interest groups. Downtown merchants may want the police to force juveniles off the sidewalks in front of their premises, while the juveniles complain that they have no other meeting place. Patrol officers should encourage negotiation in such circumstances, rather than rely exclusively on the coercive power of the police. Some of the techniques that may prove useful are open meetings, negotiation, or arbitration before a citizens advisory council, and a careful explanation of the patrol officers' role. Further suggestions are enumerated in Chapter Seven.

Field Interrogation

The department with the active participation of patrol officers and community representatives, should re-evaluate field interrogation policies and other police-initiated citizen contacts. The benefits of widespread field interrogation must be weighed against the negative community reactions. Patrol officers should be instructed to use the technique only after careful consideration of alternative methods, such as continued surveillance. Under no circumstances should field interrogation techniques be employed as a means of harassing "known criminals" or other groups or individuals regarded as deviant. Field interrogation probably should be used only in specific instances of reported or suspected crime or in response to particularly suspicious behavior. Supervisors should monitor field interrogation practices and ensure that their officers conduct the necessary interrogations courteously and efficiently. Finally, the officers should provide all individuals they interrogate with cards bearing their name and badge number.

The value of field interrogation in crime control is in doubt, especially when the interrogation in crime control is in doubt, especially when the interrogation is not directed at specific reported or suspected crime but is for general information gathering purposes. There may be instances when it is necessary to increase field interrogation to meet a particularly serious crime problem or to allay citizen fears. Before doing so, however, the department should discuss the situation with community representatives and explain why the practice is to be employed. At least one department has successfully taken this approach. It wanted a great increase in field stops in a predominantly black section of the city; a meeting with community leaders was held to explain the growing crime problem, and those in attendance then toured the area in patrol cars while the officers explained their field interrogation techniques. The meeting then reconvened at police headquarters. The meeting did not result in unanimous

support for the program, but it did develop substantial support for the program, greater understanding, and increased respect for the police. San Diego (California) has launched a major experiment to test the usefulness of field interrogation as a crime-fighting technique. The department plans to stop all field interrogations in one section of the city, while substantially increasing the number of stops in another section. Controls have been devised to ensure that constitutional rights will not be violated. By comparing the results in these two sectors and in a control sector, the department should be able to measure the effect of field stops — both on crime and on community relations.

Sensitivity to Crowd Dynamics

Patrol officers and supervisors should be sensitive to the risk of attracting large crowds at incidents. One of the primary sources for such gatherings is the assembly of several police cars in a particular area. Efforts should be made to remove superfluous police cars as quickly as possible, since nothing dissipates a crowd quite as effectively as eliminating the attraction. The gathering of crowds frequently results in bitter and destructive police-citizen encounters. Members of the crowd are likely to be agitated, and officers will understandably be concerned about physical danger and problems of interference. Consequently, early removal of the attraction and rapid return to a normal situation are extremely important. The department should also establish — and supervisors enforce — strict guidelines regarding the use of sirens, flashers, and high-speed driving. Use of these emergency techniques must be kept to an absolute minimum. Abuse of them can endanger police and public safety, provoke fear, and attract unnecessary attention to police activities. Washington (D.C.) has developed a useful policy statement on hot-pursuit driving (see the appendix).

Personnel Assignments

Personnel assignments should take the potential community relations impact into account. Officers who have difficulty controlling their emotions, who cannot endure verbal abuse, or who exhibit strong racial or class bias should not be assigned to sectors where the community relationship is tense or deteriorating. They should be placed in less sensitive sectors, removed from the street, or (if their problems are serious enough), removed from the department. At times, individuals in a community will become especially hostile toward a particular patrol officer. This is usually a response to the officer's inability to handle personal relationships, although it may simply reflect animosity toward an authority figure. If the hostility persists, the department should transfer the officer, since he is not able to perform his general assignment satisfactorily. This is not a surrender to unreasonable community demands; it is an appropriate response to a serious personnel and patrol problem.

Mobility of Manpower

The department should experiment with new methods for transporting patrol personnel. Most rely on the basic one-or-two-man radio car for patrol purposes, perhaps with some walking beats in commercial or business districts. For a number of years, increased use of walking beats has been a standard proposal for encouraging better community contact. Although the principle is sound, the restricted mobility and limited coverage of a foot patrolman presents a number of disadvantages. Baltimore (Maryland) has developed an interesting compromise with the use of five-speed bicycles in selected areas. Mobility is increased, and contact with citizens is not significantly restricted. Berkeley (California) and Baltimore have also found bicycle patrol an effective burglary-prevention technique. It permits silent patrol down alleys, along narrow or one-way streets, and into other areas not easily accessible to motor patrol. Another technique being tried by some departments is the

assignment of one of the officers in a two-man car to a walking beat for at least part of his tour of duty. This increased flexibility permits greater mobility, as well as back-up support in case of an emergency.

SUMMARY

The suggested decentralization of administration need not constitute an abdication of command control or responsibility. In fact, by decentralizing operations and increasing accountability, top command should be able to improve overall departmental control. Departmental leadership must be attentive to patrol developments however, and, must ensure that innovative practices remain within the scope of the department. Before major programs or changes are begun in a patrol sector, they should be thoroughly discussed with top command. Advisory committees can and should remain advisory — unless, as in Dayton, a decision is made to realign the power structure. Some departments may believe that their manpower is inadequate or their overtime funds too scarce to permit officers to assume extra community duties. Each department must assess its own ability to handle such activities without cost increases. Beyond that, it must decide how much the police / community relationship is worth. In many departments, manpower resources could be allocated more efficiently. Excessive use of two-man cars, superfluous patrol coverage between 2 a.m. and 8 a.m., unnecessary use of patrolmen as clerk-typists and dispatchers, and other similar practices may contribute to inefficient manpower allocation. With good management and planning, it is possible that ample time can be found for community-related activities. Some overtime will probably be necessary, and imaginative use of available funds can provide rewards and incentives to those officers demonstrating a commitment to improved police / community relations. The "pay incentive" system is one of the most successful aspects of New Orleans' Urban Squad program. The rewards are such that officers are careful to retain the community-oriented spirit of the effort, so as not to jeopardize their involvement in the program.

The recommendations made in this chapter range from relatively minor matters to some which would require a basic reorganization of preventive patrol. All are aimed at improved police / community relations, and all seek to complement a basic goal of the patrol force: improved patrol accountability and capability. The techniques set forth have been operationally tested in a number of cities. The department wishing to improve relationships between its patrol force and the community should at least experiment with some of these measures. Without a willingness to innovate, chances for improvement and ultimate success will no doubt be limited.

NOTES FOR CHAPTER FOUR

1 The National Advisory Commission on Criminal Justice Standards and Goals focuses on public approval of police service in Standard 1.2, Limits of Authority: "Every police chief executive should immediately establish and disseminate to the public and every agency employee written policy which acknowledges that police effectiveness depends upon public approval and acceptance of police authority."

2 The advantages of patrol officer investigation are stated in Standard 9.7, Criminal Investigation: "Every police agency should immediately provide for patrol officers to conduct thorough preliminary investigations and should establish in writing priorities to ensure that investigative efforts are spent in a manner which will best achieve organizational goals."

3 Standard 3.1, Crime Problem Identification and Resource Development, calls for the identification of localized crime problems: "Every police agency should ensure that patrolmen and members of the public are brought together to solve crime problems on a local basis. Police agencies with more than 75 personnel should immediately adopt a program to ensure joint participation in crime problem identification."

4 See Standard 3.1, quoted above.

5. — ISSUES IN COMMUNITY RELATIONS:

POLICE TRAINING

THE TRAINING ROLE

The delivery of quality police service requires that officers be highly skilled in a wide variety of tasks. This chapter presents an overview of past training approaches, identifies those training concepts which bear most directly on community relations, and summarizes some creative and effective training approaches recently adopted by a number of departments.

The Basic Training Formats

Previous efforts at community relations training can be categorized in three general areas:

***Attitude-change training.** The most common approach, attitude-change training, attempts to recast officers' prejudicial attitudes — generally those related to police perceptions of race relations, minority-group affairs, and urban problems. Numerous attitude-change training programs have been presented by visiting scholars, usually psychologists or sociologists, who offered lectures dealing with prejudice, stereotyping, group dynamics, minority-group history, interpersonal relations, and related areas.

***Field-procedures training.** This approach is an attempt to alter specific police officer behavior. In response to widespread public concern over the use of derogatory language, excessive force, and other perceived malpractices, such training programs tried to eliminate those practices from police operations, and to improve police response to volatile situations such as minority-group demonstrations and protests. The better programs sometimes employed "role-playing" — having officers experience alternative modes of response. As with attitude-change training, instruction was primarily by sociologists and psychologists from local universities.

***Environmental training.** This third approach is designed to provide police officers with a better understanding of the social system in which they work. Most classes have been lectures, dealing with the dynamics of urban life and with the social-service resources available to the officer confronting a "social problem". Representatives of minority groups and social agencies often visited the class room to explain problems, services, the characteristics of their clientele, and the services they could offer the individual police officer confronting a particular problem.

Each of these approaches was understood to be "community relations training, and each became common at the local, regional, and national level. Today, most police officers have participated in some form of these programs. The urban disorders in the late 1960's spurred a majority of police agencies to some in-service training in community relations; most concentrated on behavioral change.

Organizational efforts at the regional and national level helped legitimize community relations training. Michigan State University's National Institute on Police and Community Relations — held annually, from the mid-1950's until the late 1960's — was an important force in bringing concerned citizens and police officials together for strategy discussions. The participants came from throughout the country. Many of them then returned to their communities to establish local training and action programs.

Regional institutes were also common. A number of states — most notably California through its Police Officers Standards and Training Commission — carried out seminars dealing with the administration of community relations training and action programs.

Such programs convinced police administrators of the necessity for additional community relations training and introduced it into most police agencies. Today, virtually every police

academy devotes a portion of its curriculum to community relations. Few now question the need for this effort, although speculation remains concerning its effectiveness. Widespread and widely accepted, community relations training programs have become an important part of the police-training process.

Program Effectiveness

*The acceptance of a program has not always been related to its effectiveness. In fact, our study leads to the inescapable conclusion that this kind of training has had only limited success. Police attitudes have not drastically changed; field procedures have been modified only slightly; and many officers still understand little of their environment, the resources available to them, and the dynamics of interpersonal relations.

There is no question that the institutionalization of this kind of training has heightened official awareness of community relations concepts. In and of themselves, however, such programs have not improved the police / community relationship — nor will they, unless, as part of a major police-improvement thrust, certain structural changes are made in the overall police-training process.

At present, community relations training is tied to a number of factors that limit its success:

***The isolation of training.** One of the biggest problems with community relations training has been its isolation from operational training. Just as the formal Community Relations Unit has fostered the notion that police / community relations is the responsibility of specially assigned officers, so has the specialized community relations curriculum reinforced this belief. The isolation has been further reinforced by separate classes, special instructors, and a lack of continuity between these classes and actual field experiences. In short, the traditional approach has failed to integrate community relations into the total training process. As a result, students have tended to view community relations training as a required exercise — as something to be endured.

***The cultural separateness of instructors.** Instructors in community relations classes have often been minority-group representatives or university professors. Either way they are likely to present their material at a level unfamiliar to the police officer. Since the officer's preparation is scanty at best, he may be inclined to discount course content as biased. Likewise, the instructors probably have little experience with the police environment, and thus fail to address the questions significant to police officers (such as a minority group's traits, behavior, or perceptions of the police role).

***Lack of definition.** A major problem of community relations training programs has been their inability to rely on a common body of knowledge. Widespread program inconsistency has resulted, with many programs dealing only in generalities. Compounding the problem was the belief that improving the police / community relationship was a relatively simple matter: i.e., just instruct officers to stop using derogatory language and make them more sensitive to inflammatory situations. Obviously, this prescription failed to consider the realities of street duty, the nature of the semi-military police organization, the misconceptions surrounding citizen and police expectations, and other significant factors.

The most successful programs confronted street problems and developed police skills equal to the challenge. The impact of those emphasizing theory rather than practice was minimal.

The Meaningful Training Program

Our study of training programs throughout the country has revealed a number of successful approaches. If skillfully applied, they can provide officers with the techniques and social sensitivity necessary to good policing — but only if the department ensures that the entire training process is permeated with a commitment to improvement.

In general, training has the greatest impact on community relations when it integrates that

concern with those involving street operations. We have seen that quality police service is more than a mechanical response to citizen calls for service. A sound police / community relationship requires, among other things:

- *a policing style that is sensitive to the ethnic, cultural, and generational composition of the city's neighborhoods;

- *an understanding of the extent — and the limits — of the police discretion;

- *a comprehensive grasp of interpersonal and conflict-management skills appropriate to the urban setting.

To be effective, then, training must support the concept that community relations is not vested in a special program, but is grounded in the total quality of police service. With this concept in mind, several departments have strengthened their community relationships through innovative training methods. The innovations have been concentrated in two areas — curriculum and teaching methods.

CURRICULUM INNOVATIONS

The structure of a curriculum directly affects a student's ability to grasp and manipulate the subject matter. A combination of logically-presented course material and guided field experience provides the best vehicle for academy training. At the same time, curriculum emphasizing community-oriented field skills will be the most effective from a community relations standpoint.

A number of recently-introduced curriculum innovations are noteworthy for their effect on productivity, relevance, and skill development.

The Training Course or Module

Some departments have developed complete training courses for recruit instruction, as well as training modules for in-service education. The former practice — of breaking course content into one- to three-hour blocs of lectures failed to provide an overall conception of the training purpose, so they substituted a course-oriented structure. This enabled students to relate various sections of training material.

For example, recruit training in both Dayton (Ohio) and Oakland (California) has been divided into courses running the entire length of the curriculum. The student receives training in human-relations skills, interpersonal relations, conflict management, resource utilization, police / community relations, sociology, psychology, and other related materials in a course entitled Conflict Management. While different instructors may be utilized for various segments of the course, one instructor is assigned the primary responsibility for orienting students to course content. The same instructor develops the relationship between course segments, provides general coordination, and reviews the course content with students.

The Criminal Justice Center — a regional training facility in Montgomery County (Ohio) — has applied the same concept to in-service training through the development of training modules. Under this unique plan, the in-service training curriculum is broken into a series of courses which are then further divided into separate modules of instruction. After attending the basic orientation classes, a student taking this course can select from a variety of subject options for the remainder of his class time — options that will provide detailed instruction in his particular area of need. Course modules are offered on a number of different days, to permit tailoring the student's training needs to the time he has available.

Such a concept — though still in its infancy — is designed to provide consistency between individual classroom sessions. Rather than present facts in a scattergun fashion, it treats the material as a goal-oriented, coherent whole.

Recruit Orientation

Another factor important to meaningful training — especially at the recruit level — is how a student is oriented to the course, job expectations, and the transition from a civilian environment into the semi-military police organization. A number of departments have found that a well-planned orientation eases the recruits adjustment to both department and community expectations of job performance.

The most complex recruit-orientation program has been undertaken in Oakland. There, for a period of weeks, new recruits receive formal orientation to the police job, its environment, and community expectations at an out-of-town "retreat". This retreat is run as a university-like seminar. Community input is maximized, and a great deal of time is spent acquainting recruits with the police bureaucracy and community factors that affect job performance.

In Dayton, the department confronts recruits with field experiences to acquaint them with the environmental factors and community problems they will face on the job. Following an initial three-day seminar on the composition of the city, recruits are assigned to community, city, and social-action agencies as participant observers. Spending between two and three days in each agency, the recruits view lifestyles different from their own, begin to understand the community problems that affect police operations, get a good view of community resources and begin to develop resource contacts in areas experiencing police community tensions.

Other cities, such as Hartford (Connecticut), have begun to adopt these training principles into their recruit curricula. Acceptance of this type of orientation is increasing as officials recognize that the standard practice for years — orientation to the police job by issuing equipment and discussing departmental rules and regulations — fails to provide a substantial frame of reference in times of social upheaval and increased police responsibilities.

These same departments have noted that the traditional curriculum sequence was not an effective method of orientation. The standard sequence (swearing-in, uniform procurement, firearms issuance and practice, and departmental rules and regulations) was often counterproductive, since recruits developed a sense of priorities from that sequence. Although aware of their need for "ready-for-duty-in-an-emergency" recruits, these departments have realized that the overall investment in training — and its importance in developing future officer attitudes — mandated a carefully structured course sequence, even if it meant not using recruit officers in street emergencies. Such a restructured course sequence follows this time sequence:

- 1) community orientation
- 2) the basis of the police role
- 3) law
- 4) firearms / uniforms issuance and utilization.

When it reflects the department's basic policy, this sequence has had a positive effect on the recruits' ability to understand community-relations problems as they apply to the delivery of police services.

Field Orientation

The means of integrating academy training and field operations has a direct bearing on the usefulness of classroom training. In case after case, departments have found that a limited amount of academy material is retained and used by students after they complete their training courses. A recruit's first field experience is often accompanied by a senior officer's advice to "forget the academy stuff this is how it's really done." Subsequent in-service training, while often interesting, bears little relation to the officer's daily routine. Thus the development of a meaningful course schedule, as described above, is vital to an effective training experience. However, efforts to increase the "transfer value" and retention of classroom material need not be confined to this approach.

At the recruit level, cities such as Los Angeles and Oakland have well-developed field-training programs. Specially selected officers are enrolled in classes designed to develop their instructional, counseling, and general training skills. Then, as recruits are assigned to the field from the police academy, they are assigned only to these qualified field instructors. In many cases, these instructors are considered a part of the academy staff, although performing regular police duties.

The recruit's first assignment is also significant, because it may determine his orientation to his job for years to come. Assigning recruits to the best-qualified and most highly-trained officers on the force may result in scheduling problems, but the problems are worth overcoming (by such means as assigning a recruit the same days off as his field-training officer). It is important in any event that the recruit not be assigned as a "fill-in man" for vacationing and sick officers.

At the in-service level, transfer of course material to field situations becomes more complex. Boston (Massachusetts) is developing a program to utilize sergeants as field instructors. In this program, the field supervisors will receive a course in specialized skills: crime-scene search, conflict intervention, field interrogation and the like. The sergeants will then bear the responsibility for training the men under their command to use these skills in actual field situations. Besides providing increased training for patrol and detective officers, this program is intended to reinforce the sergeant's responsibility as a trainer — a role that has been greatly ignored.

Fall River (Massachusetts) has also undertaken an in-service program intended to relate field requirements and classroom training. In this program — concentrating on police/community relations, conflict management, and community-crisis intervention — officers were assigned to a highly volatile city housing project, in order to learn intervention techniques and interpersonal-relations skills. By interviewing the residents, the officers attempted to determine their perception of the police role, their need for police service, and their ideas for citizen assistance in police responsibilities. The officers later invited residents to attend the graduation from the in-service training program. The program provided a direct bridge between training material and field requirements. It also contributed to community understanding of police problems. The effect was an immediate improvement in the police/community relationship, and additional skills for the participating officers.

Special Curriculum Efforts.

A number of special curriculum efforts are worthy of note.

In Washington the police department has developed a recruit-training model based on a series of "terminal performance objectives." After defining the skills necessary to effective operation in a street environment (field interrogation, patrol-car operation, and the like) specialized training modules were designed to maximize skill development for each objective. By relating the objectives, a curriculum was devised that enabled the police officer to move through the total course at his most effective learning speed. The results have been a slightly shortened training time, individualized measures of skill development, and a direct link between training materials and field tasks.

Similarly, the California-based Project Star seeks to establish "norms for the police role" as a basis for training. Aimed at matching training programs to job requirements and community expectations, it involves administering a lengthy questionnaire to samples of both the public and criminal-justice personnel. Once performance objectives have been identified, a training technology is designed to develop the desired skills, much as was done in the Washington project.

Some controversy surrounds these two programs. Much of the concern arises from a belief that successful police performance requires more than technological skills — that it also

requires the ability to operate in neighborhood cultures and among life styles far different from the officer's own. These programs may well provide more effective skill development, but it is also true that additional kinds of training are required for field officers.

TEACHING TECHNIQUES

Training police officers in interpersonal relations requires a wide range of creative teaching techniques. Departments employing these techniques have been the most successful in imparting the skills necessary for police service that is acceptable to the community. These departments have discovered that the traditional lecture is neither stimulating nor effective in modifying behavior, and they have begun to employ such methods as role-playing, peer action, empathy training, and seminar discussions.¹

Role-playing

Although a recognized police-training technique for some time, role-playing has only recently become sufficiently structured to adapt to most training needs. Skits that duplicate situations frequently faced by field officers are presented to the class. One or two officers then respond to the skit, practicing techniques appropriate to the situation — intervention skills for a family fight, dealing with hostile youths for a street-corner confrontation, or general-response "play-acting" — in front of the class.

The object is to have the officer practice confronting everyday situations, but under what might be called laboratory conditions. This permits class criticism, encourages discussion and analysis, and provides for learning in a "real-life" setting. The technique has been found effective for interpersonal relations and stress situations, as well as for operational situations such as crime-scene search.

Recent developments in role-playing technology include the use of videotape and amateur or professional actors. Videotape permits both the actors and the participating students to observe and criticize their actions at the conclusion of a role-playing situation.

Cities such as San Francisco, Lowell, (Massachusetts), and New York City have utilized paid actors to provide additional realism in role-playing situations for their family-crisis training programs. Other departments have utilized minority-group or student residents as actors. While perhaps sacrificing some professionalism, resident participation is an important community-relations tool, and one that provides a creative environment for discussion of police tactics and training.

With or without video tape, role-playing has been found an effective means for learning new interpersonal skills. It provides, at the same time, a setting in which an officer's personal problems can be identified and corrected before they aggravate community relations during actual street operations.

It is important that instructors be trained in role-playing techniques. Badly handled, such sessions could be counter-productive.

Peer Action

One of the most recent and effective training techniques is peer action, which attempts to direct peer pressure at officers who exhibit aggressiveness, brutality, or other patterns of behavior that could irritate the police/community relationship.

The original peer-action training program occurred in Oakland, where a Review Panel resulted from a study of assaults on police officers. It indicated that officers exhibiting certain behavior patterns were the ones most likely to be assaulted in the course of their duties. Rather than deal with these problems through discipline or special in-service training, the department formed a study group of officers — half with excessive assault records, half with

none — to identify the causes of the assaults. The group then became a counseling panel for other officers whose field problems resulted in assaults. Because members of the Review panel are mostly patrolmen, and because their work is separate from the normal disciplinary mechanism, the panel is able to apply peer pressure for changed habits. From reviews of assault records, the review panel coordinator identifies problem officers, and a panel is formed to talk with them in private sessions.

Although the peer-action technique is new, it has been successful in reducing assault-producing behavior. A number of other cities, including Kansas City, (Missouri), have successfully adopted the program. Indications are that the peer-action technique has wide applicability to police-behavior problems affecting community relations.

Experiential Training

Many of the community-based, field-training techniques previously discussed aim at providing "experiential training". This technique has begun to gain wide acceptance. If professionally directed, it can greatly increase the police officer's capacity to work effectively in highly volatile, inner city neighborhoods.

The objective is to place an anonymous police officer in a real-life situation, one that enables him to better understand his working environment and the reactions of those with whom he deals.

The original experiential training session was undertaken by Covina (California), which sent a group of in-service police officers to live for a number of days on "skid row" in a large city. Given only pocket money, and deprived of their identification cards and regular clothes, the officers lived alongside area residents — experiencing police interrogation and sharing citizen reactions. In the ideal situation, the officers were actually arrested, booked, and locked up in a cell block. Through this process, they gained a better appreciation of community dynamics and heightened their sensitivity to citizen reaction toward police operations.

A number of other cities have used this training technique. For example, a mid-western city sent several incognito officers to live with a militant group in a distant city. Throughout their stay, the officers were interrogated, searched, and followed by local beat officers unaware of their subjects' identity. The effect was positive, increasing the participants' understanding of how police relations are perceived by the private citizen. And Dayton's new training curriculum will have recruits spend a month living on a black college campus as part of their orientation to policing.

OTHER TRAINING ISSUES

Other issues affect the interplay of police training and police community relations. One of the most important is that of "stress training". For years, stress training has been engrained in the semi-military fabric of police training, with salutes, discipline, and rigid structure — all integral parts of the course.

Following an analysis by Dr. Howard Earle of the Los Angeles County Sheriff's Office, a number of programs have abandoned this concept. Earle determined that officers **not** exposed to stress training were better able to adjust to field conditions and experienced fewer problems than their stress-trained counterparts. Based on these findings, many administrators have adopted alternative training orientations. Or they have experimented with a different approach to stress training — one directed at analyzing internal motivations and external pressures — as is being done by the Michigan State Police.

Similarly, numerous departments are reconsidering the wisdom of a highly structured training environment. A great majority of training programs delegate a minimum of individual responsibility to the recruit. Any activities outside the regular classroom (such as meeting or

court attendance or equipment issuance) are largely managed for him. This practice discourages initiative, provides an artificial environment, and leaves the recruit less well-equipped to exercise judgment when, at last, he confronts street situations. An increasing number of departments now recognize that such an orientation regards the officer as immature, and they are searching for workable alternatives.

SUMMARY

Curriculum development and teaching techniques are important considerations when structuring a training program effective in police/community relations. Departments employing these techniques and principles have usually done so because they recognize that community relations is not a separate course, but a total training approach. When a curriculum is community-oriented, the officer is able to grasp the relationship between policing and community relations. The result is a police force better able to deliver services, interact constructively with different cultural groups, and respond creatively to community problems.

From the experiences of the police agencies mentioned, we can summarize the basic training concepts that will assist a department in developing good community relations:

***Training must be important to policing.** Departments with a commitment to training are likely to experience greater success than those which view it as an auxiliary function or a necessary evil.

***Curriculum structure affects training success.** An eight-hour day composed of one-hour class sessions is boring to students and ineffective for learning.

***The method by which a recruit is oriented to his job, the department, and the community will affect his job outlook — an important community relations factor.**

***Responsibility is best learned through a curriculum which makes the student responsible for his actions.**

***Teaching techniques are available which improve training effectiveness.** Techniques such as role-playing, peer action, and experiential training are good community-relations learning tools.

***The greater the relationship between classroom training and field operations, the easier it will be for students to transfer knowledge to their daily operations.**

NOTES FOR CHAPTER FIVE

1 In reference to interpersonal communications training, the National Advisory Commission on Criminal Justice Standards and Goals states that "Every police agency should immediately establish programs to develop and improve the interpersonal communications skills of all officers. These skills are essential to the productive exchange of information and opinion between the police, other elements of the criminal justice system, and the public; their use assists officers to perform their task more effectively." (Standard 16.4, Interpersonal Communications Training).

6. — ISSUES IN COMMUNITY RELATIONS:

PERSONNEL PROCEDURES

IMPORTANCE OF THE PERSONNEL SYSTEM

Between 80 and 90 percent of the police budget is spent on personnel. This statistic indicates the importance of the personnel factor in police / community relations, as well as most other operations of the department.

Citizen impressions of the police develop primarily through contact with police officers. The values, skills, and attitudes that an officer displays on the street determine, to a large extent, the degree of public confidence in the department. The individuals calling for service — and those merely observing the police action — develop strong impressions about the skill with which the officers handled the situation, and a firm notion of the extent to which the situation was aggravated or defused. These impressions are easily transformed into generalizations about all police behavior.

The personnel system is thus responsible for bringing highly qualified people to the department, evaluating their performance, training them effectively, making appropriate assignments, and providing suitable rewards. Employee performance must be monitored and inadequacies corrected. It is this wide variety of administrative responsibilities that makes the personnel system so crucial to police / community relations.

INADEQUACIES OF THE SYSTEM

The typical police personnel system is separate from the department, and is found instead under the direction of a state or local Civil Service Board. Such a structure is too often burdened with rigid procedures and requirements having little or no bearing on police work — a reaction to the era when personnel decisions resulted from partisan patronage. Although there is a need for continued protection from political interference, police administrators are beginning to question the wisdom of a system that prevents them from influencing the department's choice of personnel.*

Civil service practices governing police selection, testing, promotion, and removal have not kept pace with contemporary demands, and have hindered the development of sophisticated personnel management. In most communities, applicants are required to pass tests having little (if anything) to do with the skills requisite to good police work. These tests are largely tradition-oriented and have not proved to be good indicators of police performance. As a consequence, the courts are beginning to prohibit their use — usually as the result of minority group claims that the tests are arbitrary and unrelated to specific job requirements.

Few efforts have been made to attract new kinds of personnel and skills. Relatively little work has been done in the area of police roles; the question of "what makes a good policeman?" is seldom asked or answered. Without having defined the characteristics of good job performance, it is difficult for a department to identify the necessary skills or to develop incentives for desirable behavior.

These personnel inadequacies have reached the critical stage. Rapidly increasing demands on the police must result in a major upward shift in personnel. In addition, many departments

*To be sure, the department generally makes the final selection from the candidates who have passed through the civil-service system. It is the candidates who have been weeded out by that system who concern us here.

will soon be faced with massive turnover problems due to the departure of men who entered them after World War II. Unless personnel systems are reformed, replacement of these men will be a burdensome chore rather than an opportunity for progress.

The fundamental issue is not minority hiring, although that is important, but the need to attract those people required by the complexity of police work — those whose performance can contribute to improved police / community relations. They will not be attracted unless the obstacles in the current personnel system are removed.

TARGETS FOR IMPROVEMENT

In the area of police / community relations, there are five principal matters that must be addressed by police personnel systems. They are 1) minority recruitment, 2) Selection systems, 3) new people and new skills, 4) personnel evaluation, and 5) response to citizen complaints.

Minority Recruitment

"Effectiveness" is the traditional argument for increased minority recruitment. Police officers, cannot be effective in a hostile environment — if they are unfamiliar with the culture of the community, if they feel alien to their environment, or if they are frightened, belligerent, hostile, or awkward. Citizens will not cooperate with them, will not report crimes, and will not aid in their investigations.

One frequently advocated solution is to assign police officers of the same ethnic background as the residents — Chicanos policing Chicanos, blacks policing blacks, Irish policing Irish. There is evidence that racial or ethnic similarity can indeed improve community relations and reduce tensions. Dozens of cities — including Detroit, Baltimore, Washington (D.C.), and New Orleans have improved community relations by staffing troubled areas with police of the same racial or ethnic character as the neighborhood population.

Minority recruitment, although not nearly as difficult as some contend, is still no simple matter. After decades of exclusion, suspicion, and discrimination, a passive "open door" policy is not sufficient. Peer-group pressure — strong among young blacks — is one negative factor. Fear of failure, non-acceptance, or even outright discrimination is another. Furthermore, new job opportunities for minorities in other fields often appear more attractive than those offered in the police department.¹

In spite of these obstacles, minority recruitment can be made more effective. Steps to facilitate progress in this area include:

***The department itself must initiate strong minority recruitment efforts.** Recruitment relegated to a central city agency is not likely to be successful. Civil service boards have numerous other responsibilities, and few have the time or skills necessary to attract the type of candidate police departments require. Therefore, the department itself must assume the major responsibility for minority recruitment. This approach has proved highly effective in Detroit, Baltimore, Washington (D.C.), New York City and a number of other cities.

***The department must demonstrate a commitment to internal equal opportunity.**² It must be remembered that applicants are being asked to commit themselves to a new career. They need to know that the department recruiting them is also dedicated to helping them advance. Many departments — such as those in Boston, New Orleans, Dayton, New York, Miami, and St. Louis — have demonstrated such commitment by appointing qualified minority individuals, both from within and outside the department, to high positions. Most of these departments are also taking the potentially more important step of examining their promotional systems and removing as much of the discriminatory impact as possible.

***The most effective recruiters of minority police applicants are successful minority officers.**

Such officers should be asked to assist in (or to direct) the development of a minority recruitment program, being given the on-duty time and whatever support might be required. Appearances at high schools, community group meetings, veterans' centers, and other gathering places for minority-group individuals of suitable age have been especially helpful. In addition, these recruiting officers should encourage other beat officers to be alert for potentially qualified applicants. The patrol car itself can be an excellent recruiting van if the officers are willing to expend the effort, and are encouraged to do so. Some cities such as St. Louis, provided up to five days' paid vacation to any officer who successfully recruits a new police officer. The response has been good.

New York City, in cooperation with the RAND Institute, recently undertook an extensive survey of its recruiting efforts. Several of the findings should be of interest to departments that wish to improve minority recruitment. The most effective advertising media were found to be those with the widest circulation in the minority community, rather than the minority-oriented media with far less circulation. Subway or public transit advertising was also quite effective. And minority youths who had already applied for positions were found to be effective in recruiting other applicants.

***As promising individuals are identified, they should be pursued by the department.** Targeting individuals as prospective officers can be accomplished in much the same manner as the department may "target" an individual criminal. Potential applicants can be assigned to individual police officers, who will be expected to visit their homes, maintain regular contact, help them prepare for the examination, help maintain their determination through the long waiting period, and work with them through their training and probationary periods. This technique has been used successfully in private industry, and has recently been adopted by the Massachusetts State Police.

One other matter requires comment. It is frequently said that minority recruitment has been unsuccessful because of police departments which refuse to lower their standards in order to recruit minorities. One of the difficulties of discussing standards for police personnel is that the issue is seen in terms of "raising" or "lowering" requirements. Code words like these really do not address the issue. Higher or lower standards are not at stake, but rather standards which are relevant to the functions for which they are designed.

Selection Systems

Police selection is laden with standards and requirements, most of them established decades ago with little or no validation. Physical standards are one illustration. On the face of the matter, one might assume that a taller, larger police officer could deal more effectively with general police situations than a shorter person. Little effort has been made to corroborate this assumption, however. In fact, those few departments — such as Washington (D.C.) and San Diego (California) — that have attempted to evaluate height requirements have found no justification for them.

Vision requirements should also be examined. In many cities, an impairment of 20/30 or 20/50 uncorrected is grounds for exclusion. One reason given is that, if the man's glasses are knocked off in a fight and he is subsequently required to shoot, he would be unable to do so accurately. Yet many officers already in service are not restricted in their activities, even though their vision has deteriorated considerably. If rigid vision standards are necessary, they should be applied as rigorously to the ten-year veteran as to the recruit. There are so few cases in which this has been a problem, in fact, that one must conclude that vision standards are arbitrary — especially in the era of contact lenses — and serve to exclude otherwise well-qualified individuals.

Physical fitness standards also bear careful scrutiny. Very few departments require their officers to retain the performance capabilities required for entrance. Certainly, some fitness

standards are necessary, but they ought to be reasonably related to the officer's job, and uniformly applied to everyone performing that job. The swim test is an example. Used by many departments, this requirement has a clear and adverse impact on inner-city minority applicants. The justification usually offered for swim tests is the need for life-saving capability; the rationale is dubious since few departments offer life-saving training or provide their officers with the preferred tools (e.g., a rope) of life saving. In any event, it is no great task to teach an officer to swim **after** he has joined the department.

Just as physical standards may be irrelevant and obsolete, so too is the principal means by which police officers are selected: the civil service examination. The traditional examination predicts little about the job performance of a patrolman. It measures IQ, test-taking ability, academic performance, reading comprehension, and a number of other variables, but it does not appear to measure or predict how the officer will perform on the job. This is not to say that civil service tests should be eliminated. It simply indicates that better tests must be developed, and that they be viewed as only one of a number of criteria used in the selection of police trainees.

The following measures should aid in the selection process:

***Examinations should be validated on the basis of data from subsequent job performance.** On-the-job performance should be compared with test results, with a high positive correlation indicating test validity. Few police examinations have been tested in this manner, but some progress has been made. In Detroit, a five and a half hour battery of twelve different tests is administered; they are graded on the basis of data, obtained from a validation study that used both successful and unsuccessful Detroit police officers. A number of other departments have made plans to validate their examinations. The Dallas, Oakland, Boston and New York departments either have data available or are planning to gather it. This is a vital matter because several departments, unable to demonstrate test validity, have had their tests thrown out by the courts. Police administrators who do not control their own personnel systems should attempt to establish a working relationship with their civil agencies, and, with them, examine the current practices in light of new legal requirements.

***Additional techniques should be incorporated into the selection process.** These include 1) background investigation, 2) oral interviews, and 3) psychiatric exams. Background investigations should review not only credit ratings, possible criminal histories, and general morale and standards, but also military and employment experiences, civil court appearances, and social relationships. The oral interview should be designed to assess the applicant's ability to tolerate stress, his motivation, and his ability to develop satisfactory relationships. (Care should be taken to insure that these relatively flexible and subjective techniques do not become a guise for conscious or unintentional racial discrimination.) Many departments have been using these techniques successfully for a number of years, including Oakland, Dallas, New York City, and Chicago.

***Recruit training can be used to assess motivation, aptitude, ability to tolerate stress, and personal relationship skills. Instructors should be prepared to weed out those who do not measure up or who cannot absorb the training.** The recruit-training period constitutes the second stage of the selection process; currently, however, relatively few recruits are dropped as the result of a poor training experience. Individual assistance should be provided for those recruits experiencing difficulty with the material, but there should be no hesitation in eliminating candidates who have not made satisfactory progress by the end of the training period. Departments that place great emphasis on quality personnel, such as Oakland, regularly reject a significant number of candidates in the training process. (Oakland also provides a remedial reading program for its recruits, so that a trainee has an equal chance to master the rigorous instruction required of him.)

***The Probationary period can also be used more effectively.** Administrators can and should

use this period to evaluate the aptitude, performance, and adjustment of newly appointed police. Personnel losses during this period will create a replacement problem, but, in the long run, such losses will be insignificant compared with problems likely to arise through the retention of substandard personnel. Evaluation, especially during the probationary period, should be a major responsibility of patrol supervisors. Their evaluation should be broad enough to include performance in areas other than law enforcement: crisis intervention, social-service referrals, service functions, ability to deal fairly with all types of people, and sensitivity to community problems. Efforts should be made to increase the probationary period for patrolmen to at least 18 months, so that there is adequate time to evaluate the officer's overall performance.

New People and New Skills

With the exception of top administrative positions, practically all operational and management slots are filled with officers who were brought into the department as police recruits. Each man enters at the same level as every other, and, at least initially, each performs the same general functions. All those of the same rank — no matter what particular function they perform — are viewed as equals and are expected to be able to carry out all jobs at that level.

This notion of equality, however, is not conducive to the development of highly specialized skills, the realization of individual talents, or the introduction of new people and skills. A "closed shop" not only hampers the recruitment of technical specialists, but also limits the selection of personnel suitable for supervisory and management positions. This is particularly true in small and medium-sized departments whose promotional pools are bound to be restricted. Among the possible approaches to the problem are:

***Recent experiences indicates that women can perform most police functions as well as men.** Experiments in Washington (D.C.), Indianapolis, New York, Boston and other cities have demonstrated satisfactory police performance on the part of women. This is not surprising, since other countries have been using women as patrol officers for several years. Experience in a St. Louis housing project indicates that, in some functions, women may perform better than men. The female officers in the St. Louis program were generally rated more effective than men in handling family-crisis calls — at least as perceived by the female tenants who made the calls. Women's rights groups have had an impact upon police departments, and an increased role for women in the police function has been supported by the courts and by the Equal Employment Opportunity Commission.

***Civilian specialists might be profitably employed for some police functions.** Although departments historically have modeled themselves on the military, the use of civilians in the armed forces now greatly surpasses civilian employment in law enforcement. The closed personnel system — which permits no lateral entry and reserves almost all positions for police officers — tends to reinforce police isolation. More important, it limits access to the talent existing in our society. Civilians with skills in management, planning, personnel, records, training, research, budgeting, law and other areas are urgently needed in law enforcement. Yet relatively few cities have made significant advances in this area. The exceptions include Washington (D.C.), New York City, Dayton, Cincinnati, Kansas City, Oakland and Dallas. In those cities, definite improvements appear to have been made — especially in management performance — as a result of the increased use of civilians. Civilian legal advisors have also played important roles in several departments, especially in policy development.

Pay and Promotion Opportunities

Some departments have had as few as three examinations for sergeant since World War II. As a result, opportunities for advancement are practically nonexistent. Protected against

dismissal by civil service rules, and prevented from advancement by departmental conditions, their officers have little inducement for exemplary performance.³

Special job and promotional opportunities are strong incentives for good performance. They should be used more creatively to improve police / community relations. One of the primary criteria for promotion (in rank, grade, or step) ought to be positive performance in dealing with citizens. Officers who can tolerate abuse from hostile citizens, those who are service-oriented, those creative in communicating with the public, and others with similar skills ought to be identified and rewarded.

In a sense, this is what New Orleans has done in its Urban Squad, which has reduced tensions in the volatile Desire Housing Project. The officers downplay the financial rewards, but the inclusion of substantial overtime pay for work on the project has been critical to its success. Some may consider this to be "buying" the officers. In a sense this is true, but giving bonuses for hard work is hardly unusual in our society.

The worst aspect of the traditional system, as noted before, is that assignment to high-crime areas has been used as punishment for men believed to have acted improperly. There is little indication that such assignments result in improved subsequent behavior. Indeed, given the opportunity for bribery and pay-offs in such areas, the officer's conduct may be worsened. Meanwhile, the community which needs police services the most — and the one in which policing problems are the most complicated — gets the worst service and the fewest officers. Officers who are able to establish and maintain rapport with ghetto residents are those who ought to be assigned. They are likely to be the best in the department, and they are being asked to take on the most difficult assignments. They should be rewarded accordingly.

Departments might also experiment with alternate career patterns: providing methods of advancement other than the normal path from patrolman to supervisor to manager. The specialist is not necessarily a good administrator, a fact that has long been recognized in investigative work, where detectives receive status and pay unrelated to their supervisory duties. A similar system might well be used in other specialties. Here again, the armed forces — with "specialist" grades paralleling those of the traditional sergeant — have been more innovative than police departments.

Personnel Evaluation

Personnel Evaluation has been of limited importance in most departments. It has not played a major role in incentive and promotion systems; supervisors have regarded it as a nuisance and have not been trained in its use. Moreover, the traditional measures of performance ignore vital aspects of the patrolman's job, concentrating instead on significant (but partial) indicators such as the number of arrests, field interrogations, or traffic tickets. Supervisory ratings stress issues of internal concern such as punctuality, cooperation, attitude, dress and appearance.

If the personnel system is to contribute to the development of a good police / community relationship, evaluation must be elevated in importance, and factors critical to community relations must be emphasized. The following will help achieve this goal.

***Performance evaluation must become a major part of the supervisor's job and be seen as a regular activity, rather than a nuisance to be dealt with every six months and then put aside.** Performance evaluation should be at the heart of the police sergeant's duties. Supervisors should be continually evaluating the strengths and weaknesses of the men under their command and formulating strategies to correct the weaknesses.

In many departments, sergeants are the weakest link in the organization, having the least-understood job and the poorest preparation for it. Police administrators should require more supervisory functions from their sergeants, including greater understanding of and reliance on performance evaluation.

The department should experiment with new criteria of performance. The formal evaluation system should measure the quality of the officer's work in the community as well as his law-enforcement production. Police performance involves such difficult factors as exercise of discretion, use of force, and citizen interaction. Because so few departments have gone beyond the use of traditional measures, much experimentation is needed with new ones. Among the measures which may hold promise are:

***Supervisory ratings.** Supervisors can rate officers for their ability to resolve conflict without resort to arrest or use of force; to tolerate citizen abuse and retain professional composure; to develop positive contacts with citizens; to avoid improper use of power; and to project fairness, tolerance, and civility to all groups. Obviously, requiring supervisors to evaluate their men in such subjective areas will be of little value if the supervisors do not believe in such ratings and are unwilling to cooperate fully. Improved training and selection of supervisors (including probationary periods) — and carefully designed rating formats will assist in dealing with reluctant supervision.

***Case monitoring.** Among the more objective measures, one which has been successful is a case monitoring system. Such systems attempt to assess how frequently and under what circumstances arrests are nullified (by evidence excluded from court) because of improper police methods or by a judgment that the charges are inappropriate or the evidence insufficient. This is important from the standpoint of police / community relations because it indicates an officer's respect for the law, his judgment, and his ability to exercise discretion. New York City and Oakland, among other cities, have recently begun such efforts.

***Indicators of performance.** The department should also monitor civilian complaints, police use of force, resisting arrest, disorderly conduct charges, and other indications that officers are having difficulty controlling the behavior of angry citizens. Oakland has been doing so for several years, and has learned that certain officers are much more likely than others to rely on the arrest power to control disorderly or hostile individuals. These same officers are also more likely to resort to force. By identifying them and taking corrective action (largely through peer-pressure review and retraining) the department has been able to provide new skills to officers who cause community relations problems. Dayton has also informally monitored use of force, resisting-arrest charges, and other indicators of overreaction to citizen hostility. That department has provided some retraining and considerable use of officer reassignment in order to minimize the problem. Many of the officers having an especially difficult time getting along with people are now assigned to the late-night shift, when they have considerably less citizen contact than during other periods.

***Citizen interviews.** Interviews should be conducted with selected citizens who have recently had contact with officers. Some of the citizens may be selected randomly, others because of the delicate or critical nature of their encounters with the officers. The interviews should assess the facts from the citizen's point of view, his satisfaction with the service provided, his opinion of the officer's conduct, whether tension increased or decreased after the police arrived, possible abuses of authority, etc. Interviews might be conducted by trained plainclothes officers (to reduce suspicion), by officers from the department's Community Relations Unit, by specially trained civilians, or by uniformed supervisors. Confidentiality should be assured and strictly observed. Baltimore, Washington (D.C.), and Kansas City have been experimenting successfully with this kind of evaluation. Other, less expensive methods of obtaining citizen assessment of officers' performance could also be attempted. These might include the publicized distribution of prestamped postcards, to encourage citizen reporting of complaints and commendations.

***Management by objective.** The system known as "management by objective", highly regarded in professional management circles, is another promising method of evaluation. This system can be linked with the task-oriented method of patrol discussed in the Field Operations

(see Chapter Four), whereby the supervisor and officer are required to set concrete objectives for a specific time period. After a time, supervisors and officers evaluate their progress in achieving objectives, determine the reasons for failure or partial performance, outline corrective actions, and establish revised objectives. Oakland is currently experimenting with this procedure.

Response to Citizen Complaints

One of the most persistent sources of irritation in police / community relations has been a lack of faith in the fairness and impartiality with which citizen complaints are investigated and prosecuted. The demand for civilian review boards during the mid-1960s illustrated that many people simply do not believe the police will honestly investigate and discipline officers charged with misconduct.⁴

The civilian review board was a poor idea which attracted more attention than it deserved. But its underlying goal — insuring that civilian complaints against officers were investigated fully and disciplinary action taken — was sound. Unless people trust the department to be fair when an officer's actions are challenged, there cannot be a foundation for a good police / community relationship.

The following principles will help in establishing a fair and workable disciplinary system:

***The procedure for handling citizen complaints should be set forth clearly in the department's policy manual.**

***The procedures should make it easy for citizens to file complaints.** Telephoned complaints should be noted, with complaint forms mailed immediately. Patrol supervisors should carry complaint forms with them at all times and assist individuals in filling them out. Community groups should be provided with official forms to be used by individuals reluctant to come to the station. The forms themselves should not be complicated.

***Management and supervisory personnel should ensure that citizens who complain about police practices are treated courteously throughout the investigation process.**

***All complaints should be investigated, including those in which the citizen cannot clearly identify the officer or refuses to identify himself.** Any allegation of police misconduct is a serious issue, and the department should investigate each as thoroughly as possible. Although there are obvious limitations on the thoroughness with which an anonymous complaint can be investigated, the effort should be made nevertheless.

***Supervisors should be given initial responsibility for investigating complaints, but an internal unit should be available to back up the investigation.** Supervisors should be evaluated by how thoroughly and impartially they complete their investigations.

***The internal investigation unit should include minority-group officers, and white officers who have established a reputation for fairness in the minority community.** All officers in the unit should be selected for investigative ability, fairness, and commitment to the elimination of police misuse of authority.

***In investigations of particularly serious complaints, or ones which have attracted a great deal of attention, the department should consider using civilian investigators to supplement the departmental investigation, especially if witnesses are reluctant to talk to the police.** Great care obviously should be exercised in selecting individuals for such activities.

***Departmental policy should make it clear that an attempt by an officer to obstruct an investigation or falsify information will not be tolerated and will be dealt with severely as a separate violation of department rules.**

***When investigating citizen complaints, the department should employ the same techniques and safeguards that are used in any investigation — especially those designed to prevent collusion or withholding of evidence.**

*The investigation of complaints should be speedily conducted, and any disciplinary actions should be scheduled as soon after the event as possible.

*Disciplinary hearings should be conducted in a manner which preserves the due process rights of all parties.

*Department policy should provide guidelines for punishment appropriate to various acts of misconduct. Generally, violations of internal policy — such as dress regulations, leaving post of duty, etc. — should not be sanctioned as heavily as acts of misconduct against citizens.

*Incentives to encourage positive behavior are generally more effective in achieving goals than negative actions. Sanctions, of course, are needed and must be used, but incentives are more effective in the long run.

SUMMARY

Whenever a department is considering any aspect of its personnel system, it should examine its potential effect on the police / community relationship, and how it might best be altered or preserved in order to improve that relationship. Beyond this, the department should seek more flexibility in selection, promotions, assignments, incentives, sanctions, and terminations, and should use that flexibility to shape the department's personnel into an effective, community-oriented force.

NOTES FOR CHAPTER SIX

1 Standard 13.3 of the National Advisory Commission on Criminal Justice Standards and Goals deals with minority recruitment: "Every police agency should immediately ensure that there exist within the agency no artificial or arbitrary barriers — cultural or institutional — that discourage qualified individuals from seeking employment or from being employed as police officers.

2 See Standard 13.3, Minority Recruiting, cited above.

3 The Commission discusses the need for an effective promotion and advancement procedure in Standard 17.4, Administration of Promotions and Advancements — Lateral Entry: "Every police chief executive should, through administrative control of the promotion and advancement system, ensure that only the best-qualified personnel are promoted or advanced to positions of greater authority and responsibility in higher paygrades and ranks. Agencies that have not developed competent personnel to assume positions of higher authority should seek qualified personnel from outside the agency rather than promote or advance personnel who are not developed to assume positions of greater responsibility."

4 Standard 19.2, Internal Discipline Complaint Reception Procedures, states, "Every police agency should immediately implement procedures which will facilitate the making of a complaint alleging employee misconduct, whether that complaint is initiated internally or externally.

7. — ISSUES IN COMMUNITY RELATIONS:

CONFLICT MANAGEMENT

CONFLICT AND THE POLICE

Analysis of citizen calls indicates that approximately one in every five radio runs involves an interpersonal conflict. In a single day, a patrolman may be required to deal with a family quarrel, mediate between teenagers and an irate resident; and patrol a park during a demonstration. Because of the potential for violence, it is necessary for police to intervene in conflicts. Until recently, however, little attention has been given to the police conflict-management role.

A great deal of police activity involves conflict management. In fact, many citizens have their first intensive encounter with the police as a result of a family or neighborhood dispute, and certain population groups depend heavily on the police for arbitration and peace-keeping services. Consequently, the ways in which the department meets such responsibilities can be a major factor affecting its community standing. Poorly handled conflicts tend to alienate those with whom the police deal. In addition, they can and often do result in violence — sometimes directed solely at the police. On the other hand, a well-handled conflict can bring about increased respect for the police and improved community relations.

Although these facts are widely recognized, the conflict-management responsibilities of the police have not achieved the status nor the attention they deserve. Few departments provide their officers with formal preparation for such duties. Furthermore, few written guidelines are offered, either in terms of departmental policies or legal requirements. More specifically, the law cannot offer a framework for decision-making which may require an unconventional police response — a response perhaps inconsistent with strict law enforcement or one involving people with varying expectations about police performance.

The Principles of Conflict

One reason that conflict intervention is so complex a police responsibility is that little is actually known about conflict, its dynamics, or the appropriate methods for its management. Experience indicates, however, that police performance in this role appears most acceptable when certain basic principles are clearly understood, and when the limited police role is recognized. Some of these basic principles are:

***Conflict is natural, and sometimes may even be desirable.** The police (and government generally) tend to regard conflict as having a potential that is primarily destructive. This is an understandable view, since the police are responsible for maintaining order, and since conflict often leads to a disorderly situation. Properly channeled, however, conflict can be an important means of healing divisions in a society.

***Conflict and violence are not synonymous.** In fact, there is much societal conflict that does not involve violence. Conflict is generally required for change; in a society in which there is rapid change, widespread discussion of major issues, and competition for attention, conflict is both inevitable and potentially very useful.

***The role of the police is not to suppress conflict.** Suppression is impossible in a constantly changing society. The role of police must be to manage conflict in a way that prevents violence.

The difficulty, of course, is that conflicts tend to be emotional and unpredictable. A police officer is required to deal with both the disputants' emotions and his own. To be effective, he must be able to distinguish among types of conflicts, and he must be armed with policy that authorizes him to respond according to the needs of the situation. An unfortunate con-

sequence of equating conflict with violence is that the patrolman is left with a single objective (stopping the conflict) and a limited choice of responses (arrest or "doing something"). Departments with a broader and more realistic view can develop policies that provide officers with a number of varying but specific strategies and guidelines.

Types of Conflict

Conflicts requiring police intervention may be classified by the parties involved (interpersonal, between groups and government agencies, etc.) or by the problems which lead to them (family quarrels, landlord-tenant disputes, school unrest, etc.).

***Interpersonal conflicts.** This is the type most frequently encountered by police called upon to resolve family disputes, stop street fights, or break up barroom brawls. The disputants are often relatives or close acquaintances, and the conflict is frequently aggravated by drugs, alcohol, or emotional illness. In such instances, the police must deal with the danger of violence, as well as with certain critical conflict problems. The potential for renewed conflict is high after the officer leaves. Typically, no clear criminal violation is involved, and, even where there are violations, arrest is not always the best course of action.

***Conflicts between citizen groups.** Such conflicts typically arise when one party is dissatisfied with some aspect of a contractual service, or when there is an unwillingness on the part of one group to yield to another. Landlord and tenant, management and labor, merchant and consumer, university and student . . . these are examples of the kinds of private groups often engaged in conflict. In such intergroup conflicts, one party may have more prestige, power, or resources than its opponent, requiring the police to be especially sensitive to the requirements of impartiality and justice. Furthermore, conflicts of this sort are difficult to handle because the law — the most common police tool — frequently is far too concrete to provide adequate guidance. The consumer who fails to pay for defective merchandise is usually violating the law; the merchant selling defective products often is not. The application of police power under such circumstances must resolve two conflicting positions: the requirements of the law and the injustice at hand.

***Conflict between citizens and government.** This kind of conflict constitutes an increasingly frequent problem. When citizens feel unable to influence the policies of their public institutions, they are dissatisfied and some form of conflict is likely. Such conflict may be the result of protest from a random gathering of people who share a common grievance. More often, however, such conflicts involve organized protest: a sit-in at the welfare office, a strike by public employees, a peace march, or a student walk-out. Police have great difficulty remaining neutral in such disputes, since they are themselves employed by a governmental agency.

The quality of the officer's response to conflict depends to a great extent upon his understanding of conflict. Handling a demonstration against government war policies, for example, is quite different from dealing with a neighborhood dispute about highway construction. Local government can have relatively little impact upon the former, whereas it may have the final word in the latter. Statements such as "we only enforce the law" are unconvincing to demonstrators who view police actions as primarily supporting the side of local government against those who oppose its policies.

Conflict Management Strategy

Every kind of conflict has an impact on police community relations. The quality of police response makes a lasting impression on those who experience or witness it. For example, during the late 1960's, the skill of the Washington (D.C.) Police Department in managing protests was the object of praise among those often generally hostile to police. That department recognized the opportunity to improve its public standing — an opportunity which exists

in many other conflicts.

Today, one kind of conflict which appears to be increasing concerns the quality of life in congested urban areas. For example, Oakland (California) has developed a program of constructive and creative police intervention practices in tenant-landlord and consumer-merchant disputes. Such programs are increasingly being recognized as both valid and effective forms of police activity.

Some departments encourage officers to become involved in such complaints in order to defuse their potential for disruption and violence. Although civil in nature, these conflicts are well within the scope of the order-maintenance and crime-prevention roles of the police. A well-designed police response, carried out by well-trained and sensitive officers can have an enormously beneficial effect on the police community relations. Failure of the police to respond effectively can drastically harm that relationship.

SOME OPERATIONAL CONSIDERATIONS

A satisfactory response to group and interpersonal conflict requires an understanding of the dynamics of conflict, and a knowledge of what roles can best be assumed by the police in dealing with it. If appropriate responses are to be made routine, the department must institutionalize its capacity for dealing with conflict. This can be done by developing policy governing the handling of conflict, by training officers in administering that policy, by providing appropriate resources to aid them in this task, and by integrating the conflict-management function into daily operations.

***Policy development.** This involves establishing departmental guidelines for situations frequently encountered by the police. Policy should clearly set forth what the department expects of its officers under varied conditions, what goals or satisfactory outcomes they should seek, the degree of discretion they are expected to exercise, and the rights of the citizens involved in the conflict. To develop a sound policy covering such complex issues is a difficult and often lengthy process. What is required is a policy that is "real" — a workable one directed at complex situations. Policy of this type must include a statement of the department's neutral position and a recognition of individual police officer discretion.

***Training in conflict management.** Such training requires a reality-based approach, as discussed in Police Training (see chapter five). The training should provide officers with the ability to identify varying interests and aims, feasible outcomes, visible and hidden powers, and an increased understanding of how "justice" is perceived by varying groups. The most effective training includes role-playing or experiential training, permitting the officer to experience conflict-intervention roles and responses in a laboratory setting.

***Resource availability.** Conflict intervention (and effective management) requires that the department make available to its officers the resources necessary to carry out satisfactory intervention practices. Police conflict roles tend to be emergency ones, frequently requiring emergency response. The first and primary aim is to reduce the danger of violence; the second is to provide preventive assistance; and a third involves case referral. Such referrals, if for interpersonal conflict, may be to a private or public social agency or mental health clinic; if for group conflict, to a helpful third-party service, or possibly to an appropriate volunteer group. Officers should be familiar with such resource information, or at least some central contact that could readily make the needed information available. In addition, the department can help to develop community resources that may not currently be available.

***Institutionalization.** The conflict-management function must be institutionalized if the department's conflict-management capability is to be integrated into routine patrol operations. It is at the patrol level that most conflicts are initially identified, and it is here that emergency aid can best be rendered. Currently most departments tend to handle conflicts as a

crisis response.

EXISTING PROGRAMS

Some departments have institutionalized the conflict-management role through training, the creation of specialized units, the development of effective field procedures, and a comprehensive understanding of conflict intervention. They tend to be departments with few community relations problems, at least in the areas where these programs operate. Some examples:

Dayton: Conflict Management Unit

The Dayton (Ohio) unit has eight sworn officers and five civilians, responsible directly to the chief of police. The officers were selected because they had special rapport with community factions; the civilians were hired to augment the officers' skills. Divided into "talk areas" of public information, conflict identification and youth aid, and community organization, the unit is responsible for identifying problem areas in the community and treating them before they become unmanageable. The staff enjoys great freedom in determining courses of action.

The unit reviews all reports on the use of force, resisting arrest, special incidents, and disturbances. It maintains regular contact with a cross-section of community leaders, street people, and organizations. The unit responds to all incidents of serious conflict, investigating and intervening when necessary, and it also deals with tensions which might lead to conflict: landlord-tenant disputes, poor street conditions, and other kinds of citizen complaints.

In those parts of the city where the Conflict Management Unit has been operating, the number of disturbances and the amount of malicious property destruction have diminished more rapidly than elsewhere. Through early identification and referral, the unit has helped avert numerous criminal and violent incidents. And it has successfully intervened in incidents ranging from employment discrimination to high-school integration.

Georgia State Police: Civil Disorder Technical Assistance Unit

Although similar in objective and method to the Dayton unit, Georgia's CDTA unit is smaller and is focused statewide. Thus its services cannot be as comprehensive. It is composed of three officers assigned full time to the unit, and has no civilian members. Like the Dayton unit, it reports directly to the department's chief executive, the Commissioner of Public Safety.

A CDTA team is sent whenever State Police assistance is requested in a conflict situation. Team members meet with local authorities and community leaders, make recommendations on how to handle the situation, mobilize outside assistance if necessary, mediate or arrange negotiations, and arrange for follow-up after the initial crisis. When not working on crises, CDTA personnel do preventive work, primarily with the black communities of the state.

By 1973 the CDTA had been called into over twenty-five disputes; in none was additional State Police action required. CDTA has helped local authorities deal with race questions, become more sensitive to them, and deal more subtly with racially laden protests.

Massachusetts State Police: Community Assistance Group.

With a bi-racial, police and civilian, male and female staff, the Massachusetts CAG unit is responsible directly to the Commissioner of Public Safety. Although a staff unit of the State Police, its primary relationship has been with local police departments throughout the state.

CAG personnel sometimes operate individually, but a team is sent to most conflict situations in the state — identifying issues, exploring the violence potential, and providing technical assistance to local departments. In addition, the group helps communities identify potential

conflict areas.

* * *

These three programs are examples of police efforts to institutionalize a conflict-management capability. They have provided administrators with greater ability to assess the potential for violence during community conflicts, and, in many cases, have intervened in potentially violent conflicts and de-escalated the level of tension.

As a result of these successes, police administrators should consider adopting a formal Conflict Management Unit, either as part of an existing Community Relations Unit or in place of such a unit. The ability of the department to assess tension levels accurately is most important for community relations programming. The Conflict Management Unit seems a valid means of achieving this objective.

THE CONFLICT MANAGEMENT UNIT

If a department desires to create a formal Conflict Management Unit, a number of guidelines can be offered:

***The unit should be staffed by both civilians and police.** A conflict-assessment and intervention unit requires a broad cross section of viewpoints and capabilities if it is to achieve maximum effectiveness. The combination of civilians (with their non-police perspective) and police officers provides the necessary flexibility, as has been shown in Dayton and in Massachusetts.

***Full use should be made of women and paraprofessionals.** The skills that can be brought to bear on these complex problems by women, coupled with the community understanding of paraprofessionals, makes their utilization imperative. This has been illustrated by the experience of Dayton (Ohio), Oakland (California), Richmond (Virginia), and St. Louis (Missouri). Although unit staffs may be small, provision should still be made to ensure that both women and a cross section of resident cultures and social classes are represented on the staff.

***The unit should constantly assess the level of tension in a community.** Through the review of police reports and local news media, and especially, through continual contact with divergent community groups, the unit should monitor the pulse of the community.

***Unit contact should be the initial response of the department when a protest or major disturbance is detected.** If the assessment skills of the unit are to be effectively utilized by the department, its staff must respond immediately to a disturbance or protest. If at all possible, no police manpower should be committed in such situations until the staff has made its assessment. The experience of Dayton and Oakland has shown that disturbances rarely occur without some type of warning. Since one of the major tasks of the unit is to monitor community tensions with any violence potential, the unit staff must be advised of all such information reaching the department.

***The unit should provide assistance to protest groups before a demonstration.** The right of protest and demonstration is protected by the Constitution; during such actions, the police responsibility is to maintain order and prevent violence. One of the most effective means of achieving this end is for the police to assist protest organizers to prepare for the demonstration. As has been done in Massachusetts, the Conflict Management Unit can assist in training "marshals", can establish communications between protest leaders and those police personnel with field-supervision responsibility, and can even suggest methods of protest that may be equally effective but less potentially violent.

*The unit should be relied upon when decisions are made about the commitment of police force. The unit's expertise in assessing community tensions, coupled with its knowledge of community resources, provides the department with a service it should utilize fully. The unit must be able to communicate directly with field commanders at the highest level. Ideally the unit should be part of the Office of the Chief, so that its personnel can speak with his authority.

*The unit should gain access to non-police resources of value in maintaining order. Since the application of force should be the last resort in the order-maintenance process, the unit must identify groups and individuals who have the ability to assist during times of tension. Regular liaison should then be maintained with these groups and individuals by unit personnel.

*Coordinated by the unit, the department should consider involvement in fact-finding during community disputes. Unless progress is made during times of community dispute, there is often a potential for violence. To move toward rapid and equitable resolution, the unit should be able to engage in fact-finding, or to arrange for a neutral party to do so. Such action can help maintain the image of police neutrality, as well as provide creative, constructive use of police power.

*The unit should provide line personnel with comprehensive training in conflict intervention and resolution. Since unit personnel are the department's specialists in dealing with conflict, they should be relied upon to teach their skills to line personnel in the police academy. Such involvement in training activities enables the department to understand the unit's activities, and provides a forum for discussion of community issues. Through the training process, line personnel should be encouraged to develop their own community contacts, to maintain liaison with image and opinion makers in their own areas. The central unit should serve as a clearinghouse for such information. *

*Unit members should also receive special training in conflict-intervention skills. The department should provide funds for unit personnel to attend workshops and to participate in conferences developing ideas in this new field. Consideration should be given to continuing unit training through organizations such as the American Arbitration Association.

The institutionalization of a conflict-assessment capability in the department, following the guidelines presented above, can provide a foundation upon which further programs can be built. Such a unit in the Office of the Chief can provide a means of continuously assessing police / community relations, can develop new and creative strategies for meeting problems having an impact on that relationship, and can help ensure that police services match the community's expectations. In general, the success of institutionalized conflict-assessment mechanisms has been such that departments should consider replacing the regular Community Relations Unit with a specialized Conflict Management Unit.

GUIDELINES FOR INTERVENTION

Whether or not a specialized unit is formed, there are certain basic identifications that the department should make when responding to conflict. They are: 1) the parties involved, 2) the apparent causes of the conflict, 3) a means for establishing police neutrality, and 4) goals for police action. These determinations will enable a police department to form an "intervention strategy." For minor conflicts (those handled by one or two patrolmen) the procedures that officers will follow can be established through training. For major conflict, the entire department — through its policy and decision-making processes — will have to become involved in the following steps:

*It is crucial, of course, that unit personnel not gain a reputation for "elitism". Departmental resentment can result from the creation of this or any other kind of specialized unit.

Identifying the Parties

The first step in conflict intervention by the police is to determine the parties involved in the dispute and how they evaluate the situation. A number of questions should be asked:

- * What is the relationship of the conflicting parties?
- * Who is the spokesman for each side?
- * Who are the decision-makers on each side?
- * Have these parties ever been in conflict before?
- * If so, what was the outcome?
- * Is there a relationship between them which must be preserved?
- * What are their expectations about police intervention?
- * Are there others, present or not, who might assist or hinder the police?

Determining the Causes of Conflict?

Once the participants are known, the police must become informed about the issues and events which led to the conflict. Confrontations rarely occur spontaneously; usually they are the result of gradual build-up. The police must — often within a few minutes — peel away many layers to learn enough for effective intervention. To do so, they should ask themselves:

- * What do the participants see as the real issues?
- * Which of these are not real issues, but rather tactical bargaining stances?
- * When were the real issues perceived by each side?
- * Is the conflict part of a larger plan by the disputants?
- * What would constitute conflict resolution in the opinion of each side?

Establishing Police Neutrality

If either party regards the intervening officers as biased, the conflict-management role is jeopardized. Police can establish their neutrality by emphasizing it on arrival (and repeatedly thereafter) and by attempting to calm the situation while promoting communication between the two sides. It is important that the level of emotion be reduced, so that serious discussion and fact finding can take place. There are, however, a number of obstacles to overcome. The officer's personal background or ideology may interfere; elected officials may constrain police choice by limiting their response; or one or more of the conflicting parties may be overwhelmingly hostile to the police.

Establishing neutrality may therefore be difficult, but it is essential — unless the police department intends to assume the role of social activist. This can indeed be a legitimate role for the police. Oakland's landlord-tenant unit sees its responsibility as siding with the tenant: advising him of his rights, helping him develop strategies for dealing with his landlord and attempting to make his power equal to that of the landlord. The premise underlying this kind of conflict management is that violence tends to result when disputing parties have unequal power. Disputes can usually be handled peacefully if the power is roughly equal, and the police may have a legitimate role in seeing that this is the case — by siding with the weaker party when that is necessary.

Outlining Goals for Action

Once they have acquired the knowledge on which to base decisions, and have established a position from which to make them, the police must ask: "What outcome do we want? What is the first priority — enforcement of the law, maintenance of order, protection of individual rights? After calming the tensions, what steps must follow to prevent a recurrence of hostilities?" These are difficult questions, but a strategy can be based on the conclusions reached.

SPECIALIZED PROGRAMS FOR INTERVENTION

When a community experiences a conflict problem requiring police attention, the department may find it helpful to adopt a special program to confront that problem. A number of programs worthy of consideration have been undertaken in handling family disputes, protests and demonstrations, neighborhood disputes, and school unrest.

The Family Dispute

Approximately one-third of all homicides — and an even larger proportion of assaults — result from family disturbances. Although a large number of police injuries occur during intervention in such disturbances, officers are rarely trained in intervention tactics, nor provided the resources for helping the parties in a family conflict to solve their problems. Far too often, an officer arrives with a hostile attitude toward the disputants — who in turn react negatively to his interference. The result may be injury to the officer or the disputants, or a second call to the same address because the conflict has resumed. A specially designed Family Crisis Intervention Unit (FCIU) may be trained to deal effectively with these problems.

Both New York and Oakland have established units skilled in family-crisis intervention. The organization of such units differs, but the goal remains constant: the creation and maintenance of a family-conflict intervention capability. Whether responsible to the patrol bureau, a violence-prevention unit, or both, the FCIU responds to all family disturbances in its jurisdiction.

Objectives. A Family Crisis Intervention Unit is being designed to: 1) improve the field officer's capability for handling family conflicts in order to reduce injuries, prevent crime, and provide early detection of family problems; 2) develop innovative approaches for intervening in family disputes; 3) develop a network of community referral services among health, welfare, family counseling, legal, and employment agencies; and 4) refer the involved parties to the appropriate agency and follow up the services received.

Recommendations. Experiences of established FCIU units indicate the following:

***A formal structure is desirable for the family crisis intervention unit.** Not only will members of the unit gain the requisite experience for handling family conflict, but the unit will be recognized and called upon by community residents once its reputation is established.

***Members of such a unit should perform other police duties as well.** It is important for the officer on family crisis duty to be involved in all aspects of department activity in his district. This prevents alienation from fellow officers and keeps him in contact with community events that may bear on family problems.

***Special training for such a unit is advisable.** Patrolmen in New York believed that their training in psychology and role-playing was invaluable. Moreover, they benefited from the opportunity to discuss specific cases with advisors and colleagues. The problems and the number of possible responses in family disputes are so great that structured training is necessary to help the policeman in his work.

***The unit should identify community referral sources for family disputes.** Even with specialized training, the officer cannot be expected to handle all the problems that may arise in a family conflict. It is important for the police to enlist the help of community resources to ease the policeman's responsibility and assist the parties involved.

***It is advisable to provide follow-up for disputes handled by officers.** Follow-up can determine whether the officer was effective in helping the parties resolve their differences, and whether the referral agency has been contacted and is providing the necessary help. If the proper steps have not been taken, the department can make additional efforts. Thorough follow-up may prevent the problem's recurrence.

***Since the skills developed by FCIU officers are of a value to all officers, members of the unit**

should be involved in training programs. This policy is advisable for two reasons: first, because police are often more receptive to fellow officers than to outside instructors; second, because unit members have experience that they alone can share. Training fellow officers makes good use of their time and benefits the department as a whole.

Protests and Demonstrations

By focusing on crucial social issues — such as race, poverty, and war — protests and demonstrations present an undeniable challenge to the policeman's neutral role. Nevertheless, despite personal conviction, the police must protect the right of protesters to express their ideas on these issues.

New York City has helped organize a Demonstration Observation Program which — although not a department project — is sponsored in conjunction with the police to provide neutral, third-party observers at every protest situation in which the police may be involved. And, as we have seen, Dayton and the Georgia and Massachusetts State Police have built into their conflict-intervention units a capability for handling protests.

A Neutral Observers Project may be operated by an independent community organization, but it must receive full cooperation from the department, which can be the prime beneficiary of its activities. Observer reports should be available to the department, to city officials, to the media, and to interested citizens — including the involved protest groups.

Objectives. A neutral observers program is designed to: 1) place neutral, official observers at the scene of every demonstration to deter demonstrators, police, and other parties from engaging in inappropriate behavior; and 2) provide an unbiased report to all parties — protesters, city officials, and the public — of excesses by any of the parties and to cite instances of commendable behavior.

Recommendations. Because dealing with protests is so complex, the department should undertake several activities aimed at preventing conflicts between police and protesters, while increasing public confidence in the department. These activities should include:

***Written policy to detail the police response to protest activity.** This policy should articulate the police responsibility and that of the protest leaders, both before and during the protest, and the appropriate police response to various situations.

***Written policy emphasizing the importance of treating all protest equally.**

***Provision for contacting the leaders of up-coming protests, to recommend procedures for avoiding violence and establish liaison between the police and protesters.** If protesters are familiar with existing statutes and the job of the police, they are more likely to be responsible in their actions.

***Measures for providing protesters with materials on their legal rights and duties and for arranging the private and public assistance necessary to maintain peaceful protest.**

***Neutral observers for every protest activity in which the department becomes involved.** Observers serve the best interests of the police, the protesters, and the community. They can provide information useful in improving the department's ability to handle protest, and their reports may help prevent the police response from becoming a public issue.

***Publication of the observers' reports.** Unless this policy is followed, suspicion and criticism of police and government officials will increase rather than diminish.

***Thorough investigations of reports that might require disciplinary action.** This is important for demonstrating a commitment to good policing, and for taking action against officers who are violating department policy.

The Neighborhood Dispute

Neighborhood disputes generally arise from issues considered civil matters, but they may require police attention because of their violence potential. A landlord may evict a tenant, who

in turn, feels he has been abused; a consumer may find his TV set repossessed by a furniture company and conclude that he has been cheated.

Policemen are generally untrained for handling such conflicts. An officer unfamiliar with landlord-tenant law might enforce a general but unrelated statute — and not only do nothing to settle the dispute, but become involved himself. Or he may tell the parties that their differences are not a matter of police concern — only to return a short time later when a violent act has been committed.

The Dayton Conflict Management Unit, for example, has trained its officers to respond to neighborhood dispute calls as part of their overall function. Similarly, Oakland has established a special unit to deal exclusively with landlord-tenant matters.

Objectives. Programs dealing with landlord-tenant problems generally are designed to: 1) prevent the escalation of neighborhood disputes into serious criminal offenses; 2) help the involved parties resolve their differences; and 3) enforce any statutes that may be violated.

Recommendations. Most programs dealing with landlord-tenant problems have recognized that:

*It is increasingly acceptable for the departments to concern themselves with consumer laws. Dayton and Oakland discovered that many potentially violent conflicts revolved around these issues and required police response. Officers can play an important preventive role.

*It is important that officers understand that their role in neighborhood disputes involves more than a strict enforcement of the law. Officers can be trained to handle neighborhood disputes by mediating between the parties, by providing information that can resolve differences, or by referring the parties to agencies equipped to help settle the dispute.

School Unrest

Police are increasingly being called upon to intervene in our nation's schools and campuses. Upon arrival, they are usually expected to maintain order and to enforce the law — as described by school administrators. As a result, the police often become the focus of the disorder, and the issues over which the conflict arose are frequently forgotten in the ensuing police-student confrontation.

The Dayton, Massachusetts, and Georgia school-response programs are built in the Conflict Management Units. Their staff members attempt to establish relations with young people, meet with all the parties in a conflict, and to use resources both within and outside the school for finding problem solutions.

The New Orleans School Conflict Resolution Team (CRT) is an intergovernmental unit which works in schools experiencing actual or potential conflict. It seeks to help students, parents, teachers, and administrators deal with explosive problems before violence erupts. There are four team members, one of whom is a sworn police officer. The team works in two high schools, with a psychologist serving as team coordinator.

The New Orleans CRT has developed a prevention and crisis model for school conflicts. Its members work to establish communication in the school community, to meet with organizations and key leaders, and to familiarize themselves with the schools. If there is a rumor of impending violence, the team meets with students, administrators, and whoever else is involved. These meetings attempt to open lines of communication, to keep a dialogue flowing, and to involve the parties in seeking solutions to the problem. When summoned to an already-existing crisis, the team serves as a fact-finder, communicator, and mediator, seeking to make negotiations possible.

Objectives. School unrest programs should be designed to: 1) help bring about constructive change in the schools while preventing violence; 2) help all parties to the conflict — students, parents, faculty, and administrators — to resolve their differences; and 3) develop alternative school-conflict responses, other than merely restoring order.

Recommendations. Based on the above experiences, the key factors to consider when dealing with school unrest are:

*The police should avoid replacing the original issue as a focus of student grievances. In many situations, school officials are too eager to call in the police, rather than to deal with the problems themselves. It is imperative for the police to maintain a neutral posture. They should act to restore order with a minimum of force and confusion.

*It is important to establish and maintain communication with student leaders during a dispute. Many student-police conflicts can be prevented in this way. Experience in Georgia has indicated that police-student interchanges have enabled the police to help the entire school community resolve its problems.

*Officers assigned to schools should attempt to maintain access to the school administration at all times. Again, an open communication channel is crucial for preventive policing and for avoiding unnecessary actions.

*The department should establish a special referral unit, or otherwise provide its officers with the resources to help youths with problems. Many youth problems that culminate in disorderly school behavior are created by circumstances outside the school. The policeman is neither a social worker nor a medical professional, yet he can identify the need for outside assistance, and can make it available to students needing help.

SUMMARY

These are the major approaches that have been adopted by police departments for managing conflict. More important than any specific program, however, is the orientation to community problem-solving that these departments have displayed.

A successful conflict-management approach to policing requires the department to perform a continuing assessment of conflict situations. The department must then respond creatively to the problems having a major impact on police / community relations. Whether the problem is school unrest or racial tension, once the department has recognized that the problem is serious, goals for action can be developed and a specific program adopted. A "program", in this sense, is little more than selecting from the range of alternatives for police action. If the department recognizes that the police have great flexibility and discretion in their actions it is more likely to make an appropriate selection — one that best suits the situation at hand.

APPENDIX A

ASSESSING POLICE / COMMUNITY RELATIONS

Candid, thoughtful consideration of the following questions will assist the police administrator in assessing the multiple relationships among department members, his professional and community associates, and the general public. The first group deals with the environment of law enforcement in the city; the second with determining both community and departmental levels of tension.

The Environment of Law Enforcement

1. Has the city council frequently involved itself in controversies concerning the police department?
2. What is the interest level of the city council in the police department? Is it generally favorable, generally unfavorable, or largely indifferent to the department?

These questions indicate the support the department has from the political structure of the city. That political perceptions may be inaccurate cannot be cause for the police administrator to disregard them — especially since they so often reflect perceptions of the community. A knowledge of how the department fares in the minds of political opinion-makers is important for corrective action.

If political perceptions are inaccurate, the department should consider special efforts to correct them, such as briefings, activity reports, or position papers on major problems. The department must recognize, however, that attitudes (both among politicians and the public) are frequently based upon some controversial action the department has taken in the past.

3. Do citizens often bring complaints against the department before the city council?
4. What type of complaints are most often leveled against the department?
 - a. Slow response time
 - b. Unnecessary use of force
 - c. Improper arrests
 - d. Lack of courtesy
 - e. Poor investigation
 - f. Other (specify)
5. Do citizens bring their complaints to the city council because they get no satisfaction from the department...
 - a. because they feel the department would not make a full investigation?
 - b. Or because they're unfamiliar with proper channels for registering complaints?

These questions can indicate the department's level of support and whether the citizens are satisfied with police services. If citizens are unaware of the complaint procedure, or if they have little faith in the department's willingness to investigate, the department must make every effort to follow through on complaint and make the complaint-processing system highly visible. By reviewing the types of complaints leveled against the department, the administrator can pinpoint which areas of training and discipline need additional emphasis.

6. Have community groups in high-crime areas established "citizen patrol" teams because they feel police protection is failing?
 - a. If such groups exist, does the department work with them or does it resent the intrusion?

When citizens take policing into their own hands, they believe something is radically wrong with existing services. However, if the functions of a "citizen patrol" are coordinated with regular police services (through a neighborhood police auxiliary, or through active liaison)

they can prove to be an asset both to police and to the community, for they offer the opportunity to utilize citizen concern constructively.

7. In the event of a community crisis, are there people or groups to whom you can go for aid in calming tensions or dispelling rumors?

The existence of community resources to assist police in times of crisis can prevent the escalation of tensions and contribute significantly to increased police and community understanding. Policing is both a police and a public responsibility. When large-scale disruptions occur, it is almost impossible for the police to restore order by themselves. If police-community relations are not good, the police will have to stand alone and run the risk of further alienating the community.

8. Does the police administration have access to local sources of private money (foundations, chambers of commerce, etc.) to finance an important community relations effort when city or federal funding is lacking?
9. Does your city have a private organization that provides benefits to the families of police officers killed in the line of duty?

A "yes" response to these questions would indicate an important type of support for the department. Such support can prove invaluable to the department in time of crisis. If the local "power structure" can be involved financially, the department may be able to avert further escalation of tensions by directing non-police resources to troubled areas of the city.

The News Media

10. Have the local news media recently taken editorial positions critical of the department's policies or operations and what were the issues?
 - a. Unnecessary use of force?
 - b. Improper arrests?
 - c. Lack of courtesy?
 - d. Rising crime rates?
 - e. Racial imbalance in personnel?
 - f. Police corruption?
 - g. Other?
11. Is your department frequently the object of calls to local radio or television "citizen talk shows?"

The answer to these questions can indicate your departmental image and point to actions that are creating resentment within the community. If media criticism is based on disagreement with department policy, the department should be less concerned than if it is based on inaccurate perceptions. Should the latter be the case, the department should consider the need for a more open press relations policy.

The Changing Urban Environment

The job of policing becomes increasingly difficult in a time of rapid social change, because the public has changing expectations of police performances. Conflict between different cultural groups, especially in congested urban areas, makes it imperative that police be sensitive to different life-styles and that they make every effort to insure that their practices are not misunderstood.

12. Are there areas of your city where, due to either population density or culturally biased behavior, people congregate on street corners and stoops during warm weather?
13. Are recreational facilities lacking in some sections of the city, thereby forcing youth to congregate on street corners?

14. Do certain areas of your city experience conflicts between roving gangs of youth?

These questions indicate an environment in which police officers operate with an above-normal chance for escalating conflict. Police must give special attention to these areas, be especially sensitive to prevailing attitudes, and establish regular communication with local opinion leaders.

15. What percentage of your city's population is from minority groups?

16. Are these groups concentrated in certain areas of the city?

17. Do these groups have representation in the local government (i.e., elected officials, municipal employees, etc.) in proportion to their numbers?

It is important that the cosmopolitan nature of a city be reflected in its public agencies. If minority or cultural groups feel alienated from the city government, they are likely to vent their hostilities on the most visible part of that government — the police department.

18. Are the spokesmen for minority groups in your city openly critical of the police department?

19. Have there been political power struggles among disenfranchised groups in your city?

20. Do normal city tensions, minority — group problems, and rumors about political struggles hold the threat of violence in sections of your city?

These questions can indicate the problems your department is likely to encounter when dealing with minority-group members. It is advisable for police administrators to maintain regular communications with spokesmen for those groups.

21. Has there been racial tension within the police department in recent years?

22. Have there been incidents at roll call or over the police radio in which racial slurs or political comments have been made by police officers?

Police agencies frequently reflect the composition of the community. However, the department can not hope to deal effectively with racial tensions within its community when similar tensions pervade the department's ranks and affect its performance. If racial slurs, bias in assignments, or other racial practices persist (or are perceived as persisting), the internal conflict likely to erupt within the department will have a negative effect on police / community relations.

The Department Administration

23. Is there a formal procedure within the department for handling citizen complaints?

24. Are investigation results available to interested community residents?

25. Does your complaint procedure incorporate a means of appeal beyond the police department?

The existence of a formal complaint mechanism is necessary to establish accountability. In times of crisis, or at any time when the police must take controversial actions, the department's willingness to be open about the complaint-investigation process will have a direct bearing on citizen confidence in the actions. When an open complaint process is absent, there is increased potential for escalating controversy. Failure of the department to maintain an open system is also indicative of police defensiveness — the basis of many community relations problems.

26. Do most arrests for disorderly conduct and resisting arrest occur in certain areas of the city?

27. Do minority-group members account for the majority of those arrested on such charges?

Arrests for disorderly conduct and resisting arrest are good indicators of conflict between individuals, community groups, and the police. As indicators, these types of arrests are even more significant if most of them occur in highly congested areas of the city. In such cases, the

potential for escalating violence is a factor with which the police must continually be concerned. Generally, departments having significant numbers of these types of arrests should consider special programs to reduce them.

Service Demands by Type and Area

28. Does the department's response time to calls for service vary with the type of call?

29. Does the department's response time vary significantly in different sectors of the city?

Response time is a frequent factor in citizen complaints against the police. Because it is so influential in determining public attitudes toward the police, a department's response time should be reviewed frequently, to ensure that variations reflect publicly-set priorities and not location. While it is not necessary that all calls be answered with equal dispatch, the department can be open to severe criticism if variations occur according to neighborhood.

30. Are citizens usually willing to cooperate with the police when asked to testify in court?

31. Does the number of resisting-arrest complaints filed by your officers constitute more than 3 per cent of total arrests for a year?

32. Do your police officers encounter hostile groups of onlookers when responding to disturbance calls in certain areas?

33. Has there been a rise in the number of assaults on police officers in recent years?

34. If so, have these assaults been concentrated in certain areas of the city?

35. Have some patrolmen, although working the same areas as others, been the object of more frequent assault?

These questions indicate the degree of recognition for police authority. Resisting-arrest incidents indicate problems between certain citizens and the police department — or individual officers. To pinpoint the problem further, a correlation should be made between resisting-arrest complaints and the individual officers involved, to determine whether those officers represent a disproportionate share of such actions.

**APPENDIX B
SELECTED POLICE POLICIES**

CAMBRIDGE, MASSACHUSETTS POLICE POLICY MANUAL

USE OF FORCE : WEAPONS

I. Policy

The Police Department is given special powers to use force by physical means and by firearms and other weapons. With the rapid growth of the country's cities, private citizens have increasingly entrusted to law enforcement agencies their rights to use violent force. Not to have done so would have continued and perhaps made worse the lawlessness and general violence which was common before the appearance and growth of metropolitan police departments.

The stakes for the proper execution of the responsibility to hold weapons and use them only with restraint and when necessary are very high. Abuse by police officers of the use of force violates the trust the public has given to the police and leads citizens injured or offended by such abuse to revoke that trust. Once this happens, people increasingly take matters into their own hands and dispense force and violence themselves. Such a situation has disastrous consequences for the peace of any modern, civilized community.

No other area of police work is so sensitive as this or as important to the implementation of the Department's peace keeping mission. In no other area is the exercise of sound judgment by the individual police officer and conformity to Departmental policies and procedures more necessary.

II. Guidelines and Procedures

A. Firearms

1. Use of firearms in particular situations — A police officer is to:
 - a. Use only the minimum amount of force which is consistent with the accomplishment of his duties, and exhaust every other reasonable means of apprehension or defense before resorting to the use of firearms.
 - b. Never discharge a firearm in the performance of his duties except under the following circumstances:
 1. To defend himself or another from attack which the officer has reasonable cause to believe could result in death or serious physical injury.
 2. To apprehend one who has committed or attempted to commit a felony in the officer's presence, providing that the felony involved an actual or threatened attack which the officer has reasonable cause to believe could result in death or serious bodily injury.
(Note: If the felony described above is not committed in the officer's presence, he is to have sufficient information to know **as a virtual certainty** that the suspect has committed the felony.
 3. To kill a dangerous animal, or an animal that is so badly injured that humanity requires its removal from further suffering.
 - c. Never use firearms to fire a warning shot, or in cases involving only misdemeanors.

2. Reports

- a. Whenever he discharges a firearm, except when practicing with it, submit as soon as possible afterwards a written report on a 650 to his commanding officer.
- b. Include in the report:
 - (1) The names of the officer and other persons concerned.
 - (2) The circumstances under which the firearm was used.
 - (3) The nature of the injury inflicted, if any.

**DAYTON, OHIO POLICE POLICY
FIREARMS POLICY**

Ohio Statutes limit police officers to the use of MINIMUM force to effect an arrest. MAXIMUM, or DEADLY force, through the use of firearms is to be used ONLY after ALL other reasonable means have been exhausted. Deadly force is NEVER to be used on mere suspicion that a crime, regardless how serious, has been committed or the person pursued committed the suspected crime.

I. Regulations

- A. An officer is NEVER to fire at ANY person, animal or thing whenever substantial danger exists of striking innocent bystanders.
- B. An officer is not to discharge firearms in performance of his duties, except under the following circumstances, and then ONLY after ALL alternatives have been exhausted.
 1. When it becomes ABSOLUTELY necessary to protect himself, or other persons, from death or great bodily harm. Where a SUBSTANTIAL risk exists that the person sought will cause death or great bodily harm if his apprehension is delayed.
 2. To effect the arrest of a person who has committed a serious felony such as MURDER, RAPE, ROBBERY, ARSON, or BURGLARY in the commission of which there has been the use, or threatened use of deadly force, or to prevent the escape of such felony suspect or to recapture such a felon while attempting to escape.
 3. An officer is to have witnessed the crime or have sufficient information as to know, to a virtual certainty, that the suspect sought committed an offense for which the use of deadly force is permissible.
 4. To kill a dangerous animal, or one so badly injured humanity requires its removal from further suffering.
 5. For target practice at an approved target range.
- C. Firearms are not to be discharged in the following situations:
 1. As a warning shot
 2. At moving or fleeing vehicles EXCEPT as provided for in "I," paragraphs B-1, 2 and 3 above.

II. Reporting Procedure When Firearms Are Discharged

- A. When a member of the Department of Police discharges a firearm, accidentally or in the performance of a police duty (other than on an approved target range), he is to act in the following manner:
 1. Make a verbal report to the member's on-duty supervisor, immediately, or as soon as time and circumstances permit. This report is to be no later than the conclusion of the current tour of duty. When the officer's commanding officer is not on duty at the time of discharge, the officer is to notify the ranking officer on duty at the time.
 2. A Special Report, containing a detailed account of the incident, is to be submitted through channels to the Director of Police.
 - a. On-Duty officers are to submit this report prior to the conclusion of the tour on which the incident occurred.
 - b. Off-Duty officers are to submit this report as soon as circumstances permit, but in no event later than sixteen (16) hours after the incident occurred.
 - c. In the event the member who discharges a firearm is physically incapacitated or fatally injured during the tour and incapable of submitting this report, it is to be the responsibility of the member's supervisor to submit as complete a report as possible pending further departmental investigation.

B. Investigation by Supervisor or Command Officer

1. Each incident where a firearm is discharged (target range excepted) is to be thoroughly and personally investigated by the discharging officer's immediate supervisor. When the immediate supervisor is not on duty, the investigation is to be conducted by the ranking command officer who is on duty at the time of the incident.
2. After conducting a thorough, ON SCENE, investigation of the circumstances surrounding the incident, the investigating supervisor is to submit a detailed Special Report to the Director of Police, independent of other reports required by this order.
3. The investigating Command or Supervisor officer's report is to contain all observations and conclusions reached as to whether the discharge of the firearm was justified and within the provision of this order.

C. Accidental Discharges

III. Firearms Committee

A. A committee is hereby established for the purpose of reviewing the circumstances surrounding each incident where a member has discharged a weapon, (target range excepted).

The membership of the committee is to be as follows:

1. The Assistant Director of Police or his designate is to be the chairman of the committee.
2. The Commander of the Bureau, Section, or Unit where the discharging officer is assigned.
3. One Supervisory officer of the member who discharged the firearm.

B. Convening of the Committee

The committee is to be convened by the chairman within a reasonable time after the report of a firearm discharge has come to his attention, but not before ALL investigative reports are in his possession.

C. Authority of the Committee

1. The committee is authorized to review the circumstances attending each discharge of a firearm, except on an approved target range. In the event the committee's review indicates a violation of the provisions of this policy, they are to make recommendations for disciplinary action to the Director of Police.
2. The Director is to have final authority in all disciplinary actions, and may follow the committee's recommendations or disregard them and make his own independent decision.
3. The committee is to make recommendations for modifications of this policy when deemed necessary. These recommendations are to be made to the Director of Police. Any suggestions, coming from anywhere within the Department of Police, for changing or modifying this policy are to be reviewed by the Firearms Committee and then passed on to the Director for his consideration and evaluation.
4. The committee is to be charged with recognizing when there is a need for training in connection with this policy and the implementation thereof. If they recognize a need for such training, they are to make recommendation to the Director.

IV. Firearms and Ammunition

A. Carrying of Sidearms

1. On Duty

- a. While on duty, first line supervisors and patrolmen are to carry ONLY blue steel, double action, Smith & Wesson or Colt revolvers, capable of firing .38 caliber police special ammunition. Barrel length is not to be more than six (6) or less than four (4) inches for uniform personnel, and not less than two (2) inches for

plainclothes members.

b. The above revokes and rescinds Rule 50.60 of the Rules and Regulations.

c. The above revokes and rescinds Section 6-3.9 of the Manual of Procedure and Rule 50.42 of the Rules and Regulations.

B. Auxiliary Weapons

1. Normal Conditions

The only auxiliary firearms permitted in departmental vehicles or carried by on-duty personnel are to be weapons which have been approved by the Director of Police.

2. Emergency Conditions

The ranking command officer at the scene may, if necessary, and after conferring with other command officer when possible, authorize the assignment of auxiliary firearms.

3. General Order 15-70 is hereby rescinded.

V. Firearms Qualifications

A. In order that the Department meets its responsibility to the public, it is necessary that a firm policy be established with regard to firearms training and qualifications. Officers who have not displayed minimal competency with their weapons will not be authorized by the Department to carry firearms. The following standards have been developed to insure proper firearms competency.

B. Every sworn officer is to undergo a minimum of two (2) regularly scheduled firearms training sessions, under the direction of the Academy Range Staff, per year. A third session is to be held for purposes of qualifying to carry a firearm.

C. Qualification Requirement

1. In order to qualify to carry a sidearm, an officer is to, ANNUALLY, score a minimum of 60 points on the Practical Pistol Course.
2. An officer who fails to achieve a minimum of 60 on his qualifying round is to report to the range at the discretion of the Range Instructor for appropriate additional firearms training.
3. An officer who has not achieved a qualifying round of 60, is to be considered not qualified for purposes of this General Order and is to be required to comply with the provisions of this order with respect to additional firearms training and qualification.
4. Upon completion of a course of instruction to be developed by the Range Instructor, an officer is to fire for record in order to qualify to carry a weapon. The additional training and firing for record is to be completed within thirty (30) days. Any officer unable to qualify is to be considered incompetent to carry a firearm. After investigation, departmental action may include, but is not limited to, suspension from duty until such time as he qualifies or the filing of charges against the officer for incompetency.
5. Consideration is to be given to those officers who cannot fire a qualifying score because of medical handicaps. If the handicap is permanent, a decision is necessary to determine if the officer can continue in service; if the handicap is temporary, a range of alternatives can be utilized to continue the officer in service.
6. It is to be the responsibility of the Criminal Justice Center Range Staff to give notification to the Division Commander AND the immediate supervisor of any officer who fails to qualify. It is to be the responsibility of the immediate supervisor to initiate investigative action when an officer does not qualify and submit a report to the Director.

To assist the Director of Police in accumulating information for a decision, a board of officers designated by the Director are to be convened to review the circumstances and submit a report of their findings. The board is not to be continuous, but is to be convened when the necessity arises.

7. The Criminal Justice Center Range Staff is to schedule training and qualifications sessions; and each member of the Department is to attend his scheduled sessions.

NEW ORLEANS, LOUISIANA POLICE POLICY

POLICY ON USE OF FIREARMS

1. This regulation sets forth the Department's policy on the use of firearms by employees of the Department. Guidelines established herein shall be applied by superior officers and by the Superintendent when making evaluations and judgments in all cases involving the use of firearms by employees of the Department.

2. Deadly force is that degree of force which is likely to cause death or serious bodily harm; the discharging of a firearm in the direction of any person constitutes the use of deadly force, even if there is no intent to kill or to cause serious bodily harm.

3. Deadly force is not permitted against misdemeanor or ordinance violators. However, officers are permitted to use any necessary force, including deadly force, to protect themselves or other persons from great bodily harm; in such cases it is immaterial whether or not the attacker has committed a felony, a misdemeanor or any crime at all prior to the attack against which force is used.

4. Warning shots shall not be fired for any purpose.

5. The use of deadly force shall be restricted to the apprehension of perpetrators, who in the course of their criminal actions threaten the use of deadly force or apprehensions when officers believe that the person whose arrest is sought will cause death or serious bodily harm if his apprehension is delayed.

6. Deadly force shall not be used on mere suspicion that a crime was committed or that the person being pursued committed the crime. An officer should have sufficient information to know, as a virtual certainty, that the suspect committed an offense for which the use of deadly force is allowed.

7. An officer should not fire at felony suspects when lesser force can be used, when the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force or when there is substantial danger to bystanders. The requirement of using lesser force, when possible, is a legal rule, however, the other limitations are based on sound public policy. To risk the lives of innocent persons for the purpose of apprehending a felon cannot be justified.

CAMBRIDGE, MASSACHUSETTS POLICE POLICY MANUAL

DEMONSTRATIONS

I. Policy

The problems posed by public demonstrations are basically similar to the problems which police officers face in other areas of field operations. Essentially, the challenge which arises in both situations is how to balance the rights of the actors — in this case the First Amendment rights to free speech, to assembly and to the petition of government — and the rights of the public — here the rights to free movement, privacy, and freedom from violence. In the demonstration situation, the right of both the actors and the non-actors are fundamental, and as a result one set of rights cannot be allowed to dominate the other.

The vitality and permanence of our national institutions depend upon the expression and demonstration of ideas and the protection of the right to express and demonstrate such, even if the ideas are bitterly unpopular. Although in the pressure of the present it is easily forgotten, it is important to keep in mind in this context that many of the ideas which are accepted today as central to our way of life were once considered radical and subversive by many Americans. But if it weren't for the protections of speech and the right to demonstrate, such movements as the drive to outlaw slavery and the achievement of rights for workers to organize unions and to bargain collectively would have been snuffed out by the parties then in power. However, the same vitality and permanence of our national institutions are threatened when demonstrations, regardless of the desirability of their cause, are left to run a violent course without restraint. From them, chaos can develop in which no rights are respected. In the end it is likely that not even the rights of the demonstrators to continue demonstrating would be respected due to vigilante action taken against them by private parties enraged at their activities.

The police role in demonstrations is, literally, as the middle man. It is up to the police as agents of the law to inhabit the zone between the demonstrators and others present. The police guard and protect the rights of the participants, just as they remain ready to respond to the breach of non-demonstrators' rights. The police commitment is equally great to both parties. Both are part of the public, and only by protecting the demonstrators as well as the property owners and uninvolved citizens is "the public" actually served.

The tough questions for policemen come when something more than speech is involved in the protest and the added factor threatens the rights of free movement or privacy of the people in the area. For example, a parade, a group of pickets, or in a large street meeting, may, unintentionally, or sometimes intentionally, prevent other people from getting in or out of their businesses or homes, or simply stop them from walking or driving through the area. Or, the demonstration may be loud and at a place or time where some persons would rather sleep or read or work without being disturbed. Under the American system, the rights of free speech and assembly are so important that some incidental interference with the free movement or privacy of non-demonstrators is permitted. But there are demonstrations which become illegal because of excessive interference with rights of others. Where two legitimate rights conflict, there are no simple solutions.

But it is right that there should be no simple solutions. Police work in a totalitarian country is all quite simple: the police carry out the commands of who is in power and the objections of all others are just ignored. In a democratic country, however, other considerations enter, namely, people's rights, regardless of who is in power. And it is just this difficulty of serving competing rights that is the American law enforcement officer's claim to professionalism, for only persons specially trained and supervised and possessing a rare sense of fairness and balance can be expected to execute this responsibility consistent with democratic principles.

II. **Guidelines.** In a demonstration a police officer is to:

A. **Remain neutral.** Give precisely the same treatment to demonstrators whose cause is obnoxious to him and to the vast majority of the people as those whose cause is nationally popular. Once the officer's objectivity is lost or even **appears** to be lost, his presence at a demonstration may increase tensions and make the police task even more difficult.

B. **Enforce the law.** That a demonstration is involved does not mean that violations of the law should be ignored by the police.

1. **Violent conduct.** Where a demonstrator uses physical violence upon another person or property, promptly make arrest — except in rare circumstances.

DAYTON, OHIO POLICE POLICY

MAINTENANCE OF ORDER (DISORDERLY GROUPS)

I. Purpose

One of the more difficult problems confronting our Department has involved the question as to the proper approach we should employ in dealing with situations potentially threatening to the community which have not yet escalated to the level of a civil disturbance. Typically, officers are confronted with groups of people who are congregating in the street who may be making loud noises, starting small fires, and interrupting the flow of traffic. Officers face a very difficult task in trying to deal with this type of problem, as improper tactics may result in the development of a more serious situation. Officers are placed in the difficult position of trying to assess the situation from the perspective of preserving community order, as well as consider the nature of violations which may be occurring.

These guidelines have been developed in order that the Department may better cope with the problems presented in situations such as those outlined above. Members from all levels of the Department have directly participated in the development of this policy; and much thinking from various viewpoints has been included.

It is important that it be understood that future experiences will require a constant re-examination of these guidelines, and improvements and modifications will certainly be made. Officers assistance in this process is vital in order that appropriate policies are promulgated.

II. Departmental Objectives

The Department of Police has the following objectives to achieve to the best of its ability in a potentially threatening situation involving groups of people. These objectives reflect the relative importance of competing interests in disorderly situations and are rank ordered below.

A. **Protection of life** — Officers have an obligation to protect the lives of **all** persons in the community. This is particularly true in situations of mass disorders where the lives of innocent persons are placed in jeopardy.

B. **Maintenance of order** — Officers should try to preserve the peace and decrease the likelihood that disorder may develop when dealing with potentially disruptive situations. Officers should determine appropriate responses to problems presented by such situations after having considered:

1. Will an enforcement action accelerate the likelihood of community disorder?
2. Will not taking enforcement action accelerate the likelihood of community disorder?

C. Officers have an obligation to protect property and make apprehensions of persons violating property rights when it is possible to do so without placing the lives of innocent persons in danger or increasing the likelihood of public disorder.

III. Policy

Patrolman responsibilities — The first crew arriving at a scene where roving youths are congregated has the following responsibilities:

A. Park cruiser and take up an observation post rather than immediately approaching the scene.

B. Analyze the situation and notify the dispatcher as to the following types of information:

1. Size of crowd.
2. Nature and number of participants as opposed to observers.
3. Try to determine the group's origination and probable destination.
4. Determine probable age of participants.
5. Attitude of crowd and participants.

6. Nature of area (e.g., business area, school, residential neighborhood).
- C. Decide what action should be taken.
1. Where there is no specific complainant nor observed serious violation of law, observe the situation discreetly.
 2. Where there is a specific complaint and where it is determined that the crowd is not seeking to engage in violence or destruction, the officer should attempt to talk with group members about the nature of the complaint. Efforts should be made in a positive manner to defuse the problem. An officer should be careful to advise the dispatcher, prior to entering a crowd, of his decision to mingle with a group. Officers should also consider calling upon Conflict Management personnel for assistance in these problems.
 3. Where the officer determines that there is a likelihood of violence or destruction, he should ask the dispatcher for a commanding officer.

IV. Command Officer's Responsibilities

- A. Commanding officers will respond to high priority situations of this type.
- B. The highest ranking command officer will see to it that an assembly point is established and a safe route identified and reported to dispatch for use of incoming officers.
- C. Commanding officers will make strategic decisions regarding police operations only after having properly assessed the situation.
- D. Upon arrival at the scene, the commander will confer with the officers on the scene and then, after observing the situations, weigh the effects of an enforcement action by considering:
 1. The likelihood of community disorder.
 2. The safety of his men.
 3. The severity of the law violation.
 4. The resources available.

It should be made clear that the police responsibility to preserve the peace may, in certain circumstances, require that minor law enforcement violations be weighed against the possibility of provoking greater civil disorder.

- E. After having considered the above information, the commanding officer will consider the following tactical responses:
 1. **Conflict Resolution Approach** — Officers try to defuse potentially disruptive situations by communicating and intermingling, in a nonthreatening manner, with group members and participants. The emphasis is on developing nonviolent cooperation as opposed to forcing a confrontation. This approach calls for officers to be conflict mediators and managers, so as to decrease the likelihood of a social disturbance.
 2. **Selective Deployment Approach** — Officers are deployed as needed from a nearby ready reserve into situations so that they are in a position to selectively identify and apprehend law violators. The objective is to use the minimum number of personnel necessary to accomplish an arrest and to direct as little attention as possible to the presence of the officers.
 3. **Strategic Withdrawals** — Officers should pragmatically recognize that situations will develop where, due to inadequate resources, it is incumbent upon those present at the scene to withdraw until such time as it is possible to effectively respond.
 4. **Civil Disturbance** — In the event that a major confrontation develops, wherein there is active resistance to lawful orders and serious public disorder, officers should proceed according to the Civil Disturbance Policy.

CAMBRIDGE, MASSACHUSETTS POLICE POLICY

FAMILY DISPUTES

I. Policy

When the police are called to intervene in a family dispute, the responding police officer must remain calm and collected to be able to successfully manage the confused, emotional and often dangerous situation. The police role in the family dispute situation is more that of mediator, counselor, and peace-maker, than enforcer of the law. Crucial to this role is neutrality, tact and patience.

The stakes riding on the effectiveness of police intervention are high. More homicides are committed in the heat of domestic rage than in any other circumstance, and if the police fail to cool the present anger and reconcile the disputants, there are likely to be many more future calls for police help, and perhaps one requiring the presence of the Medical Examiner.

The procedures which follow are intended to set out methods of approach that will be of aid in successfully responding to domestic dispute calls. Of course, because of the uncertainties involved in these incidents, the procedures cannot cover every situation. Inventive responses will often be required.

(Note: While the family dispute is the most difficult kind of dispute for the police officer to successfully intervene in, and hence, special guidelines are needed, the priorities and strategies outlined below to restore calm and to make effective referrals can be usefully applied to other disputes, too, like barroom tussles, landlord-tenant arguments, etc.)

II. Procedures

A. First Stage: The Initial Contact.

The mere entrance of police officers onto the scene of a family dispute always has a great impact and usually causes the people to stop their fighting or arguing at least temporarily. If properly exploited, this impact can be used to lead the people to stop fighting altogether.

The object of the intervention at this stage is to take the disputants' attention away from each other and to direct it toward the police officer in such a way as to allow a breathing spell in which tempers may cool, this making a later resolution possible.

To accomplish this, the police officer is to follow these guidelines:

1. Here, as at the other stages of the family dispute intervention, be alert for his safety and take precautions to protect himself.
2. Upon first contact with the disputants, convey a professionally calm, positive and helpful image:
 - a. Beforehand, check uniform or other attire: cleanliness and neatness can have an important effect at this point.
 - b. Introduce himself by giving name and title.
 - c. Explain that a call was received, and that he would like to be of assistance.
 - d. Avoid profanity, cockiness, or belittlement of the problems. (Even where no crime has been committed, the decision to call in the police indicates that someone is deeply upset. The goal of the police is to calm such emotions and reconcile the parties.)
 - e. Don't boss the people around. Particularly if the man of the house is present and involved, one of the easiest ways to get in serious trouble is to show disrespect of him and his family. Always act with respect.
 - f. Indicate neutrality: that as a police officer he is not on the side of the person who called, but rather, that he is there to see that there is no danger of serious trouble and to be of help. (Since it is frequently the woman of the house who summons

the police, upon arrival of the police officer, the man of the house commonly sees him as an agent of his wife and transfers to the officer the anger he was directing against her. Because of this it is crucial to immediately assure the man of complete neutrality.)

3. If entry onto the premises is refused, don't go away. Be persistent. Knock again. Convey to the person that his or her attitude is understood but that it is required of the police officer to make sure there is no serious trouble here. Tell the person, usually the man, that after a few questions, the police will immediately leave. Of course, if there is probable cause to believe that a felony or an arrestable misdemeanor has occurred, entry may be forced to make an arrest or to make some other appropriate disposition short of arrest. (For guidelines on arrest power generally, see the "Arrest" section in this chapter.) Undertake forced entry, however, only where there is no reasonable alternative.
4. Size up the situation. Pay close attention to the possibility of the use of weapons and to the emotional state of the people present.

B. Second Stage: Restoration of Calm

Following the positive freezing of the situation by the initial contact, the goal then is to restore calm. To achieve this goal, the police officer is to follow these guidelines:

1. If violence is occurring, physically intervene and arrest, if necessary. If summary arrest is needed, it should be made. But avoid arrest if possible. In separating the persons involved, make a quick visual survey of the area for objects which could be used as weapons.
2. Be calm, firm and neutral. Don't shout: by speaking firmly yet softly, the disputants will usually moderate their voices, too.
3. Separate the disputants. Get enough distance between them so that each may relate his story individually without interruption. Take them to different rooms if possible. At the same time try to always maintain visual contact with the other police officer. Where any kind of anger has been displayed, do not take a person into the kitchen; there are too many potential weapons there.
4. Carefully listen to the person's story. This is important for two reasons. First, facts may be needed upon which to base a later course of action. Second, the opportunity to blow off steam and tell his or her story to an interested third party can, by itself, contribute in a major way to the defusing of that person's rage. Avoid any display of disinterest. If such is displayed, the person will be frustrated even more and so increase the chance of a violent outbreak.
5. For disputes involving children or teenagers, avoid the adult tendency to use an overbearing attitude in calming or distracting the youth. Treat them as adults. By doing so, the youths will feel that they are being approached with respect.
6. Consider a parent's bitter indictment of his or her child with a little skepticism. Keep in mind when attempting to assess the situation that parents frequently use their children as scapegoats for their own inadequacies, problems and frustrations.
7. Never take verbal or emotional reactions as personal affronts or as insults to the integrity of the Force. Remember that an appearance on the scene allows the disputants to blow off steam and that sometimes they blow it off at the police officer. Also, by being a police officer he is seen as authority, and people may react emotionally to the presence of authority in their own home where they expect to be in charge. In such situations indicate that there is no intention or purpose to challenge the person's authority or to order him or her around. In any case, observe and listen to these episodes when they occur and try to determine what the underlying causes are.

8. When necessary, inform parties of the limits of police authority. Where one party demands the arrest of another and there are not sufficient legal grounds for arrest, such as where a man in his own home is clearly drunk but has not created any disturbance in the officer's presence, explain to the person demanding arrest the limits of police authority in the situation.

C. Third Stage: Fact Finding

The purpose of this phase of the intervention is to gather information which will assist in the effective evaluation and handling of the problems involved. The police officer is to:

1. Ascertain the family relationships between the disputants and others present, their identities, and any other facts which may be helpful to an understanding of the situation. (The period of relative quiet afforded by the asking and answering of questions can contribute to a general calming effect.)
2. Where there is drunkenness present, be even more patient in trying to get the true facts — if one of the parties is sober, get the story from him or her. (But even here give the drunken person the opportunity to give his version. Any fact can be relevant. Avoid any impression of favoritism. Don't sympathize with the drunk's state, for the desire for sympathy commonly underlies alcoholism.) Remain professionally objective and firm. Determine the extent of the drinking problem.
3. Where mental illness is indicated, also be patient. Make an extra effort to impress upon the person that the police are there to be of assistance and not to punish. (See the "Handling of the Mentally Ill" section in this chapter for general guidelines.)
4. Exercise tact and sensitivity in asking questions and in the whole approach. This is crucial to maintaining the position of impartial mediator. Bear in mind that he may be in a household where the ethnic, economic and social atmosphere may be completely different from his own. Because of this the officer may find himself shocked or confused by what he sees or hears. But if he is to be effective, he must remain neutral and polite. A couple of suggestions as to approach:
 - a. Avoid the use of phrases or expressions which challenge a person's dignity, self-pride or respect for his background.
 - b. Call the people "Mr." and "Mrs.," or by whatever title they prefer.
 - c. Use normal asking and receiving terms, for example, "Please," "Thank you," "Yes, sir," "No, sir," or "May I." This can play a role in establishing the needed rapport.
 - d. Avoid asking questions in such a manner as to give the impression of demanding or commanding the needed information. Make polite requests.
 - e. Probe personal type questions only upon the person's willingness to respond.
 - f. Be a good listener but avoid being unwisely "taken in."
5. Maintain an attitude and image of attentive impartiality.
6. Arrange for an interpreter if possible if the disputants do not speak English or some other language that he knows. But be careful to see that the interpreter is neutral in the dispute. Try to get both parties' approval of him. Using other members of the family for interpreting is usually not advisable, due to emotional ties and to a tendency to interpret to the advantage of the party they favor.

D. Fourth Stage: Course of Action to Take

After having established an atmosphere of relative calm, gathered the accounts from the disputants, and observed other significant facts, the next step is to attempt a solution.

1. **Mediation.** This is the number one goal of police intervention in family disputes, and except where serious crimes have occurred necessitating arrest, all efforts should be directed to achieving a real mediation. Follow these guidelines:
 - a. Keep in mind the important role the participants have in deciding on any solution. A settlement cannot be imposed. Unless the parties themselves agree that a

given solution is a good thing, any agreement between them will quickly disappear after the officer is out of their sight. Ask the disputants what they feel they should do: This will enable them to grasp the fact that they have a responsibility to themselves and their family. Remind them that any real settlement of their problems can be reached only by their own initiative and a willingness to help themselves. Participate in reaching a solution by asking: "What are **we** going to do to solve this problem?"

- b. Discover a positive aspect of the home that can be brought to the attention of the disputants. There is always something complimentary that can be said, whether it be that the children appear well cared for or they act politely, or that the home is neat or whatever. The point of doing this is that when you as an outsider recognize some attribute of a home and compliment the people on it, this increases the people's feelings of self-worth and it erases some of the embarrassment of having the police in their home. Also, where the disputants are from the same household, a compliment brings them together, for the pride it raises is something that is **shared**. And bringing people together is what you're after. You might want to add something like: "Anyone who can take good care of children like that can certainly work out minor problems of the type found here."
 - c. As to the content of the mediations, this cannot be specified beforehand. Essentially what is to be sought is a recognition by each party of how he contributed to the problem and a commitment to solve the problem in other ways than fighting and screaming. Frequently, a referral is called for.
2. **Referrals.** Where outside counseling seems advisable, but before suggesting a referral, carefully consider what the most appropriate referral would be. It is essential that the disputants be referred only to an agency that is equipped to help with the particular problem. A full list of social service agencies is in the Operations Handbook. This should be consulted in making a proper referral.
- As part of the general responsibilities of a Police Officer in this Department, a continuing effort should be made to become familiar firsthand with the operations of various agencies and the personnel associated with them.
- a. When making a referral, write down the name of the agency, the address and the telephone number. If someone at the agency is known personally, write down his or her name, too. Parties are much more likely to take advantage of services offered when they have a specific person to ask for upon their arrival at the agency.
 - b. If there is a choice between agencies, make the referral to the agency or organization closest to the home of the disputants.
 - c. Where the disputants or the family have more than one problem and really need the services of a number of agencies, determine the most acute problem and make an appropriate referral for such.
 - d. Never use referrals as a way to dodge the problem. A useless referral will only lead to more calls for the same or worse problems.
3. **Temporary Separation.** Sometimes as part of a mediation and in addition to a referral, it may be advisable to separate the parties temporarily while emotions cool. Perhaps a friend or a relative living nearby will agree to put one of the people up for a night or two.
4. **Arrest.** There are some situations when there is no reasonable alternative but to arrest, for instance where there has been a serious assault committed in the officer's presence. But as a general guideline, avoid, if possible, resorting to arrest as the solution to a family dispute. Too often the bitterness which is created by the arrest either makes the situation between the disputants worse or creates a serious danger

for the arresting officer due to possible efforts to resist arrest. This last point is especially true when a husband or father is arrested in his home: he is upset in the first place and if he is taken into custody from his home in front of his family, desperate resistance can result.

It is not uncommon for one of the parties in the heat of the dispute, where any kind of assault has occurred, to demand the other's arrest. But it is also not uncommon the next day following arrest for the same person who demanded arrest to refuse to cooperate in the prosecution and even criticize the police for having made the arrest in the first place. Being aware of this, when no serious crime has been committed and yet one of the parties demands arrest, try to discuss with the parties ramifications of such action, i.e., filing a complaint, court appearance, bail proceedings, etc. Use tact in attempting to convince the complainant to be calm and logical. Point out the existence of other ways to solve the dispute and that the other person (usually the husband) would lose income from not working and that a detrimental effect on the children is likely.

But, as stated above, in some cases arrest is the only alternative. Where it is, the normal arrest procedures outlined in the "Arrest" section of this chapter must be followed. Remember to inform the complainant of his or her responsibilities to institute and sign the complaint and to testify in court.

E. After Disposition: Notations and Reports

Following whatever course of action is taken, record in the Memo Book all significant facts surrounding the incident and the steps taken, in addition to filing whatever reports, forms, etc., as may be otherwise required by current Departmental procedures.

CAMBRIDGE, MASSACHUSETTS POLICE POLICY MANUAL
HANDLING THE MENTALLY ILL

I. Policy

It is not unusual for the police officer to come into contact with a person who apparently suffers from what is commonly called "mental illness." When such contacts are made, it is common for there to be a good deal of confusion over what is the proper police procedure in handling the mentally ill. This section is written to help ease that confusion by establishing specific guidelines and procedures consistent with M.G.L. chapter 123, the basic mental health law of the Commonwealth.

Department policy in regard to the mentally ill consists of three principles:

A. Standing alone, mental illness signifies nothing and permits no special police responses.

A mentally ill person has a perfect right to be left alone so long as he does not violate any law.

B. No person is to be taken involuntarily into police custody by reason of mental illness alone but rather is to be taken into custody only if such person has also committed an arrestable offense, or has demonstrated by ACTS, observed by a police officer or reliable others, that he immediately threatens the lives or safety of others or himself.

C. No one is to be treated as being mentally ill unless a compelling necessity exists.

The interest which the first two principles protect is the basic right to be left alone until others are threatened with harm or one's own life is in mortal danger. A man's peculiarity does not make him a second class citizen. And, contrary to what was thought for many years, mentally ill people as a class are no more dangerous to others than mentally "healthy" people.

The third principle recognizes that the label of "mentally ill" carries with it a stigma which is equal to or greater than the stigma of a criminal conviction. Thus, the police officer must exercise extreme care in determining that a person is mentally ill, and in conforming to the procedures set out below.

II. Guidelines and Procedures

A. Recognizing mental illness. It is essential to make clear that the kind of mental imbalance that is the subject of this section is no less than a fundamental derangement of the mind. In medical terminology, a person who suffers from this condition is called "psychotic." Although often such mental illness is quite easily recognized, there will be times when, for the purpose of the procedures and guidelines which follow, there will be doubt whether the condition is present. To help the police officer in a particular case he is to keep in mind that there are two things to look for. Together they form an "index of suspicion" of mental illness:

1. That in response to questions or conversations the person doesn't make sense; i.e., his conversation is confused, disjointed, etc.
2. That the person does not know his name, the date, where he lives, and where he is at the moment.

If in addition to other suspicions that a person may be mentally ill the officer observes that the person "doesn't make sense" and that he is unaware of who he is, where he is, etc., he may conclude for the purpose of his duties as a police officer that the person is in fact mentally ill.

B. General Approach. Whenever in contact with a person whom he recognizes to be mentally ill, a police officer is to follow this guideline to avoid unnecessary ill-will or difficulty:

1. Be honest and never try to deceive or trick the person.
2. Don't hurry. The more time spent with the person to achieve the officer's purpose

the better.

3. Be polite and respectful. Do not abuse.
4. Over all, try to establish, even if for the short time period involved, a relationship of concern and understanding.

Through this approach the officer can more easily make an evaluation by observation and inquiries and on the basis of that evaluation make a further decision as to appropriate action.

C. Steps short of taking the person into custody.

1. **Getting the person to accept a voluntary referral.** Situations where contact is made with people who are mentally ill are endlessly varied. Perhaps the contact may arise out of a normally uneventful incident on the street or during a family dispute call. In most of these situations no special steps are required other than to be extra patient and calm. However, where the officer is convinced that the person is quite seriously disturbed and in possible danger to himself or others, he is to tactfully inform the person that the Psychiatry Department at the City Hospital is equipped to handle his problems and that, if the person wishes, a police conveyance can be arranged to the Hospital. (The Psychiatry staff are available 24 hours a day in the Hospital and the staff will be summoned whenever the police bring a mental patient to the Emergency Room ...)

2. **When the person refuses to cooperate.** If the person refuses to cooperate and if because of his mental illness, the officer is concerned for his and others' welfare, and if his other police duties allow, he is encouraged to call the Hospital himself and get the benefit of the staff's advice. The Psychiatry Department has agreed to provide such a service to the Police Department whenever the need arises. If the situation merits it, request the Psychiatry Department to dispatch a qualified person to where the officer is to give on-the-spot clinical assistance. This type of assistance cannot always be given, and is usually available only during the day, but if personnel are available, the Psychiatry Department has pledged cooperation. Finally, if adult members of the person's family or the person's guardian are known to him, the officer may want to contact them and suggest that they try to influence the person to seek care.

D. Taking the mentally ill person into custody. This is a drastic step and should be undertaken only in strict compliance with the procedures which follow. The policy considerations referred to earlier demand this restraint.

1. As a matter of law and Departmental policy there are four and only four situations in which a mentally ill person may be taken into custody:
 - a. If he committed a crime for which under normal circumstances he would be arrested.
 - b. Where from acts observed by the officer or reliable others the officer believes the person poses a substantial risk of physical harm to other persons as manifested by evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them.
 - c. From acts observed by the officer or reliable others the officer believes the person poses a **very** substantial risk of physical impairment or injury to himself as manifested by evidence that his judgment is so affected that he is unable to protect himself in the community and that reasonable provision for his protection is not available in the community.
 - d. Where from acts observed by the officer or reliable others, the person demonstrates a substantial risk of physical harm to himself as manifested by evidence of threats of, or attempts at, suicide or serious bodily harm.

2. Where one of these situations exists and it is concluded that the person must be taken into custody, seek to convince him to come voluntarily and peacefully.
3. If it can be arranged for someone from the staff of the City Hospital Psychiatry Department to come to the scene, do this, provided the person himself or others would not be placed in danger by the delay.
4. If these measures fail or are impractical, restrain the person. In restraining the person, use only as much force as is absolutely necessary.

E. After the mentally ill person is in custody.

1. Without delay notify the Station House of the action taken.
2. Immediately transport the person in custody to the City Hospital Emergency Room regardless of the hour.
3. Once there and once the Psychiatry staff is summoned, inform the staff of the circumstances which led him to act as he did. Cooperate in all ways with the staff, for it is the staff which makes the judgment whether the person requires compulsory hospitalization.
4. Police responsibility for the mentally ill person ends when the person has been delivered to the Hospital and the staff has been informed of all significant facts. However, if the person had committed a crime for which he would have been arrested in the usual fashion had mental illness not been suspected, inform the staff at the Hospital that if they decide to release the person, he is to be released only to the Police.

F. Confidentiality. Protect the identity of any person taken into custody in accordance with these procedures. Do not divulge such name to any person, including other members of the Force not involved in the case, except as dictated by law or in the course of official proceedings.

G. Civil liability of police officers. Section 22 of Chapter 123 of the Massachusetts General Laws provides that a police officer who in good faith follows procedures such as these is immune from civil suit for damages arising out of his effort to hospitalize a person who he believes to pose a likelihood of serious harm to himself or others by reason of mental illness.

CAMBRIDGE, MASSACHUSETTS POLICE POLICY MANUAL

THE DECISION NOT TO ARREST

There are circumstances where although there are grounds for a lawful arrest, better police practice dictates that the offender not be arrested. However, in most cases, it is not the role of a police officer to decide whether an offense should be prosecuted: that is the responsibility of the court prosecutor. So any decision not to arrest must be reached only after the officer has carefully weighed the following guidelines:

It is acceptable police practice not to arrest only:

1. When the arrest would cause a greater risk of harm to the general public than the offending conduct did and than the offender's remaining on the street would. For example, in crowd situations a police officer's decision to arrest may aggravate tension and lead to a riot or other serious disorder. There are situations where police resources are stretched to their limit, e.g., on a particularly busy night, arrests for minor offenses would take up officers' time to the point that they could not respond to really serious crimes. Remember that even though there is no arrest at the time the offense is committed, at a later date the officer may go to court and swear out a complaint against the offender.
2. When the arrest would cause harm or embarrassment to an offender who poses no threat of danger to the public. The following are examples of this kind of situation:
 - a. The minor family dispute where tempers will pass by morning.
 - b. The intoxicated person who is harmless and at most needs a little assistance home.
 - c. The juvenile offender whose wrong doing would best be handled through informal warnings, advice, etc., and a talk with the parents. In this way, getting a record of any kind can be avoided.

As mentioned above, a decision not to arrest when there are grounds for arrest is considered good police practice only in the special circumstances given. Consequently, if there is doubt that those circumstances exist and if a supervisory officer is not readily available, arrest.

DAYTON, OHIO POLICE POLICY

DETOXIFICATION CENTER

Policy

The chronic alcoholic has long been a problem, taking up valuable time of beat crews and wagons. Officers are well aware that our traditional action of arrest and court appearances has not helped in dealing with this problem. Chronic alcoholism requires professional help which cannot be received in the jail or workhouse. In order to help us deal with the repetitive transportation problem and to give needed professional help to the chronic alcoholic, the following program has been started.

A Detoxification Center has been opened in Building 25 of the Dayton State Hospital. The Center is funded and operated by the Dayton Area Council on Alcoholism and Drug Abuse (DACADA). The Center will provide medical treatment during a "drying out" period which will be followed by a rehabilitation program. The Center currently is able to handle 25 men for "drying out." The rehabilitation facility can also accommodate 25.

In order to facilitate the implementation of this program, all officers are encouraged to take chronic alcoholics to the Detoxification Center for treatment.

The Center is currently funded for one year and further funding depends on the use we make of this facility. Criticism and comments concerning the activities, programs and the running of the Center is encouraged by both this department and DACADA. Necessary changes and modifications to make this program work can be made only when the beat officers provide information as to the effectiveness and operation of the program.

Procedure

An officer who observes a person known by him to be a habitual drunk should proceed as follows:

1. **Frisk:** Whenever an officer places an intoxicated subject into the cruiser, he should frisk the subject by pressing and squeezing the subject's outer clothing to determine whether the intoxicated person has weapons which might be used against the officer.
 - a. If, while frisking, the officer feels something which might be a weapon or used as a weapon, he may reach into the subject's clothes and remove the item for examination.
 - b. If a weapon is discovered, it may be held until the removal is completed. If the weapon is unlawfully possessed, the subject should be arrested and removed to the city jail and booked for carrying a concealed weapon and related offenses.
 - c. If, in a legitimate search of what you believe to be a weapon, you discover contraband or other evidence of crime, your limited search is legitimate and you may have probable cause to arrest.
 - d. A protective frisk must not be used as a pretext to search for evidence. You must have reason to fear for your safety or fear the safety of others before such action can be initiated.
2. **Persons the Detoxification Center will accept for treatment:** The Center will accept any individual who is a habitual or chronic alcoholic or who is a problem drinker.
 - a. If an intoxicated person is disorderly, violent, or resists the officers, the subject should be arrested for public intoxication and any other appropriate charges and booked into the city jail.
 - b. Commitment to the Detoxification Center is voluntary unless ordered by a court. The officer should ask the subject if he wants to go to the Center. If the intoxicated person refuses to go to the Center or if (2a) is applicable, he will be arrested and booked into the city jail.
 - c. When a removal is made to the Detoxification Center, the crew should fill out a

Detoxification Center Removal Card (F-1420AC) and an Intoxification Report (A-117) for our own activity records. The Center has also requested that when an intoxicated person is brought to the Center, the transporting crews names and crew number be left at the intake desk. This information will be used strictly for statistical information by the Center.

3. **Release on own recognizance to Detoxification Center:** It is recognized that situations arise in the jail whereby special treatment is seemingly required for the humane handling of intoxicated subjects
 - a. Officers with the rank of lieutenant or higher are authorized to release on their own recognizance nonviolent intoxicated persons who are confined in the jail so that they can receive treatment at the Detoxification Center.
 - b. Intoxicated subjects who are non-violent and who appear to jail personnel to be suffering from delirium tremens or similar alcohol related illnesses are to so advise the on-duty Field Services Bureau Lieutenant and request his review of the situation.
4. The Detoxification Center will be open 7 days a week, 24 hours a day and unless you are notified otherwise, the Center will take all referrals by this department. In the event that the Center is full and cannot accept any more patients, the Center will notify Records Section who will, in turn, make a broadcast notifying all crews that the Center is full. When such a broadcast is made, all intoxicated persons will be arrested and booked into the city jail.
5. In the event that any officer has a problem getting an intoxicated person into the Center, or if he experiences any problems with the Center or its staff, he should notify his Sergeant in writing of the problem and it will immediately be followed up.
6. Officers are encouraged to inform citizens that the Center will admit chronic alcoholics and problem drinkers who voluntarily seek admission if space is available. Transportation by the Department of Police to the Center is not prerequisite to admittance.

DAYTON, OHIO POLICE POLICY

PORNOGRAPHY

The following policy establishes the Department's position regarding the initiation and investigation of alleged pornography.

I. Background Information

A. The Police Dilemma

As police officers, we are sworn to uphold the Constitution of the United States as well as the statutes of the State. In the determination of pornography, the question is usually whether the material is protected by the Constitution or is unlawful under the State statutes.

It is not realistic to expect us to make proper decisions in this area where the courts throughout the nation have been particularly unsuccessful in developing an enforceable standard.

By means of this policy the Department intends to fulfill its obligations to the Constitutional protections of the First Amendment and its obligations to support the State statutes.

B. Community Morals

It is inaccurate and unrealistic to assert that Police Officers embody a "Moral sense of Community." Policemen should not be expected to determine what adults may see or read or perform as a community censor.

It is essential that community citizens become directly involved in litigation in which such matters are resolved, and that determinations as to prosecutions for pornography not be left exclusively in our hands.

C. Police Resources

The Department's manpower position is continuing to deteriorate due to austerity at a time when our community is plagued with violent crime, narcotics, and property crime. It is not justifiable for the Department to regularly allocate police resources to investigate and prosecute persons for such a low-priority problem as pornography.

II. The Citizens Role

A. Citizens who believe they have observed a statute being broken are responsible for coming to the Organized Crime Unit of the Department.

B. The citizen-complainant must be prepared to establish probable cause to support their allegation that a violation has occurred and must be willing to sign affidavits for the purpose of securing arrest and/or search warrants.

C. The citizen or citizens must be prepared to testify in all judicial proceedings relative to the alleged violation.

III. The Police Role

A. The Department's Organized Crime Unit is responsible for rendering assistance to citizen-complainants.

B. Citizen-complainants are to be assisted in the preparation of affidavits, consulting with the prosecutor and the securing of arrest and search warrants.

C. Departmental officers are to execute all warrants and to assist the citizen-complainant in the collection and preservation of evidence.

Successful police operations require an active partnership between community citizens and police officers. It is hoped that this policy with its shared responsibilities for both citizen-complainants and the police department will further the development of such a partnership.

DAYTON, OHIO POLICE POLICY

TRAFFIC TICKETING

It has been brought to my attention that the Department policy with respect to parking violations on the part of truckers is in need of clarification. City Ordinance No. 265-3 provides that each metered parking space that is occupied by a vehicle is to be paid for by the owner of the occupying vehicle.

In the past we have had an informal policy of allowing vehicles to briefly occupy marked "delivery zones" which have been designated for truckers to use in making deliveries. It should be noted that these "delivery zones" have not been equipped with meters as it has not been intended that persons loading and unloading freight be required to abide by normal parking regulations.

As a consequence of being unable to utilize the designated "delivery zones", it is frequently impossible for true delivery vehicles to find exempt, convenient, delivery space; and truckers have been forced to use the less convenient, metered zones.

Due to the limited manpower situation confronting this Department, we are unable to adequately regulate and enforce all of the ordinances with regards to parking in the City; and therefore, it is necessary that guidelines be developed to assist officers in the exercise of their discretion with regards to enforcement.

Officers coming upon a truck in violation of the parking ordinances, due to the expiration of a meter or meters, should evaluate the circumstances prior to issuing a citation. Officers are encouraged to overlook violations which occur due to the inability of a trucker to park in designated delivery zones for the reasons expressed above.

Officers coming upon truckers failing to place coins in meters alongside of their vehicles where no visible loading or unloading of freight is occurring are to consider the vehicle to be in violation for each expired meter which is alongside of a space occupied by the vehicle.

CAMBRIDGE, MASSACHUSETTS POLICE POLICY MANUAL

HANDLING OF JUVENILES

A "juvenile" is defined in Massachusetts criminal law as anyone between the ages of 7 and 17. Children younger than seven are considered beneath the age of criminal responsibility, and persons who commit crimes when they are seventeen and over are treated as adults.

In Massachusetts juvenile offenders are treated specially because of the feeling that since their characters are not yet completely formed, they can be influenced to lead law-abiding lives more easily than adult offenders.

Special juvenile procedures are also provided because of the belief that since young offenders are not capable of being fully responsible for their acts in the adult sense, those acts are less blameworthy.

Handling juveniles poses particular challenges for the police because of the law's requiring certain special procedures and, furthermore, because of the sensitivity of the relationship between young people and police and the stakes that ride upon that relationship's being a constructive one. This section concerns the laws, policies, procedures and guidelines that are to be followed when members of the Force deal with juveniles.

A. The reaction to authority

Police officers symbolize authority to the public. Whether or not he wears a uniform and a badge, others view him as the law, and because of this, frequently see him as a living reminder that they shouldn't do certain things.

For most people, the presence of authority poses no problems. They see law and authority as a necessary fact of life. But for a number of people the mere existence of authority makes them act in strange, frequently deviant ways. Some feel the need to test that authority and rebel against it. Others defy authority as a means of drawing attention to themselves and feeling important and powerful.

Juveniles often exhibit such traits. This is because, after about age twelve, children generally begin to feel independent and want to assert themselves from dependence on their parents or others and yet at the same time often have real doubts about their ability to get on. This is the period when the familiar family problems develop between father and son, mother and daughter. The disrespectful teenager and the frustrated, worried parent is a scene as old as time.

The police are affected by this problem because, outside of the home, it is the police, along with perhaps the teachers, who are seen by young teenagers as stand-ins for their parents. Not surprisingly, the police share the uncomfortable experience of frequently having a very hard time with the juvenile who wants to defy authority or for some other reason to draw attention to himself by challenging the law.

B. Groups and gangs

This common tendency of teenagers to resist authority is made more difficult for the police officer by the fact that youths frequently associate together in groups. When among their own friends, young people may become even more independent and assertive and less concerned with conforming their behavior to a standard set by others. It often seems that within a group each member tries to out-do the others in displaying his independence and strength. And not infrequently this leads to breaking the law. The defiant fifteen year old who warns his father "You can't tell me what to do!", will smash a store window when with a gang of his friends just to show them that not only his father but also the police can't tell him what to do.

C. Reforming the juvenile offender

It is early participation in crime which usually leads to the acquaintances and experiences that form the basis for a hardened criminal career. Today's surly fourteen year old petty offender too frequently becomes the armed felon of five years from now — indeed, with few exceptions, every inmate of Walpole was once a juvenile offender.

Most of the initial crime committed by juveniles is a result of children learning the habits of those around them — their fathers, older brothers, friends, etc. At such an age, any real commitment or deep psychological inclination to criminal activity is rare. Rather, the youth is responding to the situation in which he finds himself in the ways he has either been taught or which he has personally observed and imitated.

Usually a youth at this stage is fully capable of changing his ways and becoming a law abiding man or woman. What is required is for the youth to be shown and understand that, literally, "crime doesn't pay." In other words, that the happiness and satisfaction that he hopes for in his present and future life will be much harder, if not impossible, to achieve if he continues to break the law.

To do this is a big task, of course, and taking all things into consideration, the police can only contribute so much. The crucial influences are beyond police control, namely the youth's family, his circle of friends, his teachers and the others with whom he has everyday contact. But the police do have some impact, and this impact can sometimes be the critical factor in leading a once or twice offending juvenile away from his habit or crime.

D. Specific guidelines

From what has been said above some general guidelines can be given for police conduct. Although easy to put down in print or to say, they can be difficult to carry out on the street:

1. Don't play the juveniles' game of setting the policeman up as the rigid and unreasonable agent of authority. Be diligent in the apprehension of juvenile offenders, of course, but in all other dealings with juveniles, discriminate between the actually dangerous and perhaps sick offenders and those youths who are testing you either because they want to display their strength and manliness or because they are following the example of others.

Never take personal offense and react simply because a youth or group of youths defies or ridicules police authority.

Above all, remember what it was like to be at that age and show that the law isn't inflexible and unsympathetic as some would like to think.

2. If a juvenile has been caught for having committed an offense and he's been released whether on his own recognizance, on probation, from DYS, or whatever, avoid the temptation to single him out for suspicion whenever a later criminal incident occurs, unless, of course, there is real evidence against him.

The juvenile at that point can easily go one way or the other to a further criminal career or to a law abiding one. The police response to him can be very influential in determining which way, and it is said frequently that if you treat someone as a criminal, before long he'll act like a criminal.

3. Don't treat juveniles as "second class citizens." Of course, young persons must be handled differently than forty year olds, but they are entitled to the same respect and restraint as adults. The major Constitutional and civil rights of free speech, assembly and association and protections against arbitrary searches or arrests are held by juveniles as well as by older people.

Nothing humiliates and angers a young person more than being treated "like a kid." But on the other hand, nothing will contribute more to good will between a young person and a police officer than the officer's respectful conduct toward him.

4. Remember that the contacts and experiences which a juvenile has with the police importantly influence how that juvenile will later view the police, and to a significant degree, all other lawful authority.

II. Massachusetts Juvenile Law

In Massachusetts as in most other states, separate system of dispensing justice is established for juveniles. This system, including the rules and procedures which govern police handling of juveniles and judicial proceedings for juveniles is set out in M.G.L. chapter 119.

The philosophy behind Chapter 119 is that juvenile offenders can and ought to be helped and guided and that adult criminal proceedings and sanctions in most cases are inappropriate for this purpose. Of course, those parts of the adult criminal law which protect the interests of the offender, such as the Constitutional rights to silence, the provision of counsel, a fair trial and notice of specific charges upon arrest are applicable to juveniles also.

A. The delinquent child

There is no such thing as a separate category of juvenile offenses. However, Chapter 119 52 provides that one "between seven and seventeen years of age who violates any city ordinance or town by-law or who commits any offense against the Commonwealth is to be classified as being delinquent."

As can be seen, this is a very broad definition and on the face of it subjects a juvenile who committed a parking offense to the same label of being "delinquent" as one who stabbed a man. The latitude of the law is intended to allow a judge after a finding of a delinquency to focus on the juvenile himself — his problems, his strengths and his chances of going straight — rather than on details of his offense. By doing this the intention is to mold the court's disposition to the needs of the juvenile.

But with this latitude comes a danger. The danger is that juveniles may be brought in or found delinquent for minor infractions because the youth is a trouble-maker and there is not enough proof to convict him of a serious offense. This kind of abuse is contrary to the purpose of Chapter 119. Police officers must not bring in a juvenile for such minor offenses which amount to "technical" delinquencies only.

Regardless of the type of offense which is behind the allegation of delinquency, it must be proved beyond a reasonable doubt. This is the same standard that governs adult criminal convictions (Ch. 119, s. 58).

B. Rights and procedural protections of juveniles

1. Constitutional rights

As said before, juveniles share the same Constitutional protections as adults. What this means is that the restraints and obligations upon police action which are set out in the sections of this Chapter on Stops, Arrests, Frisks, Searches and Seizures, Questioning and Identification must be followed with juveniles, too. The only difference between field procedures with juveniles and adults is that juveniles are protected even more. For instance, take the situation where a juvenile, after being arrested, is handled exactly as required by Departmental procedures surrounding questioning. He makes a willing waiver and incriminates himself by what he says. If, however, his parents or a probation officer are not present at the time he made the waiver, it is likely that a court would find the waiver of his rights to silence and to the presence of a lawyer to have been ineffective. Later in this section a specific procedure pertaining to juvenile questioning will be given.

The operational guideline for juveniles, therefore, is to handle them in the same way as adults are handled, except to be even more careful.

2. Special State Procedures

Section 67 of Chapter 119 establishes several specific procedures which police officers must follow after the arrest of a youth less than seventeen years of age. These have been incorporated into the Departmental procedures set out later in this chapter.

III. Procedures

A. Investigations

1. **Preliminary investigations.** The age of the suspect does not affect the requirement that a complete preliminary investigation should be made at the scene of a crime in accordance with regular crime scene procedures. (See the "Crime Scene" section in this chapter.)
2. **Follow-up investigations**
 - a. Under most circumstances when a preliminary investigation indicates that the offender is a juvenile, detectives assigned to the Juvenile Unit will carry on subsequent investigation.
 - b. When a member of the B.C.I. is investigating a crime on a follow-up, and it becomes apparent that the perpetrator was a juvenile, the B.C.I. detective shall follow the investigation to its conclusion rather than transfer the case to the Juvenile Unit. Exceptions may be made, but only if the Officer in Charge of the Juvenile Unit approves the transfer.

B. Arrests

1. **Decision to arrest.** The legal requirements of a valid juvenile arrest are the same as for adults. The same amount of proof to establish probable cause is needed. (see the "Arrest" section in the chapter.)
2. **After arrest: Duties of arresting officer**
 - a. As soon as a juvenile is arrested, give him his **Miranda** warnings. (See the section in this chapter.)
 - b. Unless the office is closed, contact the Juvenile Unit in CPB immediately upon arrival with the juvenile at the Station House.
 - c. Make out:
 - 1) A complaint File Card.
 - 2) A Juvenile Cardfully describing the circumstances surrounding the offense and the arrest. Write any additional information on a 650, and relay such to the Juvenile Unit. Also, see to it that an appropriate entry is made in the Journal.
 - d. See to it that the arrested juvenile is fingerprinted, palm printed and photographed in accordance with adult procedures.
 - e. Immediately notify the parent of the arrest, or if there is no parent, the guardian of the juvenile or the person with whom it is stated that the child resides, and the Probation Officer. (Note: The Officer in Charge of the Desk is responsible to see that such notification is made.) If it is necessary to return to the street before the notifications can be made, the Officer in Charge of the Desk shall do so himself or order another member of the Force to do so. In addition to providing for notification, the Officer in Charge of the Desk is to make an immediate inquiry into the case to ensure that there was proper cause for arrest and that the juvenile has been treated in accordance with the law.
 - f. Even after giving the **Miranda** warnings, do not question a juvenile under arrest unless either his parent / guardian / person with whom he resides is present.
 - g. The formal decision to detain an arrested juvenile pending his hearing should in most cases be made by the Probation Officer. Clear any decision to request the Probation Officer to make such a decision or to seek detention by court warrant

through the Juvenile Unit, or, if that is impossible given the time of the arrest, through the Officer in Charge of the Desk.

3. Preparation of the case for trial; Trial

The arresting officer is responsible for the preparation of the juvenile case and must be present at trial. While a juvenile proceeding is somewhat different from an adult trial, it is still essentially a criminal trial demanding proof beyond a reasonable doubt. Consequently, efforts to secure the presence of witnesses and to prepare testimony must be the same as for an adult proceeding.

C. Decision Not to Arrest, Although Grounds for it Existed

In all such cases, complete a Juvenile Card (and a 650, if necessary to include all the facts) giving details surrounding the incident. Communicate such report to the Juvenile Unit. Make certain that the Juvenile Card and the 650 contain enough information to allow the Juvenile Unit to swear out a complaint against the juvenile should the Unit at a future time decide that it is necessary to bring the juvenile to trial for the offense for which he was not arrested. (Note: Under no circumstances are cases to be "dumped" on the Juvenile Unit by officers referring them to the Unit when it is clear that arrest by the on-the-street officer is called for.)

Example: Two youths are observed in suspicious circumstances carrying a stereo set and television down the street. The police officer stops them. They identify themselves and admit to having stolen the goods.

Action: The youths should be arrested and taken to the Station House by the officer. As arresting officer, he is responsible for carrying out the procedures given in other parts of this section. If instead of arresting the youths the officer merely returned the goods and filed a Juvenile Card and a 650 with the Juvenile Unit, he would be guilty of neglect of duty.

D. Other incidents where a juvenile has acted in a manner deserving police attention

These incidents vary in kind from a youth's continued association with serious offenders to being a named suspect in a crime. In all such cases, fill out a Juvenile Card on the youth, describing the circumstances which warrant police attention and immediately forward such to the Juvenile Unit. (A note of warning: do not fill out a card on a youth unless there are hard facts which indicate that he deserves police attention. A mere rumor implicating a juvenile is not enough, and the Department wants to avoid the unnecessary labelling of a young person as a potential or actual delinquent.)

E. Referrals to the Youth Resource Bureau

The Youth Resource Bureau was established by the City to provide special non-custodial help and guidance to young people who have caused trouble, committed offenses or otherwise indicated that they are potential delinquents. For a certain kind of young offender the Youth Resource Bureau is designed to be an alternative to court. All referrals to the Bureau from the Police Department must be made exclusively through the Crime Prevention Bureau. If a member of the Force concludes that a juvenile who has come to his attention would benefit from the Youth Resource Bureau, he should submit to the Juvenile Unit a Juvenile Card with a 650 attached suggesting such a referral and stating his reasons for it.

CONTINUED

1 OF 2

CAMBRIDGE, MASSACHUSETTS POLICE POLICY

FIELD INTERROGATIONS

The Massachusetts Law of Stops in Practice

A. When may a person be stopped?

A person may be stopped if he is abroad and if there is 'reason to suspect' him of "unlawful design," i.e., that it is reasonably suspected that he has committed, is committing, or is about to commit a crime.

B. What does "reason to suspect" mean? And how is it demonstrated?

These words, "reason to suspect," must not be taken lightly. "Reasonable suspicion" is clearly more than a mere hunch or unfounded suspicion. At the same time, it is something less than the standard "reason to believe" which give probable cause to arrest. As in the case of probable cause to arrest, there is no precise definition. But, as in the arrest situation, a justification of the stop may be later demanded. Some of the factors which when taken together may constitute reasonable suspicion and, therefore uphold a stop are.

1. The subject's appearance: Does he fit the general or partial description of a person wanted for a known offense?
2. Proximity to the scene of a crime: Is he near the area soon after the crime occurred?
3. Subject's actions: Is he running? from the scene of the crime? from an area where there is an unexplained body (unconscious, beaten or dead), or where there is evidence of forcible entry into a building? Is he behaving suspiciously? If so, in what way? Was there any relevant conversation overheard?
4. Prior record and reputation of subject: Has he a prior record? For offenses like the one that just occurred or which you suspected is about to be committed?
5. Time and place observed: Is it a very late hour? Is it usual for people to be in the area at this time? Is the area known for criminal activity?
6. Objects in the subject's possession: Is he carrying anything? Are there bulges in his clothing?
7. Subject's companions: Is their conduct "reasonably suspicious?"
8. Police training and experience: Does the conduct observed resemble the pattern or modus operandi followed in a certain kind of criminal activity?

C. Examples of persons who may reasonably be suspected although probable cause may not yet exist are:

1. A person who in some specific ways — beyond that of race — fits the description of a perpetrator gained from a victim, from police headquarters or from other reasonably reliable sources of information.
2. A person running from the scene immediately after a crime has taken place.
3. A person fleeing an area where there is an unexplained body (unconscious, beaten or dead) or where there is evidence of forcible entry into a building.

DAYTON, OHIO POLICE POLICY

FRESH PURSUIT POLICY

I. Introduction

This General Order represents the Dayton Police Department's policy concerning Fresh Pursuit of a motor vehicle. It is the product of a task force composed of four citizens and four officers. Further input was provided by personnel at the dispatch post and Command personnel.

A. Definition:

Fresh Pursuit is defined in the following manner: "An active attempt by a law enforcement officer, on duty, in a police cruiser, using audio and visual emergency equipment, to apprehend one or more occupants of a moving vehicle, providing the driver of such vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing his speed or by ignoring the law officer's attempt to stop him."

B. Considerations:

Fresh Pursuit must be considered as a very serious matter. When a police officer initiates pursuit of a fleeing vehicle, he may have a tendency to consider only himself and the occupants of the fleeing vehicle. This is not adequate. It must be remembered that other citizens using public highways do not expect their travel to be interrupted by a high-speed chase and may become involved in an accident due to overreaction. Also, children playing on the side of a street are likely to be drawn **toward** a police car with a siren and red light in operation. Fresh Pursuit is one of the most dangerous tasks police officers are asked to perform. Death or permanent injury to police officers or citizens can result without warning. The seriousness of the possible outcome of a Fresh Pursuit commands a police officer to weigh many factors when deciding whether or not to chase in the name of the citizens he is serving. Some of the specific questions officers must ask themselves when deciding whether or not to pursue include:

1. Does the seriousness of the crime warrant a chase at unsafe speeds?
2. What is the possibility of apprehensions?
3. Will the pursuit take place on residential streets, a business district, or a freeway?
4. What are the traffic conditions?
5. What are the weather conditions?
6. What condition is the cruiser in?
7. Is the pursuing officer alone or does he have the assistance of another officer?

IT IS NOT POSSIBLE TO SATISFACTORILY EXERCISE DISCRETION WITHOUT FIRST CONSIDERING THE ABOVE QUESTIONS.

II. Officer Liability

In the instant that the pursuit decision is made, the safety of all concerned must be considered. It is important that an officer weigh the seriousness of the offense which has been committed against the hazards present to the health and welfare of citizens who might be affected by the chase. If pursuit is initiated, a continuous balancing of seriousness versus public safety is mandatory. THE DEPARTMENT EXPECTS AN OFFICER TO TERMINATE HIS INVOLVEMENT IN FRESH PURSUIT WHENEVER THE RISKS TO HIS OWN SAFETY AND THE SAFETY OF OTHERS OUTWEIGHS THE DANGER TO THE COMMUNITY IF THE SUSPECT IS NOT APPREHENDED. This appears to be the criteria the court considers important in determining the "emergency" status of a pursuit.

An officer who becomes involved in a traffic accident while attempting to overtake fleeing subjects may be civilly sued for all damages to persons and property resulting from the of-

ficer's negligence unless he is exempted from such liability under the terms of O.R.C. 701.02.

This statute provides that "policemen shall not be personally liable for damages for injury to persons or property and for death caused while engaged in the operation of a motor vehicle while responding to an emergency call." The important determination which must be made in every incident in which an officer attempts to invoke O.R.C. 701.02 is whether or not he was on an "emergency call."

The Ohio Courts have interpreted "emergency call" most ambiguously, and the Department cannot provide officers with a definitive statement of its meaning.

A legal opinion from the City Attorney has been received to the effect that in his opinion officers who are attempting to apprehend VIOLATORS are on an "emergency call."

The following guidelines have been developed by the Department so as to minimize officers' legal liability.

A. Calls to Duty

An officer who receives a dispatched call, a telephoned call or a personal outcry informing him of "trouble," a "disturbance," or an "emergency" and who becomes involved in an accident **while en route** to answering the call, is protected by O.R.C. 701.02 **regardless** of any negligent behavior on his part. An officer who has **not** received such a "call to duty" who is not immediately responding to such a call, is outside the scope of the statute.

B. Felony Violators

Although there is no case law directly on point, the Department and the City Attorney believe that language in the cases makes it likely that officers who become involved in an automobile accident while attempting to overtake a fleeing subject for whom there is probable cause to arrest, are protected by the statute as being on an emergency call. If no other means of apprehension are likely to be successful, the Dayton Police Department does expect an officer to attempt to overtake and stop such felony violators. However, once pursuit is initiated, seriousness of offense must continually be balanced against public safety in determining whether or not to continue the pursuit.

C. Misdemeanor and Ordinance Violators

The statutory protection provided officers who become involved in an automobile accident while attempting to overtake a fleeing subject who has committed an ordinance or misdemeanor violation is not clear.

Because the risks involved to innocent third parties and officers outweigh the benefits of an overtaking, officers are not to overtake fleeing misdemeanor and ordinance violators who refuse to pull over upon command.

Officers are expected in such circumstances to make every effort to identify such violators so that warrants can subsequently be obtained.

III. Vehicles Qualified to Enter into Fresh Pursuit

Only vehicles equipped with audio and visual emergency equipment (siren and red light visible from at least three directions) are to enter into Fresh Pursuit. Further, if a police vehicle meets the above stated requirements, it will be the individual officer's duty to be reasonably sure his vehicle is mechanically sound before entering into Fresh Pursuit.

Police vehicles not so equipped are to attempt to maintain visual contact with the fleeing vehicle without excessive speed and radio all relevant information to the Dispatcher and request immediate assistance.

Any police officer, while driving any car without emergency audio and visual equipment, is to obtain as much relevant information as possible and either radio or if not so equipped, telephone the Dispatcher to request assistance.

IV. Procedure During Fresh Pursuit

A. Upon initiation of a Fresh Pursuit, the crew involved is to immediately notify the

Dispatcher of the fact that he is in pursuit with emergency equipment and headlights operating, the reason for pursuing (offense committed), the location and direction of the chase, the vehicle description if possible, and any other relevant information.

- B. The pursuing officer has the prerogative to terminate a Fresh Pursuit at any time, if in his judgment, the risks outweigh the seriousness of the offense or if lives are being unduly threatened by the Fresh Pursuit. This also is a part of the officer's "better discretion."
 - C. If the pursuing police officer is part of a two-man crew, it will be the responsibility of the passenger officer to operate the radio.
 - D. When communicating with the Dispatcher, speak slowly and clearly. The dispatcher must be able to properly understand your information to coordinate activities.
 - E. Immediately upon receiving information pertaining to a Fresh Pursuit, the Dispatcher will signify a "Code A" for all crews not in the vicinity of the chase.
 - F. By the authority of General Order 8-72 "the Dispatcher position has primary authority for crew deployment." In lieu of this, the Dispatcher is to assume full command for activities of the Fresh Pursuit. If a field supervisor is in the area of the pursuit, the Dispatcher is to advise the commander of the situation and he (Dispatcher) will continue to command and coordinate the Pursuit.
 - G. The Dispatcher is to have the authority to cancel all unnecessary crews out of a pursuit. Furthermore, he has authority to call off a chase altogether if, in his judgment, the specific risks being taken are out of proportion to the seriousness of the offense committed. (For example, if the Dispatcher has knowledge of a group gathering in the neighborhood, etc.)
 - H. In ALL chases, primary command responsibility is to be vested in the Dispatcher. In those instances where a Field Supervisor decides to assume responsibility for directing a chase, he is to advise the Dispatcher via radio.
 - I. No crew is to enter a Fresh Pursuit that was initiated by another crew unless advised to do so by the Dispatcher. The Dispatcher is to control all crew positions by radio. If a crew is advised to enter into pursuit, said crew is to report that he is using his audio and visual emergency equipment. No more than one crew shall be in direct pursuit at any given time.
 - J. Roadblocks are not to be set up by assisting crews without clearance from the Dispatcher. Roadblocks are very dangerous and are not to be employed except in the most serious of offenses.
 - K. During a Fresh Pursuit, the Dispatch radio is to be operating by a sworn officer.
 - L. No crew is to enter into Fresh Pursuit with nonsworn personnel in the cruiser.
 - M. Neighborhood Assistance Officers are never to enter into Fresh Pursuit. They are to refrain from using their radios until the pursuit is terminated.
- V. **Duty to Drive With Due Care**
- 1. Officers are cautioned of their duty to drive with due regard for the safety of all persons and property upon the roadway. This duty applies even though non-emergency vehicles are required to yield the right-of-way to emergency and Public safety vehicles.
 - 2. Officers are also obligated by O.R.C. 4511.03 to slow down as necessary for safety to traffic upon approaching a red or stop signal or a stop sign.
Officers may proceed cautiously past such red or stop sign or signal if exercising due regard for the safety of all persons using the street or roadway.

WASHINGTON, D.C. POLICE POLICY FRESH PURSUIT

B. Fresh Pursuit in the District of Columbia

- 1. It is the policy of this department that fresh pursuit at **high** speeds is justified only when the officer knows or has reasonable ground to believe the violator has committed or attempted to commit a serious felony. A serious felony is one that involves an actual or threatened attack which the officer has reasonable cause to believe could result in death or serious bodily injury.
- 2. It is also the policy of this department that members of the force are permitted to resort to fresh pursuit at **moderate** speeds, if necessary, to apprehend motor vehicle operators who have committed traffic violations, other misdemeanors, or felonies that did not involve an actual or threatened attack which may have resulted in death or serious bodily injury. However, in so doing the fresh pursuit must not be conducted at high speed or to the same degree as when attempting to apprehend those violators enumerated in part I, paragraph B, above. **NO OFFICER, AT ANY TIME, SHALL OPERATE A MOBILE UNIT AT A RATE OF SPEED THAT MAY CAUSE HIM TO LOSE CONTROL OVER THE OPERATION AND / OR DIRECTION OF HIS VEHICLE.**

C. Decision, Responsibility, and Method of Fresh Pursuit

- 1. The decision, responsibility, and method of fresh pursuit rest solely with the individual officer. In deciding, he must exercise sound judgment and carefully consider the facts, seriousness of the offense, possible consequences, and safety of the citizens whose protection is his responsibility.
- 2. An officer engaged in fresh pursuit must take into consideration the conditions then and there existing, for example, road conditions, density and flow of vehicular and pedestrian traffic, expressway versus commercial or residential area, and the time of day.
- 3. The law permits officers who are engaged in fresh pursuit to exceed the speed limit and to violate other traffic regulations as necessary in order to maintain fresh pursuit for apprehending the violator, but only:
 - a. If the red light and siren are employed (designating an emergency vehicle).
 - b. If the utmost safety is insured for self and others.
- 4. Even though the officer is legally engaged in fresh pursuit by complying with part I, paragraphs C3a and b above, he is not relieved of his duty to drive with due regard for the safety of all persons, or is he protected from the consequences of any reckless disregard for the safety of others. The officer's ability to supervise or control other motorists by the nature of existing circumstances is limited, and it is his duty to avoid contributing to the danger already created by the violating motorist.
- 5. Under no circumstances shall a member of the department cross the District of Columbia line in pursuit of a suspect wanted only for a traffic violation or other misdemeanor.
- 6. When attempting to stop a violator who has not yet begun to flee, the pursuing officer should, keeping in mind personal safety, try everything within his authority to apprehend the subject without resorting to a high speed chase (for example, officers shall utilize their outside radio speakers and / or spotlights or wait until the subject parks or stops at a traffic light). If at all possible, the officer shall note the tag number on his clipboard or notebook prior to directing the violator to stop. These notes are valuable in the event the subject is able to avoid immediate arrest. It shall be remembered that some individuals enjoy being chased by the police solely for the

suspense and the excitement that the experience may yield.

D. Procedures for Fresh Pursuit

1. When engaged in fresh pursuit, the pursuing officer shall remember that the sooner the subject is stopped or apprehended, the less the opportunity for an accident. He shall not endanger the public or himself as a result of his driving techniques.
2. As soon as the operator of a pursued vehicle increases his speed or drives in such a manner so as to endanger the safety of others, the pursuing officer shall immediately activate both siren and red light, and shall continuously use both throughout the entire pursuit. Officers are reminded that the warning effect of the siren will decrease rapidly as the speed of the pursuit vehicle increases.
3. When safe to do so, the pursuing officer shall maintain steady communication with the radio dispatcher, relaying information such as the identity of his unit, location, direction of travel, exact reason for pursuit, and other pertinent details which will enable other officers in the area, as well as the dispatcher, to assist. While the pursuit officer is transmitting information to the radio dispatcher and / or to other units, he shall keep his voice as normal and coherent as possible, and he shall not shout. In the case of a two-man police vehicle, the passenger should handle the radio transmissions. Units that have prisoners, witnesses, suspects, or complainants aboard shall not become engaged in pursuit situations.
4. Units responding to assist should concentrate on covering the streets parallel to the one the pursuit is on, thus creating a "boxing in" effect which will, hopefully, if not effecting his capture, at least discourage the violator from continuing his flight. This technique is also advantageous in the event the violator is able to elude the immediate pursuit vehicle, or in case the violator abandons his vehicle and flees on foot. If the violator does abandon his vehicle and flees on foot, the pursuit officer should, before giving foot pursuit, notify the dispatcher of his location, remove his ignition keys, and quickly check the violator's vehicle for other occupants who may have hidden.
5. To the fullest extent possible, detailed descriptions of the car, license number, and occupants should be obtained and broadcast. Even a partial license number is a valuable aid in quick identification.
6. In the course of pursuit, a safe distance shall be maintained between cars, as this will enable the pursuing officer to duplicate any sudden turns and lessen the possibility of a collision in the event of a sudden stop. Deliberate physical contact between vehicles at any time will not be justified, except as necessitated at roadblocks and under the provisions of orders pertaining thereto.
7. Because of the potential dangers involved, pursuing officers shall not pull alongside a fleeing motorist in an attempt to force the subject into a ditch, curb, parked car, or any other obstacle. It should be noted that if this occurred on a four-lane highway, the danger of a side swipe collision would be increased; and the opportunity for escape would become greater through quick application of the brakes and a sudden turn by the violator.
8. In order to avoid being arrested, many motorists will take imperiling chances. Regardless of the extenuating circumstances, the pursuing officer shall not duplicate these hazards. In the apprehension of traffic offenders and other violators, an officer must be sensitive to the public's reaction. This means that in all cases he must operate his vehicle in a manner that shows consideration for his own safety, the safety of the violator whom he seeks to apprehend, and, above all, the safety of others who may be using the roadway. Because of the many handicaps he encounters, the pursuit officer must recognize and accept the fact that he will not be

able to successfully apprehend every motorist he decides to stop.

E. Use of Firearms in Fresh Pursuit

1. An officer is justified in using his service revolver when engaged in fresh pursuit which remains entirely within the District of Columbia only when in compliance with the provisions of chapter 2, section 4, of the Manual of the Metropolitan Police Department.
2. An officer shall not use his firearm during fresh pursuit in a **foreign jurisdiction**, except in defense against an attack that may result in death or serious bodily injury to the officer or to an innocent bystander.
3. The safety of innocent bystanders is to be a primary factor considered by a police officer in his determination to discharge a firearm at or from a moving vehicle; and the following series of factors must be weighed first: ricochets, danger of a car out of control, and the safety of any hostages.
4. When a suspect is fleeing from the scene of a crime in a moving vehicle, or the officer is himself in a moving vehicle, it is best to attempt to apprehend the subject through the use of police communications media and cooperative police work rather than by shooting at the vehicle. Except in the most extreme cases, shots fired at or from a moving vehicle are to be avoided.

F. Use of Roadblocks in Fresh Pursuit

1. Because of the extreme and obvious dangers inherent in the use of roadblocks in pursuit situations, it is the policy of this department that the use of roadblocks for the purpose of apprehending wanted suspects shall not be employed when it is apparent that innocent persons would be endangered.
2. Roadblocks can be utilized by members of the force during a fresh pursuit only on the order of an official and then only as a last resort when the person being pursued has proven, by his method of flight, total disregard for the lives and safety of the public.
3. Under no circumstances shall vehicles other than Metropolitan Police Department vehicles be used as roadblocks. Once a roadblock has been ordered and a departmental vehicle has been stationed as part of a roadblock, **no one** shall remain in the vehicle.

WASHINGTON, D.C. POLICE POLICY

USE OF EMERGENCY WARNING DEVICES

B. Authorized Use of Emergency Warning Devices in Responding to Classified Radio Assignments

Units selected to respond to Code 1 assignments shall be classified as either primary or secondary response units and shall be responsible for the below listed procedures.

1. Primary units shall:
 - a. Respond directly to the reported location of the call for service by the most direct route, using appropriate emergency warning devices to assist in a safe and swift response to the reported emergency.
 - b. The first primary unit directed to respond shall use the first position on the electronic siren selector ("Wail"). The second primary unit directed to respond shall use the second position on the siren selector ("Yelp").
2. Secondary units shall:
 - a. Respond to the area of the assignment at normal rates of speed, without using emergency warning devices, observing all traffic regulations.
 - b. Establish a perimeter patrol six blocks from the location of the assignment for the purpose of apprehending escaping assailants and providing support for primary units in the event the incident escalates beyond their capability.
3. No mobile units shall respond as primary or secondary units until approved by the Communications Division. All department vehicles in the **immediate vicinity** of a call for assistance shall notify the Communications Division their unit number and location when requesting assignment and be governed by the instructions dispatched by the Communications Division. It shall be the responsibility of the first officer on the scene to advise the Communications Division when additional assistance is needed or when a Code 1 shall be cancelled.
4. Units selected to respond to Code 2 assignments shall respond to the location of the call for service by the most direct route, complying with the traffic regulations of the District of Columbia, and shall **not** use emergency warning devices. The term, "Code 2," shall not be announced.

C. Operator Initiated Use of Emergency Warning Devices

1. It shall be the policy of the department that operators of department vehicles shall make minimum use of emergency warning devices consistent with the safe performance of police functions and shall contact the Communications Division for authorization prior to activating any emergency warning device with the exceptions listed below:
 - a. When in the opinion of the operator, an emergency is imminent or exists or the activation of emergency warning devices is necessary to protect life or render the necessary police service, and the situation is such that contacting the Communications Division is impractical or impossible, emergency warning devices may be activated without prior authorization. However, the operator shall contact the Communications Division at the first opportunity and advise them of such use of emergency warning devices.
 - b. The use of red beacon lights **only** is authorized, without obtaining approval, under the below listed circumstances:
 1. At the scene of any incident where the utilization of beacon lights constitutes a necessary warning for the protection of life (such as fire, accident or disaster).
 2. When it is necessary to use department vehicles as protective barriers, or roadblocks in conformity with the provisions of General Order No. 308.3.
 3. As a visual signal to attract the attention of motorists being stopped because of traffic violations or for other law enforcement purposes.
2. Each operator-initiated use of emergency warning devices, except red beacon lights **only** as authorized in the preceding paragraphs shall be recorded as an assignment on PD Form 775.
3. Operators of emergency vehicles shall immediately deactivate all emergency warning devices at the time they arrive at the scene of a call for police service or when the need for the activation of warning devices ceases, except as allowed in paragraphs 1 (b) (1), (2) and (3) above.

D. Emergency Vehicles Defined

1. For the purpose of this order an emergency vehicle is defined as one equipped with and actually operating the below listing warning devices in conformity with the provisions of the order.
 - a. Siren
 - b. Roof mounted emergency red beacon light(s), or
 - c. Portable emergency red beacon light (only while the light is actually mounted on the roof of the vehicle).
2. Vehicles equipped only with siren, and red lights mounted in the front grill, and having no permanent red beacon light are **not** classified as emergency vehicles.

E. Operation of Emergency Vehicles

1. Officers must realize, whether on routine patrol or responding to an emergency call, that they are not the sole users of the highway. They must give full time and attention to the operation of the vehicle and comply with pertinent traffic regulations. It is of importance to respond swiftly to emergencies. It is equally important to reach the destination safely. **Extreme** caution must be exercised in the area of schools in session, intersections, and other such locations where a potential danger may arise to the public or to the member of the force.
2. Vehicles being operated with all required emergency warning devices shall additionally:
 - a. Have both front door windows open if a two-man unit
 - b. Have one front door window open if a one-man unit.
 - c. Have the headlights activated regardless of the time of day.
3. Members of the force are reminded that departmental vehicles shall be operated as emergency vehicles only in the District of Columbia, and when outside the District of Columbia, only while engaged in "Fresh Pursuit."
4. Members of this department, while operating emergency vehicles with emergency warning devices activated shall comply with the following minimum standards:
 - a. When approaching any intersection controlled by electric signal devices:
 1. Stop before entering the intersection when a red signal is displayed.
 2. Slow to the maximum legal speed when a green signal or a following yellow signal is displayed.
 3. Stop before entering the intersection when four-way pedestrian walk signals are displayed.
 - b. When approaching an intersection controlled by a stop sign, the operator shall stop before entering the intersection.
 - c. When approaching an uncontrolled intersection or an intersection controlled by yield signs:
 1. Slow to the maximum legal speed before entering the intersection.
 2. Comply with all other requirements applicable to uncontrolled intersections or

intersections controlled by yield signs.

5. No vehicle shall be operated at a speed greater than 30 miles per hour in excess of the posted or prima facie speed limit when responding on an assignment, except the officer may disregard this prohibition when operating an emergency vehicle in fresh pursuit of a suspected felon or a serious traffic violator.
6. Vehicles equipped only with sirens and red lights mounted in the front grill shall be operated in conformance with traffic regulations, except that when the siren and red lights are properly activated the operators may exceed the prima facie speed limit, consistent with existing conditions and safety requirements.

Part II

A. Code 10-33 Assignments

1. It is the responsibility of the Communications Division to dispatch two primary mobile units plus a supervisory vehicle upon receipt of a Code 10-33 request. The following priority shall be followed in dispatching mobile units:
 - a. Marked four wheel units
 - b. Motorcycle units
 - c. Unmarked four wheel units.
2. In addition to primary units, the Communications Division shall, when necessary, designate three secondary units to respond. All secondary units shall remain on perimeter patrol until the Communications Division advises that additional assistance is required or cancels the assignment. Upon cancellation of the Code 10-33 by the Communications Division, all secondary units shall immediately return to normal patrol assignments.

B. Emergency Delivery of Blood

1. Since provisions are normally available for delivery of blood from 0800 to 1600 hours, the services of the Metropolitan Police Department shall only be required between 1600 hours and 0800 hours under normal circumstances.
2. Hospitals or blood banks requesting delivery service of the police department shall be required to give the name of the physician requesting the delivery of blood, the name of the recipient (person to receive the blood), the nature or condition requiring emergency transfusion, and the hospital to which blood is to be delivered. This information shall be recorded on PD Form 258-A.
3. During the hours of 1600 to 0800, blood may be required because of a possible depletion of a hospital supply. In these situations the transportation of blood will not be an emergency assignment.

Part III

A. Emergency Assignments

It shall be the responsibility of the first supervisor on the scene to expedite the return to service of all vehicles not required

B. Emergency Delivery of Blood

1. The Metropolitan Police Department shall assist in emergency blood deliveries outside of Washington to the extent that they shall deliver blood to the District of Columbia line where it shall be transferred to an individual designated by the Maryland or Virginia authorities. The same procedure as set forth in part II, paragraph B, shall prevail, unless severe disaster has occurred and local and state police personnel are engaged at the scene. In such instances, it shall be delivered by Metropolitan Police Department personnel in the metropolitan area by direct orders of the Chief of Police or competent authority.
2. In an emergency situation, when it is determined by the official in charge of the

Communications Division that other facilities are not available for the transportation of blood between the hours of 0800 and 1600, department vehicles and personnel may be used.

CAMBRIDGE, MASSACHUSETTS POLICE POLICY MANUAL

EYEWITNESS AND OTHER IDENTIFICATIONS

I. Law

Concern for the fairness of eyewitness identifications arises from their potential impact upon the outcome of a trial. To promote the reliability and fairness of such identification when actually made, the rule has been established that when a suspect in custody is compelled to participate in a line-up, he must be informed of his right to have a lawyer present at the line-up, and of his right to be provided with counsel for such purpose if he is unable to afford it. **U.S. v. Wade**, 388 U.S. 218 (1967); **Gilbert v. California**, 388 U.S. 263 (1967).

Since 1967, this rule has been affirmed repeatedly by the U.S. Supreme Court and the Massachusetts Supreme Judicial Court. The doctrine has even been expanded since then to cover types of "confrontations" between suspect and witnesses other than formal line-ups. The general rule which has developed over time to cover these situations is the following:

Whenever a crime has occurred and there are persons who allege they saw the perpetrator and a suspect is apprehended, **before** that suspect can be shown to those witnesses either in a line-up, "show-up" or other setting for possible identification, the suspect must be informed of his right to have counsel present and of his right to be provided a lawyer without cost if he is unable to afford one. Unless a valid waiver is executed, no identification may proceed without the presence of counsel.

This rule does not cover all identifications, and equally frequently since 1967 the courts have held that there is no obligation to provide counsel in the following situation:

When a suspect is apprehended in the immediate aftermath of a crime, and an on-the-street identification can be arranged, the suspect can be viewed by the eye-witness. In such circumstances, there is no right to provision of counsel, although, of course, the manner in which the identification is carried out is subject to requirements of fairness.

II. Procedures

The following procedures are promulgated to facilitate eyewitness identifications and to ensure that such identifications are upheld in court.

A. On the Street Identifications

1. When allowed without counsel warnings

a. Situation: Suspect not apprehended and identity of suspect not yet determined. When, after a crime, a suspect is neither apprehended nor his identity known, it is proper and advisable police procedure to transport victims and eye-witnesses in police vehicles and to cruise the area in which a crime has occurred in order for them to point out the perpetrator of the offense. But when doing so, the officer must be careful not to implicate anyone on the street whom he thinks may look suspicious. When such a person is seen, the most the officer is permitted to do is to point him out in order to draw the victims' and witnesses' attention to him for their reaction.

b. Situation: Suspect arrested or stopped within two hours of a crime and within reasonable proximity of available witnesses.

There is no counsel requirement when an on-the-street identification is made of a suspect who has been apprehended in the immediate aftermath of a crime. "Immediate aftermath" may extend up to but not beyond two hours.

Note: Whenever in doubt as to whether an on-the-street identification is lawful because of the lapse of time or any other reason, an officer should request advice from his immediate superior or the Patrol Supervisor. **Specific Procedures:**

1. If there are witnesses to a crime who allege that they observed the perpetrator, and if an investigation of the crime is in process and if a suspect is arrested within two hours of an alleged offense and within an area reasonably proximate to the scene of the crime, return the suspect to the scene of the offense or transport the eyewitnesses to the scene of the arrest for identification of the suspect.
 2. If, however, a person is detained subject to a "stop" and probable cause to arrest does not yet exist, bring the witnesses to the place of the stop. Do not bring the suspect to the witnesses. If transporting the witnesses to the crime scene would take more than 20 minutes, release the suspect unless probable cause for arrest develops. (For legal and procedural guidelines on "Arrest" and "Stops" see the sections dealing with these subjects in this chapter.)
 3. Conduction the on-the-street identification. Even though an on-the-street identification takes place within minutes after a crime occurs and therefore is indisputably carried out "in the immediate aftermath" of the crime, it is still subject to later attack if it was executed in an unfair manner. To avoid that, the officer must observe the following guidelines:
 - a. Maintain neutrality. When presenting a suspect to an eyewitness for identification, remain as neutral as possible, consistent with the continued secure custody of the suspect.
 - b. Avoid suggestiveness. Neither say nor do anything which will convey to the witness that the suspect has admitted guilt, that property similar to that stolen was recovered, that weapons similar to those used have been seized, or that he believes the suspect is guilty. If possible, have other persons around the suspect to reduce the impression that he alone could be the guilty party. For example, prior to the identification, do not tell the witness, "He's given us a full confession but we still want your identification." Also, in such situations, do not display the proceeds of the crime by holding up the stolen wallet and saying, "He had your wallet."
 - c. If several witnesses are present, see that each witness views the suspect independently, out of the immediate presence or earshot of the other witnesses.
 4. Record statements in Memo Book. Make written notes in the Memo Book or otherwise record:
 - a. Any statements made by each witness viewing the suspect. In presenting a suspect to a victim or eyewitness, be alert for spontaneous exclamations or excited utterances or other reactions by the witness since these can be testified to in court and such testimony may enhance a subsequent in-court identification. Incorporate these in the statement of facts of the case in the Police Report.
Example: Upon viewing the suspect, the victim of a rape exclaims, "That's him! See the scar on his neck."
Action: Record this statement in your Memo Book and later in the Police Report.
 - b. All significant circumstances surrounding the on-the-street identification. For instance, time, location or arrest and of the identification, persons present, how the identification was executed, and the duration of the identification.
- #### B. Emergency Identifications
- When either a suspect or a witness is in imminent danger of death such as when he is on the "critical list" in a hospital, an identification can take place without counsel, **provided:**
1. All possible good faith efforts are made to provide, contact and have counsel present, if requested after the suspect has been informed of his regular right to the presence

of counsel, and

2. Affirmative steps are taken to minimize any prejudice to the suspect by circumstances of the identification.

C. **Station House Identifications:** Identifications when suspect has been arrested more than two hours after the crime or whenever suspect is in custody at the station house. Except in special circumstances approved by a Commanding Officer or the Patrol Supervisor, if a suspect is arrested more than two hours after a crime occurred, and if no emergency circumstances exist, the arrested person is to be brought to the Station House. Any subsequent identification is to be carried out in accordance with the procedures listed below.

These procedures establish the rules for any identification involving a person held in custody at the Station, regardless how soon after the commission of the crime.

Example: Officers investigating a burglary have broadcast a look-out and have requested the complainant to accompany them to the Station to view photographs of persons suspected of other burglaries in the neighborhood. While they are at the Station, an arrest is made by another unit one-half hour after the offense was committed, and only three blocks from the scene and the suspect is brought in.

Action: There should be no identification made at the Station unless the suspect is told of his right to counsel and other procedures set out below are followed.

1. **General supervisory responsibility.** The Commanding Officer of the Bureau of Operations is to have general responsibility for the proper execution of line-ups and other identifications at the Station House. He, or in his absence, the Officer in Charge of the Desk, is to review the plans of officers of rank intending to conduct Station House identifications. Such officers of rank are to be advised of the requirements of law and Departmental procedures surrounding Station House identification. Furthermore, the Commanding Officer of the Operations Bureau is to periodically assess the working of the Department's Station House identification procedures and make recommendations for any needed changes to the Chief.
2. **Responsibility for direction.** Station House identifications are to be directed by officers of rank. A sergeant directing such shall contact his immediate superior, if possible, beforehand, informing the superior of his intention. Any officer of rank planning a Station House identification is to report beforehand his intentions and his plan for proceeding to the Commanding Officer of the Bureau of Operations or, in his absence, to the Officer in Charge of the Desk.
3. **Informing the suspect.** Before identification, whether it be by line-up or other means by which the suspect is physically observed by eyewitnesses, inform the suspect:
 - a. That an identification proceeding is going to take place;
 - b. That he has a right to have a lawyer present before the identification proceeds and during the identification; and
 - c. That if he cannot afford a lawyer, one will be provided for him free of expense and that the proceeding will be delayed until such lawyer is present.
4. **Obtaining a waiver.** If the suspect is willing to take part in the line-up without the presence of counsel, get his written and signed voluntary waiver. Take the same precautions to assure that the waiver is knowing and voluntary as are required to do when **Miranda** rights are waived during questioning. (See the paragraphs dealing with this in the "Questioning" section of this chapter and follow the guidelines given there.)
5. **Obtaining an oral waiver; Precautions.** If the suspect refuses to sign a waiver but, nevertheless, indicates that he does not wish to exercise his right to counsel, take the waiver orally. But take care to have others present who will attest to the

suspect's knowing and voluntary choice not to have counsel. At the same time, avoid having too many police officers present because a court may conclude that with so many police officers present, the suspect was too frightened to make a truly voluntary waiver.

6. **Notifying counsel.** If counsel has been retained or provided prior to the identification, notify counsel for the suspect of the time of the identification and of the date, time, place and nature of the offense.
7. **Type of identification.** Except in unusual circumstances, conduct identification at the Station House by line-up.
8. **Cooperating with defense counsel.** When defense counsel is present, accept his suggestions as to the manner of conducting the line-up or other identification unless, if by doing so, the Commonwealth would be prejudiced. However, remember that the police are ultimately responsible for the proceeding and that defense counsel have no right or power to prevent an identification altogether.
9. **Suggestiveness prohibited.** Whether or not defense counsel is present, all suggestions to witnesses are prohibited, whether they be by casual offhand comments or by the manner in which the suspect is made to stand out from the other persons in the identification array.

To this end:

 - a. Have a sufficient number of persons in the array. If there is to be a mistake, make it by having too many people.
 - b. If a witness has described the man he or she saw, make sure the suspect does not stand out in the line-up. Be certain, in such cases, that others in the array fit the description.
10. **What persons in the line-up can be made to do.** During a line-up persons in the line-up may be compelled to wear certain clothes, to put on or take off certain clothes, to take certain positions or stances or to walk or move in certain ways. The suspect may also be compelled to speak for voice identification purposes, but special precautions of fairness should be taken before doing so.
11. **Witnesses shall view the line-up or other array one at a time.** If more than one witness to a particular crime is present, make certain that each views the array separately and independently. Until the last witness in the case has viewed the line-up, prohibit the witnesses from conversing or otherwise communicating with other witnesses after having viewed the line-up.
12. **Photographs of the array.** See to it that several photographs are taken of the whole array to document how it was constituted.
13. **Post-view questioning of witnesses.** If counsel was present at the identification, inform him of and give him an opportunity to be present at any questioning of the witnesses by any police officer, that occurs soon after the identification proceeding.
14. **Suspect's refusal to participate.** When suspect refuses to participate in line-up or other proper identification procedure at the Station House:
 - a. Advise him:
 1. He has no right to refuse.
 2. His refusal can be used as evidence against him at trial.
 - b. Ask him the following questions and record the responses in your Memo Book or on a 650 for later use as evidence against the suspect:
 1. "Do you refuse to participate in the identification proceeding?"
 2. "Do you understand that you do not have a Constitutional or other right to refuse?"
 - c. Inform the suspect's attorney, if present, that the suspect refused to participate.

d. Arrange alternative identification procedures, for example, by photograph.

D. Identification Through the Use of Photographs

1. The use of photographs for identification purposes prior to an arrest is permissible provided the suspect's photograph is grouped with at least eight (8) other photographs of the same general description. If any police identification numbers appear on the photographs, the numbers are to be covered.
2. Adequate records of the photographs shown to each witness are to be kept so that the exact group of photographs from which an identification was made can be presented in court at a later date to counter any claim of undue suggestion and enhance the reliability of the in-court identification. This information is to be recorded in the statement of facts of the case.
3. Each witness is to view the photographs independently, out of the immediate presence of the other witnesses.
4. When an arrest is made following a photographic identification, the officer handling the case in court is to arrange for a line-up to test the identification.
5. Photographic identifications are not to be made once arrest has occurred. In such cases identifications are to be by line-up in accordance with section (C) above.

DAYTON, OHIO POLICE POLICY

GUIDELINES FOR CITIZENS' PATROL ORGANIZATIONS

The Police Department, by this policy statement, is establishing guidelines with respect to departmental recognition of citizen patrol organizations. Due to the number of groups forming and presently in existence, it is hoped that the establishment of such a policy will result in greater understanding of the Police Department's position. Citizens' patrol organizations (such as Neighborhood Assistance Officers and Citizen Band Units) meeting the requirements of this policy can expect police acknowledgement of the group's contributions to the public welfare, a close working relationship with departmental personnel, and police assistance in special programs and training.

There is room for a variety of relationships to the Department within the parameters of this policy, ranging from the highly-trained Neighborhood Assistance Officers who actually handle service calls not requiring the services of a police officer, to groups merely interested in staying in their vehicles and serving as our "eyes and ears." Regardless of the role the patrol organization desires to play, the Department believes the following standards must be maintained in order to protect the integrity and effectiveness of the organization in its relationship to the City and the Department.

Organizations which meet these standards are most likely to render the kind of valued public service which is so greatly appreciated by the policemen and citizens of our City. It is very important that the good names of the organizations of integrity not be blemished by inadequately trained and supervised groups who are not responsible to the Department.

In order for citizens' patrol organizations to be recognized by the Police Department, the following requirements must be met:

1. A group must be representative of the area.
 - a. Members will be residents within the area.
 - b. Supervised by an advisory council of citizens who are residents within that area.
 - c. Work in coordination with the Police Department.
2. It must be fully organized.
 - a. Have a constitution and by-laws.
 - b. Have rules and regulations.
 - c. Have formal procedures that are consistent with police objectives.
3. They must be under police supervision in order to have:
 - a. Formal standards.
 - b. Formal training by police approved instructors and curriculum.
 - c. Formal plans of procedure.
 - d. Formal police acceptance.
 - e. Perform activities in coordination with the Police Department.
 - f. Report their activities for approval of the Police Department and their community.
4. A group must have adequate financial support in order to cover the costs of training equipping, and operating the organization. This support may be from private or governmental sources.

DAYTON, OHIO POLICE POLICY
RELEASE OF RECORDS

In order that the department fulfills its responsibilities with respect to the collection, preservation, and release or review of records, and so as to implement and protect constitutional guarantees or privacy, the following policy is adopted. This order supersedes ALL previous orders, memos, Manual of Procedure, and procedures developed through unofficial sources.

I. Adults

A. Unless provided for in this order, NO departmental records of fingerprints, photographs, or previous criminal or traffic activity are to be released or reviewed by ANYONE other than sworn members of THIS department.

B. Release or review of records can only be accomplished as authorized below:

1. AN INDIVIDUAL, WHO PERSONALLY APPEARS at the Information Counter, properly identifies himself, and signs a Records Review Request form, may REVIEW his own personal record. He may make notes of its contents, but may NOT remove the record from the Information Counter or purchase copies of it. The record is to remain in the custody of the Department of Police.
2. PERSONS WHO SUBMIT WRITTEN REQUESTS OR WAIVERS by mail, seeking release of their records are to be advised that such requests or waivers cannot be honored. These persons are to be advised by mailing them a 3" X 5" card entitled DAYTON POLICE DEPARTMENT'S RECORDS POLICY. This card is available at the Information Counter.
3. PURSUANT TO A REQUEST FROM A PUBLIC LAW ENFORCEMENT AGENCY, (eg. Police Departments, Ohio State Patrol, F.B.I., Corrections or Courts Agencies) for purposes of prosecution, building a criminal case leading to a prosecution, or conducting an investigation for probation consideration.
4. Governmental and law enforcement agencies seeking records checks of persons they are considering for employment, IN THE ABSENCE OF A NOTORIZED WAIVER FROM THE PERSON BEING INVESTIGATED are to receive ONLY records of CONVICTIONS and NOT records of arrests where NO CONVICTION was obtained. For purposes of this policy, bail forfeitures are to be considered as convictions. Records of arrests which have no disposition are to be released ONLY to public agencies such as those listed in Paragraph B-3 above, and THEN ONLY for those reasons listed in B-3.
5. EXCEPTIONS TO PARAGRAPHS B-1, 2, 3, and 4, are where the release of records is required by LAW. (eg. Visa, Passports, Immigration, Prison Visits, Used Car Salesmen, etc.). In these cases the Release WAIVER OR REQUEST must be NOTORIZED.

If Records Section personnel receive a request that appears to fall within this exception clause, but not specifically mentioned herein, they are to obtain clearance from the Supervisor of the Records Section prior to honoring the request.

C. Members of THIS department, as well as members of ANY law enforcement agency, as described in paragraph B-3, who receive departmental records as described in this order, ARE NOT TO PASS them on to persons NOT AUTHORIZED to receive them under the provisions of this order.

D. In those instances where persons appear at the Information Counter with a request to review their personal record of arrests and convictions, the Information Counter personnel are to respond as follows:

1. CAREFULLY check the identification offered to ascertain that it matches the person presenting it.
 2. Produce the Records Review Request form for that person's signature, and sign as a witness to the signature.
 3. EXPLAIN to the individual that the record MUST be reviewed at the Information Counter, and no part of it may be removed or copies purchased. Counter personnel are NOT TO VERIFY, in any way, ANY INFORMATION the person may elect to copy from this record.
 4. After the individual has reviewed the record it is to be returned to the jacket (felony records) or the envelope (misdemeanor / traffic records), and the signed and witnessed Records Review Request form is to be placed in the jacket or envelope with the record.
- E. EXCEPT WHERE VALID LAW ENFORCEMENT PURPOSES DICTATE TO THE CONTRARY, NO PICTURES OF SUBJECTS ARE TO BE RELEASED TO THE NEW MEDIA. This is to include arrested persons, police officers or applicants, taxi drivers or applicants, or any other persons whose pictures may be in departmental files. DIVISION COMMANDERS may make exceptions to this rule when they feel a compelling need to do so, but in each instance where exception is made, the Commander making it is to cause a report to be forwarded to the Director of Police explaining the action and the reason such action was deemed necessary.

II. Juveniles

Juvenile police records are NOT for public use and are to be released ONLY to police, Courts, and Corrections agencies as defined in Section I, paragraph B-3 of this order.

III. Requests by Telephone from Police, Courts, and Corrections Agencies

A. Police, Courts, or Corrections personnel, as described in Section I, Paragraph B-3 of this order, who request records by telephone are to be required to identify themselves by NAME, AGENCY, PURPOSE FOR THE CHECK, AND THE TELEPHONE NUMBER OF THEIR AGENCY.

Records personnel, taking the call, are to advise such agency they will be called back with the information after the check has been made. The "call back" is to be to the telephone number of the agency requesting the information and to NO OTHER PHONE NUMBER.

B. Records personnel, taking this type call, are to check for the record requested and if the subject has a record they are to do as follows:

1. Execute a Records Review Request form and print the words "Requested by Telephone" on the agency signature line, and the phone number which was left for the "call back." Fill in specific purpose the information was requested. Make the "call back" to the agency of the requesting officer, and give the information to HIM.
2. Upon completion of the call the Records Review Request form is to be placed in the felony jacket, or misdemeanor / traffic envelope along with the record and returned to file. The Records Section employee making this call is to sign the form on the witness line to show WHO executed the form and made the "call back."
3. If the subject checked has no record with this department, the "call back" is to be made anyhow, but execution of a Records Review Request form will not be necessary.

IV. Requesting Authority's Certification of Necessity and Purpose; Indemnification

Any person or interests authorized by these rules to receive arrest and conviction records shall be furnished such records upon application, IN WRITING, accompanied by the following certification signed by the requesting authority or executed in the manner described under Section III, paragraphs B-1, 2, & 3 of this order. CITY OF DAYTON POLICE OFFICERS ARE TO

BE EXEMPT FROM THE ABOVE PROVISIONS OF THIS ORDER.

RECORDS REVIEW REQUEST FORM

The undersigned wishes to examine the record of

PRINT: Last Name First Middle AGE / SEX / RACE

"I certify that the information applied for is necessary in the interest of the due administration of the law, and not for the purposes of assisting any persons or any private or government interests to use such information for their own benefit or in harassing, degrading or humiliating any person; nor shall the information be used by non-governmental agencies for employment or related purposes. The specific purpose for which the information is requested is

The information released shall be used for that purpose only and the requesting authority hereby indemnifies the Department for any liability arising out of the improper use of that information.

Signature Witnessed by
(Person witnessing signature
signs here).

Signature of Agency Representative

V. Responses to Requests for Records Made by Unauthorized Persons or for Unauthorized Purposes

In responding to a request for records made by a person or interest which is not authorized to receive them or to a request for records made for an unauthorized purpose, the following response is to be made:

"The arrest and conviction records of the Dayton Police Department are not public records and, therefore, are not open to public inspection. As a matter of department policy, dissemination of such records is limited almost exclusively to law enforcement agencies and criminal justice personnel. The purpose of this policy is to protect the privacy of citizens. Accordingly, the department has not conducted a search of its records for information relating to your request.

When a refusal to check records has to be executed by mail, Counter Personnel are to mail the above statement to the requesting person, agency or interest. This statement has been provided on 3" X 5" cards for this purpose and a supply is available at the Information Counter.

It is hoped that this posture with regards to records will protect citizen's rights and, at the same time, protect our own law enforcement needs to maintain records on persons not convicted of a crime but who have been arrested.

DAYTON, OHIO POLICE POLICY

RACIAL IDENTIFICATION POLICY

The following policy is hereby established with regards to racial identifications, whether made in reports or broadcast over the air.

1. Persons of the Caucasian race are to be identified "white"; and on reports, this may be indicated by a "w".
2. Persons of the Negroid race are to be identified as "black"; and on reports, this may be indicated by a "b".
3. Persons of the Mongolian race are to be identified as "Oriental"; and on reports, this may be designated by an "o".

Any inconsistencies in previous General Orders are rescinded by this order.

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PRESCRIPTIVE PACKAGE: "Improving Police-Community Relations"

To help LEAA better evaluate the usefulness of Prescriptive Packages, the reader is requested to complete and return the following questions.

1. What is your general reaction to this Prescriptive Package?

- Excellent Average Useless
 Above Average Poor

2. Does this package represent best available knowledge and experience?

- No better single document available
 Excellent, but some changes required (please comment)
 Satisfactory, but changes required (please comment)
 Does not represent best knowledge or experience (please comment)

Comments:

3. To what extent do you see the package as being useful in terms of:
(check one box on each line)

	Highly Useful	Of Some Use	Not Useful
Modifying existing projects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Training personnel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administering on-going projects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Providing new or important information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Developing or implementing new projects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. To what specific use, if any, have you put this particular package?

5. In what ways, if any, could the package be improved: (specify)

- A. Structure/Organization
B. Content/Coverage
C. Objectivity
D. Writing Style

6. How did this package come to your attention? (check one or more boxes)

- LEAA Mailing of package LEAA Newsletter
 Your organization's Library National Criminal Justice Reference Service
 Contact with LEAA staff Other _____

7. Additional Comments:

(CUT ALONG THIS LINE)

8. Check ONE item below which best describes your affiliation with law enforcement or criminal justice. If the item checked has an asterisk (*), please also check the related level, i.e.,

- | | | | |
|---|--------------------------------|--|--------------------------------|
| <input type="checkbox"/> Federal | <input type="checkbox"/> State | <input type="checkbox"/> County | <input type="checkbox"/> Local |
| <input type="checkbox"/> Headquarters, LEAA | | <input type="checkbox"/> Police * | |
| <input type="checkbox"/> LEAA Regional Office | | <input type="checkbox"/> Court * | |
| <input type="checkbox"/> State Planning Agency | | <input type="checkbox"/> Correctional Agency * | |
| <input type="checkbox"/> Regional SPA Office | | <input type="checkbox"/> Legislative Body * | |
| <input type="checkbox"/> College/University | | <input type="checkbox"/> Other Government Agency * | |
| <input type="checkbox"/> Citizen Group | | <input type="checkbox"/> Crime Prevention Group * | |
| <input type="checkbox"/> Commercial/Industrial Firm | | <input type="checkbox"/> Professional Associations * | |

9. Your Name (Optional) _____

Organization or Agency _____

Your Position _____

(Fold)

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END