

U.S. Department of Justice
Community Relations Service



Principles of Good Policing: Avoiding Violence Between Police and Citizens

1058951

The Community Relations Service (CRS) was created by the Civil Rights Act of 1964 "...to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin...."

Police/citizen conflict accounts for a major portion of the disputes responded to, and the agency provides a wide range of conciliation and technical assistance to help resolve disagreements over alleged police use of excessive force and other issues. CRS carries out most of its activities informally but will conduct formal negotiations if the disputing parties believe that approach offers the best opportunity for reaching a mutually satisfactory settlement of their differences.

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U.S. Department of Justice
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Foreword

Over the years, the Community Relations Service (CRS) has worked with and assisted police departments all over the country in coming to grips with the difficult task of maintaining law and order in a complex and changing society. Frequently, these efforts have involved minority citizens' complaints or allegations of police use of excessive force.

In the following pages, staff of the Community Relations Service together with four knowledgeable police executives have set out guiding principles that should govern police work in a community. The underlying assumption is that a police force and the community it serves must reach a consensus on the values which guide that police force. Those values, while implicit in our Constitution, must embrace as clearly as possible the protections for individual life and liberty and, at the same time, what is necessary to maintain a peaceful and stable society. To accomplish this, a police executive must be familiar not only with his or her own police culture but with the community culture as well, no easy task in today's changing neighborhoods.

The Community Relations Service's involvement in the police-citizen violence issue stems directly from the agency's mandate to assist in resolving disputes that threaten peaceful race relations in communities. Among the causes of such disputes, none is more volatile than unwarranted police use of deadly force against minority citizens. Even a perception that police follow this practice is cause for concern because the negative impact on police-citizen relations will be the same.

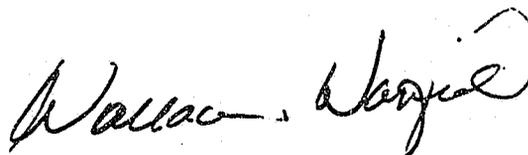
These issues have been a central concern for CRS since its inception. However, the agency stepped up its programming in this area during the late 1970's when its caseload began to increase, a growing number of national leaders began to cite police-citizen violence as a serious problem, and several independent studies indicated that minorities were disproportionately the victims of police use of deadly force.

In 1979 CRS organized possibly the first major national conference ever convened to examine the deadly force issue and the safety of police officers. The League of United Latin American Citizens and the National Urban League co-sponsored that conference. It involved some of the nation's top police executives, national civil rights leaders, criminal justice researchers, local community leaders, and rank-and-file police officers in extensive discussions about the use-of-force issue. Those discussions laid the groundwork for unprecedented cooperation on action programs by conference participants when they returned to their home cities.

Since then, CRS has made the development and implementation of innovative approaches to the deadly force problem — and dissemination of information through other conferences, training workshops, and publications — a major focus of its efforts. As one part of that effort, the agency invited four of the nation's outstanding law enforcement professionals to join in examining the police function with an eye toward identifying techniques, tactics, and approaches that can help to minimize violent police encounters with citizens. Those professionals are Police Chiefs Frank Amoroso of Portland, Maine, and Lee Brown of Houston, Texas; Charles Rodriguez, Professor of Criminal Justice at Southwest Texas University and formerly Police Chief of San Antonio, Texas; and Darrel Stephens, formerly Chief of the Newport News, Virginia, Police Department and now Executive Director of the Police Executive Research Forum. This group and CRS' own staff developed the recommendations and suggestions presented in this publication.

It perhaps should be pointed out that CRS is well aware that citizens bear a part of the responsibility for the nature of relations with the police. In fact, in previous publications, the agency has addressed steps which citizens and police can take cooperatively to reduce friction. The interest here is in focusing exclusively on the police function because of its predominant importance in the overall equation of police-citizen relations.

Finally, while this publication is directed primarily toward police departments, I hope that police executives will use its contents to explore their relationship with representatives of the communities in which they work. In the Community Relations Service, we have come to appreciate the benefits of a preventative response versus a reactive one. I believe police executives will find this publication helpful in devising techniques to avoid conflict and disharmony with the communities they serve.



Wallace Warfield
Acting Director

Preface

The relationship between the American public and the police, particularly its often violent nature, has been under intensive reexamination. Police-citizen violence and related concerns are prime topics of conversation wherever law enforcement professionals gather to discuss problems. Many police departments have made reviewing their use of force a top priority. And major civil rights organizations have made a priority of responding to police use of deadly force.

The dimensions of this issue are also reflected in the amount of research and analyses devoted to it by criminal justice researchers and scholarly journals. In addition, even a casual reading of the nation's newspapers often finds their pages filled with accounts of confrontations between police and minority citizens over the use of deadly force. And television's evening news programs sometimes provide dramatic supporting pictures, graphically revealing the resulting tensions in a community.

Why has the relationship between the police and citizens come under such scrutiny? One reason is the large number of killings by and of police officers in recent years. A second factor is recent changes affecting municipal and civil liability, which have put cities and employees of local governments under greater legal jeopardy.

Another important factor is a succession of court rulings placing more restrictions on police use of firearms, including the 1985 Supreme Court decision in *Tennessee v. Garner* which invalidated parts of many states' rules for shooting at fleeing felons. Still another reason is the increasing primacy given to preserving life as a value underlying the concept of policing. There is also a movement to modernize and improve police work from within the profession itself, partly in reaction to the above phenomena but also as a general response to larger changes in U.S. society.

Two premises underlie the approaches to policing discussed in this publication. One is that the police, by virtue of the authority which society vests in them, have overarching responsibility for the outcome of encounters with citizens. And this in no way ignores the fact that the police must deal with such groups as criminals and the mentally disturbed as well as law-abiding, rational citizens. The second and main premise is that good policing must take into consideration two equally important factors: the *values* on which a police department operates as well as the *practices* it follows.

In addition to adopting a set of values, it is equally important that police departments clearly and publicly state those values. This sets forth a department's philosophy of policing and its commitment to high standards for all to know and understand. To be meaningful these values must be known to all members of the community as well as all members of the police department. In addition, a department's values

must incorporate citizens' expectations, desires, and preferences. A department's policies and practices flow from its values. Without clear values, it is unlikely that practices ultimately will be as well-focused as they should.

Police department practices constitute the second major focus of *Principles of Good Policing*, taking into account major areas of police responsibility which often produce incidents that escalate into violence. In isolating these situations, the publication suggests how procedures, tactics, and techniques might be modified — or new approaches implemented — to reduce the number of instances in which potentially problematic police-citizen encounters become problems in reality.

This publication also takes into account that there are no philosophies or practices which will anticipate the entire range of human behavior that officers might encounter in the course of police work. It is also understood that, ultimately, the police officer's judgment will be the deciding factor in most cases. However, enough relevant experience and information exist that officers can be given practical guidance which, in many instances, will help to avoid escalation of situations to violence.

Much recent effort to reduce police-citizen violence has focused exclusively on imposing tighter restrictions on police use of firearms. Appropriate firearms restraint is critically important, and the Community Relations Service (CRS) actively provides technical assistance to police departments in reviewing and revising their firearms policies. However, many departments have found it more useful to pursue a number of administrative innovations as a package of protections to officers, citizens, and crime suspects alike. That, essentially, is the approach this publication takes.

It should also be emphasized that the safety of police officers is recognized as a fundamental concern. No responsible citizen expects a police officer to risk his or her life unnecessarily or foolishly. And no police chief worthy of the responsibility would adopt policies or practices that expose officers to undue risk. On the other hand, this publication does question an approach to policing which places the self-aggrandizement of the officer above such paramount values as reverence for life and safeguarding the guarantees of the Constitution and laws of the United States. Moreover, there is no dishonor in following sound, professional approaches to police work which belie the "macho" image presented in television "cop shows" and movies.

CRS' interest is in promoting the adoption of policies and practices which afford maximum protection to officers, citizens, and everyone involved. The content of this publication, in the final analysis, is based on the principle that good policing involves a partnership between police and citizens. Police cannot carry out their responsibility acting alone. And

it must also be emphasized that no police department which permits its officers to use force against citizens unnecessarily can hope to gain their support.

Only when sound values, mutual respect, and trust are shared — encompassing all groups that make up the community — can the police-citizen partnership work as it should. The recommendations, suggestions, and observations in

Principles of Good Policing are offered to help achieve that bond between citizens and the police.

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About The Task Force

Frank Amoroso

Frank Amoroso has been Chief of Police of Portland, Maine, since 1978. Prior to that, he served one year as Chief of the Saco, Maine, Police Department. From 1969 to 1976 he was Director of Community Relations for the Portland Police Department. Having begun his career as a patrolman in 1962, Chief Amoroso has more than 20 years experience in law enforcement and now supervises a force of over 200 officers. He has established a reputation as an able, resourceful police executive whose varied community-based experience gives him a particular understanding of the interaction between a police agency and the citizens in a community.

Chief Amoroso holds a Bachelor's degree in Sociology, a Master's degree in Administration, and a Master's degree in Counseling from the University of Maine. He has also attended Hampton Institute in Hampton, Virginia. In addition to his active police work, Chief Amoroso has for the last 15 years also been an adjunct professor at St. Joseph's College in Standish, Maine. He frequently speaks, participates in seminars, and serves as a consultant to other police departments on police/community relations.

Lee P. Brown

Lee Brown's combination of experience and education is perhaps unique in law enforcement. He has been Chief of the Houston Police Department since 1982. In the 22 years prior to that, he served as Public Safety Commissioner of Atlanta; as Sheriff of Multnomah County, Oregon (which includes Portland); and for eight years was an officer with the San Jose Police Department, starting as a patrolman in 1960. During that 22-year period, he also established his credentials as an educator and researcher, serving for four years as Chairman of the Department of Administration and Director of Criminal Justice Programs at Portland State University in Oregon, and for three years as Professor of Public Administration and Associate Director of the Institute for Urban Affairs at Washington's Howard University.

Chief Brown holds a Bachelor's degree in Criminology from Fresno State University, a Master's degree in Sociology from San Jose State University, and a Master's degree and Doctorate in Criminology from the University of California at Berkeley. He is the author or co-author of many articles and a number of books on law enforcement. It should also be mentioned that he has served widely as a consultant and on various federal government study commissions.

His combined experience as police executive, rank-and-file officer, educator, and researcher has given Chief Brown strong views about policing. He is a firm believer, for example, that a police department must establish values to guide its operations, show restraint in the use of force, and focus on preventing crime rather than responding to it after it has happened. Just as in previous leadership positions, his view of the proper conduct of the law enforcement function has led him to institute many innovative changes in the Houston Police Department. Among those changes are implementation of policy restricting use of deadly force to protecting life or preventing serious bodily injury; a pilot project to reduce citizens' fear of crime; and another project to test neighborhood team policing.

Chief Brown has also introduced participatory management, increased the number of officers on the street (in part by hiring civilians for desk jobs), and increased the percentage of black, Hispanic, and other minority officers on the force. The changes and improvements he has brought to the police department and the city have won him high marks inside and outside the department. It is worth noting that he is the first chief from outside the Houston Police Department, which now has about 6,000 sworn and non-sworn personnel, in 40 years. Chief Brown is currently Fourth Vice President of the International Association of Chiefs of Police and will assume the presidency in 1990.

John G. Perez

John Perez has been Regional Director of CRS' Southwest Region since 1979. In that capacity, he is responsible for resolving community conflict stemming from allegations of disparate or unequal treatment based on race, color, or national origin in a five-state area. The Southwest Region, headquartered in Dallas, encompasses the states of Texas, Arkansas, Louisiana, Oklahoma, and New Mexico. He was recruited by CRS in 1972 and served as Deputy Regional Director in the Southwest Region before being named to head the Central Region, which is headquartered in Kansas City, in 1973. He held that Central Region post until returning to the Southwest Region in 1979.

As the agency's chief representative in the Southwest, Mr. Perez has been extensively involved in resolving conflict between citizens and police. Since joining CRS, he has actively promoted police program reform with a focus on reducing police/citizen violence. This has included developing means to increase police and citizen awareness about friction points that have historically caused confrontations between them. Among instruments and programs developed are survey methods and programs relevant to citizen complaint processes, citizen surveys to evaluate relations with the police, survey instruments that aid police executives in measuring their personnel's attitudes and knowledge about minority affairs and organizations, and police training programs on municipal liability and civil rights. These products have proven very useful in examining conflict and finding remedies that restore good police/citizen relations.

Mr. Perez also brings to his CRS work nine years experience as a police officer. During that time, he carried out assignments in street patrol, undercover narcotics, vice and juvenile gang activities as an officer with the San Antonio Police Department. His experience also includes serving in various administrative positions with the San Antonio Independent School District, including "Principal-at-Large" assigned to handle school/community conflict, according to education periodicals the first such position established in the nation. Mr. Perez earned a Bachelor's degree in Education from Trinity University and a Master's degree in School Administration and Supervision from Our Lady of the Lake College, both in San Antonio, and has pursued other post-graduate work in Counseling.

Charles Rodriguez

Charles Rodriguez is Professor of Criminal Justice at Southwest Texas University in San Marcos. Prior to that, he served for three years as Chief of the San Antonio Police Department, the

tenth largest in the U.S., with 1,500 sworn and non-sworn personnel. From 1955 to 1983 he was a member of the Los Angeles County Sheriff's Department, rising to the position of Commander in charge of three patrol stations responsible for law enforcement over an area of 600,000 population. In law enforcement for more than 30 years, Mr. Rodriguez has extensive experience in programming and managing the delivery of police services over large metropolitan areas. He holds a Master's degree in Public Administration from the University of Southern California in Los Angeles, a Bachelor's degree in Public Management from Redlands University in Redlands, California, and an Associate's degree in Police Science from Cerritos College in Norwalk, California.

Gus Taylor

As Senior Conciliator in CRS' Southwest Region since 1984, Gus Taylor has helped resolve some of the most serious police/citizen disputes that have occurred in that part of the country. In several instances where disagreements over alleged police abuses resulted in virtually a total absence of communication between police and minority citizens, he has helped bring about improved relations that have been hailed by minority community leaders and police officials alike. As Senior Conciliator for the Region, he is also the lead mediator on court-referred mediation and acts as staff training officer for the Region.

Mr. Taylor is widely experienced in conciliation, mediation, intergroup relations, and conflict management. He was formerly Director of Manpower for the City of Houston's Manpower and Development program, and was the first Director of Personnel hired by Harris County, Texas, the state's largest county, to design and implement its personnel structure. He came to CRS from the U.S. Equal Employment Opportunity Commission, where he was Supervisor of the Conciliation Unit in that agency's Dallas Regional Office. Mr. Taylor has a Bachelor's degree from Dillard University in New Orleans and has also attended Texas Southern University Law School.

Darrel W. Stephens

Darrel Stephens became Executive Director of the Police Executive Research Forum (PERF) on July 1, 1986. Before joining PERF, he served for three years as Chief of Police of Newport News, Virginia. During his tenure there, he completely reorganized the police department to improve accountability, implemented a comprehensive training program for personnel at all levels, and instituted other major changes to improve the department's overall effectiveness. As Chief, he also led the department through the steps necessary to make it the fourteenth agency to win accreditation by the Commission on Accreditation for Law Enforcement Agencies.

From 1979 to 1983 Mr. Stephens was Chief of the Largo, Florida, Police Department, where he implemented a management and supervisory training program, a minority recruitment program, and other changes which improved the quality of police services to the community. Prior to that, he served for three years as Assistant Chief of the Lawrence, Kansas, Police Department and for eight years with the Kansas City, Missouri, Police Department, joining the latter agency as a patrol officer in 1968. In addition to his active police service, he has taught at the University of South Florida in Tampa and at Wichita State University in Kansas.

An innovator whose interest in law enforcement research is tempered by long years as a patrol officer, a sergeant supervising other officers, and a commander at various levels, Mr. Stephens has made wide-ranging but realistic improvement in the policing function a hallmark of his administrations as a police executive. He has supervised major research or pilot projects testing new approaches or procedures in every police agency where he has served. In addition, while a member of the Kansas City Police Department he served one year as a Police Program Specialist with the National Institute of Law Enforcement and Criminal Justice in Washington. Mr. Stephens holds a Bachelor's degree in the Administration of Justice from the University of Missouri at Kansas City and a Master's degree in Public Services Administration from Central Missouri State University. He has written extensively on law enforcement and has consulted widely with other police departments, agencies, and organizations.

Martin A. Walsh

As CRS' New England Regional Director, Marty Walsh is responsible for all of the agency's conflict resolution activities in Connecticut, Massachusetts, New Hampshire, Maine, Rhode Island, and Vermont. Mr. Walsh joined CRS in 1968 and served in various leadership positions at its Washington headquarters before becoming New England Regional Director in 1974. The New England Region is headquartered in Boston. As the agency's chief official in New England, he has been extensively involved in responding to community law enforcement problems. That includes acting as intermediary in a number of police/citizen disputes, working with district attorneys to improve the law enforcement response to racially motivated crimes, and participating in conflict management and other training for officers at area police academies.

Mr. Walsh also played a lead role in developing a CRS pamphlet offering guidelines for police and school officials on advance coordination for responding to school disruption. In addition, he worked closely with Boston school and police officials during the implementation of school desegregation. Prior to joining CRS, Mr. Walsh served as Deputy Director of the Miami, Florida, Office of Community Services and was also a consultant to the Community Services Administration, formerly known as the Office of Economic Opportunity. He is a graduate of Josephinum College in Columbus, Ohio, where he earned a Bachelor's degree, holds a Master's degree from Catholic University in Washington, and has pursued doctoral studies in Sociology at the University of Maryland.

Atkins W. Warren

Atkins Warren joined the CRS staff in 1984. As National Administration of Justice Specialist, he is the agency's chief advisor and program analyst on criminal justice matters. Prior to joining CRS, he served as Chief of the Gainesville, Florida, Police Department from 1980 to 1984. During his administration as Chief, Mr. Warren in 1981 made that department one of the first in the country to adopt policy restricting the use of deadly force to the protection of human life or the prevention of serious injury.

For 32 years before assuming command of the Gainesville Police Department, he was a member of the St. Louis Metropolitan Police Department, joining as a patrolman in 1948 and rising to the rank of Lieutenant Colonel and Inspector of Police. In that position he

was Commander of the Bureau of Inspections, which is comprised of three divisions: the Internal Affairs, Inspection and Evaluation, and Watchman Divisions. During his tenure with the St. Louis Police Department, Mr. Warren developed a number of innovative programs which have become an integral part of department operations. For example, he recommended the adoption of a "Behavior Pattern File" to identify the complaint-prone officer so such officers can be given counseling and guidance by a psychologist or other qualified professional. In addition, he recommended new firearms policy and training which were adopted and also developed much of the department's procedure for processing citizen complaints.

Mr. Warren, whose long law enforcement career includes service as a detective and command experience at all levels, is widely experienced in urban law enforcement. While in the active police service, he combined an understanding of policing and urban social dynamics to develop and implement many innovative programs to improve the police/citizen relationship. He is a strong exponent of the principle that policing at its best involves a solid partnership between the police and citizens. He is also a founding member of the National Organization of Black Law Enforcement Executives, an organization he served as president from 1981 to 1982.

Mr. Warren holds a Bachelor's degree in Sociology and a Master's degree in Public Administration from Webster University in Webster Groves, Missouri.

Dennis Wynn

Dennis Wynn joined CRS in 1972. As Media Affairs Officer, he is responsible for handling public and news media inquiries about agency activities, manages an exhibits program, develops various reports, and also produces agency publications. Since joining CRS, he has written or helped write four previous publications on police use of deadly force, police/community relations, or related subjects. Before coming to the agency, he served as a Public Affairs Specialist with the former U.S. Department of Health, Education and Welfare, handling inquiries and writing about the federal welfare program, and with the U.S. Department of Agriculture (USDA), reporting on the results of agricultural research as a staff writer for a USDA magazine. He was also formerly Associate Editor of the Carnegie Commission on Higher Education, which over several years conducted a comprehensive study of the problems facing higher education. He is a graduate of Tennessee State University, with a Bachelor's degree in English, and has also pursued graduate studies in Urban Affairs at Howard University in Washington.

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Values for Good Policing

The primary purpose of this publication is to assist police agencies in reducing the incidence of violence between police officers and citizens. Looking at it from the perspective of the police executive, the successful accomplishment of that objective should have two major benefits. First, it should enhance the safety of police officers. Second, it should foster an atmosphere of cooperation and mutual respect between the police and the people they serve. The purpose of this chapter is to provide a basis for assessing a police department to determine, first of all, if its culture is conducive to reducing violent confrontations between the police and citizens. Equally important, this chapter provides a frame of reference which can be used by any police chief to develop policy, make decisions, implement programs and ultimately guide the manner in which the department delivers police services in the community it serves.

The Police Culture

The "culture" of a police department reflects what that department believes in as an organization. These beliefs are reflected in the department's recruiting and selection practices, policies and procedures, training and development, and ultimately, in the actions of its officers in delivering services. Clearly all police departments have a culture. The key question is whether that culture has been carefully developed or simply allowed to develop without benefit of thought or guidance.

There are police agencies, for example, where the use of force is viewed as abnormal. Thus, when it is used, the event receives a great deal of administrative attention. Such a response reflects the culture of that department: the use of force is indeed viewed, and responded to, as an atypical occurrence. Contrast such a department with one which does not view the use of force as abnormal. In the latter case, there probably are no written rules providing officers with policy guidelines regarding the use of force. There probably is no administrative procedure for investigating incidents where force is used. And, most importantly, the culture of the department is such that officers come to view the use of force as an acceptable way of resolving conflict.

Over the past few years, there has been significant progress in improving police-community relationships. Yet, the major problem creating friction between the police and the community today — especially the minority community — is police use of deadly force. This is an age-old problem that only in recent years has reached the level of national awareness. The fact that a problem existed for such a long time before receiving wide attention can again be related to the culture of the police.

Until recently, few if any police departments developed their firearms policy around a value system that reflected reverence for human life. Rather, those agencies which did have written policies (and many did not) reflected the prevailing police culture in those policies. The prevailing culture was a focus on enforcement of the law. Thus, the official policies of most police agencies allowed officers to fire warning shots, to shoot fleeing felons, or to use deadly force under other circumstances that did not place the highest value on human life.

It is clear that the culture of a police department, to a large degree, determines the organization's effectiveness. That culture determines the way officers view not only their role, but also the people they serve. The key concern is the nature of that culture and whether it reflects a system of beliefs conducive to the non-violent resolution of conflict.

How do you establish a positive departmental culture? In answering this question, it is important to emphasize again that all departments have a culture. It is also important to recognize that the culture of a police department, once established, is difficult to change. Organizational change within a police agency does not occur in a revolutionary fashion. Rather, it is evolutionary. And it is possible to focus on the process of establishing a departmental culture.

Developing a Set of Values

The beginning point in establishing a departmental culture is to develop a set of values. Values serve a variety of purposes. For example, they:

- Set forth a department's philosophy of policing.
- State in clear terms what a department believes in.
- Articulate in broad terms the overall goals of the department.
- Reflect the community's expectations of the department.
- Serve as a basis for developing policies and procedures.
- Serve as the parameters for organizational flexibility.
- Provide the basis for operational strategies.
- Provide the framework for officer performance.
- Serve as a framework from which the department can be evaluated.

In developing a set of values for a police department, it isn't necessary to have a lengthy list. Rather, there should be a few values which, when taken together, represent what the organization considers important. For example, if it is the objective of the department to create a culture that is service-oriented, then that should be reflected in its set of values. In other words the importance of values is qualitative, not quantitative.

Finally, an essential role of the police chief is to ensure that the values of the department are well articulated throughout the organization. To accomplish this, the chief as leader must ensure that there is a system to facilitate effective communication of the values. This includes recognizing and using the organization's informal structure. This is important because, in addition to the formal structure, values are transmitted through the informal process, myths, legends, metaphors, and the chief's own personality.

Each police department should develop a set of values which reflects its own community. However, it is possible to articulate a general set of values which can serve as a framework for any department to build upon or modify to meet local needs. What follows is just such a generic set of values for good policing:

- **The police department must preserve and advance the principles of democracy.**

All societies must have a system for maintaining order. Police officers in this country, however, must not only know how to maintain order; they must do so in a manner consistent with our democratic form of government. Therefore, it is incumbent upon the police to enforce the law and deliver a variety of other services in a manner that not only preserves, but also extends precious American values. It is in this context that the police become the living expression of the meaning and potential of a democratic form of government. The police must not only respect but also protect the rights guaranteed to each citizen by the Constitution. To the extent each officer considers his or her responsibility to include protection of the constitutionally guaranteed rights of the individual, the police become the most important employees in the vast structure of government.

- **The police department places its highest value on the preservation of human life.**

Above all, the police department must believe that human life is our most precious resource. Therefore, the department, in all aspects of its operations, will place its highest priority on the protection of life. This belief must be manifested in at least two ways. First, the allocation of resources and the response to demands for service must give top priority to those situations that threaten life. Second, even though society authorizes the police to use deadly force, the use of such force must not only be justified under the law, but must also be consistent with the philosophy of rational and humane social control.

- **The police department believes that the prevention of crime is its number one operational priority.**

The department's primary mission must be the prevention of crime. Logic makes it clear that it is better to prevent a crime than to put the resources of the department into motion after a crime has been committed. Such an operational response should result in an improved quality of life for citizens, and a reduction in the fear that is generated by both the reality and perception of crime.

- **The police department will involve the community in the delivery of its services.**

It is clear that the police cannot be successful in achieving their mission without the support and involvement of the people they serve. Crime is not solely a police problem, and it should not be considered as such. Rather, crime must be responded to as a community problem. Thus, it is important for the police department to involve the community in its operations. This sharing of responsibility involves providing a mechanism for the community to collaborate with the police both in the identification of community problems and determining the most appropriate strategies for resolving them. It is counter-productive for the police to isolate themselves from the community and not allow citizens the opportunity to work with them.

- **The police department believes it must be accountable to the community it serves.**

The police department also is not an entity unto itself. Rather, it is a part of government and exists only for the purpose of serving the public to which it must be accountable. An important element of accountability is openness. Secrecy in police work is not only undesirable but unwarranted. Accountability also means being responsive to the problems and needs of citizens. Accountability means, in addition, managing police resources in the most cost-effective manner. It must be remembered that the power to police comes from the consent of those being policed.

- **The police department is committed to professionalism in all aspects of its operations.**

The role of the professional organization is to serve its clients. The police department must view its role as serving the citizens of the community. A professional organization also adheres to a code of ethics. The police department must be guided by the Law Enforcement Code of Ethics.¹ A profession polices itself. The police department must ensure that it maintains a system designed to promote the highest level of discipline among its members.

- **The police department will maintain the highest standards of integrity.**

The society invests in its police the highest level of trust. The police, in turn, enter into a contractual arrangement with society to uphold that trust. The police must always be mindful of this contractual arrangement and never violate that trust. Each member of the police department must recognize that he or she is held to a higher standard than the private citizen. They must recognize that, in addition to representing the department, they also represent the law enforcement profession and government. They are the personifications of the law. Their conduct, both on and off duty, must be beyond

1. The Law Enforcement Code of Ethics was developed by a committee under the auspices of the International Association of Chiefs of Police in 1957.

reproach. There must not be even a perception in the public's mind that the department's ethics are open to question.

Recognizing that society is undergoing massive changes, police agencies are confronted with a great challenge. The essence of that challenge is to be able to respond to problems created by social change, while at the same time providing the stability that holds a society together during a period of uncertainty.

By setting forth a clear set of values, articulating what it believes in, the police department then has a foundation to

guide itself. Such a foundation also allows for organizational flexibility. In addition, a set of values provides the community with a means of assessing its police department without having to become involved in technical operations. Value statements serve as the linkage between the ongoing operations of a police department and the community's ability not only to participate, but also to understand the reason for police department strategies. It is within this context that the recommendations and suggestions in the following pages are presented.

Contemporary Issues in Policing and Their Significance

Close observers have seen a number of changes in policing over the last 15 or 20 years. Many changes have come in the form of programs developed to address a specific issue or problem and supported with funding from outside of police departments. While most of these programs made positive contributions to the police organization or the community, they often did not survive after outside funding stopped because they were implemented in addition to what the police department was already doing and were never integrated into day-to-day operations.

Moreover, many of these programs were implemented without full understanding of the factors involved in the issue or problem they were designed to deal with. The result has been that problems have not been adequately addressed, and ideas have been discarded because of a belief that they did not work. The problem of police-citizen violence has received considerable attention during this period and, like some other issues, continues to be a source of tension.

A major reason violence between police and the community continues to be a problem is its complexity. Violence often occurs, for example, in a setting where the instigator — police officer or citizen — may receive considerable support for the act itself. Moreover, from the law enforcement standpoint, there may be a legal basis for the police's use of force. This situation is further complicated when one considers moral questions involved, or knows that force could have been avoided with greater effort on the part of the police. Obviously, attempts to minimize violent encounters between the police and community must focus on the police since their likelihood of exercising control over these interactions is much greater. Even when the effort to control violence focuses on the police, the complexity is significant and a wide range of issues must be considered.

Police Culture, Police Society

In discussing competing forces pulling at the police officer, researcher Jerome Skolnik has written the following:

The combination of danger and authority found in the task of the policeman unavoidably combine to frustrate procedural regularity. If it were possible to structure social roles with specific qualities, it would be wise to propose that these two should never, for the sake of the rule of law, be permitted to coexist. Danger typically yields self-defensive conduct, conduct that must strain to be impulsive because danger arouses fear and anxiety so easily. Authority under such conditions becomes a

resource to reduce perceived threats rather than a series of reflective judgments arrived at calmly. The ability to be discreet, in the sense discussed above, is also affected. As a result, procedural requirements take on a "frilly" character, or at least tend to be reduced to a secondary position in the face of circumstances seen as threatening.²

Skolnik's description of this aspect of the police officer's role provides some measure of understanding of how violence might occur in encounters with citizens. It also provides a basis for the formation of "police culture" or the police society. While most occupational groups develop their own identity, the police identity seems to be much stronger because of the nature of the work. There is a belief that one cannot understand the difficulty of the work without having done it.

As a result, when a community questions the actions of the police — as can be expected when a police officer uses a firearm — the law enforcement profession has a tendency to close ranks and defend the officer at all costs. The development of this "police society" begins with academy training (if not even before in the recruiting and selection process) and continues until the individual becomes an accepted part of the fraternity. An example of how this socialization process might take place appears in Jonathan Rubinstein's *City Police*:

A rookie patrolman was sitting in the roll call room waiting for his tour to begin when his wagon partner left a small group to come and sit next to him. It was the first time anyone had spoken to him before roll call in the two weeks he had been in the district. "Hey, Tony, I been meanin' to ask you, where'd you get that little stick you carry?" "It's what they issued us at the academy," the rookie replied. "No kiddin'". Take my advice and get rid of it. Go down to Coteman's and get yourself one of them new plastic sticks. They're good and solid, not a toothpick." The rookie fidgeted, kept his eyes on the floor, and quietly replied, "I don't want to be that way."³

Although reluctant, the rookie bought one of the new nightsticks the next day. The socialization process is generally more subtle, and assignment procedures may well contribute to the development of the police society. Many

2. Jerome H. Skolnick, *Justice Without Trial: Law Enforcement in Democratic Society* (1966), p. 67.

3. Jonathan Rubinstein, *City Police* (1973), p. 319.

departments, for example, rotate patrol officers' shifts weekly, which makes association with people other than police officers extremely difficult.

In addition to assignment patterns, the job itself tends to cause social isolation. After a period of time as a police officer, it is not uncommon for an officer to begin avoiding contacts with old friends, even when scheduling permits, because of the tendency to hear stories about traffic tickets and other negative encounters people may have had with the police. The result is the creation of an environment where an officer withdraws further and further from the community. He or she moves toward the protective shell of the police world where colleagues understand the nuances of the work.

From the standpoint of addressing the problem of police-community violence, the "police society" is a key element. The reinforcement of narrow views through limiting contact only to other officers has an impact on the creation and perpetuation of violent encounters with citizens. The "police society" also severely hampers efforts to investigate complaints of excessive force. The police profession must reach a point where violence is discouraged at the peer level. When violence does occur, police officers themselves must be involved in providing information to the investigative process without feeling guilty. There are also positive aspects to a close-knit work group, and care must be taken to ensure these positive aspects are not harmed when attempting to deal with the negative ones.

Recruitment and Selection

Bringing the right type of people into law enforcement is another major aspect of any effort to improve the police profession and address the violence issue. Most discussions of police reform have touched on the importance of recruitment and selection as a long-term strategy for improvement. Although this may be obvious, they are difficult problems in and of themselves and, in addition, also a source of conflict between the police and the community.

The source of conflict is disagreement over what type of person is best able to handle the responsibilities of a police officer. One continuing debate is the amount and type of education appropriate for a police officer. Another debate involves the police agency's racial make-up. While there is general agreement on the need for a police department to reflect the make-up of the community it serves, there is considerable disagreement on how that balance should be attained. The courts have put to rest some of the physical requirements thought to be important for the police for so many years. But the question of the psychological make-up of an officer — and how it should be measured — has yet to be resolved.

Although there is a wide range of opinion on what type of person is best suited to handle the rigors of the job, there

are several basic areas believed to be important as it relates to violence between the police and community. These areas should be incorporated into overall consideration of the type of individuals recruited and selected to be police officers:

- The department should have a ratio of minority-group employees in proportion to the community it serves.
- Continued emphasis should be placed on bringing into law enforcement people with a college background.
- Individuals should be psychologically suited to handle the requirements of the job.

Recruitment

Once a determination is made concerning the type of individual an agency wants to be a police officer, a plan then needs to be developed to recruit them. Many police departments limit their recruiting efforts to local newspaper advertisements when positions are open. This method will usually produce a pool of applicants, but the type of individual sought may not respond to newspaper advertisements.

It is not unusual to hear in police circles that selection criteria are extremely rigid and that only one or two out of ten applicants will survive the entire process and be offered employment. One could also look at that statistic and make a convincing argument that recruitment efforts are not very effective if eight or nine of ten applicants cannot survive the recruiting process. Perhaps the effort devoted to processing applicants unsuited to become police officers could be redirected to recruiting the right type of applicant. The point here is that the recruiting method should be carefully designed to attract the type of applicant desired.

Law enforcement agencies use a variety of approaches to recruit applicants. Some send recruiting teams to "career days" on college campuses while others send recruiters to various cities to look for experienced police officers. Still others devote the majority of recruiting resources to their immediate geographic area with a concentration on people from the community. Many departments have made use of the local news media through feature stories and public service announcements. Some have also called for business and corporate assistance to develop appropriate brochures that provide accurate information about the department's salaries, benefits, and programs.

A factor that has an immense impact, but is often not addressed very effectively in recruiting plans, involves individuals who are already a part of the police organization. The attitudes of individual officers about their job and the department, if negative, may cause potential applicants to look elsewhere for employment. On the other hand, positive attitudes may exist for the wrong reasons — for example, because the department has an image as a place for "macho", TV-style cops.

Therefore, it is important that the recruiting plan and its underlying rationale be shared with all employees so they

have a clear understanding of the department's objectives. Employees can serve as excellent recruiters if they know these objectives and appreciate the critical importance of their jobs. Employees can also better discuss some of those issues often put forth as impediments to attracting high-quality applicants. For example, they can speak directly to issues such as low pay and the difficulties of shift work. They are in the best position to talk about positive as well as negative aspects of a police career.

The objective of a recruiting program should be to attract a large enough pool of desirable applicants to fill department vacancies. This does not mean that the only measure of the recruiting effort should be the number of people who complete employment applications. If a department needs a higher ratio of minorities, and the only people completing applications are non-minorities, or minorities who do not meet basic requirements, then the objective is obviously not being met. The recruiting plan must contain relevant and measurable objectives that are monitored to ensure every effort is being made to meet them.

Selection

After an individual has expressed an interest in becoming a police officer, most departments begin a process that involves a series of steps designed to aid in making the selection decision. The selection process has received a great deal of attention over the last 15 years or so. Arbitrary standards such as requiring that officers be a certain sex have been modified because of the inability to establish them as bona fide occupational qualifications.

The close examination of this process has underscored its importance. It has also helped focus attention on developing a better understanding of the police officer's job, and on including steps that measure whether a candidate has the potential for meeting those requirements. Even with these improvements, a number of selection issues have continued to generate considerable controversy. Two of these, educational requirements and psychological screening, are alternatives believed to have potential for reducing violence between the police and community. However, these are obviously long-term alternatives since psychological screening and educational requirements cannot be imposed upon individuals currently employed.

The education issue has been a long-standing topic of discussion in law enforcement circles. As early as 1931, the Wickersham Commission report noted the need for higher levels of education.⁴ The President's Commission on Law Enforcement and the Administration of Justice recommended in its *Police* report that officers should have a minimum of two years of college and four years for supervisors and administrators.⁵ The National Commission on Police Standards and Goals established a standard in its *Police* report,

published in 1973, that by 1982 a basic entry-level requirement should be a baccalaureate degree from an accredited college or university.⁶

These reports were followed by many other calls for similar requirements, but the reality has been that few departments have actually implemented any changes in entry-level educational requirements. In a recent report published by the Police Executive Research Forum, *The American Law Enforcement Chief Executive: A Management Profile*, it is noted that:

In 1976 the Police Chief Executive Committee recommended the immediate institution of a four-year college degree for new chief executives of all agencies with 75 or more full-time employees. Nearly ten years later, almost 50-percent of those officials still do not possess a baccalaureate degree.⁷

If it isn't possible to make much progress at that level, the entry-level standards will be extremely slow to change. It is not within the scope of this publication to set forth all of the arguments for vigorously pursuing the upgrading of entry-level requirements. Nevertheless, the belief exists on the part of many that an entry-level requirement of a bachelors' degree would go a long way toward addressing a number of problems in law enforcement, including violence between police and the community.

The psychological fitness of police officers is also of major importance in addressing the violence issue. A police officer has considerable discretion in the manner in which day-to-day responsibilities are fulfilled. This discretion extends to the use of force. One method to improve the prediction of whether an individual is able to handle police responsibilities is the use of psychological evaluations. Although many departments do not use psychological screening as a part of the selection process, the Commission on Accreditation for Law Enforcement Agencies has established the following as a mandatory standard for all agencies:

32.6.6 An emotional stability and psychological fitness examination of each candidate is conducted, prior to appointment to probationary status, using valid, useful, and nondiscriminatory procedures.

4. The National Commission on Law Observance and Law Enforcement, better known as the Wickersham Commission, issued a series of 14 reports on criminal justice and related subjects in 1931. Number 14 was its *Report on Police*. The Commission's chairman was U.S. Attorney General George W. Wickersham.

5. *Task Force Report: The Police*, President's Commission on Law Enforcement and the Administration of Justice (1967), pp. 126-127.

6. *Police*, National Advisory Commission on Criminal Justice Standards and Goals (1973), p. 369.

7. *The American Law Enforcement Chief Executive: A Management Profile*, Police Executive Research Forum (1985), p. 108.

Commentary: Law enforcement work is highly stressful and places officers in positions and situations of heavy responsibility. Psychiatric and psychological assessments are needed to screen out candidates who might not be able to carry out their responsibilities or endure the stress of the working conditions.⁸

The importance which the Commission on Accreditation has placed on this area by making it a mandatory standard is obvious. For agencies that do not currently use this tool in the selection process, it will take a number of years to make a significant impact on the organization, but it is a positive step toward minimizing future problems.

Training

Training can have a significant impact on all aspects of police service delivery and is of critical importance in the control of police-community violence. In a Police Foundation study on the use of deadly force published in 1977 it is noted:

In the course of this study police chiefs and administrators were asked what steps they would consider most likely to bring about a reduction in unnecessary shootings by police officers. The most common response was to recommend a tight firearms policy coupled with an effective training program.⁹

While one can generally agree with this response, findings noted in the International Association of Chiefs of Police's (IACP) 1982 report, *A Balance of Forces*, also need to be considered:

- In-service crisis intervention training as opposed to pre-service training was associated with a low justifiable homicide rate by police.
- Agencies with simulator, stress, and physical exertion firearms training experience a higher justifiable homicide rate by police than agencies without such training.
- Markmanship awards given to officers for proficiency in firearms training are associated with a high justifiable homicide rate by the police.
- In-service training in the principles of "officer survival" is correlated with a high justifiable homicide rate by the police.¹⁰

These findings clearly suggest that the *type* and *approach* to training police officers must be carefully examined. In examining this area Herman Goldstein makes several pertinent observations on police entry-level training in *Policing a Free Society*:

- The success of training is commonly measured in terms of the number of hours of classroom work. Eight weeks is considered 100 percent improvement over four weeks . . .

- . . . those who have analyzed the status of recruit training have found much that is wrong . . . the programs are structured to convey only one point of view on controversial matters in a manner intended to avoid open discussion.
- . . . there is an unreal quality in the training program in the emphasis placed on military protocol, in their narrow concept of the police function, and in their according-to-the-book teaching of police operations.
- . . . they tend to portray the police officer's job as a rigid one, largely dictated by law, ignoring the tremendous amount of discretion officers are required to exercise.
- . . . training programs fail to achieve the minimal goal of orienting a new employee to his job . . . failure to equip officers to understand the built-in stresses of their job . . . officers are left to discover on their own the binds in which society places them . . .
- If recruit training is inadequate, in-service training is more so.¹¹

In Goldstein's observations one begins to understand some of the limitations of automatically turning to training to solve all problems. Perhaps it also suggests why some training programs may be associated with a higher rate of police justifiable homicides. A more recent observation in this area is made by Scharf and Binder in *The Badge and the Bullet*:

Our analysis suggests a framework in which to analyze training related to police deadly force. Few training programs have attempted to conceptualize the varied and complex competencies necessary to implement a responsible deadly force policy. Most training . . . focuses upon one or possibly two isolated competencies. Shooting simulators attempt to train police officers to quickly identify threats against them. Some crisis intervention training approaches focus almost exclusively upon the verbal skills useful in dealing with a limited range of disputes. If training is to be effective in reducing the aggregate number of police shootings, it must focus on multiple psychological dimensions, emphasizing those capacities that might influence police behavior in a wide range of armed confrontations. Also, such training should be conducted in environments simulating the complex, and often bewildering, conditions in which

8. *Standards for Law Enforcement Agencies*, Commission on Accreditation for Law Enforcement Agencies, Inc. (1984), pp. 32-37.

9. Milton, et al, *Police Use of Deadly Force*, Police Foundation (1977), p. 105.

10. Kenneth J. Matulia, *A Balance of Forces* (Executive Summary), International Association of Chiefs of Police (1982), p. 25.

11. Herman Goldstein, *Policing a Free Society* (1977), pp. 273-279.

deadly force episodes usually take place. From our observations, this approach to shooting training is rare in police departments.¹²

Sharf and Binder's observations indicate a need to rethink the approach to firearms training and, at the same time, reinforce Goldstein's observations almost 10 years earlier on training in general. Both observations, however, seem to suggest that advantages to be gained from training will not be realized until programs go beyond teaching a single response to complex situations. The focus should be on training and developing a "thinking police officer" who analyzes situations and responds in the appropriate manner based on a value system such as this publication proposes.

This is obviously a much different approach to training than has been used in law enforcement. It requires consideration of a total situation as opposed to focusing solely on the final "shoot/don't shoot" decision. This does not mean that many of the components of current training programs should be dropped. They need to be tied together into a decision-making framework that causes officers to make decisions in earlier stages of responding to a call or handling an incident. This would minimize the risk of a situation evolving to a stage where the use of firearms is required to protect someone's life.

Policy and Accountability

Policy is a guide to the thinking and actions of those responsible for making decisions. Its essence is discretion, and it serves as a guide to exercise that discretion. The development of policies to guide the use of discretion by police officers is extremely critical to the effective management of police organizations. It is also of critical importance to the control of violence between the police and community.

A primary consideration of policy development, then, is to build accountability into police operations. As stated in the opening chapter on values, the principle of police agency accountability to the citizens it serves is fundamental to the relationship. Police departments which have adopted values that uphold professionalism and integrity have consistently established policies which recognize the importance of accountability systems that build citizens' trust in police agency programs and personnel.

The importance of policy development has also been underscored by the Commission on Accreditation for Law Enforcement Agencies. Most of the Commission's standards require a written directive to provide proof of compliance with those standards. Almost all of the agencies that have been accredited, or are in the process of self-assessment, have commented on how the documentation of their policies and procedures has been improved. There are three policy areas of particular significance with respect to police violence concerns: policies dealing with firearms, citizen complaints, and public information.

Use Of Firearms

In a 1985 article in *Police Chief* magazine, William A. Geller discusses 15 methods that have been used by police agencies to reduce the number of shootings (see appendices). One of these methods is a "simple firearms policy that permits officers to fire when necessary to protect life but prohibits other shootings."¹³ The significance of a clear-cut firearms policy cannot be overstated.

One area of firearms policy that has been the subject of considerable controversy in law enforcement has recently been put to rest with the U.S. Supreme Court's decision in *Tennessee v. Garner*. In this case the Court ruled that indiscriminate use of deadly force to apprehend a fleeing felon is unconstitutional. The practice of shooting at fleeing felons was permitted by common law and by statutes in many states. The Court has indicated police officers may use deadly force to prevent a felon from escaping, but only when there is probable cause to believe "that the suspect poses a significant threat of death or serious physical injury to officers or others."

Although many police departments around the country had already incorporated this concept into their policies, many had not. For those that had, it was generally the source of considerable difficulty to implement this provision when it was more restrictive than state law. The fleeing felon question, of course, is only one aspect of a comprehensive firearms policy.

For example, the IACP's *A Balance of Forces* discusses several elements of a model firearms policy, some of the more significant of which are listed below:

- A definition of what is meant by deadly force.
- An indication the policy is for internal administrative use only and is not designed to serve as the basis for third-party civil actions.
- A statement of the value of human life.
- A statement that limits the use of force to protect the officer or others from what is reasonably believed to be an immediate threat of death or great bodily harm.
- A statement concerning risk to innocent persons.
- A statement concerning firing into or from moving vehicles.
- A statement concerning the use of warning shots.
- A statement concerning shooting animals.
- A statement concerning backup weapons and off-duty weapons.
- Firearms training requirements.

12. Peter Scharf and Arnold Binder, *The Badge and the Bullet: Police Use of Deadly Force* (1983), p. 178.

13. William A. Geller, "15 Shooting Reduction Techniques: Controlling the Use of Deadly Force by and Against Police Officers," *The Police Chief*, August (1985), p. 56.

- A procedure for investigating the discharge of firearms, to include administrative leave and psychological services.¹⁴

A firearms policy must be comprehensive in that it addresses a series of issues and yet is simple to read and understand. It also needs to reinforce basic organizational values. Examples of firearms policies have been included in the appendices.

Citizen Complaints

Police handling of citizen complaints is another area that has been discussed for years and continues to be a key element in establishing and maintaining positive relationships between police and the community. Not only is it important for general relationships, it is critical in the area of police-community violence. One way for police administrators to become aware of incidents involving the use of force, or situations that might escalate into violent encounters, is through citizen complaints. In order for this to be effective, members of the community must feel free to make complaints against officers. Citizens must also have some assurance their complaints will be objectively investigated and dealt with by the department.

The complaint process and investigative procedure should minimize violence on the part of citizens and police. Officers who understand that their department will objectively investigate complaints, and impose sanctions when warranted, will be less likely to engage in the use of unnecessary force. Citizens will also be less likely to turn to violence to address their grievances against the police if the department has developed a reputation for conducting impartial investigations and acting on those findings.

The complaint process also serves as a key element in the effort to hold the police department and its members accountable for their actions, and aids in identifying specific problems with officers or perhaps with a procedure. Moreover, the process lets both officers and citizens know what to expect in the event a complaint is made. The benefits and importance of a citizen complaint policy cannot be overstated. The Police Executive Research Forum has developed a model (see the appendices) that may assist agencies in developing a policy to meet their needs.

Another issue which must be considered in the policy area, with respect to complaints, is the general question of citizen review boards. They are frequently offered as a solution to problems with police-community relations. This is an area that needs careful review in each community. In most cities police

administrators and unions have resisted the establishment of citizen review boards. Their resistance stems primarily from reluctance to allow individuals to pass judgment on complaints without having an understanding of the complexities of a police officer's job.

Administrators also argue that officer conduct is their responsibility, and that citizen review already exists through elected mayors, councils, and other elected officials. The real issue seems to be accountability. If this is true, then each community must determine the most efficient and effective method of ensuring that the police are held accountable for their actions.

Public Information

An area of policy that goes hand-in-hand with police accountability and police-community relations is the law enforcement agency's approach to release of public information. It should be recognized that the news media serve as a major source of information about the police and their activities. As such, the media play a key role in developing citizens' views of the police. Given this important media role, it is difficult to understand why so many police agencies fail to develop a public information policy and a relationship with the media based on mutual respect and trust.

This is especially important in the area of police-community violence. Media coverage of incidents involving the use of force is often the only information the community has to form an opinion about the appropriateness of police action. Unfortunately, it is not unusual for the police to refuse to provide any substantive information concerning an incident. This forces media representatives to prepare the story based on information gained from bystanders and unofficial agency sources, an approach which may result in less than accurate reporting of the incident. The stage is then set for friction between the police and media. Misinformed community members may also form erroneous perceptions of the police and their actions.

Police officials must provide sufficient information and detail to accurately explain an incident. At the same time, they need to be careful not to jeopardize an investigation or the department's position. This is a difficult expectation of the police, but it is not impossible to deal with both needs. The task is made much less difficult with a clearly articulated public information policy. (See sample public information policy in the appendices.)

14. Matulia, pp. 31-54.

Effective Police Leadership

Today, the policing function is viewed increasingly in terms of the "contractual" relationship with the people. That is, given the impact which law enforcement has on the community, police service delivery should be based on community needs, safety, and concerns, and on relentless enforcement of the law against criminals, with due consideration for the safety of officers. The contractual nature of this relationship notwithstanding, frequently neither minority community expectations of police conduct nor police expectations of minority community support have been met. The result, of course, has too often been violent encounters between citizens and the police.

The seriousness of this situation wherever it exists makes it imperative that the community and police initiate steps to reduce violence. As in all matters involving how law enforcement is conducted, the role of top police executives is key. Among a multitude of other duties, the police executive must establish personal credibility with all segments of the community. Law enforcement standards of conduct must be articulated, and the community must know what behavior the chief expects of the department's officers. The community should understand what constitutes unofficer-like conduct and, above all, must have a reasonable understanding of procedures for investigating and adjudicating cases of use of deadly force.

In order to reduce the potential for violence, police executives must inculcate the values articulated by policy and procedure into two levels of the police department: the administrative level and the "line" or operational level. To accomplish the task of value-transition on one level without doing so on the other is futile, for no change in police behavior will result. In addition to the two *levels* of the organization which the police executive must address, two *dimensions* of law enforcement must also be addressed: the police "culture" and various community "cultures." Thus, to effect change in the police-community violence phenomenon, police executives must take a multi-dimensional approach. Traditional approaches to reform have been one-dimensional, and have met with little success.

The necessity for multi-dimensional leadership exists for several reasons. Consider, for example, the police executive who develops the "ideal" use-of-force policy, and who develops a strong system of "internal audit" and reporting to insure that violations are identified and punished. This executive has created an administrative response to the violence problem. However, he or she has not addressed the operational-level aspects which impact upon the use of force by police officers: training, peer-group pressure, informal leadership, initial socialization, and "union" protectionism.

Nor has the executive addressed the *external* factors which impact on the police use of force: community norms; media treatment of use of force; sanctions against use of force by local courts, prosecutors, and other official agencies; and community tolerance levels for violence.

Policy developed by that executive is most probably doomed to failure. The administrative functions of policy, procedure, audit, review, and sanction will most probably be offset by operational-level attitudes, beliefs, and informal social structures that tell the line officer that it's "better to face an internal affairs investigation than to have your family confronted by the undertaker." This police executive will most likely find that his or her administrative efforts will fail in what appears to be an overwhelming "subculture" among line personnel and community members. The policies, procedures and administrative infrastructure will fail, not because they were inherently "bad," but because they were not combined with operational-level and external-dimension efforts to combat police-community violence.

The police executive who desires to affect the cycle of police-community violence must of necessity focus on at least four functions which offer the potential of creating change. All four of these functions are amenable to change through effective police leadership, and all four combine to aid the chief executive in developing a multi-dimensional approach to police-community violence. These four functions are: the socialization process of police officers; the administrative mechanisms designed to impact on the operation of the police department; positive and negative reinforcement of police officers; and the education of the community and the news media.

The Socialization of Police Officers

The socialization process for patrol officers has been well documented in the literature — as discussed elsewhere in this publication. Police officers tend to "become" the kind of police officers they are "socialized" to be. The two most important components of the socialization process — and thus the process of leadership — are formal training and informal, "peer group" indoctrination of the young officer.

The field training officer, field training program, and, to a lesser extent, formal classroom training, form the cornerstone of the young officer's operational personality. The acquisition of acceptable operational traits and the inculcation of "preferred" organizational values during this period will last for years under the tutelage of effective leadership. The acquisition of "bad habits" can be avoided through a carefully designed socialization process that is implemented

by handpicked personnel at the training academy and in field orientation experiences.

There are several questions the police executive may ask which will help to gauge the effectiveness of a department's leadership in the area of socialization. While these are generic questions, they will help identify areas which need improvement:

- Must field training officers have demonstrated conformance to the department's values?
- What type of officer is routinely appointed as a field training officer for police cadets, those with a high tolerance for violence or those with a low tolerance for violence?
- Is the officer routinely appointed as a field training officer for police cadets a "negotiator" or a "confrontationalist?"
- Are field training officers trained in methods of referral, negotiation, problem resolution, and other "alternative" police responses?
- Are field training officers routinely encouraged to attend public forums, neighborhood meetings, task forces and other "formal" group processes involving the community?
- Do field training officers receive informal as well as formal rewards for their services to the organization?
- Does the formal training process include classroom time devoted to community relations, problem resolution, negotiation, and alternative police response?
- Which receives greater emphasis in the training curriculum, self-defense and firearms instruction or group and interpersonal interaction skills?

The chief executive's answers to these questions will aid in identifying areas which should be addressed concerning the socialization of new police officers. Once the effective socialization of police officers is attained, it is a role of leadership to continue to refine this socialization.

Administrative Mechanisms to Impact Department Operations

This area of leadership is probably the most well known and most utilized area of managing the police-community violence phenomenon. The process of effective leadership here involves determining the values which must be proffered by departmental policy; developing procedures, rules, and regulations which reflect those values; establishing internal audit, review, and sanction processes to enforce compliance; and "interfacing" with the community with regard to the self-policing function involved in reducing the use of "violent" solutions to problems. Again, there are several questions the police executive should ask to determine the extent to which administrative mechanisms regarding police use of force are in place:

- Has the department appropriately integrated the organization's values into its use-of-force policy and then, through leadership, required adherence to both?
- Does the department have written procedures, rules, and regulations which implement these policies and values?
- Does the department have formal internal review, audit, and monitoring processes to ensure that these procedures, rules, and regulations are followed?
- Does the department have a formal process to advise the community on the functioning of the audit, review, and monitoring processes?

Guidance Through Positive and Negative Reinforcement

Effective leadership has its most conventional impact in the area of positive and negative reinforcement of police officers. Contrary to some beliefs, negative reinforcement is *not* "punishment." This term refers to the removal of unpleasant stimuli from one's environment. Positive reinforcement, of course, refers to the provision of rewards for behavior that is desirable. The chief executive should ask several questions which will assist in assessing the degree to which the leadership of the department is effective, through reinforcement, in fostering non-violent behavior:

- Which officers routinely receive the most sought after special assignments in the department, confrontationalists or negotiators?
- Which officers are assigned the better duty positions, confrontationalists or negotiators?
- For what type of activities are officers most frequently commended by the department — avoiding the use of force while achieving organizational purpose, or using force to effect the arrest of criminals?
- When was the last time the department recognized, formally or informally, an officer for the ability to *avoid* the use of force?
- Does the performance evaluation system recognize and reward an officer for his or her ability to avoid the use of force?
- Most departments have an item of uniform apparel which identifies firearms proficiency. Does yours have one for force-avoidance skills?

The chief executive's answers to these questions will aid in identifying areas which should be addressed concerning the positive and negative reinforcement of officer behavior. It is the role of leadership to continue to refine the positive socialization initially imparted to police personnel. This is accomplished through selecting appropriate positive and negative reinforcement for personnel who behave in ways which foster non-violent problem resolution.

Community Education

An additional process which aids the police executive in establishing effective leadership in the realm of police-community violence is that of educating the community in the expectations they should have of the department and the expectations which the department has of the community. This function addresses the "community cultures" dimension of effective leadership. No matter what the *internal* functions of effective leadership within the department, positive change in the police-community violence cycle will occur more easily if the community is involved in the change process. To a large extent, police officers receive "action cues" from the community; thus the community can contribute significantly to retardation of the use of violence among members of the department.

There are several questions the police executive can ask to determine the extent to which the community is likely to be involved in helping retard the police-community violence cycle. As always, the responsibility for action rests with the police, with assistance from the community:

- What specific community-based programs does the department have which assist police officers in understanding community attitudes toward police use of force?
- What percentage of officers have input to and receive input from existing community groups?
- Are community relations processes centralized in "community relations units" or are they decentralized at the patrol level?
- What mechanism exists for "taking the pulse" of the community on key issues involving the department?

- What mechanism does the department have for delivering to the community "formal" talks on topics of concern to the department and the community?
- How are relationships managed among the department, the community, the courts, the prosecutor, and "community action" agencies?

These questions aid the executive in identifying areas of concern involving managing the police-community "interface." The extent to which this connection is well managed will to some extent dictate the degree of success the police executive can expect from effective leadership.

In summary, the "effective leadership" of a police organization's attempt to control the police-community violence cycle cannot be accomplished by a one-dimensional approach to the problem. A leadership plan which focuses merely on one aspect of the problem is most likely a plan that will not achieve its objectives. What is required is a multi-dimensional approach which focuses on both internal and external factors, an approach which addresses operational problems as well as administrative processes, and which addresses the need for change within the informal leadership of the department as well as the need for change within the community.

Through the development of an "interactive" model of professionalism which focuses on the four stated areas of change within the department and its environment, police executives can develop the effective leadership necessary to have an impact on the police-community violence cycle. Until an approach is developed that is multi-dimensional, interactive, *and* fully supported by the chief executive, reliance on the "leadership model" to reduce the police use of force will bear little fruit.

Procedures for Effective Policing

A police department's procedures — what it actually *practices* — are, of course, a fundamental element in determining relationships with the community. Even the most positive values will be of little use unless they are reflected in the performance of officers on the street. Thus, the need to reduce police-citizen violence will not be met solely by adopting a set of values. Practices must be implemented which demonstrate an enlightened, practical approach to policing. Within that context, there are a number of important considerations to be made.

The Police-Community Partnership

Improving a police department's image in the community takes more than just concern or wishful thinking. For the police to be truly effective in a changing, complex society, they must recognize that it is in their own self-interest to administer a department that is competent, fair, honest, and responsive to the needs of the individual citizen. The police department must establish an effective partnership with the community as a whole, the foundation of which is mutual trust and understanding. And police organizations must realize that *they* have the ability to alter their own image within the community.

A well-developed community relations effort should be the product of careful construction, designed by the police and the public together, and should not be the result of an emotional reaction to a temporary crisis in the community. The fundamental tenet of any successful police-community relations effort must necessarily involve an open channel of communication between the police and the public. Once established, a communications vehicle should be further developed to insure that the channel remains open.

Police departments must be sensitive to the fact that virtually every phase of their operations has an eventual impact on the community, which translates into an individual citizen's assessment of a department's effectiveness. Token or artificial efforts toward enhancing public image will quickly be recognized as an insincere gesture, which can only invite public ridicule and repudiation.

Training must also be in place to insure that all officers — veteran and recruit alike — maintain an understanding of, and a sensitivity to, the social and human relations problems that surface within the community. Police departments should adopt a community-oriented attitude in every facet of their operations. The public must be convinced that the department's concern for community relations is not just a priority for administrators or community relations officers, but a serious concern that enjoys the commitment of each officer.

Using Community Resources

Defining the police role within a community should not be solely the responsibility of a law enforcement agency. The entire community, represented by traditional and non-traditional agencies and groups alike, should be called upon to identify local concerns that fall within the purview of the police department. Suggestions should be carefully weighed and freely debated in an atmosphere which recognizes that no single element or agency has exclusive jurisdiction or authority for determining what posture or reaction should be directed toward problems that have impact on the entire community.

Within every community there are business and professional groups, social service agencies, religious and civic organizations, and non-law enforcement city agencies which are potential resources for dealing with many of the problems that confront the police. Such organizations have repeatedly demonstrated their willingness to donate time and effort in support of programs that improve the quality of life in a community. The effective police executive researches the community and develops a "resource bank" of organizations willing to donate time and effort in support of police initiatives to improve services to the community.

The assistance and interaction that these groups afford can be of great benefit in offering cultural, language, direct service, and training opportunities for police officers. In an era of tight fiscal control and dwindling budgets, these organizations can help law enforcement agencies develop specialized programs that address current and future needs. The police and community groups should establish areas of mutual concern, analyze points of disagreement that call for resolution, and reach a consensus on how all parties concerned can work together effectively in crisis situations.

Police Accessibility

A police department's effectiveness in making itself accessible to the community will invariably depend on whether there is a plan or program to promote and enhance involvement with citizens. Whether the purpose is to inform citizens about police initiatives, to inform them about general police department progress and/or conditions, to secure their input in a specific area, or to discuss effectiveness of the department and its personnel, most police executives depend on three basic avenues. They are: direct dialogue with citizens and representatives of social and other organizations; use of the news media; and communication of selected information through various means, including speeches and assignments to designated personnel. At the same time, all department

personnel and all means of communication should be focused on making the department "approachable" to citizens.

The most common standard for measuring a department's effectiveness with respect to accessibility is the number and attitude of citizens who freely approach the department to make inquiries, complain, or volunteer their assistance. If the attitude of citizens demonstrates confidence in the department and pride in performing a civic function, it can be surmised that a substantial level of departmental accessibility has been achieved. On the other hand, if citizen contacts or encounters with the police are characterized mostly by a mixture of fear, rancor, and general distrust, then the police executive and the department's personnel have a lot of hard work ahead of them.

Managing Circumstances

Each day, police officers are called upon to handle a wide variety of situations, any one of which potentially might result in an officer or citizen suffering serious bodily injury or death. Although no two situations will be exactly the same, police have encountered the vast majority of different *kinds* of circumstances before. Therefore, most response situations lend themselves to prior analysis and review. Whether the police are called upon to handle a violent domestic dispute, a barricaded subject with hostages, a major civil disturbance, or other situations, departmental procedures can be drafted to provide the individual police officer with at least a measure of guidance and direction that will reduce the chances of unwarranted violence. Care should be exerted to insure that written directives on most response situations are carefully developed, regularly updated, and constantly reviewed by every member of the organization.

Along with written directives, another major component of a police department's efforts to manage circumstances is its commitment to in-service training and development. While many organizations rightfully place a premium on the value of recruit training, they are sometimes less attentive to providing a systematic program of in-service training for veteran officers. Although departments may be powerless to control the level of violence that officers face in every situation, they should recognize that a carefully designed program of in-service training is of fundamental importance to avoiding police-citizen violence and insuring officer safety. Many police contacts with citizens or suspects have the potential for violence, as emphasised elsewhere in this publication, but a well-trained officer is the first line of defense in reducing the risk of serious injury or death.

A Conflict Management Approach

Regarding the enforcement of laws and the maintenance of public order, the latter is clearly more difficult to achieve.

There is no magic formula or step-by-step guide that can insure the maintenance of an orderly community. Every community has unique characteristics and requires a knowledge of the intricacies of the community, its problems, concerns, and priorities, to aid conflict resolution. A problem for the police is the recognition that many of the factors which contribute to crime and delinquency, such as the lack of education, poverty, and unemployment, cannot be addressed by the police. In spite of this, the police should be attuned to the concerns and changing priorities of their communities, and be willing to offer assistance in identifying and resolving sources of conflict that have a debilitating effect on the community.

One possible course of action police administrators should consider is developing a conflict management program. The primary purpose of such a program would be to serve as an alert system for tension-breeding incidents that are police-related and which could create conflict and disharmony in the community. A conflict management program could enable the police department to more accurately assess the actual level of tension within a community, and develop the bases for better designs for community relations programming. When the program is functioning effectively, the results should provide police leadership with more in-depth and timely information that will broaden communication with all parties concerned, thus contributing to the maintenance of order in the community.

In order for a program to function effectively, training in conflict management and resolution should be extended to all persons, police and civilian alike, who have expressed a willingness to become involved in such an experiment. Such an undertaking should be a first step in looking beyond the traditional methods of arriving at conflict resolution and may serve as the impetus for developing other more innovative approaches. In forming a conflict management program, police departments should recruit representatives from all segments of the community. Such a selection procedure would provide for a broad cross-section of viewpoints and capabilities which, in the end, can only serve to maximize the effectiveness of the program.

Negotiation Versus Confrontation

When the police are called to the scene of a potentially life-threatening situation, more often than not a confrontation not of their making confronts them. In the initial moments, the person or persons responsible for instigating the confrontation may appear to be the power in control. But as sufficient numbers of officers arrive, the inevitable decision on using force to end the confrontation is brought forth for consideration. While no two situations are exactly alike, the merits of negotiation should be a primary consideration. Police who employ force as an immediate response to a crisis

situation are frequently labeled as reactionary — as opposed to being recognized as the power in control of the situation. In most instances police departments that elect to employ communication skills instead of force are generally credited with reducing the initial level of tension.

Negotiation in a crisis situation generally affords the police an opportunity to carefully formulate a well-constructed response. Additional time also facilitates the strategic placement of key personnel, who by then will be in full possession of virtually all of the resources which appear necessary to bring about a successful conclusion of the situation. In the final analysis if all attempts at talking fail and the time for negotiating comes to an end, the police will be able to demonstrate that they legitimately attempted to use reason instead of force and only altered their course of action when no other alternative reasonably existed.

Expert skill at negotiating is not a natural talent that is automatically acquired by each new officer who enters the field of law enforcement. Departments should insure that classes in negotiating are contained within the curriculum of their in-service training and development programs. Recognizing that the decision to negotiate — as opposed to resorting to force — will not always be a viable option, the police department should at least indicate its preference for the negotiation approach whenever possible.

Areas Of Special Concern

To understand the causes, and hopefully to reduce the incidence, of violent encounters between the police and citizens, it is necessary to identify situations that have demonstrated a high potential for violence. Unfortunately, data on police use-of-force situations is not collected on a national scale, and the research has been primarily confined to the use of firearms. However, through an empirical approach, it is possible to establish areas of police-community interaction that are of particular concern because of the friction which results. Some of those areas are discussed below, along with suggestions of guidance police agencies may consider providing to their officers. It should be emphasized that the list is not intended as comprehensive.

Use of Deadly Force. Of all the decisions a police officer is called upon to make, none has greater impact than the decision to use deadly force. Police officers are often required to make that decision under highly stressful, split-second circumstances which leave little margin for error. The use of such force is justified in only the most extreme circumstances. The obvious reason for this severe limitation is the high potential for serious injury or death to the officer and other persons, innocent and guilty alike.

Aside from the ethical and moral ramifications of taking another's life, or leaving them perhaps permanently disabled, a police officer also faces the prospect of being held criminally

liable if the use of deadly force was improperly employed. People in today's litigious society will frequently challenge the officer's decision to use deadly force in a civil court as well. For all of these reasons it is absolutely imperative that officers thoroughly understand their responsibilities, rights, and limitations regarding the use of deadly force.

From the police department's perspective, the presentation of a high standard of specialized training is essential in minimizing the risk that every officer faces in deciding to use deadly force in a particular situation. Such a training effort, which has traditionally concentrated on skills relating to firearms proficiency, should also address the various implications that are attached to an officer's decision to use deadly force. Police agencies also have a special and fundamental responsibility to carefully formulate written policies on the use of deadly force which are clear and can be understood by every member of the organization.

Arrest Situations. More officers lost their lives in the period 1974-84 in attempts to make arrests than in any other type of activity, and slightly over one-fifth of officer assaults in 1984 occurred in arrest situations.¹⁵ Most of the police use-of-force situations would more than likely fall into the category of "resisting arrests." However, this area is the source of much controversy. The circumstances surrounding arrests have been the cause of major, recent police-minority group clashes in particular.

For most people an arrest is an extremely stressful experience which can cause reactions that are highly unusual. For some, an arrest is viewed as a complete loss of freedom and their resistance may include the use of firearms, which dramatically increases the possibility of a police officer using force. Unfortunately, the data available does not identify specific types of arrest situations as being more likely to result in use of force by or against an officer.

Studies over the years, however, have provided an indication that some *officers* are more likely to use force in effecting arrests than others. Therefore, it appears an effort is needed to identify arrest situations where force is used and to determine if there are common factors present. If there is an indication that certain officers or situations result in force being used by or against officers, then approaches can be developed for dealing with those specific circumstances.

Responding to Disturbance Calls. Response to disturbance calls continues to be an area where police officers are exposed to potential loss of life or assault. While some express surprise at this, disturbance situations present clear dilemmas to police officers who must deal with them. They must intervene in disagreements between two or more parties

15. *Law Enforcement Officers Killed and Assaulted*, Uniform Crime Reports of the Federal Bureau of Investigation, U.S. Department of Justice (1984).

with little information on the background of the conflict and often with very little real authority to address the underlying problems unless the elements of an offense are present.

Moreover, the parties involved in the conflict generally have an expectation that the police should side with them since they believe they are right. It is also not unusual for officers to end up in a position where both sides of the conflict direct their wrath at the officer if it becomes necessary to initiate an arrest. These are the situations that result in force being used by and against the officer. And such situations are all the more volatile when officers are dealing with minority persons.

Over the past 15 years, greater attention has been devoted to enhancing the skills of police officers in this area. In the more progressive police departments, time has been allocated in recruitment and inservice training to developing a better understanding of all types of conflict situations, with the emphasis on family or domestic violence. With that improved understanding of conflict management, officers are able to handle more of the disturbance calls in a manner that avoids use of force and minimizes their own exposure to assault. All training must focus on major factors in officer assaults: the officer's demeanor, attitude, and lack of skill in using proven psychological techniques to control the behavior of enraged disputants. Officers must have an opportunity to identify, analyze, and openly discuss these factors.

In addition to training officers in conflict management, a greater focus has also been placed on developing written policies and procedures. These not only provide guidance in the use of discretion, they set forth concepts such as the need to have at least two officers respond to disturbance calls. They provide the officers with alternatives to arrest to resolve problems. They also provide, for example, the mechanism for officers to use alternative resources such as spouse abuse shelters to aide in responding to the situations. The combination of training and written guidelines helps increase the level of confidence an officer has in handling domestic situations and thereby minimizes the potential for resorting to force to implement a solution which may not fit the problem that caused the disturbance.

Traffic Stops and Pursuits. Police officers make thousands of traffic stops daily and, like other human beings, have a tendency to become complacent when performing tasks that become routine. These circumstances create an environment where basic procedural mistakes are made that may result in the officer being assaulted or using force to resolve a problem that could have been avoided. The dilemma faced by police administrators lies in ensuring that officers avoid mistakes without introducing a level of fear that causes officers to overreact to non-threatening situations.

While policies, procedures, and periodic refresher training are helpful, the resolution of this problem rests with the

officers themselves and first-line supervisors. The day-to-day environment must be one that reinforces adherence to basic procedures. The environment also needs to reflect a value system which views using force as the least-preferred method of problem resolution. The establishment of that environment, as observed elsewhere, begins at the top of the organization, but, to be effective, line officers and their supervisors must accept that value.

Police pursuit situations have drawn considerable attention in recent years because of well-publicized civil judgments against local jurisdictions for negligence. This has caused many police departments to examine and begin to adjust their policies toward participating in high-speed chases. In addition to the potential for serious injury or death and high property damage, these situations often end with the pursued individual being subdued by force. Emotions run high in pursuit situations because of their inherent dangers, and both officer and suspect may engage in conduct that would not occur under normal circumstances.

The pursuit situation is very difficult for police administrators to address, and, in some cases, produces one of those "lose-lose" conditions. Many believe a "no-pursuit" policy would lead to more individuals taking a chance on eluding an officer. At the same time, a no-pursuit policy will not necessarily limit the department's liability since some of these cases may produce a failure-to-protect condition.

Therefore, policies must be developed that guide officer discretion. One provision that often appears in departments' pursuit policies requires that officers suspend the chase when it reaches the point of creating a greater problem than the initial reason for beginning the pursuit. For maximum impact this type of statement should be supplemented with real examples of its application, and should be reinforced even in those times when a pursuit situation does not result in a crash. (See appendices for guidelines developed by the IACP and the Gainesville, Florida, Police Department.)

Investigating Suspicious Persons. Over the years, the concept of "suspicious person" has become less clearly defined as the individual right of freedom of movement has been reinforced. At one time, "suspicious" could mean merely encountering an individual of one race in a neighborhood populated by members of another race, at any time of the day. That evolved to a late-night situation and eventually to a requirement that other circumstances be present. The difficulty in the inability to clearly define and articulate "suspicious" is that it creates the perception of harassment on the part of the individual stopped and questioned. This obviously can quickly result in friction between officer and citizen, with the citizen resisting an arrest that is likely to be borderline at best.

Unfortunately, much of the formal police training in this area does not adequately prepare an officer to deal with the

ambiguities involved, which may result in responses at one extreme or the other. Either the police department is overly aggressive and develops a hostile relationship with one group of citizens, or is not aggressive enough and gives the impression of ambivalence or laziness. As in other areas, practical guidelines to the use of discretion need to be prepared, disseminated, and reinforced in daily operations. These guidelines have to balance the individual's right to freedom of movement with the need of the community to be free from criminal victimization.

Handling, Custody, and Transportation of Prisoners. Police handling of individuals in custody results in a higher level of assault and death situations than one might expect, given the presumption of police control in these circumstances. However, problems do occur, and experience shows that many times officers are assaulted and suspects injured during the booking process. In fact, injuries and deaths suffered by minorities already in police custody have prompted a number of serious police-community conflicts in recent years.

Studies in Baltimore County, Maryland, and Newport News, Virginia, to cite just two examples, have shown a significant number of altercations occur in the environment where booking takes place. Although the reasons for this are not immediately clear, separation of the arresting officer and the suspect seems to result in fewer incidents. Available data does not distinguish the proportion of such incidents relating particularly to transportation. Nevertheless, an evaluation of procedures and reinforcement of sound ones would contribute to a reduction of conflict.

Handling the Mentally Disturbed. The treatment of mental illness has undergone radical revision in recent years. Where in-hospital treatment and confinement was once the norm, the emphasis has now shifted to out-patient and community-based programs as an approach toward recovery. As more and more people with special needs are returned to their respective communities it becomes more important than ever for the police to develop a general familiarization with recommended approaches toward handling the mentally ill. Police departments must make a concerted effort to identify local resources that offer special services in the field of mental illness. They should also extend an invitation to area health professionals to participate in a program of in-service training for the benefit of those police officers who are most likely to confront citizens with one or more forms of mental illness.

The goal of such an effort is not to transform the police officer into a diagnostician or professional psychiatrist, but to provide the officer with a special understanding of, and empathy for, the problems of the mentally ill. Channels of communication between the police, the mental health

professionals, and local treatment centers should be constantly utilized and upgraded as it becomes necessary.

The police should also recognize that not all forms of mental illness are permanent, nor are they completely debilitating. Some of the people an officer encounters may, on the surface, appear to be functioning with some degree of normalcy, but may still be under enormous pressure or stress that is not readily discernible or articulated. Separating and identifying the person who is affected by mental illness from the person who is simply engaged in antisocial or criminal behavior requires a special degree of skill and experience. It is imperative that officers be provided with the necessary level of training that can elevate them to that special degree of skill, or that arrangements be made so that the services of mental health professionals are readily available to officers in crisis situations.

As most law enforcement professionals know, the results of recent police encounters with the mentally disturbed have led to major police-community confrontations in a number of cities. Fortunately, however, the seriousness of this problem has been recognized, and innovative approaches to it are being developed. For example, in April 1986, the Police Executive Research Forum (PERF) issued guidelines to help police departments handle encounters with the mentally disabled. The report, *Special Care: Improving the Police Response to the Mentally Disabled*, resulted from an 18-month study funded by the National Institute of Justice and the Community Trust.¹⁶

The PERF report also describes creative models used by three police departments: Madison, Wisconsin; Birmingham, Alabama; and Galveston County, Texas. While these programs illustrate markedly different approaches, they may be helpful to police departments trying to improve their own handling of the mentally disabled. In Madison, handling calls involving the mentally ill is the responsibility of regular patrol officers, who receive over 20 hours of mental health training. In addition, officers can confer with the county's 24-hour emergency mental health center before attempting to handle difficult cases. The Galveston County Sheriff's Department uses a unit of six specially trained deputies to respond to all mental health calls, thereby relieving regular deputies of this responsibility. The Birmingham Police Department relies on a community service unit consisting of social workers who come to the scene of an encounter to assist officers in reaching a disposition of the situation.

The city of Portland and Multnomah County, Oregon, have also experienced several recent clashes between police and the community over police handling of mentally disturbed persons. Believing that the necessity for police intervention was, in many instances, a manifestation of mentally ill

16. Gerald R. Murphy, *Special Care: Improving Police Response to the Mentally Disabled*, Police Executive Research Forum (1986).

persons "falling through the cracks," Portland and Multnomah County established a task force to develop a coordinated plan of action involving all pertinent city and county agencies. A letter of agreement indicating the responsibilities of these agencies has been included in the appendices.

Hostage/Barricade Situations. Over the past 15 years, most medium-to-large-size police agencies have developed teams of officers to respond to hostage/barricade encounters. These teams usually include negotiators and have established objectives of dealing with these situations without injury to anyone involved. Unfortunately, however, that is not always the result, and when the person or persons involved are members of a minority group, any force used is likely to

be more controversial because of the general belief that the police practice a double standard. The tragic encounter between Philadelphia police and the MOVE group in 1985 is a case in point, and there are other, less well publicized incidents that also racially polarized communities.

Most police hostage/barricade teams conduct frequent training and hold debriefing sessions at the conclusion of an operation. These teams have made significant contributions toward reducing the amount and degree of force used by the police in addressing these problems. Agencies that have not established this capability should do so if resources permit. If not, the capability could be developed by combining resources or through agreements with other municipal, county, or state agencies.

Principles of Good Policing: A Summary

The Importance of Values

This publication begins with the proposition that the first consideration for the police executive who would reduce violence between a department's officers and citizens of the community it serves is the adoption of a set of values. There no longer is a question whether a police department "culture" exists — every agency has one that is uniquely its own. For the police executive it is a question of whether that culture will be allowed simply to develop — with officers themselves deciding, in effect, what the department stands for — or whether the executive will move affirmatively to establish sound values on which the department's philosophy and practice of policing can be based.

Adopting a set of values serves a variety of purposes for a police department, including:

- Setting forth its philosophy of policing.
- Serving as a basis for establishing policies and procedures.
- Setting parameters for organizational flexibility.
- Providing the basis for operational strategies.
- Providing the framework for judging officer performance.
- Serving as a framework from which the department itself can be evaluated.

What are the values a police department should adopt? There is no one answer to this question. However, it is important that those values reflect a high standard of policing and that, when taken together, they represent what that organization believes is important in carrying out its policing responsibility.

While the values adopted should be tailored to the particular police department and community involved, however, it is possible to provide a general set of values which any department can build upon or modify to meet local needs. One such general list, summarized from the opening chapter, suggests that a police department:

- Must preserve and advance the principles of democracy.
- Place its highest value on preserving human life.
- Believes that preventing crime is its number one operational priority.
- Will involve the community in delivering its services.
- Believes it must be accountable to the community it serves.
- Is committed to professionalism in all aspects of its operations.
- Will maintain the highest standards of integrity.

The police agency should not just stop at adopting a set of values. Those values should be clearly articulated to every member of the department and the community. By setting

forth clear values, the department not only establishes a foundation to guide itself. It also provides the community with a means of assessing the department's performance without having to become involved in the technical aspects of operations. A department's values serve as the linkage between ongoing operations and the community's ability not only to participate, which is fundamentally important, but also to understand *why* the department does what it does.

Contemporary Issues and Their Impact

Just as the "police culture" has to be considered in the more philosophical context of establishing department values, it also must be looked at in terms of the major factors complicating violence avoidance in ongoing, daily police operations. Because of the nature of police work, there is an inherent tendency on the part of those who make up this occupational group to "close ranks" against all "outsiders" perceived as not understanding the difficulties and dangers involved — i.e., the private citizens of the community.

The development of this police culture or society begins with academy training, if not sooner, and continues until the individual officer has become an accepted member of the fraternity. Over a period of time, the new officer commonly withdraws further and further from the community, moving into the protective shell of the police world where colleagues understand the work and what it entails.

The reinforcement of narrow views through limiting contact only to other officers has an unquestioned impact on violent encounters between police and citizens. It is a major consideration for the police executive in addressing the officer-citizen violence question. The factor of police culture also hampers efforts to investigate complaints of excessive force. The police profession must reach a point where violence is discouraged at the peer level. And when violence does occur, officers themselves must become involved in the investigative process without feeling a sense of betrayal. At the same time, the many positive benefits of the close-knit nature of the police professional group must be recognized and protected as the negative aspects are dealt with.

Recruitment and Selection

Another major consideration for the police executive in addressing violence is bringing the right type of people into law enforcement. What kind of person is best able to handle the responsibilities of a police officer? This is another of the many questions in law enforcement which have no one universally

accepted answer. A continuing debate is the amount and type of education appropriate for the job. Another debate involves the police department's racial make-up, although there is substantial consensus that a police force should reflect the community it serves. The psychological make-up of the officer, and how that should be measured, is another unresolved question which is widely considered to be of great importance.

Although there is a wide range of opinion on what type of person is best suited to handle the rigors of police work, there are basic principles believed to be important as it relates to recruitment and selection and to violence between police and the community:

- A police department should recruit and select a ratio of minority-group employees in proportion to the community it serves.
- Emphasis should be placed on bringing into law enforcement people with a college background.
- Individuals should be psychologically suited to handle the requirements of police work.

Once a determination has been made concerning the type of individual the police agency wants as an officer, a plan obviously must be developed to recruit them. While some departments limit their recruiting efforts to newspaper advertisements, many use a variety of approaches including, for example, participating in college "career days," recruiting widely outside their own geographical area, and drawing on the assistance and resources of their local business community and community organizations. A factor that often is not addressed adequately, however, is the impact officers already in the organization have on recruiting. They can have an effect for good or ill, and this is a factor that should not be overlooked.

With respect to selection, many of the arbitrary standards which in the past have complicated the process — for example, height and sex — have been modified because of the law enforcement profession's inability to establish them as bona fide occupational qualifications. Even with this change, a number of selection issues continue to generate controversy, such as the proper role of testing. This publication calls attention to two selection factors in particular — educational requirements and psychological screening. Since these two requirements cannot be imposed on officers already employed, their impact obviously will be long-term. However, both are believed to have significant potential for reducing violence between police and the community.

Training

Training is another important factor. Studies in this area indicate clearly that the type of — and approach to — training given police officers should be carefully examined. Training in the use of firearms is a key consideration. However, the training of police officers in general must go beyond the

traditional practice of teaching a single response to complex situations. The focus should be on training a "thinking police officer" who analyzes situations and responds in a manner based on a value system that is supported by organizational policy.

While this is a different approach, it does not mean that many components of current training programs should be dropped. Rather, they need to be tied together into a decision-making framework that causes officers to make decisions at earlier stages of responding to a call or handling an incident. This approach should minimize the risk that a situation will evolve to a point where the use of force, particularly deadly force, becomes a factor.

Policy and Accountability

The development of policies to guide the actions of individual police officers is critical to the control of violence between police and citizens. A primary consideration of that policy development is to build in accountability. The importance of policy development is emphasized, for example, by the Commission on Accreditation for Law Enforcement Agencies, whose standards require the promulgation of written directives as proof of compliance with those standards. In general, there are three policy areas of particular concern with respect to police-citizen violence: use of firearms, citizen complaints, and public information.

Use of Firearms. An increasingly large proportion of the law enforcement community subscribes to the view that the best firearms policy is a simple one which permits a police officer to fire when necessary to protect the officer's life or the life of another person but prohibits other shootings. One long-standing issue that complicated the debate — the permissibility of indiscriminate use of deadly force to apprehend a fleeing felon — was resolved by the U.S. Supreme Court's 1985 decision in *Tennessee v. Garner*. The court ruled that an officer may use deadly force to apprehend a felon only when that felon poses a threat of death or serious injury to the officer or to others.

Citizen Complaints. The handling of citizen complaints is critical to avoiding police-community violence. Complaints are one way police executives may become aware that they have a problem. The complaint process is also a key element in the effort to hold the police department and its officers accountable for their actions. Moreover, a good citizen complaint process lets police officers and citizens know what to expect. The benefits and importance of a citizen complaint policy cannot be overstated. Generally, citizens will be less likely to turn to violence to address their grievances against the police if the department is seen as one which impartially investigates complaints and acts on those findings.

Public Information. The police executive should recognize that the news media serve as a major source of information about the police for the community. This is especially important with respect to police-citizen violence. Media coverage of incidents involving the use of force is often the only source of information citizens have to form an opinion about the appropriateness of police action. If the police refuse to provide substantive information, this forces news reporters to prepare their stories using only the information obtained from other sources. That may lead to erroneous accounts that could have been avoided, setting the stage not only for police-media friction, but for community misperceptions of police actions as well.

Police executives should be prepared to provide sufficient information and detail to accurately relate the events in such incidents. The need to exercise care not to jeopardize an investigation or the department's position is recognized, but both needs can be met. However, the task is made much less difficult when there is an established, clearly articulated public information policy, and every police department should have one.

Effective Police Leadership

As in all matters involving how law enforcement is conducted, the role of the police executive is fundamental in avoiding police-citizen violence. In order to reduce the potential for violence, the police executive must inculcate the values articulated by policy and procedure into both the administrative and operational levels of the department. In addition, the executive must address two dimensions of law enforcement: the police "culture" and various community "cultures." This means taking a multi-dimensional approach to the situation.

That multi-dimensional approach must focus on at least four functions which offer the potential for change: the socialization process of police officers; administrative mechanisms designed to impact on operations of the police department; positive and negative reinforcement of officers; and education of the community and news media. With respect to all four functions, the effectiveness of department leadership can be substantially gauged, and the need for improvement determined, by consideration of a series of questions in each area:

The Socialization of Police Officers

- Must field training officers for police cadets have demonstrated conformity to department values?
- What type of officer is appointed as a field training officer — those with a high or low tolerance for violence?
- Is that officer a "negotiator" or "confrontationalist"?
- Are field training officers trained in methods of

negotiation, problem resolution, and other "alternative" police responses?

- Are they routinely encouraged to attend public forums and other "formal" group processes involving the community?
- Do field training officers receive informal as well as formal rewards for their services to the department?
- Does the formal training process for officers include classroom time devoted to community relations and other alternative responses?
- Which receives greater emphasis in the training curriculum — firearms instruction and self-defense or group and interpersonal interaction skills?

Administrative Mechanisms

- Has the department appropriately integrated its values into its use-of-force policy and required adherence to it?
- Does the department have written procedures, rules, and regulations which implement its values and policies?
- Does the department have formal internal processes to ensure that procedures, rules, regulations are followed?
- Does it have a procedure for advising the community on the functioning of these processes?

Positive and Negative Reinforcement for Officers

- Which officers receive the most sought after special assignments and better regular duty assignments — negotiators or confrontationalists?
- Does the department most frequently commend officers who use force — or who avoid using it — in achieving department objectives?
- When was the last occasion the department recognized, formally or informally, an officer for the ability to avoid using force?
- Most departments have an item of uniform apparel which recognizes firearms proficiency. Does yours have one for force-avoidance skills?

Community Education

- What community-based programs does the department have to assist officers in understanding community attitudes toward police use of force?
- What percentage of officers interact with community groups?
- Are community relations processes decentralized to the patrol level, or are they regarded as the exclusive business of a single unit?
- What mechanism exists for "taking the pulse" of the community on key issues involving the department?

- What mechanism does the department have for delivering to the community formal talks on topics of concern to the community and the department?
- How are relationships managed among the department, the community, the courts, the prosecutor, and community action agencies?

How these questions are answered will say a great deal about whether the police executive has developed the effective leadership mechanisms necessary to have an impact on police-community violence. A leadership approach or plan which focuses on one aspect of the problem is not likely to have much success. What is required of the police executive is a multi-dimensional approach which focuses on both internal and external factors, which addresses operational problems as well as administrative processes, and which addresses the need for change among the informal leadership of the department as well as change needed in the community.

Procedures for Effective Policing

The manner in which a police department goes about enforcing the law — the practices its officers actually follow on the street — plays a fundamental role in determining the relationship with the community. Adoption of the most commendable set of values will have little effect on the police-citizen violence cycle unless those values are reflected in enlightened, practical police procedures. Handling disturbance calls, making traffic stops, and many other routine parts of police work are acknowledged as potential friction points which, improperly or badly handled, can escalate to use of force and citizen violence. But, as in other areas, there are important considerations which do not receive the attention they should.

The Police-Community Partnership

One such often overlooked consideration is that the police-community relationship ought to be viewed as a partnership. To carry out its responsibility properly, a police department needs to establish an effective partnership with the community as a whole, the foundation of which must be mutual trust and understanding. There are a number of aspects to establishing such a partnership. Two are the police use of community resources and accessibility of the police department to citizens in the community.

Using Community Resources. Within every community there are non-law enforcement city agencies, social service agencies, and religious and civic organizations which are potential resources for dealing with many of the problems that confront the police. The effective police executive will research the community and develop a “resource bank” of agencies and groups willing to donate time and effort in

support of police department initiatives to improve services to the community. Defining the police role in a community should not be solely the responsibility of the police in any event.

Police Accessibility. If citizens readily approach the police department on matters of concern, it demonstrates that the department has made an effort to gain their confidence. On the other hand, if citizens are apprehensive about contacts with the department, then the work of the police will be that much harder. A department’s effectiveness in making itself accessible to the community will invariably depend on whether there is a program to purposely promote involvement with citizens.

Managing Circumstances

Reduced to essentials, how individual police officers respond to the day-to-day situations that present themselves will be the determining factor in the relationship with citizens. Here too, however, there are important considerations to be made before dealing with the “nuts and bolts” of specific types of situations.

Conflict Management Approach. While a primary responsibility of police officers is to enforce the law, they are also responsible for maintaining public order. To a significant extent, the job of the police officer cannot be accomplished properly through focusing narrowly on the law enforcement requirements. Many situations which officers confront will involve factors other than a strict question of violations of law. For a variety of reasons related to this fact, police executives should consider developing a conflict management program within the department. Training to develop conflict resolution skills should be extended to all personnel who express a willingness to become involved.

Negotiation Versus Confrontation. When the police are called to scene of a potentially life-threatening situation, more often than not a confrontation not of their making confronts them. While no two situations are exactly alike, the merits of using negotiation where possible should be a primary consideration. Negotiation in a crisis situation generally affords the police the opportunity to formulate a well-structured response. However, negotiating skill is neither a natural nor automatically acquired skill. Police executives should ensure that classes in negotiating are contained in the curriculum of in-service training and development programs.

Areas of Special Concern. Aside from such general considerations to help avoid police-citizen violence, it is possible to identify specific situations which have demonstrated a high potential for producing problems:

- **Use of Deadly Force.** Of all the decisions a police officer has to make, none has greater impact than the decision

to use deadly force. From the police department's perspective, the presentation of a high standard of specialized training is essential in minimizing the risk that officers face in deciding to use such force. Training has traditionally focused on skills related to firearms proficiency, but it should also address various other related factors as well. Most importantly, every police department has a responsibility to implement carefully formulated written policy on use of deadly force. Ideally that policy should restrict the use of such force to the protection of life or the avoidance of serious bodily injury.

- **Arrest Situations.** For most people an arrest is an extremely stressful experience which can cause highly unusual reactions. The circumstances surrounding arrests have been the cause of major police-minority group confrontations. And in recent years, more police officers have lost their lives in attempts to make arrests that in any other particular type of activity. Available data do not identify specific types of arrest situations that are more likely to result in use of force by or against officers. However, studies have indicated that some officers are more likely to use force in effecting an arrest than others. It appears that additional study is needed. If more can be learned about officers or arrest situations that provoke the use of force, then approaches can be developed to deal with those factors.

- **Disturbance Calls.** Responding to disturbance calls remains a risky undertaking for police officers. They often become the target of persons on both sides of a dispute. In the more progressive police departments, training time is now allocated to developing a better understanding among officers of disturbance situations. Training should focus on such contributing factors as the officer's demeanor, attitude, and lack of skill in using proven psychological techniques for controlling the behavior of enraged disputants. Officers should also be given the opportunity to openly discuss and analyze these factors.

Some departments are also placing more emphasis on developing written policies and procedures for responding to disturbance calls. Such guidelines not only provide guidance in the use of discretion, they set forth sound concepts such as the need to have at least two officers respond to these types of calls. In addition, guidelines provide officers with alternatives to arrest to resolve the problem. The combination of training and written guidelines increases officers' confidence and ability in handling disturbance situations, thereby minimizing the possibility that force will be resorted to as a means of resolving the problem.

- **Traffic Stops and Pursuits.** Traffic stops are such a routine part of police work that officers have a natural tendency to become complacent about them. This creates situations in which basic procedural mistakes are made that may result in an officer being assaulted or using force to resolve a problem that never should have happened. While established policies and procedures and periodic refresher courses are

helpful, the resolution of this problem as a cause of police-citizen violence rests with the officers themselves and their first-line supervisors. The day-to-day environment must be one that reinforces adherence to sound, basic procedures.

Recently, police traffic pursuits have resulted in well-publicized civil judgments against local governments for negligence. In addition, these situations often end with the pursued individual being subdued by force, and in recent years such incidents have provoked major civil disturbances. The traffic pursuit question admittedly is a difficult one for the police administrator to address. However, policies must be developed to guide officer discretion. Many departments require that a pursuit be broken off if it reaches the point of presenting a greater problem than the reason for initiating the pursuit in the first place. The police executive will find a review of the policies, experiences, and recommendations of some other police agencies helpful.

- **Handling, Custody, and Transportation of Prisoners.** Given the presumption of police control, the handling of individuals in custody results in more assaults and deaths, among officers and citizens, than one might expect. In fact, injuries and deaths suffered by minorities already in police custody have prompted serious recent police-community conflicts. This is another area that needs more study but, again, a review of the efforts by other police departments to look at the problem will be helpful to the police administrator.

- **Handling the Mentally Disturbed.** The results of recent police encounters with the mentally disturbed have led to major police-community confrontations in a number of cities. As the police face increasing numbers of persons suffering from some form of mental distress, it becomes more important than ever for officers to develop a general familiarity with recommended approaches for handling such persons. Police executives should make a concerted effort to identify local resources that offer special services in the field of mental illness. They should also extend an invitation to mental health professionals to participate in in-service training programs for the officers most likely to confront individuals suffering mental stress.

The goal of such an effort is not to turn the police officer into a psychiatrist or psychologist. But it is imperative that officers either be provided with the training to distinguish mentally disturbed behavior from the simply anti-social or criminal, or that arrangements be made so that the services of mental health professionals are readily available to officers in crisis situations.

Innovative approaches to this problem are being developed. For example, police executives should review the Police Executive Research Forum's 1986 report, *Special Care: Improving the Police Response to the Mentally Disabled*. This report provides guidelines to assist police departments, and also describes creative models used by the police departments of Madison, Wisconsin; Birmingham, Alabama; and

Galveston County, Texas. Police executives will also find it useful to examine the approaches of jurisdictions such as Portland and Multnomah County, Oregon. This city and county have developed a coordinated action plan for handling the mentally ill which involves all pertinent agencies from both jurisdictions, including the police. A formal letter of agreement sets forth the responsibilities of each agency in the arrangement.

• **Hostage/Barricade Situations.** In recent years many police departments have developed units to respond to hostage/barricade encounters. Although the approach is generally to try and avoid use of force through negotiation, that is not always the result, as is amply demonstrated for example, by the tragic 1985 incident involving the MOVE group in Philadelphia. Most police hostage/barricade teams conduct frequent training sessions and debrief after an operation to examine lessons learned. However, guidance on procedures to be followed in such situations needs to be extremely carefully formulated. Police agencies without a hostage/barricade capability should seek to develop it. Properly employed, these units have helped to reduce violence between police and citizens.

A Concluding Statement

It should be reemphasized that the principles of policing presented in this publication, and summarized here, are not seen as either a panacea or as the comprehensive, final word on reducing police-citizen violence. These approaches are offered, first, in recognition that the level of police-citizen

violence remains a serious problem that requires attention. Secondly, they are offered in the sincere belief that enough has been learned through the experience of the last several years that a useful contribution can be made through collecting some of that experience and sharing it.

As pointed out elsewhere in this publication, it is recognized that citizens bear a part of the responsibility for the tenor of relations with police. However, it is the police role which is key because of the unique power that is a part of it. To a significant extent, the progress that has been made in reducing police-citizen violence has occurred because determined police executives were willing to act where they saw policies or practices that needed correcting — sometimes against considerable internal and external opposition. Further improvement will also depend in a major way on the willingness, and ability, of police executives to push for meaningful change in their departments.

Thus, this publication is offered as hopefully a useful resource. But just as the Community Relations Service does not regard this as the last word on the subject, the agency also does not view the sharing of experience and information as a one-way street. Copies of policies or descriptions of innovative programs from police departments would be welcomed at CRS. It is anticipated that the agency will continue exploring approaches to avoiding police-citizen violence as part of its ongoing conflict resolution responsibility, and will widely disseminate the most useful information obtained. CRS will also continue to make its services directly available to police agencies through technical assistance on program development. That assistance is available upon request.

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Appendices

The purpose of these appendices is to provide guidelines for the development of effective police agency mechanisms to address the issues referenced by the members of the task force which prepared this publication. Some of the provisions of the materials presented here may well conflict with state

law, municipal ordinances, or collective bargaining agreements. The Community Relations Service believes, however, that these materials will serve as a balancing factor as the reader reviews similar policies now in effect in his or her own agency.

Appendix I

15 Shooting Reduction Techniques: Controlling the Use of Deadly Force by and Against Police Officers

American Bar Foundation

750 North Lake Shore Drive
Chicago, Illinois 60611
(312) 988-6500

15 SHOOTING REDUCTION TECHNIQUES: CONTROLLING THE USE OF DEADLY FORCE BY AND AGAINST POLICE OFFICERS

prepared for the
Police Executive Research Forum
May 21-22, 1985 meeting,
Washington, D.C.
by
William A. Geller
Project Director
American Bar Foundation

Police leaders in urban centers require no persuasion concerning the importance of effective techniques for reducing the use of deadly force by and against their officers. The adverse consequences of the inappropriate or unnecessary use of deadly force are all too familiar to most law enforcement executives. Among the litany of liabilities flowing from such shootings are:

- civilian injuries and deaths
- officer injuries and deaths
- strained police-community relations
- departmental, municipal, and personal liability
- personnel problems, including emotional trauma to the involved officers and poor morale among other agency members

Thus, the police administrator's initiatives to control officer-involved shootings are prompted by concerns about the sanctity of human life, community welfare, officer career risks, the effectiveness of the overall police program in the community, and personal, departmental, and municipal financial jeopardy.

What techniques are being used around the country to mount a balanced program to reduce police use of deadly force while simultaneously enhancing officer safety and public protection?

The most often discussed approach is a restrictive written shooting policy. The Supreme Court's March 27, 1985 decision in Tennessee v. Garner, invalidating parts of the written deadly force rules in roughly half the states, will further intensify reform of written policy as a shooting control technique. But policy is only one of many useful techniques in the police administrator's repertoire. Indeed, although policy is probably the most publicly visible "intervention," arguably it is not the most important in terms of influencing officer behavior.

Many police executives have found it useful to consider a large number of administrative innovations as a "package" of protections to officers, the public, and crime suspects. Such executives have taken the position that, in a subject as complex and emotion-laden as shootings of and by police officers, to address any single part of it effectively requires that you look at all the elements, including street survival, restraint in officer use of deadly force, and a host of other matters. Among the key methods that have been used to reduce officer-involved shootings are the following:

1. Officer survival training, including tactics for maintaining cover and concealment; anticipating and reducing potential police-civilian violence; coordinating movement of officers on the scene of a crime in progress and standardizing the language and behaviors of undercover officers to avoid stray bullet and mistaken identity shootings; identifying the most effective and self-protective law enforcement techniques for off-duty officers to employ when they unexpectedly find themselves present at a crime scene as either the victim or a bystander, etc.
2. Range training that realistically replicates field conditions (firing at night, in bad weather, after an exhausting pursuit, in close quarters, etc.).
3. Weapons training (handling, unloading, firing different kinds of weapons that officers might carry or recover from suspects) and specification of regulation departmental firearms. A large percentage of accidental shootings by officers of themselves, their colleagues, and civilians can be related to bad gun-handling habits, such as unconsciously cocking a revolver, and to the use of semi-automatic weapons.
4. Equipping officers with soft body armour, "less-lethal" weapons (such as TASERS (on an as-needed basis), batons, flashlights for temporarily blinding opponents, and mace), etc.
5. Interagency assistance networks to meet the emergency needs of field personnel for accurate criminal history information on suspects, for multi-professional assistance (such as mental health expertise), and so forth.
6. Deployment decisions that have been reached only after a consideration of their costs and benefits in terms of law enforcement objectives and officer and public safety. For example, in some departments, aggressive "buy and bust" narcotics operations aimed at small dealers have been abandoned because they posed inordinate invitations to corruption, provided a negligible law

enforcement benefit, and were responsible for large numbers of officer injuries and deaths. In such instances, attention was shifted to investigation of larger dealers.

7. Simple shooting policy that permits officers to fire when necessary, to protect life but prohibits other shootings. A simple policy has the virtue of not requiring the officer to be a lawyer or a judge in a dark alley. The more difficult the officer's "split-second decision," the more likely he or she is to shoot unnecessarily or hesitate too long--and the more likely others are to "second guess" the officer afterwards. A policy that permits shooting only at offenders who have committed a life-threatening act in the officer's presence will improve the officer's working environment--by decreasing minority community resentment of police officers and reducing lawsuits and administrative discipline against the officer. Both the municipality and the individual officer will also be spared considerable grief and fiscal jeopardy if departmental policy forbids off-duty officers from carrying their guns if they intend to be consuming alcohol or any other intoxicant to an extent that would impair their physical or mental abilities.
8. Strong and effective supervision of officers during training and in-service periods to help instill in officers good habits that fellow officers have found useful over the years in avoiding unnecessary injury to themselves, the public, and crime suspects. If supervision reveals that an officer's skills and assignment are mismatched in ways that pose a serious risk of unnecessary injury to the officer or others, every attempt should be made to arrange a more suitable assignment.
9. A proactive field investigations and inspections unit to identify factors that produce unwarranted shootings and that enable officers to make successful, nonviolent arrests of potentially dangerous suspects.
10. Debriefing officers after incidents in which they have fired their weapons (other than firing for training or sports purposes) or have been fired upon. The debriefing, accomplished through both a written report by the officer and an interview with him or her by a departmental "shooting review panel," should seek to identify better ways in the future to protect officers, the public, and, to the extent possible consistent with officer and public protection, crime suspects. In the past, such debriefing has revealed, for example, the use of "criminal back-up teams" during bank robberies. These were "passive" robbers who blended into the bank lobby crowd until police apprehended the "active" robbers, and then drew guns on the police.
11. Formal research on patterns of shootings of and by police, to better identify their causes and appropriate control strategies and to enable the police to more effectively respond to unwarranted attacks on the legitimacy of their use of deadly force. Any significant departmental initiative to better protect officers and civilians should be evaluated to determine its impact. In addition,

research should attempt to identify the "ingredients of success" in situations where police officers have been able to resolve potentially violent incidents and make any necessary arrests without either incurring or inflicting serious injury.

12. **A fair, expeditious, influence-free administrative review system**, which examines officer conduct in a way that minimizes unnecessary anxiety and inconvenience to all the parties, including the officer and the civilian complainant, if any. An officer who used deadly force in a reasonable, sincere belief that, based on the facts available at the time, he or she needed to shoot in order to prevent a serious threat to life, should be fully supported by the Department (including provision of any legal counsel that might be required in court proceedings) and should not be subjected to protracted and redundant inquiries into the justifiability of his or her actions. On the other hand, the core message to an officer found to have been overly aggressive in pursuit of legitimate law enforcement goals should be: We appreciate what you are trying to do, but you will have to find another way to do it. Too often, those reacting to police conduct emphasize only the latter part of this message--"find another way!"--failing to show necessary support and gratitude for the fact that the officer genuinely meant well. Obviously, for the small number of officers who are simply "bad apples," neither a supervisor nor anyone else need feel obliged to express any appreciation in the course of deciding how best to prevent such misconduct in the future.
13. **Counseling by competent personnel** for officers who desire such help in dealing with emotional problems, family difficulties, problems relating to alcohol and the like, and in dealing with post-shooting trauma.
14. **Cultural awareness training** to familiarize officers with relevant differences between identifiable ethnic, racial, religious, and other groups. Ignorance of such differences might lead an officer to misinterpret the danger or safety of a situation. Knowledge of such differences might help the officer defuse potentially explosive situations, especially domestic squabbles. In addition, **any efforts that can help reduce racial conflict between police and the minority community** will improve the officer's working conditions markedly by reducing both unprovoked and retaliatory violence against police officers.
15. **Departmental reward systems**, both formal and informal, which honor as equal acts of courage and law enforcement ingenuity an officer's decisiveness in using deadly force when necessary and his or her ability to exercise restraint in resolving potentially dangerous situations. Just as officers should not be rewarded for recklessly firing weapons, commendations should not be issued to officers who, by failing to shoot, unreasonably endanger themselves, their colleagues, or other innocent people.

Appendix II

Sample Use of Deadly Force Policies

ADMINISTRATIVE NOTICE

OFFICE of CHIEF OF POLICE
HOUSTON POLICE DEPARTMENT

DATE May 7, 1984

84-223

NUMBER

SUBJECT: USE OF FIREARMS POLICY

DISTRIBUTION: A

EFFECTIVE: Immediately

EXPIRES: Open

PURPOSE

This policy and set of rules provide clear guidelines for Houston Police Officers' use in making decisions regarding the use of their firearms. The policy was developed with serious consideration for the safety of both police officers and the public and with the knowledge that officers sometimes must make split second decisions in life and death situations. This policy and set of rules will be the standards by which the actions of Houston Police Officers will be measured.

POLICY BACKGROUND

The Houston Police Department places its highest value on the life and safety of its officers and the public. The Department's policies, rules and procedures are designed to ensure that this value guides police officers's use of firearms.

The citizens of Houston have vested in their police officers the power to carry and use firearms in the exercise of their service to society. This power is based on trust and, therefore, must be balanced by a system of accountability. The serious consequences of the use of firearms by police officers necessitate the specification of limits for officers' discretion; there is often no appeal from an officer's decision to use a firearm. Therefore, it is imperative that every effort must be made to ensure that such use is not only legally warranted but also rational and humane.

The basic responsibility of Police Officers to protect life also requires that they exhaust all other reasonable means for apprehension and control before resorting to the use of firearms. Police Officers are equipped with firearms as a means of last resort to protect themselves and others from the immediate threat of death or serious bodily injury.

Even though all officers must be prepared to use their firearms when necessary, the utmost restraint must be exercised in its use. Consequently, no officer will be disciplined

SPECIAL INSTRUCTIONS: DESTROY AFTER EXPIRATION DATE ABOVE.

Subject: Use of Firearms Policy

for discharging a firearm in self-defense or in defense of another when faced with a situation which immediately threatens life or serious bodily injury. Just as important, no officer will be disciplined for not discharging a firearm if that discharge might threaten the life or safety of an innocent person, or if the discharge is not clearly warranted by the policy and rules of the Department.

POLICY

Above all, this Department values the safety of its employees and of the public. Likewise, it is believed that Police Officers should use firearms with a high degree of restraint. Therefore, it is the policy of this Department that the use of firearms is never to be considered routine, is permissible only in defense of life, and then only after all alternative means have been exhausted.

RULES

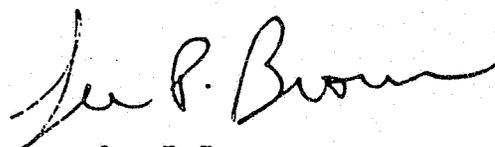
The above policy is the basis of the following set of rules which are designed to guide officers in all cases involving the use of firearms:

- Rule 1** Police Officers shall not shoot except to protect themselves or another person from imminent death or serious bodily injury.
- Rule 2** Police officers shall discharge their firearms only when doing so will not endanger innocent persons.
- Rule 3** Police Officers shall not discharge their firearms to threaten or subdue persons whose actions are destructive to property or injurious to themselves but which do not represent an imminent threat of death or serious bodily injury to the officer or others.
- Rule 4** Police officers shall not discharge their firearms to subdue an escaping suspect who presents no immediate threat of death or serious bodily injury.
- Rule 5** Police Officers shall not discharge their weapons at a moving vehicle unless it is absolutely necessary to do so to protect the life of the officer or others.
- Rule 6** An on-scene supervisor may authorize police officers to discharge their weapons to disable a vehicle only if the continued operation of the vehicle is a direct threat to the life of the officer or others.
- Rule 7** Police Officers shall not fire warning shots.

Administrative Notice
Page 3

Subject: Use of Firearms Policy

Rule 8 Police Officers shall not draw or display their firearms unless there is a threat or probable cause to believe there is a threat to life.

A handwritten signature in black ink, appearing to read "Lee P. Brown". The signature is written in a cursive style with a large initial "L" and "B".

Lee P. Brown
Chief of Police

LPB:flf

Training Bulletin

Houston Police Department



SUBJECT: USE OF FIREARMS

Introduction

The Houston Police Department (HPD) recently has revised its policy governing the use of firearms. The policy and rules which accompany it are designed to guide Houston Police Officers in the exercise of their authority to use their weapons. The use of firearms is of such great importance that the policy and rules require more than normal discussion. The purpose of this training bulletin, therefore, is to instruct officers about the Department's guidelines for using firearms.

The policy and rules were finalized only after extensive research and internal discussion. Analysis was done of the prior HPD policy, prior incidents of officer-involved shootings, the policies of other major city police departments and the many volumes of research on this issue. Discussions were held among Command Staff, with representatives of the the employee organizations and other officers. Detailed video interviews were conducted with officers from various ranks, assignments and shifts in order to solicit their views and concerns.

There is no question that police officers' authority to use firearms to protect themselves and the public carries with it serious responsibility. It is necessary, therefore, that the Department provide appropriate guidance to its officers in order to ensure that the authority to use firearms is exercised in a manner consistent with the Department's basic duty to protect human life. Consequently, the Department has developed a concise statement of its policy regarding the use of firearms which is consistent with the policy followed since 1979. The new policy goes further than the prior HPD policy insofar as it includes a more detailed set of rules designed to guide officers in the decision to discharge their firearms.

The Values

The values which form the basis of the Department's policy and rules regarding the use of firearms are as follows:

- Human life is valuable and must be protected.
- Police officers have been given the unique power to use firearms in order to fulfill the responsibility entrusted to them by the citizens to protect human life.

- Therefore, officers must use utmost prudence and restraint in the exercise of their authority to use firearms. They should discharge their firearms only when doing so represents the only effective means to fulfill their responsibility to stop a person who poses an imminent threat of death or serious bodily harm to the officers or others.

These beliefs reflect the Department's strong commitment to ensuring for the safety of both its officers and the citizens of the city.

The Policy

The Houston Police Department's policy regarding the use of firearms sets forth the general values which must guide officers' actions. The policy is as follows:

- The use of firearms is never to be considered routine, is permissible only in defense of life, and then only when all other means have been exhausted.

The Department's policy is based on a belief that its primary duty is to protect life. Police officers, therefore, are to use firearms only to protect their lives or the lives of others. Since the use of firearms has the potential to endanger life, it should occur only when there is no other alternative. This means that officers are to use their firearms only when failure to do so would result in death or serious bodily injury to themselves or others.

In situations where officers consider using firearms, they must carefully determine whether it is probable that someone will be killed or injured as a direct result of the observed actions of the suspect. Only when officers have substantial reason to believe that there is an immediate potential for serious bodily injury to self or another can they use their firearms.

The Department, valuing the lives of both officers and citizens, believes that the use of firearms must be treated as an unusual occurrence. In addition, available alternative means of resolving the dilemma should be used whenever they will not endanger the officers. Indeed, as the policy states, the use of firearms is never to be considered routine, but rather should be viewed as a last resort action.

Situations which require an individual police officer to use a firearm are generally rare occurrences. Day after day, police officers resolve potentially dangerous situations without resorting to the use of their firearms. Officers deescalate situations by using a variety of methods ranging from persuasion, application of psychology, and use of back-up personnel. Indeed, it is quite clear that a vast majority of our officers now execute their duties in a manner which is consistent with the department's policy and rules. By following the Department's policy, officers can avoid or minimize their criminal and civil liabilities.

The Rules

To provide guidance to officers in carrying out this policy, the Department has outlined several very important rules prescribing when firearms may and may not be used. Each of the rules is derived from the Department's policy and is consistent with the under-

lying values. Again, these rules direct officers to be prudent and to use restraint in the exercise of their authority to use firearms in order to protect life.

The rules were developed to guide police officers in their determination of the most effective means of resolving issues of officer and/or citizen safety. The key to all of the rules is:

- Do not shoot unless your life or someone else's is in immediate danger.

Rule 1 represents the core statement of the key point made above about officers' use of firearms. It states simply that officers can shoot only to protect themselves or another person from imminent death or serious injury. In observing this rule, officers are well advised to remember the following:

- Always use the minimum force necessary to accomplish your mission; e.g., protect life, effect an arrest, restrain an escaping suspect.
- Do everything possible to deescalate situations so that you do not have to resort to the use of firearms.

It is important to remember that the premature use of firearms can escalate a situation and, thereby, unnecessarily increase the danger to fellow officers and others. Officers, therefore, should consider using alternative force methods, such as the baton, taser or nets. Whenever appropriate and prudent, officers should delay action and request specially trained persons or tactical units.

It is important to recognize that the Department can provide a variety of resources to diffuse or resolve dangerous or potentially dangerous situations with the minimal level of force. No one police officer stands alone in the responsibility to protect life, but rather each officer must look to all members of the department to work together to accomplish our joint mission.

Rule 2 directs police officers to exercise the utmost care in discharging their firearms so as to avoid endangering innocent persons. In every situation:

- Consider the possibility that the projectiles you discharge will hit innocent persons.

Rule 3 prohibits officers from shooting to threaten or to subdue a person whose actions do not present a direct life-threatening danger to the officer or other persons.

There are situations where suspects either have committed or are about to commit offenses involving the destruction of property and/or serious injury to themselves. It is important that such persons be taken into custody as quickly as possible. However, remember that:

- If the suspects' actions do not pose a threat of imminent death or serious bodily injury to persons other than themselves, do not discharge your firearms to achieve an arrest.

- Shoot only to protect life and never to protect property.
- You cannot protect a person's life by shooting the person even though they have placed themselves in peril.

Rule 4 directs police officers not to shoot fleeing suspects who do not pose an immediate threat of death or serious bodily injury. The key in this rule is the word "immediate". A suspect can be reasonably characterized as "dangerous", but at the time of an attempted escape, not pose an "immediate" threat. Be careful to:

- Assess the immediate danger posed by the suspect's actions rather than characterize the person as dangerous.

Of course, if a suspect is attempting to escape, officers should use all appropriate methods available to prevent that escape. However, it is not appropriate to shoot in this situation. Again, remember:

- Do not shoot unless your life or someone else's is in immediate danger.

Rule 5 prohibits officers from shooting at a moving vehicle unless it is absolutely necessary to do so to protect the lives of the officers or others.

Officers confronting an on-coming vehicle stand a better chance of avoiding injury if they follow instinct and move away from the path of the vehicle. Time taken to unholster, aim and attempt to stop an oncoming vehicle may place the officer in greater danger than simply jumping aside. The probability of disabling a vehicle with gunshots is low because a revolver is not intended for nor is it ordinarily effective in disabling a vehicle. Moreover, if the operator is disabled, officers and innocent bystanders then are faced with the danger created by an unguided moving vehicle.

The key to this rule, is:

- Follow human instinct and get out of the way of vehicles rather than shoot at them.

Rule 6 allows an on-scene supervisors to authorize the discharge of firearms to disable a vehicle, but only when they determine that the vehicle's continued operation is a direct threat to life. In those instances when authorization is given, the authorizing supervisor is responsible for the actions taken. Again, both supervisors and police officers should remember the key to the Department's use of firearms policy:

- Do not shoot except to protect human life from imminent danger.

Rule 7 clearly prohibits officers from firing warning shots. The dense population of a urban area such as Houston makes warning shots dangerous to innocent bystanders. Therefore, officers are directed:

- Never fire warning shots.

Rule 8 prohibits police officers from drawing or otherwise displaying their firearms without probable cause to believe there is a threat to the officers' life or safety.

Drawing or displaying a firearm can limit officers' alternatives in controlling situations, as well as create unnecessary anxiety on the part of citizens and result in unwarranted or accidental discharges. Officers' decisions to draw or display firearms should be based on specific aspects of the tactical situation. Something in the situation should indicate a substantial risk that the situation will escalate to the point where the officers will have to use their firearms to protect life. Officers should be guided by the following:

- Do not draw or display your firearm unless you have probable cause to believe that you will have to discharge it in order to protect life.

In summary, the Department has developed a sound and concise policy and set of rules to guide its officers in exercising their authority to use firearms to protect life. The responsibility to learn and to follow the guidelines provided lies with each and every officer. Also, officers should realize that their judgments and actions will be assessed against the standard of this policy and these rules.

May 3, 1984

STANDARDS FOR LAW ENFORCEMENT AGENCIES

**The Standards Manual of
the Law Enforcement Agency
Accreditation Program**

April, 1984

Commission on Accreditation
for Law Enforcement Agencies, Inc.
4242B Chain Bridge Road
Fairfax, Virginia 22030

1

LAW ENFORCEMENT ROLE AND AUTHORITY

Standards in this chapter relate to the basic role and authority of law enforcement agencies. Subtopics address the development of policy concerning the law enforcement function, the limits of authority, and the use of force.

When an agency defines its role, two broad purposes are served. First, officers are made aware of the actions and attitudes expected of them and can therefore act without hesitation in consonance with departmental policy. Second, members of the public are provided with a general standard by which they can measure the performance of the agency. Written policy defining the functional role should set forth the agency's purpose or mission, goals, and basic programs and priorities; and policy should specify that the agency intends to be responsive to, and protect the constitutional rights of, the community.

Each agency should have written policy recognizing the limits of law enforcement authority and the need for public approval and acceptance of that authority. The policy should define what constitutes the reasonable or unreasonable use of force. Among other things, the policy should address the need for agency accountability to the community through a formal procedure for public involvement in the development of policies and procedures (see Chapter 15) and should establish formal procedures for receiving commendations and complaints and for investigating allegations of misconduct (see Chapter 52).

Written policy should set forth the enforcement policy of the agency, define the limits of individual discretion, and provide guidelines for the exercise of such discretion. Because the concept of discretion defies rigid codification, officers should be trained in how to exercise the broad discretionary authority they have been granted.

1.1 Law Enforcement Agency Role

1.1.1 *A written directive requires the formulation, annual updating, and distribution to all personnel of written goals and objectives for the agency and for each organizational component within the agency.*

Commentary: Establishing, and routinely updating, goals and objectives of the agency and each component helps to ensure direction and unity of purpose and serves as a basis for measuring progress.

(M M M M M M)*

1.1.2 *A written directive establishes procedures for obtaining input from all personnel levels within the agency in the development of agency goals and objectives.*

Commentary: Obtaining the input of personnel has great value in improving the relevancy and coverage of goals and objectives statements; further, it en-

* The letters within the parentheses pertain to levels of compliance. See Section C.2 of the Introduction for an explanation.

courages the feeling that employees have contributed to the management and operation of the agency.

(M M M M M M)

1.1.3 *A written directive requires an annual submission to the agency's chief executive officer by each organizational component of a written evaluation stating the progress made toward the attainment of goals and objectives.*

Commentary: The intent of this standard is to ensure that the agency's chief executive officer is informed, on a regular basis, of the progress toward achieving established goals and objectives.

(O O O O O O)

1.1.4 *A written directive requires all personnel, prior to assuming sworn status, to take an oath of office to enforce the law and uphold the Constitution of the United States, and where applicable, the state constitution.*

Commentary: The taking of an oath of office is a universal practice in law enforcement service. The oath should include elements to satisfy both local and state requirements as well as the need to enforce the law and uphold the Constitution of the United States. (M M M M M M)

1.1.5 *A written directive requires all sworn officers to abide by a code or canon of ethics adopted by the agency.*

Commentary: The canon of ethics adopted by the International Association of Chiefs of Police, or the Law Enforcement Code of Ethics as published by the International Association of Chiefs of Police, will satisfy the intent of this standard. Adherence to the code of ethics and to the United Nations Code of Conduct for Law Enforcement Officials may also be inserted as an element of the oath of office. (M M M M M M)

1.2 Limits of Authority

1.2.1 *A written directive defines the legally mandated authority vested in sworn agency personnel.*

Commentary: The written directive should define and elaborate on the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes, and ordinances. (M M M M M M)

1.2.2 *A written directive governs the use of discretion by sworn officers.*

Commentary: In many agencies, the exercise of discretion is defined by a combination of written enforcement policies, training, and supervision. The written directive should define the limits of individual discretion and provide guidelines for exercise within those limits. (M M M M M M)

1.2.3 *A written directive defines the authority, guidelines, and circumstances when sworn personnel should exercise alternatives to arrest and/or alternatives to prearrest confinement.*

Commentary: The written directive should identify the authority of sworn officers to use alternatives to arrest (e.g., citations, summonses, referral, informal resolution, and warning) to address the variety of problems they confront. Policy guides and procedural directions should be developed to ensure appropriate use by personnel. (M M M M M M)

1.3 Use of Force

1.3.1 *A written directive states personnel will use only the force necessary to effect lawful objectives.*

Commentary: The directive should encompass the use of all types and kinds of force (whether deadly or nondeadly) and all types and kinds of weapons. The directive may be issued in the form of a policy, rule, or order. (M M M M M M)

1.3.2 *A written directive states that an officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury.*

Commentary: The purpose of this standard is to provide officers with guidance in the use of force in life and death situations and to prevent unnecessary loss of life. Definitions of "reasonable belief," and "serious physical injury" should be included in the directive. (M M M M M M)

1.3.3 *A written directive specifies that use of deadly force against a "fleeing felon" must meet the conditions required by standard 1.3.2.*

Commentary: A "fleeing felon" should not be presumed to pose an immediate threat to life in the absence of actions that would lead one to believe otherwise, such as a previously demonstrated threat to or wanton disregard for human life. (M M M M M M)

1.3.4 *A written directive requires that all sworn personnel be issued copies of and be instructed in the policies described in standards 1.3.1 through 1.3.3 before being authorized to carry a firearm.*

Commentary: Owing to the importance of standards 1.3.1, 1.3.2, and 1.3.3, the agency should disseminate the directives to all sworn personnel individually. (M M M M M M)

1.3.5 *A written directive governs the discharge of "warning" shots.*

Commentary: Warning shots pose a danger to officers and citizens alike. (M M M M M M)

1.3.6 *A written directive governs the carrying of side arms and ammunition while off duty.*

Commentary: The policy should specify the circumstances under which an officer may or may not carry a side arm and ammunition while off duty. (M M M M M M)

1.3.7 *A written directive governs the use of nonlethal weapons by agency personnel.*

Commentary: Agency personnel usually have numerous nonlethal weapons at their disposal. The

intent of this standard is to ensure the proper use of such weapons as blackjacks, batons, saps, and tear gas dispensers. (M M M M M M)

1.3.8 *A written directive establishes criteria for authorizing the carrying of nonissued, personal firearms.*

Commentary: The intent of this standard is to ensure that poor quality or inherently dangerous firearms are not used by officers. A firearm meeting accepted criteria should, furthermore, be expected to be in satisfactory working condition. The directive should address areas such as caliber, barrel length, type of weapon, identification of weapon, whether the officer is qualified to use the weapon, and policy concerning on- and off duty use of the weapon. (M M M M M M)

1.3.9 *A written directive requires that a written report be submitted whenever an officer discharges a firearm, other than in training or for recreational purposes.*

Commentary: The intent of this standard is to ensure that officers who accidentally or intentionally discharge a weapon submit a written report of the incident. The officer involved (if physically able) should be required to submit the report within a specified time period. The report should set forth all circumstances surrounding the incident. If the facts of the incident support a conclusion that the shot was the result of negligence, the officer should be required to undergo firearms certification training again. (M M M M M M)

1.3.10 *A written directive requires that only officers demonstrating a proficiency in the use of agency-authorized firearms, in addition to authorized side arms, be allowed to carry such weapons.*

Commentary: The intent of this standard is to cover the carrying of weapons such as shotguns, tear gas guns, or automatic rifles. Demonstrated proficiency includes achieving minimum scores on a prescribed course, attaining and demonstrating a knowledge of the laws concerning the use of firearms, and being familiar with recognized safe-handling procedures for the use of these weapons. (M M M M M M)

1.3.11 *A written directive requires each sworn officer to qualify at least annually with any firearm that the officer is authorized to use.*

Commentary: The written directive should describe the score required for qualification, target type, timing, distance, and other conditions. Qualification should involve not only the actual firing of the weapon but also a passing score on a "what, when, where, and how" type of written test based on the training provided. (M M M M M M)

1.3.12 *A written directive requires that only weapons and ammunition meeting agency-authorized specifications be used in the performance of duty.*

Commentary: Control should be maintained for reasons of safety and civil liability. (M M M M M M)

1.3.13 *A written directive requires a written report be submitted whenever an officer:*

- *takes an action that results in (or is alleged to have resulted in) injury or death of another person; and/or*
- *applies force through the use of nonlethal weapons.*

Commentary: The standard is intended to require a written record of the circumstances surrounding injury or death that results from, or is alleged to result from, actions by officers. The report should address use of physical force, use of lethal and nonlethal weapons, or any other action resulting in injury or death, including traffic accident. The standard is not intended to document the display of weapons by officers. (M M M M M M)

1.3.14 *The agency has a procedure for reviewing incidents in which there is application of force through the use of a weapon by agency personnel.*

Commentary: The standard provides for latitude in categorizing cases to be reviewed through different procedures. The procedure should include reviewing incidents in which agency personnel discharge a firearm, whether on or off duty. This standard does not apply to firearms training, hunting, or participation in legitimate sporting events. (M M M M M M)

1.3.15 *The procedures required in standard 1.3.14 include a report of findings to the agency's chief executive officer.*

Commentary: The report of findings should include the relevant facts and circumstances surrounding the incident, and a conclusion as to whether the discharge violates an agency directive. (M M M M M M)

1.3.16 *A written directive requires the removal of any officer from line-duty assignment, pending administrative review, whose use of force results in a death.*

Commentary: The purpose of this standard is twofold: (1) to protect the community's interest when officers may have exceeded the scope of their authority in the use of deadly force; and (2) to shield officers who have not exceeded the scope of their authority from possible confrontations with the community. (M M M M M M)

Glossary

TOPICAL AREA: LAW ENFORCEMENT ROLE AND AUTHORITY

GENERAL ORDER: A term used by some agencies to describe permanent directives concerned with policy, rules, and procedures affecting more than one organizational component.

INSTRUCTIONAL MATERIAL: Training guides, bulletins, and checklists.

MEMORANDUM: An informal, written document that may or may not convey an order; it is generally used to clarify, inform, or inquire.

PERSONNEL ORDER: An announcement of changes in the status of personnel, such as a transfer or promotion.

POLICY: A written directive that is a broad statement of agency principles. Policy statements may be characterized by words such as "may" or "should" and usually do not establish fixed rules or set procedures for conduct of a particular activity, but rather provide a framework for development of procedures and rules and regulations.

PROCEDURE: A written directive which is a guideline for carrying out agency activities. A procedure may be made mandatory in tone through the use of "shall" rather than "should," or "must" rather than "may." Procedures sometimes allow some latitude and discretion in carrying out an activity.

REASONABLE BELIEF: When facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

RULES AND REGULATIONS: A specific directive from which no deviation or exceptions are permitted.

SERIOUS PHYSICAL INJURY: A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the function of any bodily member or organ.

SPECIAL ORDER: Directives affecting only a specific segment of the organization or statements of policy or procedure regarding a specific circumstance or event that is of a temporary nature.

WRITTEN DIRECTIVE: Any written document used to guide or affect the performance or conduct of agency employees. The term includes policies, procedures, rules and regulations, general orders, special orders, and instructional material.

Appendix III

Sample Citizen Complaint Policies

Police Agency Handling of Citizen Complaints: A Model Policy Statement

Police Executive Research Forum

The following model policy on police agency handling of citizen complaints was adopted by the members of the Police Executive Research Forum in September 1981. It is intended to provide police officials with precise guidelines for the development of effective agency mechanisms to handle citizen complaints. Further, it aims to establish standards for these mechanisms which will ensure effectiveness as well as fairness to officers and citizens alike. Some of the provisions in this policy will conflict with state law, municipal ordinances and collective bargaining agreements in some jurisdictions and, as such, cannot be implemented. Other provisions may be inappropriate for the unique traditions of certain communities and police agencies and, as such, should not be adopted. Thus, this policy statement can serve as a blueprint for the development of effective discipline procedures as well as a framework for the review and revision of existing practices.

Model policy statement

Statement of purpose The purpose of this policy is to improve the quality of police services. This is accomplished in three ways. First, through the provision of meaningful and effective complaint procedures, citizen confidence in the integrity of police actions increases and this engenders community support and confidence in the police department. Improving the relationship between the police and the citizens they serve facilitates police-citizen cooperation, an element vital to the department's ability to achieve its goals. Second, disciplinary procedures permit police officials to monitor officers' compliance with departmental procedures. Adherence to de-

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partmental procedures assists officers in meeting departmental objectives and a monitoring system permits managers to identify problem areas in which increased training or direction is necessary. Finally, the third purpose is to clarify rights and ensure due process protection to citizens and officers alike. Heightening officer awareness of the rights afforded them when charged with misconduct will increase the appreciation of the comparable rights afforded citizens accused of a crime.

In light of these purposes, the objective of this policy is to provide citizens with a fair and effective avenue for redress of their legitimate grievances against law enforcement officers, and, by the same token, to protect officers from false charges of misconduct or wrongdoing and provide accused officers with due process safeguards. The agency seeks to maintain its integrity and that of its employees. In so doing, the agency shall not hesitate to impose disciplinary actions on guilty officers, to remove from employment those officers who prove to be unfit for law enforcement work, and to dismiss unjustified allegations against innocent officers.

It is the policy of this agency to accept and investigate all complaints of officer misconduct or wrongdoing from any citizen or agency employee. Following a thorough and impartial examination of the available factual information, the officer shall be found innocent or guilty of the allegation. Guilty officers shall be disciplined according to the degree of misconduct.

The imposition of corrective actions and necessary penalties are among the methods available to management to achieve agency goals and compliance with agency policies and procedures. Use of this authority is intended to eliminate the particular behavior and to censure the individuals that account for the misconduct. Furthermore, the discipline process shall be used to identify and correct unclear or inappropriate agency procedures, as well as organizational conditions that may contribute to the misconduct, such as poor recruitment and selection procedures or inadequate training and supervision of officers.

This agency is committed to providing law enforcement services that are fair, effective, and impartially applied. In so doing, officers are held to the highest standards of official conduct and are expected to respect the rights of all citizens. Officers' voluntary adherence to these standards, motivated by a moral obligation to perform their job to the best of their ability, is eminently desirable and an ultimate objective of this agency.

If an officer does not adhere to the standards of official conduct, either through deliberate action or negligence, disciplinary action shall be applied in a prompt and certain manner.

Prevention of misconduct It is the policy of this agency to emphasize the prevention of misconduct as the primary means of re-

ducing and controlling it. While disciplinary actions are properly imposed on officers who have engaged in wrongdoing, they are of limited utility if they shield organizational conditions which permit the abuses to occur. Too often inadequate training and lack of supervision are factors that contribute to the officers' improper behavior. This agency shall make every effort to eliminate the organizational conditions which may foster, permit, or encourage improper behavior by its employees.

Recruitment and selection Finding and appointing the highest quality of individuals to serve as law enforcement officers is a priority for this agency.

During the selection process, written psychological tests and individual interviews shall be completed by each candidate in an attempt to identify those who would be unsuited for police work. These procedures may also be used for promotional testing, as well as prior to assignments that are especially sensitive or that pose the greatest opportunities for abuse and wrongdoing.

Training Recruit training and in-service training for veteran officers shall emphasize the sworn obligation of police officers to uphold the laws and provide for the public safety of the citizenry. Police ethics shall be a major component in the training curricula, as well as an in-depth examination of the rules, procedures and outcomes of the disciplinary process. Periodic training bulletins shall be issued to each officer to explain any new statutory requirements or significant procedural changes.

Written directives manual Each officer shall be given an official, agency-written directives manual which contains specific directions for conducting all aspects of police work. Categories of misconduct shall be clearly described and defined. The directives shall emphasize the officer's responsibility and accountability to the citizens of the community, and their obligation to protect the civil rights of all citizens.

The disciplinary process shall be thoroughly explained in the manual, including precise descriptions of the proper authority of the internal affairs office, the interrogation process, the officer's rights, the hearing board, and all appeal procedures.

Supervisory responsibility Proper training of agency supervisors is critical to the discipline and performance of patrol officers. Emphasis shall be placed on anticipating problems among officers before they become manifest in improper behavior or debilitating conditions, identifying potentially troublesome officers, identifying training needs of officers, and providing professional support in a consistent and fair manner.

Community outreach Commanding officers shall strive to remain informed about and sensitive to the needs and problems in the community. Formal and regularly scheduled meetings with advisory councils composed of citizens, meetings with citizens and informal meetings with community leaders shall be used to hear the concerns of citizens, to identify potential crisis situations, and to keep open channels of communication between the agency and the community. The disciplinary process is publicized and clearly explained in these forums, and the availability of a secure post office box for hesitant citizens to file grievances is publicized.

Data collection and analysis Monthly reports shall be prepared by the internal affairs office for submission to the agency's chief executive that summarize the nature and disposition of all misconduct complaints received by the agency. Further, notation will be made of age, sex and racial characteristics of the complainants and the officers, as well as the complainants' residential neighborhoods. Terminated complaints shall be recorded and reasons for the termination explained.

Copies of the report shall be distributed to all command and supervisory personnel, as well as to training commanders. Notations shall be made for corrective actions of any developing patterns of abuse of a similar nature in a particular neighborhood.

An annual report, summarizing the types of complaints received and the dispositions of the complaints, shall be prepared and made available to members of the public and the press. The names of complainants and accused officers shall not be published in this report.

Purpose The system that has been established to investigate officer misconduct and to impose disciplinary actions is intended to be fair, thorough and objective. In order to maintain the integrity of this system, precise rules governing the process for receiving, investigating and adjudicating misconduct complaints are published and in effect. These rules are written in clear and easy to understand language, and adequately publicized in both the community and the agency. The rules are internally consistent, realistic and provide due process protections for the person who files the complaint and for the accused officer.

The disciplinary system is open to all persons who wish to file a complaint. It is located in an accessible, clearly marked office and operates week days, from early morning to early evening. During weekends and nights, supervisory personnel are directed to accept complaints. Procedures are explained to the person making the complaint, who is then kept informed of the status of the complaint at each stage of the process. The complaint disposition process is limited to 120 days, unless granted 30-day extensions by the agen-

cy's chief executive. While some citizens will be satisfied only if their complaints result in a guilty finding, others will accept a non-guilty finding if they perceive the process has been open, objective, rigorous and thorough.

In order to maintain high morale among agency personnel, the disciplinary system is designed to function in a consistent and prudent manner. It does not challenge or interfere with the prerogative of law enforcement administrators to supervise officers and it gives full support to officers who perform their law enforcement duties in a thorough and effective manner.

Code of conduct Specific categories of misconduct that are subject to disciplinary action are precisely defined. These include:

Crime: Complaint regarding the involvement in illegal behavior, such as bribery, theft, perjury or narcotics violations.

Excessive force: Complaint regarding the use or threatened use of force against a person.

Arrest: Complaint that the restraint of a person's liberty was improper or unjustified.

Entry: Complaint that entry into a building or onto property was improper and/or that excessive force was used against property to gain entry.

Search: Complaint that the search of a person or his property was improper, in violation of established police procedure or unjustified.

Harassment: Complaint that the taking, failing to take, or method of police action was predicated upon factors irrelevant, such as race, attire, sex, age, etc.

Demeanor: Complaint regarding a department member's bearing, gestures, language or other actions which are offensive or of doubtful social propriety or give the appearance of conflict of interest, misuse of influence or lack of jurisdiction or authority.

Serious rule infractions: Complaint such as disrespect toward supervisor, drunkenness on duty, sleeping on duty, neglect of duty, false statements or malingering.

Minor rule infractions: Complaint such as untidiness, tardiness, faulty driving, or failure to follow procedures.

Penalties A scale of progressive penalties permitted by law and/or bargaining agreements is used by the agency to punish guilty officers. These are: (1) counseling; (2) verbal reprimand; (3) letter of reprimand; (4) loss of vacation time; (5) imposition of extra duty; (6) monetary fine; (7) transfer; (8) suspension without pay; (9) loss of promotion opportunity; (10) demotion; (11) discharge from employment; (12) criminal prosecution.

The disciplinary process

Receipt and processing of complaints Complaints shall be accepted from any source, whether made in person, by mail or over the telephone. Individuals are encouraged to submit their complaints in person in order to obtain as complete a report as soon as possible after the incident. In cases in which the complainant cannot file the report in person, agency personnel may visit the individual at his or her home, place of business or hospital in order to complete the report.

Complaints shall be accepted from anonymous sources, juveniles and persons under arrest in police custody so long as the complaint contains sufficient factual information to warrant an investigation. Each complaint shall be investigated to its logical conclusion and the investigation results properly placed into the appropriate category of completed cases.

Any individual who files a complaint shall receive a written brochure or form that explains the disciplinary process in clear and concise language. Individuals who file written complaints or those made over the telephone shall receive a written confirmation of the receipt of their complaint, signed by the internal affairs office director, including a unique case reference number and the name of the staff member who will handle their case. The name of an internal affairs staff member with whom to discuss the investigation termination decision and the office telephone number shall be included on the form. Also, a complaint description form, to be reviewed and signed by the complainant and returned to the agency, shall be sent to the complainant. Persons who file complaints charging excessive use of force shall be asked to sign a form authorizing release of their relevant medical records to the police agency.

While encouraging the filing of legitimate complaints against officers as means by which they can be held accountable to the public, the department simultaneously seeks to hold members of the public responsible for the filing of false and malicious allegations against police officers. In cases of this nature, the complainants will be informed that appropriate legal proceedings will be instituted to remedy such action.

In cases where the identity of the officer is unknown, the internal affairs office investigator shall use all available means to determine proper identity. Complaints should be referred to the internal affairs office where they shall be recorded in a central log and assigned a unique case number. If, however, an officer receives a complaint and the department is able to resolve the situation, through an explanation of rules or procedures, to the complainant's satisfaction, a termination of complaint form shall be completed, signed by the complainant and the officer, and sent to the internal affairs office. If such a complaint is not filed in person, the termination of complaint form shall be mailed for signature and returned to the internal affairs office.

Investigation and adjudication of complaints Complaints of harassment, demeanor and all rule infractions shall be forwarded from the internal affairs office to the accused officer's commanding officer who, in turn, shall require the officer's supervisor to investigate the allegation of misconduct. The supervisor shall interview the complainant, all witnesses and the accused officer, as well as review relevant reports, activity sheets, or dispatcher forms. The supervisor shall then submit a report to the commander summarizing the matter and determining if the complaint is sustained. If it is, the commander shall determine disciplinary action and forward notification of the action through the chain of command to the agency's chief executive for approval. If, however, the commander determines that the required disciplinary action exceeds a verbal reprimand, he shall forward the investigation report and his recommendations to the director of the internal affairs office for review.

The commander's recommendation shall be submitted to a Review Council of the internal affairs office for concurrence. The Review Council shall be composed of three senior officers appointed for two-year terms by the agency's chief executive. Following Council concurrence, the recommendation shall be sent to the agency's chief executive for approval.

If, however, the supervisor determines that the complaint is not sustained, his or her report is sent to the commander for review and, if approved, forwarded to the internal affairs office for review and to the chief executive for approval. The complainant shall be sent a letter from the agency's chief executive explaining the outcome of the complaint, the reasons for the decision not to fault or discipline the officer, and available appeal procedures.

Complaints of repeated harassment, demeanor and serious rule infractions, and complaints of a serious nature shall be handled by the internal affairs office. An office investigator shall conduct confidential investigation of the complaint and assemble the necessary materials, such as:

1. Physical evidence
2. Statements or interviews from all witnesses
3. Statements or interviews from all parties of specialized interest, such as: doctors, employers, lawyers, teachers, legal advisors, parents, etc.
4. Investigative aids, such as the various reports, activity sheets, complaint cards, and dispatcher's forms.

In cases where preliminary investigative data indicate the possibility of a criminal act on the part of the officer, the case shall be referred to the district attorney. This should be accomplished prior to the lodging of a formal accusation against an officer. In all other cases, after the gathering of preliminary investigation data, the accused officer shall then be notified of the complaint and an appointment scheduled for questioning. The officer shall be entitled to be accompanied by one other person of his or her choosing to attend the questioning session in order to provide counsel and to ensure protection of the officer's civil rights. The questioning shall take place at a time when the officer is on duty or during his or her normal working hours. In extremely serious cases that involve the public interest or which may bring the agency into disrepute, the accused officer may be questioned during non-working or non-waking hours.

Before the questioning begins, the accused officer shall be informed of the nature of the complaint, the name of the person in charge of the investigation, and the names of all persons who will be present during the questioning. The questions shall be specifically, directly and narrowly related to the performance of the officer's official duties. Also, the officer shall be advised that failure to answer questions will result in disciplinary action, but that his or her answers and the fruits of these answers cannot be used against him or her in a criminal proceeding. If, at any time during the questioning session, the officer becomes a suspect in a criminal act, the administrative questioning shall end, and the officer shall be so informed and read the *Miranda* warnings. The case shall then be referred to the district attorney. Otherwise, the officer shall be expected to answer questions or submit materials and statements to the investigator when so directed. The officer shall be given an opportunity to respond to the complaint orally or in writing. No more than two investigators shall question the officer at one time and they shall not subject the officer to offensive language, threaten punitive action, or make promises of reward as an inducement to answer questions. The questioning session shall be conducted for a reasonable duration, taking into consideration the complexity and gravity of the matter being investigated. The officer shall be allowed time for meal breaks and to attend to physical necessities.

The agency shall protect the accused officer from contact with the news media unless he or she gives written consent. Neither the home address nor a photograph of the accused officer shall be released without the officer's written consent.

All questioning sessions may be tape recorded. The accused officer may review the tapes or purchase copies of a transcription, if any are made, before any subsequent statements are made in furtherance of the investigation of the same case.

Where not precluded by state or local law or by the bargaining agreement, the police chief executive shall have the right to require the use of a polygraph examination as a condition of continuing employment.

No officer shall have his or her locker or other department-assigned storage space searched, except in his or her presence, or with his or her written consent, unless a valid search warrant has been obtained or the officer has been notified that a search will be conducted in the presence of an internal affairs officer and a property control officer.

All documents concerning complaints of officer misconduct shall be considered confidential. They may not be removed from the internal affairs office by any person without express consent of the office director, or on the written order of a court of competent jurisdiction or the agency chief executive.

Conclusions of fact The investigator shall consider all relevant documents, testimony and evidence in order to determine what actually happened. He or she shall prepare a summary report that provides a complete account of the situation. Gaps or conflicts in evidence and testimony shall be noted and the investigator shall not draw conclusions of fact from them.

At the end of the report, the investigator shall state a conclusion of fact for each allegation of misconduct from among the following dispositions:

Proper conduct: The allegation is true, but the action of the agency or the officer was consistent with departmental policy, and the complainant suffered no harm.

Improper conduct: The allegation is true and the action of the agency or the officer was inconsistent with department policy, and the complainant suffered harm.

Policy failure: The allegation is true, and although the action of the agency or the officer was not inconsistent with department policy, the complainant suffered harm.

Insufficient evidence: There is insufficient evidence to prove or refute the allegation.

Unfounded complaint: Either the allegation is demonstrably false or there is no credible evidence to support it.

If the investigator concludes that the conduct of any officer was improper, he or she shall cite in the disposition report the agency rule, regulation, or order which was violated. He or she shall also note any mitigating circumstances surrounding the situation, such as unclear or poorly drafted agency policy, inadequate training, or lack of proper supervision.

The investigation report shall be sent to the director of the internal affairs office who, in turn, shall request the officer's commanding officer to recommend an appropriate disciplinary action. The investigation report and the commander's recommendation shall then be sent to the internal affairs office's Review Council for concurrence and to the agency's chief executive for approval. In cases involving sustained complaints of misconduct that involve disciplinary actions more severe than a verbal reprimand or counseling, the officer's commanding officer shall send a written notification of the intended disciplinary action to the accused officer.

In addition to existing appeal procedures, an officer may, within 30 days, file a written response to any adverse comment entered in his or her personnel file. Such written response shall be attached to the document containing the adverse comment.

Imposition of a disciplinary action Following the determination of a sustained complaint of officer misconduct, and allowing for any appeals, agency executives shall act swiftly and deliberately to impose a proper and just disciplinary action on the officer. The final determination of disciplinary actions exceeding summary punishments shall be the prerogative of the agency's chief executive.

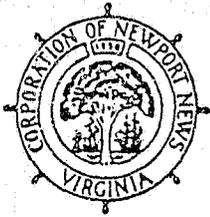
The disciplinary action to be taken shall be determined by the seriousness of the misconduct and by the extent of wrongdoing or injury to the victim. It shall also be commensurate with the circumstances surrounding the total incident and with the officer's service record or prior sustained complaints. If the complaints were for incidents of misconduct similar or identical to the current incident, the disciplinary action shall be more severe than for a first offense.

External factors, such as the officer's service record and any sustained complaints for the past three years, shall be considered for a possible referral to appropriate counseling programs. To make such a referral, the officer's physical, emotional and psychological health shall be determined by competent professionals.

Participation in a counseling program may be required of an officer in lieu of a more serious disciplinary action if, in the determination of the agency's chief executive, the officer would benefit. Such a disposition may be revoked in favor of the more severe penalty, however, if the officer fails to participate or to participate successfully in the program.

Once the officer has waived his or her right to an appeal or has exhausted the appeal process, his or her supervisor shall impose the disciplinary action and then forward a summary report to the officer's commander for approval. Once approved, the report shall be sent to the director of the internal affairs office for case closure. The agency's chief executive shall notify the complainant explaining the outcome of the investigation.

Conclusions of fact and of the imposed penalty will be noted in the officer's personnel file after he or she has the opportunity to read and sign it.



Policy & Procedure

No. 1202

1 of 6 pgs

Subject:

Receipt of Citizen
Complaints

Effective
Date:

07/30/84

Issued
By:

DWS

Distribution:

All

Amends/
Supercedes:

I. INTRODUCTION

The effectiveness of a law enforcement agency is dependant upon public approval and acceptance of police authority, therefore, the Department must be responsive to the community by providing formal procedures for the processing of complaints from the public regarding individual officer performance.

Many complaints are the result of misunderstanding. It is to the advantage of the Department member that complaints and the circumstances surrounding the incidents prompting them be thoroughly investigated and resolved.

II. PURPOSE

A. To establish guidelines for receiving and investigating citizen complaints concerning employee performance or misconduct while still providing members of this department with procedural safeguards against malicious or false allegations.

III. POLICY

This Department will investigate all allegations of employee misconduct received from any source outside or inside the Department.

IV. INTERNAL AFFAIRS/DUTIES & RESPONSIBILITIES

The goal of the Internal Affairs Unit is to insure that the integrity of the department is maintained through a system of internal discipline where objectivity, fairness, and justice are assured by intensive, impartial investigations and review.

A. Review and investigations concerning allegations of misconduct by members of this Department shall be the responsibility of the Internal Affairs Unit. Misconduct is defined as:

1. Commission of a criminal offense.
2. Violation of departmental policy and procedures.
3. Conduct which adversely reflects upon the employee and the Department.

B. In addition to investigations concerning allegations of misconduct, the Internal Affairs Unit shall be responsible for the coordination of investigations involving the discharge of firearms as outlined by the Firearms Discharge Review Team policy of this Department (Series #1201).

- C. *Internal Affairs shall be responsible for any other investigation as directed by the Chief of Police.*
- D. *Internal Affairs Unit may refer investigations to the employee's supervisor for investigation as outlined under the Processing Misconduct Complaints section of this policy.*
- E. *Internal Affairs members or officers temporarily assigned to that unit shall have the authority to interview any member of the Department and to review any record or report of the Department relative to their assignment in compliance with the Policeman Bill of Rights (Section 2.1-116.1). Members of the Internal Affairs Unit will come under the direct authority of the Chief of Police.*
- F. *The Internal Affairs Office will maintain a comprehensive central complaint file on citizen complaints received whether investigated by that office or the Bureau Commander.*

I. PROCEDURE

A. Acceptance of Complaints

1. *All employees of the Department are charged with the responsibility for courteously and willingly receiving any complaint that may be lodged against the Department or any employee, to include complaints made over the telephone or received by mail.*
2. *Citizen complaints may be lodged at the police facilities located at 224 26th Street or the Denbigh Municipal Annex located at 368 DeShazor Drive.*
3. *Central will not accept citizen complaints on police department employees but will transfer the complaints in the following manner:*
 - a. *Calls received during normal working hours, 8:00 am to 5:00 pm, Monday through Friday, will be transferred to the Internal Affairs Office, 247-8844. If an Internal Affairs Officer cannot be located, the complainant will be transferred to the appropriate Bureau Commander who will receive the complaint.*
 - b. *An Internal Affairs officer will take the necessary information and forward it to the appropriate Bureau Commander unless the nature of the complaint dictates that it be investigated by Internal Affairs.*
 - c. *If a complaint is received by Central at hours other than 8:00 am to 5:00 pm, the call will be transferred to the Watch Commander. If the Watch Commander is not available the complainant will be so advised and*

arrangements will be made by Central to have the next immediate supervisor contact the complainant.

4. On all complaints, the complainant will be encouraged to file legitimate complaints against officers in person. Complainants will be reminded that they will be held responsible for filing false and malicious allegations and that appropriate legal proceedings could be instituted by individual officer(s).
5. If a complaint is lodged at the Information Desk during normal working hours, 8:00 am to 5:00 pm, Monday through Friday, the complainant will immediately be taken to the Office of Internal Affairs. If an Internal Affairs officer is not available at that time, the person will then be taken to the Bureau Commander in charge of the officer in question. If the officer in question is not known, then the person will be taken to the Uniform Bureau Commander who will assign a person to handle the complaint. Once the complaint has been taken it will be forwarded to the Office of Internal Affairs. If appropriate, it will then be reassigned by Internal Affairs to the employee's Bureau Commander for completion.
6. If a complaint is lodged at the Denbigh Municipal Annex, the person receiving the complaint will take the complainant to either the watch supervisor, if the complaint is against uniform personnel, or the detective in charge, if the complaint is against personnel so assigned, who will make the initial investigation and see that the complaint is passed to Internal Affairs who will make the appropriate reassignment.
7. In all cases when complaints are received the Citizen Complaint Review Form will be completed and forwarded to Internal Affairs. (See Attachment 1).
8. Upon receipt of any complaint (by person, mail or phone) a copy of the Citizen Complaint Form will be provided to the complainant (in person, or by mail if the origin of the complaint is by phone or mail). The form will indicate a person in charge of the complaint who shall be available to the complainant in the event of questions which may develop at a later date. It shall be the responsibility of the officer in charge of Internal Affairs Unit to insure that a copy of the form is provided to the citizen. (See Attachment II)

B. Internal Investigation Assignments

1. Complaints received concerning employees will be assigned to the employee's supervisor or Watch Commander under the following circumstances:
 - a. Complaints of harassment

- b. *Complaints of demeanor*
 - c. *Violations of Rules and Regulations except those involving criminal activity.*
2. *Internal Affairs will be responsible for the investigation of:*
- a. *Complaints involving criminal activity*
 - b. *Complaints against all ranking personnel*
 - c. *Complaints of sexual harassment*
 - d. *Shootings (in accordance with Firearm Discharge Review Team)*
 - e. *Complaints of internal theft*
 - f. *Review and investigation of all excessive force complaints*
 - g. *Any other investigation as directed by the Chief of Police*

END POLICY NUMBER 1202

*Darrel W. Stephens
Chief of Police*

NEWPORT NEWS POLICE DEPARTMENT
INTERNAL AFFAIRS UNIT
NOTIFICATION OF CITIZEN COMPLAINT

Citizen Information:

Name: _____

Address: _____
(Street)

(City) (State) (Zip)

Phone: _____
(Home) (Work)

Briefly state the nature of the complaint: _____

(Use additional sheet if necessary)

Signature of Complainant

Date & Time of Complaint

Person Taking Complaint

Officer(s) Involved

Place Complaint Taken

1. Make sure the citizen registering the complaint is advised that someone from Internal Affairs will contact them regarding their complaint the next working day.
2. This form is to be sealed in an envelope and forwarded to Internal Affairs by 0800 hours the next working day.

Date & Time Received by Internal Affairs

Date & Time Contact was made with the Complainant

ATTACHMENT II

Case Number _____

Dear _____

This will acknowledge receipt of the complaint made by you on
_____ concerning the actions of a member(s) of
this department on _____.

An investigation will be conducted into the allegations contained in
your complaint and you will be advised of the results of the investigation in
approximately four (4) weeks. In the meantime, should a question arise, you
can contact this office by calling 247-8844, Monday through Friday, between
the hours of 8:00 am and 5:00 pm.

Sincerely,

Internal Affairs Unit



Policy & Procedure

No. 1203 | 1 of 7 pgs

Subject:
**Conduct of Internal
Investigations**

Effective
Date: 08/20/84

Issued
By: DWS | Distribution:
All

Amends/
Supercedes:

I. PURPOSE

To inform members of the department of the circumstances under which internal investigations will be conducted by the Newport News Police Department.

II. POLICY

The Newport News Police Department will investigate allegations of misconduct on the part of the employee. Employees have an obligation to cooperate during investigations. These investigations will be conducted within the framework established herein.

III. PROCEDURE

A. Investigation of Complaints

1. Citizen complaints shall not be investigated by persons involved in or implicated by the complaint.
2. On being notified that they have become the subject of an Internal Affairs investigation, the employee will be provided with written explanation of the allegations and the employee's rights and responsibilities relative to the investigation. (See Attachment I). If the investigation focuses on criminal matters, it will be investigated by the appropriate Squad in the Investigations Division. Internal Affairs will also conduct an investigation for administrative purposes.
3. Generally, all investigations must be completed within thirty (30) days of initiation, with status reports to the Chief of Police every seven (7) days. If completion is not possible, the time may be waived with the approval of the Chief of Police.
4. Upon completion of complaints investigated by the employee's supervisor or Watch Commander, to include interviewing all witnesses, complainants, the accused officer(s) and any pertinent documents, a report must be prepared by that supervisor summarizing the investigation and determining if the complaint was sustained. In addition, the supervisor will recommend what disciplinary action, if any, should be taken, and shall forward that recommendation to the Chief of Police through the chain of command.
5. A copy of the investigation conducted by the supervisor will be forwarded to the Internal Affairs Unit for record keeping and review. The employee's commanding officer shall be responsible for the preparation of a letter for the Chief's

signature to the employee involved and complainant informing him of the outcome of the investigation.

6. An investigation conducted by the Internal Affairs Unit shall be documented and retained in the same manner as an investigation conducted by an employee's supervisor. The completed investigation will be forwarded to the employee's supervisor and Bureau Commander for review and recommendation to the Chief of Police. The recommendation will fall within the categories listed in Section B of this policy. If it is determined that the complaint should be classified as sustained, the Bureau Commander will also forward a recommendation for disciplinary action to be taken, if any.
7. Final determination of case status shall be the responsibility of the Chief of Police.
8. The complainant will be notified in writing of the case disposition by the Chief of Police or his designee. The Bureau or Division commander will prepare the letter for the Chief's signature.

B. Adjudication of Complaints

1. All complaints whether investigated by an Internal Affairs officer or supervisor will be entered into one of the following five (5) categories:
 - a. Not Involved

Officer was not present at the time the alleged misconduct occurred.
 - b. Unfounded

Allegation is false or not factual.
 - c. Not Sustained

Insufficient evidence either to prove or disprove the allegation.
 - d. Exonerated

Incident occurred, but was lawful and proper.
 - e. Sustained

The allegation is supported by sufficient evidence to justify a reasonable conclusion that the allegation is factual.

2. *Internal Affairs will maintain a central complaint file where final disposition of all complaints will be noted.*
3. *Complaints determined to be sustained by the Chief of Police shall require a record of the complaint and final disposition to be entered in the Department member(s) personnel file. The member shall be notified in writing of the final disposition and if the complaint is to be placed in the personnel file. The Chief of Police may, after review of the case, reclassify a non-sustained allegation as a sustained complaint and then take action as outlined in this policy.*
4. *All allegations shall be maintained by the Internal Affairs Unit in a separate file by complainant's name and nature of complaint.*
5. *The City Attorney shall be notified of all investigations which might result in civil action against the employee or the City and a copy of the investigation forwarded to the Office of the City Attorney by the Chief of Police.*
6. *Monthly and annual reports shall be prepared by the Internal Affairs Unit summarizing to the Chief of Police, the nature and disposition of all complaints received by the Unit. The monthly and annual report will also reflect areas of concern that should be noted by the Chief of Police.*

C. *Disposition of Sustained Complaints*

1. *Disciplinary action taken shall be determined by the seriousness of the violation and/or the extent of injury to the victim. It shall be commensurate with the circumstances surrounding the incident and in consideration of the officer's service record and prior sustained complaints.*
2. *Participation in a counseling program may be required of an officer in lieu of a more serious disciplinary action, if it is determined by the Chief of Police that the employee would benefit. The failure to participate by the employee, however, will revert the incident back to the more serious disciplinary action.*
3. *A Notice of Disciplinary Action Letter shall be written by the Bureau Commander on all complaints where disciplinary action is taken. The original goes to the employee, a copy to the personnel file, a copy retained by the supervisor and a copy to Internal Affairs for completion of their records.*

D. *Emergency Suspension*

1. *Any commanding officer (Sergeant or above) has the authority to relieve any member under his command from duty until*

the next day when it appears that such action is in the best interest of the Department.

2. The individual being relieved from duty will be required to report to his commanding officer the next day at 0800 hours unless otherwise directed by such commanding officer.
3. The commanding officer relieving any employee under his supervision from duty shall immediately notify the Bureau Commander who will notify the Chief of Police. A written report by the relieving officer shall immediately be forwarded to the Chief of Police.

E. Investigative Tools

1. Departmental Questioning

An employee may be compelled to answer questions that are related to his duties or fitness. Failure to answer such questions may form the basis for disciplinary action and may result in dismissal from the department.

- a. The answers given during the investigation of an administrative matter will not be used against the employee in any criminal proceeding.
- b. The answers given do not constitute a waiver of the privilege against self-incrimination as in criminal matters.
- c. Prior to being formally charged during an administrative investigation, no attorney will be permitted to be present.

2. Medical and Laboratory Examination

A commanding officer may, based on his observation, require a department employee to submit to a test for alcohol or drug use while on duty. The results may be used in a disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.

- a. If the employee is believed to be under the influence of alcohol, a licensed breathalyzer operator will administer the test. The commanding officer will witness the test and will be required to sign the report.
- b. If the employee has a reading of .05 or higher, or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty and a report made to the Chief of Police by the commanding officer.

- c. *If the employee is believed to be under the influence of self-administered drugs, he may be compelled to submit to a blood and/or urine test. The test shall be administered under medical supervision where hygienic safeguards are met. The sample will be handled using the same safeguards as evidence in a criminal process.*
- d. *If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty and a report made to the Chief of Police by the commanding officer.*
- e. *If an employee refuses to submit to a test, (alcohol or drugs) then the commanding officer will immediately relieve the employee from duty for failure to cooperate in an administrative investigation, and a report must be forwarded to the Chief of Police.*

3. *Photograph and Lineup Identification Procedures*

Officers may be required to stand in a lineup for viewing by citizens for the purpose of identifying an employee accused of misconduct. Refusal to stand in a properly conducted lineup is grounds for disciplinary action and could result in dismissal.

- a. *A photo identification book of department employees may be maintained for the purpose of identification by citizens of an employee accused of misconduct. Photographs of employees for the identification book will be required by the department and will be used as it narrowly relates to the employee's job.*
- b. *Photographs or videotape pictures of employees, whether knowingly or unknowingly by the employee; may be taken for the purpose of internal investigations when it relates to the employee's job and the employee is suspected of misconduct.*

4. *Financial Disclosure Statements*

An employee may be compelled to make financial disclosure statements, when it is directly and narrowly related to allegations of misconduct involving any unlawful financial gain. Any evidence gained during the investigation of an administrative matter can not be used in any criminal proceeding.

5. *Utilization of polygraph examinations in internal investigations shall be in accordance with the departmental policy regarding its use (Policy # 0116).*

F. Confidentiality of Investigations

1. *The progress of Internal Affairs investigations and all supporting materials are considered confidential information. This confidentiality serves the need to protect both the officer accused and the complainant.*
2. *The Chief of Police or his designee is the only party empowered to release for public consumption the details of an internal investigation.*
3. *This confidentiality rule in no way precludes reporting to the public, statistical information on the processing of all complaints and internal investigations that were received and processed by Internal Affairs.*
4. *The contents of completed Internal Affairs case files will be retained by this unit for two (2) years.*

END OF POLICY NUMBER 1203


Darrel W. Stephens
Chief of Police

ADMINISTRATIVE PROCEEDINGS RIGHTS
NOTIFICATION OF CHARGES/ALLEGATIONS

ATTACHMENT I

NEWPORT NEWS POLICE DEPARTMENT

Date:

Time:

Rank Computer No. Unit of Assignment

The Virginia State code (2.1-116.2) provides that whenever an investigation by an agency focuses on matters which could lead to the dismissal, demotion, suspension or transfer for punitive reasons of a law enforcement officer, the following conditions shall be complied with:

1. Any questioning of the officer shall take place at a reasonable time and place as designated by the investigating officer, preferably when the officer under investigation is on duty and at the office of the command of the investigating officer or at the office of the local precinct or police unit of the officer being investigated, unless circumstances dictate otherwise.
2. Prior to the officer being questioned, he shall be informed of (1) the name and rank of the investigating officer and of any individual to be present during the questioning and (2) the nature of the investigation.

Departmental policy provides that:

1. You are entitled to read the complaint lodged by the complainant.
2. Refusal to answer all questions pertaining to the allegations made by the complainant, either verbally or in writing, shall be grounds for disciplinary action and may result in dismissal from the department.
3. The answers given during the investigation of an administrative matter will not be used against you in any criminal proceedings.
4. The answers given do not constitute a waiver of your privilege against self-incrimination as related to criminal matters.
5. Prior to being formally charged, during an administrative investigation, no attorney will be permitted to be present.

Accordingly, you are hereby advised that the following allegations have been directed to you:

COMPLAINANT(S): 1. _____ 2. _____

The undersigned hereby acknowledges receipt in writing of the charges or allegations against him and his rights as pertaining to administrative proceedings.

(Signature)

WITNESSES:

Appendix IV

Sample Public Information Policy



Policy & Procedure

No. 1102

1 of 6 pgs

Subject:

*News Media Information
Release Policy*

Effective
Date:

04/25/83

Issued
By: DWS

Distribution:
All

Amends/
Supercedes:

I. PURPOSE

To set forth guidelines for personnel who may be approached by members of the news media concerning major incidents, criminal investigations and internal matters.

II. POLICY

- A. *Any major incident likely to attract widespread news media attention shall be brought to the attention of the Public Information Officer without delay by the ranking police officer at the scene. He/she may direct Central supervisor on duty to notify same.*
- B. *News media representatives will be allowed immediate access to designated areas during major incidents when they openly display identification identifying them as news media representatives.*
- C. *News media representatives will be denied access to areas other than the assembly point or command post when, in the judgement of the ranking police officer, their presence will interfere with the police operation.*
- D. *If the major incident is a fire, and the officers of this Department have the primary mission of supporting the Newport News Fire Department, the ranking police officer at the scene will allow news media representatives access to the Fire Department command post unless otherwise directed by the ranking firefighter on the scene.*
- E. *It shall be the policy of the Newport News Police Department to provide representatives of the news media with information about the activities of the department, in accordance with the procedures outlined here.*
- F. *The supervisor of the Public Information Office will be appointed by the Chief of Police and will have the designated title of Public Information Officer. The Public Information Officer will supervise all media news releases and all personnel assigned to that office. He/she will have the full authority of the Office of the Chief of Police and will report directly to same.*

III. PROCEDURE

A. Notification and Response

1. *When the Public Information Officer is notified of a major incident, he will determine from field officers what location is to be used as an assembly point for news media representatives and will notify the Dispatch Center and the front desk of this location.*

2. When notified of a major incident, the Public Information Officer will respond to the assembly point and will coordinate with the ranking officer of the command post any additional areas to which the news media representatives will be admitted. At no time will news media representatives be permitted to interfere with the functions of the command post.
3. When mobile television or radio transmitting units arrive at the scene of a major incident, operators will be directed to go on foot to the news media representatives assembly point to receive assistance in determining the most strategic locations in which to place their mobile units. Once the location has been established, assistance will be provided by Department personnel to advance such mobile units to that location, if such assistance can be made available.
4. Situation briefings will be provided at the command post or at a designated location on a timely basis. Such briefings will be conducted by the Public Information Officer or the ranking officer in charge. When possible, such briefings will include key personnel involved in the situation who can give factual, firsthand, updated reports on the situation.

B. Release of Information

1. Upon request or as soon as practical, the Public Information Officer, ranking investigating officer or designated Department member will provide news media representatives at the scene of all incidents the following information:
 - a. Known facts and circumstances relating to the crime which will not hinder or prejudice the investigation.
 - b. A general description of the suspects, if known, or evidence seized.
 - c. Facts and circumstances of arrest, including the time and place of arrest, any resistance encountered, or pursuit.
 - d. The race, sex, age, occupation and family status of the suspect. A suspect may NOT be identified by name until he/she has been formally charged with the commission of a crime.
 - e. The nature, substance or text of the charges brought against the suspect, including a brief description of the offense, and an announcement of the scheduling or result of any stage in the judicial process.
 - f. The identity of the investigation and/or arresting officers, providing such information does not jeopardize or compromise personnel assigned to undercover operations.

C. Crime Scenes

1. News media representatives may be given guided access to crime scenes when it is determined practical by the ranking investigating officer except in the following instances:
 - a. When the crime scene is on private property and the owner of the property clearly requests that news media representatives not be given access.
 - b. When the presence of news media representatives might adversely affect the preservation of evidence at the scene or interfere with the investigation.
2. Crime scenes will be secured by Department personnel and access will not be permitted within the outer limits unless authorized by the ranking investigating officer. News media coverage will be permitted adjacent to any barriers.
3. News media representatives will be provided information about the crime at all crime scenes either by the Public Information Officer, the ranking investigative officer or his designee, or in the event neither is present, the officers responding to the original call, to include officers working traffic accidents. Department members providing such information will respect the rules of evidence, relate only factual information and omit assumptions, speculations and opinions. At no time will the news media be told no one can talk to them. If in doubt refer them to a supervisor.

D. Internal Matters

1. Requests for information regarding internal investigations which could lead to the filing of criminal charges against Department personnel will be treated as any other criminal investigation insofar as release of information is concerned.
 - a. However, because an investigation could be conducted by both the investigations section and the internal affairs office, such requests should be directed to the Public Information Officer.
 - b. No commanding officer of the Department employee undergoing such investigation shall under any circumstances release information concerning the investigation.
2. All other inquiries about internal investigations involving Department personnel will be addressed to the internal affairs officer. In the event that officer is not available, the Division or Unit Commander of the affected Department employee may release information as outlined below:

- a. If a matter is still under investigation, confirmation of the existence of an ongoing investigation and information on the nature of the allegations should be released. Names of the individuals involved in the investigation will NOT be released or confirmed under any circumstances.
- b. If an investigation is concluded, information to be released will include the nature of the allegations, established facts that were uncovered concerning the allegations in the current case only, Department action that is to be imposed, if any, and the name of the Department employees involved.

E. Police Files Information

1. Department personnel will not provide any information or copies of reports to the media except the following, which will be available to news media representatives on a day-to-day basis:
 - a. Vehicular accident reports.
 - b. Initial offense/incident reports.
 - c. Mug shots of individuals who has been charged and pending trial. In all cases where mug shots are released, the identifiers shall be first cut off the photos.
2. All other requests from members of the news media for information contained in Department files will be granted only with prior authorization from the Chief of Police or his designate.

F. Interviews and Photographs

1. Photographs or videotape may be taken from any area where the news media representatives have been given access. Officers may, however, restrict the use of flash, strobe or high intensity lights when the use of such equipment would hinder a police operation, endanger officers or citizens by exposing them to unnecessary risks, or create a hazard (e.g., cause an explosion in a gaseous atmosphere).
2. Areas of access for news media representatives within the confines of the Newport News Police Department facility will include:
 - a. Any areas open to the public.
 - b. Any designated area set aside for news media briefings.
 - c. Any area to which the news media representatives are

provided a guided access by a member of this Department.

3. *News media representatives shall be permitted to interview victims of crime or disasters, who have consented to such interviews providing:*
 - a. *The victim is not undergoing medical attention.*
 - b. *The victim appears able to make sound decisions, is not visibly upset, severely injured or emotionally distraught.*
 - c. *Investigative personnel have completed their interviews.*
 - e. *If victims desire not to be interviewed, the news media representative will be advised.*

IV. RESPONSIBILITY

- A. *The Public Information Officer will supervise the office and all personnel assigned to it. The Public Information Officer will report directly to the Chief of Police on all matters pertaining to that office. He/she will carry out any other assignments designated by the Chief of Police.*
- B. *For daily news releases, members of the news media should contact the Public Information Officer or a member of the office during normal working hours. Contact can be made either by phone or in person unless prior arrangements have been made.*
- C. *Day-to-day telephone requests for information will be referred to and handled by the Public Information Officer, or a member of the office staff. In their absence, it will be handled by the Captain of Detectives, Shift Captain or their designee.*
- D. *When this agency is involved in a mutual effort with other service agencies outside of this department's jurisdiction, it will be the responsibility of the agency having primary jurisdiction to release or coordinate the release of information to the news media.*

END OF POLICY NUMBER 1102

Darrel W. Stephens
Chief of Police

Appendix V

Multnomah County, Oregon, Letter of Agreement between Agencies Involved in Responding to the Mentally Ill

MULTNOMAH COUNTY, OREGON



Board of County Commissioners

Earl Blumenauer
Pauline Anderson
Gretchen Kafoury
Caroline Miller
Gordon Shadburne

Dennis Buchanan, County Executive

LETTER OF AGREEMENT

GOAL

The goal of this Letter of Agreement (LOA) is to improve community safety and the proper care of mentally ill persons.

PROBLEM

Mentally ill persons who act in ways which are threatening to their own safety and/or the safety of others, often receive intervention from many agencies and services. These responders usually have differing missions and goals in their interventions. The result can be poor coordination in efforts to resolve the situation.

Furthermore, the service systems themselves are in continual development and change which may result, at times, in agencies not being familiar with the services available and the methods of obtaining these services.

OBJECTIVES

1. To establish agreement as to the role of each of the participating programs.
2. To increase interagency cooperation and shared responsibility for the effective intervention and treatment of these persons.
3. To encourage increased sharing (including automated data base information) between all parties of the LOA where appropriate and consistent with Oregon State law.
4. To make information and methods on accessing the emergency response systems for the dangerous mentally ill available to the public.
5. To provide consultation and training to all parties of the agreement.
6. To review incidents involving the actions of such dangerous persons to assure that the emergency response system has responded in an effective manner to enhance the safety of all parties.
7. To periodically review and test the system to assure its readiness to respond and to recommend improvements.

PREMISES

1. Each participant recognizes that the primary responsibility for dealing with the mentally ill person may change throughout the intervention. As the lead agency changes, all other involved agencies agree to give their full support and cooperation to the lead agency.
2. The effectiveness of this LOA will be dependent not only upon endorsement by the leaders of these agencies but especially upon the agency staff actually involved in the delivery of service.

PREMISES (continued)

3. Oregon law provides that the Social Services Division (SSD) is the delegated mental health authority in Multnomah County. Therefore, it is the responsibility of the SSD to exercise leadership in the coordination of the mental health emergency response system.
4. If a potentially dangerous mentally ill person is of a culturally distinct group, all participants to this LOA will attempt to involve individuals and agencies with expertise and experience in that group's mental health needs.

RESPONSIBILITIES

Multnomah County Department of Human Services (DHS)

1. Multnomah County DHS will standardize policies and procedures involving crisis intervention among all contract providers.
2. Multnomah County DHS will establish procedures for implementing placing persons under police officer holds pursuant to ORS 426.215 Program-Initiated Police Officer Holds - House Bill 2088, effective January 1, 1986.
3. Multnomah County DHS will inform concerned agencies, community groups, and the general public regarding crisis intervention, evaluation services for youth and adult populations, and procedures for civil commitment.
4. Multnomah County DHS will assure that a designated person be available at all times, with the full authority of the Director of the Department of Human Services, to intervene and resolve special emergency situations concerning policies and procedures of the DHS.
5. Multnomah County DHS will assure that consultation concerning contacts with the mentally ill, including violent or potentially violent and those in need of immediate intervention, be available to the police.
6. Multnomah County DHS will accept and take appropriate action on information received from the police or other LOA agencies concerning persons suspected of being mentally ill, including those who are potentially violent or dangerous to themselves or others to assure appropriate treatment and intervention.
7. Multnomah County DHS will assure that orientation and training programs occur for all LOA agencies concerning the emergency treatment and intervention of mentally ill persons.
8. Multnomah County DHS will convene a critical incident review of any incident which, in the judgement of the Director, constituted a serious situation involving a mentally ill person and was dealt with by more than one participating agency. The purpose is to review both successful interventions as well as failures in the mental health emergency system.
9. Multnomah County DHS, in conjunction with the Department of Justice Services, will initiate convening the signatories of this Letter of Agreement.

RESPONSIBILITIES (continued)

Police Agencies

1. Police agencies will establish a new unit, or assign to an existing unit, personnel trained in mental health emergency intervention.
2. Police agencies will establish policies and procedures that police personnel will follow when dealing with mental health emergencies as well as during routine encounters with persons believed to be mentally ill, potentially violent, or dangerous to themselves or others. These policies and procedures will be updated to reflect changes, seek standardization among the various police agencies, and compliance with Oregon Revised Statutes.
3. Police agencies will participate in training of police personnel in procedures for dealing with mentally ill persons and provide cross-training with other LOA agencies.
4. Police agencies will provide, within provisions of the law, consultations to LOA agencies regarding contacts with mentally ill persons, including the violent or potentially violent and those in need of interventions.
5. Police agencies will respond to calls received regarding an immediate threat from a potentially dangerous mentally ill persons when such calls are received from a mental health agency or from a private practitioner.
6. Police agencies will provide for the mandatory response of a police supervisor when a dispute arises between personnel of the police and any other LOA agency staff regarding a psychiatric emergency.
7. Police agencies will establish a direct liaison between the Manager of Crisis Services for each Quadrant in which services are provided and police agency for the purpose of:
 - a. Increasing availability and utilization of mental health crisis services to the police at the "line" level; and
 - b. Resolving any conflicts occurring between staff of either agency regarding roles and/or procedures.
8. Police agencies will assure that all police officers are trained in procedures in dealing with mentally ill persons and are knowledgeable of mental health resources, and that all appropriate police personnel will receive ongoing training.
9. Police agencies will require that a referral to a mental health agency be made where the determination is made that there is not grounds for a police hold to be placed on a mentally ill person, but where clear and serious mental illness does or may be thought to exist.

RESPONSIBILITIES (continued)

10. Police agencies will establish policies to insure rapid service of probation and parole warrants when the Court or the Board notifies of a violation constituting an immediate danger to self or others.

Multnomah County District Attorney's (DA) Office

1. The Multnomah County District Attorney's Office will provide a 24 hour information number where advise can be obtained by officers and mental health personnel concerning the appropriate processing of mentally ill persons.
2. The Multnomah County District Attorney's Office will provide training to all participating agencies in this LOA.
3. The Multnomah County District Attorney's Office will be open to consultation with mental health personnel regarding disposition of cases where it is likely that a crime has been committed, but the suspect is mentally ill, and this factor will be considered in disposition of the case.
4. The Multnomah County District Attorney's Office will seek specific budgetary resources to provide a Deputy District Attorney to attend all civil commitment hearings.

Mental Health Service Providers*

1. Mental Health Providers will assign an agency person to be the liaison to police agencies which operate within the LOA.
2. Mental Health Providers will provide consultation and ongoing training to the LOA agencies under the coordination of the DHS.
3. Mental Health Providers will consider requests for consultation and aid in intervention by police agencies to be of the highest priority.
4. Mental Health Providers will make available within provisions of the law, to the public, information on emergency mental health services available. This will be coordinated by the DHS.
5. Mental Health Providers will develop protocols for the handling of dangerous mentally ill persons both within agency premises and when intervening in public situations.
6. Mental Health Provider agencies performing initial triage roles will develop and maintain clear protocols for determining when to refer requests for help to designated crisis intervention teams.
7. Mental Health Providers, in cooperation with the DHS, will explore feasibility of having access to crisis services in a more publicly accessible and secure location, such as hospital emergency rooms, to perform crisis screening functions.

* Mental Health Service Providers who are signatories of this agreement

RESPONSIBILITIES (continued)

State and County Probation and Parole Departments

1. Multnomah County Probation and Parole Department will formulate procedures specifically for dealing with mentally ill clients.
2. Multnomah County Probation and Parole Department will appoint specific individuals to act as coordinator of their responsibilities concerning mentally ill clients.
3. Multnomah County Probation and Parole Department will develop specific caseloads or specialized supervision of mentally ill clients.
4. Multnomah County Probation and Parole Department will provide consultation and training to all participating agencies in this LOA.
5. Multnomah County Probation and Parole Department will participate in any interagency response team or other coordinated activity as outlined in the LOA.
6. Multnomah County Probation and Parole Department will, when allowable, provide information as requested by other agencies regarding the potentially dangerous mentally ill client.
7. Multnomah County Probation and Parole Department will assure that consultation concerning contacts with the mentally ill, including violent or potentially violent and those in need of immediate intervention, be available to all parties of the LOA.
8. Multnomah County Probation and Parole Department will immediately report to the Court or the Board any violation of conditions of supervision or release by a person mandated to receive mental health treatment when such violation constitutes potential danger to self or others.

IMPLEMENTATION

Governance

A Psychiatric Emergency Policy Council (PEPC), comprised of representation from the Justice Coordinating Council, the Mental Health Advisory Committee, and the signatories of this agreement will meet quarterly to:

1. Monitor implementation of the Action Plans of the LOA;
2. Establish strategies to accomplish necessary changes in local and state public policy and funding relating to the potentially dangerous mentally ill;
3. Develop appropriate additions (or deletions) to the LOA; and
4. Report progress of implementation to the appropriate public policy boards or commissions.

IMPLEMENTATION (continued)

Operations

A Psychiatric Emergency Operations Team (PEOT), comprised of a designated representative from each LOA agency, will function as a member of PEOT to do the following:

1. Develop procedures to implement the Action Plan of the LOA;
2. Coordinate actual psychiatric emergency response procedures defined in the Action Plan;
3. Review each response experience and develop necessary revisions;
4. Report progress of implementation to the Policy Council each month; and
5. Develop recommendations to the Policy Council relating to necessary changes in the Action Plan, Letter of Agreement, public policy, staffing, funding, and organizational procedures relating to operational requirements to implement the Action Plan.

Representatives from other agencies will be invited to participate as well (e.g. City of Gresham Police Department, City of Troutdale Police Department, Oregon State Police, State Probation & Parole-Northwest Region, etc.

IMPLEMENTATION (continued)

Operations

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CONCLUSION (continued)

L. Mac Lockett, Chief
Portland Public Schools Police

Date: _____

Larry Rank, Protective Services Manager
Port of Portland Police Department

Date: _____

Charles E. Hill, Chief of Police
Transit Police

Date: _____

Laura Sclar, Executive Director
Metro Crisis Intervention Service

Date: _____

David N. Cramer, Executive Director
N/NE Community Mental Health Center

Date: _____

John Parker, Executive Director
Southeast Mental Health Network

Date: _____

Derald Walker, Executive Director
Mt. Hood Community Mental Health Center

Date: _____

June Dunn, Executive Director
Mental Health Services West

Date: _____

Appendix VI

Sample Policies on Traffic Stops and Pursuits



Traffic Violations

The purpose of traffic laws is to discourage drivers from endangering themselves and others on the road. Disregard for these laws often represents a threat to the safety and well-being of motorists and pedestrians alike. The reasons for violations of the traffic codes are as varied as the individual motorists themselves, ranging from deliberate attempts to "get away with" violating the law to the daydreamer who is completely wrapped up in thoughts about something other than the operation of his automobile.

Although issuing a traffic citation is often considered among the most routine police duties, it may also be seen as typifying the challenge that police officers face daily in their work with the public. Issuing a traffic citation usually means enforcing a law that the violator, regardless of his position in the community, does not want enforced with regard to his own driving behavior. Doctors, lawyers, and clergymen as well as burglars, shoplifters, and pimps do not like to receive tickets.

Since the police officer most often encounters respectable members of the community during traffic stops, the exercise of tact during these stops is an important consideration. Many citizens' only contact with the police is during a traffic stop, and their impression of the police is mostly based on such contacts. Therefore, the officer must be prepared to make contacts with the general public as positive as possible under the circumstances, yet also be prepared to defend himself in case of physical attack. The problem is how to exercise the necessary authority with minimum adverse reaction from the public and yet be prepared at all times to deal with the violent few. A condition of readiness must be maintained without the officer's attitude or behavior alienating the majority who represent no threat.

A traffic stop encounter between the officer and citizen occurs in an emotional climate. The officer

Most tactical procedures for stopping traffic violators center around protecting officers from assault. Yet most traffic violations are not essentially criminal acts and most violators are not criminally inclined or violent. Therefore, the officer must balance the need to protect himself at all times with the need to treat violators courteously.

must expect the motorist's reaction to be based upon emotions rather than reason. The range of the motorist's reaction may be from mild anxiety to hysteria.

Stopping the Violator

Once the decision to stop a motorist has been made, the police officer must immediately gain the attention of the violator, select a favorable location for the stop, and make a safe "pull-over." Depending on the amount of traffic, type of road, road conditions, the weather, the time of day, and the attitude of the violator, a traffic stop may be a relatively simple effort or a hazardous operation.

GAIN ATTENTION: Generally, the first act of a pursuing officer is to turn on the emergency lights of his vehicle, thus giving notice to the surrounding traffic that a stop will take place and that unusual vehicular movement may be expected. The officer may also alert motorists of the intended direction of vehicular movement by use of turn or hand signals.

Many times the officer will not have to leave his traffic lane to make it clear to the violator that he should stop. Often the violator's attention may be gained simply by driving behind him and tapping the horn or switching on the headlights. At night, the officer may flick on his bright lights or use the spotlight to notify the violator that he should pull over. Lights should be used only momentarily so that the motorist's vision is not affected. The pursuing officer should leave sufficient maneuvering space, which depends on speed of travel and traffic conditions, between his vehicle and the violator.

SELECT LOCATION: The general location of the traffic stop is, of course, predetermined by where

the violation occurs. Regardless of location, traffic stops should be accomplished as soon after the violation as traffic and other conditions permit. Stopping the violator immediately avoids confusion and argument. Typically, traffic stops in urban areas should be made within 1 or 2 blocks of the violation and on highways within 1 mile. These distances allow the officer to select the best possible stop location within an area that is probably familiar to him.

On urban streets with heavy traffic, the officer should select any vacant area along the curb to make the stop. At night in urban areas, stops should be made at well-lighted locations.

On high-speed roads, stopping a motorist is more difficult and dangerous because of the potential for traffic accidents. Perhaps the most common problem on such roadways is that of directing a violator from the left-hand lane over to the right-hand curb or shoulder. The officer must not only attract the attention of the violator in these cases, but also escort him safely to the stop location without endangering any of the other motorists on the road.

In these cases, the officer should drive behind the violator, using his headlights, flashers, or emergency light to signal the driver. The officer should then motion to the right-hand curb in the direction of the desired stopping place. The move from the left side of the roadway to the right side should be gradually and safely accomplished.

Vehicular stops made on bridges, narrow country roads, and some sections of Interstate highways require special consideration to minimize the traffic hazards involved. Whenever an alternative stopping site is available, police officers should avoid any location that creates a hazard for himself, the violator, or other traffic.

MAKING THE STOP: Both the violator's and the officer's vehicles must be stopped and parked in such a way as to minimize the hazards from and inconvenience to other motorists. This generally means parking against the curb in urban areas or on the shoulder on highways. The need for proper parking is most vital on high-speed roads.

The officer should use the safest and simplest maneuvers to bring a violator to a stop. Only when these efforts fail should the officer "pursue" a vehicle. For example, the officer should first attempt to gain the attention of the violator simply by driving behind him, tapping the horn, and motioning to the shoulder or curb. If the violator fails to respond, the officer should then use his vehicle's emergency lights and siren briefly. If these efforts fail, the officer must maneuver his vehicle into a position where it is abreast of the violator's car. The front door of the pursuit vehicle should be even with the center of the violator's vehicle passenger compartment. From this position, the officer can observe the driver and any passengers to begin to determine whether the violator's disregard of the officer's signals was intentional and suspicious or merely an oversight. The violator is motioned to "pull over," and, when necessary, the officer signals the traffic

before resuming his position behind the violator's vehicle.

When pulling up behind the violator's vehicle on a roadway shoulder, the officer should park so that his patrol car is about 1 yard to the left and 10 feet to the rear of the violator's car. Using either his radio loudspeaker or hand movements, the officer should indicate to the violator that he should park as far away from the traffic lanes as is possible.

The patrol vehicle should be driven to a smooth, even halt. Sudden stops caused by slamming the brakes will delay the officer from exiting his patrol unit. The gradual stop also enables the officer to unlatch his seatbelt as the vehicle slowly halts.

APPROACHING THE VIOLATOR: By the time the officer is ready to exit his vehicle and approach the violator's car, he sometimes has a good idea about the danger involved in contacting the violator. Despite often-expressed rules regarding standardized procedure, most police officers do not approach an elderly female violator on a busy, urban daylight street in the same way as they would a male violator with several male passengers at night on an isolated highway. No amount of instruction to the contrary will change this because as a human the officer behaves according to his experience. Innumerable contacts with harmless old ladies lead the officer to assume that they present little or no threat and he will behave accordingly. On the other hand, the stopping of a male and several male passengers is viewed by officers as a situation requiring extreme caution.

Contacts that can be immediately "sized up" by police officers present no real problem; however, the officer is often uncertain about the potential danger of other situations and it is in these cases that he must consciously exercise caution to avoid complacency which would leave him vulnerable to sudden attack.

Before exiting his vehicle, the officer should inform the dispatcher of the color, year, make, body, and license number of the violator's vehicle; the location of the stop; and a description of the driver and any passengers. If the officer is suspicious of the violator or the circumstances indicate that assistance may be required, he should request a back-up unit. The dispatcher should record this information and make a check on the vehicle. The officer at the scene should check his stolen vehicle sheet.

The officer should approach the violator's vehicle in a direct line just inside the left or driver's side. This approach allows the officer to use the trunk of the violator's vehicle for cover should an attack occur. It also enables the officer to observe the driver and occupants without significantly exposing himself. The officer should always remain alert for any suspicious movements. The officer should peer through the vehicle's rear window and check the back seat. At no time should the officer turn his back to the violator or passengers until he is assured that no danger exists. The officer should position himself about 2 feet away from the vehicle in line

with the front edge of the driver's door, facing the violator. This position ensures that the violator cannot strike the officer by suddenly opening the door, it gives an unobstructed view of the driver, and enables the officer to view oncoming traffic.

An alternative procedure is for the officer to stand slightly to the rear of the driver's door. From this position, the driver cannot suddenly open the door and knock the officer off balance, nor can he assault the officer with a weapon without making a very noticeable turning movement. Disadvantages of this position are that the officer cannot view the driver's hands at all times and the traffic at the officer's back may break his concentration.

Under ideal conditions, the violator should be told to remain seated in his vehicle. If he gets out of the car, have him stand on the curb side of the vehicle. Never let the violator stand between the vehicles or in the roadway. Of course the officer should not remain seated in his car while the violator looms over him. The officer should stand outside of the police vehicle in a position where his holstered weapon is away from the violator.

In certain cases, for example with an obviously intoxicated driver, the officer may wish to direct the driver out of the vehicle immediately. If traffic conditions permit, the officer should open the violator's car door, moving backward as the door swings open. The violator should be requested to leave the vehicle and directed to stand on the curb or shoulder at the front of his vehicle. Where traffic is heavy, the violator should be requested to exit his vehicle on the right side.

Contacting the Violator

Contacts with traffic violators typically occur under circumstances where the violator is emotionally upset about being stopped. He has come under the authority of the law and knows that he will in all probability receive a ticket and have to pay a fine. If the violation is serious, such as drunk driving or reckless driving, or the violator has a poor driving record, his driving privilege may be at stake. The average violator is likely to feel a little apprehensive, angry, and perhaps guilty, combining to create unpredictable behavior.

Although the emotional condition of the violator is usually not severe, the officer must attempt to minimize the violator's feelings rather than irritate them. The officer can avoid creating or increasing the violator's antagonism by being impersonal in his attitude toward the violation and the violator. Impersonality can best be achieved by not referring to oneself. For example, the officer should avoid expressions such as "I stopped you for speeding." The same thought can be stated impersonally as "You were stopped for speeding." "I am issuing you a citation," can be replaced with "You are receiving a citation."

Tact is also necessary to avoid causing friction between the officer and the violator. A courteous greeting such as "Hello" or whatever expression is

most natural for the officer is preferred. Sarcastic remarks such as "Where's the fire?" or comments that are interrogative such as "Do you realize why I stopped you?" can only make the officer's job much harder.

Until the officer learns the violator's name, the words "sir" or "miss" should be used. When the violator's name is learned he or she should be addressed by surname, such as Mr. Jones or Mrs. Smith. Less formality may be appropriate when the violator is a juvenile; however, the officer should never become too casual in his speech to traffic violators.

There are several types of violators that the officer commonly encounters. The passive violator presents no problem to the officer. He recognizes that he violated a traffic law. This violator only wishes to receive the citation and continue on his business. The argumentative violator tries to dispute the circumstances of the traffic stop. Either he believes that he is innocent, is trying to "talk" himself out of a ticket, or realizing that he will be cited wants to direct abuse toward the police officer. The officer should not be drawn into arguments about traffic violations. He should remain calm when confronted by a verbally aggressive violator and give only a brief, courteous explanation of the violation.

The drunken driver may be difficult to handle since alcohol influences people in a variety of ways. What the officer must keep in mind constantly when contacting an intoxicated driver is the menace he represents to himself and others on the road. The officer should initially try a tactful approach with drunken drivers. Statements appealing to the violator's common sense, assuming he can understand them, should be used to encourage the violator to willingly accompany the officer. The officer's objective is to give the violator the opportunity to voluntarily comply without feeling that he is cooperating against his will. A more forceful approach may be needed when the intoxicated driver is unable or refuses to recognize his true condition.

Perhaps the most puzzling and sometimes most dangerous type of traffic violator is the subject who is completely indifferent toward the officer and the violation. Most people feel and display anxiety when stopped for a violation. Contacts with the indifferent violator provoke many questions. For example, is the violator indifferent because he is accustomed to dealing with police officers — and in what manner? Does the violator have something to hide and, in his effort to cover such fears, is he going to extremes? Such questions can only be answered by the officer at the scene; however, officers should proceed cautiously when a violator seems "at home" with the police.

Taking Action

Once the officer has examined the violator's driver's license and registration for validity and is satisfied that the subject is who he claims to be and has rightful possession of the vehicle, the officer

must follow through on the traffic violation. Normally his choices are limited to issuing a warning or a citation or making an arrest.

Whenever possible, the decision to warn, cite, or arrest should be made before the violator is confronted. This procedure ensures that enforcement action is based on the elements of the violation rather than on the interaction between officer and violator. In some cases, such as when the officer learns that a driver is intoxicated or does not have a valid driver's license, the officer will have to reevaluate his initial decision.

WARNING: Depending on the jurisdiction, a traffic warning can be given either verbally or in writing. A warning is usually issued when the officer believes that a violation was unintentional and of a minor nature where life or property was not threatened and no interference with the rights of other motorists occurred.

CITATION: The traffic citation is the official record of the violation and should be issued when there is an intentional violation or the violation interfered with the rights of motorists or threatened life or property. The traffic citation is carefully read by the violator and referred to by attorneys and judges when a traffic case goes to court. Mistakes made on citations are not only embarrassing to the police officer, but may also result in a dismissal of the charge by the court. Therefore, officers should check each citation for errors before giving the violator his copy.

Notes recorded on the officer's copy of the citation should describe the violation completely. All of the elements of the violation as well as the events that preceded the offense should be recorded. These notes will prove helpful in court and may serve as the basis for officer testimony.

While the officer is preparing the citation, he should check for any outstanding warrants or notices on the driver. When the officer receives an all-clear on the driver, he can then cite the motorist. Give the motorist his copy of the citation and explain what is required of him. Be certain that he fully understands his obligation. After the violator's questions about his obligation and the citation have been answered, return the driver's license and vehicle registration.

ARREST: Arrest of a traffic violator may be necessary, either because of the nature of the offense, for example driving while intoxicated, or because the violator refuses to comply with the requirements of the citation procedure, such as failure to sign the citation in some jurisdictions.

Summary

Citing a traffic violator involves three key procedural elements: gaining the attention of the violator and executing a safe pull-over, evaluating the violator and the violation, and conducting the stop in such a way that officer safety is ensured yet contact with the violator is as positive as possible under the circumstances. The vast majority of traffic violators are respectable citizens who do not look upon themselves as law-breakers and do not expect to be treated as such. This attitude is reasonable and should be respected by officers. Citations should be issued in these cases with a minimum of friction between officer and citizen. This can be accomplished if the officer adopts an impersonal role toward the violator and uses tact and discretion during the violation stop.

Discussion Guide

1. Review the following elements of traffic enforcement and discuss your agency's procedures.

A. Observation

- ... Officer alertness on highways is the required first step in the enforcement cycle.
- ... Officers must be aware of driving behavior and conditions that violate local ordinances.

B. Evaluation

- ... Officers on the scene must evaluate the conditions surrounding the violation and analyze the extent to which public safety and well-being were or may be threatened.
- ... Officer must determine if the elements of the offense exist.
- ... Officers must determine the priority of pursuing and apprehending a violator in light of other duties.

C. Decision

- ... Based on the evaluation process, the officer must decide whether to act.
- ... The officer must determine the appropriate enforcement action to be taken.
- ... Make the decision about issuing a warning, citation, or making an arrest prior to confronting the violator.

D. Pull-over

- ... The officer indicates to the violator to pull off the roadway and stop.
- ... This may be accomplished using vehicle positioning, lights, siren, loudspeaker, and hand movements.
- ... Primary consideration of all traffic stops is to make the pull-over safely.

E. Stop and Park

- ... Both the violator's and the officer's vehicles must be stopped and parked in such a way as to minimize roadside hazards.
- ... Use the police vehicle to shield the officer from the moving traffic.
- ... Notify the dispatcher about the traffic stop and give pertinent information, including request for assistance or back up if needed.
- ... Check vehicle's description and license number for stolen or wanted information.

F. Approach the Violator

- ... At night, turn headlights on bright and if more light is needed direct the spotlight into the rear window of the violator's car.
- ... Check traffic before stepping out of the police vehicle.
- ... When possible, approach violator on the left side.
- ... Avoid carrying citation book or flashlight in gun hand.
- ... Watch for any unusual action, peer through rear window and check the back seat.
- ... As a matter of habit, grip the butt of the revolver when approaching suspicious violators.
- ... Take a safe standing position.
- ... Watch the violator at all times.

G. Confront Violator

- ... Officer must decide whether to reevaluate his initial decision or let it stand.
- ... Officer should conduct himself in a professional manner, remaining objective and minimizing the violator's anxiety.

2. Pursuit of a vehicle whose driver has ignored an officer's signal to pull over should be undertaken only after the officer has considered the seriousness of the violation and the hazards presented by such pursuit. Discuss the general principles of pursuit driving.

- ... Always keep the violator in sight.
- ... Stay alert for conditions, such as a red light, that may favor or hinder either the violator or yourself.
- ... Avoid any maneuver that may endanger yourself or others on the road.
- ... Notify the dispatcher and other units of the pursuit, and keep constant radio contact with the dispatcher.
- ... Attempt to apprehend the violator as quickly as possible.
- ... Exercise extreme caution at intersections.
- ... Abandon pursuit when the risks are too great or conditions clearly indicate the futility of the situation.

questions

The following questions are based on material in this Training Key. Select the best answers:

1. Enforcement of traffic laws is necessary:

- (a) to discourage behavior which causes accidents
- (b) to condition people to accept and obey other laws
- (c) to show active patrol and discourage other criminal activity such as burglaries
- (d) because it is the officer's job

2. To signal a motorist to pull over to the side of the road and stop, the officer should:

- (a) pull up alongside of the car and yell at the driver
- (b) immediately use the siren as a psychological tool to intimidate the motorist
- (c) use the safest and simplest maneuvers first and then proceed to the more difficult stopping techniques
- (d) stay behind the motorist and cast the spotlight into his rear-view mirror

3. When the officer has stopped a violator, what should he do first?

- (a) look into the back seat of the violator's car
- (b) order the driver out of the car with his hands in plain view
- (c) request the operator's license and registration card
- (d) notify the dispatcher about the location and purpose of the stop

answers

1. (a) The purpose of enforcing the traffic laws is to make the roads safer.

2. (c) When notifying a moving violator to pull over, efforts by the officer should begin with the simplest and safest methods and progress into more complex maneuvers when lesser efforts fail.

3. (d) Notifying the dispatcher of the stop provides the officer with a safety margin.



have you read . . . ?

Highway Safety Program Management Series. (International Association of Chiefs of Police; Gaithersburg, Md.) 1976.

A four volume series covering the entire highway safety field. The four volumes are entitled: Introduction to Police Traffic Services Management; Police Traffic Responsibilities; Selective Traffic Law Enforcement; Alcohol Enforcement Countermeasures.

GENERAL ORDER 85-14
GAINESVILLE POLICE DEPARTMENT
GAINESVILLE, FLORIDA

May 16, 1985

TO: ALL PERSONNEL

RE: HIGH SPEED PURSUIT PROCEDURES

Attached please find revisions to the Rules and Regulations Manual, Sections 2-035/011, 2-035/012, 2-035/013 with regard to Operation of Department Vehicles, High Speed Pursuit.

Please accomplish the following in order to update your manual:

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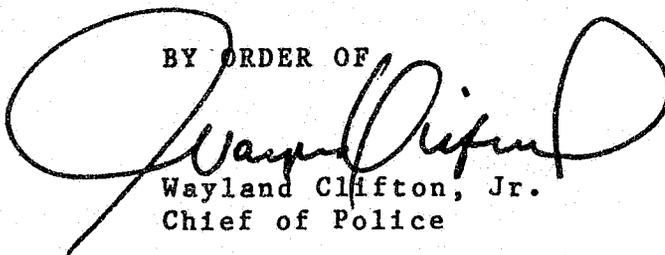
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BY ORDER OF



Wayland Clifton, Jr.
Chief of Police

WC:PTC:sb

ATTACHMENT

2-035/005
(continued)

Arrangements have been made to reimburse money used for parking meters. In order to be reimbursed, it will be necessary for Gainesville Police Department Form 81 to be filled out and submitted to the Division Commander through the Chain of Command on a monthly basis. The form is to be maintained and proper entries made at the time the meter is fed. The monthly deadline for turning in Gainesville Police Department Form 81 will be no later than the 7th of the month.

2-035/010

Operation of Department Vehicles

SECTION REVISED 4/85

035/011

General Operation of Vehicles

- A. Under normal conditions, members of the Department will obey provisions of the law relating to the operation of vehicles in the same manner required of any other person using the roadway. When not on an emergency call, all normal safe driving practices must be observed including rigid obedience to all traffic laws and basic rules of courtesy and safety.
- B. All members shall be responsible and held accountable for accidents which are caused by their inattention to the control of his/her assigned vehicle.
- C. Members are responsible for ensuring that their assigned vehicles are in safe and operational condition.

035/012

Emergency Operation of Vehicles

- A. Florida State Statutes, 316.072(5) and 316.126(3)(4)(5) exempt emergency vehicles from the "Rules of the Road" when in response to an emergency call, involvement in a rescue operation, or in the pursuit of a suspected violator of the law. However, the foregoing provisions do not relieve the driver of any emergency vehicle, while enroute to meet an existing emergency, from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others.

2-035/012
(continued)

B. Use of Emergency Lights and Siren

When a vehicle is being operated in an emergency manner, the Department member driving will use the emergency lights and siren. Neither the siren nor the emergency lights alone are sufficient; both must be used for the response to be considered emergency in nature. Headlights in daytime hours should also be used to increase visibility. The use of emergency equipment only gives the right to demand the right of way, not take it. Do not depend upon others to provide it.

C. Response to Emergency Type Calls

1. When responding to actual or suspected emergencies, members will proceed at a reasonable speed giving due consideration to existing road and traffic conditions. Extreme caution should be exercised when changing directions or when proceeding through traffic control devices.
2. The greater the speed, the greater the chance for an accident. Response speeds should normally not exceed the posted limits by more than twenty (20) miles per hour. Greater speeds may be justified under certain circumstances and conditions, but each member may be held accountable for his/her actions.
3. Under no circumstances will the officer respond in an unsafe manner or use unsafe speed that may cause the officer to lose control over the operation and/or direction of the vehicle.
4. Only police units assigned or dispatched will respond to given calls. All other police units will remain on routine patrol and not respond unless dispatched or requested. Units in the proximity of a call and not dispatched should respond. However, clearance from the dispatcher must be obtained as soon as practical and in any event prior to entering the immediate area. Supervisors may respond to any call at any time.

2-035/013

High Speed PursuitA. Policy

1. The Gainesville Police Department members will make every reasonable effort to apprehend a fleeing violator and to respond to emergency calls with speed and safety, but the pursuit or call response should never be carried to such an extent as to appreciably endanger the lives and property of innocent users of the highway, the violator, or the officer.
2. No member of the Gainesville Police Department shall initiate a high speed pursuit in response to a misdemeanor offense except under extraordinary circumstances which have the prior approval of the shift supervisor (Lieutenant or Sergeant). Permission to utilize high speed pursuit shall only be given in those instances where probable cause exists to believe that a suspect poses a threat of serious physical harm to the officer or to others. In no case shall a crime against property alone qualify for use of high speed pursuit.

For the purposes of this policy, high speed shall be defined as any travel in excess of the posted speed limit.

3. High speed pursuit will only be justified as a matter of policy in those instances involving a present danger to the life and safety of persons. Therefore, it is the policy of the Gainesville Police Department that high speed pursuit shall only be utilized in instances of pursuing suspected perpetrators of the Part One Crimes of Murder, Rape, Robbery, Aggravated Assault (Aggravated Battery). Exceptions to this rule are explained in Section 2-035/013 (A 2). (When high speed pursuit is utilized for Part One Crimes against persons (Murder, Rape, Robbery, Aggravated Assault & Battery) radio contact with permission to continue the pursuit should be obtained from the supervisor as soon as possible and always within sixty seconds of initiation of the pursuit.)
4. Pursuit vehicles must keep the dispatcher informed of the progress of the pursuit, particularly changed directions of travel, street or road identification, etc. In the case of potential pursuit by other than crimes endangering persons, prior permission for pursuit must be approved by the officer's supervisor.

5. In no case will members of the Department authorize high speed pursuit in excess of 70 miles per hour within the city limits of Gainesville and 85 miles per hour outside the City's jurisdiction.

It is important to recognize that officers will be held responsible for negligent operation of a police vehicle, based upon a disregard for the safety of themselves or others, no matter what the speed of travel and/or pursuit.

2-035/013
(continued)

B. Discontinuance of Emergency Response

Department members should not feel compelled to continue an emergency response when conditions escalate to a degree which places the safety of the members or others in extreme jeopardy.

All officers involved in vehicular pursuits will be held accountable for the continuation of a pursuit when circumstances indicate it should have been discontinued. Since the primary unit officer is usually concentrating on the safe operation of the police vehicle, the secondary unit officer is particularly responsible for advising the primary unit officer when he/she feels the pursuit is exceeding reasonable limits. Therefore, the following shall govern the termination of police pursuits:

- a. All pursuits shall be discontinued when the risk of an accident (or risk of injury to innocent citizens) outweighs the possibility of apprehension.
- b. The pursuit shall be terminated if the level of danger created by the pursuit outweighs the necessity for immediate apprehension.
- c. A pursuit shall be discontinued when there is a clear danger to the public or to the pursuing officers. A clear danger exists when speeds dangerously exceed the normal flow of traffic; or, where a pedestrian or vehicular traffic necessitates unsafe maneuvering of the vehicle.
- d. When the suspect's identity has been established at a point where later apprehension can be accomplished, and there is no logical need for immediate apprehension, the pursuit will be terminated.
- e. A pursuit will be discontinued at any time that an order to discontinue is issued by the officer's supervisor.

2-035/013
(continued)

5. Non-Police Passengers in Pursuit Vehicles

Officers with non-police passengers shall not engage in high-speed pursuit operations except in extreme emergencies.

6. Shooting at a Moving Vehicle

Firearms are to be used only under existing Department guidelines. A firearm shall be discharged in the direction of a pursued vehicle only in self-defense or if the occupants present an imminent danger to life if not immediately apprehended. If one of these elements is not present, an officer may not discharge a firearm for the sole purpose of disabling a vehicle.

7. Ramming of Forcing Vehicles Off Roadway

Ramming of fleeing vehicles should be avoided. Neither should attempts be made to run the pursued vehicle off the road. If the originating unit believes either of these two steps are absolutely necessary, such action should only be taken in case of major felonies and then only if the character of the roadway, speeds involved, or hazards to other persons are considered and circumstances still justify such drastic action.

Such contact shall be considered the application of deadly force and the laws pertaining to the use of deadly force will govern these situations.

8. Establishing Roadblocks

The practice of establishing roadblocks is extremely hazardous and should be undertaken only as a last resort, and only with the prior approval of the Shift Supervisor (Lieutenant or Sergeant). Only in cases where the violator constitutes an immediate and continuing major threat to the safety of others and other efforts have failed should the road be blocked.

9. Officer Reporting Responsibilities

All officers involved in a high speed pursuit shall submit a written Inter-Office Communication (IOC) to his/her supervisor detailing the events of the pursuit. It should be noted that this IOC does not replace a General Incident report if required by Department report writing procedures.

2-035/013
(continued)

10. Responsibilities of Dispatchers

- a. The dispatcher shall serve as the controller for all radio messages relevant to the pursuit and will advise pursuit vehicles of known hazardous conditions and keep other units advised of pursuit progress.
- b. The dispatcher shall notify the pursuing unit's supervisor of the fact that a pursuit is in progress along with all available facts.
- c. When advised that a pursuit is in progress, the dispatcher shall notify surrounding police agencies of the pursuit and all pertinent information if it appears that the pursuit may enter into that jurisdiction.
- d. When advised that a pursuit has been terminated, the dispatcher shall advise surrounding jurisdictions of that fact when applicable.

12. Supervisor's Responsibilities

- a. It shall be the responsibility of a supervisor to make informed decisions about the pursuit and termination of pursuit for the officers within their supervision. As such, the supervisor must be within radio contact at all times while on duty and shall continually assess the advisability of beginning and continuing the high speed pursuits of the officers in their charge.
- b. A supervisor shall respond immediately to the termination point of the pursuit and shall be responsible for controlling police action at the scene and ensuring adherence to Department policies. He/she shall retain this responsibility until the suspect is booked or released and all reports are completed.
- c. The responding supervisor shall submit to the concerned Bureau Commander, via the Chain of Command, a written report of the incident on an Inter-Office Communication (IOC). The reporting supervisor shall include in the report his/her critique of the pursuit, with particular emphasis on the degree of compliance with vehicle pursuit policies established by this order.

2-035/013
(continued)

- d. When a supervisor is unable to respond, the senior officer at the scene shall assume all the prescribed responsibilities of the supervisor.

035/020

Calling a Wrecker/City Vehicles

Whenever it becomes apparent that a City-owned or City-leased vehicle may require towing, the operating member shall notify his/her Supervisor, consistent with Departmental policy, in order for the appropriate disposition to occur.

City-owned vehicles which, by virtue of geographical conditions, involvement in an accident, mechanical malfunction or other cause, become disabled or immobile shall be removed by the contractual wrecker service for the towing of City-owned vehicles when a tow is appropriate.

City-leased vehicles involved in similar situations shall be towed by the lease company wrecker, if available. If that wrecker is not available, the contractual wrecker service for City-owned vehicles shall be summoned.

Appendix VII

Responding to Racial and Religious Violence

RACIAL AND RELIGIOUS VIOLENCE
A LAW ENFORCEMENT GUIDEBOOK

Prepared by
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March 1986

Prepared under Grant No. 83-IJ-CX-K045 from the National Institute of Justice. Points of view or opinions stated in the document do not necessarily represent the official position of the U.S. Department of Justice.

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*Titles and affiliations of Task Force members may have changed.

**Deceased

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This guidebook could not have been produced without the assistance of many people; nevertheless, we accept the full responsibility for its contents.

Elsie L. Scott
Project Director
Arlene E. Williams
Program Associate

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INTRODUCTION

This guidebook is a practical tool for local police departments to use in dealing with racial and religious violence. It is one of the products of a one year research project carried out by the National Organization of Black Law Enforcement Executives under a grant from the National Institute of Justice to develop state of the art policies, practices and procedures for responding to incidents which are apparently religiously or racially motivated. A larger document, **Racial and Religious Violence: A Model Law Enforcement Response**, provides background material on the recommended policies.

Racially and religiously motivated attacks are a particularly insidious form of violent behavior. Because of the fear generated by these attacks, whole communities are victimized. An act which may be seen as minor, compared to other crimes by local police or the community at large, can send powerful shock waves through the minority community at which it is directed. These acts create an aura of danger, and serve as compelling reminders to minority citizens that their neighborhoods, their streets and even their own homes may not be safe. Treating such incidents as serious sends a message to the community that their local law enforcement agencies will protect them.

This guidebook was developed with the advice and participation of community organizations, human relations specialists, lawyers, experts in civil liberties and law enforcement officials. Its recommended policies, practices and procedures are currently working in a handful of jurisdictions across the country. Methods to identify, report and investigate religious and racial harassment and violence are examined and a range of standards are presented for consideration by each agency based on its own resources and priorities. It is hoped that this guidebook will provide the appropriate framework for local police agencies that want to develop sensitive and workable programs for handling these crimes.

A MODEL LAW ENFORCEMENT RESPONSE

Outlined below is a recommended model law enforcement response to incidents of racially and religiously targeted harassment and violence. The model is designed to be a practical approach to prevention and response. The model is a composite of the responses of agencies surveyed during the course of the project.

The first section of the model delineates the role and responsibilities of the chief executive of the agency. The model will be meaningless if the chief executive does not provide leadership through a well defined written policy that provides the framework for an appropriate departmental response. In the second section a model directive that outlines the responsibilities of the various officers and divisions of large and small agencies is presented.

A. Role and Responsibilities of the Chief Executive

1. Provide leadership by developing a strong policy statement and disseminating it to all officers and the public at large.
2. Develop a directive which defines a racially or religiously targeted incident and outlines procedures for responding to such incidents.
3. Ensure that all sworn personnel receive human relations training and that investigators receive specialized training.
4. Ensure that an appropriate response is given to all serious incidents and that follow-up investigation is carried out.
5. Require that periodic reports of incidents and the actions taken be prepared by the appropriate officer(s).
6. Assure that an annual review of incidents and the departmental response is prepared and submitted to the chief elected official of the jurisdiction.
7. Ensure that relevant information on incidents is shared with other appropriate agencies in a timely manner.
8. Ensure that prompt and immediate action is taken against officers who violate the policy by such conduct as failure to take reports of incidents or involvement in a hate violence incident.
9. Keep abreast of all legislative action proposed or taken to alter or amend existing police authority in racial or religious harassment investigations.

B. Sample Directive

1. Policy Statement

It is the policy of the
Department to ensure that rights guaranteed by state laws
and the U.S. Constitution are protected for all citizens

regardless of their race, color, ethnicity or religion. When such rights are infringed upon by violence, threats or other harassment, the Department will use every necessary resource to rapidly and decisively identify the perpetrators, arrest them and bring them before the court.

All acts of racial or religious violence or threats will be viewed as serious, and the investigations will be given priority attention. Such acts generate fear and concern among victims and the public and have the potential of recurring, escalating, and possibly causing counter-violence.

2. Definition

A racially or religiously targeted incident is an act or a threatened or attempted act by any person or group of persons against the person or property of another individual or group which may in any way constitute an expression of racial or religious hostility. This includes threatening phone calls, hate mail, physical assaults, vandalism, cross burnings, firebombings and the like.

3. Responsibilities (A Large Agency Model)

a. Patrol Officer

- (1) When a patrol officer arrives on the scene and determines that the incident may be racially or religiously targeted, he or she will:
 - Apprehend the perpetrator (if applicable)
 - Request a patrol supervisor
 - Protect the crime scene
 - Stabilize the victim
 - Conduct a preliminary investigation
 - Provide assistance to the victim and/or referral to the appropriate legal or service agency
 - Prepare a field report
- (2) Conduct a follow-up investigation within seven days of any incident that he or she initially responds to.

b. Patrol Supervisor

- (1) Upon arriving at the scene of a possible racially/religiously targeted incident, he or she will:
 - Interview the patrol officer
 - Determine whether additional personnel, such as a crime scene search officer, are needed
 - Ascertain if the occurrence is racially or religiously targeted
 - Take steps to insure that the incident does not escalate

- Assist in the stabilization of the victim
 - Supervise the preliminary investigation.
- (2) Notify the district commander, watch commander or senior official on duty, as appropriate;
 - (3) Assure that all reports are properly completed and submitted prior to the end of that tour of duty.

c. District/Station Commander

- (1) After being notified of a hate violence incident, he or she will:
 - Immediately report to the scene if the incident is determined to be serious
 - Notify appropriate units such as community relations or crime prevention, investigations and intelligence
 - Ensure that the chief executive is notified
 - Determine whether the Public Information Office should be notified.
 - Determine whether community, religious and civic leaders should be informed and if their assistance is needed.
- (2) Review all field reports.
- (3) Personally visit the victim (or the surviving family) within one week of the incident as appropriate.
- (4) Conduct surveillances and other appropriate activities to ferret out suspects and/or evidence.
- (5) Assure that follow-up investigations are conducted.
- (6) Prepare scheduled reports of incidents for the chief executive, community relations unit and intelligence unit.

d. Investigative Unit

- (1) Receive copies of all reports of racially or religiously targeted incidents and establish a file or cross reference file system for the reports.
- (2) Canvass the community to identify and interview witnesses.
- (3) Coordinate the investigation with the crime scene search officer or appropriate unit.
- (4) Conduct surveillances and other appropriate activities to ferret out suspects and/or evidence.
- (5) Coordinate victim assistance with crime prevention unit.
- (6) Notify other relevant agencies or networks.
- (7) Maintain liaison with other units of the department.

-
- (8) Coordinate the investigation with other law enforcement agencies where appropriate.
 - (9) Prepare cases for prosecution in court and provide testimony.
 - (10) Keep the reporting/arresting officer informed of the status of the case.
 - (11) Keep the victim informed of the status of the case.
 - (12) Prepare monthly reports for the district commander.
 - (13) Develop factual information for the Public Information Office.
 - (14) Prepare monthly tally reports of reported incidents.

e. Community Relations or Crime Prevention Unit

- (1) Meet with neighborhood groups, residents in target communities and other groups to allay fears, reduce the potential for counter-violence and provide safety and protection information.
- (2) Assist victims and their families.
- (3) Conduct public meetings on racial/religious threats and violence in general and as it relates to specific incidents.
- (4) Establish a liaison with formal minority organizations and leaders.
- (5) Expand existing preventive programs such as anti-hate seminars for school children.

f. Intelligence Division

- (1) Assist in investigations.
- (2) Maintain liaison with federal, state and local agencies for the exchange of intelligence information.
- (3) Notify the district commander or chief executive of patterns or anticipated movement of hate groups.

g. Training Division (Police Academy)

- (1) Include human relations training in recruit and in-service training programs.
- (2) Include courses on minority cultures in recruit training. Solicit input from minority officers and community leaders.
- (3) Review and revise training program to reflect changes in the community and in society.
- (4) Provide training in victim assistance.
- (5) Assure that investigators receive specialized training.

4. Responsibilities (A Small Agency Model)

a. Chief Executive

In addition to the role and responsibilities of the chief executive that are outlined in section A, the small agency chief must also carry out most of functions of the community relations unit, public relations officer and district commander of the large agency. The additional specific responsibilities of the small agency chief are outlined below:

- (1) After being notified of a hate violence incident, he will:
 - Immediately report to the scene where appropriate
 - Designate a supervisor to oversee the investigation
 - Determine whether community, religious and civic leaders should be informed
 - Determine whether the press should be notified
 - Ensure that appropriate action is taken by subordinates.
- (2) Personally visit the victim (or the surviving family) within one week of the incident.
- (3) Meet with neighborhood groups, residents in target communities and other groups to allay fears, reduce the potential for counter-violence and provide safety and protection information.
- (4) Coordinate the investigation with other law enforcement agencies where appropriate.
- (5) Notify other relevant agencies or networks with jurisdiction or interest.
- (6) Maintain contact with minority organizations and leaders.
- (7) Document all actions taken.

b. Uniformed Officer

- (1) When a uniformed officer arrives on the scene and determines that the incident may be racially or religiously targeted, he or she will:
 - Protect the crime scene
 - Stabilize the victim
 - Apprehend the perpetrator (if applicable)
 - Notify the uniform supervisor
 - Conduct a preliminary investigation
 - Take steps to prevent the incident from escalating
 - Provide assistance to the victim
 - Prepare a field report

-
- (2) Conduct follow-up investigations.
 - (3) Canvass the community to identify and interview witnesses.
 - (4) Coordinate victim assistance.

c. Uniform Supervisor

- (1) Immediately report to the scene of any serious incident
- (2) Determine whether additional personnel are needed.
- (3) Notify the chief executive if the incident is serious
- (4) Receive and review all field reports.
- (5) Supervise the preliminary investigation of all serious cases.
- (6) Prepare periodic reports on hate violence activity for the chief executive.
- (7) Assist the chief executive in carrying out community relations functions.

d. Investigator/Intelligence Officer

- (1) Assume control of the investigation.
- (2) Maintain all reports of racially and religiously targeted incidents.
- (3) Contact appropriate state and/or local law enforcement agencies for assistance with serious cases.
- (4) Maintain liaison with federal, state and local agencies for intelligence information exchange.
- (6) Keep the arresting officer informed of the status of the case.
- (7) Keep the victim informed of the status of the case; Prepare case for prosecution in court and provide testimony;
- (8) Conduct surveillances and other appropriate activities to ferret out suspects and/or evidence.

e. Training

The training responsibility may have to be carried out with the cooperation of regional or state agencies.

POLICY/PROCEDURE

A. Commentary

A written directive is a tool of good management. Written procedures provide a framework for the appropriate use of police officer discretion. Patrol officers should not have to make arbitrary decisions because they have no guidelines for handling a reported incident. The policy should be written, however with some flexibility, so that officers will have adequate room to exercise individual judgement in some circumstances.

Written procedures are especially crucial in dealing with hate violence offenses. These types of cases, if handled improperly, can ignite a whole community and can lead to retaliation if the victims do not feel that local law enforcement is acting in their interest.

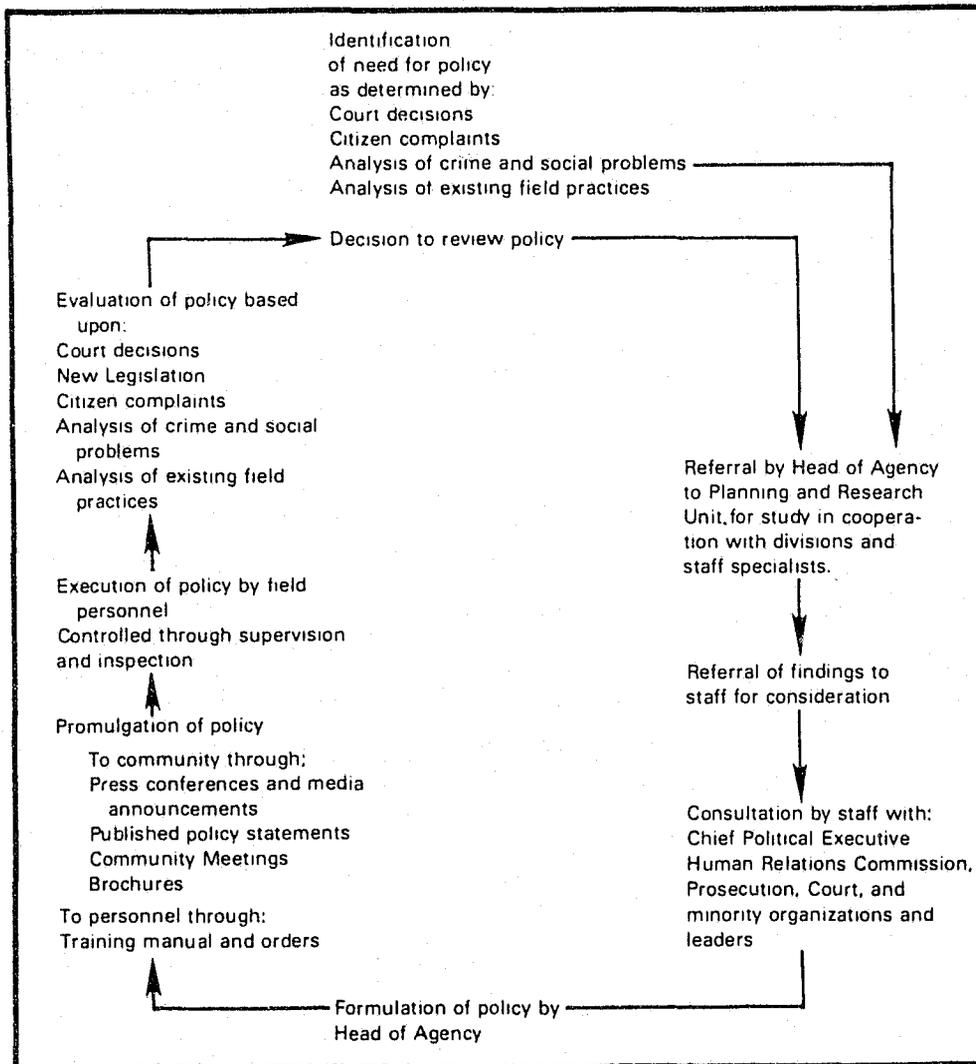
Directives addressing hate violence incidents should be issued by the chief executive of the agency and communicated to the sworn personnel through the use of:

1. Bulletin Boards
2. Roll Call Announcements
3. Recruit Training
4. In-Service Training

B. Model Checklist

1. Every department's policy should include the following:
 - a. The department's opposition to racial and religious violence;
 - b. The department's recognition that such crimes have a serious impact on the victim and the community as a whole;
 - c. The department's commitment to use its resources to protect the rights of all citizens regardless of race, color, creed or religion;
 - d. A definition of a racially and religiously targeted incident. The definition can be taken directly from the relevant law or laws or it may be an operational definition developed by the agency;
 - e. A summary of the provisions of any relevant legislation; and
 - f. Clear and precise procedures for field investigation, reporting, follow-up and public information relating to such incidents.
2. Every officer should be made aware of the statement through recruit training, roll call training or some other form of inservice training.
3. The policy statement should be disseminated to the community at large through the media, community meetings and educational programs.

FORMULATION AND EXECUTION OF LAW ENFORCEMENT POLICY



Adapted from Task Force Report: The Police, p.26

TRAINING

A. Commentary

Once an agency adopts a policy, new recruits as well as veteran officers should be trained in its proper implementation. The training program, in addition to explaining what the policy and procedures are, should also focus on why the department has adopted such a policy. An officer who knows why a policy is adopted is more likely to comply with it and, to the extent that he identifies with the policy, is more likely to work toward its successful implementation.

Officers should also be provided with human relations training. Human relations training involves the study of intergroup relations with special emphasis on race relations, ethnic and religious relations. This type of training is necessary in urban areas where there is a diverse ethnic mix and where racial tensions have often led to conflict, and in small areas where unfamiliar cultures may cause unwarranted acts of violence.

The focus of the training should be on changing behavior rather than attitudes. Officers should be trained to understand that regardless of their personal feelings, they are sworn to uphold the law and administer justice in an impartial manner.

B. Model Training Checklist

1. The curriculum of all training programs should include courses in human relations, especially the understanding of the various cultures in our society.
2. All sworn personnel should receive instruction on civil rights laws and other legislation related to handling racially and religiously targeted incidents.
3. All officers should be required to take sensitivity training.
4. Training should be behavior focused.
5. Adequate resources should be provided for training programs.

REPORTING

A. Commentary

In general, law enforcement reporting systems do not separately capture information on crimes that are racially or religiously motivated. When these attacks are reported, they are usually recorded by crime type only, that is, homicides, assaults, or property offenses. In addition these crimes are severely underreported -- by more than 50% according to some officials' estimates. These factors combine to make it virtually impossible for police to determine the scope or severity of hate violence cases or to detect trends in these offenses over time.

The failure of victims to report incidents is an issue of concern for many agencies. Many victims may elect not to become involved in the criminal justice process, others may distrust the police, feeling that they will do nothing to help them. Some victims may fear reprisals if they report incidents to the police.

Establishing a good reporting system may lead to more apprehensions and arrests of perpetrators of such crimes. It may also lead to an increase in reporting by victims and can enhance an agency's ability to determine crime patterns through crime analysis. Reporting systems can also provide agencies with the information they need to develop prevention and investigative strategies. Above all, such a system can demonstrate to the community that the agency has a genuine interest in the problem and that it will vigorously enforce the laws and ordinances relating to such offenses.

Community-based organizations can play a major role in improving the quality of law enforcement reporting systems. Since many victims are more likely to have contact with community-based organizations than with law enforcement agencies, community-based organizations are in a position to encourage increased reporting. Victims can be assured that their complaints will receive immediate attention. Organizations can instruct victims as to the proper procedures for reporting. Through daily contact with minority persons, organizations can provide information to potential victims so that they will be more likely to report to the police if they become victimized.

B. Model Reporting Checklist

- I. Every department should establish a reporting procedure for racially and religiously targeted incidents. The procedure should be written and circulated to all sworn personnel. The procedure should include standards for defining and identifying incidents.

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2. Departments should either develop special reporting forms or require that any such incident be noted as a possible racially or religiously targeted incident on the incident report form.
 3. Human relations agency and community organization representatives should be briefed on how the procedures operate.
 4. Citizen reporting of racially and religiously targeted incidents should be encouraged by each agency. Increased reporting should be brought about through the use of public service announcements, posters, leaflets, brochures and presentations to community groups.
 5. Private organizations and public agencies should be encouraged to report incidents they are aware of to the police. They should be encouraged to develop their own reporting forms for such incidents.
 6. States should be encouraged to establish uniform statewide reporting procedures.

C. A Reporting System Should Be Designed To:

1. Develop or improve special reporting procedures for racially and religiously targeted incidents.
2. Encourage minority persons to report incidents by:
 - a. Sponsoring conferences, seminars, and workshops to discuss the issue;
 - b. Providing information on reporting in organizational publications and minority focused newspapers as well as through other media sources; and
 - c. Informing citizens concerning proper reporting procedures.
3. Develop reporting forms that can be used by citizens who prefer to report to an organization.
4. Prepare annual reports of incidents that the department is aware of, along with an analysis of the cases and trends.

INVESTIGATION

A. Commentary

Investigations should be carried out by trained specialists. However, a number of officers who are not detectives or investigators may become involved in a typical investigation, especially in smaller departments.

Much of the work of an investigator involves working with people from diverse backgrounds and orientations. The investigator must, therefore, be a skilled communicator. The investigator must have the ability to gain the confidence of persons crucial to a case and to distinguish between facts and allegations. The officer must be able to show compassion and sensitivity toward the plight of the victim while gathering the evidence needed for prosecution. In addition, investigators should be familiar with all hate groups operating within the department's jurisdiction.

B. Need for Special Investigation Procedures

Victims of these types of cases, like other victims of violent crime tend to experience emotional stress as a result of their victimization but the stress may be heightened by a perceived level of threat or personal violation. Like the victims of rape, many become traumatized when they have to recall the details of the incident. Special units or specially trained officers are usually successful in obtaining the cooperation of rape victims while at the same time helping them to overcome some of the resulting fear and emotional pain. Similar techniques should be used in dealing with hate violence victims.

Investigators assigned to handle hate violence cases should have special training in working with minority persons. They should be thoroughly familiar with the lifestyles and culture of minority communities. Some minority persons distrust the police; therefore, every effort must be made to make them feel that the police are on their side. An insensitive investigator may not only alienate witnesses and potential witnesses in a particular case, he or she may create additional distrust or even hostility.

Many Southeast Asian and Latin American victims and witnesses will have difficulty communicating with investigators who only speak English. Therefore, at least one investigator should be able to speak any language (e.g., Spanish) common to large populations of minority persons in a given jurisdiction.

Minority leaders and organizations are useful resources for any investigator. Minority leaders can help to broaden the investigator's understanding of a different culture. They can

also help to convince uncooperative witnesses to cooperate with investigators and encourage more victims to report incidents.

C. Model Investigation Elements

1. Investigations should be given priority treatment. Follow-up should be timely, and victims should be kept informed of the progress of the investigations.
2. Departments with a large number of cases should designate special investigators to handle these cases. These investigators should receive special training.
3. Investigators who are good ethnic communicators should be selected to handle these types of cases. Jurisdictions with large populations of minorities who speak a foreign language should try to involve an investigator in these cases who speaks the language fluently. Investigators should have experience in working with minority persons.
4. Investigators should be required to prepare periodic reports on investigations in progress for the chief executive of the agency.
5. Investigators should collaborate with intelligence units when hate groups are involved.
6. Investigators should be trained in victim assistance.
7. Where necessary, investigators should arrange for victim/witness protection and neighborhood surveillances and patrols.
8. Investigators should work closely with prosecutors to ensure that the strongest cases possible are presented.

VICTIM ASSISTANCE

A. Commentary

Assistance to victims of crime has become a national priority. The final report of the President's Task Force on Victims of Crime (1982) noted that the manner in which police interact with victims affects not only the victim's immediate and long term ability to deal with the event but also the victim's willingness to assist in prosecutions.

Victims of racially and religiously targeted incidents incur damage to their homes and property, physical injury and sometimes death. In addition to physical suffering, being victimized because of one's race, religion or national origin brings negative attention to one's differences, injures one's dignity and self-esteem, and makes one feel unwanted in the community. Yet, because most crimes against racial and religious minorities are not extremely violent, victims are not usually given any special attention or assistance.

B. Model Victim Assistance Program

1. All incidents should receive a prompt response.
2. All officers should receive adequate training in victim assistance.
3. If feasible, the department should provide direct services to victims such as:
 - (a) Temporary relocation
 - (b) Referrals for counselling
 - (c) Additional security
4. The department should assist victims in the criminal justice process and inform them about avenues for redress.
 - (a) The department should establish cooperative programs with social service agencies which provide victim assistance.
 - (b) The department should promote and assist in developing community programs which provide victim assistance.
5. A written directive should outline the department's victim assistance program, if the department has one.
6. Victim assistance training should instruct police officers to adhere to the following rules when responding to all victims:
 - (a) Maintain a gentle manner -- avoid forceful behavior;
 - (b) Have a non-judgmental, non-critical attitude;

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- (c) Allow the victim to ventilate;
 - (d) Support the victim from the time of the initial police contact through final appearance;
 - (e) Provide prevention and precautionary advice;
 - (f) Conduct follow-up within one week of the incident and the initial response.
7. A referral system should be established in which police direct victims to appropriate public agencies such as local human relations commissions or social service agencies which address housing concerns, discrimination and civil rights violations.

INTERAGENCY COOPERATION

A. Commentary

The interdependence of law enforcement agencies and other agencies in responding to hate activity within the criminal justice system can be enhanced through programs which promote training, information exchange and law enforcement support. The impact that cooperation can have upon the problem can be much greater than that of a single agency. Instead of cooperating on an *ad hoc* basis, law enforcement agencies should develop cooperative programs that are proactive.

B. Model for Interagency Cooperation

1. Personnel should receive thorough training in the criminal justice process and the interdependence of agencies in responding to hate activity.
2. Departments should develop cooperative programs with other concerned federal, state and local government law enforcement agencies, prosecutors and parole and probation commissions. Programs can include:
 - (a) Information exchange;
 - (b) Manpower and training support; and
 - (c) Cooperation in investigations, apprehensions, prosecutions and corrections.
3. Departments should participate in and develop task forces or coordinating councils to discuss law enforcement concerns in general and hate activity specifically.
4. Departments should promote interagency cooperation through departmental policies and procedures.

POLICE/COMMUNITY COOPERATION

A. Commentary

Racially and religiously targeted crimes not only bring suffering to the victims but may create tension and chaos in the community. Cooperative police-community programs that address this problem unify the community and signal to perpetrators that such behavior does not reflect the opinions of the majority.

The battle to eliminate violence against racial and religious minorities cannot be fought single-handedly by the police. The nature of the problem demands strategies that integrate efforts of the community with law enforcement practices and procedures.

The key to the success of a local police department's program will be the steps it takes to establish a working relationship with community-based organizations and associations. Formal programs and linkages will not only reinforce the department's commitment to deal with racial and religious harassment, but will involve the community in providing assistance and seeking solutions to this problem.

B. Model Cooperative Program

1. Departments should implement policies which address police-community relations and cooperation as well as personnel conduct in regard to community relations.
2. Departments should initiate and develop cooperative programs which include:
 - (a) Forming networks with established groups to exchange information and share resources;
 - (b) Providing victim assistance; and
 - (c) Conducting public awareness programs.
3. Joint public announcements opposing racism and bigotry should be issued by the police and the community.
4. Elected officials should be encouraged to take appropriate action in regard to legislation.

SPECIAL UNITS

A. Commentary

The decision to establish a special unit should take into consideration available resources, the frequency, scope and severity of hate violence incidents, the community's perception of hate violence as a problem and alternative methods available to address hate violence.

Personnel selected for the unit should possess skills in investigation, human relations and knowledge of the problem. Seniority should not be the sole determining factor in selection. The head of the special unit should be directly responsible to the department chief executive. The effectiveness of the unit and its impact upon the problem should be assessed periodically.

B. Recommendations

1. The special unit centralizes the department's response to hate violence. The responsibilities of the unit should include the following:
 - (a) Coordinating all of the department's activities in hate violence incidents;
 - (b) Designing strategies for combating hate violence;
 - (c) Maintaining liaison with other units within the department as well as with concerned governmental agencies;
 - (d) Conducting crime analysis and comprehensive investigations;
 - (e) Maintaining files and records on incidents; and
 - (f) Assisting victims.
2. The department's written policy or general order should inform all personnel about the existence of the special unit.
3. The special unit should have written policies governing:
 - (a) Field procedures for responding to and investigating incidents;
 - (b) Reporting procedures;
 - (c) Notification to commanding officers and other units within the department;
 - (d) Termination of investigations; and

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- (e) Public notice and press statements regarding incidents.
 4. Personnel selected for the unit should receive the necessary training and education on hate violence in the community.
 5. The unit should provide periodic written reports on its activities.

LEGISLATION

A. Commentary

Even though states have always had laws prohibiting acts of vandalism, arson, assault and homicide, these laws by and large have not provided for additional penalties when acts of violence are deemed racially or religiously motivated. Furthermore, enforcement of state laws in regard to minorities has sometimes been uneven.

In recent years, some states have begun to take action in response to the resurgence of hate activity. Several states have enacted comprehensive legislation specifically designed to curtail violence against racial and religious minorities. Other states have enacted laws that prohibit specific activities characteristic of hate violence like cross-burnings, wearing of masks or paramilitary training.

Although well intentioned, the constitutionality of some of these state laws have been questioned. Despite the criticism, law enforcement officials in states which have specific legislation are more sensitive to the problem and many have developed policies, practices and procedures to respond appropriately.

B. Recommendations:

1. Support new laws or increase penalties for crimes that are determined to be racially or religiously targeted.
2. Support state civil rights laws similar to the federal civil rights statutes. (See Massachusetts Law.)
3. Support legislation empowering individuals to bring suit for injunctive relief, monetary and punitive damages in racial and religious violence cases.
4. Implement a program that reviews the adjudication of cases against persons charged with crimes against racial and religious minorities with emphasis on penalties imposed.

Massachusetts Civil Rights Law

AN ACT FOR THE PROTECTION OF THE CIVIL RIGHTS OF PERSONS IN THE COMMONWEALTH.

- Section 11 H. Whenever any persons, whether or not acting under color of law, interfere by threats, intimidation or coercion, or attempt to interfere by threats, intimidation or coercion, with the exercise or enjoyment by any other person or persons of rights secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the commonwealth, the attorney general may bring a civil suit for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the right or rights secured. Said civil action shall be brought in the name of the commonwealth and shall be instituted either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which the person or persons whose conduct complained of reside (or) have their principal place of business.
- Section 11 I. Any person whose exercise or enjoyment of rights secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the commonwealth, has been interfered with, or attempted to be interfered with, as described in section 11 H, may institute and prosecute in his own name and on his own behalf a civil action for injunctive and other appropriate equitable relief as provided for in said section, including the award of compensatory money damages. Any aggrieved person or persons who prevail in an action authorized by this section shall be entitled to an award of the costs of the litigation and reasonable attorney's fees in an amount to be fixed by the court.
- Section 37. No person, whether or not acting under color of law, shall by force or threat, willfully injure, intimidate or interfere with, or attempt to injure, intimidate, or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the commonwealth or by the constitution or laws of the United States. Any person convicted by violating this provision shall be fined not more than one thousand dollars or imprisoned not more than one year or both; and if bodily injury results, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than ten years, or both.

PREVENTION

Law enforcement officials can play a major role in preventing hate activity. Each of the response activities discussed in the previous sections can be used to prevent future incidents. One of the most important preventative actions that an agency can undertake is a prompt and adequate response to early signs of problems and initial incidents.

Public denouncements by the agency head can serve notice to potential perpetrators that hate violence will not be tolerated. Public statements should be buttressed by activities such as the development of strong directives and aggressive investigations that diminish the possibility of hate violence occurring.

Education and training are key components of any prevention program. Officers must be trained and the community educated concerning incidents, laws, causes and consequences of such activity and the importance of reporting. In addition, law enforcement agencies must create networks with other criminal justice agencies and community groups to develop and implement effective proactive programs.

AGENCY RESPONSES TO THE PROBLEM

A. The Boston Police Department

The police commissioner of the Boston Police Department established a Community Disorders Unit (CDU) in 1978 after the city had experienced several years of increasing racial tensions. The unit was created by a departmental policy that was disseminated throughout the department. The policy reads in part:

It is the policy of this department to ensure that all citizens can be free of violence, threats, or harassment, due to their race, color, or creed, or desire to live or travel in any neighborhood. When such citizen's rights are infringed upon by violence, threats, or other harassment, it is the policy to make immediate arrests of those individuals who have committed such acts. Members of the police force responding to these incidents will be expected to take immediate and forceful action to identify the perpetrators, arrest them, and bring them before the court.... It will be the policy of this department to seek the assistance of state and federal prosecutors in every case in which civil rights violations can be shown.

The policy statement further outlines the procedures for handling a "community disorder". A "community disorder" is defined as a conflict which disturbs the peace, and infringes upon a citizen's right to be free from violence, threats, or harassment.

The patrol officer who initially responds to the incident completes the incident report form by checking the box labeled "community disorder".

The Operations Division notifies the district captain and area commander if a serious crime is involved. The duty supervisor makes recommendations for preventing future incidents when he files a community disorder control sheet.

The CDU takes charge of the investigations after the patrol officers conduct an initial investigation. Some of the activities carried out by the unit are: interviewing victims; obtaining physical evidence; securing emergency housing for the victims; making referrals to social service agencies; and arranging for additional security for victims. CDU officers are also involved in improving relations between the police and minority persons. Special emphasis is placed on Southeast Asian communities where language barriers and cultural differences have led to under-reporting of harassment cases.

In addition to working with other units of the Boston Police Department, CDU officers cooperate with local and state prosecutors to increase the chances of successful prosecutions. The CDU has trained Boston police officers as well as officers in smaller Massachusetts jurisdictions.

CDU officers believe that their effectiveness was strengthened by the passage of the Massachusetts Civil Rights Act of 1979. This act, which was modeled after federal statutes, in addition to providing civil remedies for individuals, allows the attorney general to bring civil suits against civil rights violators.

Racial, ethnic and religious violence and harassment still exist in Boston, but the number of cases has decreased. The police department's actions, combined with strong denouncements of hate violence by the mayor, and several successful prosecutions in highly publicized cases, have served notice to some elements of the community that the city is serious about reducing racial and ethnic violence.

B. Baltimore County Police Department (MD)

The state of Maryland's response to racially and religiously targeted violence and harassment has been a model for other states and localities. As a result of Governor Harry Hughes' 1981 decision to establish the Task Force on Violence and Extremism, a statewide effort has evolved which includes participation by numerous community based organizations, the state's Human Relations Commission, and all of the state's law enforcement agencies.

Under a law passed in 1981, all of the state's law enforcement agencies are required to maintain a filing and reporting system on all acts of racially and religiously targeted violence and harassment. The impact of this requirement has been greater law enforcement awareness of the problem and a movement to develop more specific policies, practices and procedures by several law enforcement agencies in the state. While some agencies have only issued procedural directives to comply with the law, other agencies like the Baltimore County Police Department have implemented detailed guidelines to respond, report and investigate hate violence incidents.

In addition to issuing a policy opposing hate activities, the Baltimore County Police Department has developed guidelines on hate violence which are very explicit in defining the various types of acts that can be considered racially and religiously targeted. The guidelines further instruct officers to report those incidents which may not be defined in the guidelines but **appear** to be racially or religiously motivated until further investigation proves otherwise.

The seriousness of these types of crimes is emphasized in the departmental guidelines. Instructions are provided for field officers to respond to and report a hate violence incident as well as instructions for other units which may get involved in a hate violence case. Investigating officers, for example, are instructed to respond immediately and in a sensitive way to the feelings and needs of the victim(s). Follow-up visits are encouraged to ensure proper action has been taken to the

satisfaction of the victim(s). Crime lab personnel are directed to gather evidence and submit appropriate items to the intelligence unit.

Under the guidelines established by Baltimore County, precinct commanders are instructed to become involved when an incident occurs. Precinct commanders are to supervise the response to an incident and ensure that appropriate action has been taken. It is also the responsibility of the precinct commander to make contact with the victim(s), if necessary. Contact with community leaders concerning the progress of an investigation is to be maintained by the precinct commander. The precinct commander is also required to seek assistance from the Community Relations Division, if necessary.

Although the efforts of law enforcement agencies are not reflected in the number of incidents which continue to increase in the state, law enforcement officials feel that their efforts have contributed to more reporting of incidents and have increased public confidence in law enforcement services. Moreover, the response of the law enforcement community has prompted more action by state legislators and prosecutors.

RESOURCES

Training

Training and Research Innovation Group
P.O. Box 4588
San Clemente, CA 92672

Reporting

Baltimore County Police Department
400 Kenilworth Drive
Towson, MD 21204

Maryland State Police
Criminal Intelligence Section
1201 Reisterstown Road
Pikesville, MD 21208

Special Units

Boston Police Department
Community Disorders Unit
154 Berkeley Street
Boston, MA 02116

Detroit Police Department
Ethnic Community Response Unit
1300 Beaubien Street
Detroit, MI 48226

New York Police Department
Bias Investigation Unit
One Police Plaza
New York, NY 10038

Georgia Bureau of Investigation
Anti-Terrorist Squad
3121 Pathersville Road
Decatur, GA 30034

Hate Groups

Anti-Defamation League of B'nai B'rith
833 United Nations Plaza
New York, NY 10017

Police-Community Relations

Montgomery County Police Department
Community Relations Division
2350 Research Boulevard
Rockville, MD 20850

U.S. Dept. of Justice
Community Relations Service
5550 Friendship Blvd.
Chevy Chase, MD 20815

Fairfax County Police Department
Cross Cultural Community Relations
Mason District Station
6507 Columbia Pike
Annandale, VA 22003

Legislation

NAACP
186 Remsen Street
Brooklyn, NY 11201

U.S. House Judiciary Committee
Subcommittee on Crime & Criminal Justice
House Office Building
Washington, DC 20515

Information and Referrals

Center for Democratic Renewal
(formerly the National Anti-Klan Network)
P.O. Box 10500
Atlanta, GA 30310

National Institute Against Prejudice
and Violence
525 West Redwood Street
Baltimore, MD 21201

Human Rights Resource Center
1450 Lucas Valley Road
San Rafael, CA 94903

Litigation

Washington Lawyers' Committee for
Civil Rights Under Law
1400 I Street, N.W.
Washington, DC 20006

Boston Lawyers' Committee for
Civil Rights Under Law
294 Washington Street
Room 506
Boston, MA 02108

Southern Poverty Law Center
P.O. Box 548
Montgomery, AL 36104

General assistance can be provided by your
nearest FBI office.

Community Relations Service Offices

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(NEW ENGLAND)
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