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Department of Justice

POLICE USE OF FORCE: HOW CITIZENS THINK
IT SHOULD BE DEALT WITH

NCJRS

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BY

ACQUISITIONS

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To

LEAGUE OF UNITED LATIN AMERICAN CITIZENS
1980 NATIONAL CONVENTION --
"HISPANICS AT THE THRESHOLD OF ECONOMIC AND POLITICAL POWER"

SHOREHAM AMERICANA HOTEL
WASHINGTON, D. C.

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IT IS INDEED A PLEASURE TO TAKE PART IN THIS 1980 CONVENTION OF THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS, AND TO BE A MEMBER OF THIS DISTINGUISHED SYMPOSIUM ON THE ADMINISTRATION OF JUSTICE SYSTEM.

MY PRESENTATION THIS MORNING WILL FOCUS ON THE LAW ENFORCEMENT ASPECT OF OUR ADMINISTRATION OF JUSTICE SYSTEM, AND SPECIFICALLY ON THE PLAGUING, GROWING PROBLEM OF POLICE USE OF DEADLY OR EXCESSIVE FORCE.

THIS PROBLEM IS MENTIONED ALMOST DAILY BY OUR NATIONAL PRESS.

DURING RECENT YEARS, CHARGES OF POLICE USE OF EXCESSIVE OR DEADLY FORCE HAVE GROWN TO REPLACE SCHOOL DESEGREGATION AS THE ISSUE THAT MOST DOMINATES THE CASELOAD OF THE COMMUNITY RELATIONS SERVICE -- OR CRS.

NOT EVEN THE KU KLUX KLAN PROVOKES MORE COMMUNITY RESENTMENT OR MINORITY/WHITE HOSTILITIES, OR HAS MORE POTENTIAL FOR SPARKING OPEN COMMUNITY VIOLENCE THAN ALLEGATIONS THAT THE POLICE USE FORCE EXCESSIVELY AGAINST MINORITIES.

THE INTENSITY OF THE PROBLEM VIRTUALLY HAS RESULTED IN AN UNDECLARED WAR BETWEEN THE POLICE AND HISPANICS OR BLACKS IN MANY COMMUNITIES ACROSS THE NATION.

LOCAL CHAPTERS OF LULAC, THE NATIONAL URBAN LEAGUE, AND THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, ALL HAVE GALVANIZED AROUND IT. SO HAVE OTHER DIVERSE COMMUNITY ORGANIZATIONS AND GROUPS.

THE DEPARTMENT OF JUSTICE IS CONCERNED ABOUT IT.

ALSO, MANY STATE AGENCIES AND ELECTED OFFICIALS HAVE BEGUN TO LOOK HARD AT THE ISSUE AND WHAT IT IS DOING TO THEIR COMMUNITIES.

RESOLVING THE DEADLY OR EXCESSIVE USE OF FORCE PROBLEM WON'T BE EASY. THIS IS AN EMOTIONAL ISSUE INVOLVING A LIFE OR DEATH MATTER.

IT IS ALSO HIGHLY COMPLEX AND INVOLVED. THE PROBLEM USUALLY ARISES WHEN THERE ARE NO WITNESSES, JUST THE OFFICER AND VICTIM -- OR IN THE PRESENCE OF OTHER OFFICERS WHOSE TESTIMONY IS SUSPECT.

MOREOVER, UNIQUE APPROACHES WILL BE NEEDED TO RESOLVE THE PROBLEM.

DON'T BE LED TO BELIEVE THAT THE POLICE OR THAT MINORITY GROUPS WORKING INDIVIDUALLY ON THE PROBLEM CAN RESOLVE IT. DUMPING HIGH SUMS OF TAXPAYERS' DOLLARS ON IT WON'T RESOLVE IT EITHER.

EXCESSIVE OR DEADLY FORCE IS A COMMUNITY RELATIONS PROBLEM. AS SUCH, IT DEMANDS A COMMUNITY RELATIONS ANSWER, AN ANSWER THAT CAN ONLY COME FROM THE EFFORTS OF LOCAL POLICE AND MINORITY GROUPS WORKING COLLECTIVELY AND COOPERATIVELY ON THE PROBLEM, BACKED BY A RACE BLIND SYSTEM OF JUSTICE,

THE CRS APPROACH FOR THE PAST SEVERAL YEARS HAS BEEN ALONG THESE LINES.

IN DECEMBER, 1979, FOR INSTANCE, ALONG WITH LULAC AND THE NATIONAL URBAN LEAGUE, WE CONVENED A NATIONAL CONSULTATION WHERE, FOR THE FIRST TIME IN THIS NATION'S HISTORY, 254 HISPANIC AND BLACK LEADERS AND POLICE EXECUTIVES MET AND DISCUSSED THIS DIVISIVE ISSUE FOR TWO-AND-ONE-HALF DAYS.

I WOULD LIKE NOW TO EXPLAIN WHAT THE PARTICIPANTS RECOMMENDED.

TO BEGIN, THE CONSULTATION'S UNDERLYING GOAL WAS THREEFOLD:

-- TO INITIATE RELATIONSHIPS BETWEEN THE NATION'S TWO MAJOR MINORITY GROUPS;

-- TO CREATE DIALOGUE BETWEEN THESE TWO GROUPS AND POLICE EXECUTIVES FROM ACROSS THE COUNTRY; AND, MORE IMPORTANTLY,

-- TO JOINTLY AND COLLECTIVELY SEEK SOLUTIONS THE THREE GROUPS FELT WOULD REDUCE THE FREQUENCY OF DEADLY OR EXCESSIVE FORCE.

OF COURSE, DIFFERENT PARTICIPANTS HAD DIFFERENT AGENDAS. THIS WAS EXPECTED. SOME SAW IN THE CONSULTATION AN OPPORTUNITY TO FOCUS FEDERAL ATTENTION ON THE PROBLEM.

OTHERS SAW IT AS AN OPPORTUNITY TO SHARE SUCCESS STORIES.

BUT A MAJORITY, BY FAR, SAW IN THE CONSULTATION AN OPPORTUNITY TO GET TO KNOW POLICE OFFICIALS OR MINORITY LEADERS INDIVIDUALLY TO FIND OUT WHAT EACH THOUGHT ABOUT THE PROBLEM, AND TO TALK ABOUT WAYS TO RESOLVE IT.

DEFINING THE PROBLEM

THE PARTICIPANTS DEFINED THE EXCESSIVE OR DEADLY FORCE PROBLEM IN TERMS OF --

O POLICE MURDERS OF CITIZENS IN CLEAR VIOLATION OF THE LAW;

O POLICE KILLINGS OF FLEEING, UNARMED FELONY SUSPECTS; AND

O POLICE "SELF-DEFENSE" KILLINGS OF DISTRAUGHT OR DISTURBED PERSONS WHO ARE ARMED BUT HAVE COMMITTED NO MAJOR OFFENSES.

RACIAL DISCRIMINATION WAS PERCEIVED AS A GENERAL FACTOR IN ALL THE DEFINITIONS.

MOREOVER, AND LIKE WE HAD FOUND IN REGIONAL AND STATE CONFERENCES ON EXCESSIVE FORCE THAT WE HAD CONDUCTED, THE PARTICIPANTS WERE TORN BETWEEN COMPETING THEORIES.

ONE WAS THAT DEADLY OR EXCESSIVE FORCE WAS COMMITTED BY A FEW "ROTTEN APPLES." VARIATIONS OF THIS THEORY WERE THAT THE KILLINGS WERE SIMPLY STUPID MISTAKES OR THAT ALL POLICE ARE BAD AND CORRUPTED BY THEIR AUTHORITY.

ANOTHER THEORY WAS THAT POLICE VIOLENCE IS THE PRODUCT OF A SYSTEM THAT ENCOURAGES AND SUPPORTS IT. IT WAS SAID THAT MANY POLICE DEPARTMENTS ENCOURAGE THE POSTURE OF "NEVER BACK DOWN, NEVER LOSE A FIGHT."

OTHER THEORIES PLACE BLAME ON THE STATES, SAYING THAT MANY STATE STATUTES PERMIT POLICE OFFICERS TO COMMIT VIOLENCE; OR ON THE "SYSTEM," CLAIMING THAT THE SYSTEM TRAINED POLICE OFFICERS BETTER IN "HOW TO SHOOT" THAN IN "WHEN TO SHOOT" -- THEREBY, PLACING MORE EMPHASIS ON ACCURACY AND MARKSMANSHIP THAN ON DEVELOPING WITHIN THE OFFICER THE CAPACITY TO MAKE SPLIT SECOND, LIFE AND DEATH JUDGMENTS WITH LIMITED INFORMATION.

IMPLICIT IN ALL THEORIES WAS A BELIEF THAT POLICE VIOLENCE WAS NOT ONLY SUPPORTED BY LAW, BUT ALSO THAT THE ADMINISTRATION OF JUSTICE SYSTEM COULD NOT BE MOBILIZED WHERE THERE WERE CLEAR VIOLATIONS.

RECOMMENDATIONS

A TOTAL OF 31 RECOMMENDATIONS WERE MADE FOR FEDERAL, LOCAL, AND COMMUNITY ACTION.

UPPERMOST AMONG CALLS FOR FEDERAL ACTION, AND PERHAPS THE ONE MOST AGREED ON BY THE PARTICIPANTS, WAS A RECOMMENDATION CALLING FOR A FEDERAL POLICY REQUIRING POLICE TO USE DEADLY FORCE ONLY TO DEFEND OR PROTECT HUMAN LIFE.

SOME POLICE DEPARTMENTS ALREADY HAVE SIMILAR POLICIES BUT THE GENERAL FEELING WAS THEY WEREN'T ENFORCED. A FEDERAL POLICY, IT WAS SAID, COULD BE BETTER ENFORCED THROUGH CIVIL RIGHTS PROSECUTIONS.

ANOTHER RECOMMENDATION CALLED ON THE U.S. DEPARTMENT OF JUSTICE TO PROMULGATE A MODEL POLICY ON POLICE USE OF GUNS, AFTER IT HAD CONSULTED WITH POLICE OFFICIALS AND MINORITY GROUPS. THE PARTICIPANTS FELT SUCH ACTION WOULD HAVE ADDITIONAL POSITIVE EFFECTS BY INDUCING STATE LEGISLATORS AND MUNICIPAL EXECUTIVES TO RECONSIDER AND RESTRICT POLICIES ON POLICE USE OF DEADLY FORCE.

OTHER CALLS FOR FEDERAL ACTION INCLUDED --

. CREATING AN AGENCY -- LIKE THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION -- OR "NATIONAL POLICE REVIEW COMMISSION" TO INVESTIGATE POLICE BRUTALITY COMPLAINTS;

. EXPANDING THE FEDERAL BUREAU OF INVESTIGATION'S UNIFORM CRIME REPORTING SYSTEM TO INCLUDE GATHERING AND DISSEMINATING PUBLICLY DETAILED INFORMATION ON POLICE SHOOTINGS ON A CITY-BY-CITY BASIS;

. IMPROVING STATISTICAL SYSTEMS AND STUDIES FUNDED BY THE OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS, FORMERLY LEAA, TO PROVIDE A BETTER BASIS FOR LOCAL AND FEDERAL ACTION ON THE EXCESSIVE FORCE PROBLEM AND IMPROVE THE QUALITY OF RESEARCH THAT CAN BE DONE; AND

. PUBLISHING GUIDELINES EMPHASIZING POLICE TRAINING AND TESTING, POLICE COMMUNITY RELATIONS, A NATIONAL STANDARD FOR DEADLY FORCE, AND ADJUDICATION METHODS.

RECOMMENDATIONS FOR LOCAL ACTION INCLUDED:

o CREATION OF A CIVILIAN POLICE REVIEW BOARD TO OVERSEE POLICE OPERATIONS;

o SIMPLIFYING THE CITIZENS COMPLAINTS REVIEW PROCESS BY REDUCING PRESENTLY DIFFICULT REQUIREMENTS FOR FILING COMPLAINTS; AND

O REDUCING TO WRITING POLICE INTERNAL INVESTIGATION RULES AND PROCEDURES AND DISSEMINATING THOSE RULES AND PROCEDURES TO THE PUBLIC.

THE PARTICIPANTS ALSO CALLED FOR BETTER SCREENING OF POLICE CANDIDATES, ELECTION OF POLICE OFFICERS, MORE FOOT PATROLS, AND MANDATORY TRAINING FOR ALL OFFICERS IN CULTURAL AWARENESS AND ETHNIC SENSITIVITY.

AS THE PARTICIPANTS FELT THAT THEIR KNOWLEDGE OF POLICE DEPARTMENTS WAS INADEQUATE, ONE OF THEIR FIRST RECOMMENDATIONS WAS TO UNDERTAKE EFFORTS TO BECOME MORE KNOWLEDGEABLE OF LOCAL POLICE PRACTICES SO THAT THEY COULD BETTER, AND MORE CONSTRUCTIVELY, RELATE TO THE POLICE AND MAKE THE POLICE ACCOUNTABLE TO THEM.

THIS RECOMMENDATION MAY SOON BE IMPLEMENTED UNDER A GRANT FROM THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION TO THE NAACP TO PROVIDE TECHNICAL ASSISTANCE TO ITS LOCAL CHAPTERS FOR DEALING WITH POLICE USE OF DEADLY FORCE.

THE PARTICIPANTS ALSO AGREED TO --

O STUDY THEIR LOCAL POLICE INTERNAL AFFAIRS DIVISIONS AND COMPARE THEIR OPERATIONS AND PROCEDURES WITH INTERNAL AFFAIRS DIVISIONS IN OTHER CITIES;

O INSTITUTE LOCAL OR METROPOLITAN-WIDE MEETINGS TO IMPROVE COMMUNICATIONS AND UNDERSTANDING OF POINTS OF VIEW BETWEEN THEM AND THE POLICE;

O WORK CLOSELY WITH POLICE AND ELECTED OFFICIALS FOCUSING ON POLICE PROCEDURES, POLICIES, AND PRACTICES; AND

O ESTABLISH COMMUNICATION LINKS TO RANK AND FILE POLICE ORGANIZATIONS TO REDUCE HOSTILITIES AND DISCUSS ISSUES RELATING TO SAFETY AND FORCE.

I WANT TO EMPHASIZE THAT THESE ARE THE PARTICIPANTS' RECOMMENDATIONS, NOT OURS. AND WHILE SOME OF THEM MAY WORK, I AM SURE THAT OTHERS WILL NOT.

I ALSO WANT TO EMPHASIZE THAT NOT ONE OF THE RECOMMENDATIONS CALLED FOR ADDITIONAL FUNDS TO POLICE OR TO SUPPORT PROJECTS OF MINORITY GROUPS.

FINALLY, A SURVEY OF BLACKS IN MIAMI AND DADE COUNTY, CONDUCTED AFTER THE RECENT RIOTS THERE, INDICATES THAT SEVEN OUT OF 10 BLACKS LISTED "THE McDUFFIE INCIDENT" AS THE MAJOR CAUSE OF THE RIOTING; NINE OF EVERY 10 FELT THEY COULDN'T GET A FAIR TRIAL, AND THREE OUT OF FOUR SAID THE COUNTY STATE ATTORNEY'S OFFICE WAS "BIASED."

WHAT THIS INDICATES IS THAT BLACKS IN MIAMI/DADE COUNTY HAVE NO CONFIDENCE IN THEIR ADMINISTRATION OF JUSTICE SYSTEM. IDENTICAL ATTITUDES ARE EXPRESSED TO CRS PROFESSIONALS ALMOST DAILY BY HISPANICS AND OTHER MINORITIES ALL ACROSS THE NATION.

WE IN CRS BELIEVE, AFTER 16 YEARS IN THIS BUSINESS, THAT CONFIDENCE, CREDIBILITY, AND FAITH IN OUR SYSTEM OF JUSTICE CANNOT BE PURCHASED AT ANY PRICE.

TO GET US OUT OF THIS DILEMMA WILL REQUIRE THAT WE RESPECT THE RIGHTS OF ALL AND TREAT EACH OTHER JUSTLY AND FAIRLY. IT IS GOING TO REQUIRE THAT WE COMMUNICATE, AND TAKE INTO CONSIDERATION THE VIEWS OF THOSE WHO MAY LOOK DIFFERENTLY OR TALK DIFFERENTLY.

IT IS GOING TO REQUIRE THAT ALL CITIZENS BE GIVEN
A ROLE IN DETERMINING THEIR DESTINIES.

AND, LASTLY, IT IS GOING TO REQUIRE THAT OUR
ADMINISTRATION OF JUSTICE SYSTEM NOT ONLY TREAT ALL
PERSONS EQUALLY AND FAIRLY, BUT THAT THE SYSTEM, ITSELF,
REFLECT AT ALL LEVELS, THE VARIOUS RACES AND HUES THAT
GIVE THIS NATION ITS DIVERSITY.

END