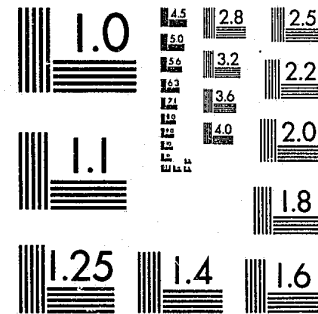


National Criminal Justice Reference Service



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Department of Justice

REMARKS OF

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AT THE

PETER W. RODINO INSTITUTE
THIRD ANNUAL CONFERENCE

X
"CIVIL DISORDERS AND THE CRIMINAL JUSTICE SYSTEM"

JERSEY CITY STATE COLLEGE
MARGARET WILLIAMS THEATRE
JERSEY CITY, N.J.
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ACQUISITIONS

THE 1968 REPORT OF THE NATIONAL ADVISORY
COMMISSION ON CIVIL DISORDERS INDICATED A RELATIONSHIP
BETWEEN POLICE ABUSE AND URBAN DISORDERS.

DISORDERS, THE REPORT SAID, DO NOT ERUPT AS A
RESULT OF A SINGLE SO-CALLED "TRIGGERING" OR
PRECIPITATING INCIDENT.

INSTEAD, THEY ARE GENERATED OUT OF AN
INCREASINGLY DISTURBED SOCIAL ATMOSPHERE IN WHICH,
TYPICALLY, A SERIES OF TENSION-HEIGHTENING INCIDENTS
OVER A PERIOD OF WEEKS, MONTHS, OR EVEN YEARS, BECOME
LINKED WITH A RESERVOIR OF UNDERLYING GRIEVANCES THAT
HAVE BEEN ALLOWED TO FESTER IN THE MINORITY COMMUNITY.

AT SOME POINT IN THE MOUNTING TENSION, A
FURTHER INCIDENT -- IN ITSELF OFTEN ROUTINE OR TRIVIAL--
BECOMES THE BREAKING POINT AND THE TENSION SPILLS OVER
INTO VIOLENCE.

THE EXPERIENCE OF THE COMMUNITY RELATIONS SERVICE
SUPPORTS THIS FINDING. IT HAS BEEN THE PRODUCT OF
CRS ASSESSMENTS IN THE CHICANO DISORDERS AT MOODY PARK
IN HOUSTON, THE PUERTO RICAN DISORDERS IN CHICAGO,
AND BLACK DISORDERS IN MIAMI, FLORIDA; FLINT, MICHIGAN;
AND PHILADELPHIA, PENNSYLVANIA.

FURTHER, WE HAVE FOUND THAT OF THE MANY IMPEDIMENTS TO HARMONIOUS RELATIONSHIPS BETWEEN POLICE AND MINORITY COMMUNITIES, ONE OF THE MOST SERIOUS, AND CLEARLY THE MOST INFLAMMATORY, IS THE USE OF DEADLY OR EXCESSIVE FORCE BY POLICE.

DURING RECENT YEARS, CHARGES OF POLICE USE OF EXCESSIVE OR DEADLY FORCE HAVE BECOME AN EVER-INCREASING SHARE OF MY AGENCY'S CASELOAD.

OF THE 1,431 INCIDENTS THAT WE LOGGED DURING THE 1980 FISCAL YEAR: 566, OR 40 PERCENT, WERE GENERAL ADMINISTRATION OF JUSTICE PROBLEMS; AND 249 OF THE 566 (44 PERCENT) WERE ALLEGATIONS THAT POLICE USED EXCESSIVE FORCE. THIS REPRESENTS A 93 PERCENT INCREASE OVER LAST YEAR.

OF THE COMPLAINTS, 63 PERCENT CAME FROM BLACKS; 32 PERCENT FROM HISPANICS; AND FOUR PERCENT FROM AMERICAN INDIANS.

THE COMPLAINTS WERE FAIRLY DISTRIBUTED NATIONALLY, WITH COMMUNITIES UNDER 100,000 ACCOUNTING FOR 53 PERCENT AND THOSE LARGER THAN 100,000 FOR 47 PERCENT.

WHILE OUR ASSISTANCE IN THESE CASES HAS PROVED USEFUL TO THOSE COMMUNITIES SERVICED, THE PROBLEM NATIONWIDE IS UNABATED AND RECURRENT IN TERMS OF REESTABLISHING RUPTURED RELATIONSHIPS AND IMPROVING POLICIES AND PRACTICES RELATED TO THE USE OF FIREARMS AND OTHER FORMS OF FORCE.

ITS INTENSITY HAS VIRTUALLY RESULTED IN AN UNDECLARED WAR BETWEEN POLICE AND MINORITIES IN MANY COMMUNITIES ACROSS THE NATION.

IN CRS, WE ARE COMMITTED TO STOPPING THIS WAR.

WE HAVE LEARNED FROM EXPERIENCE THAT THE NUMBER OF PEOPLE INJURED BY POLICE AND THE VIOLENT DISRUPTIONS THAT OFTEN FOLLOW CAN BE REDUCED IF FORWARD-LOOKING POLICE EXECUTIVES AND MINORITY LEADERS ARE WILLING TO MEET EACH OTHER HALFWAY.

HEALTHY CHANGE CAN RESULT FROM DIALOGUE
AND NEGOTIATION BETWEEN POLICE AND MINORITY
LEADERSHIP.

UNFORTUNATELY, IN MANY COMMUNITIES, NEGOTIATION
IS NOT SUCCESSFUL BECAUSE IT OCCURS IN AN ATMOSPHERE
OF ACRIMONY -- USUALLY COMING IN THE WAKE OF A
TRAGIC INCIDENT WHEN POLICE POLICIES AND PRACTICES
ARE UNDER HEAVY ATTACK.

AT SUCH TIMES, ISSUES ARE OFTEN MISREPRESENTED
AND POLARIZED. ONE SIDE IS DEPICTED AS CONDONING
MURDER BY POLICE; THE OTHER SIDE AS CONDONING
CRIMINALITY. IN ACTUALITY, THEY BOTH SHARE THE
COMMON GOAL OF CRIME REDUCTION IN MINORITY
NEIGHBORHOODS.

AND, WHILE BOTH AGREE THAT POLICE OFFICERS
SHOULD BE AUTHORIZED TO USE FIREARMS TO DEFEND
THEIR OWN OR ANOTHER'S LIFE, BASIC DIFFERENCES
ARISE CONCERNING THE NATURE OF THE CONTROLS TO
BE EXERCISED AND THE DEGREE OF ACCOUNTABILITY TO
BE REQUIRED OF POLICE IN THE EXERCISE OF THEIR
DISCRETION.

BECAUSE WE FEEL THAT THE ORIGINS OF MOST
URBAN DISORDERS IS CLOSELY TIED TO THE ACCOUNT-
ABILITY ISSUE, CRS, THREE YEARS AGO, FORMULATED
A PROGRAM OF PREVENTIVE MEASURES TO HOPEFULLY
REDUCE THE INCIDENCE OF UNNECESSARY USE OF
DEADLY FORCE BY POLICE.

OUR THREE-PHASE PROGRAM BEGAN FIRST WITH
GATHERING AND SHARING INFORMATION WITH POLICE
GROUPS, MINORITY ORGANIZATIONS, STATE LEGISLATORS,
AND LOCAL GOVERNMENT OFFICIALS; INFORMATION
REGARDING THE DIMENSIONS OF THE PROBLEM AND HOW
VARIOUS PROGRESSIVE POLICE AND COMMUNITY ORGANI-
ZATIONS WERE SUCCESSFUL IN ADDRESSING THE PROBLEM.

SECONDLY, WE INITIATED FACE-TO-FACE DISCUSSIONS
BETWEEN POLICE EXECUTIVES AND MINORITY LEADERSHIP
AT THE LOCAL, STATE, AND NATIONAL LEVEL.

FINALLY, UTILIZING THE EXPERIENCE GAINED
FROM THE DISCUSSIONS, WE SET UP A NATIONAL
FOLLOW-UP PROGRAM IN COOPERATION WITH POLICE
OFFICIALS AND COMMUNITY ORGANIZATIONS IN VARIOUS
COMMUNITIES ACROSS THE COUNTRY.

AMONG THE SPECIFIC OBJECTIVES OF THE PROGRAM
ARE:

- . IMPROVING COMMUNICATIONS BETWEEN POLICE AND ALL SEGMENTS OF THE COMMUNITY.
- . PROVIDING TECHNICAL ASSISTANCE TO POLICE IN IMPROVING CONTROLS OVER EXCESSIVE USE OF FORCE -- INCLUDING THE PLANNING AND PROVISION OF TRAINING, PERFORMANCE MODELS, ETC.
- . HELPING OTHER SEGMENTS OF THE CRIMINAL JUSTICE PROCESS, SUCH AS STATE'S ATTORNEYS, TO DEVELOP OR IMPROVE MECHANISMS FOR RECEIVING AND ACTING UPON COMPLAINTS AND PROVIDING ADEQUATE REMEDIES; AND,
- . ASSISTING IN THE ESTABLISHMENT OR STRENGTHENING OF LOCAL CONFLICT RESOLUTION MECHANISMS -- SUCH AS POLICE-COMMUNITY RELATIONS UNITS OR HUMAN RELATIONS COMMISSIONS.

IN CONCLUSION, LET ME SAY THAT I BELIEVE THAT THE NUMBER OF PEOPLE KILLED BY POLICE OFFICERS, ACTS THAT HAVE THE POTENTIAL FOR SPURRING COMMUNITY CONFLICT,

CAN BE REDUCED BY 50% WITHIN 5 YEARS WITHOUT ANY IMPINGEMENT ON THE QUALITY OF LAW ENFORCEMENT.

THE TECHNOLOGY HAS BEEN ESTABLISHED. THE STATE OF THE ART IS KNOWN.

IMPROVED STATE LEGISLATION, REVISED FIREARMS' POLICIES AT THE LOCAL LEVEL, DETERMINED POLICE LEADERSHIP, ADEQUATE POLICE TRAINING, POLICE-COMMUNITY COOPERATION, STURDY PROSECUTION OF POLICE ABUSES AND EDUCATION OF THE PUBLIC AS TO THE STANDARDS OF POLICE ACCOUNTABILITY ARE THE ELEMENTS IN THE STATE OF THE ART.

THE FEDERAL GOVERNMENT, STATE LEGISLATORS, LOCAL POLITICAL AND POLICE EXECUTIVES ALL HAVE A JOB TO DO -- BUT, IT IS A JOB THAT IS DOABLE.

END