

U.S. Department of Justice
Community Relations Service

Police Use of Deadly Force

A Conciliation
Handbook for Citizens
and the Police



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The Community Relations Service (CRS) is a U.S. Department of Justice agency created by the Civil Rights Act of 1964 to help resolve community racial conflict through non-coercive, third-party intervention. CRS frequently assists communities to resolve disputes arising from alleged police use of excessive force. As a result, agency conciliators and mediators have developed extensive experience with the issues usually involved.

When the parties prefer, CRS conducts formal negotiations to see if the differences can be worked out that way. Otherwise, the agency provides a wide range of informal assistance to keep communications open and to facilitate a mutually acceptable resolution of the conflict. CRS offers this assistance either upon request or on its own initiative if there is a threat of disruption to peaceful community relations.

The Service has regional offices in Atlanta, Boston, Chicago, Dallas, Denver, Kansas City, New York, Philadelphia, San Francisco, and Seattle. Assistance may be requested from any of these offices.

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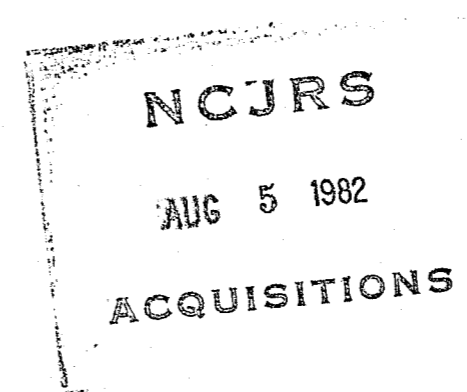
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U.S. Department of Justice
Community Relations Service
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PREFACE

The Community Relations Service (CRS) has seen a steady recent increase in cases of community disruption due to minority groups' belief that the police have used deadly force—or a severe degree of non-lethal force—when it was unwarranted. In addition to grappling with the impact of such incidents on its own caseload, CRS has attempted to focus increased attention on the issue and to develop materials that will be useful to police and citizens looking for constructive alternatives to continued hostility and suspicion.

As a part of that effort, in December, 1979, CRS co-sponsored with the National Urban League and the League of United Latin American Citizens the "National Consultation on Safety and Force: An Opportunity for Police-Minority Community Cooperation." That meeting brought together approximately 300 blacks and Hispanics, police executives, line officers, public officials, and civic leaders from across the country to widen the dialogue and promote development of relationships to aid in addressing the problem locally. To make conferees' discussions of various issues, and their recommendations, available for review by a larger audience, the proceedings were recorded and widely disseminated.

This handbook is part of the follow-up to the consultation. It is produced in the belief that there is a great deal of interest among police and minorities in pursuing peaceful solutions to excessive-force controversy. It also envisions police departments and minority community organizations in leadership roles to find these solutions. The publication attempts to put in the hands of police, minorities, and other concerned parties, a digest of practical steps for taking a conciliation approach to alleviating deadly-force controversy.

The handbook does not deal with all aspects of the police function and interaction with citizens. It focuses selectively on issues which have surfaced repeatedly in excessive-force disputes—and on steps thought to have the most potential for beneficial change. The publication also does not discuss legal action as a means of seeking redress in use-of-force disputes. Neither does it recommend against such action where it is appropriate. The handbook simply concentrates on the effectiveness of conciliation as a means of resolving police-citizen disputes.

CRS recognizes that law enforcement is an important function and believes that an entire community suffers when law enforcement is disrupted by hostility between the police department and any group of citizens. Thus, for example, while it may be true that minorities are the most concerned about excessive police use of force, the problem—real or perceived—affects

everybody! The police simply cannot work to maximum effectiveness when any sizeable, responsible segment of the community does not trust them or is openly hostile. CRS's experience suggests that significant progress can be made in reversing police-minority hostility when these two groups work together. It is hoped that this handbook will be a useful tool in that regard.

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INTRODUCTION

The scenario is a now familiar one: a police officer, attempting an arrest, fatally shoots a black, Hispanic, or other minority. Word spreads quickly through the deceased's community that he was unarmed. Crowds gather and rock-throwing begins. There are injuries and arrests. The following day, minority leaders charge that the shooting was unjustified and demand the immediate arrest and indictment of the officer involved. The police chief refuses to arrest the officer, the prosecutor does not indict him on grounds that there is insufficient evidence of any wrongdoing, and the next several days are marked by demonstrations, stepped-up police patrols, and further arrests. Finally, the reaction subsides, and the police and protestors settle into an uneasy truce.

Few police officers or minority citizens, given the option, would choose the state of affairs depicted in this composite incident to characterize their relationship. But, even though deaths are not always involved, unfortunate incidents similar to this occur all too often. These incidents raise the central question addressed in this handbook: short of legal or other coercive action, which may leave the bitterness and distrust essentially unchanged, is it possible for police and minorities to find means of dealing with their differences?

The Conciliation Approach

The answer clearly is yes. The power of conciliation to produce a mutually desirable outcome in even the most difficult circumstances is well established. Conciliation brings opposing parties together to hear each other's point of view and find the common ground. Since the parties may never have engaged in such a dialogue, the act of coming together may itself help ease tensions and reduce misunderstanding. But the most compelling reason to attempt conciliation is that, if a lasting solution is found, everyone benefits—aggrieved minority citizens, the police, and the entire community. Moreover, if conciliation fails, neither the police department nor minority citizens will have lost their right to pursue other courses of action open to them.

Such an effort requires that the police department and minority community look at their overall relationship. For while a single issue such as the department's firearms policy may be the immediate cause of such a dialogue, no single issue exists in isolation from other department policies and practices. Minority leaders and the police chief, preferably with the support of city officials, will have to approach each other in a spirit of willingness to pursue actions that offer the prospect of creating constructive change in

the entire police-minority relationship. In the following pages actions are proposed for police departments and community organizations to break down some of the barriers to good relations which exist, and to deal constructively with the issues in deadly force disputes.

FIREARMS POLICY

The question of firearms policy is central to the excessive force controversy. Many minority organizations and individuals consider a strict defense-of-life policy an absolute necessity; that is, they argue that an officer should shoot only to protect his life or the life of someone else. A large segment of the law enforcement community is just as adamant that only minimal restrictions be placed on police discretion to judge when use of force is necessary, citing concern for the safety of police officers and the public. Generally, they argue that police officers should be permitted to shoot in order to apprehend fleeing felony suspects as well as to defend life.

The difficulty of determining the optimum firearms policy is described in a 1978 staff memorandum to the Seattle, Washington, City Council, as the Council prepared to enact new policy by ordinance:

As with many issues, the greatest difficulty public officials may have in dealing with the deadly force issue is that differences of opinion do not arise from differences in fact, but from differences in basic values. The Council's task is to make an informed judgment tempered by competing interests, as expressed by the police, the community, the American Civil Liberties Union, and other interested groups.¹

Most States Impose Few Restrictions

So the question is, what firearms policy best serves the needs of law enforcement and the community? A majority of the 50 states have laws that authorize the so-called "any-felony" policy—essentially, that police may use firearms or other means of deadly force to arrest a person suspected of committing any felony. In such states, police are permitted by law to shoot fleeing persons suspected of such offenses as check forgery and auto theft. Other states have slightly more restrictive variants based on "forcible" felonies, such as robbery.

An example of an any-felony law is Section 12-7-9 of the Rhode Island General Laws:

A police officer may use force dangerous to human life to make a lawful arrest *for committing or attempting to commit a felony*, whenever he reasonably believes that such force is necessary to effect the arrest and that the person to be arrested is aware that a police officer is attempting to arrest him (emphasis added).

An example of a forcible felony provision is Alaska Statute 11.81.370, which states in part that:

¹ Maryann Huhs, "Police Use of Deadly Force," Seattle, Washington, City Council Staff Memorandum, January 16, 1978 (unpublished).

A peace officer . . . may use deadly force when and to the extent he reasonably believes necessary to make the arrest or terminate the escape or attempted escape from custody of a person he reasonably believes (1) *has committed or attempted to commit a felony which involved the use of force against a person* (emphasis added)

About 12 states have no statute at all. A smaller group—approximately nine—have adopted the Model Penal Code developed by the American Law Institute. The Model Code places slightly more restriction on the officer's use of deadly force. That is, in addition to requiring that the suspected crime must have involved the use or threatened use of force, before the officer can shoot, he must also believe that the person to be arrested will cause a death or serious bodily harm if apprehension is delayed.²

Police Have Options

Regardless of the loose restrictions on police use of deadly force permitted by most state laws, police departments have the option of placing tighter restrictions on their own officers. Moreover, available evidence suggests that establishing a policy emphasizing a respect for the sanctity of human life reduces shootings without negative effects on law enforcement or public safety. In Atlanta, for example, all categories of assaults and homicides involving police and citizens have decreased since city officials imposed stricter policy on use of firearms in 1974.³ Georgia is among the states which have no statute on police use of deadly force.

A key factor in how police officers use firearms is the attitude of the police chief. If the chief stresses conduct that respects the sanctity of human life, and follows up through close administrative review, line officers will respond. It is important also that the chief take such a stand because there is little hope of alleviating hostile relations in any meaningful way if minority residents think that the police use deadly force against them indiscriminately. Moreover, it is important to understand that the *perception* may be every bit as destructive as if that condition existed in reality.

The critical nature of the issue suggests clearly that police departments should conduct thorough periodic reviews of their firearms policies, making changes as necessary to reduce the number of shootings. Police chiefs should send the message of their concern over this issue to both the police and the community. When they do, officers will know that "the chief

² American Law Institute, Model Penal Code, 1962, Section 3.07(b).

³ Speech by then-Atlanta Public Safety Commissioner Lee P. Brown printed in *Police Use of Deadly Force: What Police and the Community Can Do About It*, U.S. Department of Justice (1979).

means business," and people in the community will not wrongly perceive the chief as uncaring.

Community Initiatives

Minority community organizations have a responsibility here as well. Whatever firearms policy a police department operates under, police officers have a dangerous job and routinely face potentially threatening situations. In fact, an officer may, in a given instance, have only a fraction of a second to decide whether use of deadly force is necessary to save his life or the life of someone else. Most citizens do not fully understand the difficulty this situation entails, but that life-or-death decision is probably the toughest any American is permitted to make.

Community organizations can contribute greatly to understanding by mounting campaigns to make their constituencies more aware of the difficulties confronting officers on the street. No doubt most police departments could be counted on to cooperate with such a campaign. And with greater understanding, minority citizens who have encounters with the police may be less likely to react in ways that could negatively affect the outcome, perhaps reducing the number of incidents in which the use of force ever becomes a factor. It is true that the police usually have the major responsibility for the outcome of encounters with citizens, but many problems could be avoided if citizens knew more about the difficulties officers face.

For example, take the situation in which a person who knows he has done nothing wrong is suddenly stopped by an officer. The citizen may resent it. But consider the position of the officer who is acting because the citizen, or his car, matches a description from a burglary or armed robbery a block away. In most cases, the officer will probably soon discover his mistake and be on his way. However, if the citizen resists physically, the situation could deteriorate and the outcome might be completely different. It is important, therefore, that citizens understand that they know more about most situations than police officers, whose job demands that they begin investigations on very limited information.

POLICE-COMMUNITY RELATIONS

Controversy over firearms policy and use of deadly force notwithstanding, the two are inseparably tied to the overall question of relations between citizens and the police. Where police and all groups in the community develop good relations, friction generally is minimized. The perception of the police by all groups as concerned, professional, and fair leads to greater respect throughout. Conversely, police officers' belief that they can count on the support of all the community's citizens gives officers a greater sense of confidence in policing. So when deadly force is used, citizens are more likely to respond with open minds because of positive relationships and trust built up through past experience.

In simplest terms the purpose of a police-community relations (PCR) program is to insure the best possible relationship between the department and citizens. A good PCR program involves providing avenues for citizen input into department operations, giving maximum citizen cooperation to the police, protecting the rights of citizens without sacrificing the rights of police officers, and, as a result, making the work of police officers easier and more effective. The greater the degree of cooperation between the police and the community, the more efficient and effective the police become in accomplishing their primary mandate: the protection of society.

One Department's Approach

It is impossible to prescribe one ideal PCR program, given the size and other differences among police departments and cities. However, a program should have clearly defined goals that impact on all police services to the community. San Jose, California, for example, has a comprehensive program that is based on seven key elements:

- Commitment of the city council, city administrator, and the chief of police to the need for close cooperation between citizens and the police, to allocation of the resources needed to develop that cooperation, and to support for sometimes controversial and fundamental changes in police practices;
- Ability of the chief to be both a strong leader of the department and a community leader;
- Sensitivity of all police personnel to the varied neighborhoods and cultural and community groups that make up the city;
- Clear department policies and procedures to abolish any inappropriate use of force in the conduct of police duties;
- Development of a police department whose personnel are representative of the makeup of the city's population;

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- Police department commitment to provide opportunity for individuals and community groups to air grievances, recommend policy, and participate in the planning of police services; and
 - Ability of the police department's management to require all employees to adhere to the reasonable policies and regulations it establishes to develop rapport with the community.

Under this framework, the San Jose Police Department (SJPD), in recent years, has conducted an ambitious PCR program. According to the SJPD, complaints against officers have dropped significantly. In addition, two studies—one internal, one external—have indicated among San Jose citizens a high level of satisfaction with the department's performance.⁴

The Police Chief's Role

San Jose's approach may be useful in other cities, but any attempt to develop good police-community relations may encounter a number of obstacles. For example, no matter how well designed the program is, it will fail if the police chief does not actively support it. If the chief rewards officers for their community relations efforts, line officers will respond to the program's goals. The chief should also get personally involved in the dialogue about the department's objectives and the problems that can be addressed through the mutual cooperation of the PCR program. He should speak out clearly on this issue to help dispel the perception of police department isolation often found among minority residents, and among officers themselves.

On the other hand, community organization leaders must recognize the delicate position in which police chiefs sometimes find themselves. There is often a fine line between what appears to the rank-and-file as a "sell out" and what may be, in fact, an enlightened and statesman-like approach to the community's problems. So it behooves community organizations to be sensitive to the variety of factors that can affect police management decisions—for example, internal politics, labor-management issues, costs, logistical concerns, and pressures from elected officials and other groups.

Reducing Police/Citizen Isolation

Unfortunately, some of the modern-day practices of policing also militate against developing a close relationship between police and the community.

⁴ From a presentation by San Jose Police Chief Joseph D. McNamara in *National Consultation on Safety and Force: An Opportunity for Police-Minority Community Cooperation—A Summary Report*, U.S. Department of Justice (1980).

An example is the removal of the police officer from the walking beat. In most neighborhoods of most cities, patrolmen are seldom seen except in passing squad cars. Consequently, there is little opportunity for personal contact between officers and people in the neighborhoods they serve.

Community organizations should try to help overcome this isolation. Innovative programs could be developed to attract citizens to meet on a periodic basis with police officers assigned to the area. In addition, officers should be given an opportunity to meet with neighborhood organizations. In this kind of sharing and examining of problems, officers and area residents might be able to move somewhat nearer the "cop-on-the-beat" relationship of years past.

For example, the St. Louis Metropolitan Police Department has developed a business, civic community, and police liaison program which it calls the "Institutional Representative Program." District commanders assign a specific police officer to each neighborhood association, business association, school, church, or civic group to foster better communications. The officer visits as often as possible to become acquainted with his assigned institutions' law enforcement problems and to develop cooperative relationships. Of course, these types of programs require increased budget outlays, and community organizations could play another useful role by supporting the police chief's budget requests for the necessary funds.

Visibility

With respect to how rank-and-file officers view a PCR program, the symbolism of proximity to the seat of departmental authority is also important. Ideally, the PCR unit should be in a prominent, accessible part of police headquarters, and it should be clearly supported by the chief. In addition, it may also be useful to establish satellite outreach centers. If so, these centers should be open some evenings and Saturdays to accommodate residents who are unable to bring their questions and problems to the center at other times because of job conflicts.

If community organizations believe outreach centers would be helpful, they should discuss establishing them with the police department. Should it be determined that the centers are desirable, the organizations may be able to identify available facilities unknown to the police department. With community help, for example, many departments have established such centers in church offices and the offices of community organizations. Since setting up outreach centers would probably mean added costs for police departments, it might also be helpful if community organizations could persuade the owners of suitable property to allow its use free of charge—a possibility in many instances when the purpose is community service.

Crime Prevention Activities

A common interest through which relations might further be enhanced is crime prevention. Typical components of crime prevention programs, familiar to most police departments, include the in-home marking of personal property to aid in later identification if stolen, surveillance of absent neighbors' homes, and the development of witness identification/cooperation.

None of these typical activities should be overlooked in relating to minority neighborhoods. If the department shows a determined interest in minorities' crime problems, it undoubtedly will help to dispel a lingering notion in some communities that the motto "To Protect and Serve" does not apply there.

As a start, community organizations could survey their constituencies to determine the level of interest in pursuing crime prevention activities with the police. Since, depending on a lot of factors, there could be considerable skepticism, these organizations might also arrange meetings for police personnel to explain crime prevention projects and their objectives. Finally, if the organization is the local chapter of a national group, it may be able to research effective programs used in other cities through its sister chapters.

Other Considerations

If a police department's PCR program is to be effective, it cannot be just the responsibility of officers assigned to duty with the PCR unit. No PCR program can succeed without the commitment of officers on the street, so officers in all divisions must be made aware of their responsibility to PCR objectives. Development of the program should take into account the cultural traditions in the minority community, the history of issues there, and other pertinent factors. In addition, how well the program is working should be measured at periodic intervals—both in terms of improved police service to the community, and in terms of improved minority community response to the police department.

Community organizations should explore two other possibilities as an aid to improving relations with police. First, those which have often criticized actions by officers deemed improper might institute an annual award for the police officer believed to have contributed most significantly to *positive* police-community relations. Secondly, it might be of interest to explore establishing communications links to professional police associations. While it might seem at first glance that the two have few common interests, there might be mutually beneficial grounds on which to cooperate.

Nor should community organizations overlook the importance of maintaining good communications among themselves. To the maximum extent possible, it makes sense to coordinate their activities with the police department. This does not mean that organizations should compete to see which of them will be the "official" contact, or that the department should get bogged down in the question of which group really represents the community. The point of cooperating is to achieve maximum effectiveness and to avoid needless confusion and duplication of effort.

CITIZEN COMPLAINT PROCESS

Even the best police department will receive complaints, and the absence of an effective complaint procedure has figured prominently in many cities troubled by allegations of excessive force. Police chiefs generally recognize the need for an open honest vehicle for citizens to seek redress of grievances involving alleged police misconduct. Most chiefs know that when a department conveys to the public that it is open to criticism and to examining allegations of abuse, police officers can expect to win the citizen confidence needed to do their job most effectively. The department's complaint procedure should be set forth in writing regardless of the size of the community or the department.

The Filing of Complaints

A complaint process should provide the aggrieved citizen with access to a responsive listener who will carefully record essential details of the allegation, explain pertinent requirements of the procedure, and advise of the options available. The process should be relatively simple for the citizen to activate and should require a minimum of forms. Persons assigned to the complaint intake function should be carefully chosen for patience and objectivity.

The chief should also consider whether the internal affairs division might better be moved away from the headquarters building to a location without any other police units. The citizen should feel free to file a legitimate complaint without fear of unwanted confrontation with officers who might be hostile to his or her reason for being there. The police departments of Atlanta, San Jose, and Kansas City, Missouri, are among those which have moved their internal affairs or citizen complaint sections to other buildings.

The police, on the other hand, often complain about the filing of frivolous complaints. Any complaint process is bound to attract some of these, but community organizations should discourage the practice as counterproductive. Police have also voiced frustration over the reluctance of citizens to comply with legitimate requirements of the complaint process, such as the need in some instances to reduce allegations to a sworn statement. Until there is a wider understanding that such requirements are often valid, some citizens will continue to blame the police department for unwillingness to take action when the real problem is the refusal to meet requirements of the process. Community organizations could make dissemination of such information a part of a public education campaign.

As suggested earlier, discussion and analysis of controversy between the police and minorities has also revealed a general need for greater communi-

ty understanding of the "nuts and bolts" of the police mission and responsibilities. For example, legitimate actions by police officers relating to such matters as search warrants and stop-and-frisk procedure may not be generally understood by some citizens. If community organizations, through public education, can reduce this information gap, some confusion and problems can be eliminated.

The Investigation

Once a complaint has been filed, investigation will normally begin with the internal affairs division. Staff loyalties there must focus on departmental objectives regarding resolution of complaints and dealing with officer misconduct. The job requires an exceptionally high level of personal integrity. The internal affairs officer must be perceived among peers as above reproach and as unbending in getting at the truth, but as entirely fair in making determinations. The internal affairs officer should also have an investigative background inasmuch as he or she will have to use many of the techniques of normal police investigation in internal affairs work.

There may be some confusion among community organizations about the purpose of the internal affairs function. The key consideration is that it does not include the responsibility to prosecute, that is to file criminal charges. The internal investigation is to determine whether the accused officer should be disciplined—whether he or she acted wrongfully and in violation of departmental policy. It is an administrative, not a litigative, procedure. And an accused officer is entitled to the same due process safeguards and constitutional protections as any other citizen. It therefore becomes a critical matter to assure that the internal investigation process in no way interferes with any possible litigative action. It is generally not an internal affairs function even to decide the kind or degree of punishment. The internal affairs division is charged with investigating complaints of any wrongdoing, and with reporting its findings to the chief.

But to constructively influence an internal affairs division believed to be improperly handling complaints, a community organization should study and compare it with others elsewhere. The police departments of other cities may have devised a way to solve the kinds of problems perceived as affecting internal affairs investigations locally. And the police chief likely will respond more positively to practical suggestions based on what other police departments have used successfully in similar situations.

Reporting Findings

A common criticism of internal affairs units is that someone who files a complaint often never hears anything further. The police chief should make

it standard operating procedure to provide reasonable feedback on complaints. When the investigation is a long one, reports may be necessary at intervals to keep the complainant informed about the status of his or her case. Whether the full investigative report should be made available once completed is a question that may not have an answer which applies to all cases. But the citizen should be given as much of the report as possible without undue risk of legal complications. Perhaps even more important is that, regardless of the outcome of an investigation, a full explanation is given of the reason a certain position is taken.

The police charge that, too often, community groups want answers before there has been an opportunity to make even a preliminary investigation. It is also contended that minority community organizations frequently "go public" with their allegations after a questionable incident without getting the facts. A reasonable effort should be made to get all sides of the story. If that produces no satisfaction, there is still time to pursue other means of redress. But some police chiefs feel that once a public attack has been made on the department, the damage is done—even if information later revealed shows conclusively that the allegations were groundless.

When a controversial police-minority citizen incident does occur, a community organization's response should be directed to realistic solutions to the problems that gave rise to the incident and to alternatives for dealing with the issues effectively. Too often, a nonproductive approach is taken involving premature demands for impractical remedies. For example, demands that the officer involved be indicted immediately and that the police chief be fired will probably not be met.

A more productive approach might be to try and identify the sequence of events where decisions have been made by the police, prosecutors, or whoever has been involved in the investigation process. The intent of this monitoring action is to identify actions that were right or wrong—from the minority community's perspective—and to propose solutions that will remedy bad decisions. The advantage of this approach is that it could give the police department practical ideas upon which to act.

CIVILIAN REVIEW BOARDS

The best way to insure that police officers conduct themselves properly in the performance of their duties is to set reasonable policies and then establish effective internal review and sanctions. But, as indicated above, the system for handling citizen complaints must be one in which all citizens have faith. Nor can the principle be ignored that the police department is a public service agency which ultimately must be accountable to the citizens.

Several cities in which citizens have lost confidence in the internal review process have tried various configurations of civilian review boards, with mixed results. A number of arguments are made both in favor of and against these boards. For example, some observers hold that the police cannot objectively review themselves, that civilian review strengthens public confidence in the department, and that it insures that police officers do not abuse the law. On the other hand, critics of civilian review maintain that civilians lack the knowledge and experience to evaluate the police, that review boards inhibit officers' use of force when it is warranted, and that such boards are redundant because police themselves review complaints against officers.

In attempting to establish a civilian review board, therefore, community organizations should anticipate strong resistance. In fact, even some of the most progressive police officials do not favor civilian review boards. While they agree that there is a need for public accountability, these officials point out that review boards are not panaceas and have had only mixed success. They also suggest that emotions aroused by establishment of review boards may themselves lead to insurmountable problems.

Thus, a campaign to establish a civilian review board in even the most progressive city is almost certain to be a tough fight. Whether a consensus to create a board can, in fact, be established is a matter for local community organizations, police departments, public officials, and other citizens to determine. However, there are a number of sources which may be studied on this controversial issue.⁵

⁵ For a recent examination of several cities' experiences, and a useful bibliography, see *Civilian Review of the Police—The Experiences of American Cities*, a study by the Hartford Institute for Criminal and Social Justice. The Institute may be contacted at 15 Lewis Street, Hartford, Connecticut 06103.

DEMONSTRATIONS AND CIVIL DISORDERS

While it is in no way true of most police departments, some have dealt with peaceful protests or civil disorders in ways that contributed to excessive force controversy. Sometimes a confrontation is impossible to avoid, but a police department may save itself a lot of potential problems if officers are trained in techniques to maintain or restore control over large groups without exacerbating the situation. In addition, contingency planning should be a fundamental part of the department's operations. Regardless of its size, a department will be better off if it has considered in advance how it will respond to disturbances if they occur.

Advance Consultation

When a scheduled protest march is to take place, the chief or an appropriate subordinate should meet with march leaders to establish such details as the route, the scheduled hour, and the anticipated number of participants. Particularly if it is to be a very large group, emergency medical and other needs should be planned for. Similarly, if civil disorder erupts in situations unrelated to planned protest, the police department should put its contingency plan into effect immediately. This reduces confusion and uncertainty among officers that often provides the context for charges that they used excessive force or otherwise failed to show restraint.

Organizations planning a protest demonstration should not wait to be contacted by the police. They should seek a meeting with the chief, or a designated representative, to establish the identity of the demonstration's own marshals assigned to keep order, to establish how logistics will be handled, and to determine other matters which later could be critical. Development of this kind of communication should be made an objective of ongoing efforts to improve relations with the police department.

When civil disorder erupts, community organization leaders should use all possible influence to help restore order. The more quickly order can be reestablished, the less chance there will be that the situation deteriorates to the point that casualties may result. It could be critical to quickly establish contact with the police department so efforts can be coordinated and a mechanism established to defuse potentially dangerous rumors. Community organizations will be more effective in this regard if they have already established constructive communication with police leadership, and with the police department's community relations representatives.

MINORITY RECRUITMENT

Ideally, every city's police department should reflect the racial-ethnic makeup of the community, but even the most sincere efforts to recruit minority police officers have sometimes met with only marginal success. Nevertheless, police departments should make every attempt to develop a representative force. Initiatives toward that objective should be taken by the department and community organizations joining forces to produce better results.

Planning, Accountability Are Important

The police department's minority recruitment program should be well-organized and closely coordinated. Responsibility is sometimes split between a police department recruiting team and the city personnel agency, with no attempt to coordinate efforts. In addition, personnel agencies have often limited their efforts to posting job announcements on bulletin boards and placing occasional advertisements in newspapers and law enforcement journals, an approach not likely to produce the desired results.

Within the police department, responsibility should be assigned to a specific, high-ranking officer. The recruiting team should be multiracial if possible. That team will also work more effectively if all members are thoroughly trained in application and selection procedures so they, in turn, can assist applicants in preparing for and complying with these procedures.

Publicity is important, too. The department should use all available communications channels, including public service announcements on radio and television, displaying posters where they are likely to be seen by the largest numbers of minority residents, and announcements at public meetings. In addition, minority community organizations can publicize the recruiting effort through their formal and informal communications channels.

Community Involvement

Community organizations should establish ongoing relationships with the officer in charge of the police recruiting team. If there are several interested organizations, they could set up a working group to pursue common objectives, perhaps drawing on the expertise and resources of a local minority police officers' association. If such a local association exists, the community organizations should also explore the possibility of joining forces to establish a tutoring program to help applicants prepare for examinations and other aspects of the selection process.

Outreach to Youth

The specific components of a minority recruitment program must be determined by each department, but a key target group should be minority youth. For example, the department may want to consider establishing a cadet program, or a less formal arrangement with the same objective. In any event, such an arrangement should provide meaningful employment, and should include elements of the training needed to become a sworn officer. For small departments, and others for which a cadet program is a formidable undertaking, a qualified consultant in police administration could be retained to evaluate the feasibility and develop a plan. There are a number of law enforcement organizations and universities to draw upon for this kind of expertise.

With respect to police department efforts to reach out to minority youth, there is a role for community organizations which takes a longer-term view. There is nothing new about such programs as those designed to bring young people into sports-oriented activities with police officers, but there appears to have been a gradual decline in recent years. Community organizations should explore revitalizing or establishing these programs in their cities, perhaps through YMCAs, YWCAs, Boys Clubs, or other similar organizations. In addition, there is untapped potential in many cities for school programs to familiarize youngsters with police work. If convinced that there is merit to these means of enhancing relations between the police and youths, community organizations may be able to convince reluctant school systems and other local institutions to support the idea.

Finally, in its efforts to recruit more minorities, the police department should be sure that no obstacles or opportunities are inadvertently overlooked. For example, application forms are sometimes available only from the city personnel agency or the police department recruiting team. They should be routinely distributed to all police department facilities, along with applications and statements of required qualifications, and given to anyone who requests them.

TRAINING

Training is seen in some quarters as having a key role in addressing negative relations between police and minorities. Most important of all may be a need for more attention to the subject of human relations. Where it doesn't exist, police chiefs should implement recruit and in-service training designed to combat stereotypes about racial and ethnic minorities, and to assure that police officers appreciate that people who are different from themselves also have worth as human beings.

Community Cultural Diversity

A segment of human relations training should be specifically geared to understanding cultural patterns and characteristics. Many veteran police officers talk about difficulties they experienced in minority neighborhoods before learning the lifestyle of the people who lived there. For example, in many inner-city neighborhoods, minority youths tend to congregate on street corners until late into the evening. However, this activity should not automatically be regarded as suspicious as it may just be one way the youths socialize with each other. It may be as important for police officers to be "multicultural" in some neighborhoods as it is for them to be bilingual in others.

Aside from the question of content, there is the matter of how much time is devoted to human relations compared to other categories or training. What does it mean, for example, if a department's training academy devotes 75 of 250 hours of recruit training to firearms, but only 10 hours to human relations? While it may not be possible to draw a direct cause-and-effect inference, such a department should reevaluate its situation if it has been plagued by excessive force controversy and habitually poor relations with minority residents.

Perhaps one of the most significant contributions a community organization could make would be to support a joint police-citizen coalition to review current funding resources for training, evaluate strengths and weaknesses with regard to intergroup relations, and determine what steps might be taken to increase training availability and upgrade programs. In light of curtailment in funding for law enforcement programs, the time may have come to tap the resources of the private sector to help establish desirable training programs. Community organizations could also identify minority academicians and other professionals to participate in human relations training where it is determined jointly with the police department that such participation would be a desirable objective.

Language Skills

Language problems may also represent an important training need. Where there are substantial Spanish-speaking populations, or other large, language-minority groups such as Asian refugees, the police department may need to develop a minimum language competency among its officers. The Houston Police Department, for example, has developed a successful Spanish language program that goes beyond language skills to include cultural factors. The program's objective is not to make officers fluent in conversational Spanish, which is impractical within the framework of available time and resources. Rather, the emphasis is on learning key words likely to come up in police-call situations. The first phase is geared toward cadets, the second phase toward in-service training for officers already on the street. The second phase is also conducted at a community center serving Spanish-speaking residents and covers Hispanic body language and other characteristics to enhance officers' general understanding of the culture.

Tactics

There is also a need to train police officers in the use of non-lethal weaponry. This might include nets and other restraints, use of batons to temporarily disable, mastery of restraining holds, and other techniques. Police departments should also provide training in tactics that are useful in averting violence where confrontation is necessary. Some departments, for example, have developed "officer survival" and "hostage negotiation" courses which have been credited with saving the lives of many citizens, officers, and suspects.

In addition, police departments should further attempt to enhance officers' skill through so-called "shoot-no shoot" training. The capability to give such training, which simulates real-life situations using audiovisual equipment, is available through commercial companies, but departments may prefer to develop their own packages. This approach has the advantage of making it possible to put together situations based on the department's own experiences. For the good of both citizens and officers, it is critically important that training in use of force not consist solely of the mechanics of shooting, and that departments take advantage of recent advances in training police to deal as humanely as possible with dangerous situations.

PSYCHOLOGICAL TESTING

Given the importance of the police function, it would be difficult to overemphasize guarding against the possibility that persons emotionally unsuited for it may enter or remain in police work. The predictive capacity of psychological tests may be limited, but even if such tests reveal only the most pronounced cases of emotional instability, psychological evaluation serves a purpose. Every police department probably should have the capability to evaluate applicants and officers already in the ranks.

There are a number of options for filling this need. For example, a large department like New York City's has a formal, three-tiered testing program for all new applicants and a more involved program for officers already on the force—using both in-house and independent psychiatrists and psychologists. However, a smaller department may want to take a step such as retaining the services of a qualified psychologist from a local college or university on a part-time basis. Policing is generally recognized as one of the most stressful of all occupations. A psychological services program should provide a range of counseling and general assistance to officers, particularly those involved in such a traumatic experience as a fatal shooting.

The Stress Factor

The problems of occupational stress that bear on police officers should be widely understood by community organizations trying to deal seriously with police-community relations. It is generally believed that the pressures of police work contribute to a disproportionately high incidence of family and other personal problems which, in turn, can have an adverse effect on job performance. Therefore, it seems logical for organizations which want to improve relationships and understanding to support police department efforts to extend psychological counseling and related services. This should be made a part of any joint effort by the police department and minority community to reach common goals.

To make this program a success, however, it is crucial that officers be encouraged to call to official attention the psychological problems of either themselves or their colleagues. No officer is likely to seek assistance for himself or for a fellow officer if he thinks that an appearance at the psychologist's office will mean the end of a career or cause a victim of stress to be irreversibly labeled "crazy." Thus, such a program must be both confidential and sincere in its efforts to help officers.

SUMMARY OF RECOMMENDATIONS

Confrontations between police and minorities over alleged police use of excessive force have become all too familiar. Can these two groups resolve their differences? There are competing interests and complex issues involved, but police departments and interested community organizations can reduce use-of-force controversy, if they are willing to make a good-faith effort. It requires that both sides take action in several areas:

Firearms policy

- Police departments should periodically review their firearms policies and make changes necessary to reduce the prospect of unnecessary shooting of civilians, consistent with minimum risk to officers and to public safety.
- Community organizations should educate their constituencies about the difficulties and dangers that police officers face in dealing with situations which they encounter on the streets.

Police-Community Relations (PCR)

- Police departments should implement PCR programs that:
 - Aim for close cooperation between police and all segments of the community.
 - Provide avenues for citizen input to department planning.
 - Include activities to reduce isolation between officers and residents of the areas they patrol.
 - Actively involve the police chief and rank-and-file officers.
 - Operate outreach centers in minority neighborhoods.
 - Encourage minority residents to cooperate with the department on crime prevention activities.
- Community organizations should:
 - Encourage their constituencies to cooperate with the police on crime prevention.
 - Help devise activities to reduce police-minority citizen isolation.
 - Be sensitive to factors that can inhibit a police chief's decision-making.
 - Support police department budget requests for PCR program activities.
 - Help establish outreach centers.
 - Consider recognizing, through annual awards, officers who make outstanding contributions to police-community relations.

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- Explore establishing closer cooperation with professional police associations.

Citizen Complaint Process

- Police departments should:
 - Maintain an open, honest process for handling citizen complaints.
 - Select personnel to handle complaints who will be sensitive to citizens' concerns.
 - Give a response to every complaint that is filed.
 - Conduct thorough investigations that are fair to all parties.
 - Issue a public document that states clearly how the complaint process works.
 - Consider moving the complaint section away from the police headquarters building.
 - Discipline officers when findings warrant.
- Community organizations should:
 - Discourage the filing of frivolous complaints.
 - Better inform their constituencies about police responsibilities and operations.
 - Allow the department sufficient time to thoroughly investigate complaints before making public criticisms.
 - Compare the operations of the internal affairs sections of various police departments.
 - Refrain from making unreasonable demands when there has been an incident, concentrating instead on practical ideas that police departments can act upon.

Civilian Review Boards

- Where the sentiment for it exists, police departments and community organizations should take a careful look at cities' experiences with various approaches to civilian review.

Demonstrations and Civil Disorders

- Police departments should:
 - Train officers in crowd-control techniques that do not unnecessarily inflame a situation.
 - Always endeavor to establish advance communications with the leaders of protest demonstrations.

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- Develop contingency plans that can be put into effect in the event of civil disorder.

- Community organizations should:
 - Always seek meetings in advance with police department leaders when demonstrations are planned.
 - Act quickly to restore order when civil disorder erupts.

Minority Recruitment

- Police departments should:
 - Ensure that the makeup of the force reflects the racial makeup of the community.
 - Place a high-ranking officer in charge of the minority recruiting program.
 - Coordinate efforts with the city personnel agency.
 - Explore the establishment of cadet programs.
 - Make maximum use of publicity.
 - Attempt to interest minority youth in the police profession through programs with the YMCAs, YWCAs, the public schools, and other groups.
- Community organizations should:
 - Establish a working relationship with the officer in charge of the police department minority recruiting program.
 - Publicize vacancies through all available information channels.
 - Explore potential for revitalizing programs to bring minority youth into contact with the police through sports and other activities.

Training

- Police departments should:
 - Implement human relations courses for all officers to combat racial stereotyping.
 - Devote a portion of such training specifically to understanding patterns of minorities' lifestyles.
 - Develop in officers a minimum language capability where large language-minority populations exist.
 - Give officers "shoot-no-shoot" training.
 - Train officers in more effective use of non-lethal weapons and in defensive tactics.

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- Community organizations should:
 - Provide whatever assistance they can to help police departments secure funding for training programs.
 - Identify persons with needed skills where police departments are receptive to community participation in training.

Psychological Testing

- Police departments should provide for psychological testing of applicants and officers already in service, particularly those involved in shootings and other such traumatizing incidents.
- Community organizations should support the efforts of police departments to extend broad, confidential psychological counseling and services to officers.

While the steps outlined above will not end all controversy over alleged police use of excessive force, they can provide an avenue to alleviating much of the current hostility. The power of conciliation to produce solutions to difficult problems is well-established, and the peaceful relaxation of tension that impedes law enforcement and disrupts entire communities is reason enough to make the effort. Neither police departments nor minority residents give up anything in the attempt. Moreover, if conciliation is successful, the police, citizens, and the entire community benefit.

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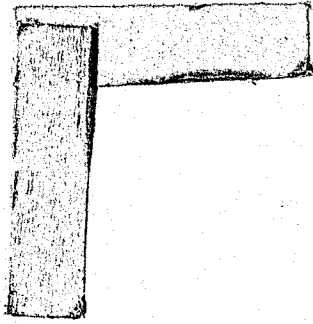
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