

U.S. Department of Justice  
Community Relations Service

# Principles of Good Policing: Avoiding Violence Between Police and Citizens

(Revised September 2003)

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## **About the Community Relations Service**

The Community Relations Service (CRS), a unique component of the U.S. Department of Justice, seeks to prevent or resolve community conflicts and tensions arising from actions, policies, and practices perceived to be discriminatory on the basis of race, color, or national origin. CRS provides services, including conciliation, mediation, and technical assistance, directly to people and their communities to help them resolve conflicts that tear at the fabric of an increasingly racially and ethnically diverse society.

CRS does not take sides among disputing parties and, in promoting the principles and ideals of nondiscrimination, applies skills that allow parties to come to their own agreement. In performing this mission, CRS deploys highly skilled professional conciliators, who are able to assist people of diverse racial and cultural backgrounds.

Police-citizen conflict accounts for a major portion of the disputes to which CRS responds. The agency provides a wide range of conciliation and technical assistance to help prevent or resolve disagreements over alleged police use of excessive force and other policing 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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# Principles of Good Policing: Avoiding Violence Between Police and Citizens

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## Foreword

Over the years, the Community Relations Service (CRS) of the U.S. Department of Justice has assisted police departments and communities all over the country in coming to grips with the difficult task of maintaining law and order in a complex and changing multicultural society. Frequently, these efforts have involved minority citizens' complaints about police behavior, use of force, and hate groups.

In the following pages of this third edition, the staff of the Community Relations Service, together with knowledgeable law enforcement executives, have set out guiding principles that should govern police work in the community.

The underlying assumption is that a police force and the community it serves must reach consensus on the values that guide that police force. Those values, while implicit in our Constitution, must embrace as clearly as possible the protection of individual life and liberty, and, at the same time, the measures 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, which is no easy task in neighborhoods experiencing major demographic changes.

The Community Relations Service's involvement in police-citizen violence stems directly from the CRS mandate to assist in community conflicts that threaten peaceful race relations in communities. Among the causes of such disputes, none is more volatile than allegations of 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 1970s when its caseload began to increase. A number of national leaders cited 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 1991, the Rodney King beating in Los Angeles, videotaped by a citizen, was cause for many departments and communities to re-examine police values and practices, again resulting in a major increase in CRS casework in this area. More recently there have been fatal shootings of African-Americans by Caucasian police officers, including the deaths of Tyisha Miller in Riverside, California in 1998; Amadou Diallo in New York City in 2000; and Timothy Thomas in Cincinnati in 2001.

In 1979, CRS organized one of the first major national conferences to examine the deadly force issue and the safety of police officers. The League of United Latin American Citizens and the National Urban League cosponsored the 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.

For more than 25 years, 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 in the mid-1980s, 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 should help to minimize violent police encounters with citizens. Those professionals were Frank Amoroso, chief of police of Portland, Maine; Lee P. Brown, chief of police of Houston, Texas; Charles Rodriguez, professor of criminal justice at Southwest Texas University, and chief of police of San Antonio, Texas; and Darrel W. Stephens, chief of police of Newport News, Virginia. This group and CRS's own staff developed the recommendations and suggestions that were presented in the first printing of this publication.

This publication is a 2003 revision of the 1993 edition. It maintains the strong emphasis on police values and their affect on officer behavior and on the community served by a department. New and expanded sections in the text and appendices have been included on:

- Community Policing
- Changing Demographics and Immigrant Patterns
- Hate Crimes
- Principles of Community Policing
- Policing in the Post-September 11 Environment
- Responding to Incidents Involving Allegations of Excessive Use of Force

It perhaps should be pointed out that CRS is well aware that citizens bear some of the responsibility for the nature of relations with the police. In fact, CRS has frequently addressed steps that citizens and police can take cooperatively to reduce community racial tension in its field services and publications. The interest here, in this publication, 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 towards law enforcement, it is also CRS's intent to encourage law enforcement executives to use its contents to explore their relationship with representatives of the communities in which they work. In the Community Relations Service, we have always appreciated the benefits of a preventive response versus a reactive one. Police executives will find this publication helpful in devising techniques to avoid racial conflict and disharmony in the communities they serve.

## Preface

The relationship between the American public and law enforcement, particularly its violent nature, has been under continual re-examination. 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 yields accounts of confrontations between police and citizens over the use of deadly force in situations where racial and ethnic tensions create additional complications or difficulties. Television news programs sometimes provide dramatic supporting videos, graphically depicting the resulting tensions in a community.

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

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*, 471 U.S. 1, 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 incidents 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 that society vests in them, have overarching responsibility for the outcome of encounters with citizens. This in no way ignores the fact that the police must deal with such groups as criminals, persons under the influence of alcohol and drugs, law-abiding citizens, and persons with mental impairment. 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 significant, 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 will be as well focused as they should.

Law enforcement practices constitute the second major focus of *Principles of Good Policing*, taking into account major areas of police responsibility that can 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 contains principles, practices, and philosophy that are applicable for law enforcement of all jurisdictions. *While the terms “police officer,” “officer,” “law enforcement,” and “department,” are used throughout this publication, they are not intended to exclude the many other kinds of law enforcement agencies and their personnel, such as sheriffs, deputy sheriffs, marshals, deputy marshals, rangers, agents, special agents, and investigators who make up the larger law enforcement family that can benefit from this publication.*

This publication also takes into account that there are no philosophies or practices that 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 situations escalating 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 when they review and revise their firearms and use of force 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. Reverence for all human life and safeguarding the guarantees of the Constitution and laws of the United States are also important values in policing.

CRS’s interest is in promoting the adoption of policies and practices that afford maximum protection to officers and citizens. 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 that permits its officers to use unnecessary force against citizens can hope to gain their support.

Only when sound values, mutual respect, and trust are shared—among 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.

*Law enforcement agencies have responsibility for the outcome of encounters with citizens, and good policing involves the values upon which a department bases its operations.*



# **Original Task Force**

## **Community Relations Service Staff**

John G. Perez

Regional Director

Dallas, Texas

Chairman

Martin A. Walsh

Regional Director

Boston, Massachusetts

Vice Chairman

Atkins W. Warren

National Administration of Justice Specialist

Washington, D.C.

Gus Taylor

Senior Conciliator

Dallas, Texas

Dennis Wynn

Media Affairs Officer

Washington, D.C.

## **Law Enforcement Representatives**

Frank E. Amoroso

Chief of Police

Portland, Maine

Lee P. Brown

Chief of Police

Houston, Texas

Charles M. Rodriguez

Professor of Criminal Justice

Southwest Texas University

San Marcos, Texas

Darrel W. Stephens

Executive Director

Police Executive Research Forum

Washington, D.C.

# **2003 Publication Revision Committee**

## **Community Relations Service Staff**

Frank Amoroso

New England Regional Director

Boston, Massachusetts

Daryl S. Borgquist

Media Affairs Officer

National Office

Washington, D.C.

Jonathan Chace

Associate Director

National Office

Washington, D.C.

George E. Henderson

National Office

Attorney

Washington, D.C.

Timothy Johnson

Program Analyst for Administration of Justice

National Office

Washington, D.C.

Ben Lieu

Conciliation Specialist

Mid-Atlantic Regional Office

Philadelphia, Pennsylvania

Martin A. Walsh

Regional Director

New England Regional Office

Boston, Massachusetts

Atkins W. Warren

Regional Director

Central Regional Office

Kansas City, Missouri

## **1993 Publication Revision Committee**

### **Community Relations Service Staff**

Robert Lamb, Jr., Chairman

Northwest Regional Director

Seattle, Washington

Thomas L. Battles

Conciliation Specialist

Miami Field Office

Miami, Florida

Daryl S. Borgquist

Media Affairs Officer

National Office

Washington, D.C.

George E. Henderson

Attorney

National Office

Washington, D.C.

Julian Klugman

Western Regional Director

San Francisco, California

Scarlet Parham

Alerts Desk Officer

National Office

Washington, D.C.

John G. Perez

Special Assistant to the Director

Dallas, Texas

Martin A. Walsh

New England Regional Director

Boston, Massachusetts

Atkins W. Warren

Central Regional Director

Kansas City, Missouri

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# Values for Good Policing

The primary purpose of this publication is to assist law enforcement agencies in reducing the incidence of violence between police officers and citizens. 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 to the community.

## The Role of Police

The role of policing has been dynamic since it became a profession in 1829 under Sir Robert Peel in London, England. The relationship between police and citizens in American society is generally understood as a progression from the *political era*, when police were introduced in American cities in the 1840s to the early 1900s; to the *reform era*, stretching across the middle part of the 20<sup>th</sup> century from the 1930s to the 1970s; and then to the *community era* of modern policing since the 1970s.<sup>1</sup> Williams and Murphy point out the lack of involvement of minorities in policing throughout these different eras. Communities of color were largely powerless during the political era and thus not able to influence police strategy. During the reform era, police strategy was determined largely on the basis of law, although communities of color were generally unprotected.<sup>2</sup> In today's community era of policing, one of the tenets is the requirement for a cohesive community working in partnership with a responsive police department. Williams and Murphy state that this precondition does not prevail in many minority neighborhoods.

The Community Relations Service (CRS) of the U.S. Department of Justice has cosponsored a number of forums and worked closely with racial and ethnic police organizations, including the Hispanic American Police Command Officers Association, National Asian Peace Officers Association, National Black Police Officers Association, National Latino Peace Officers Association, National Native American Law Enforcement Association, and National Organization of Black Law Enforcement Executives. These forums focused on the relationship between minority citizens and police. Williams and Murphy emphasize just how serious the discussion about the contemporary role of policing in America is:

...the history of American police strategies cannot be separated from the history of the Nation as a whole. Unfortunately, our police, and all of our other institutions, must contend with many bitter legacies from that larger history. No paradigm—and no society—can be judged satisfactory until those legacies have been confronted directly.



*The Report of the Independent Commission on the Los Angeles Police Department* (July 9, 1991) also bluntly states in its foreword that violence between police and citizens is not something from an era of policing that is behind us:

Police violence is not a local problem. Recognizing its national character, police chiefs from 10 major cities convened soon after the Rodney King incident and emphasized that “the problem of excessive force in American policing is real.

## **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 law enforcement situations. 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 police 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 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 may be inadequate or poorly understood policies providing officers with 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 in communities of color—is police use of deadly force. This is an age-old problem of which only in recent years has the public become aware. The fact that this problem existed for such a long time before receiving widespread attention can again be related to the culture of the police.

Until the *Tennessee v. Garner* decision in 1985, few if any police departments had 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 centered 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 in other circumstances reflected less than the highest value for 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 nonviolent 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.

## **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, including:

- 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 is not necessary to come up with 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 its informal process as well as its myths, legends, metaphors, and the chief's own personality.

Each police department should develop a set of policing values that reflects its own community. Fortunately, there is a general set of policing values that can serve as a framework for any department to build upon to meet local needs. Developing a set of organizational values is not difficult. A police executive should first clearly explain what values are to those in uniform. Then the executive should ask each member of the department to list what he or she considers the five most important values for the department. The findings of such an exercise will represent a consensus on the values department members hold most dear—an excellent starting point for creating a set of departmental values. What follows is the previously mentioned general set of values of good policing, which can be the springboard for a department's own formulation:

**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, but 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 all individuals, 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 counterproductive 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 means being responsive to the problems and needs of citizens. It also means 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.<sup>3</sup> 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 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 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**

Close observers have seen a number of changes in policing. 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. These programs include community-oriented policing, school resource officers, police-community programs such as Midnight Basketball, and drug and gang reduction programs. While most of these contemporary programs made positive contributions to the police organization or the community, they often did not survive after outside funding stopped because they were implemented

alongside 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 address. The exponential growth of public and private funding created a whole new profession of grant writing for local government and law enforcement. Interest and competition for the grants were keen; in fact, in many cases, the success of some law enforcement executives was measured by local officials on their success in competing for outside funding. And while many organizations became proficient at writing successful grant proposals and some positive results were achieved through programs such as McGruff and D.A.R.E. which became very popular in the community, there were other problems that did not lend themselves so easily to specially funded programs: officer recruitment and selection, community demographic and diversity changes, immigration-related policing problems, cross-cultural communication, and bias-based policing. Counter-terrorism was recently added to this list. The problem of police-citizen violence, although it receives considerable media and community attention and generates genuine community tension, is one that does not readily lend itself to solution through a specially funded program. Police management software can now be obtained to track individual officer activity including tickets written, complaints, accidents, incidents, assignments, and other custom factors to help alert the law enforcement executive to problem officers. However, the solution does not lie in technology alone. Encouraging positive values and an enlightened philosophy of policing hold some of the greatest promise for addressing many contemporary issues in policing.

When violence occurs between police and citizens, the situation may be complex. Violence often occurs in a setting where the police officer or citizen may receive considerable support for a violent act. From the law enforcement standpoint, there may be a solid legal basis for the police officer's use of force, including deadly force. Attempts to minimize violent encounters between the police and community must focus on the police, since their likelihood of exercising control over potentially violent interactions is much greater. But even when the effort to control violence focuses on the police, the complexity of the situation brings a wide range of issues and situations to consider which confront law enforcement officers every day.

## **Changing Demographics and Immigration Patterns**

Delivery of policing services in multicultural communities is now common. Immigration has been the major driver of growth in many areas of the country. Asian immigrants have accounted for 43 percent of this growth since 1970, greatly increasing the presence of languages, cultural values, experiences, and lifestyles with which many other Americans have had little contact. Hispanic immigration and migration has reached every State in the country, resulting in new cross-cultural exchanges in many communities. The social fabric of many communities is in transition. Multiculturalism is already a reality in many communities and institutions. The extraordinary infusion of newcomers can heighten risk factors for conflict because of the underdevelopment of social organization within the newly arrived population and the inexperience of existing governmental and community

resources working with them. The movement of existing American-born racial and ethnic populations towards an increasingly suburban and rural pattern includes heightened vulnerability to racial incidents and conflict between police and citizens. Organized racial or ethnic gangs or gang-like groups may form to prey upon newer residents of other races and ethnic groups in an attempt to force them to move and to prevent others from moving to suburban or rural communities.

For these reasons understanding and recognizing changing community cultural and ethnic diversity is important to contemporary law enforcement efforts. Cultural characteristics such as language, customs and traditions are key elements which affect the relationship between immigrant populations and police. The challenge for the law enforcement executive is to recognize community and cultural diversity by effectively responding to the law enforcement and community needs of culturally diverse groups. In trying to accomplish this mission law enforcement executives have successfully utilized such strategies as recruiting officers from the immigrant community, cultural diversity training, community involvement, establishing community advisory committees, and educating the immigrant population on the fundamentals of the U.S. criminal justice system. Expanding or establishing community organizations to bridge relationships between racial and ethnic groups and between law enforcement and the community may be an important step towards improving community relations. Law enforcement executives and police officers would be well served by a high degree of involvement with community organizations, so that members of the police department are clearly seen as members of the community.

## **Policing in the Post-September 11 Environment**

There is no better application of the principles of good policing than in the post-September 11 environment. In the face of the dramatic terrorist attacks against the United States, the vast majority of America's communities responded with restraint, tolerance, and good will. At the forefront of these efforts have been police chiefs and other law enforcement executives, who captured the spirit of police-community cooperation. This has been no small challenge, given the divisions, fears, and other internal stresses which arose during this unprecedented emergency.

Police chiefs and other local officials recognized that this was a time for police-community cooperation and collaboration, a time to minimize any divisions and distractions from the common national priority of combating terrorism. Homeland security requires communities of cooperation and citizens of goodwill. A climate of personal safety and protection requires increased trust of governmental institutions and agencies, especially law enforcement. Important information is more likely to be volunteered to authorities. Suspicious and unusual activity will be reported, and investigations can proceed. Further, public trust and confidence reduce community tensions, especially between groups that may feel unprotected and suspected by government institutions.

The aftermath of September 11 became an opportunity for police departments and other government agencies, including CRS, to deepen their relationships with Arab-American,

Sikh, and Muslim communities. While these communities were fairly well established, there had been little occasion for outreach and educational activities before September 11. Since September 11, CRS has conducted hundreds of public forums, dialogues, and other events designed to build bridges between police departments and these communities.

What were some of the elements which helped to create the positive relations, especially between law enforcement agencies and the communities they serve?

- **Tone-setting messages** by public officials ranging from the Nation's highest public officials to town mayors and police chiefs helped to create an atmosphere of moderation and restraint. Their public cautions against misdirected behavior towards fellow citizens and pledges to vigorously prosecute of any attacks against individuals or groups went a long way towards establishing expectations of fairness and justice.
- **Prompt and sensitive attention by government and law enforcement officials** to racial and ethnic attacks and incidents helped to create trust and confidence in public officials and institutions. When incidents and hate crimes were reported, most law enforcement agencies reacted with dispatch, sensitivity, and thoroughness.
- **Improved cooperation and coordination** among Federal, regional, and local policing and other law enforcement agencies helped bridge jurisdictional tensions and prevent conflicts. Since September 11, investigative agencies have enjoyed unparalleled cooperation, combining resources and experience in their investigative and prosecutorial efforts.
- **Intensive training by police and government agencies in Arab, Muslim, and Sikh issues** helped to head off cross-cultural conflicts, misunderstandings, and tensions. Law enforcement agencies recognized that they needed to deepen their understanding of these cultures, and many secured training to help officers to be sensitive to the particular cross-cultural dimensions of police work.
- **Outreach by police departments to Arab-American, Muslim, and Sikh communities** provided police and leaders from these communities an opportunity to develop cooperative working relationships. Effective policing involved deliberate efforts by police chiefs to extend their connections to these communities by visits, calls, and public forums to listen, learn of concerns, and reassure members of these communities that their concerns are taken seriously.

## **Police Culture/Police Society**

Regarding the competing forces pulling at the police officer, Jerome Skolnik writes:

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.<sup>4</sup>

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 (or 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.”<sup>5</sup>

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 police society. Many 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 towards 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 critical. The reinforcement of narrow views by 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 impartially and with integrity. At the same time, 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, three factors are considered vital in terms of violence between the police and community. These factors should be incorporated into the overall process of recruiting and selecting police officers:

- The department should have a ratio of employees of color and national origin that reflects the diversity of the community it serves.
- Continued emphasis should be placed on bringing into law enforcement people reflecting a variety of college disciplines.
- Individuals should be psychologically suited to handle the requirements of the job.

**Recruitment.** Once an agency decides what type of individual it wants as an officer, it needs to develop a recruitment plan. Many departments limit their recruiting efforts to local newspaper advertisements when positions are open. This method will usually produce a pool of applicants. However, 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 1 or 2 out of 10 applicants will survive the entire process and be offered a position. One could also make a convincing argument that recruitment efforts are not very

effective if 8 or 9 of 10 applicants cannot survive the recruiting process. Perhaps the effort devoted to processing applicants unsuited to becoming 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 concentrate recruiting resources on their immediate geographic area. Many departments have made use of the local news media through feature stories, public service announcements, and Internet job postings. Some have also used business and corporate assistance to develop brochures that provide accurate information about what the department offers. An agency may need to circulate its recruitment announcements using a number of methods, such sending them to a diverse group of community leaders, setting up a table at community meetings, shopping malls, schools, colleges, and community gathering places.

A factor that has an immense impact, but is often not addressed effectively in recruiting plans is the influence of existing members of the police organization. Negative attitudes of individual officers about their job and the department 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 employees from different racial and ethnic groups to reflect the community, and the only people completing applications are not from desired groups or 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 continues to receive a great deal of attention. Arbitrary selection standards that were common in the past have been eliminated by courts and other actions. Further research should be conducted by the

human resources department of a police department to establish a sound selection process.

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 measures believed to have potential for reducing violence between the police and community. However, these alternatives obviously would take years to change the make-up of a department. In many departments, psychological screening and educational requirements cannot be imposed upon individuals currently employed.

Educational issues have 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.<sup>6</sup> The President's Commission on Law Enforcement and the Administration of Justice recommended in its *Police* task force report that officers should have a minimum of two years of college and supervisors and administrators should have four years.<sup>7</sup> The National Commission on Police Standards and Goals established a standard in its *Police* report, published in 1973, that by 1983 a basic entry-level requirement should be a baccalaureate degree from an accredited college or university.<sup>8</sup> It is now thought that a diversity of degrees is preferable to only criminal justice degrees to avoid similarity of thinking among officers and to avoid limiting the broad experience required for an effective law enforcement agency.

These reports were followed by many other calls for similar requirements, but the reality has been that few departments have actually made any changes in entry-level educational requirements. A 1985 report published by the Police Executive Research Forum, *The American Law Enforcement Chief Executive: A Management Profile*, noted: "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."<sup>9</sup>

If it is not possible to make much progress at the top, 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. Regardless, many believe that an entry-level requirement of a bachelors' degree would go a long way towards 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 psychological evaluation. Although many departments do not use

psychological screening in 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.

*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.<sup>10</sup>

The importance that the Commission on Accreditation has placed on this area by making it a mandatory standard is obvious. If an agency does not currently use this tool in the selection process, it will take a number of years for its adoption to have an effect on the organization, but it would be a positive step towards 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. A Police Foundation study on the use of deadly force published in 1977 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.”<sup>11</sup>

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

- In-service crisis intervention training as opposed to preservice 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.
- Marksmanship 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.<sup>12</sup>

These findings clearly suggest that when it comes to training police officers, both the *type* of training and the *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.<sup>13</sup>

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 deadly force episodes usually take place. From our observations, this approach to shooting training is rare in police departments.<sup>14</sup>

Scharf 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 the 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 upon 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 point where the use of firearms is required to protect someone's life.

In support of a new approach to police training, Los Angeles County Sheriff's Department psychologists Marcia C. Mills and John G. Stratton reported findings in the *FBI Law Enforcement Bulletin* in February 1982 that "The nature of academy training and type of services actually provided are often discrepant. Seventy to 90 percent of police training is devoted to crime control, laws, and police procedures, while frequently 70 to 90 percent of subsequent job duties are devoted to interpersonal communication and interaction."

## **Policy and Accountability**

Policy is a guide to the thinking and actions of those responsible for making decisions. Its essence is discretion. And policy serves as a guide to exercising that discretion. The development of policies to guide the use of discretion by police officers is key to the effective management of police organizations. It is also critical 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 that adopted values that uphold professionalism and integrity have consistently established policies that 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 Force and Alternatives.** The appropriate use of force and the use of the least amount of force in effecting arrests are essential values which characterize a department that respects the sanctity of life. Officers and departments that fail to train in and demonstrate the use of appropriate force, not only create the potential for heightened racial conflict, but also raise high municipal liability risks for their communities. Officers who are skilled in conflict resolution will find ways to avoid higher levels of confrontation. Where conflict cannot be avoided, less than lethal force can be employed by law enforcement personnel in accord with changing community values.

**Citizen Complaints and Other Redress Systems.** 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. In fact, "Citizen complaints about police behavior, particularly the excessive use of force, is one part of the larger problem of relations between the police and racial and ethnic minority communities," according to Samuel Walker and Betsy Wright Kreisel.<sup>15</sup> As a result,

police executives generally recognize the need for a trustworthy vehicle for citizens to seek redress of grievances involving alleged police misconduct.<sup>16</sup> Most police chiefs know that when a department conveys to the public that it accepts complaints and is willing to aggressively examine allegations of abuse, police officers can expect to win the citizens' confidence needed to do their job more effectively. The department's complaint procedure should be set forth in writing regardless of the size of the community or the department.<sup>17</sup>

The best way to ensure that police officers conduct themselves properly in the performance of their duties is to set reasonable policies and then establish effective procedures for internal review and sanctions. But, as indicated above, the system for handling citizen complaints must be one in which all citizens have confidence. Nor can the principle be ignored that the police department is a public service agency which ultimately must be accountable to the citizens. An increasing number of cities in which citizens have lost confidence in the internal review process have tried various configurations of civilian oversight mechanisms or civilian overview boards with mixed results. A number of arguments are made both in favor of and against these mechanisms. For example, some observers hold that the police cannot objectively review themselves, that civilian review strengthens public confidence in the department, and that it ensures that police officers do not abuse the law. "Official data on citizen complaints consistently show that racial and ethnic minorities are overrepresented among persons alleging police misconduct," according to Walker and Kreisel. This has resulted in a situation in which "the perceived failure of internal police complaint procedures has led civil rights groups to demand the creation of external, or citizen complaint review procedures," Walker and Kreisel conclude.<sup>18</sup> On the other hand, critics of civilian oversight or review maintain that civilians lack the knowledge and experience to evaluate the police, that such oversight inhibits officers' use of force when it is warranted, and that such mechanisms are redundant, because police themselves review complaints against officers.

When municipal officials attempt to establish a civilian oversight mechanism, police executives should anticipate strong resistance from rank and file officers. In fact, even some of the most progressive police officials do not favor civilian oversight mechanisms. While they agree that there is a need for public accountability, these officials point out that oversight groups are not panaceas and have had only mixed success. They also suggest that emotions aroused by establishment of civilian oversight mechanisms may themselves lead to insurmountable problems. Citizens who are chosen to serve can be briefed by police officials on policy, practices, and procedures and help them become more acquainted with the department's operations so that they can serve better.

There are four basic types of oversight systems:

- **Type 1.** Citizens investigate allegations of police misconduct and recommend findings to the chief or sheriff.
- **Type 2.** Police officers investigate allegations and develop findings; citizens then review the findings and recommend that the chief or sheriff approve or reject the findings.

- **Type 3.** Complainants may appeal findings made by the police or sheriff's department to citizens, who review them and then recommend their own findings to the chief or sheriff.
- **Type 4.** An auditor investigates the process by which the police or sheriff's department accepts and investigates complaints and reports on the thoroughness and fairness of the process to the department and the public.<sup>19</sup>

Those establishing civilian oversight mechanisms, regardless of type or format, must address six issues when designing a charter:

1. How much access to information will the public be given regarding the complaint and the process?
2. Will conciliation between the complainant and the officer be attempted?
3. Does the oversight agency or the police executive determine discipline for officers?
4. What are the rights of officers during the process?
5. Who receives complaints, and who investigates complaints?
6. Will police officers be included or excluded as members of the oversight board?<sup>20</sup>

**Municipal Liability.** The U.S. Supreme Court in *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978), concluded that local governing bodies/municipalities can be held liable when a plaintiff alleges and proves “that official policy is responsible for a deprivation of rights protected by the constitution.” Since that 1978 decision, a number of courts have imposed liability on police supervisors and municipalities that do not take care to guard against officer misconduct and do not provide adequate training for their police officers (see *City of Canton, Ohio v. Harris* 489 U.S. 378 (1989)). In an article by Professors Daane and Hendricks titled “Liability for Failure to Adequately Train,” they state, “Not only does a good training program increase the effectiveness and safety of police officers, it may also reduce the potential for liability of the officers, the supervisors and the agency. This potential for liability may range from cases involving use of force and deadly force, the failure to provide medical care, to those involving arrest procedure.”<sup>21</sup> These authors further state, “...it is imperative that police officers be provided with excellent training; [and that] good police management through training helps to reduce liable incidents for the officer, the chief and the municipality.” (See full article in Appendix F-1.)

**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. Clearly, 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 function of the media, 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. There is a tension between informing the public about an incident and getting the facts on that incident. The department should have procedures for identifying who can make public statements, along with procedures for verifying information before it is released to the public.

Silence on certain aspects of the investigation may be viewed as stonewalling, when in fact, the department simply does not have the information. The department that explains why certain information is not yet available and makes assurances that, when it does materialize, it will be disseminated to the extent permitted by law, will be regarded as responsive to the community's concerns. In the absence of information from official sources, the news media are forced to prepare the story based on information gained only from bystanders and unofficial agency sources, an approach that 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 much less difficult with a clearly articulated public information policy. (See sample public information policy in Appendix G-1.)

**Racial Profiling and Bias-Based Policing.** Law enforcement profiling is inappropriate when race or some other sociological factor, such as gender, sexual orientation, or religion is used as the sole criterion for taking law enforcement actions. Profiling that singles out members of the community for no reason other than their race is discriminatory and provides no legitimate basis for police action and has serious consequences. "Whether intentional or unintentional, the application of bias in policing tilts the scales of justice and results in unequal treatment under the law," writes Ronald L. Davis, the author of a study on bias-based policing for the National Organization of Black Law Enforcement Executives (NOBLE).<sup>22</sup> Allegations of racial profiling and other bias-based policing activities, particularly traffic stops and random searches, have become national issues, as the escalating coverage in the media shows. There has also been legislative proposals at the state and national level addressing racial profiling, along with lawsuits brought by civil rights organizations and the U.S. Department of Justice.

Racial profiling erodes the necessary trust between law enforcement officials and the communities they serve. There is also the collateral damage of police recruitment of minorities being made more difficult and minorities becoming less willing to participate in the criminal justice process. The use of objective factors indicating potential criminal activity as a basis for making traffic stops may be a legitimate and effective law enforcement tool. However, inappropriate profiling impairs law enforcement's abilities. Furthermore, the use of race as the sole criterion for making traffic stops is legally and

morally wrong. Discriminatory traffic stops divide communities and make police and prosecutors' jobs more difficult.

One way to address this issue is with a defined set of department values that are the basis of the department's policies, and practices. Law enforcement officials have to monitor and manage the discretion exercised by their officers to ensure their actions are guided by values and principles that gives preeminence to the civil rights of citizens.

As Davis writes in the NOBLE study:

Racial profiling imposes on the basic freedoms granted in a democratic society. For many in the minority community, racial profiling is an old phenomenon with a new name. A common response to racial profiling is the development of policies that declare racial profiling illegal, limit officer discretion in the area of traffic stops, and mandate training in cultural diversity.

These measures are a necessary first step, but alone they cannot reduce bias in an organization. Symptoms will resurface and appear in other areas, such as walking stops, the use of force, police misconduct, minority officer recruitment, retention and promotion. Racial profiling is not the standalone problem; it is a symptom of bias-based policing.<sup>23</sup>

Police departments and communities can avoid debilitating accusations of racial profiling by communicating with each other about police strategy, crime trends, and community concerns. In a response to the aftermath of the fatal shooting of Amadou Diallo by New York City police in 1999, George Kelling writes:

...Police increasingly rely on analysis of crime data, mapping and other methods to develop tactics for addressing specific problems. When they discover that guns are the primary instruments of murder in black neighborhoods, is it racial profiling or smart policing to target anti-gun efforts there?

Resolutions to these issues are possible, but not easy. They involve balancing individual rights with community interests, effectiveness with costs, and the tradeoffs among important values...Police and neighborhood leaders will have to seek each other out aggressively and honestly...<sup>24</sup>

**Hate Crimes and Hate Violence.** Hate crime is a crime that is based in whole or in part on the offender's animus towards the status of the victim. This perceived "status" of the victim may be based on race, ethnicity, national origin, religion, sexual orientation, or disability. David N. Aspy and Cheryl Blalock Aspy write, based on 1997 research from the Bureau of Justice Assistance, that "Hate crimes occur when a hating person enters a climate that encourages the discharge of hate-driven violence on certain targets."<sup>25</sup> Victims of hate crimes feel vulnerable to more attacks and develop feelings of alienation, helplessness, suspicion, and fear. A defining feature of hate crime is that each offense victimizes not one person but a group.<sup>26</sup> When perpetrators of hate are not prosecuted as such and their acts are not publicly condemned, their crimes can weaken even those communities with the healthiest of race relations. Hate crimes can exacerbate community tensions that in turn trigger community-wide racial conflict and civil disturbances. Based on its experience with hundreds of hate crimes cases, CRS recommends that police can initiate proactive measures before the fact such as taking actions to improve communication between majority and minority groups by the

establishment of a human rights commission; establishing mechanisms to defuse rumors that may fuel racial tensions and conflict; utilizing the media as a helpful ally; implementing community policing and retaining police-community relations units in the transition towards community policing.

The following are best practices for police departments to prevent hate crimes from escalating racial and ethnic tensions into conflict or civil disturbances:

- **Strong Policy Statement (Internal and External).** The department and community must be clear about the police executive's position against hate crimes. Every employee in the department must be held accountable for practicing and following that philosophy. In some cases a local government ordinance against hate activity modeled on existing hate crime law in effect in that State may form the basis for the police executive's position and departmental policy.
- **Training (In-service and Academy Classes).** Officers within the department and trainees need to become aware of and educated about crimes motivated by prejudice, how to respond to them, how to meet the needs of the victims, and how to collect the proper evidence. Raising their awareness about these crimes makes it more likely that they will show sensitivity and understanding when investigating such cases. In addition, these officers will remember that hate crimes and subsequent investigations will be taken seriously. Very often leaders from communities targeted by hate crimes and others can be invited to be part of the training effort.
- **Procedures.**
  - Adoption of a model policy for investigating and reporting hate crimes, such as one supported by the International Association of Chiefs of Police.
  - Establishment of data collection procedures using uniform definitions of hate crimes available through the FBI and reporting of the information collected (even small numbers in a jurisdiction may be valuable for providing an aggregate regional or national understanding of hate crimes).
  - Establishment of a racial-bias crime unit in large cities to investigate and respond to such crimes.
  - Establishment of a civil rights office in smaller municipalities.
  - Establishment of a two-tier internal review process for all potential hate crimes in accord with the FBI recommendation on bias crime incidents.
  - Pre-identification and training of community leaders to assist in the response to hate crimes.
  - Establishment of protocols and response procedures between law enforcement, school, social service providers, and community leaders for addressing hate crimes. (CRS has mediated hate crime response protocol agreements that can serve as models for law enforcement agencies and communities.)
  - Collaboration with communities to build coalitions of political, business, civic, religious, and community organizations to help create positive climate and foster cooperation, inclusion of diverse groups in decision-making processes to

increase confidence in government, and working with schools to prevent and plan responses to hate crimes on campuses.

- Collaboration with a local human relations commission in community forums on racial and ethnic relations to help encourage a positive community climate.
  - Prosecution of hate crimes to encourage better reporting of these crimes, ensuring their investigation, establishing hate crimes task forces, and assisting victims and witnesses during the adjudication of their cases.
  - Collaboration with schools to prevent and deal with hate crimes and hate-based gang activity in schools, including development of a plan to handle hate crimes and defuse racial tensions. (CRS has helped some communities develop memorandums of understanding between law enforcement, schools, and local social and community service agencies who have a role in addressing school-related hate crimes.)
  - Documentation of hate crimes and hate crime patterns through research on the scope and impact of and solutions for hate crimes.
  - Establishment of a temporary rumor control and verification center immediately following an incident. (A police department or municipal telephone can be staffed by a diverse team 24 hours a day during the crisis period so as to help reduce tensions or prevent escalating tensions which may lead to violence. Use the media and community organizations to publicize the telephone number in the affected community.)
- **Community Interventions.** Community intervention activities are essential following a hate or bias incident to address the needs of victims, community fear, and racial tensions, as well as to prevent retaliation and to change the climate that allowed hate to exist and to target specific groups. Law enforcement executives need to act quickly and publicly to avoid perceptions of apathy and acceptance of the hate crime. Useful steps include finding allies and collaborating with them on activities to meet short-term issues and later establish long-term goals to address diversity issues through community dialogues, annual diversity events, periodic police-community forums, and police-community advisory groups.

## Effective Police Leadership

Today, the policing function is viewed increasingly in terms of the “contractual” relationship with the people. That is, given the high community impact of law enforcement service delivery, such services should be based on community needs, safety, 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 support from the minority community 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. The chief must articulate law enforcement standards of conduct and make clear what behavior the chief expects of the department's officers. The community should understand what constitutes unprofessional conduct and, above all, must have a reasonable understanding of procedures for investigating and adjudicating cases of use of deadly force.

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, police executives must take a multidimensional approach. Traditional approaches to reform have been one-dimensional, and have met with little success.

The necessity for multidimensional 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 ensure that violations are identified and addressed. This executive has created an administrative response to the violence problem. However, he or she has not addressed the operational-level aspects that influence the use of force by law enforcement officers: training, peer-group pressure, informal leadership, initial socialization, and role of the union, if any.

Nor has the executive addressed the *external* factors that impact use of force: the community's level of confidence in the department; prior use-of-force incidents; the existence of a healthy police-community partnership; 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 the police executive that does not take into account external factors is likely to fail. 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 the face of 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 integrated at the operational level to combat police-community violence.

The police executive who desires to affect the cycle of police-community violence must 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 multidimensional 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
- 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 (FTO), field training program, and 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.*

The field training officer is all important to the success of a department’s training program as the FTO is the first person in authority who will orient a new officer to the job environment. These officers must be:

...role models and actually represent the explicit values of the organization. Otherwise, a situation of conflicting behavioral expectations may occur during the training of new police officers...Managers must be aware that the values of police officers are directly related to the concept of the hidden curriculum since values significantly influence organizational performance and community perceptions. Therefore, a manager can use the selection...of FTO as a proactive method for developing a work environment that promotes organizational goals and objectives in Field Training Programs.

The progressive leader can use the influence of the FTOs to build positive work environments by being aware that the influences of mentors and the need to be accepted are powerful factors in the training of new officers. When there is consistency between explicit and implicit organizational values, explicit job-related behavioral expectations are continually reinforced throughout the training program, creating a conducive learning environment for new officers. Accordingly, leaders that set forth explicit behavioral expectations through the development of a “value-congruent” training program have the potential to significantly improve organizational performance.<sup>27</sup>

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 the following are generic questions, they will help identify areas that need improvement:

- Do FTOs demonstrate 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?
- Are officers routinely appointed as FTOs for police cadets "negotiators" or "confrontationalists"?
- Are FTOs trained in methods of referral, negotiation, problem resolution, and other "alternative" police responses?
- Are FTOs routinely encouraged to attend public forums, neighborhood meetings, task forces, and other "formal" group processes involving the community?
- Do FTOs 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? Is it ongoing?
- 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 desired socialization of police officers is attained, it is a role of leadership to continue to refine this socialization.

## **Administrative Mechanisms to Impact Department Operations**

Administrative mechanisms are probably the most commonly used leadership tool for managing police-community violence. The process of effective leadership here involves first determining the values which must be proffered by departmental policy. This is followed by the development of procedures, rules, and regulations which reflect those values including establishing internal audit, review, and sanction processes to enforce compliance; and "interfacing" with the community to reduce the use "violent" solutions to problems. There are several questions the police executive should ask to determine the extent to which administrative mechanisms about 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 to help assess how effectively department leadership uses reinforcement to foster nonviolent behavior:

- Which officers routinely receive the most sought after special assignments in the department: those known for their confrontational style or those known for their mediation skills?
- For what type of activities are officers most frequently commended by the department—avoiding the use of force while achieving the department’s aims, or using force to effect the arrest of criminals?
- When was the last time the department recognized, formally or informally, an officer for *avoiding* 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?
- Does your department recognize force avoidance by officers as a matter of policy?

The chief executive’s answers to these questions will aid in identifying areas that need to 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 nonviolent problem resolution.

## **Community Education**

Another way for the police executive to establish effective leadership in the realm of police-community violence is to educate the community in the expectations they should have of the department and the expectations 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 cycles will occur more easily if the community is involved in the change process. Police-community partnerships and the engagement of the community in solving problems of violence enhance police effectiveness.

There are several questions the law enforcement executive can ask to determine the extent the community is likely to be involved in helping retard the police-community violence cycle. These questions are based on the premise that the police and the



community share ownership, responsibility, and accountability for reducing these incidents of violence:

- What programs does the department have that assist officers in understanding community attitudes towards police use of force?
- What programs does the department have that assist officers and the community to reduce incidents of police-community violence?
- Do all officers engage in interactive meetings with community groups and leaders?
- Does each officer consider himself or herself responsible for building police-community trust?
- Are there existing mechanisms for “taking the pulse” of the community on key issues involving police-community violence?
- Does the department periodically schedule formal meetings with community groups and leaders to review the issue of police-community violence?
- Do all the parties involved in reducing police-community violence (police, courts, probation, prosecutors, schools, and the community) meet regularly to review strategy and results?

These questions help the executive identify areas or concerns that should be addressed in managing the police-community partnership. The extent to which this connection is well managed will, to some extent, dictate the degree of success the police executive can expect.

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 multidimensional 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 cycle of police-community violence. Until an approach is developed that is multidimensional, 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.

## **Principles of Community Policing**

Community policing is a policing approach embraced by some departments and espoused by national law enforcement organizations. It is described as a philosophy, managerial style, and organizational strategy that promotes better police-community partnerships and more proactive problem solving with the community. It can help solve a wide range of community problems and issues involving crime control, crime prevention, officer safety, and the fear of crime.

Community policing is referred to by several names, most commonly as community-oriented policing, problem-oriented policing, community problem solving, neighborhood policing, and problem-based policing. Community policing is based on collaboration between police and citizens in a nonthreatening and cooperative spirit. It requires that police listen to citizens, take seriously how citizens perceive problems and issues, and seek to solve problems which have been identified. “A fundamental assumption of the community policing approach is that the community is more likely than the police to recognize and understand its public safety needs,” states researchers Vincent J. Webb and Charles M. Katz.<sup>28</sup> Effective community policing can result in enhanced quality of life in neighborhoods, reduction of fear of crime, greater respect for law and order, increased crime control and crime prevention, and greater citizen satisfaction with police services.

While community policing continues to evolve, current research shows that it results in improved safety for both residents and police, neighborhood revitalization, positive neighborhood and police morale and confidence, heightened confidence in government institutions, including police, and improved race relations. Community policing has been shown to decrease actual criminal activity<sup>29</sup> and reduced fear of crime. As one resident of Chicago said, “When you have a sense of camaraderie and cooperation between beat officers and community residents you lose the sense of fear.”<sup>30</sup> However, law enforcement executives should be aware that “community perceptions of the potential effectiveness of community policing may determine how residents rate the importance of community policing activities carried out by the police,” according to Webb and Katz. In fact, they state some community policing activities may be viewed as unimportant to the community, while others, such as investigations of drug and gang-related activities, may have broad community support. Reports on public support for community policing has been generally favorable. “In general, the findings show that ‘preventative’ community policing activities, or those usually considered as having an indirect effect on crime, are regarded by the community as being less important than ‘enforcement’ activities, or policing activities thought of as having a more direct effect on crime.”<sup>31</sup> Police executives may need to explain to communities that community policing programs—like all other policing programs—are enforcement oriented. The difference with community policing programs is an intentional focus on community interaction with the department

In Madison, Wisconsin, police officers and community volunteers conducted surveys of police activities and police efforts to resolve neighborhood problems. The Madison Police Department found that “as the officers completed the questionnaire with the participants, the respondents gave information to the officers about the quality of life and social order issues whereas the other volunteers who were not officers, those issues rarely emerged.” In the Madison interviews, participants reported a wide variety of concerns to police officers:

...a greater concern that children would be hurt while playing in their neighborhood; less satisfaction with their neighborhood as a place to live; parking, public drinking and intoxication, gang activity and graffiti as more of a problem; drug sales, drug usage, drug addiction, possession of guns and weapons, violence, fighting and assaults all to be more of a problem; more negative assessments of the effectiveness of rental property owners and managers in dealing with neighborhood problems, and of the extent to which residents were organized and committed to improving neighborhood conditions.<sup>32</sup>

Community policing represents a continuation of the established traditions of policing in the United States. It flows from three values discussed in the section of this publication on values:

- The police department believes that the prevention of crimes is its number one priority.
- The police department involves the community in the delivery of its services.
- The police department holds itself accountable to the community it serves.

The 10 underlying principles of community policing are:

1. Crime prevention is the responsibility of the total community.
2. The police and the community share ownership, responsibility, and accountability for the prevention of crime.
3. Police effectiveness is a function of crime control, crime prevention, problem solving, community satisfaction, quality of life, and community engagement.
4. Mutual trust between the police and the community is essential for effective policing.
5. Crime prevention must be a flexible, long-term strategy in which the police and community collectively commit to resolving the complex and chronic causes of crime.
6. Community policing requires knowledge, access, and mobilization of community resources.
7. Community policing can only succeed when top management police and government officials enthusiastically support its principles and tenets.
8. Community policing depends on decentralized, community-based participation in decision-making.
9. Community policing allocates resources and services, based on analysis, identification, and projection of patterns and trends, rather than incidents.

10. Community policing requires an investment in training with special attention to problem analysis and problem solving, facilitation, community organization; communication, mediation and conflict resolution, resource identification and use, networking and linkages, and cross-cultural competency.<sup>33</sup>

## **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. 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 ensure 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 towards 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 ensure that all officers veteran and recruit alike—continuously 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 has 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 nontraditional 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 the posture or reaction should be towards 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, all of 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. An 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. CRS can provide technical assistance in implementing meetings with the community to build a partnership with the community.

### **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 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 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 Potentially Violent 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 direction that will reduce the chances of unwarranted violence. Care should be exerted to ensure 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 ensuring officer safety. Many police contacts with citizens or suspects have the potential for violence, as emphasized 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**

There is no magic formula or step-by-step guide that can ensure the maintenance of an orderly community. Every community has unique characteristics, and conflict resolution requires a knowledge of the intricacies of the community, its problems, concerns and priorities. A problem for the police is the recognition that many of the factors that contribute to community tensions and delinquency, such as poverty, unemployment, and the lack of education, cannot be addressed directly 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 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 would include: continuous assessment of community tension, regularly planned outreach to the diverse communities and their leaders, department plans and procedures outlining the response to potentially violent situations with special emphasis on the continuum in use of force, and training of officers in conflict resolution skills and mediation. 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, 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 in control. But as sufficient numbers of officers arrive, the inevitable decision on using force to end the confrontation is brought up for consideration. While no two situations are exactly alike, the merits of negotiation, mediation, and conflict resolution should be given their due. 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 mediation and conflict resolution and other communication skills instead of force are generally credited with reducing the 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 skills at negotiating, mediation, and conflict resolution are not natural talents that are automatically acquired by each new officer who enters the field of law enforcement. Departments should ensure that classes in negotiating, mediation and conflict resolution 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 negotiation whenever possible.

## **Areas of Special Concern**

To understand the causes, and 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 are 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 in this country have been given the legal right to use force, up to and including deadly force, in order to maintain peace and order. 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.

A 1999 Bureau of Justice Statistics study<sup>34</sup> estimated that police in the United States make nearly 45 million face-to-face contacts with citizens a year. Only 1 percent of the citizens report being subjected to threat or use of force by police and the majority of cases involve levels of force at the lower end of the use-of-force continuum.

Recognizing that less-than-lethal force may still result in injury and community unrest, officers need to exercise discretion in the application of force in those situations as well. Establishing criteria for a continuum of force will enable officers to adjust their use of force to the seriousness of a perceived life-threatening situation. An example of such a continuum is the Charlotte-Mecklenburg Model: officer presence, verbal direction, soft empty hand, oleoresin capsicum, hard empty hand, intermediate weapons, and lethal force. In addition, officers who are skilled in conflict resolution and persuasion may find ways to avoid higher levels of confrontation altogether. To determine the most appropriate policies on use of force for a given department and community, the department may benefit from a comprehensive review and analysis of each use-of-force incident. Such a review may help officers discern patterns in the incidents or officer behaviors that have important implications for the development of policies that reduce use-of-force incidents.

While police use of deadly force is a rare occurrence, its impact can be felt throughout the community and undermines public confidence in the police. 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 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, a high standard of ongoing 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.

When an incident of deadly force occurs, especially one involving the loss of life of a person of color, and when there is a perception of excessive use of force, civil disorder or unrest is possible. The incident itself, and the events that follow, form a continuum of potential flash points or triggering incidents that may lead to civil unrest or disorder. These flash points include:

- The incident itself
- The investigation of the incident
- The community reaction to the incident
- The announcement of the result of the investigation
- The announcement of procedural court decision(s), sentencing, or jury verdicts
- New incidents involving police or grievances

There are several variables that influence the reaction to an incident by the public, especially an affected community of color or tight-knit ethnic community. Among the factors impacting the level of public discontent and anger are:

- Pre-existing conditions—the overall quality of race relations in the community, especially police-community relations
- Nature of the incident itself—the type and nature of force used, especially if it was deadly force or was excessively brutal by community standards
- The circumstances surrounding the incident, including the age and mental condition of the victim and the reaction of witnesses
- Concurrent police action—the actions of the other police officers at the scene and the actions taken, or statements made by officers and the police chief
- Media reporting of the incident
- City leadership actions—what the mayor and other community leaders say or do
- Initial community response—whether there is an immediate community reaction and escalating racial tensions

The CRS publication, *Responding to Incidents Involving Allegations of Excessive Use of Force: A Checklist to Guide Police Executives*, which appears as a boxed exhibit on the following pages, can be used as a reference by law enforcement executives dealing with use-of-force incidents.

**Arrest Situations.** More officers lose their lives in arrest situations than in any other circumstance. “From 1992 through 2001, 34.4 percent of the victim officers were involved in arrest situations when slain,” according to the FBI.<sup>35</sup> Most of the police use-of-force situations would more than likely fall under the general category of resisting arrest. 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. And it can cause reactions that are highly unusual and out of character for the individual. 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 assault and loss of life. 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, knowing little about the conflict, and often having very little real authority to address the underlying problems—unless one party has committed an offense. 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 them, if it becomes necessary to make an arrest. These are the situations that result in force being used by and against the officer. Such situations are all the more volatile when officers are dealing with minority persons.

Over the past 25 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 in service 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 this provides, 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 certain 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 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 and to resolve problems. They also enable 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. This minimizes the potential for resorting to force to settle the situation—which may not fit the problem that caused the disturbance in the first place.

**Traffic Stops and Pursuits.** Police officers make thousands of traffic stops daily. Like other human beings, they 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 nonthreatening 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. However, 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 towards participating in high-speed chases. In addition to the potential for serious injury or death and substantial 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. 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 “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—because some of these cases may produce a failure-to-protect dilemma.

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.

**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. Obviously, this 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 it is not aggressive enough, and gives the impression of ambivalence or laziness. As in other areas, practical guidelines for 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 crime.

**Handling, Custody, and Transportation of Prisoners.** Police handling of individuals in custody results in a higher level of assault and fatalities 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 that 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 People with Mental Impairment.** 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 towards 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 towards 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 when 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 police encounters with the mentally impaired 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 impaired. The report resulted from an 18-month study funded by the National Institute of Justice and the Community Trust.<sup>36</sup>

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 impaired. 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 Sheriffs 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 impaired persons. Believing that the necessity for police intervention was, in many instances, a manifestation of mentally ill 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.** In recent years, most medium-to-large 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 towards 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.

**Drugs and Gangs.** One of the major areas of concern in policing is the violence that surrounds drug and gang activity. The increased number of handguns and other firepower, the role of organized criminals and youth gangs, and the amount of money involved in this activity have torn apart communities—created divisions within communities and between police and communities, particularly communities of color. Homicide rates, especially among minority youth, have also escalated.

Pressures and demands from different segments of the community have led to calls for aggressive policing, even if it entails the violation of individuals' rights. Field practices that violate accepted police practices and procedures are too often condoned in the name of expediency or pressure for immediate results. This issue represents a significant challenge to police executives and a department's value system.

The guidance the executive can provide on such a volatile issue begins with the value system of the police department and the systems established to put these values into operation. The community and law enforcement must be involved in developing a comprehensive approach to drugs and gangs that solicits the community's cooperation and support. The police department must address both the criminal acts and the community's fears or perceptions. Specialized training must be provided to the officers in: effective techniques for investigating drug activity, making arrests, developing intervention and diversion programs, establishing racial and cultural awareness programs, and developing broad based community support through such programs as a citizens' crime watch and D.A.R.E. The relationship between police and urban youth can become a positive partnership that includes police, parents, schools, community and business leaders, clergy, and the media. The relationship should be one that seeks both to prevent and to resolve problems of crime and disorder based on cooperation, collaboration, and mutual respect.<sup>37</sup>

## **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 by collecting some of that experience and sharing it.

As pointed out elsewhere in this publication, 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 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 welcome submissions by 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 free of charge.

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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.

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*Peel's first principle of policing was "The duty of police is to prevent crime and disorder."*

*Every police department has its own unique culture.*

*Police executives have a responsibility to create a departmental culture based on articulated values.*

*Departmental policies, practices, and procedures should reflect the department's stated values. The department should ensure that the community has full knowledge and understanding of these values.*

*Attempts to minimize violent encounters between the police and the community must focus on the police since their likelihood of exercising control over these interactions is much greater.*

*As in other "cultures," members are socialized (conditioned) to understand and accept the norms of the group. Values influence what the norms of a group are.*

*Departmental policies should be based on articulated department values.*

*The perception of bias-based policing decreases the trust between law enforcement and the community necessary for effective community-oriented and problem-solving policing.*

*Hate crimes and incidents impact more than the immediate victims. Other members of the attacked group feel targeted, the public as a whole feels violated, and community tensions are heightened.*

*The community should understand what constitutes unprofessional conduct and, above all, must have a reasonable understanding of the procedures for investigating and adjudicating cases of use of deadly force.*

*Police officers tend to become the kind of police officers they are socialized to be.*

*Departmental policies based on identified group values are more likely to be understood and followed.*

*Positive change in the police-community violence cycle will occur more easily if the community is involved in the change process.*

*The goals of community policing may include: enhanced quality of life in neighborhoods, reduction of fear, increased order, crime control, crime prevention, and citizen satisfaction with police services.*

*The entire community, represented by traditional and nontraditional agencies and groups alike, should be called upon to identify local concerns that fall within the purview of the police department.*

*Written directives for common response situations should be clear and easy to implement, regularly updated, and constantly reviewed by every member of the organization.*

*Clearly stating the department's position on each instance of deadly force in a timely and sensitive manner reduces community tensions.*

# Footnotes

<sup>1</sup>George L. Kelling and Mark H. Moore, “The Evolving Strategy of Policing,” *Perspectives on Policing*, No. 4 (Washington, DC: U.S. Department of Justice, National Institute of Justice; and Harvard University, November 1988).

<sup>2</sup>Hubert Williams and Patrick V. Murphy, “The Evolving Strategy of Policing: A Minority View,” *Perspectives on Policing*, No. 13 (Washington, DC: U.S. Department of Justice, National Institute of Justice; and Harvard University, January 1990) Williams and Murphy describe some gaps in this general understanding of policing with respect to minorities.

<sup>3</sup>*The Law Enforcement Code of Ethics* was developed in 1957 by a committee under the auspices of the International Association of Chiefs of Police.

<sup>4</sup>Jerome H. Skolnick, *Justice Without Trial: Law Enforcement in Democratic Society* (New York: Wiley, 1966), p. 67.

<sup>5</sup>Jonathan Rubinstein, *City Police* (New York: Farrar, Straus, and Giroux, 1973), p. 319.

<sup>6</sup>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 subject in 1931. Number 14 was its *Report on Police*. The commission’s chairman was U.S. Attorney General George W. Wickersham.

<sup>7</sup>President’s Commission on Law Enforcement and the Administration of Justice, *Task Force Report: The Police* (Washington, DC, 1967), pp. 126–27.

<sup>8</sup>National Advisory Commission on Criminal Justice Standards and Goals, *Police* (Washington, DC, 1973), p. 369.

<sup>9</sup>Police Executive Research Forum, *The American Law Enforcement Chief Executive: A Management Profile* (Washington, DC, 1985), p. 108.

<sup>10</sup>Commission on Accreditation for Law Enforcement Agencies, *Standards for Law Enforcement Agencies* (Fairfax, VA, 1984), pp. 32-37.

<sup>11</sup>Catherine H. Milton, et al., *Police Use of Deadly Force* (Washington, DC: Police Foundation, 1977), p. 105.

<sup>12</sup>Kenneth J. Matulia, *A Balance of Forces*, Executive Summary (Gaithersburg, MD: International Association of Chiefs of Police, 1982), p. 25.

<sup>13</sup>Herman Goldstein, *Policing a Free Society* (Cambridge, MA: Ballinger, 1977), pp. 273–79. Copyright by the Board of Regents, University of Wisconsin. Reprinted with the permission of the University of Wisconsin Law School.

<sup>14</sup>Peter Scharf and Arnold Binder, *The Badge and the Bullet: Police Use of Deadly Force* (New York: Praeger, 1983), p. 178.

<sup>15</sup>Samuel Walker and Betsy Wright Kreisel, “Varieties of Citizen Review: The Implications of Organizational Features of Complaint Review Procedures for Accountability of the Police,” *American Journal of Police*, Vol. 15, No. 3 (1996), p. 65.

<sup>16</sup>International Association of Chiefs of Police, *Police Accountability and Citizen Review: A Leadership Opportunity for Police Chiefs* (Alexandria, VA, November 2000).

<sup>17</sup>“Police Agency Handling of Complaints: A Model Police Statement by the Police Executive Research Forum,” *Police Management Today* (September 1981), pp. 88–98.

<sup>18</sup>Walker and Kreisel, p. 66.

<sup>19</sup>Peter Finn, *Citizen Review of Police: Approaches and Implementation* (Washington, DC: U.S. Department of Justice, National Institute of Justice, March 2001).

<sup>20</sup>Ronald M. Fletcher, "Civilian Oversight of Police Behavior," *Journal of Intergroup Relations*, Vol. 19, No. 3 (Fall 1992), pp. 7–12.

<sup>21</sup>Diane M. Daane and James E. Hendricks, "Liability for Failure to Adequately Train," *The Police Chief*, Vol. 58, No. 11 (November 1991), pp. 26–29.

<sup>22</sup>Ronald L. Davis, *A NOBLE Perspective: Racial Profiling—A Symptom of Bias-Based Policing* (Alexandria, VA: National Organization of Black Law Enforcement Executives, May 3, 2001), p. 4.

<sup>23</sup>Davis, p. 7.

<sup>24</sup>George L. Kelling, "Cutting Crime, Keeping Our Rights," *New York Times* (April 1, 2000).

<sup>25</sup>David N. Aspy and Cheryl Blalock Aspy, "Hate Crimes: What They Are, Why They Happen, and Counselors' Roles in Preventing Them," chapter 18 in *Violence in American Schools: A Practical Guide for Counselors*, ed. Daya Singh Sandhu and Cheryl Blalock Aspy (Alexandria, VA: American Counseling Association, 2000), p. 310.

<sup>26</sup>U.S. Department of Justice, Bureau of Justice Assistance, *A Policymaker's Guide to Hate Crimes* (Washington, DC, December 1997).

<sup>27</sup>Wade Engelson, "The Organizational Values of Law Enforcement Agencies: The Impact of Field Training Officers in the Socialization of Police Recruits to Law Enforcement Organizations," *Journal of Police and Criminal Psychology*, Vol. 14, No.2 (Fall 1999), p. 17.

<sup>28</sup>Vincent J. Webb and Charles M. Katz, "Citizen Ratings of the Importance of Community Policing Activities," chapter 22 in *Community Policing: Contemporary Readings*, ed. Geoffrey P. Alpert and Alex Piquero (Prospect Heights, IL: Waveland Press, 1998).

<sup>29</sup>"Community Policing in Action: Lessons from an Observational Study," *National Institute for Justice: Research Preview*, June 1998.

<sup>30</sup>U.S. Department of Justice, National Institute of Justice, "Community Policing: Chicago's Experience," *National Institute of Justice Journal*, April 1999.

<sup>31</sup>Webb and Katz, pp. 430–43, 439.

<sup>32</sup>Michael Masterson and Dennis Stevens, "Madison Speaks Up: Measuring Community Policing Performance," *Law and Order* Vol. 49, No. 10 (October 2001), pp. 99–100.

<sup>33</sup>California Department of Justice, *Community Oriented Policing & Problem Solving* (July 1995), pp. 4–10.

<sup>34</sup>Matthew R. Durose, et al., *Contacts Between Public and the Police* (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 1999).

<sup>35</sup>"From 1992 through 2001, 34.4 percent of the victim officers were involved in arrest situations when slain, 16.2 percent were investigating suspicious persons, and 15.6 percent were responding to disturbance calls. Additionally, 15.1 percent of the fallen officers were involved in traffic pursuits/stops and 13.7 percent were caught in ambush situations," U.S. Department of Justice, Federal Bureau of Investigation, *Law Enforcement Officers Killed and Assaulted*, Uniform Crime Reports (Washington, DC, 2001), p. 4.

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<sup>37</sup>U.S. Department of Justice, Community Relations Service, *Police and Urban Youth Relations: An Antidote to Racial Violence* (Washington, DC, September 1995).

## **Responding to Incidents Involving Allegations of Excessive Use of Force: A Checklist to Guide Police Executives**

Years of good policing practices and community trust can be jeopardized by a single act of, or perception of, police excessive use of force (EUF). When an EUF incident occurs, police executives should be prepared to take appropriate and carefully considered action to promote peace, maintain community trust, and sustain departmental morale. When there are allegations of EUF, the department's officers and staff, as well as the community they serve, must be assured of a fair and impartial investigation. Community tensions and violence may develop in the aftermath of an incident involving use of force or other police conduct. This checklist of immediate steps suggests actions to take right after an incident. The checklist of other actions identifies steps that can help create positive police-community relationships—the best protection against violent community reaction to an EUF incident.

### **Immediate Steps**

#### **I. Provide Information Promptly**

- Advise the Mayor, County Executive, and other officials, key civic and community leaders and clergy about the situation.
- Provide what information you can to the public about the incident and the circumstances which prompted police action, but avoid any negative comments about the suspect(s) or victim(s).
- Avoid making any prejudgments about the officers' conduct before you have complete information and the investigation is completed.

#### **II. Get an Investigation Underway Promptly**

- Advise the family of the involved person(s) and the public about the investigation, including its scope, resources allocated, and projected timetables.
- Publicly clarify departmental policies governing the status of the involved officer(s) while the investigation is underway.
- Announce publicly your willingness to cooperate with investigations by other agencies (local, State, and Federal).
- Hold periodic meetings with community leaders to advise them of the progress of the investigation and any other developments.
- Take precautions to avoid new incidents or confrontations.

#### **III. Enlist the Community's Help and Support**

- Brief community leaders and ask for their help in defusing community tensions by getting accurate information to the community, organizing community street patrols, and scheduling neighborhood meetings.

- Conduct dialogues with community groups to help establish a common understanding of the legal and administrative requirements of EUF investigations.
- Survey community perspectives and invite commentary and any expression of concerns about police arrests, stops, ticketing, profiling, and other issues.

#### **IV. Anticipate and Plan for the Announcement of the Results of Investigations**

- Brief the family, their associates, and community leaders on the results of the investigation before making a public announcement. Seek their assistance in keeping the community peaceful.
- Arrange, where possible, for at least two hour advance notice of public announcement of the decision by a grand jury, district attorney, or court.
- Be ready to implement a contingency plan in the event that the announcement may lead to community tension or unrest.
- Meet with leaders of protest activities to secure agreement on the scope and limits of marches, flash points, demonstration sites, use of marshals, and other ground rules.
- Deploy sufficient resources to contain any disruptive activity or disorder.

#### **Other Actions**

Below is a list of questions which police leaders should review periodically to assure adequacy of policies and procedures governing issues involving police use of force.

- Does the department have a written, legally sound and publicly understood policy governing the circumstances for appropriate use of force? Were community representatives consulted in the drafting or review of this document?
- Does the department keep accurate records of incidents of the use of force? Are these records reviewed regularly for trends, officer patterns, and other potential areas of concern?
- What are the attitudes of the department's officers and staff about use-of-force issues?
- Are these attitudes consistent with the department's policies? Is additional orientation or training required?
- Does the department have a Standard Operating Procedure (SOP) governing its response to allegations of EUF? Does the SOP caution against making any premature judgments about the circumstances of the EUF incident and actions of the involved officer?
- Does the SOP include arranging prompt assistance, including community resources, for the family of any alleged victims? Does the SOP provide for timely updates on the resources committed, and progress and results of any investigation?
- Does the department have established contacts with all levels of community leadership who can be called upon in times of crisis?
- What training is made available to officers on alternatives to use of force, including conflict resolution, problem solving, and communications skills?

- Does the department have a written complaint procedure that is simple to activate and requires a minimum of forms?
- How does the department respond to public reports of use of force? How is the department's response viewed by its staff and the community it serves?
- Does the department have a SOP on involving community leadership in ongoing discussion of community/police concerns? How do patrol officers and all other ranks participate in the discussions?
- Has the department developed a mission statement and set of department values? Are community leaders aware of the values of the department?

## Checklist for Effective Policing

A department's overall operation and management performance is critical and it can determine its needs by utilizing the following checklist. Has the police department established?

- Set of values
- Policy on avoiding violence between police and citizens
- Community policing as a philosophy
- Policy on use of force and alternatives to force
- Accreditation program
- Effective citizen complaint procedures and other redress systems
- Affirmative action and recruitment policy
- Programs to reach new immigrant and other population needs
- Community and cultural diversity training
- Ongoing internal/external training programs
- Two-tier process for reviewing hate crime incidents
- Racial bias unit/civil rights officer
- Policy and procedures to reduce violence between police and citizens in the nine identified areas of concern
- Programs to obtain continued feedback from minority communities
- Negotiation v. confrontation skills (conflict management approach)
- Officer involvement in community activities (e.g., police athletic league)
- Desired department culture
- Minority representation in specialized units within the department

## **CRS Offices**

### **CRS National Office**

#### **Community Relations Service**

600 E Street, NW, Suite 6000

Washington, DC 20530

202-305-2935

202-305-3009 (Fax)

[www.usdoj.gov/crs](http://www.usdoj.gov/crs)

### **Regional Offices**

#### **New England Regional Office (Region I)**

*(ME, VT, NH, MA, CT, RI)*

Community Relations Service

408 Atlantic Avenue, Suite 222

Boston, MA 02110

617-424-5715; 617-424-5727 (Fax)

#### **Northeast Regional Office (Region II)**

*(NY, NJ, VI, PR)*

Community Relations Service

26 Federal Plaza, Suite 36-118

New York, NY 10278

212-264-0700; 212-264-2143 (Fax)

#### **Mid-Atlantic Regional Office (Region III)**

*(DC, DE, MD, PA, VA, WV)*



Community Relations Service

2nd and Chestnut Streets, Suite 208

Philadelphia, PA 19106

215-597-2344; 215-597-9148 (Fax)

**Southeast Regional Office (Region IV)**

**(AL, FL, GA, KY, MS, NC, SC, TN)**

Community Relations Service

75 Piedmont Avenue, NE, Suite 900

Atlanta, GA 30303

404-331-6883; 404-331-4471 (Fax)

**Midwest Regional Office (Region V)**

**(IL, IN, MI, MN, OH, WI)**

Community Relations Service

55 W. Monroe Street, Suite 420

Chicago, IL 60603

312-353-4391; 312-353-4390 (Fax)

**Southwest Regional Office (Region VI)**

**(AR, LA, NM, OK, TX)**

Community Relations Service

1420 W. Mockingbird Lane, Suite 250

Dallas, TX 75247

214-655-8175; 214-655-8184 (Fax)

**Central Regional Office (Region VII)**

**(IA, KS, MO, NE)**

Community Relations Service

1100 Main Street, Suite 320

Kansas City, MO 64105-2112

816-426-7434; 816-426-7441 (Fax)

**Rocky Mountain Regional Office (Region VIII)**

*(CO, MT, ND, SD, UT, WY)*

Community Relations Service

1244 Speer Boulevard, Suite 650

Denver, CO 80204-3584

303-844-2973; 303-844-2907 (Fax)

**Western Regional Office (Region IX)**

*(AZ, CA, GU, HI, NV)*

Community Relations Service

888 S. Figueroa Street, Suite 1880

Los Angeles, CA 90017

213-894-2941; 213-894-2880 (Fax)

**Northwest Regional Office (Region X)**

*(AK, ID, OR, WA)*

Community Relations Service

915 Second Avenue, Suite 1808

Seattle, WA 98174

206-220-6700; 206-220-6706 (Fax)

**Field Offices**

Community Relations Service

51 SW First Avenue, Suite 624

Miami, FL 33130

305-536-5206; 305-536-6778 (Fax)

Community Relations Service

211 W. Fort Street, Suite 1404

Detroit, MI 48226

313-226-4010; 313-226-2568 (Fax)

Community Relations Service

515 Rusk Avenue, Suite 12605

Houston, TX 77002

713-718-4861; 713-718-4862 (Fax)

Community Relations Service

120 Howard Street, Suite 790

San Francisco, CA 94105

415-744-6565; 415-744-6590 (Fax)

# **CRS Customer Service Standards**

Our goal is to provide sensitive and effective conflict prevention and resolution services. CRS will meet the following standards:

- We will clearly explain the process that CRS uses to address racial and ethnic conflicts and our role in that process.
- We will provide opportunities for all parties involved to contribute to and work toward a solution to the racial or ethnic conflict.
- If you are a participant in a CRS training session or conference, you will receive timely and useful information and materials that will assist you in preventing or minimizing racial and ethnic tensions.
- We will be prepared to respond to major racial or ethnic crisis situations within 24 hours from the time when your community notifies CRS or CRS becomes aware of the crisis.
- In non-crisis situations, we will contact you within three days of when your community notifies CRS or when CRS becomes aware of the situation to discuss your request for CRS services.

*(August 2001)*