

# Chapter 11

# Police and the Community

## INTRODUCTION

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We have cited deep hostility between police and ghetto communities as a primary cause of the disorders surveyed by the Commission. In Newark, Detroit, Watts, and Harlem—in practically every city that has experienced racial disruption since the summer of 1964, abrasive relationships between police and Negroes and other minority groups have been a major source of grievance, tension and, ultimately, disorder.

In a fundamental sense, however, it is wrong to define the problem solely as hostility to police. In many ways, the policeman only symbolizes much deeper problems.

The policeman in the ghetto is a symbol not only of law, but of the entire system of law enforcement and criminal justice.

As such, he becomes the tangible target for grievances against shortcomings throughout that system: Against assembly-line justice in teeming lower courts; against wide disparities in sentences; against antiquated correctional facilities; against the basic inequities imposed by the system on the poor—to whom, for example, the option of bail means only jail.

The policeman in the ghetto is a symbol of increasingly bitter social debate over law enforcement.

One side, disturbed and perplexed by sharp rises in crime and urban violence, exerts extreme pressure on police for tougher law enforcement. Another group, inflamed against police as agents of repression, tends toward defiance of what it regards as order maintained at the expense of justice.

The policeman in the ghetto is the most visible symbol, finally, of a society from which many ghetto Negroes are increasingly alienated.

At the same time, police responsibilities in the ghetto are even greater than elsewhere in the community since the other institutions of social control have so little authority: The schools, because so many are segregated, old and inferior; religion, which has become irrelevant to those who have lost faith as they lost hope; career aspirations, which for many young Negroes are totally lacking; the family, because its bonds are so often snapped. It is the policeman who must deal with the consequences of this institutional vacuum and is then resented for the presence and the measures this effort demands.

Alone, the policeman in the ghetto cannot solve these problems. His role is already one of the most difficult in our society. He must deal daily with a range of problems and people that test his patience, ingenuity, character, and courage in ways that few of us are ever tested. Without positive leadership, goals, operational guidance, and public support, the individual policeman can only feel victimized. Nor are these problems the responsibility only of police administrators; they are deep enough to tax the courage, intelligence and leadership of mayors, city officials, and community leaders. As Dr. Kenneth B. Clark told the Commission:

This society knows \* \* \* that if human beings are

confined in ghetto compounds of our cities and are subjected to criminally inferior education, pervasive economic and job discrimination, committed to houses unfit for human habitation, subjected to unspeakable conditions of municipal services, such as sanitation, that such human beings are not likely to be responsive to appeals to be lawful, to be respectful, to be concerned with property of others.

And yet, precisely because the policeman in the ghetto is a symbol—precisely because he symbolizes so much—it is of critical importance that the police and society take every possible step to allay grievances that flow from a sense of injustice and increased tension and turmoil.

In this work, the police bear a major responsibility for making needed changes. In the first instance, they have the prime responsibility for safeguarding the minimum goal of any civilized society: Security of life and property. To do so, they are given society's maximum power: Discretion in the use of force. Second, it is axiomatic that effective law enforcement requires the support of the community. Such support will not be present when a substantial segment of the community feels threatened by the police and regards the

police as an occupying force.

At the same time, public officials also have a clear duty to help the police make any necessary changes to minimize so far as possible the risk of further disorders.

We see five basic problem areas:

- The need for change in police operations in the ghetto, to insure proper conduct by individual officers and to eliminate abrasive practices.
- The need for more adequate police protection of ghetto residents, to eliminate the present high sense of insecurity to person and property.
- The need for effective mechanisms for resolving citizen grievances against the police.
- The need for policy guidelines to assist police in areas where police conduct can create tension.
- The need to develop community support for law enforcement.

Our discussion of each of these problem areas is followed by specific recommendations which relate directly to achieving more effective law enforcement and to the prevention and control of civil disorders.<sup>1</sup>

## POLICE CONDUCT AND PATROL PRACTICES

In an earlier era, third-degree interrogations were widespread, indiscriminate arrests on suspicion were generally accepted and "alley justice" dispensed with the nightstick was common.

Today, many disturbances studied by the Commission began with a police incident. But these incidents were not, for the most part, the crude acts of an earlier time. They were routine police actions such as stopping a motorist or raiding an illegal business. Indeed, many of the serious disturbances took place in cities whose police are among the best led, best organized, best trained and most professional in the country.

Yet some activities of even the most professional police department may heighten tension and enhance the potential for civil disorder. An increase in complaints of police misconduct, for example, may in fact be a reflection of professionalism; the department may simply be using law enforcement methods which increase the total volume of police contacts with the public. The number of charges of police misconduct may be greater simply because the volume of police-citizen contacts is higher.

Here we examine two aspects of police activities that have great tension-creating potential. Our objective is to provide recommendations to assist city and police officials in developing practices which can allay rather than contribute to tension.

### POLICE CONDUCT

Negroes firmly believe that police brutality and harassment occur repeatedly in Negro neighborhoods.

This belief is unquestionably one of the major reasons for intense Negro resentment against the police.

The extent of this belief is suggested by attitude surveys. In 1964, a New York Times study of Harlem showed that 43 percent of those questioned believed in the existence of police "brutality."<sup>2</sup> In 1965, a nationwide Gallup poll found that 35 percent of Negro men believed there was police brutality in their areas; 7 percent of white men thought so. In 1966, a survey conducted for the Senate Subcommittee on Executive Reorganization found that 60 percent of Watts Negroes aged 15 to 19 believed there was some police brutality. Half said they had witnessed such conduct. A University of California at Los Angeles study of the Watts area found that 79 percent of the Negro males believed police lack respect for, or use insulting language to, Negroes, and 74 percent believed police use unnecessary force in making arrests. In 1967, an Urban League study of the Detroit riot area found that 82 percent believed there was some form of police brutality.

<sup>1</sup> We wish to acknowledge our indebtedness to and reliance upon the extensive work done by the President's Commission on Law Enforcement and Administration of Justice (the "Crime Commission"). The reports, studies, surveys, and analyses of the Crime Commission have contributed to many of our conclusions and recommendations.

<sup>2</sup> The "brutality" referred to in this and other surveys is often not precisely defined and covers conduct ranging from use of insulting language to excessive and unjustified use of force.



The true extent of excessive and unjustified use of force is difficult to determine. One survey done for the Crime Commission suggests that when police-citizen contacts are systematically observed, the vast majority are handled without antagonism or incident. Of 5,339 police-citizen contacts observed in slum precincts in three large cities, in the opinion of the observer only 20—about three-tenths of 1 percent—involved excessive or unnecessary force. And although almost all of those subjected to such force were poor, more than half were white. Verbal discourtesy was more common—15 percent of all such contacts began with a “brusque or nasty command” on the part of the officer. Again, however, the objects of such commands were more likely to be white than Negro.

Such “observer” surveys may not fully reflect the normal pattern of police conduct. The Crime Commission Task Force concluded that although the study gave “no basis for stating the extent to which police officers used force, it did confirm that such conduct still exists in the cities where observations were made.” Our investigations confirm this conclusion.

Physical abuse is only one source of aggravation in the ghetto. In nearly every city surveyed, the Commission heard complaints of harassment of interracial couples, dispersal of social street gatherings and the stopping of Negroes on foot or in cars without objective basis. These, together with contemptuous and degrading verbal abuse, have great impact in the ghetto. As one Commission witness said, these strip the Negro of the one thing that he may have left—his dignity, “the question of being a man.”

Some conduct—breaking up of street groups, indiscriminate stops and searches—is frequently directed at youths, creating special tensions in the ghetto where the average age is generally under 21. Ghetto youths, often without work and with homes that may be nearly uninhabitable, particularly in the summer, commonly spend much time on the street. Characteristically, they are not only hostile to police but eager to demonstrate their own masculinity and courage. The police, therefore, are often subject to taunts and provocations, testing their self-control and, probably, for some, reinforcing their hostility to Negroes in general. Because youths commit a large and increasing proportion of crime, police are under growing pressure from their supervisors—and from the community—to deal with them forcefully. “Harassment of youths” may therefore be viewed by some police departments—and members even of the Negro community—as a proper crime prevention technique.

In a number of cities, the Commission heard complaints of abuse from Negro adults of all social and economic classes. Particular resentment is aroused by harassing Negro men in the company of white women—often their light-skinned Negro wives.

“Harassment” or discourtesy may not be the result

of malicious or discriminatory intent of police officers. Many officers simply fail to understand the effects of their actions because of their limited knowledge of the Negro community. Calling a Negro teenager by his first name may arouse resentment because many whites still refuse to extend to adult Negroes the courtesy of the title, “Mister.” A patrolman may take the arm of a person he is leading to the police car. Negroes are more likely to resent this than whites because the action implies that they are on the verge of flight and may degrade them in the eyes of friends or onlookers.

In assessing the impact of police misconduct, we emphasize that the improper acts of a relatively few officers may create severe tensions between the department and the entire Negro community. Whatever the actual extent of such conduct, we concur in the Crime Commission’s conclusion that:

\* \* \* all such behavior is obviously and totally reprehensible, and when it is directed against minority-group citizens, it is particularly likely to lead, for quite obvious reasons, to bitterness in the community.

#### POLICE PATROL PRACTICES

Although police administrators may take steps to eliminate misconduct by individual police officers, many departments have adopted patrol practices which in the words of one commentator, have “\* \* \* replaced harassment by individual patrolmen with harassment by entire departments.”

These practices, sometimes known as “aggressive preventive patrol,” take a number of forms, but invariably they involve a large number of police-citizen contacts initiated by police rather than in response to a call for help or service. One such practice utilizes a roving task force which moves into high-crime districts without prior notice and conducts intensive, often indiscriminate, street stops and searches. A number of obviously suspicious persons are stopped. But so also are persons whom the beat patrolman would know are respected members of the community. Such task forces are often deliberately moved from place to place making it impossible for its members to know the people with whom they come in contact.

In some cities, aggressive patrol is not limited to special task forces. The beat patrolman himself is expected to participate and to file a minimum number of “stop-and-frisk” or field interrogation reports for each tour of duty. This pressure to produce, or a lack of familiarity with the neighborhood and its people, may lead to widespread use of these techniques without adequate differentiation between genuinely suspicious behavior and behavior which is suspicious to a particular officer merely because it is unfamiliar.

Police administrators, pressed by public concern about crime, have instituted such patrol practices often without weighing their tension-creating effects and



the resulting relationship to civil disorder.

Motorization of police is another aspect of patrol that has affected law enforcement in the ghetto. The patrolman comes to see the city through a windshield and hear about it over a police radio. To him, the area increasingly comes to consist only of lawbreakers. To the ghetto resident, the policeman comes increasingly to be only an enforcer.

Loss of contact between the police officer and the community he serves adversely affects law enforcement. If an officer has never met, does not know and cannot understand the language and habits of the people in the area he patrols, he cannot do an effective police job. His ability to detect truly suspicious behavior is impaired. He deprives himself of important sources of information. He fails to know those persons with an "equity" in the community—homeowners, small businessmen, professional men, persons who are anxious to support proper law enforcement—and thus sacrifices the contributions they can make to maintaining community order.

## RECOMMENDATIONS

Police misconduct—whether described as brutality, harassment, verbal abuse or discourtesy—cannot be tolerated even if it is infrequent. It contributes directly to the risk of civil disorder. It is inconsistent with the basic responsibility and function of a police force in a democracy. Police departments must have rules prohibiting such misconduct and enforce them vigorously. Police commanders must be aware of what takes place in the field and take firm steps to correct abuses. We consider this matter further in the section on policy guidelines.

Elimination of misconduct also requires care in selecting police for ghetto areas, for there the police responsibility is particularly sensitive, demanding and often dangerous. The highest caliber of personnel is required if police are to overcome feelings within the ghetto community of inadequate protection and unfair, discriminatory treatment. Despite this need, data from Commission investigators and from the Crime Commission disclose that often a department's worst, not its best, are assigned to minority group neighborhoods. As Prof. Albert Reiss, director of the Center for Research on Social Organization, University of Michigan, testified before the Commission:

I think we confront in modern urban police departments in large cities much of what we encounter in our schools in these cities. The slum police precinct is like the slum schools. It gets, with few exceptions, the worst in the system.

Referring to extensive studies in one city, Professor Reiss concluded:

In predominantly Negro precincts, over three-fourths of the white policemen expressed prejudice

or highly prejudiced attitudes towards Negroes. Only one percent of the officers expressed attitudes which could be described as sympathetic towards Negroes. Indeed, close to one-half of all the police officers in predominantly Negro high-crime-rate areas showed extreme prejudice against Negroes. What do I mean by extreme racial prejudice? I mean that they describe Negroes in terms that are not people terms. They describe them in terms of the animal kingdom. \* \* \*

Although some prejudice was displayed in only 8 percent of police-citizen encounters:

The cost of such prejudiced behavior I suggest is much higher than my statistics suggest. Over a period of time, a substantial proportion of citizens, particularly in high-crime-rate areas, may experience at least one encounter with a police officer where prejudice is shown.

To insure assignment of well-qualified police to ghetto areas, **the Commission recommends:**

- Officers with bad reputations among residents in minority areas should be immediately reassigned to other areas. This will serve the interests of both the police and the community.
- Screening procedures should be developed to ensure that officers with superior ability, sensitivity and the common sense necessary for enlightened law enforcement are assigned to minority group areas. We believe that, with proper training in ghetto problems and conditions, and with proper standards for recruitment of new officers, in the long run most policemen can meet these standards.
- Incentives, such as bonuses or credits for promotion, should be developed wherever necessary to attract outstanding officers for ghetto positions.

The recommendations we have proposed are designed to help insure proper police conduct in minority areas. Yet there is another facet of the problem: Negro perceptions of police misconduct. Even if those perceptions are exaggerated, they do exist. If outstanding officers are assigned to ghetto areas, if acts of misconduct, however infrequent, result in proper—and visible—disciplinary action and if these corrective practices are made part of known policy, we believe the community will soon learn to reject unfounded claims of misconduct.

Problems stemming from police patrol cannot, perhaps, be so easily resolved. But there are two considerations which can help to allay such problems. The first relates to law enforcement philosophy behind the use of techniques like aggressive patrol. Many police officials believe strongly that there are law enforcement gains from such techniques. However, these techniques also have law enforcement liabilities. Their employment therefore should not be merely automatic but the product of a deliberate balancing of pluses and minuses by command personnel.

We know that advice of this sort is easier to give than to act on. The factors involved are difficult to weigh. Gains cannot be measured solely in the number of arrests. Losses in police protection cannot be accepted solely because of some vague gain in diminished com-



munity tension. The kind of thorough, objective assessment of patrol practices and search for innovation we need will require the best efforts of research and development units within police departments, augmented if necessary by outside research assistance. The Federal Government can also play a major role in funding and conducting such research.

The second consideration concerning patrol is execution. There is more crime in the ghetto than in other areas. If the aggressive patrol clearly relates to the control of crime, the residents of the ghetto are likely to endorse the practice. What may arouse hostility is not the fact of aggressive patrol but its indiscriminate use so that it comes to be regarded not as crime control but as a new method of racial harassment. All patrol practices must be carefully reviewed to insure they are properly carried out by individual officers.

## THE PROBLEM OF POLICE PROTECTION

The strength of ghetto feelings about hostile police conduct may even be exceeded by the conviction that ghetto neighborhoods are not given adequate police protection.

This belief is founded on two basic types of complaint. The first is that the police maintain a much less rigorous standard of law enforcement in the ghetto, tolerating there illegal activities like drug addiction, prostitution, and street violence that they would not tolerate elsewhere. The second is that police treat complaints and calls for help from Negro areas much less urgently than from white areas. These perceptions are widespread. As David Hardy, of the staff of the *New York Daily News*, testified:

To put it simply, for decades little if any law enforcement has prevailed among Negroes in America, particularly those in the ghettos. If a black man kills another black man, the law is generally enforced at its minimum. Violence of every type runs rampant in a ghetto.

A Crime Commission study found that Negroes in Philadelphia and San Diego are convinced that the police apply a different standard of law enforcement in the ghettos. Another Crime Commission study found that about one white person in two believes police provide very good protection in his community; for Negroes, the figure is one in five. Other surveys have reported that Negroes in Harlem and south central Los Angeles mention inadequate protection more often than brutality or harassment as a reason for their resentment toward the police.

The report of a New Haven community group summarizes the complaints:

The problem of the adequacy of current police protection ranked with "police misconduct" as the most serious sore points in police-community relations.

New patrol practices must be designed to increase the patrolman's knowledge of the ghetto. Although motorized patrols are essential, means should be devised to get the patrolman out of the car and into the neighborhood and keeping him on the same beat long enough to get to know the people and understand the conditions. This will require training the patrolman to convince him of the desirability of such practices. There must be continuing administrative supervision. In practice as well as theory, all aspects of patrol must be lawful and conform to policy guidelines. Unless carried out with courtesy and with understanding of the community, even the most enlightened patrol practices may degenerate into what residents will come to regard as harassment. Finally, this concept of patrol should be publicly explained so that ghetto residents understand it and know what to expect.

\* \* \* When calls for help are registered, it is all too frequent that police respond too slowly or not at all.  
\* \* \* When they do come, [they] arrive with many more men and cars than are necessary \* \* \* brandishing guns and adding to the confusion.<sup>2</sup>

There is evidence to suggest that the lack of protection does not necessarily result from different basic police attitudes but rather from a relative lack of police personnel for ghetto areas, considering the volume of calls for police. As a consequence, the police work according to priorities. Because of the need for attention to major crimes, little, if any, attention can be accorded to reports of a suspicious person, for example, or a noisy party or a drunk. And attention even to major crimes may sometimes be routine or skeptical.

Ghetto residents, however, see a dual standard of law enforcement. Particularly because many work in other areas of the city and have seen the nature of police responsiveness there, they are keenly aware of the difference. They come to believe that an assault on a white victim produces one reaction and an assault on a Negro quite another. The police, heavily engaged in the ghetto, might assert that they cannot cover serious offenses and minor complaints at the same time—that they cannot be two places at once. The ghetto resident, however, often concludes that the police respond neither to serious offenses nor to minor complaints.

Recent studies have documented the inadequacies of police response in some ghetto areas. A Yale Law Journal study of Hartford, Conn., found that:

[T]he residents of a large area in the center of the Negro ghetto are victims of over one-third of the

<sup>2</sup> "In Search of Fair and Adequate Law Enforcement," report of the Hill-Dwight Citizens Commission on Police Community Relations, June 1967, pp. 12-13.



daylight residential burglaries in the city. Yet during the daytime, only one of Hartford's 18 patrol cars and none of its 11 foot patrolmen is assigned to this area. Sections in the white part of town about the same size as the central ghetto area receive slightly more intensive daytime patrol even though the citizens in the ghetto area summon the police about six times as often because of criminal acts.<sup>4</sup>

In a United States Commission on Civil Rights study, a review of police communications records in Cleveland disclosed that police took almost four times as long to respond to calls concerning robbery from the Negro district as for the district where response was next slowest. The response time for some other crimes was at least twice as long.

**The Commission recommends:**

- Police departments should have a clear and enforced policy

that the standard of law enforcement in ghetto areas is the same as in other communities; complaints and appeals from the ghetto should be treated with the same urgency and importance as those from white neighborhoods.

■ Because a basic problem in furnishing protection to the ghetto is the shortage of manpower, police departments should review existing deployment of field personnel to ensure the most efficient use of manpower. The Police Task Force of the Crime Commission stressed the need "to distribute patrol officers in accordance with the actual need for their presence." Communities may have to pay for more and better policing for the entire community as well as for the ghetto.

In allocating manpower to the ghetto, enforcement emphasis should be given to crimes that threaten life and property. Stress on social gambling or loitering, when more serious crimes are neglected, not only diverts manpower but fosters distrust and tension in the ghetto community.

## THE PROBLEM OF GRIEVANCE MECHANISMS

A third source of Negro hostility to police is the almost total lack of effective channels for redress of complaints against police conduct. In Milwaukee, Wis., and Plainfield, N.J., for example, ghetto residents complained that police reject complaints out of hand. In New Haven, a Negro citizens' group characterized a police review board as worthless. In Detroit, the Michigan Civil Rights Commission found that, despite well-intentioned leadership, no real sanctions are imposed on offending officers. In Newark, the mayor referred complaints to the FBI, which had very limited jurisdiction over them. In many of the cities surveyed by the Commission, Negro complaints focused on the continued presence in the ghetto of officers regarded as notorious for prejudice and brutality.

The 1967 Report of the Civil Rights Commission also states that a major issue in the Negro community is inadequate investigation of complaints against the police. It even reports threats of criminal actions designed to discourage complainants. A survey for the Crime Commission found substantial evidence that policemen in some cities have little fear of punishment for using unnecessary force because they appear to have a degree of immunity from their departments.

### RECOMMENDATIONS

Objective evaluation, analysis and innovation on this subject are vitally necessary. Yet attention has been largely and, unfortunately, diverted by protracted debate over the desirability of "civilian review boards." Research conducted by the Crime Commission and others shows that the benefits and liabilities of such

boards have probably both been exaggerated.

In the context of civil disorder, appearances and reality are of almost equal importance in the handling of citizen complaints against the police. It is not enough that there are adequate machinery and procedures for handling complaints; it is also necessary that citizens believe these procedures are adequate. Some citizens will never trust an agency against which they have a grievance. Some irresponsible citizens will attempt to provoke distrust of every agency. Hence, some police administrators have been tempted to throw up their hands and do nothing on the ground that whatever they do will be misunderstood. These sentiments may be understandable, but the police should appreciate that Negro citizens also want to throw up their hands. For they believe that the "police stick together," that they will cover up for each other, that no officer ever receives more than token punishment for misconduct and that even such expensive legal steps as false arrest or civil damage suits are foredoomed because "it is the officer's word against mine."

We believe that an internal review board—in which the police department itself receives and acts on complaints—regardless of its efficiency and fairness, can rarely generate the necessary community confidence or protect the police against unfounded charges. We also believe, as did the Crime Commission, that police should not be the only municipal agency subject to outside scrutiny and review. Incompetence and mistreatment by any public servant should be equally subject to review by an independent agency.

The Crime Commission Police Task Force reviewed the various external grievance procedures attempted or suggested in this country and abroad. Without attempting to recommend a specific procedure, our Commission believes that police departments should be subject

<sup>4</sup> "Program Budgeting for Police Departments," 76 Yale L.J. 822 (1967).





*New Haven Neighborhood Center, February 1968*

to external review. We discussed this problem in Chapter 10, *The Community Response*. Here, we highlight what we believe to be the basic elements of an effective system.

#### **The Commission recommends:**

- Making a complaint should be easy. It should be possible to file a grievance without excessive formality. If forms are used, they should be easily available and their use explained in widely distributed pamphlets. In large cities, it should not be necessary to go to a central headquarters office to file a complaint, but it should also be possible to file a complaint at neighborhood locations. Police officers on the beat, community service aides or other municipal employees in the community should be empowered to receive complaints.
- A specialized agency, with adequate funds and staff, should be created separate from other municipal agencies, to handle, investigate and to make recommendations on citizen complaints.
- The procedure should have a built-in conciliation process to attempt to resolve complaints without the need for full investigation and processing.

- The complaining party should be able to participate in the investigation and in any hearings, with right of representation by counsel, so that the complaint is fully investigated and findings made on the merits. He should be promptly and fully informed of the outcome. The results of the investigation should be made public.

- Since many citizen complaints concern departmental policies rather than individual conduct, information concerning complaints of this sort should be forwarded to the departmental unit which formulates or reviews policy and procedures. Information concerning all complaints should be forwarded to appropriate training units so that any deficiencies correctable by training can be eliminated.

Although we advocate an external agency as a means of resolving grievances, we believe that the basic need is to adopt procedures which will gain the respect and confidence of the entire community. This need can, in the end, be met only by sustained direction through the line of command, thorough investigation of complaints, and prompt, visible disciplinary action where justified.



## THE NEED FOR POLICY GUIDELINES

How a policeman handles day-to-day contacts with citizens will, to a large extent, shape the relationships between the police and the community. These contacts involve considerable discretion. Improper exercise of such discretion can needlessly create tension and contribute to community grievances.

Formally, the police officer has no discretion; his task is to enforce all laws at all times. Formally, the officer's only basic enforcement option is to make an arrest or to do nothing. Formally, when a citizen resists arrest, the officer's only recourse is to apply such reasonable force as he can bring with his hands, nightstick and revolver.

Informally—and in reality—the officer faces an entirely different situation. He has and must have a great deal of discretion; there are not enough police or jails to permit the levels of surveillance that would be necessary to enforce all laws all the time—levels which the public would, in any event, regard as intolerable.

Patrick V. Murphy, now Director of Public Safety in the District of Columbia, told the Commission:

The police, of course, exercise very broad discretion, and although in many states the law says or implies that all laws must be enforced and although the manuals of many police departments state every officer is responsible for the enforcement of all laws, as a practical matter it is impossible for the police to enforce all laws and, as a result, they exercise very broad discretion. \* \* \* [B]y failing to understand the fact that they do exercise important discretion every day, some police do not perceive just how they maintain the peace in different ways in different sections of a city.

The formal remedies of law, further, are inappropriate for many common problems. A family quarrel or a street fight, followed by an arrest, would give the par-



Atlanta, February 1968

ties a record and, typically, a suspended sentence; it would not solve the problem. And the appropriate legal grounds for making an arrest are often not present, for the officer has not witnessed the incident nor does he have a sworn complaint from someone who has. Pacifying the dispute may well be the best approach, but many officers lack the training or experience to do so effectively. If the parties resist pacification or arrest, the officer, alone on the street, must either back down or use force—sometimes lethal.

Crime Commission studies and our police survey show that guidance for the exercise of discretion in many situations is often not available to the policeman. There are guidelines for wearing uniforms—but not for how to intervene in a domestic dispute; for the cleaning of a revolver—but not for when to fire it; for use of departmental property—but not for whether to break up a sidewalk gathering; for handling stray dogs—but not for handling field interrogations.

### RECOMMENDATIONS

Contacts between citizens and the police in the ghetto require discretion and judgment which should be based upon carefully-drawn, written departmental policy. The Report of the Crime Commission and the Police Task Force Report considered this problem in detail and recommended subjects for policy guidelines.

The Commission recommends the establishment of guidelines covering, at a minimum:

- The issuance of orders to citizens regarding their movements or activities—for example, when, if ever, should a policeman order a social street gathering to break up or move on.
- The handling of minor disputes—between husband and wife, merchant and customer or landlord and tenant. Guidelines should cover resources available in the community—family courts, probation departments, counseling services, welfare agencies—to which citizens can be referred.
- The decision whether to arrest in a specific situation involving a specific crime—for example, when police should arrest persons engaged in crimes such as social gambling, vagrancy and loitering and other crimes which do not involve victims. The use of alternatives to arrest, such as a summons, should also be considered.
- The selection and use of investigating methods. Problems concerning use of field interrogations and “stop-and-frisk” techniques are especially critical. Crime Commission studies and evidence before this Commission demonstrate that these techniques have the potential for becoming a major source of friction between police and minority groups. Their constitutionality is presently under review in the United States Supreme Court. We also recognize that police regard them as important methods of preventing and investigating crime. Although we do not advocate use or adoption of any particular investigative method, we believe that any such method should be covered by guidelines drafted to minimize friction with the community.



- Safeguarding the constitutional right of free expression, such as rights of persons engaging in lawful demonstrations, the need to protect lawful demonstrators and how to handle spontaneous demonstrations.
- The circumstances under which the various forms of physical force—including lethal force—can and should be applied. Recognition of this need was demonstrated by the regulations recently adopted by the City of New York further implementing the state law governing police use of firearms.
- The proper manner of address for contacts with any citizen.

The drafting of guidelines should not be solely a police responsibility. It is the duty of mayors and other elected and appointed executive officials to take the initiative, to participate fully in the drafting and to ensure that the guidelines are carried out in practice.

Police research and planning units should be fully used in identifying problem areas, performing the necessary studies and in resolving problems. Their product should be reviewed by the chief of police and city executives, and by representatives of the prosecution, courts, correction agencies and other criminal-justice agencies. Views of ghetto residents should be obtained, perhaps through police-community relations programs or human relations agencies. Once promul-

gated, the guidelines should be disseminated clearly and forcefully to all operational personnel. Concise, simply worded and, if necessary, foreign language summaries of police powers and individual rights should be distributed to the public. Training the police to perform according to the guidelines is essential. Although conventional instruction is a minimum requirement, full understanding can only be achieved by intensive small-group training, involving simulation.

Guidelines, no matter how carefully drafted, will have little effect unless the department enforces them. This primarily requires command supervision and commitment to the guidelines. It also requires:

- A strong internal investigative unit to enforce compliance. Such a unit should not only enforce the guidelines on a case-by-case basis against individual officers but should also develop procedures to deter and prevent violations. The Crime Commission discussed the various methods available.
- A fair and effective means to handle citizen complaints.

Finally, provision should be made for periodic review of the guidelines, to ensure that changes are made to take account of current court rulings and new laws.

## COMMUNITY SUPPORT FOR LAW ENFORCEMENT

A fifth major reason for police-community hostility—particularly obvious since the recent disorders—is the general breakdown of communication between police and the ghetto. The contacts that do occur are primarily adversary contacts.

In the section on police patrol practices, we discussed one basic aspect of this problem. Here we consider how police forces have tried, with varying degrees of success, to deal with three issues underlying relations with ghetto communities.

### RECRUITMENT, ASSIGNMENT, AND PROMOTION OF NEGROES

The Crime Commission Police Task Force found that for police in a Negro community, to be predominantly white can serve as a dangerous irritant; a feeling may develop that the community is not being policed to maintain civil peace but to maintain the status quo. It further found that contact with Negro officers can help to avoid stereotypes and prejudices in the minds of white officers. Negro officers also can increase departmental insight into ghetto problems and provide information necessary for early anticipation of the tensions and grievances that can lead to disorders. Commission witnesses confirm these conclusions.

There is evidence that Negro officers also can be particularly effective in controlling any disorders that do break out. In studying the relative performance of

Army and National Guard forces in the Detroit disorder, we concluded that the higher percentage of Negroes in the Army forces contributed substantially to their better performance. As a result, last August, we recommended an increase in the percentage of Negroes in the National Guard. The need for increased Negro participation in police departments is equally acute.

Despite this need—and despite recent efforts to hire more Negro police, the proportion of Negroes on police forces still falls far below the proportion of Negroes in the total population. Of 28 departments which reported information of this kind in a Commission survey of police departments, the percentage of Negro sworn personnel ranged from less than 1 percent to 21 percent. The median figure for Negro sworn personnel on the force was 6 percent; the median figures for the Negro population was approximately 24 percent. In no case was the proportion of Negroes in the police department equal to the proportion in the population.<sup>5</sup> A 1962 survey of the United States Civil Rights Commission, as reported in the Crime Commission Police Task Force Report, shows correspondingly low figures for other cities.

There are even more marked disproportions of Negro supervisory personnel. Our survey showed the following ratios:

<sup>5</sup> The data from this survey can be found in Table A at the end of this chapter, p. 169.



- One in every 26 Negroes is a sergeant; the white ratio is one in 12.
- One in every 114 Negroes is a lieutenant; the white ratio is one in 26.
- One in every 235 Negroes is a captain or above; the white ratio is one in 53.

Public Safety Director Murphy, testifying before the Commission, described the problem and at least one of its causes:

I think one of the serious problems facing the police in the nation today is the lack of adequate representation of Negroes in police departments. I think the police have not recruited enough Negroes in the past and are not recruiting enough of them today. I think we would be less than honest if we didn't admit that Negroes have been kept out of police departments in the past for reasons of racial discrimination.

In a number of cities, particularly larger ones, police officials are not only willing but anxious to appoint Negro officers. There are obstacles other than discrimination. While these obstacles cannot readily be measured, they can be identified. One is the relatively high standards for police employment. Another is pay; better qualified Negroes are often more attracted by other, better paying positions. Another obstacle is the bad image of police in the Negro community. There also are obstacles to promotion apart from discrimination, such as the more limited educational background of some Negro officers.

## RECOMMENDATIONS

### The Commission recommends:

- Police departments should intensify their efforts to recruit more Negroes. The Police Task Force of the Crime Commission discussed a number of ways to do this and the problems involved. The Department of Defense program to help police departments recruit returning servicemen should be fully utilized. An Army report of Negro participation in the National Guard and Army reserves may also provide useful information.
- In order to increase the number of Negroes in supervisory positions, police departments should review promotion policies to ensure that Negroes have full opportunity to be rapidly and fairly promoted.
- Negro officers should be so assigned as to ensure that the police department is fully and visibly integrated. Some cities have adopted a policy of assigning one white and one Negro officer to patrol cars, especially in ghetto areas. These assignments result in better understanding, tempered judgment and increased ability to separate the truly suspect from the unfamiliar.

Recruiting more Negro officers, alone, will not solve the problems of lack of communication and hostility toward police. A Negro's understanding of the ghetto is not enough to make him a good officer. He must also meet the same high standards as white officers and pass the same screening process. These requirements help create a dilemma noted by the Crime Commission.

The need to develop better relations with minority group communities requires recruitment of police from these groups—groups handicapped by lack of educational opportunities and achievement. To require that police recruits have a high school diploma sets a standard too low in terms of the need for recruiting college graduates and perhaps too high in terms of the need for recruiting members of minority groups.

To meet this problem, the Crime Commission recommended creation of a new type of uniformed "community service officer." This officer would typically be a young man between 17 and 21 with the "aptitude, integrity and stability necessary to perform police work." He would perform a variety of duties short of exercising full law enforcement powers, with primary emphasis on community service work. While so serving, he would continue his studies in order to be promoted as quickly as possible to the status of a police officer.

### The Commission recommends:

- The community service officer program should be adopted. Use of this program to increase the number of Negroes in police departments will help to establish needed channels of communication with the Negro community; will permit the police to perform better their community service functions, especially in the minority group neighborhoods; and will also create a number of badly needed jobs for Negro youths.

The standards of selection for such community service officers or aides should be drawn to insure that the great majority of young Negro males are eligible to participate in the program. As stated in the Crime Commission Task Force Report, selection should not be based on inflexible educational requirements, but instead " \* \* \* should be made on an individual basis with priority being given to applicants with promising aspirations, honesty, intelligence, a desire and a tested capacity to advance his education and an understanding of the neighborhood and its problems." An arrest record or a minor conviction record should not in itself be a bar to employment.

### The Commission recommends:

- The Federal Government should launch a program to establish community service officers or aides in cities with populations over 50,000. Eligible police departments should be reimbursed for 90 percent of the costs of employing one aide for every 10 full-time police officers.

We emphasize, however, that recruitment of community service aides must complement, not replace, efforts to recruit more Negroes as police officers.

## COMMUNITY SERVICE FUNCTIONS

Because police run almost the only 24-hour-a-day, 7-day-a-week emergency service, they find it very hard not to become involved in a host of nonpolice services. Complaints about a wide range of matters, from noisy neighbors and deteriorated streets to building code violations, at best are only peripheral to police work. Be-



cause these are often not police matters and because police increasingly face serious shortages of manpower and money, police administrators have resisted becoming involved in such matters. This resistance, coupled with centralization and motorization of the police, has resulted in the police becoming more distant from the people they serve.

## RECOMMENDATIONS

The Commission believes that police cannot, and should not, resist becoming involved in community service matters.<sup>6</sup> There will be benefits for law enforcement no less than for public order.

First, police, because of their "front line position" in dealing with ghetto problems, will be better able to identify problems in the community that may lead to disorder. Second, they will be better able to handle incidents requiring police intervention, particularly marital disputes that have a potential for violence. How well the police handle domestic disturbances affects the incidence of serious crimes, including assaults and homicides. Third, willing performance of such work can gain police the respect and support of the community. Finally, development of nonadversary contacts can provide the police with a vital source of information and intelligence concerning the communities they serve.

A variety of methods have been devised to improve police performance of this service function. We comment on two of special interest. The first is the New York Police Department's experimental "Family Crisis Intervention" program to develop better police response to marital disputes; if results develop as expected, this may serve as a model for other departments.

Second, neighborhood service centers have been opened in some cities. These centers typically are established in tense, high-crime areas, in easily accessible locations such as store-fronts or public housing projects. Staffed by a civilian city employee as well as a police officer, their task is to provide information and service—putting a citizen in touch with the right agency, furnishing general advice. This gives the beat patrolman somewhere to refer a marital dispute. It gives the local resident a clear, simple contact with official advice. It gives the police in general the opportunity to provide services, not merely to enforce the law. The needed additional manpower for such centers could be provided by the community service aides recommended earlier or by continuing to employ experienced policemen who have reached the age of retirement.

<sup>6</sup> We join in the Crime Commission's caveat that police should not become involved in service tasks which involve neither policing nor community help (such as tax collection, licensing, and dog-pound duties).

## COMMUNITY RELATIONS PROGRAMS

Many police departments have established programs to deal specifically with police-community relations. The Crime Commission recommended a number of such programs, and Federal funds have been made available for putting them into operation. Although of great potential benefit, the results thus far have been disappointing. This is true partly because the changes in attitude sought by such programs can only be achieved over time. But there are other reasons, as was shown by Detroit's experience with police-community meetings: Minimum participation by ghetto residents; infrequent meetings; lack of patrolmen involvement; lack of attention to youth programs; lack of coordination by police leadership, either within the department or with other city programs.

More significantly, both the Detroit evaluation and studies carried on for the Commission show that too often these are not community-relations programs but public-relations programs, designed to improve the department's image in the community. In one major city covered by the Commission's study, the department's plan for citizen observers of police work failed because people believed that the citizen observer was allowed to see only what the police thought he should see. Similarly, the police chief's "open house," an opportunity for discussion, was considered useless by many who regarded him as unsympathetic and unresponsive.

Moreover, it is clear that these programs have little support among rank and file officers. In Detroit, more than a year after instructions were sent out to establish such programs, several precincts still had failed to do so. Other cities have had similar experiences. On the command level, there is often little interest. Programs are not integrated into the departments; units do not receive adequate budgetary support.

Nevertheless, some programs have been successful. In Atlanta, a Crime Prevention Bureau has within 2 years established a good relationship with the community, particularly with the young people. It has concentrated on social services, persuading almost 600 dropouts to return to school, assisting some 250 hardship cases with food and work, arranging for dances and hydrant showers during the summer, working quickly and closely with families of missing persons. The result is a close rapport with the community—and recruits for the department. Baltimore and Winston-Salem are reported to have equally successful programs.

## RECOMMENDATIONS

Community relations programs and training can be important in increasing communication and decreasing hostility between the police and the ghetto. Com-



munity relations programs can also be used by police to explain new patrol practices, law enforcement programs, and other police efforts to reduce crime. Police have a right to expect ghetto leaders to work responsibly to reduce crime. Community relations programs offer a way to create and foster these efforts.

We believe that community relations is an integral part of all law enforcement. But it cannot be made so by part-time effort, peripheral status or cliché methods.

One way to bolster community relations is to expand police department award systems. Traditionally, special awards, promotional credit, bonuses, and selection for special assignments are based on heroic acts and arrest activity. Award systems should take equal cognizance of the work of officers who improve relations with alienated members of the community and by so doing minimize the potential for disorder.

However, we see no easy solution to police-community relations and misunderstandings, and we are aware that no single procedure or program will suffice. Improving community relations is a full-time assignment for every commander and every officer—an assignment that must include the development of an attitude, a tone, throughout the force that conforms with the ultimate responsibility of every policeman: Public service.

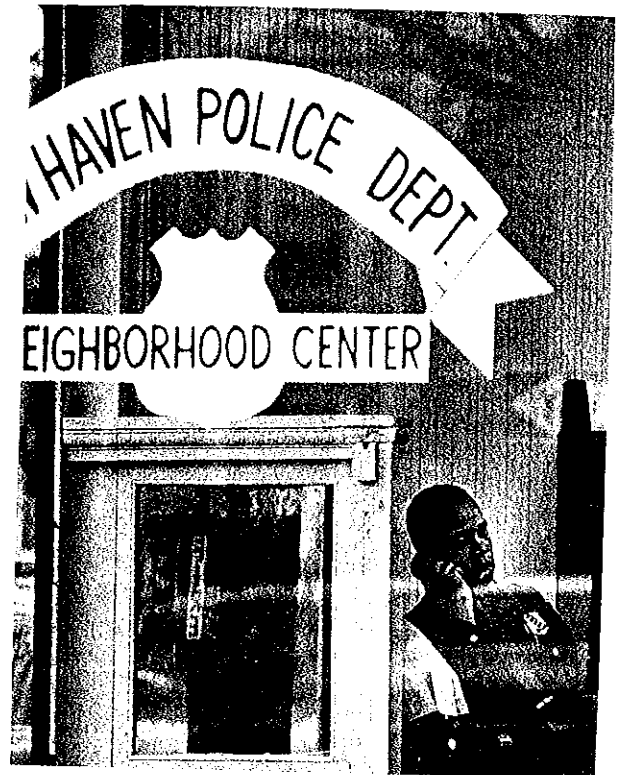




TABLE A  
NONWHITE PERSONNEL IN SELECTED POLICE DEPARTMENTS

Name of department	Number <sup>1</sup> police officers	Number <sup>2</sup> Nonwhite police officers	Number sergeants <sup>3</sup>		Number lieutenants <sup>3</sup>		Number captains <sup>3</sup>		Number above captain <sup>3</sup>	
			Nonwhite	White	Nonwhite	White	Nonwhite	White	Nonwhite	White
Atlanta, Ga.	968	98	2	12	3	56	0	15	0	6
Baltimore, Md.	3,046	208	7	389	3	105	1	17	1	21
Boston, Mass.	2,508	49	1	228	0	80	0	20	0	12
Buffalo, N.Y.	1,375	37	1	60	1	93	0	24	0	32
Chicago, Ill.	11,091	1,842	87	1,067	2	266	1	73	6	66
Cincinnati, Ohio	891	54	2	68	2	34	0	13	0	7
Cleveland, Ohio	2,216	165	6	155	0	78	0	26	0	17
Dayton, Ohio	417	16	1	58	0	13	0	6	0	4
Detroit, Mich.	4,326	227	9	339	2	156	0	9	0	2
Hartford, Conn.	342	38	0	32	1	16	0	11	1	14
Kansas City, Mo.	927	51	7	158	0	36	0	10	1	7
Louisville, Ky.	562	35	1	42	1	29	0	45	0	44
Memphis, Tenn.	869	46	0	0	4	192	0	19	0	3
Michigan State Police	1,502	1	0	135	0	24	0	12	0	6
New Haven, Conn.	446	31	0	20	0	16	0	27	0	10
New Orleans, La.	1,308	54	7	107	1	51	2	273	3	157
New York, N.Y.	27,610	1,485	65	1,785	20	925	0	17	0	4
New Jersey State Police	1,224	5	0	187	0	43	0	22	0	0
Newark, N.J.	1,869	184	5	97	3	95	1	10	0	3
Oakland, Calif.	658	27	1	95	0	25	0	11	0	6
Oklahoma City, Okla.	438	16	0	32	1	19	3	46	0	23
Philadelphia, Pa.	6,890	1,377	26	314	8	139	0	10	0	4
Phoenix, Ariz.	707	7	0	88	1	22	0	4	1	6
Pittsburgh, Pa.	1,558	109	3	137	3	47	4	17	0	11
St. Louis, Mo.	2,042	224	21	201	3	46	0	15	0	10
San Francisco, Calif.	1,754	102	0	217	0	66	0	13	0	8
Tampa, Fla.	511	17	0	50	0	12	0	37	0	31
Washington, D.C.	2,721	559	19	216	3	107	3	0	0	0
Total	80,621	7,046	271	6,289	62	2,791	16	802	14	576

Name of department	Percent nonwhite population	Percent nonwhite police officers	Ratio: Sergeants to officers		Ratio: Lieutenants to officers		Ratio: Captains to officers		Ratio: Above captain to officers	
			Nonwhite	White	Nonwhite	White	Nonwhite	White	Nonwhite	White
Atlanta, Ga.	1.38	10	1:49	1:73	1:33	1:16	0:98	1:58	0:98	1:14
Baltimore, Md.	1.41	7	1:30	1:7	1:69	1:27	1:208	1:167	1:208	1:135
Boston, Mass.	1.11	2	1:49	1:11	0:49	1:31	0:49	1:23	0:49	1:205
Buffalo, N.Y.	1.18	3	1:37	1:22	1:37	1:14	0:37	1:56	0:37	1:42
Chicago, Ill.	1.27	17	1:21	1:9	1:921	1:35	1:1842	1:127	1:307	1:140
Cincinnati, Ohio	1.28	6	1:27	1:12	1:27	1:25	0:54	1:64	0:54	1:120
Cleveland, Ohio	1.34	7	1:28	1:13	0:165	1:26	0:165	1:79	0:165	1:121
Dayton, Ohio	1.26	4	1:16	1:7	0:16	1:30	0:16	1:67	0:16	1:100
Detroit, Mich.	1.39	5	1:25	1:12	1:114	1:26	No such rank	1:227	1:227	1:66
Hartford, Conn.	1.20	11	0:38	1:10	1:38	1:20	0:38	1:34	0:38	1:152
Kansas City, Mo.	1.20	6	1:7	1:6	0:51	1:24	0:51	1:80	1:51	1:63
Louisville, Ky.	1.21	6	1:35	1:13	1:35	1:18	0:35	1:53	1:35	1:75
Memphis, Tenn.	1.38	5	No such rank	1:12	1:4	0:46	1:18	0:46	1:19	1:19
Mich. St. Pol.	1.9	(*)	0:1	1:11	0:1	1:63	0:1	1:79	0:1	1:500
New Haven, Conn.	1.41	7	0:31	1:21	0:31	1:26	0:31	1:35	0:31	1:69
New Orleans, La.	1.41	4	1:8	1:12	1:54	1:25	0:54	1:46	0:54	1:125
New York, N.Y.	1.16	5	1:23	1:15	1:74	1:28	1:743	1:96	1:495	1:166
New Jersey State Police	1.9	(*)	0:5	1:7	0:5	1:28	0:5	1:72	0:5	1:305
Newark, N.J.	1.40	10	1:37	1:17	1:61	1:18	1:184	1:77	None listed	1:210
Oakland, Calif.	1.31	4	1:27	1:7	0:27	1:25	1:27	1:63	0:27	1:70
Oklahoma City, Okla.	1.15	5	0:16	1:13	1:16	1:22	0:16	1:38	0:16	1:240
Philadelphia, Pa.	1.29	20	1:53	1:18	1:172	1:40	1:459	1:120	0:1377	1:175
Phoenix, Ariz.	1.8	1	0:7	1:8	1:7	1:32	0:7	1:70	0:7	1:242
Pittsburgh, Pa.	1.19	7	1:36	1:11	1:36	1:31	1:109	1:362	1:109	1:165
St. Louis, Mo.	1.37	11	1:11	1:9	1:75	1:40	1:56	1:107	0:224	1:165
San Francisco, Calif.	1.14	6	0:102	1:8	0:102	1:25	0:102	1:110	0:102	1:165
Tampa, Fla.	1.17	3	0:17	1:10	0:17	1:41	0:17	1:38	0:17	1:62
Washington, D.C.	1.63	21	1:29	1:10	1:186	1:20	1:186	1:58	0:559	1:70

<sup>1</sup> Percent Negro population figures, 1965 estimates by the Center for Research in Marketing, Cong. Quarterly, Weekly Report, No. 36, Sept. 8, 1967.  
<sup>2</sup> Percent Negro population figures, 1966 estimates, Office of Economic Opportunity.  
<sup>3</sup> Percent Negro population figures for States of Michigan and New Jersey, 1960 Census figures.  
<sup>4</sup> Less than 1/2 of 1 percent.  
<sup>5</sup> All police data from a survey conducted for the Commission by the International Association of Chiefs of Police in October 1967.



