

TOWARD POLICE/COMMUNITY DETENTE IN JACKSONVILLE

—A report of the Florida Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this report should not be attributed to the Commission but only to the Florida Advisory Committee.

June 1975

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*A report prepared by the Florida
Advisory Committee to the U.S.
Commission on Civil Rights*

ATTRIBUTION:

The findings and recommendations contained in this report are those of the Florida Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission.

This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

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LETTER OF TRANSMITTAL

FLORIDA ADVISORY COMMITTEE TO THE
U.S. COMMISSION ON CIVIL RIGHTS
June 1975

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Sirs and Madam:

The Florida Advisory Committee submits this report of its study of police/community relations in Jacksonville as part of its responsibility to advise the Commission on relevant civil rights problems within this State.

During our investigation, which included an open meeting in Jacksonville, March 8-9, 1974, we examined allegations of police ill treatment of black citizens and studied the Office of the Sheriff, focusing on hiring and promotion policies, human relations and public contact, complaint procedures, and Law Enforcement Assistance Administration (LEAA) funding.

The Office of the Sheriff has disproportionately small percentages of blacks and women on the sworn force, and these groups are underrepresented in the higher echelon officer ranks. The 1970 U.S. Census recorded a Jacksonville population of 455,411, of whom 121,170 (26.6 percent) were black. As of July 1974 the representation of black women on the force was 0 percent, black men 5 percent, white women 2 percent, and white men 93 percent. Sworn officers above the rank of lieutenant as of the same date were: black women 0 percent, black men 5 percent, white women 0 percent, and white men 95 percent.

The charge of ill treatment was not leveled at the entire police force, but a significant number of complaints have been made against a small cadre of officers. Some complaints have resulted in lawsuits. On March 12, 1974, a class action lawsuit was filed by the local chapter of the National Association for the Advancement of Colored People (NAACP) naming Sheriff Dale Carson, Mayor Hans Tanzler, Community Relations Commission Chairperson Nathan H. Wilson

and 22 policemen (17 identified by name and five "John Does") as defendants. Charges against the defendants ranged from misconduct and abuse of authority to use of excessive force and brutality.

Subsequent to the open meeting August 16, 1974, members of the Florida Advisory Committee and staff from the Commission's Southern Regional Office met with representatives of the black community and with Sheriff Carson and Undersheriff D. K. Brown. The result was the initiation of dialogue between the Black Coalition and the Office of the Sheriff: the first meaningful communication between the two groups.

The Advisory Committee is making recommendations to the Office of the Sheriff, to the Jacksonville City Council, and to the LEAA. These include the active recruitment and hiring of blacks and women and the withholding of Federal funds from the Office of the Sheriff by LEAA.

We urge you to concur with our recommendations and to assist this Advisory Committee in its followup activities.

Respectfully,

/s/

TED NICHOLS
Chairperson

ACKNOWLEDGMENTS

The Advisory Committee wishes to thank the staff of the Commission's Southern Regional Office, Atlanta, Ga., for its help in the preparation of this report. Research and writing assistance were provided by Courtney Siceloff, Glenda Watters, Marilyn Grayboff, and Harriet Tucker, with support from Portia Raby and Joan Harper. All worked under the guidance of Bobby D. Doctor, regional director.

Final edit and review was conducted in the Commission's Office of Field Operations, Washington, D.C., by editor Laura Chin, assisted by Audree B. Holton, Mary F. Newman, and Bruce E. Newman, under the direction of Charles A. Ericksen, chief editor. Preparation of all State Advisory Committee reports is supervised by Isaiah T. Creswell, Jr., Assistant Staff Director for Field Operations.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the Act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion, or national origin: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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I N T R O D U C T I O N

Even the Sunshine State was not immune to the urban turbulence that followed the killings in the late 1960's of the Kennedys and King. With large concentrations of poor and minorities in the cores of its glittering resorts and seaport cities, Florida was ripe for the mass expressions of frustration and rage at bright promises left dangling--and for the repercussive Law and Order.

The Florida Advisory Committee to the United States Commission on Civil Rights determined that in recent years police/citizens relations in fast-growth metropolitan areas throughout the State posed serious problems, specifically for protection of the rights of minorities and generally for survival of the concept of equal justice under the law.

Three-Cities Study

For indepth examination of police/community relations, the Advisory Committee chose Tampa, Jacksonville, and Miami because of their geographic locations (mid-Gulf, upper Atlantic coast, and lower tip, respectively) as well as for the large number of Spanish-speaking and black minorities in their populations.

After extensive field work, a public open meeting was held in Tampa in May 1971 and Police and Community Relations in Tampa, a report on the Advisory Committee's findings and recommendations for that city, was issued in December 1972.

A Look into Jacksonville

In preparation for the Jacksonville open meeting in March 1974, Committee Chairperson Ted Nichols appointed a subcommittee comprised of I. H. Burney, II, Earl Johnson, James Workman, and Rev. Caxton Doggett. This subcommittee and staff members from the Southern Regional Office of the U.S. Commission on Civil Rights developed background information for the meeting through personal interviews with officials of the Office of the Sheriff (OS) and city administration, representatives of civic and nonprofit organizations, and residents of the inner city.

Emanating from the intensive field investigation and the 2-day open meeting called by the Florida Advisory Committee, this report focuses on the uneasy relations between the black community and the Jacksonville law enforcement authorities.

Briefly describing the demography of the city, the operations and makeup of the Office of the Sheriff and the men in charge, this report presents evaluations and recommendations in three main areas: staffing (recruitment and promotion patterns); human relations training and community contact; and complaints (causes and handling procedures).

The study also notes types of programs conducted by Jacksonville's law enforcement agency with more than \$3 million in Federal funds directed to it through the Omnibus Crime Bill and Safe Streets Act.

Based on OS personnel data and other evidentiary information presented at the open meetings, the report outlines some administrative steps which could be taken to ameliorate the situation in Jacksonville. It also suggests ways and means of opening up lines of direct communication to create, at the very least, a spirit of police/community detente.

B A C K G R O U N D

The Consolidated City

Situated in northern Florida on the Atlantic Coast, Jacksonville is a general trade and service center for a broad region extending up into southern Georgia. It is a financial and insurance center for the region, an important industrial center, and seaport with three naval installations. The city, encompassing 840 square miles, is one of the largest municipalities in land area in the country.

In the mid 1960's the efforts of planners working toward reform through the merger of city and county governments got an unexpected boost when 11 city officials were indicted for corruption. A 1967 referendum extended the city limits of Jacksonville to take in most of Duval County and its clean country vistas (along with a large white population that relegated blacks from what had been nearly equal numerical status to a definite minority in the city).

Composition of City

Consolidation, except for three small incorporated areas along the ocean and one inland, was effected in 1968 in time for the Census Bureau to take the full measure of the new Jacksonville. The U.S. Census tallied the population at 455,411, of whom 121,170 (26.6 percent) were black. Within the old city boundaries, blacks comprised 47 percent.

Since 1970 the population of Jacksonville has increased to more than 500,000, largely as a result of immigration rather than increased births. This magic figure of one-half million gained entry for the sheriff of the metropolis into the prestigious 30-member International Association of Chiefs of Police.

City Law, County Order

Prior to the 1968 merger of city and county law enforcement agencies (part of the parcel of consolidation), Duval County had an elected sheriff and Jacksonville had a chief of police who was appointed by the mayor. The man with jurisdiction within city limits was the chief of police.

At consolidation, Dale Carson, who had been first appointed by Governor Leroy Collins to the post in 1958 and was subsequently elected and reelected, became Sheriff, Office of the Sheriff, City of Jacksonville. Sheriff Carson, cognizant that his own position has grown with the city, regards his present role as that of a police commissioner. Shortly after assuming his expanded role in 1968, he made D. K. Brown (who had been police chief and, years before, his superior when both were with the Federal Bureau of Investigation) the new Undersheriff, City of Jacksonville.

The Office of Sheriff currently has jurisdiction over all aspects of law enforcement, including the operation of the city jail and county prison work farm. The range of crimes the sheriff's department now deals with has expanded along with the city. Unlawful activities that regularly reach the police docket range from moonshine and cattle rustling to such urban sophistications as syndicated vice and drug dealing.

Tension, Past and Present

Black/white relations--never truly quiescent in either the county or city--became more complex with the melding of the two. Each has had its own kind of discriminatory history. Blacks remember the rural county's recalcitrance about granting them so basic a

civil right as suffrage. In the inner city, deteriorating ghettos and idle youth are evidence of the economic repression that is a by-product in any region where commercial gains outstrip education of and services to the entire citizenry. Jacksonville's long record of confrontation with its black citizens, town and country, has not been laudable.

Racial tensions, building for many years, erupted in 1960 at a Woolworth lunch counter. During the misnomered Hemming Park Riots, the black students who had been conducting a peaceful sit-in were beaten by whites armed with axe handles.

The night of April 14, 1968, hours after Dr. Martin Luther King, Jr., had been assassinated, Jacksonville erupted--along with numerous other cities throughout the country. In an ironic metaphor, the police made profuse use of tear gas to control the desperate and despairing.

Several days of widespread disturbances followed the Halloween 1969 shooting of a black youngster by a white salesman who thought the lad was stealing from his truck. Many members of the black community who witnessed these outbreaks claim that police actions tended to aggravate rather than quell the disturbances. Unfortunately, this overreaction on the part of law officers is, in a sense, what the community has come to expect in Jacksonville.

Jim Crow Force and Fraternal Order

The overwhelming superiority of whites (in numbers and rank) on the force has also tended to exacerbate the sore spots. Until 1968 the Jacksonville police were segregated. "Colored" or "nigra" officers (the nomenclature used, according to longtime civil rights activist Dr. Arnett Girardeau) were posted to an all-black substation; it was understood that these officers would not arrest whites--for whatever reason. There were no uniformed black deputies under the county sheriff until the consolidation, and no blacks in the Fraternal Order of Police until 1969.

Prime Issue in Community

These conditions and race-based incidents in the city's recent past, related to Commission staff and Advisory Committee members during interviews conducted prior to the open meeting, underscored allegations of harassment by men in OS uniform. A number of black citizens said they had experienced or witnessed such treatment personally. When asked if they had filed formal protests, most maintained that procedures for registering complaints were complex, sometimes punitive to the complainant and, most often, seemed futile: the Office of the Sheriff, which conducts its own investigation of charges, did not feel obliged to report back any disciplinary action--if taken. Furthermore, OS files on the disposition of such cases were virtually closed to public scrutiny (this, in spite of Florida statutes and Federal laws to the contrary).

People vs. Police and City Hall

The open meeting was held March 8 and 9, 1974, at Edward Waters College. A few days before the meeting, 18 blacks, alleging they had been victims of police brutality, joined with the head of the local chapter of the National Association for the Advancement of Colored People (NAACP) in announcing intent to file suit against Jacksonville city officials. Purpose of the class action lawsuit: to guarantee constitutional rights to members of the black community.

Top government officials named as defendants in the suit (which was filed on March 12, 1974) included Sheriff Dale Carson, Mayor Hans Tanzler, and Community Relations Commission Chairperson Nathan H. Wilson, as well as 22 policemen (17 identified by name and five "John Does"). Charges against these defendants ranged from misconduct and abuse of authority to use of excessive force and brutality.

News of the impending suit had several spinoff effects on the tenor of the Advisory Committee meeting. Four scheduled witnesses who were also plaintiffs in the suit declined to present information at the open meeting on advice of their counsel. Also, the sheriff and the mayor, who had accepted invitations to give the opening statements, were, as reported on local television, "no show."

In all, 30 invitees did come to present information. People from city agencies and civic organizations and residents of the minority community gave their personal viewpoints, sometimes divergent, on causes and cures for the poor police/community relations. Even though the NAACP litigants did not attend, several other alleged victims gave accounts of how police had abused their authority and had applied force unduly and unfairly. Some also claimed that charges such as "resisting arrest with violence" were used by officers as devices to preclude complaints.

Sheriff Carson had agreed to present his overview of police/minority relations and to respond to any substantive issues raised during the open meeting. Sheriff Carson sent Chief Charles Scrivens to fill his allotted time slot before the Advisory Committee. Highest ranking black and one of three in the entire agency above the rank of sergeant, Chief Scrivens did not purport to speak for the sheriff, but only to present his own views.

Although Sheriff Carson did not choose to appear during the 2-days of sessions, he was quoted in the Jacksonville Times-Union, March 13, 1974, as saying, "...the fact that we haven't had any disturbance for several years is a far better indicator of race relations...than a suit filed by an organization which needs...conflict to survive...."

That neither the Sheriff nor Undersheriff D. K. Brown appeared was seen by some Jacksonville citizens as indicative of a reluctance to face direct inquiry and as a display of OS aloofness from and insensitivity to the city's people and problems.

LEAA Funding

Jacksonville's success in securing grants for law enforcement under the Omnibus Crime Control and Safe Streets Act is evidenced by the more than \$3 million the city has obtained since 1971 in Federal funds for police services and the judicial system. Past programs have included installation of a communications network; halfway houses for prisoners, alcoholics, and drug addicts; training; minority recruitment; and jail renovation.

S T A F F I N G: Recruiting and Promotion

As long as law enforcement people *per se* are held in low esteem or feared by much of the minority population, and as long as blacks who are on the force have cause to believe they are discriminated against in assignment and in promotions, then young, able adults from the core city are not likely to rush to join the Jacksonville force or any other city police force.

As the President's 1967 Task Force Report The Police¹ forewarned, recruitment of blacks requires a threefold effort:

- * to establish open communications between the police and black community;
- * to improve the conduct of the patrolman on the street;
- * to end not only the obvious forms of discrimination within the police departments but also the conditions which tend even to create the appearance of discrimination.

1. *The President's Commission on Law Enforcement and Administration of Justice, Task Force Report, The Police (1967), p.206. (Hereinafter cited as The Police.)*

In Jacksonville, Fla., there is reason to believe the community would accept removal of the obvious forms of discrimination for starters.

Makeup of the Office of the Sheriff

Department personnel fall into two categories, style military: sworn and civilian. The sworn force is comprised of uniformed officers, detectives, and support personnel. The civilian group consists of an administrative staff (secretaries, accountants, clerks, a chaplain, and a carpenter), records staff, jail and prison farm staffs, and correctional officers (guards).

In July 1974, OS had 1,290 employees. Of these, 1,184 or 92 percent were white. Of the 848 persons on the sworn force, 786 (93 percent) were white men, and 19 (2 percent) were white women. There were 43 black men on the sworn force, constituting 5 percent, but not one black woman. As shown in the chart on recent hiring patterns on page , there were seven less blacks on the force in July 1974 than there were in September 1973. The total number in the sworn force, however, had increased by 75; i.e., 82 whites had been hired during that period.

A year after consolidation, in January 1969, there were 39 black male officers (6.4 percent of the 609-member sworn force) and no black women. In 1969 there were only seven blacks in supervisory positions--sergeant and above--and in 1974 this number dwindled to five. Yet, there has been no lack of vacancies. John C. Nelson, director of operations of the Office of Sheriff, told the Advisory Committee that over half the policemen had "less than 4 years of service." Consequently, since 1970 there has been a 50 percent turnover.

Few and Low on Totem Pole

Of the 442 civilian employees in July 1974, 252 or 57 percent were white men and 127 or 29 percent were white women. Only 41 or 9 percent

were black men and 22 or 5 percent black women. Rank complemented numbers; i.e., most of the minority group and women were lower echelon. Twenty of the 41 black men were ranked at Correctional Officer, Level 1.

The total number of black employees in the civilian force also declined between September 1973 and July 1974. There were 48 black men and 19 black women on the force in September 1973, but in July 1974, while employment figures for the force rose by 33, these figures changed to 41 and 22, respectively.

Totals of gains and losses for the sworn and civilian force confirm the decrease of black personnel and ascent of white personnel. Six months after new Federal guidelines on affirmative action employment were issued on August 31, 1974, the OS employee roster showed a net gain of 63 employees. During this period, there were 161 terminations, most of them voluntary, and 224 persons hired. A breakdown of these figures shows:

	Terminated	Hired	Net Gain or Loss
White Males	94	145	+51
Black Males	18	8	-10
White Females	41	60	+19
Black Females	8	11	+ 3
TOTALS	161	224	+63

Academic Emphasis

The few who make it into the training academy and become sworn officers soon find that when it comes to promotions, book skills are considered more important than mastery of the job. The swing back to academic emphasis is with the approval of the Civil Service Board which has jurisdiction over all city jobs. Louis Ferrari, Jacksonville's recruitment and examining officer, administers both the entrance and promotional tests. In response to questions from the Advisory Committee about the academic orientation of the tests, Mr. Ferrari would not attempt to justify such standards.

RECENT HIRING PATTERNS: Position, Race, and Sex
September 1973 and July 1974

SWORN FORCE POSITION	White Male		White Female		Black Male		Black Female		Total	
	Sept. 73	July 74	Sept. 73	July 74	Sept. 73	July 74	Sept. 73	July 74	Sept 73	July 74
Sheriff	1	1							1	1
Under-Sheriff	1	1							1	1
Director	2	2							2	2
Deputy Director	4	4							4	4
Chief	6	7			1	1			7	8
Captain	13	13							13	13
Lieutenant	35	34			2	2			37	36
SUBTOTAL	62	62	0	0	3	3	0	0	65	65
Helicopter Patrol	12	15			1	1			13	16
Sergeant	86	85	3	3	2	2			91	90
Patrolman										
Investigator	97	116	10	10	10	4			117	130
Police Officer. T266	446	503		6	34	33			480	542
Personnel Officer	1	1							1	1
Reserve Coordinator	1	1							1	1
Communications Supervisor	5	3							5	3
TOTAL SWORN FORCE	710	786	13	19	50	43	0	0	773	848

September 1973 and July 1974 were selected for the charts to show staffing patterns at the time the Law Enforcement Assistance Administration issued guidelines on affirmative action and at 10 months afterwards. The figures reveal how little progress has been made by the Office of Sheriff in hiring and promoting minorities and women.

Source: Office of the Sheriff, City of Jacksonville.

RECENT HIRING PATTERNS: Positions, Race, and Sex
September 1973 and July 1974

CIVILIAN FORCE POSITION	White Male		White Female		Black Male		Black Female		Total	
	Sept. 73	July 74	Sept. 73	July 74	Sept. 73	July 74	Sept. 73	July 74	Sept. 73	July 74
Adminis Staff	18	19	55	59	1		10	9	84	87
Prison Adm. & Technic.	31	32	4	5	4	5	3	5	42	47
Correction Officer I	66	88	17	17	24	20	3	4	110	129
Deputy Civil. Off.	43	37			8	6			51	43
Records Specialist	35	39	32	42	4	2	3	4	74	87
Correction Off. II-IV	36	37	5	4	7	8			48	49
TOTAL CIVILIAN	229	252	113	127	48	41	19	22	409	442
TOTAL SWORN AND CIVILIAN FORCE										
Number	939	1,038	126	146	98	84	19	22	1,182	1,290
Percentage	79.5	80.5	10.6	11.3	8.3	6.5	1.6	1.7	100	100

During a period in which there was supposed to be a concentrated effort to bring additional blacks and women on the force, the numbers dwindled; however, during the same time frame, nearly 100 white males were hired. The only gains made by women were in a single rank, Police Officer T-266. Six were put on the sworn force by July 1974. All other gains by women were on the civilian support staff; i.e., nonpolice officers.

Source: Office of the Sheriff, City of Jacksonville.

Civil Service Board Jurisdiction

The Civil Service Board has final jurisdiction over the contents of personnel tests as well as over appeals of disciplinary action and complaints about city agencies. The five-person board is comprised of four white males and one black male (the latter appointed by the mayor to fill a vacancy). The board, which is elected, is responsive to lobbyists representing bloc-votes, including city employees and organizations with vested interests such as the Fraternal Order of Police.

Testing, More Testing

During 1971 two of 77 blacks who took the police recruit exam in Jacksonville passed. One had a prior police record and was therefore ineligible for the force. During the same period 123 of 200 whites who took the same exam passed.

While the pass rate for blacks has improved in the past few years (due in part to a preparation program conducted by the Jacksonville Urban League), the survival rate has not. In October 1973, out of the original 113 black applicants to the police force, 32 chose to take the officer exam, including 7 women. Six passed--4 men and 2 women. Of the 158 whites who took the exam, 75 men and 7 women passed. As a result of OS screening processes, such as polygraph, background checks, and interviews, only one black male and two white females actually joined 17 white males in attending the 12-week academy instruction program.

Job Criteria

Mr. Ferrari told the Advisory Committee at the open meeting that in the previous month the city's personnel division switched from tests geared primarily to academic accomplishment to performance-based tests for entrance to the police academy. The performance test, now being used in recruitment because it meets the nondiscriminatory employment guidelines set by the Law Enforcement Assistance Administration, had been validated in Chicago, Ill. as providing a meaningful assessment of applicants' capacity to develop required skills. In Jacksonville, other less objective, less equitable evaluations of candidates and their abilities come into play. Moreover, a high test score remains the basic criteria for OS promotions. Whatever techniques are used for selection and upgrading, if the effect is discriminatory--as can be determined in Jacksonville by analysis of the racial and sex composition of the sworn and civilian force--whether intentional or not, the practices are of questionable legality. In Griggs v. Duke Power Co. the Supreme Court ruled that regardless of intent, requirements which are "built-in headwinds" should be prohibited when not proven to be job-related. Further, the burden is on the agency whose work force includes few minorities and women to prove its practices are not discriminatory.²

In the February 1974 examination, Mr. Ferrari reported that out of the 21 blacks who took the recruit test, nine (six men, three women) had passed--nearly half. Of the 130 whites taking the job-oriented exam, 90 passed (83 men and 7 women). And yet only a solitary black male accompanied 33 whites (32 male, 1 female) into the academy class which began in March 1974.

2. Griggs v. Duke Power Co. 401 U.S. 424 (1971).

Restrictive Factors

The Advisory Committee learned from the information presented by OS and city officials and confirmed by Clanzell Brown, director of the Jacksonville Urban League (which administered a recruitment contract for the OS) that the type of test and/or the score were not the critical elements in determining whether candidates became officers. Other requirements, some tangible and some subjective, could account for the failures of minorities and women to get into the academy: a high school certificate, health examination, polygraph test, background investigation, psychological profile, as well as the judgment of the applicant's personal demeanor by three officers who sit as an interview board.

Programs but No Plan

In 1972 the Office of the Sheriff and the City of Jacksonville contracted with the local Urban League for 1 year to recruit and train blacks to pass the police exam. Mr. Brown reported that of the 264 participants in the program, 159 completed the tutorial courses; 32 passed the test. After the screening process, eight entered the academy; four became patrolmen. In a new contract funded by the LEAA and the city to the Urban League for a 12-month period, the stated objectives are the tutoring of 150 blacks with a minimum of 40 to pass the police recruit exam.

Other programs have been initiated within the sheriff's department to increase minority representation on the force. The 4-year cadet program initiated in June 1973 permitted the cadet to become an officer without having to take the academy entrance exam. Seven cadets, two of them black, were in this program, but the program was cancelled in March 1974.

In August 1973 a special 5-year on-the-job training program was developed with entrance tests related to job performance. According

to Director of Police Services John Riley Smith, this program was specifically geared to enable more blacks to enter the force. It would qualify men and women not only as records specialists and guards, but also as police officers. However, a year later, there were still no trainees enrolled. Mr. Smith reported also that in February 1974 the officer age requirement for the city of Jacksonville was lowered from 21 to 18. At the same time, height requirements for women applicants were raised from 5'6" to 5'8"--same as for men. Jacksonville's height requirement for women officers the previous year was 5'3". The LEAA, responding to a complaint, has recently challenged the height and weight specifications for Jacksonville police officers, firemen, and correctional officers. According to Henry Tribble of the Civil Rights Division of the LEAA, the height requirement has little relevance to performance of duty, but does have an adverse impact on recruitment and hiring of women.

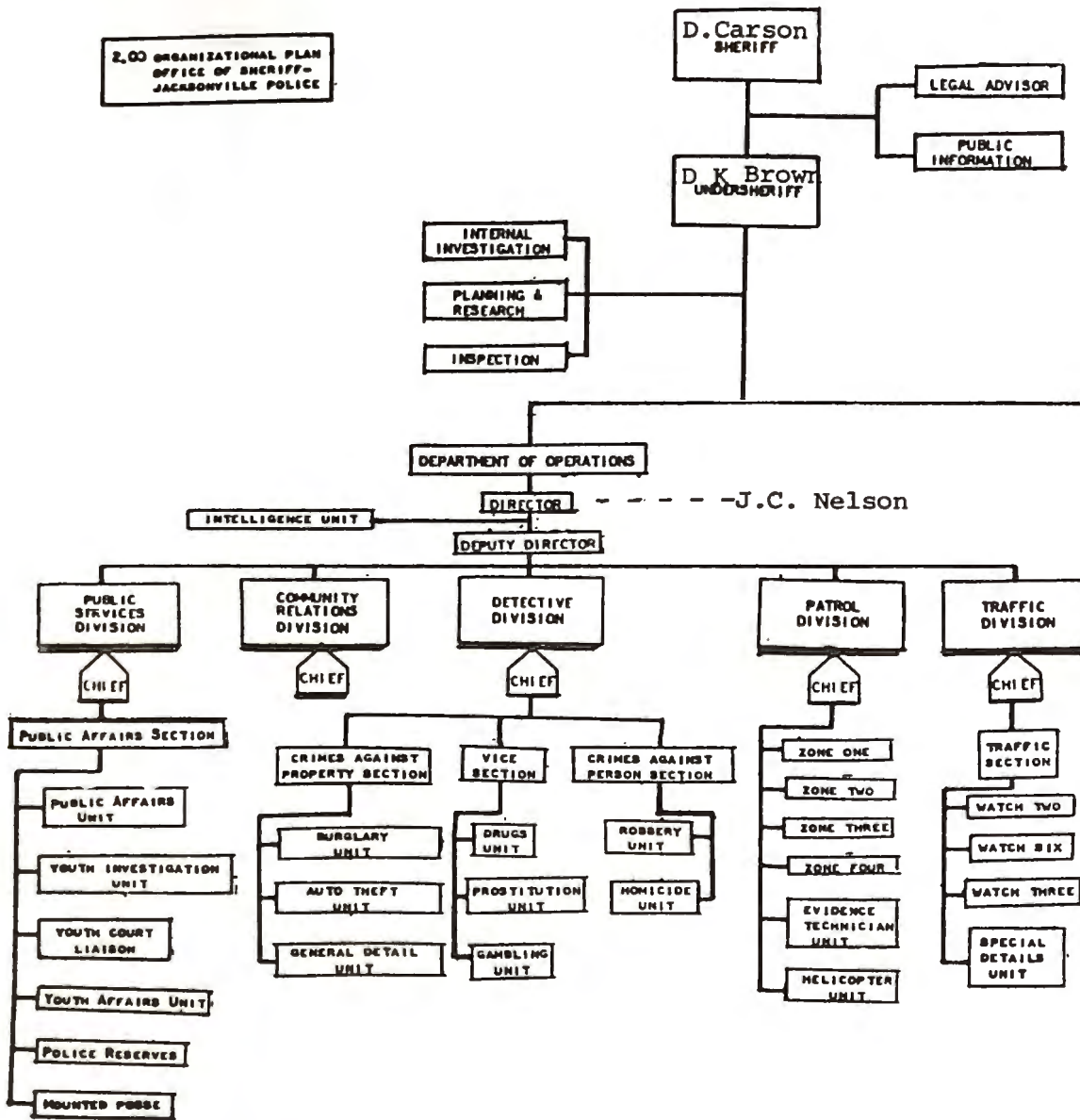
Scoring for Promotion

As verified by OS and city officials at the open meeting, the sole basis for gaining a promotion on the Jacksonville force is achieving the highest score on a competitive written examination. Factors such as educational attainment, demonstrated leadership potential, and ability to assume greater responsibility are not taken into account. Neither is job performance, good or bad, a consideration.

Lateral transfers are permitted only above the rank of captain and only inside two divisions: operations and police services. (See organization chart, pages 18 and 19).

New applicants to the force who have been upper rank officers in military or civilian police service elsewhere must take the recruit exam, go through the academy program, and start at the bottom ranks.

ORGANIZATIONAL PLAN

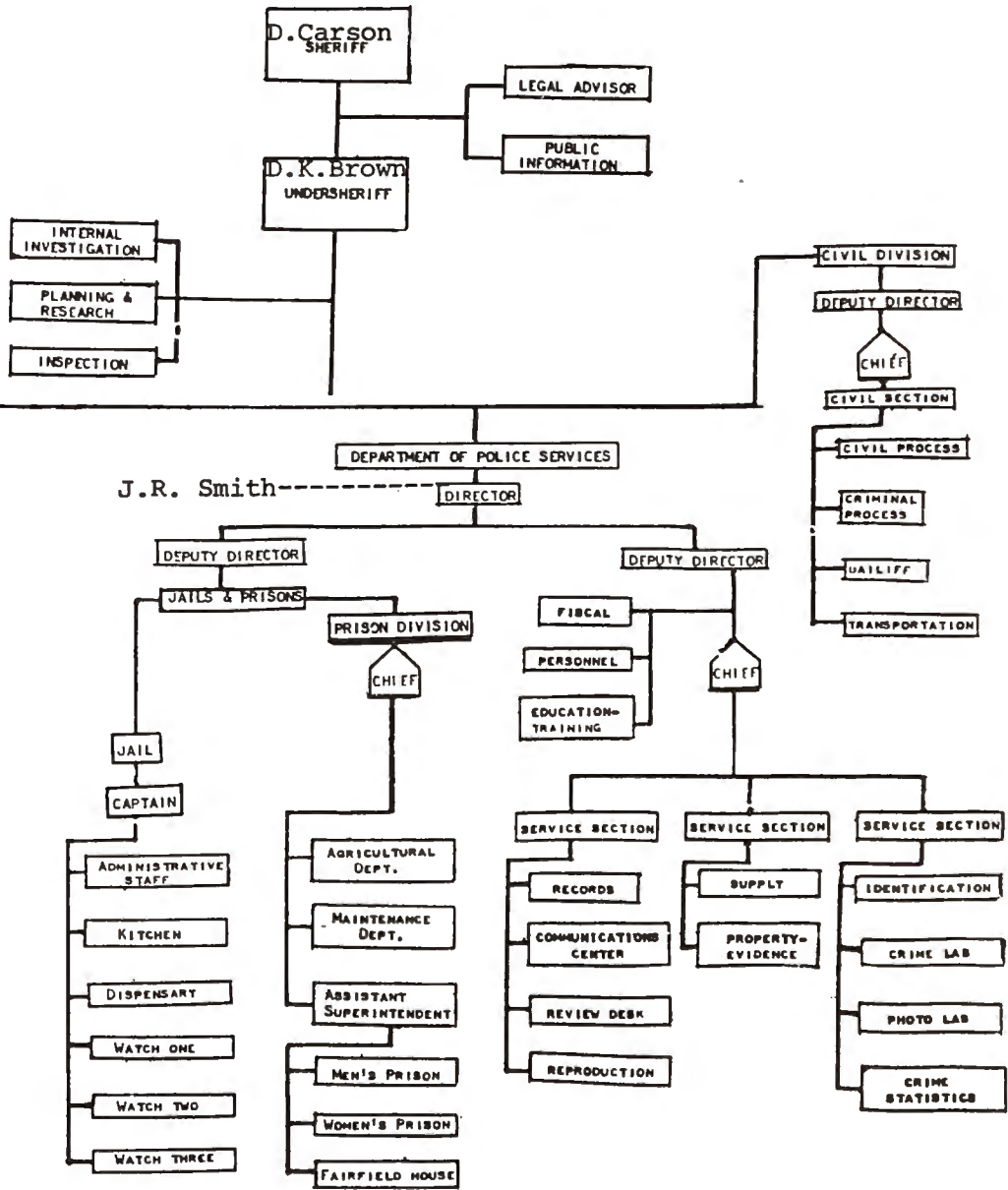


DEPARTMENT OF OPERATIONS

Charles Scrivens, the highest ranking black on the sworn force, is chief of the Community Relations Division (second box from left on chart above). Public affairs are handled in the Public Services Division, and the Public Information Officer reports directly to the Sheriff. These appear to have no working connections with the Community Relations.

Source: Office of the Sheriff, City of Jacksonville.

OFFICE OF THE SHERIFF



DEPARTMENT OF POLICE SERVICES

Each of the chiefs in Police Services has substantial staff and responsibilities, as do four out of five in Operations. The line of command for each division is through a deputy director. The Internal Investigation Unit reports directly to the Undersheriff.

Room at the Top

Of the handful of blacks who have reached supervisory positions, three are close to retirement. In interviews with Commission staff, these three men indicated that they planned to leave the police force as soon as they were eligible for their pensions.

In January 1974, 39 out of 45 black men on the sworn force were patrolmen--the lowest rank officer. Two were sergeants; two lieutenants; and one held chief status. That month there were vacancies at all supervisory levels through the deputy director.

The 45 openings on the sworn force and 49 on the civilian--94 in all as of January 31, 1974--clearly indicate that OS was operating at about 7 percent below its budgeted personnel.

Chief with No Command

Responding to public pressure for getting blacks into decisionmaking positions, the Office of the Sheriff added an eighth chief slot to the seven at that level in the summer of 1973. To head up the newly created Community Relations Division, Lt. Charles Scrivens was elevated in July 1973 to Chief Scrivens (skipping over captain in the ascendancy). As division chief, Charles Scrivens attends weekly staff meetings with the other supervisors holding that rank and above. Thus, what was reported in the Jacksonville Times, January 1973, "no black faces in the inner sanctum," was no longer accurate. Now there was one.

However, 6 months after his promotion, Chief Scrivens still had no officers assigned to him, and his duties were virtually the same as when he was lieutenant. At about the time the Florida Advisory Committee made it known that public meetings were going to be held in Jacksonville, five officers were assigned to the division--but all not actually under Chief Scrivens. Four of the patrolmen in Community Relations are on duty at public schools. Since the principal

of each of the schools has prime authority over the workaday responsibilities of the officer at the school, the lines of command remain fuzzy.

Chief Scrivens, in giving his overview of the place of minorities in the Office of the Sheriff, displayed thorough knowledge of the Jacksonville community and of political realities in the organization. He noted that he had been the first black on the force to try, unsuccessfully, to integrate the Fraternal Order of Police (FOP) in 1958. He revealed that there were still vestiges of hard feelings between the Fraternal Order and him over his early "uppityness," even though blacks are now accepted into the brotherhood. Chief Scrivens is, in fact, the only black who has been refused membership in the FOP.

Governor Reuben Askew appointed Chief Charles Scrivens to the Florida Pardon and Parole Board in February 1975. In that new position, he is again the first black to serve--this time at board level. The following month, a few weeks before elections in Jacksonville, a black lieutenant was elevated to chief of the Community Relations Division.

LEAA REQUIREMENTS

The Federal Omnibus Crime Control and Safe Streets Act of 1968, Pub.L. 90-351, created the Law Enforcement Assistance Administration (LEAA) and placed it within the Department of Justice.³ LEAA's purpose is "to give large scale financial and technical aid to strengthen criminal justice at every level throughout the nation."⁴

The LEAA views law enforcement as a State and local responsibility and the Safe Streets Act insists it must remain so. For the past 7 years the Federal or LEAA role has been that of a partner providing needed Federal assistance in comprehensive criminal justice planning. The LEAA gives grants to State planning agencies which, in turn, disburse money to law enforcement agencies.

Guidelines issued August 31, 1973--5 years and millions of grant dollars after the creation of LEAA--require all recipient agencies to have an equal employment opportunity program. Currently each recipient must file a certificate with the appropriate State planning agency stating that it has such a program in its files.

3. 82 Stat. 197, 42 U.S.C. §3711 et. seq.

4. U.S., Department of Justice, The Law Enforcement Assistance Administration: A Program for a Safe, More Just America (1970), p.3.

Data is required by LEAA for analysis of the affirmative action plan (the principal component of the equal employment program) regarding procedures of recruitment, selection, promotion, disciplinary actions against, and termination of women and minority employees. Each recipient agency is to outline specific steps it plans to take to achieve "full and equal employment opportunity,"⁵ and to designate personnel to implement such a program. The goal of the minority recruitment effort is to correct "in a timely manner, any identifiable employment impediments which may have contributed to the existing disparities."⁶ Further, §42.306(c) of the guidelines states:

A significant disparity between minority representation in the service population and the minority representation in the agency workforce may be deemed to exist if the percentage of a minority group in the employment of the agency is not at least seventy (70) percent of the percentage of that minority in the service population.

Jacksonville has a 26.6 percent black population; therefore an imbalance exists in the OS until there is 18 percent black representation in the work force--more than double the current 8.2 percent in the sworn and civilian staffs. (See chart on page 24).

At the time of the March 1974 open meeting, Director of Police Services John Riley Smith admitted that his office was still working on an affirmative action program. By August 1974--1 year after the regulations became effective--Mr. Smith made available statistics collected for formulating a program but furnished no overall plan designed to correct the imbalance.

5. 28 C.F.R. §42.304(f)(1).

6. 28 C.F.R. §42.306(b).

SWORN FORCE--Monthly Personnel Authorization
January 31, 1974 and July 31, 1974

POSITION	January 31, 1974			July 31, 1974		
	Auth.	Filled	Vac.	Auth.	Filled	Vac.
Sheriff	1	1	0	1	1	0
Undersheriff	1	1	0	1	1	0
Director	2	2	0	2	2	0
Deputy Director	4	3	1	4	4	0
Chief	8	6	2	9	8	1
Captain	13	13	0	14	13	1
Lieutenant	37	35	2	36	36	0
SUBTOTAL	66	61	5	65	63	2
Helicopter Patrol	15	14	1	16	16	0
Sergeant	91	87	4	90	90	0
Patrolman S/A T270	124	114	10	131	130	1
Police Officer T266	525	502	23	545	542	3
Personnel Officer	1	1	0	1	1	0
Police Reserve Coordinator	1	1	0	1	1	0
Communications Supervisor	6	4	2	3	3	0
TOTAL SWORN	829	784	45	854	848	6

There were 25 more authorized positions in July 1974 than 6 months previous for the sworn force. Almost all vacancies were filled during that period, but few blacks or women were hired for those slots.

Source: Office of the Sheriff, City of Jacksonville.

OS Director of Operations J. C. Nelson and the city's Recruitment and Examining Officer Louis Ferrari--two persons who should be key individuals in preparing any affirmative action plan for OS--indicated to the Advisory Committee during the March open meeting that they were not aware of the existence of a definite program and appeared uncertain of what legal requirements such a program might entail. Mr. Nelson claimed at the open meeting that several in the department performed "that function [affirmative action]...but not that you could put that title on." He went on to say, "there again, I am going by what I read in the press. I think city, consolidated city, does have such a person...[I'm] not familiar with his duties or what he is involved in." Likewise, Mr. Ferrari, Recruitment and Examining Officer for city personnel--including the OS--told the Advisory Committee that while the city's affirmative action officer was in his department, "It's [affirmative action] not my responsibility and I'm not that terribly familiar with it."

Staff in LEAA's Office of Civil Rights Compliance (OCRC) will investigate complaints filed with the agency. At the time of the open meeting, OCRC was conducting an investigation of the OS recruitment and testing policies. The evaluation was not extended to promotion criteria or an analysis of the affirmative action plan.

More Than Legal

Where there is a work force population with a minority representation of 3 percent or more, the recipient agency:

*is required to formulate,
implement and maintain an
Equal Employment Opportunity
Program relating to employment
practices affecting minority
persons and women within 120
days after either the*

*promulgation of these amended guidelines, or the initial application for assistance is approved, whichever is sooner.*⁷

Failure to comply with the provisions of the regulation "shall subject recipients" to possible cutoff of funds.⁸ Six years after the Task Force Report, the LEAA August 31, 1973, guidelines echoed in the statement of purpose that full and equal participation of minority individuals in employment opportunities in the criminal justice system is an essential component of reducing crime.

There are, admittedly, difficulties on both sides in increasing minority representation in law enforcement agencies. On the one hand, a police force that has failed to establish rapport with the community finds it difficult to induce highly capable persons to take jobs that are not respected in minority neighborhoods. On the other hand, those who are willing to try to become officers of the law and make changes from within the system often run up against exams that are culturally discriminatory or background checks and personality screening interviews that close them out.

When questioned at the open meeting about the numbers of minority applicants who passed the entrance exam but still were not admitted to the police academy, Louis Ferrari maintained that passing the test administered by the city was not the basic criterion for being hired and that "their score, is totally immaterial...." Mr. Ferrari replied to the Chairperson's query about the difference between those who pass and those who enter the academy by suggesting that the sheriff's department would be better able to respond, and that the (OS) had "other requirements" the applicants had to meet to qualify. The tests the city administers have less effect on screening out black applicants than do the other less precise procedures within the OS.

7. 28 C.F.R. §42.302(d).

8. 28 C.F.R. §42.308.

C O M P L A I N T S: Cause and Handling

None of the citizens interviewed by Commission staff and Florida Advisory Committee members went so far as to condemn the entire Jacksonville force; they did attribute to a score of white officers who patrol the black community a distressing pattern of behavior.

Henry Adams, a black attorney raised in Jacksonville who had worked 2 years in the office of Public Defender, told the Advisory Committee that the number of complaints concerning police abuse of authority that came to his law firm had grown recently from one or two a month to four or five. He added that the large number did not necessarily indicate that police misconduct was on the increase, but that the community had become more aware that some private law firms would handle such cases. Complainant statements presented at the meeting, interviews with Commission staff, and the class action lawsuit create a litany of maltreatment of Jacksonville citizens by police.

The Commission no Shelter

It was reported to the Advisory Committee that being a black member of the Jacksonville Community Relations Commission (CRC) provides no shield. It is in fact, according to Andrew Perkins, a black businessman, an invitation to trouble with law officers. He maintained he had been arrested for "vagrancy on my own property, for closing my own place of business...." It

was not until he resigned from CRC, he said, that the police stopped harassing him and his family.

Mr. Perkins described one occasion when he questioned an officer's use of force in arresting a black citizen. He stated that he showed his card identifying him as a CRC member but that the policeman threw it into the street.

Rudolph Murray, a black man who is vice chairperson of CRC, spoke at the open meeting about his personal experiences with the police. He alleged that on one occasion he had stopped at the scene of an accident to ask if, in his capacity as member of the commission, he could be of assistance. According to Mr. Murray, the officer responded by taking him to the police station and charging him with disturbing the peace, inciting to riot, being drunk and disorderly, and resisting arrest with violence. Mr. Murray alleged that in other instances he had been harassed by police because he was black and/or a member of the Community Relations Commission.

Nathan Wilson, chairperson of the Community Relations Commission and regional attorney for the local telephone company, admitted to the Committee that police harassed several black CRC members-- particularly Mr. Perkins, a member of the committee which monitored police conduct. Mr. Wilson said he had intervened personally on behalf of arrested black CRC members at least four times.

Who, What, and to Whom

Enough information came before the Advisory Committee to indicate that a cadre of mostly young white policemen who work in the black community do harass and do use unnecessary force during arrest procedures.⁹ The statements and

9. Information available in public transcript of Florida Advisory Committee Open Meeting, Jacksonville, Fla., Mar. 9, 1974, p. 362.

interviews revealed that while most often the low-income people are subjected to this kind of treatment, teachers, businessmen, and others are not exempt. The most common denominator on the receiving end is color: black. The exception that proves the rule is the manner in which the alternate culture youth allege that they are handled in their community by some officers.

Violent Resistance--Catch .38

Henry Adams, a private attorney, claimed that many times when police use excessive force, they often charge the arrestee with resisting arrest with violence--a felony carrying a possible 5-year penalty. He felt that such charges were made to justify the use of force during the arrest, and thereby discourage the filing of complaint charges or law suits against individual officers or the department.

One Cancels Other

The scenario of charge-countercharge continues. Once at the jail, the citizen is informed through a lawyer that the police are willing to drop felony charges if the would-be complainant agrees not to file suit. Thus, if the case is weak (i.e. no eyewitnesses) and is dropped, then there is no blemish of brutality charges on the officer's record. Both cases become moot. The police file on the citizen, however, stamped *Nolle Prosequere*¹⁰ [sic], remains on record unless it is removed by court order or by the State's attorney. Currently, there is a move by the latter to have all nol prossed cases expunged from the files. Since 30,000 arrests are made annually and only a fraction ever reach court, this will call for a tremendous housecleaning of OS files.

10. *An entry denoting the prosecutor (or plaintiff) will proceed no further either as to some of the counts, or some of the defendants, or altogether. It does not always mean the case is over and is not equal to acquittal or other kind of judgment. It is quite possible to stamp the court jacket nolle prosequi and then, after gathering more information, prosecute the defendant at a later time.*

Aegis of Community Relations Commission

Where do citizens go to register complaints against police officers? Some take them to the sheriff's department; a few go the route of the Community Relations Commission.

A special referendum was approved at the time of city-county consolidation creating the Community Relations Commission. Proposed to smooth out any difficulties that might arise in melding the predominantly white and rural Duval County with the urban core of poor and black, CRC was given neither subpoena nor enforcement powers. Its prime initial function was to listen to complaints and transmit them to the appropriate agency. The mayor appointed a 20-person board in 1969--12 whites and 8 blacks. Nathan Wilson, a white, was made chairperson when CRC was first formed.

Hugh Wilson joined CRC as director in August 1973, becoming the first black to hold that position. Mr. Wilson's staff is comprised currently of four investigators and two secretaries. The agency got a boost in authority in October 1973 when, as part of the affirmative action employment plan adopted for Jacksonville, the mayor delegated the handling of discrimination allegations to the Civil Service Board and the board, in turn, made CRC the city's official agency for investigating such complaints. If CRC found sufficient grounds to substantiate probable cause, then it was authorized to assist the complaint before the Civil Service Board--in practical terms, to serve as ombudsman.

Complaint Transmittal

When CRC receives a complaint of police misconduct, the staff ordinarily makes a preliminary check to see if there is sufficient basis to bring it to the Office of the Sheriff. If they determine there is not enough material to warrant an investigation, then CRC at its

own discretion can drop the complaint without referring it to OS.

Some complaints are filed directly with OS. Most charges, coming directly to the department or routed through CRC, are turned over to the Internal Investigation Unit (IIU) of the Office of the Sheriff. If the Internal Investigation Unit (which reports to Undersheriff D. K. Brown) decides to investigate, it will inform CRC of its findings on complaints brought to it by that agency. It is not current procedure for copies of the complaints that are filed directly with OS (and reports on these findings) to be sent to CRC. CRC's Nathan Wilson and Undersheriff D. K. Brown have expressed confidence in one another and in the present procedures for handling complaints. Their mutual trust was not shared by all witnesses in the open meeting.

Discrimination Charges

Most complaints currently brought to CRC's attention concern employment discrimination. Out of 185 complaints brought to that agency during a 3-month period last fall, only 19 dealt with police misconduct.

In the summer of 1971, six of eight black CRC members resigned, declaring publicly that the agency was little more than a rubber stamp for actions--or inactions--of other city agencies, especially the Office of the Sheriff. They returned soon after, and an agreement was reached between CRC and Undersheriff Brown to allow CRC's chairperson and vice chairperson (a black) access to Internal Investigation Unit files on brutality complaints and results of investigations. As of March 1974 the arrangement has had to be implemented only once, according to Nathan Wilson, who maintains that CRC has received virtually no brutality complaints in recent months. He told Commission staff that the new CRC director, Hugh Wilson, had a good rapport

with OS and could have access to complaint files whenever he wished.

Makeup of the Investigation Unit

The Internal Investigation Unit (IIU) has the full-time responsibility of looking into complaints and reporting its findings. At the time of the open meeting, the Internal Investigation Unit had five senior officers, each a longstanding career officer who had been with the force 20 to 35 years. It was composed of two captains, two lieutenants, and a sergeant--the solitary black. The sergeant retired in late March 1974 and was replaced soon after with a white officer. Steven Goldstein, staff attorney for the Duval County Legal Aid Association, commented to the Advisory Committee that people lack confidence in the IIU when investigations are conducted by career officers with 20 to 30 years of service.

At the completion of its inquiries, the Internal Investigation Unit presents in writing to the Undersheriff one of four conclusions:

- (1) charges are unfounded (insufficient evidence to prove or disprove the allegation);
- (2) charges are sustained (allegations supported by sufficient evidence to justify a reasonable conclusion of guilt);
- (3) charges are not sustained (insufficient evidence to prove or disprove charge); or
- (4) the officer is exonerated (incident occurred but the policeman's actions were lawful and proper).

The investigation unit makes no recommendations on penalty, reprimand, or suspension. Such determinations are made by the undersheriff. Should the undersheriff recommend dismissal or a suspension of 15 days or more, the case is referred to the sheriff, who convenes a hearing board comprised of four directors or deputy directors, the undersheriff (who presides), and one officer (chosen by lot) who has the same rank as the accused.

Not every complaint coming in to OS reaches the IIU. Some are handled through the Director of Operations and referred to the officer's superior. During the investigation the accused officer is informed of the complaint and who is lodging it against him. The complainant, on the other hand, does not see the officer's account of the incident. Undersheriff D. K. Brown informed members of the Advisory Committee in an August 16, 1974, interview that whenever force is used during an arrest--either by the police officer or by the person resisting arrest--a special form must be filled out by the arresting officer. If an officer is involved in four such incidents over a 6-month period (or five in a year) he is called in by his superior to review and justify his actions or be disciplined.

Hearing Charges

In cases reaching public hearing stage, witnesses can be subpoenaed and a transcript is made of the proceedings. The judgment rendered by the board is passed on to the sheriff, who may change it. If he sustains the board's decision it becomes final. Should the action involve dismissal or suspension of 15 days or more, the officer can appeal to the Civil Service Board, which can set the decision aside and make its own judgment. At the board hearing, the OS is represented by the city attorney who also advises the Civil Service Board.

Whenever an officer is notified by OS that he is under investigation on the basis of a citizen complaint, the Fraternal Order of Police (FOP) is also notified. Most policemen appearing before the OS hearing board elect to have FOP President Richard King represent them. If the officer chooses to appeal the decision to the Civil Service Board, he may obtain his own counsel and FOP will, on approval of the organization, pay the lawyer's fee.

Access Denied

The files of the IIU investigation remain confidential. Attorney Henry Adams, as well as Steven Goldstein of Duval County Legal Aid Association, told Advisory Committee members of the inaccessibility of the IIU files, in spite of the opinion of Florida Attorney General Robert Shevin in May 1973 that records of the Office of the Sheriff should be available to any citizen except for materials related to detection, apprehension, and prosecution of crime. In a letter to the General Counsel, City of Jacksonville, the attorney general cited Florida statutes, the Freedom of Information Act, Federal law, and Federal district court decisions to support his opinion regarding access to public information and limitations on exceptions to the law.¹¹

Until the March open meeting, complainants rarely learned of the disposition of the case. To the credit of the sheriff's department--and partially in response to some of the grievances expressed during the public meeting--complainants are now being informed by letter of dispositions of the charges against particular officers. This procedure still falls short of recommendations

11. See attachment, AGO #073-166 from Attorney General Shevin, May 17, 1973.

by a President's commission which stated:

The hearing should be open to the public; the complainant and any witnesses he desires should be present; both the officer and the complainant should have subpoena powers, be represented by counsel, and be able to see the investigative report if they so desire; there should be opportunity for cross-examination by both the officer and the complainant; if desired by any party, a transcript should be made; and the decision should be prompt--probably no more than a month, except in unusual cases, after a complaint is filed. The trial board should render an opinion containing findings of all important facts and explaining its reasoning.

Once the decision on a complaint has been made, the complainant should be notified of the decision and the basis for it. And the public should have access to the facts of the case and the nature of the decision. Unless the public has access to reliable information, it is likely to assume the worst.¹²

Arbitrary Decisions

Some complainants and attorneys who appeared at the open meeting told Advisory Committee members that the complaint process appeared haphazard, unresponsive, and did not inspire public confidence.

12. The Police, p. 197.

Last year the IIU reported that of 113 cases in their disciplinary register, only 41 necessitated any investigation. Of the eight cases that went as high as the sheriff's disciplinary board, five were appealed to the Civil Service Board. Four officers received reduced punishment; the fifth officer failed to appear at his scheduled hearing.¹³

Captain W. O. Crosby of the IIU reported to the Advisory Committee that not all complaints reaching the unit are entered on the registry, and of those, not all are investigated. This, combined with the confidentiality of the files, make it impossible to determine the nature or even the number of complaints filed against Jacksonville police officers.

A police officer is rarely disciplined on the basis of brutality, *per se*. Because OS finds charges of excessive use of force demoralizing to other officers and difficult to prove, they are likely either to transfer the offending officer to another city area or to terminate him for other reasons if evidence can be established.

Michael E. Gould, public information officer, Office of the Sheriff, attended the March informal hearing and submitted the following statement to the Advisory Committee:

During the Saturday morning session, attorney Henry Adams told of problems that his clients had had with members of the Jacksonville sheriff's office.

While making no admissions of wrongdoing by members of our department, the officers involved have been either dismissed from the department or have tendered resignation to the department in relation to other areas of misconduct.

13. *Office of the Sheriff, Internal Investigation Unit, 1973 Annual Report.*

The sheriff's office is fully aware of problems with some (a very small number) of our officers in connection with improper relations with members of the community.

However, we must work within the framework of law and prove beyond a reasonable doubt, the guilt or innocence of an officer before terminating him for cause.

As a result of this problem, the... administration must take alternative actions. Within the past week four officers who have been a continuing problem in the area of improper conduct with respect to black citizens, have been separated on charges of theft of firearms, and a fifth officer has been recommended for firing on charges of sleeping on duty, damage to a city vehicle, and falsifying his work log.

The sheriff's office has dedicated itself to eliminating this type of officer from the force and will continue to separate itself from these officers as quickly as possible, within the framework of the law and the civil service rules.

Louis Ferrari told the Advisory Committee that if a police applicant's psychological examination indicated pathological tendencies, the applicant would be referred to a mental health clinic. Mr. Ferrari said that during his 3 years with the city, he had known of none that had been rejected by OS after such a referral. He qualified his remarks by noting that such referrals were rare.

Dr. Arnett Girardeau, president of Jacksonville's Black Coalition, told the Advisory Committee that he believed "less than 5 to 7 percent" of the policemen are involved

in situations of misconduct. He alleged that numerous affidavits and evidence on abuse of police authority that had been collected through the years were of little use because there was no agency with subpoena power that would concern itself with the information.

T R A I N I N G: Instruction and Public Contact

Jacksonville would appear to be an ideal candidate for intensive human relations training and community orientation for its police officers. Substantial numbers of minority group residents and coexistent community relations problems, the two key factors noted in the The Police.¹⁴ are both present. Dr. Arnett Girardeau traced some of the present difficulties back three decades when Jacksonville was a "traditionally typical large Southern city, entrenched in segregation and racial discrimination."

In his capsule review of police/community relations to the Florida Advisory Committee, Dr. Arnett Girardeau, president of Jacksonville's Black Coalition, recounted how black men who fought during World War II and the Korean Conflict came home to find the democratic rights they fought for overseas denied them here.

The police, disgusted with the audacity of those 'niggers' asserting themselves, challenging the policemen on being arrested--even on Jim Crow laws--placed the heavy boot of authority around their necks....

14. The Police, p. 205.

Vulgar, profane, and unkind words were commonplace by policemen arresting nonviolent demonstrators. Kicks and nightsticks were the order of the day.

According to Dr. Girardeau, when after passage of the 1964 Civil Rights Act it was no longer legal for policemen to openly abuse a citizen and openly admit it, "the police department began to respect or at least tolerate the rights of Jacksonville's minority citizens."

Officer Instruction

What kind of training do Jacksonville police receive? A considerable amount, in time, with emphasis on use of all manner of firearms and laws pertaining to crime. Although the Florida Police Standards Board has set a minimum of 280 hours of training for law officers, Jacksonville provides 480--almost twice the State requirement. Dan Jackson, a black who is director of the Jacksonville office of the National Council of Christians and Jews (NCCJ), pointed out to the Advisory Committee, that about 90 percent of the officer training deals with apprehension of criminals while, in actuality, police spend little more than 10 percent of their time in this area.

New recruits take the 12-week program at the Northeast Florida Criminal Justice Training Education Center (known as the police academy) housed in a new building on the campus of Florida Junior College. The center, or academy, was built in part with Federal funds and serves eight counties and 34 criminal justice agencies. In addition to basic recruit training, courses are provided in specialized aspects of police and correctional officer work--mostly dealing with enforcement. Use of various kinds of firearms, arrest procedures, and instruction on what laws apply to criminal activities comprise the lion's share of the study program.

In the few lectures trainees do receive dealing with psychology, emphasis is on application (how to control crowds, draw evidence from witnesses, interrogate suspects, behave in a courtroom) rather than on analysis of crisis situations--or mediation of arguments.

Human Relations

Out of the 480-hour training program, only three 4-hour sessions are spent on human relations. In keeping with the pragmatic nature of the course materials, most of the full-time instructors come out of the ranks of the OS sworn force. All except one are male. Several lecturers on subjects such as psychology and human relations are also professors at the Florida Junior College. A staff member of the Community Relations Commission presents a 4-hour awareness lesson in minority relations. At the time of the open meeting only two of the entire teaching staff of 61 instructors were black. In the Task Force Report, The Police, a minimum of 60 hours in human relations is suggested as part of the police recruit's basic training.¹⁵ The report also suggests that civil rights leaders, citizens from the poor community, and ex-offenders can make notable contributions to the education of law officers. This classic reference on urban police/community relations training also deems 10 hours of community work annually essential to any viable inservice program.¹⁶

Community Resources

Dan Jackson, director of the NCCJ, informed the Advisory Committee that the organization he represents had considerable background in police/community affairs. He told the Committee that since 1947 better police/community relations has been one of the organization's principal objectives. The NCCJ established one of the first institutes in the Nation on such problems, and currently provides scholarships for officers to attend seminars all over the country.

15. The Police, p. 175.

16. *Ibid.*, p. 177.

Mr. Jackson said that the NCCJ has offered its expertise in conducting such programs to set up workshops at the academy for all Jacksonville officers, not just recruits. Since the March 1974 open meeting, the Office of the Sheriff has called upon Mr. Jackson several times to lecture at the academy. Thus, OS is starting to utilize the resources in the community more fully.

Short Probation .

After graduation from the academy, recruits are assigned to officers for 2 months' on-the-job training. Their probational period--1 year--becomes an interesting statistic: most officers against whom complaints are registered already have gained tenure and yet are largely untrained in relating to the minority community.

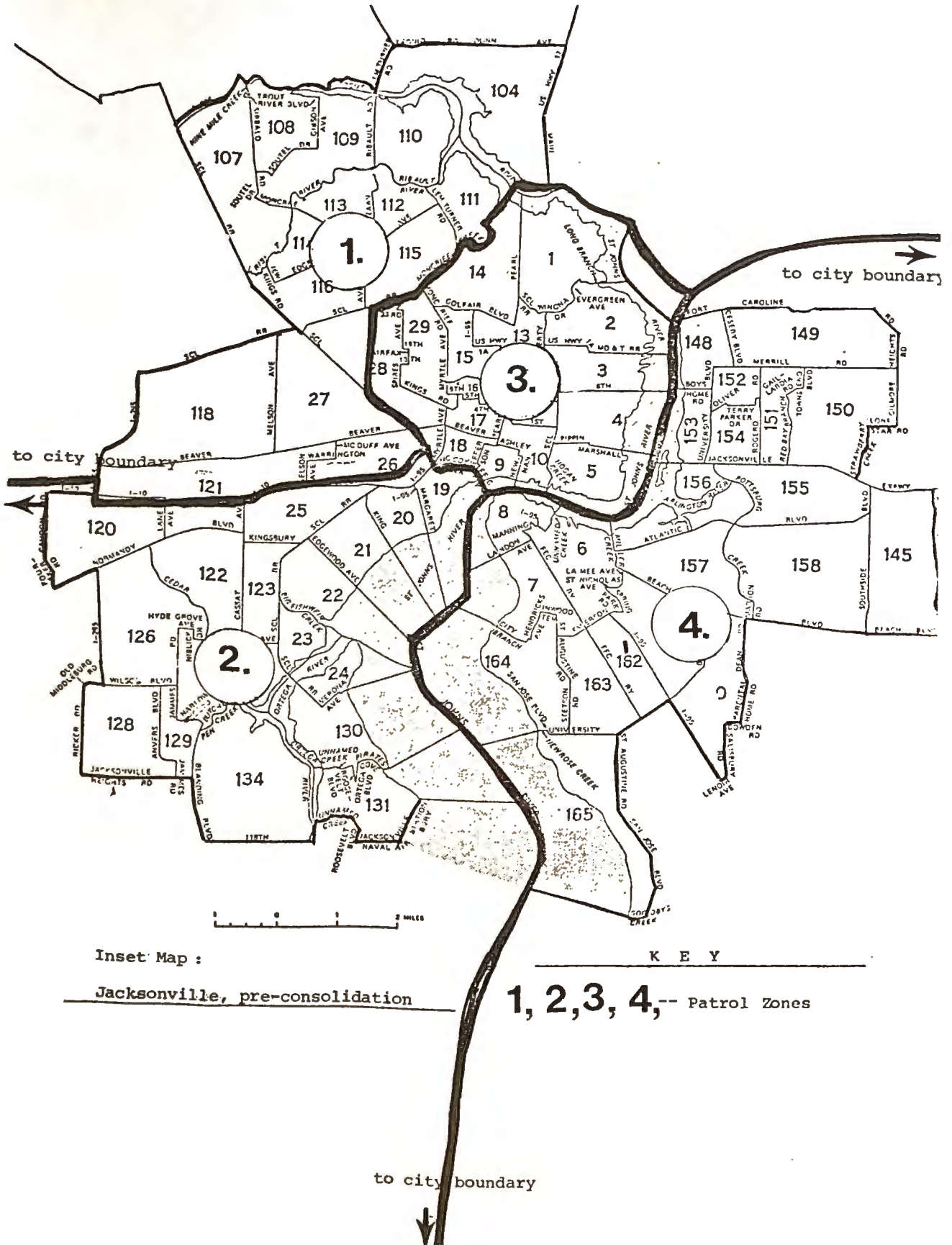
OS requires no training in human relations beyond the recently instituted three lectures at the academy for recruits. Patrol officers are free to attend such workshops as the one operated last spring by the OS and the NCCJ outside the Academy.

A S S I G N M E N T

In claiming that OS needs additional personnel, Sheriff Carson points out that Jacksonville's ratio of 1.8 police-to-1,000 population is well below the national average of 2.5. In September 1973, two-thirds of the force were uniformed but the number of patrolman assigned to each of the four police zones varied considerably. Zone 2, with 130,397 residents, had 76 patrolmen. Zone 4, the most populous with 186,013, had 88. However, Zone 3 with the least number of residents (101,637 people--almost all black) and smallest area but highest density, had the most patrolmen: 146. There were 84 patrolmen assigned to Zone 1, which had a population of 110,818. Two-thirds of Jacksonville's black population live in Zone 3; the remaining third, in Zone 1. (see maps, pages 44 and 45).

Of the blacks on the sworn force, 10 work as plainclothesmen in the detective division and 26 are uniformed officers. This is in contrast to 350 white officers in uniform, a third of whom are on duty policing the dense inner city.

Police Patrol Zones--City of Jacksonville



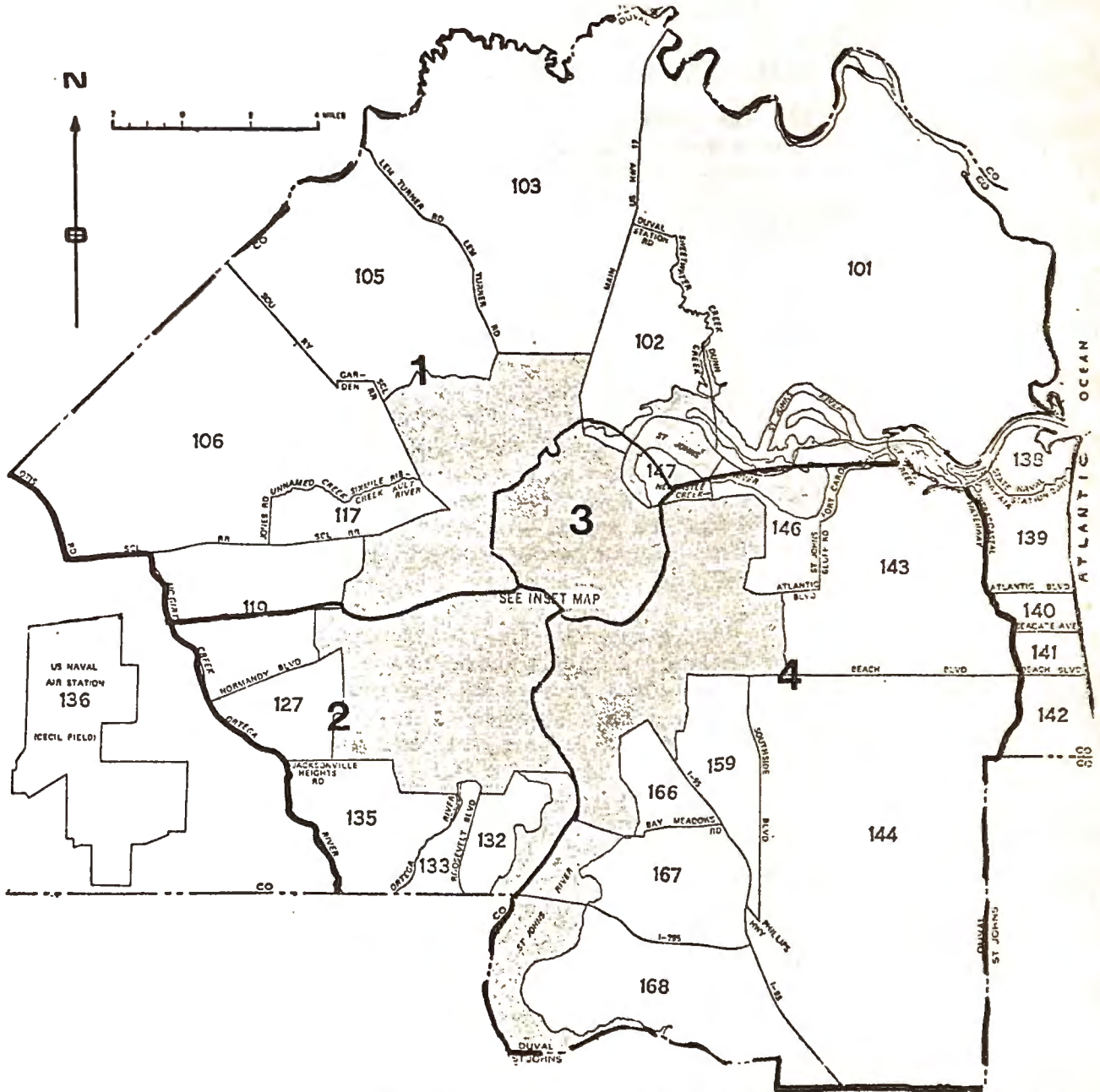
Inset Map :

Jacksonville, pre-consolidation

K E Y

1, 2, 3, 4,-- Patrol Zones

Police Patrol Zones--City of Jacksonville



ZONE	Homicide	Rape	Assault	Burglary	Larceny	Auto Theft	Robbery	TOTAL
1	81	218	870	3,094	3,206	544	380	8,291
2	45	68	470	2,274	3,952	672	209	7,690
3	78	146	1,598	2,998	5,088	848	1,017	11,773
4	62	72	438	3,058	4,634	729	255	9,248

TYPE AND NUMBER OF CRIMES BY PATROL ZONE, JACKSONVILLE, FLORIDA (1973)

Sources: U.S. Bureau of Census
 Jacksonville Office of the Sheriff

Little Contact Black-to-Black

At the time of the open meeting, only four men --three white and one black-- were assigned to foot patrol throughout Jacksonville. The Public Services Division, the group that works closely with the public and is charged with developing a positive image for law enforcement officers, had few minority members on the staff. One of the 10 public affairs officers and four of nine youth specialists were black.

As shown in the annual reports of the sheriff's department, teenage blacks constitute a high percentage of the arrests made on any given night in the city. And yet there is not a single black officer among the 18 youth investigators who deal with the families and neighbors of the young people taken into custody.

Dan Jackson of the NCCJ made a number of suggestions at the informal hearing as to how policemen could know people in the community where they work. The need in city police departments today, he maintained, is to bring back the foot patrol, to work with people on what they see as their problems--housing, employment, recreation, refuse collection. He recommended that officers should accompany and support community residents before the city council and other governmental units. Mr. Jackson said that the police "cannot be reluctant to speak out on social issues."

Several months after the open meeting, the OS did initiate a special summer program which brought the officers assigned to the public schools into Blodgett Homes, a public housing complex inhabited primarily by blacks. This positive approach toward getting law enforcement personnel and minority people living in high crime areas to know one another better was given excellent coverage on television and in the press. Based on the success of this pilot operation, larger programs are being planned.

Double Cover

In the Patrol Division each black officer is assigned to a two-man car with a white counterpart who is ordinarily the driver. In March 1974 none of the blacks were patrolling solo or working in either of the predominantly white zones 2 and 4. The officer assigned to drive the police cruiser is permitted by OS to take the car home and use it for personal business when off duty.

What all this assignment and distribution pattern adds up to is a token minority force, virtually invisible to the middle class white community, getting second man slots even in the black community. The scheme also means added police protection for zones 2 and 4 where most of the 350 white patrolmen live.

C O M M E N T A R Y

Compiling a list of recommendations for the Office of the Sheriff on improving its relations with the minority community and, the sine qua non, its law enforcement procedures, has become almost an annual ritual in Jacksonville. Usually this action by a citizen group follows in the wake of a less-than-civil disorder and accompanying excessive police response. Unfortunately, a yearly followup by OS has hardly become institutionalized.

The Community Relations Commission in July 1971, the Grand Jury in April 1972, the National Council on Christians and Jews in April 1973, and the Goals and Priorities Citizens Task Force in August 1974 each assessed the city's police/minority situation and issued a report on the main areas of concern.

Directives from Community

Four themes recurrent through all these reports clearly indicate the need to: establish dialogue between police and black citizens, revise complaint procedures, improve professional conduct of officers toward minority population, and increase the number of blacks on the force and in command positions.

Because of the tremendous area encompassed by the consolidated City of Jacksonville and the below-norm manning of the Office of the Sheriff on a per capita basis, there is a very real remoteness in the geographic sense between the citizenry and their peace officers. During the past few years (and largely with Federal funds) Sheriff Dale Carson has attempted to make his force more efficient through modernization, i.e., computerization and electronic communications for rapid dispatch of radio cars.

Electronic Response

Efficiency is not necessarily synonymous with effectiveness when related to people services. The costly communications network in Jacksonville, while vital to a highly centralized police system, tends to insulate the police from people contact. Responding every 4 minutes to calls coming into a central switchboard, officers have little time for getting to know residents in the neighborhood they patrol. Fears are mutual.

While highly professional in its operations for so large a city and giving reasonable services with a minimal force, the Office of the Sheriff has lagged in the area of human communications. Electronic response cannot substitute for responsiveness. Public relations via the press cannot substitute for across-the-table community dialogue.

Policy and Objectives

Public statements on policy by those in charge can be effective tools in building better police/community relations. From the citizens' point of view it is important to know what the purpose of law enforcement is: making more--or less--arrests each year for rape, burglary, murder, disturbing the peace.

For the man on the beat trying to do his job, formalized expressions of agency goals, approved methodology and approaches--even attitudes toward minorities and alternate cultures--not only written into the handbook, but also voiced by superiors become powerful behavior modifiers. Uniformed officers are especially geared to respect authority and obey regulations. Such expressions verbalized by "higher-ups" soon become part of the house rules and set the tone for the operations throughout the department.

Several metropolitan police forces in the United States are finding that the good business practice of management by objective pays off in true efficiency on the force and in gaining the respect of the people served (rather than policed).

The Florida Advisory Committee could find little evidence in Jacksonville that the Office of the Sheriff had responded with actions to the excellent advice proffered to it by local organizations, let alone formulating any specific goals for meeting the city's crime control requirements equitably and with equanimity.

Need for Change

Of all the areas demanding the immediate attention of the Office of the Sheriff, the procedures for filing complaints and for processing them are in most urgent need of change. Current practice of maintaining confidentiality of the files is one of the major obstacles to gaining the confidence of the community. The Advisory Committee believes that OS's willingness to open up in this category is certain to kindle public trust and be a most positive means of improving community relations.

FINDINGS AND RECOMMENDATIONS

On the basis of findings from the open meeting in Jacksonville, March 8 and 9, 1974, and substantiated through data compiled by the Advisory Committee members and Commission staff, the Florida Advisory Committee recommends to the Mayor, City Council, and the Office of the Sheriff specific actions in (1) staffing, (2) human relations, and (3) filing and processing of police misconduct complaints. Recommendations in the fourth category, Law Enforcement Assistance Administration Funding, are directed to the attention of the U.S. Department of Justice.

STAFFING

Finding 1:

Blacks and women comprise disproportionately small percentages of the OS sworn force and are underrepresented in higher officer ranks in the Office of the Sheriff, Jacksonville, Fla. Techniques currently used for recruiting minorities and women are ineffectual.

Recommendations:

The Florida Advisory Committee recommends that the Office of the Sheriff and Jacksonville city authorities set specific goals and timetables for

hiring blacks and women to conform with the stipulated minimum representation required by LEAA regulations.

The Florida Advisory Committee recommends that the Office of the Sheriff publicize information on job openings and recruit-training programs through the mass media, including the minority press and radio stations. Informal neighborhood associations, black clergymen, and biracial groups such as the Urban League, should be utilized more fully to help encourage minorities and women to seek employment with the Office of the Sheriff.

The Advisory Committee also recommends that the Office of the Sheriff assign women and minority officers as recruiting teams.

Finding 2:

Staffing patterns indicate that police recruit screening and hiring practices and tests for promotion, tend to discriminate against minorities and women. Currently, the only basis for promotion is achieving the highest score on a competitive academic-type examination.

Recommendations:

The Florida Advisory Committee recommends that the Civil Service Board validate recruiting and promotion tests and approve other procedures used by the Office of the Sheriff to assure job-relatedness.

The Advisory Committee also recommends that the Office of the Sheriff give eligible officers with proven skills related to job effectiveness credit towards promotion to middle and upper officer ranks.

HUMAN RELATIONS TRAINING AND COMMUNITY CONTACTFinding 1:

Although a minimum amount of human relations training (16 to 20 hours out of 480) has been instituted for recruits, there is no such inservice training of sworn officers.

Recommendations:

The Florida Advisory Committee recommends that the Office of the Sheriff revise the training curriculum for recruits to include a minimum of 60 hours in human relations, sociology, psychology, and humanities as recommended by the President's Commission on Law Enforcement and Administration of Justice.

The Advisory Committee also recommends that the Office of the Sheriff provide periodic community training for sworn officers.

Finding 2:

There is inadequate positive community contact between officers and Jacksonville citizenry. Police cruisers, with white officers in the driver's seat, are dispatched from central headquarters.

Recommendations:

The Florida Advisory Committee recommends that the Office of the Sheriff increase personal contact with the public by revitalizing and increasing foot patrols in minority communities.

The Advisory Committee also recommends that the Office of the Sheriff assign patrol cars to minority officers.

Finding 3:

The Community Relations Division of the Office of the Sheriff is underutilized and understaffed.

Recommendation:

The Florida Advisory Committee recommends to the Office of the Sheriff that the Community Relations Division established last year be adequately staffed and utilized throughout the department. Liaisons should be made with the Public Services Division, especially the Youth Patrol, and Community Relations staff should be used as instructors in recruit and inservice training.

COMPLAINTS PROCEDURESFinding 1:

Complaints against Jacksonville police officers are handled by the Internal Investigation Unit of the Office of the Sheriff which keeps the files on complaints confidential.

Recommendations:

The Florida Advisory Committee recommends that the Office of the Sheriff publicize, particularly in minority communities, its operative procedures for investigating officer conduct even when no formal charges are made.

The Advisory Committee also recommends that the Office of the Sheriff adopt the following procedure suggested in the Task Force Report, The Police:

- (1) The hearing should be open to the public.
- (2) The complainant and any witnesses he or she desires should be present.

- (3) Both the officer and the complainant should have subpoena powers, be represented by counsel, and be able to see the investigation report if they so desire.
- (4) There should be opportunity for cross-examination by both the officer and the complainant.
- (5) If desired by any party, a transcript should be made.
- (6) The decision should be prompt--probably no more than a month, except in unusual cases--after a complaint is filed.
- (7) The trial board should render an opinion containing findings of all important facts and explaining its reasoning.
- (8) Once the decision on a complaint has been made, the complainant should be notified of the decision and the basis for it.
- (9) The public should have access to the facts of the case and the nature of the decision.

LEAA FUNDING

Finding 1:

Although Jacksonville has received more than \$3 million in grants under the Omnibus Crime Control and Safe Streets Act, the Office of the Sheriff which administers the funds has not met the hiring, promotion, and staffing requirements of the legislation. A year after issuance of the regulations on minority employment, no procedures had as yet been developed by OS even for setting up goals and timetables for recruitment of blacks and women.

Recommendation:

The Florida Advisory Committee recommends that the Civil Rights Officer of the Law Enforcement Assistance Administration, U.S. Department of Justice, withhold further funds from the Office of the Sheriff until implementation of a bona fide affirmative action plan for hiring and promoting minorities and women is demonstrated. (The statutory basis for this recommendation is 28 C.F.R. §42.301 et. seq.)



ATTACHMENT

AGO #073-166 from Attorney General Shevin

May 17, 1973



ROBERT L. SHEVIN
ATTORNEY GENERAL

STATE OF FLORIDA
DEPARTMENT OF LEGAL AFFAIRS
OFFICE OF THE ATTORNEY GENERAL
THE CAPITOL
TALLAHASSEE, FLORIDA 32304

IN GOD WE TRUST
May 17, 1973

073-166

Honorable T. Edward Austin
General Counsel
City of Jacksonville
3100 City Hall
Jacksonville, Florida 32202

Attention: Ralph W. Nimmons, Jr.
Assistant General Counsel

Re: PUBLIC RECORDS
§§119.01, 119.011, 119.07 (1)(2), F. S.

Dear Mr. Austin:

This is in response to your request for my opinion on substantially the following question:

Are the records of the "Internal Investigation Unit" of the Sheriff's Office public records within the purview of Sections 119.01, 119.011, and 119.07, Florida Statutes?

As you explained in your letter, the "Internal Investigation Unit" was organized by the Sheriff in 1965 for the purpose of investigating allegations of wrongdoing made against personnel of the Sheriff's Office. The Unit investigates claims of criminal misconduct as well as alleged violations of the rules and regulations of the department. The investigative files which are maintained on individuals who are the subject of such complaints are kept separate and apart from the Sheriff's personnel files which are considered and treated as public records.

The public records law requires that all records regardless of physical form or characteristics, of any unit of state, county or municipal government which are made or received pursuant to law or in the transaction of official business be open to a personal inspection of any citizen of Florida at all reasonable times. Sections 119.01, 119.011, 119.07(1), Florida Statutes. Section 119.07(2), Florida Statutes, provides:

"All public records which presently are deemed by law to be confidential or which are prohibited from being inspected by the public, whether provided by general or special acts of the legislature or which may hereafter be so provided, shall be exempt from the provisions of this section."

The question which must be answered is whether, and to what extent, the records of the Sheriff's Internal Investigation Unit are exempted from the requirements of the Public Records law.

In AGO 072-168 I recognized that there was a common law exception to the public records law in the case of "investigative police reports and records made in connection with an official police investigation of a suspected violation of the law, or otherwise relating to the detection, apprehension or prosecution of criminals" In that opinion I quoted AGO 057-157 to the effect that:

". . . a request made of a Sheriff to make an official investigation by any public official relative to the suspected violation of the law is a confidential matter, and all of the notes and records of the Sheriff's office as to suspect, leads, confidential information, tips, etc., are not public records, and if the Sheriff and his office force are going to do a competent job with respect to law enforcement, these records should not be divulged to anyone not actively engaged in the investigation of the case"

In AGO 072-168 I pointed out that all records of police agencies do not necessarily fall within the exception. I noted that:

"Such matters as record of arrests, the names of persons who have been arrested and copies of information and indictments

which have been filed against individuals are of course public records as the ordinary business records of the office . . . are public records and are available to the public and the press if desired."

I also reaffirmed the holding of AGO 056-286 in which one of my predecessors in office concluded that an accident report made by the officer investigating the accident is not immune from inspection.

Thus, records of the "internal investigation unit" which involve an investigation of criminal activity would be confidential. However, to the extent that such records simply involve office or personnel matters not reasonably related to the investigation of a crime, the records are public records and must be made available for public inspection. See AGO 073-51 holding that files involving personnel matters of civil service employees are public records.

The federal "Freedom of Information Act," which serves the same basic purposes Chapter 119, also includes an exception in the case of "investigatory files compiled for law enforcement purposes." 5 U.S.C. §552(b)(7). In *Hawkes v. Internal Revenue Service* 467 F.2d 787, 795 (1972), the court discussed the scope of the exception:

"In many agencies, among them the Internal Revenue Service, much activity which at its inception is administrative in character may eventually lead to law enforcement proceedings. It was obviously not the purpose of the Information Act to exclude from compulsory disclosure all material which might eventually affect the law enforcement process. Rather, it would seem logical to assume that the intent of the limit . . . was to bar disclosure of information which, if known to the public, would significantly impede the law enforcement process.
[emphasis by court]

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"The exception for law enforcement material, . . . is, as suggested above, a very narrow one and is to be applied only where the sole effect of disclosure would be to enable violators to escape detection."

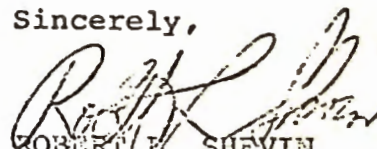
In the case of Florida public records law, as with the federal Freedom Information Act, the exception for police investigatory records "is a narrow one, over-extension of which is likely to thwart the overall goals of law enforcement as would its total disregard." Hawkes v. Internal Revenue Service, supra.

Your question is answered accordingly.

SUMMARY

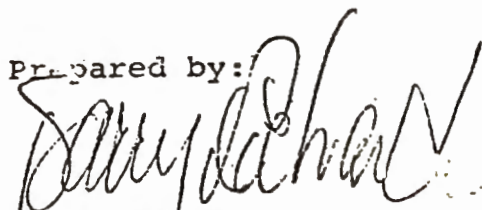
Records of the "Internal Investigation Unit" of a Sheriff's office which involve the investigation of criminal matters are within an exception to the public records law and are confidential. However, records related solely to office or personnel matters within a police agency or other matters unrelated to the detection, apprehension and prosecution of crime are public records and must be made available for inspection by any citizen.

Sincerely,



ROBERT E. SHEVIN
Attorney General

Prepared by:



BARRY SCOTT RICHARD
Deputy Attorney General

