

Police—Community Relations in Washington, D.C.

June 1981



—A report of the District of Columbia 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, any recommendations in this report should not be attributed to the Commission, but only to the District of Columbia Advisory Committee.

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Advisory Committee to the United States Commission
on Civil Rights.

ATTRIBUTION:

The observations contained in this report are those of the District of Columbia 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 Congress.

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LETTER OF TRANSMITTAL

District of Columbia Advisory Committee
to the U.S. Commission on Civil Rights
June 1981

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Dear Commissioners:

Last spring in this city, the murder of a police officer and the subsequent death of his assailant at the hands of police prompted a reexamination of police-community relations by many D.C. residents. With unemployment increasing, the incident gave rise to warnings of a "long hot summer" ahead.

To air the issues involved in police-community conflict, the D.C. Advisory Committee held a citizens' forum, with panels made up of police officers, community activists, and experts on the law and other relevant subjects. Our forum was held May 19, with speakers on the recent history of police-community relations, police accountability, the police viewpoint, special problems of the elderly, the handicapped, and the non-English-speaking, enforcement decisionmaking, the role of the media, youth and the police, and the role of police as viewed by the community and by the police themselves. The discussion sparked by these speakers is summarized in this report.

In preparation for the forum, the Advisory Committee examined the recommendations made by previous commissions on police-community relations. Among these groups were the Kerner Commission, the D.C. Crime Commission, and the National Standards on Criminal Justice Commission. Excerpts from these studies are included in this report.

Finally, subsequent to the forum, the Advisory Committee met with Mayor Marion Barry's staff to share the views of the community, as expressed at the forum. This discussion was a useful one and channels of communications with the Mayor's office have been kept open.

As it turned out, D.C. was spared the urban unrest predicted, but apprehension about worsening relations between the police and the community continued into the fall. This concern gave impetus to those favoring a civilian board to review complaints against police; such a law was enacted November 10, 1980.

As the summer of 1981 approaches, the D.C. Advisory Committee remains concerned about the gap that persists between elements of the community and the police. At the same time, we are mindful of new efforts to deal with crime by stiffening penalties and revising criminal statutes. The concern over violent crime combined with concerns about police-community relations places a heavy burden on police officers to enforce the law without losing regard for the rights of citizens who may be suspected of or charged with unlawful behavior. This burden is not unique to the District of Columbia, and we are hopeful that the observations contained in this report will prove useful to the Commission and to other communities around the country.

Respectfully,

Reverend Ernest R. Gibson, *Chairperson*
District of Columbia Advisory Committee

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Part I: The Forum

Introduction

In May 1980 the D.C. Advisory Committee to the U.S. Commission on Civil Rights held a forum on police-community relations in the Nation's capital. Although the racial tensions of the 1960s appeared to have cooled substantially, the Advisory Committee suspected that the deteriorating economic situation and a recent incident involving the murder of a police officer and of his alleged assailant might signal renewed difficulties in the administration of justice.

The forum, designed to air citizen concerns regarding police-community relations, included opening statements by representatives of a neighborhood organization, the police department, ex-offenders, Latinos, the elderly, and the handicapped. In addition, one speaker discussed civil liberties issues that surround police behavior. Five workshops focused on enforcement decisions, police accountability, the role of police, youth, and the effect of the media. Preparatory work included compilation of civilian complaint procedures, police employment statistics, crime statistics, drafts of police review board legislation, and previous studies of the problem. Interested parties were also interviewed.

The concerns that emerged from the forum are summarized in this report in the hope they will contribute to the process by which programs are devised and laws and regulations enforced to improve the relationship between the police officer and the community.

Setting The Stage

The Advisory Committee invited a panel of speakers to set the stage for workshops on particular

topics. Speaking for the Mayor, Courtland Cox cited recent history of the District of Columbia as essential to understanding the present state of police-community relations:

The title of tonight's forum, "police-community relations" is very revealing, because, if we look at it, the question that most comes to mind is: which community?

In 1960, when I first came here to Washington, D.C., "the" overall community had laws which the Mayor, myself, along with hundreds and thousands of others, thought were unjust. But the police had to uphold those laws. For example, I could not go on 14th Street up on Park Road to that drugstore and sit down at a lunch counter, because if I did, the police would take me out.

So that what you have is the police being the "shock troops," the most obvious segment reflecting the views and attitudes of "the" society—"the" community against a segment of the community.

The problem was eliminated in the final analysis because the black community was allowed into "the" community and became "a" group—part of "the" group that made the laws, part of the group that was involved in the construction of the community as opposed to the destruction of the community.

The black community and the total . . . community had come into some greater harmony so that the police who, in the final analysis, have to reflect the attitudes and the laws of the power structure did not have that

responsibility to carry out any more. (pp. 10-12)*

Perhaps most frustrating for those involved in community activity in the District is the perception that the black community is fragmented and that a consensus on what is expected from the police is much harder to develop than previously. Advisory Committee member Howard Glickstein spoke about the various segments of the community and their conflicting views in his introduction:

Segments of the public complain about police tactics, about police rudeness, about the excessive use of force by the police. There are segments of the public that complain that crime is not being adequately handled; that there is inadequate police protection; that there are not enough police on the streets.

Other segments of the community claim that there are excessive policemen; that there are too many police on the streets; that the police act like an occupation force. Some people claim that the fear of crime makes them prisoners in their own homes. They are being denied one element of freedom and security by the failure of the community to adequately deal with crime. They also suggest that there might also be a bit less due process; that it might be desirable for there to be a little bit less due process if that is going to result in greater security.

On the other hand, there are people that complain that the police are insensitive and the courts are insensitive to some due process issues and that we need more due process; that what is needed are greater curbs on police powers and greater limits on what the police can do. (pp. 7-8)

Police officials are very much aware of the competing and changing nature of various groups within the community. Deputy Police Chief Houston M. Bigelow, who is in charge of community relations, summed up his beliefs:

During the seventies, when there was a lot of funding around. . . we were able to work with the so-called "grass roots" organization in the neighborhood. But as time changes, we are now experiencing a different kind of clientele in the city. People are moving out; other people are moving in, and, just to be very truthful with

you, the police department has responded to, more or less, the demand of the community.

Some of them feel like they are being "policed" too much. Other people feel that we do not respond to certain neighborhoods as readily as we do other neighborhoods.

I don't know of any way that that can be changed and, through responding to the demands of the community, I'm sure that some of the people at the bottom rung of the ladder sometimes get the shorter end of the attention of the police department. (pp. 24-25)

Juxtaposed against this background of historical segregation and discrimination and more recently developing fragmentation are the twin problems most often blamed for criminal behavior—unemployment and drugs.

Courtland Cox pointed out:

If this city and this administration and all the administrations across the country are not able to include economically the young people and those who are underemployed and unemployed within the community and within the society—then I think the police have a frightening job, because in the final analysis, those who don't have those things that they see others have will try to get them. And the attitude of the society is—will be—to prevent those who don't have from getting it. (p. 14)

Community leader Robert King, from the 14th Street Project Area Committee, called the use of drugs in the 14th Street area "epidemic." According to King, "In 1978 there were eight cases of overdosing reported in the city; since January of this year, there have been 44."

Benny Van Huss, a resident in a community treatment facility, pointed out that of 78 residents in his program, 55 percent are "stipulated—which means that, as a condition of their probation, they are asked to enter and complete the program." Although drug traffic is a problem that causes high crime rates in certain areas, Van Huss opposed "sweeps" such as those occasionally made on 14th Street, where arrests are made for littering and jaywalking.

As long as there are drugs in the street, drug traffic would just gravitate to another area. Drugs are not a problem of location but of

* All page numbers refer to the transcript of the Forum on Police-Community Relations in D.C., Monday, May 19, 1980. (U.S. Commission on Civil Rights files.)

availability and social conditions that would make a numbing stupor more satisfying than the realities of everyday life. (pp. 45-46)

The special problems of the elderly, the handicapped, and of language minorities rounded out the introductory remarks. Roland Roebuck, of the Mayor's Office of Latino Affairs, identified police perceptions and communication as two issues underlying relations between the police and all citizens with special needs.

Not all of our special needs are immediately obvious on sight. How does a police officer know when a person is deaf? How does an officer know if a citizen can speak English? (p. 36)

The second basic underlying issue is communication. This theme is common to all these special needs—hearing impairment, a language which the police do not understand, and mental retardation all require other than the standard English for communication. (p. 37)

Roebuck went on to discuss the special needs of deaf citizens.

A hearing impairment is not obvious. When a police officer speaks to a deaf person without any signal or sign indicating hearing impairment, the police officer may indeed misconstrue lack of response, confusing it with a negative response.

The citizen's lack of ability to respond in intelligible means to an officer prevents the citizen from even sharing the fact of his or her impairment. The lack of skills on the part of the police to communicate with deaf people, even when they know a citizen is deaf, compounds the problem further. (p. 37)

When a deaf person is arrested, Roebuck noted:

There is a teletype machine in only one district office, which makes it impossible for a deaf person to make his or her allowed phone call from any of the other police districts. Handcuffs prohibit a deaf arrestee from using signs or from writing messages in order to communicate. A police station or court room without interpreters for the deaf made it impossible for a deaf person to know what is happening to his life, even when represented by an attorney. (p. 38)

Retarded citizens are another group ill-prepared to deal with the police according to Roebuck.

Police do not see retarded citizens as a major problem. They are not to the police. But to the retarded person, the police can be a major problem. If you are the one who cannot communicate and tell where your home is, why you are lost, why you couldn't read the "senoritas" sign that looked like the men's room, who it was who just hurt or threatened you—you, then, become the problem.

It is a bigger one if your inability to talk, walk, or look like an average citizen makes the police assume you're drunk, on drugs, dangerous, or just too inadequate to be on the street alone and, therefore, must be jailed, if only for your own good, until they find a friend or relative.

The mentally retarded are generally capable of far more normalized existence than is usually accredited to them. Law enforcement officials need to understand this, and means to identify retarded people must be provided in order for police to recognize the mentally retarded in their public environment. (pp. 38-39)

Appearances can be particularly deceptive with regard to persons with developmental disabilities—victims of cerebral palsy, for example. Roebuck explained that "their physical behavior is often misunderstood by the police and they can be treated as drunk or incompetent by untrained police, although they are mentally competent in every aspect." (p. 39)

Cultural and language barriers are frequently a source of difficulty in police-community relations. Both the Chinese in the District and Hispanics encounter problems in this respect. Roebuck noted that the Chinese have a severe language difficulty as well as cultural misunderstanding.

The Chinese, culturally, do not trust any official in uniform. A uniform leads them to believe that the official will perform services well only if the official gets paid something on the side. Uniformed officials are believed to serve only the mandarins, or the upper class and not the commoner. (p. 40)

Combined with this distrust is the feeling that the community's needs are often ignored.

There are no open hostilities reported in the Chinese community toward the police, but a feeling is reported of a serious lack of responsive service by the police to the problems in Chinatown, and that the police presence is far too small in that neighborhood.

There are reported instances of young people being harassed by other young people from other communities and races, and of old people having purses and shopping bags snatched or stolen from them on the street. It is felt that greater police presence would reduce these problems. (p. 40)

Distrust of the police that is rooted in experiences in their homeland is a problem for Hispanics as well as Chinese. Roebuck reported that:

The Latino community in Washington sees the police figure as one of oppression and abuse. Many Latinos judge the police by their own cultural interpretation which means that a police officer is an extension of a repressive government. (p. 41)

Language, of course, plays an important role in frustrating good relations between Hispanics and the police.

The Latino community seldom complains because of the language barrier; because of a lack of appropriate and expeditious response from the police, and because many Latinos lack proper resident status, thus avoiding exposure. You can call the police department right now and find that a bilingual dispatcher is not on duty, thus frustrating the desperate caller. (p. 41)

The police officer himself, or herself, is the key to improving the situation.

Understanding the fear that many Latinos have towards the police, we can further state that setting up to bilingual community posts are not sufficient. The services targeted toward the community are not enough. You need to further recruit bilingual-bicultural police who can overcome the language and perception barriers. (p. 41)

Evelyn Blackwell, a victim assistance counselor to the elderly, report mixed results in obtaining police cooperation. Except for the Third District and Fifth District police, she has observed "problems with all the other districts as far as helping our senior citizens and listening to their complaints." "They have a tendency to fear because 'we are old and we don't know what we are talking about' when we say we were robbed of this, or whatever." Blackwell cited a case "where the lady was 91-years-old:"

She called the police department. . . She had been robbed once before; he was very rude; he told her she was a nuisance and he didn't believe her.

Now a 90-year-old person—it doesn't mean that she doesn't know what she was talking about. What needs to be done, I think, is—we need all over the Western World more respect for snior citizens. (p. 43)

Rich and poor, white and black, young and old, handicapped, Chinese, and Hispanic—all these groups have different expectations and complaints about the police. But in many areas of the city, "fear is the common thread that links everyone together," according to Robert King. "The police department is in a state of fear for their lives; there are some good citizens who are afraid to go out and some who are afraid to come in." (p. 15) It is against this background of fragmentation, misunderstanding, and fear that forum participants examined several aspects of police behavior, the role of the media, and civilian review of police complaints.

Police Accountability

Police accountability was clearly a topic of great concern. Howard Glickstein, Advisory Committee member and professor of law at Howard University Law School, outlined three types of remedies that can be employed to redress misconduct by police officers.

The first of the remedies was prosecution under State law. It is the States that pass and enforce most ordinary criminal statues, such as assault and murder, he said. Such prosecutions must be initiated by State officials; citizens have no input into the decision to prosecute other than participation in a grand jury. Criminal trials occur before a jury, and therein lie problems, according to Glickstein:

One problem you have in State prosecutions, as you would in Federal prosecutions, is that, in a criminal case, there is a jury. And, in many, many instance, juries are very sympathetic to the police. They are very sympathetic for a variety of reasons.

In some instances, the victim is not a particularly reputable person and the juries tend to sympathize with the policeman under those circumstances.

In some instances, juries don't like to believe that policemen would engage in misconduct. In

some instances, it's a very close call and people don't like to be Monday-morning quarterbacks and try to guess what they would have done under those circumstances. So it is often very, very difficult to get a conviction before a jury. (p. 29)

Federal remedies are available through prosecution under Federal statutes. These statutes are generally very limited in scope, however; the Federal Government can not prosecute common crimes such as murder and assault, as such, under most circumstances. The decision to prosecute is, again, made without the participation of ordinary citizens except insofar as a grand jury may be involved.

Two Federal statutes with origins in the post-Civil War period are most commonly used by Federal prosecutors. One makes conspiracy to deprive someone of his or her civil rights a Federal crime punishable by 10 years in jail and a \$10,000 fine. This law was used to prosecute the men who killed three civil rights workers in Philadelphia, Mississippi, in 1964. It is very difficult to use successfully.

Another Federal law makes it a misdemeanor to deprive someone of their civil rights under color of law. This statute can be used against police officers, but it too has its difficulties, according to Glickstein:

Again, the Supreme Court, over the years, has made it very difficult to enforce that statute. When a policeman, for example, is prosecuted for depriving someone under the statutes of their civil rights, one question that has to be put to the jury is: did the policeman realize that he or she was depriving someone of their civil rights under Federal law, or did he just think he was beating him up? (p. 31)

This qualification by the court has, no doubt, greatly restricted the use of the statute.

It is possible to prosecute persons under both State and Federal law for an incident involving the same set of facts. Glickstein pointed out that:

Prior to the present administration, it has generally been the policy of the Justice Department that, if individuals who deprive persons of civil rights were prosecuted under State law and were found "not guilty," the Federal Government would not prosecute them. That has been changed. (p. 32)

The third remedy available is the civil suit, which can be initiated by any aggrieved citizen and does not involve the discretion of a prosecutor, as does a

criminal proceeding. According to Glickstein, "juries in civil cases tend to be somewhat more generous because they are not putting somebody in jail." (p. 33) In the early 1960s, the Supreme Court held that only an individual officer could be sued, and not his or her employer. This greatly restricted the amount of the damages that one could practically expect to collect. About 2 years ago, that decision was reversed. As a result, damages can now be collected from the officer's employer.

Glickstein began his account of available remedies by pointing out their basic flaw:

The trouble with remedies of that sort—the trouble with any sort of legal remedy is that you have it after something has happened to you. It's something that occurs after the fact and it has a limited impact on changing the conditions that you'd like to see changed, except that it is supposed to act as a deterrent. Most of the remedies that we have today are not all that effective. (pp. 27–28)

Sometimes, criminal prosecution by the Federal Government may not be the most "efficient" remedy the Government could pursue. Glickstein noted that:

The Justice Department, in those days, [the early 1960s] felt that the likelihood of convicting anybody before a Southern jury was so small that it did not pay to waste the resources of the Justice Department bringing criminal prosecutions when they could bring a civil suit to ensure that people voted, and that might have a greater impact than a criminal case they might lose. (p. 30)

Nor is the civil remedy equally available to all citizens, as a practical matter, according to police officer Ronald Hampton:

Some time ago, the *Washington Post* . . . brought up some articles about the citizens of this city who have filed complaints against police officers and they won their cases in court, so I went through the process of going back—researching to find out: who were these people who won these cases in court—civil cases in court—to win this money against the city?

And the city has a long record of losing cases in court, you know, but all the folks that received this monetary gain of settlement are folks that have access to the criminal justice system, and I'm talking about people that already have

money and they can go out and get good lawyers. (p. 85)

In any case, Glickstein concluded:

We would be better off if we had some system that prevented those things from happening rather than going in afterwards and trying to do something about the damage that has been done.

We have criminal laws. They should be improved. They should be stronger. They should be utilized But the goal is to come up with remedies and solutions to ensure that our public servants are sufficiently sensitive to civil rights and that it's as much a part of their job to protect civil rights as to carry out other of their functions that we don't have to invoke these criminal or civil penalties. (pp. 34-35)

Another remedy that has received much public attention through the years is some sort of civilian review board to assess the validity of citizen complaints. When the forum was held, the District of Columbia did not have a civilian review procedure for complaints. Councilmember Wilhelmina Rolark, who introduced a bill providing for civilian review, believes that the lack of such review is a prime cause of tension between the community and the police:

As an attorney and as a concerned citizen, I had always believed that a lot of the tension. . . between the police and the community exists because community persons have no vehicle whereby they can lodge their complaints against police and hope to get a decent reaction to the same.

The police have had a procedure where by citizens may file complaints at any police station or with the Mayor's office. The complaints are reviewed internally by the police department and action will be taken by the chief based on the review. Deputy Chief Bigelow asserted that the present procedure was responsive:

We have clear-cut outlines on investigating our complaints. Our system for filing complaints is open to the public. You can walk in any of our police facilities and ask for the form. You can write it down in your own words and own handwriting as to what happened and, of course, we'll investigate it and keep you informed of the disposition of it.

Then, of course, if you are not satisfied with the disposition of it, we'll try to resolve that also.

But Mrs. Rolark disagreed:

This idea of police judging police is just horrendous, in my opinion. It turns people off. It makes people believe there is no equity in the situation—that not only have you been beaten up or harassed or kicked around or treated unfairly but then you've got to come right back to that same source to lodge a "complaint" against them, hoping to get some kind of equitable treatment. (p. 73)

Problems with the way a past civilian review board functioned were reviewed by Professor Irving Ferman. Ferman was a member of the civilian review board that was dissolved in 1973 by its members, who resigned when their suggestions for reform were not acted upon. Ferman described the old board's operation:

We were constituted as a board by executive order in 1965. We had five members of the board. Complaints were filed only in the District Building so it meant that a citizen had to go down to the District Building and file a complaint in affidavit form.

The complaint was then sent to the police department to the internal security division for investigation. And, at times, it took almost a minimum of one year before the investigation was completed and turned over to us. We instituted a preliminary proceeding—an ex parte proceeding with the complainant in order to check and be satisfied that the investigative findings had some credibility and then we either dismissed the complaint or ordered a hearing. (p. 78)

According to Ferman, the recommendations made by the board that were ignored at the time included the following:

Now, our basic observation, after functioning this way for 5 years, was: first, the process was too slow; secondly, we had some misgivings about the police investigating complaints against policemen as a police department.

That's not easy to remedy. Thirdly, we felt that the complaint forms should be widely circulated and the complainant should have a hearing within a reasonable period of time—two, three, at least a month or two or three weeks. . . .

Now, we had also recommended. . . a kind of sifting process—almost with—before the investigation—confrontation with a policeman and the complainant. We felt the experience indicated in other cities that we could eliminate the spurious complaints and also receive a result which might involve a letter of reprimand or some kind of letter be put into the jacket of the policeman and that would resolve the complaint.

We wanted to add a member of the police department—hopefully, community relations—to our board to bring into play the policeman's point of view in our deliberations.

The current functioning of the complaint system is perceived quite differently by several participants. Mrs. Rolark stated:

Whatever is being done about that now is done in a highly secretive fashion and just to cavalierly say that all you have to do is go up and inquire about what happened to your case is not a simple as it seems.

Lt. Gannon did not believe the present process is poorly monitored by the police department. Complaints filed on a police department form (a PD 99) are followed closely, he said:

As a matter of fact, there's a very strict accounting system for all 99s. They all have to be answered. What might be very, very serious or what might appear to be very frivolous, they are all answered. And the response is returned to all citizens that make them—those 99s. (pp. 90-91)

Police officer Ronald Hampton thought otherwise:

I've seen too many times where they don't even get it [the PD 99 at the station] to start off, and then, if they do get it, some official comes from the back room and comes up there and talks to them about why you want to complain. They take the complaint, but, in the process of taking the complaint, they tell them—well, they give them excuses like: Well, the police officer had a bad day, so would you please excuse him because he has a lot of things to do?

Actually the regulations are written in such a way that might permit exactly the behavior officer Hampton complained about. General Order No. 1202.1 (Revised 9/14/79) states:

6. If, in the opinion of the interviewing official, there is no evidence of police misconduct and that the member against whom the complaint is being registered was acting in full accordance with the law and/or departmental procedures, an effort shall be made to dispose of the complaint by verbally explaining these facts to the complainant. If the complainant is satisfied with this explanation from the interviewing official, he shall be requested to acknowledge his satisfaction by affixing his signature on the back of the form. If the complainant refuses to sign the form or is not satisfied with the explanation offered by the interviewing official, the matter shall be immediately referred to the watch commander. In the event the watch commander is unable to interview the complainant, a lieutenant shall conduct the interview. If, after interviewing the complainant, the watch commander or other reviewing official is satisfied with the explanation offered by the initial official, he shall note his concurrence by affixing his signature to this effect on the back of the form. The complainant shall be so advised and this action shall close the complaint from the department's standpoint.

It is clear from comparing the varied views received at the forum and the regulations themselves that perceptions of the present process differ greatly, while prescriptions for change seem more uniform. Police accountability remains a thorn in the side of good police-community relations.

Enforcement Decisions

A similar situation of varied perceptions seemed to prevail in the discussion of enforcement decisions. Police officer Beverly Medlock recognized that some enforcement decisions are made at a higher level than the individual officer:

We also have selective enforcement which means that, because the community has input into problems areas such as 14th Street and drug areas, prostitution, selective traffic enforcement and a variety of other things. (pp. 103-4)

But, she added, "also what comes into play with this is the police discretion. This varies with the individual officer."

Larry Kamins of the Gay Activist Alliance complained that:

The officer on the scene has, as I understand it, incredible discretion as to whether to file the report, one, and secondly, how to file the

report. . . We have cases. . . where the officer has a discretion to downgrade the crime or no crime at all is reported. (p. 105)

Upon hearing this information, however, Officer Medlock stated:

It is the police officer's responsibility to report each crime as reported to him and those crimes that don't need the approval of the complainant for prosecution—they are also to be reported. Each time an officer reports to a run, he has to give a disposition of that run as to what is happening. (p. 109)

It appears from this testimony that the latitude allowed police officers is the subject of misunderstanding on all sides. Kamins seemed to be voicing the common conclusion that "everyone knows the police don't enforce all of the laws all of the time." Officer Medlock, in her testimony, is caught between this practical reality and the department instructions which do not, in fact, allow officers any discretion in deciding what warrants arrest and what doesn't. The topic is important because the exercise of discretion by an officer is frequently the subject of a dispute between officers and the public, especially in minor matters.

The other aspect of law enforcement decisions in which forum participants were interested involved strict enforcement of the laws in specific geographic areas. Officer Hampton and Medlock exchanged opinions on this subject:

OFFICER HAMPTON. Certain crimes, say, like drug traffic on 14th Street, do you feel that we don't play a whole mess of games of enforcing or trying to get rid of the type of crime that exists in that area—more of a containment type of game—keeping it in the area where we know where it's at, but you want to go find it?

OFFICER MEDLOCK. Personally, I feel it's more of a containment game because everybody knows that making a drug case at 14th Street is the hardest thing in the world to do, so they are reduced to writing tickets for jaywalking or spitting or throwing trash, which isn't really what the problem is. (p. 112)

The frustration of the containment approach was voiced by Father Bazin:

In 1970, I took a survey. . . and one of the things that surprised me was the need that the

large percentage—the feeling that they wanted more police protection. . . .

The question that always comes to mind is: why is it so difficult to make a drug bust? Does this mean the laws are wrong or does this mean we have decided that, in certain sections or on certain streets that we will for containment purposes, allow it there so it doesn't spread anywhere else? Well, that's fine if you live somewhere else, but I don't live somewhere else. I live there, where it's happening. (pp. 120-121)

Two alternative ways to affect policy were outlined. Advisory Committee member Howard Glickstein offered the political process, "You do that through your elected officials, the ones that can influence policy." (p. 100)

Albert Hahn, a member of an official citizens' advisory committee to the police department, voiced strong support for the advisory committee route (p. 110-111). Advisory Committees, organized by district, hold meetings open to the public. However, according to Deputy Chief Bigelow, the citywide committee with one member from each district does not open its meetings to the public (p. 89). Thus the matter of enforcement policy remained problematic.

The Role of the Police

Decisions on how to enforce the law invariably overlap with concerns about the role of the police in general. Most forum participants seemed to believe that the police uphold the status quo. Melvin Boozer remarked, "Police officers enforce the laws the police department wants enforced, those laws that the political climate dictates be enforced." (p. 116)

Benny Van Huss asked the question:

Whose interest is here that the police will actually protect? . . . Community-police relations will never improve as long as the police serve primarily as an arm of the State to protect and preserve the property, the rights, and the interests of those that rule this country. (pp. 46-47)

Courtland Cox acknowledged that police "when they act. . . are mirroring those things that the dominant community wants to see enforced." (pp. 10-11)

Boozer also noted that the actions of police are affected by their idea of who they are protecting:

I want to clear up a very simple problem. We do not need any special treatment from the police. Our problem is that we get lots of special treatment from the police and that's what we're trying to get rid of. Somehow, some police officers, when they begin to think that we are gay, are—somehow, they cannot relate to us the way they relate to other people, and that's because, when they come to the police department and put on uniforms, they don't stop having the attitudes that people in the society have.

There are people who use words that are not used in front of me but, as soon as they walk out of this room, they say "this faggot" said this, that, and the other thing. They don't stop having these attitudes when they put the uniforms on. So we know, in the gay community, that one of the things that affects the policemen's role is this concept of who the citizens are and what his role is toward them in the sense of how he is trained. (pp. 114-5)

Thomas Louderbaugh complained that the Gay Activist Alliance was accused of wanting special treatment when it pressed for an antidiscrimination statement by the police department:

We. . . have attempted for approximately two years now to convince the police chief in Washington, D.C., to issue a public antidiscrimination statement for us as he has for other groups. He will not do so. . . . (p. 133)

Boozer added:

Somehow the police chief doesn't believe that what he does with one group he has to do for another, and somehow it always gets brought back to us that we are asking for special treatment. (p. 134)

Adjoa Burrow of the D.C. Alliance Against Racism and Political Repression voiced more general concerns about the police role:

What happens in most of our communities in the United States if not all of our communities is that the police are defining the role of the police. . . . We feel that the citizen should be the one to define what it is that the police should do and what are the things that the police should be responsive to. (p. 118)

The debate about the role of the police seems to be clouded by the lack of communication between

individual officers and citizens. Reporter Angela Owens noted that:

Somehow, a barrier seems to be drawn up when the man puts on the uniform and community people frequently say they find it difficult to get beyond once that man has on the "blue," so I don't know how much dialogue people who are in the streets, say, feel that they can have with the police officers. (p. 71)

Councilmember Rolark agreed:

Some way or another, even though we have racially a different constituted department, we still have that problem of a little gulf between the police and the community based on the fact that sometimes, once you put that uniform on, you simply don't understand people any more like you understood them in the first place. (p. 75)

One answer is more training for police, according to Rolark, who has provided for mandatory training in her proposed legislation on civilian review:

A lot of the incidents that do occur, I believe, [occur] because the police have actually not been properly trained in the handling of this. . . [it] has been a long-time commitment of mine that we do need to institute—reinstitute that training that we had right after the riot. We need to go back to that now. (p. 75)

The training, Rolark hopes, would address the dilemma highlighted by Courtland Cox—whether the police "view themselves as being besieged, or view themselves as an occupying army, or. . . view themselves as protecting the community."

The Role of the Press

Forum participant Tom Lauderbaugh remarked, "If the *Washington Post* won't print it, as far as most people are concerned, it is not true." Other critics seemed to hold the opposite view. Evelyn Blackwell complained: "I have been reading the *Post* paper—let me tell my age—for a good while. And the editorial is always slanted, and they always made the minorities, well, just look bad."

Representatives of the press responded in more or less traditional terms. *Washington Post* city editor Milton Coleman stated:

It is our role to be as objective as possible—to give as complete and accurate a story and certainly by no means to make ourselves an

extension. . .of Chief Bigelow's public relations arm for the police department. . . .By the same token, it is not our job to, in any kind of way, be irresponsible, to report inaccurately, to report without some degree of understanding and some degree of analysis and interpretation. (pp. 53-53)

Angela Owens added:

Yes, we have the responsibility to tell both sides, but remember—everyone has his biases and what one reporter sees as telling both sides might not be what you believe to be both sides of the story. It might be slanted to you.

One suggestion by Coleman was that people should complain:

Very often, black people, Latinos, Asian Americans, poor people do not write letters to the editor; do not scream and yell every time they feel wronged. Some of us feel if that process were used more often, then perhaps the editorial writers could be taught to feel the brunt of those people's frustrations, just as I'm certain they feel the brunt of the big wheel's protest whenever something is written against the big wheels. (p. 56)

Owens added:

We don't get any response from the community—very little response from black people generally, and poor people, about what we put on. If you are offended by what we do, we don't hear it.

Part of the reason stories get on television the way they do results from the nature of medium. Owens explained:

When you have a situation like Miami, or we can look at what happened in '68 and how it was covered. . .you see that conflagration makes good television. The fire is burning, the people running, the people getting hurt makes good television. People are going to sit and watch that. Reporters don't have to work hard; the station doesn't have to work very hard for ratings. . . .

And so the pictures you see will be the exciting ones. The information that you are given will be maybe not much more than the death toll on the day's news shows. . . .Television is little more than a headline service. (p. 60)

The presence of blacks in important media positions does have an impact on how the news is covered, according to Coleman:

I think you will find a great many black people in the media do make a very hard push to fight the good fight very often as reporters, or even—you'd be surprised—as news aides, photographers—to try to make sure that the newspapers' representations of the issues as they in fact affect the black community is done with a certain degree of understanding. (p. 62)

Another factor affecting news coverage is needed to maintain sources. Owens pointed that "in television, we depend on both community and police officers, and we have to get along with both." Coverage is also determined to some extent by what is considered "newsworthy" at a particular time. As Owens pointed out, "The injustices suffered by the minorities and poor people are not the kind that are assigned these days. I mean it's just not in vogue."

Both reporters urged the public to help them gather the news. Coleman noted, "we don't have the greatest eyes and ears around and what I ask is that people call in and tell us about that, because you'd be surprised at how many new stories really come in over the telephone." Owens added, "I would just like to remind you, as Milton has said: we depend on telephone calls."

Summary

Several themes of concern emerged from the forum. First, fear was perceived as the common unifying thread that links everyone together in those areas of the city that are affected by heavy drug traffic. Police and pushers alike were seen as fearing for the lives, and ordinary citizens living in such areas are afraid to be on the streets.

Second, police harassment was seen as a serious problem to young people, language minorities, blacks, and residents of drug treatment programs. Some expressed the belief that police are much less likely to take action in a situation where the victim is gay. Unfortunately, the impression left by an incident of police harassment far outweighs the many encounters citizens have with police that go smoothly.

Insensitivity to the special needs of some citizen groups was seen as due to erroneous police perceptions. Handicapped persons, the elderly, the mentally retarded, and those who do not speak English

frequently cannot communicate in the "normal" fashion and thus their responses are misinterpreted as negative when they are not.

The need for a civilian review board to consider complaints against the police was seen as essential. The current system by which police investigate complaints against other police suggests a fundamental inequity and conflict of interest. Police resistance to civilian review in itself appeared counterproductive in achieving improved police-community relations.

Human relations training, it was generally agreed, should be required for all policemen. The recruit-

ment of bilingual and bicultural police was seen as one means to help police officers overcome language and perceptual barriers. Resolution of communication problems would lower frustrations for both police and citizens alike.

Improvements in police-community relations are an important element in reducing community tensions along with combatting drug addiction and unemployment. Success will mean more effective law enforcement and less chance for social disruption in the District of Columbia.

Part II: Previous Studies and Their Recommendations

The dynamics of police-community relations, and the factors that make for harmony or discord, have of course been the subject of a number of studies, both national and local in scope. These include the 1968 report of the President's National Advisory Commission on Civil Disorders (the "Kerner Commission"), the 1973 Report on Police of the National Advisory Commission on Criminal Justice Standards and Goals, sponsored by the Law Enforcement Assistance Administration (LEAA), and the 1966 report of the D.C. Crime Commission. As a basis of comparison for the D.C. Advisory Committee's examination of police-community relations in the District of Columbia, it is useful to look at the recommendations made by these earlier studies.

The National Advisory Commission on Civil Disorders (NACCD)

The NACCD was established by President Lyndon Johnson in 1967 in response to the major urban civil disorders and riots of that period. Chaired by Governor Otto Kerner, the Commission was charged with the responsibility of investigating the causes of the disorders and the appropriate action to be taken by Federal, State, and local authorities. The Commission identified five areas requiring improvement in regard to police-community relations:

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 persons and property.

The need for effective mechanisms for resolving citizens' grievances against the police.

The need for policy guidelines to assist police areas where police conduct can create tension.

The need to develop community support for law enforcement.¹

In order to address these needs, the Commission made a number of recommendations. In the area of police practices and community relations, these recommendations included:

Officers with bad reputations among residents in minority areas should be immediately re-assigned 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 for 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.²

In regard to the processing of citizens against police, the Commission made a number of recommenda-

¹ *Report of the National Advisory Commission on Civil Disorders*, March 1, 1968 (Washington, D.C., U.S. Government Printing Office), p. 158.

² *Ibid.*, p. 160.

tions, including the establishment of independent review agencies:

Making a complaint should be easy. It should be possible to file a grievance without excess formality. If forms are used, they should be easily available and their use explained in widely distributed pamphlet. 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 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 finding 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.³

The Commission also recommended the establishment of guidelines governing contacts between citizens and the police, including 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.⁴

Finally, the commission made a number of recommendations addressed to the need for police agencies to make greater efforts to recruit members of minority communities as police officers and officials:

Police departments should intensify their efforts to recruit more Negroes. The police task force of the Crime Commission discussed a number ways to do this and the problems involved. The Department of Defense program to help police

³ Ibid., p. 163.

⁴ Ibid., p. 164–65.

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, 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 the increased ability to separate the truly suspect from the unfamiliar.⁵

Report on Police of the National Advisory Commission on Criminal Justice Standards and Goals

The National Advisory Commission on Criminal Justice Standards and Goals was established in 1971 by the Law Enforcement Assistance Administration (LEAA) of the Department of Justice. Its purpose was to formulate national criminal justice standards and goals for crime reduction and prevention at the State and local levels. Six task forces examined various criminal justice subjects. The Task Force on Police issued its report in 1973, which included a number of recommendations designed to improve police performance.

The National Advisory Commission did not advocate the establishment of external review agencies to investigate allegations of police misconduct. However, it sets forth a number of standards designed to ensure the effectiveness of internal police review procedures.⁶ These include:

Standard 19.1

Foundation For Internal Discipline

Every police agency immediately should formalize policies, procedures, and rules in written form for the administration of internal discipline. The internal discipline system should be based on essential fairness, but not bound by formal procedures or proceedings such as are used in criminal trials.

1. Every police agency immediately should establish formal written procedures for the administra-

tion of internal discipline and an appropriate summary of those procedures should be made public.

2. The chief executive of every police agency should have ultimate responsibility for the administration of internal discipline.

3. Every employee at the time of employment should be given written rules for conduct and appearance. They should be stated in brief, understandable language.

In addition to other rules that may be drafted with assistance from employee participants, one prohibiting a general classification of misconduct, traditionally known as "conduct unbecoming an officer," should be included. This rule should prohibit conduct that may tend to reflect unfavorably upon the employee or the agency.

4. The policies, procedures, and rules governing employee conduct and the administration of discipline should be strengthened by incorporating them in training programs and promotional examinations, and by encouraging employee participation in the disciplinary system.

Standard 19.2

Complaint Reception Procedures

Every police agency immediately should implement procedures to facilitate the making of a complaint alleging employee misconduct, whether that complaint is initiated internally or externally.

1. The making of a complaint should not be accompanied by fear of reprisal or harassment. Every person making a complaint should receive verification that his complaint is being processed by the police agency. This receipt should contain a general description of the investigative process and appeal provisions.

2. Every police agency, on a continuing basis, should inform the public of its complaint reception and investigation procedures.

3. All persons who file a complaint should be notified of its final disposition; personal discussion regarding this disposition should be encouraged.

4. Every police agency should develop procedures that will insure that all complaints, whether from an external or internal source, are permanently and chronologically recorded in a central record. The procedure should insure that the agency's chief executive or his assistant is made aware of every complaint without delay.

⁵ Ibid., p. 166.

⁶ National Advisory Commission on Criminal Justice Standards and Goals, *Report on Police* (Washington, D.C., Government Printing Office: 1973).

5. Complete records of complaint reception, investigation, and adjudication should be maintained. Statistical summaries based on these records should be published regularly for all police personnel and should be available to the public.

Standard 19.3

Investigative Responsibility

The chief executive of every police agency immediately should insure that the investigation of all complaints from the public, and all allegations of criminal conduct and serious internal misconduct, are conducted by a specialized individual or unit of the involved police agency. This person or unit should be responsible directly to the agency's chief executive or the assistant chief executive. Minor internal misconduct may be investigated by first line supervisors, and these investigations should be subject to internal review.

1. The existence or size of this specialized unit should be consistent with the demands of the work load.

2. Police agencies should obtain the assistance of prosecuting agencies during investigations of criminal allegations and other cases where the police chief executive concludes that the public interest would best be served by such participation.

3. Specialized units for complaint investigation should employ a strict rotation policy limiting assignments to 18 months.

4. Every police agency should deploy the majority of its complaint investigators during the hours consistent with complaint incidence, public convenience, and agency needs.

Standard 19.4

Investigation Procedures

Every police agency immediately should insure that internal discipline complaint investigations are performed with the greatest possible skill. The investigative effort expended on all internal discipline complaints should be at least equal to the effort expended in the investigation of felony crimes where a suspect is known.

1. All personnel assigned to investigate internal discipline complaints should be given specific training in this task and should be provided with written investigative procedures.

2. Every police agency should establish formal procedures for investigating minor internal misconduct allegations. These procedures should be designed to insure swift, fair, and efficient correction of minor disciplinary problems.

3. Every investigator of internal discipline complaints should conduct investigations in a manner that best reveals the facts while preserving the dignity of all persons and maintaining the confidential nature of the investigation.

4. Every police agency should provide—at the time of employment, and again, prior to the specific investigation—all its employees with a written statement of their duties and rights when they are the subject of an internal discipline investigation.

5. Every police chief executive should have legal authority during an internal discipline investigation to relieve police employees from their duties when it is in the interests of the public and the police agency. A police employee normally should be relieved from duty whenever he is under investigation for a crime, corruption, or serious misconduct when the proof is evident and the presumption is great, or when he is physically or mentally unable to perform his duties satisfactorily.

6. Investigators should use all available investigative tools that can reasonably be used to determine the facts and secure necessary evidence during an internal discipline investigation. The polygraph should be administered to employees only at the express approval of the police chief executive.

7. All internal discipline investigations should be concluded 30 days from the date the complaint is made unless an extension is granted by the chief executive of the agency. The complainant and the accused employee should be notified of any delay.

Standard 19.5

Adjudication of Complaints

Every police agency immediately should insure that provisions are established to allow the police chief executive ultimate authority in the adjudication of internal discipline complaints, subject only to appeal through the courts or established civil service bodies, and review by responsible legal and governmental entities.

1. A complaint disposition should be classified as sustained, exonerated, unfounded, or misconduct not based on the original complaint.

2. Adjudication and—if warranted—disciplinary action should be based partially on recommendations of the involved employee's immediate supervisor. The penalty should be at least a suspension up to 6 months, or in severe cases, removal from duty.

3. An administrative factfinding trial board should be available to all police agencies to assist in the adjudication phase. It should be activated when

necessary in the interests of the police agency, the public, or the accused employee, and should be available at the direction of the chief executive or upon the request of any employee who is to be penalized in any manner that exceeds verbal or written reprimand. The chief executive of the agency should review the recommendations of the trial board and decide on the penalty.

4. The accused employee should be entitled to representation and logistical support equal to that afforded the person representing the agency in a trial board proceeding.

5. Police employees should be allowed to appeal a chief executive's decision. The police agency should not provide the resources of funds for appeal.

6. The chief executive of every police agency should establish written policy on the retention of internal discipline complaint investigation reports. Only the reports of sustained and—if appealed—upheld investigations should become a part of the accused employee's personnel folder. All disciplinary investigations should be kept confidential.

7. Administrative adjudication of internal discipline complaints involving a violation of law should neither depend on nor curtail criminal prosecution. Regardless of the administrative adjudication, every police agency should refer all complaints that involve violations of law to the prosecuting agency for the decision to prosecute criminally. Police employees should not be treated differently from others of the community in cases involving violations of law.

Standard 19.6

Positive Prevention of Police Misconduct

The chief executive of every police agency immediately should seek and develop programs and techniques that will minimize the potential for employee misconduct. The chief executive should insure that there is a general atmosphere that rewards self-discipline within the police agency.

1. Every police chief executive should implement, where possible, positive programs and techniques to prevent employee misconduct and encourage self-discipline. These may include:

- a. Analysis of the causes of employee misconduct through special interviews with employees involved in misconduct incidents and study of the performance records of selected employees;
- b. General training in the avoidance of misconduct incidents for all employees and special

training for employees experiencing special problems;

c. Referral to psychologists, psychiatrists, clergy, and other professionals whose expertise may be valuable; and

d. Application of peer group influence.

President's Commission on Crime in the District of Columbia

On July 16, 1965, President Johnson established by executive order the President's Commission on Crime in the District of Columbia to investigate crime in this community. This Commission was charged with the responsibility of making studies, conducting hearings and compiling information relating to the following matters: (1) the causes of crime and delinquency and measures for their prevention; (2) the organization and adequacy of law enforcement and the administration of justice; (3) the correction and rehabilitation of offenders, particularly first offenders; (4) the adequacy and effectiveness of the criminal laws; (5) the mutual relationships between police authorities and citizens of Washington.

On December 15, 1966, the Crime Commission submitted to the President a lengthy report—over 1,000 pages—containing its findings and recommendations. The Commission made numerous recommendations regarding the Metropolitan Police Department including the following:

Personnel and Training

1. Because of an insufficient number of qualified applicants, the department should consider weighting entrance requirements, so that an applicant's failure to meet certain criteria could be counterbalanced by other qualifications.

2. To help raise the standards of the department, a rank of master patrolman, with a substantially higher starting salary, should be established for those with a degree in law enforcement or police administration.

3. In the future police salaries should be considered separately from those of firemen and should be linked with measures to upgrade entrance standards.

4. Efforts to recruit candidates from the metropolitan area should be intensified; more effective liaison with area universities and military bases should be established by the department.

5. To increase the number of District residents on the police force, the department should develop a

project under the Manpower Development and Training Act which would provide specialized training and remedial services for suitable local applicants who have failed to meet the entrance requirements.

6. The recruit training program should recognize that policemen exercise broad discretionary powers in enforcing the law, and the curriculum should be revised to equip officers to exercise this discretion wisely. More instruction should be included in procedures for handling juveniles, patrol and arrest methods, citizen contacts, the collection and presentation of evidence, self-defense, and the use of firearms. The size of recruit training classes should be reduced, the training staff enlarged, and the recruits subjected to more intensive evaluation.

7. Indoctrination should be linked with field and formal recruit training in a comprehensive recruit training program. No officer should patrol alone before completing recruit training.

8. Inservice training should be regularly conducted at rollcall; all personnel should receive formal inservice training not less than once every 5 years; and officers should be encouraged to continue their education. The department should increase its use of formal schools and academies as training resources and effectively utilize the special skills of the graduates of such programs.

9. To inject needed vitality into leadership of the force and encourage junior officers to compete vigorously for positions of responsibility, the chief of police should have the authority to appoint qualified persons to key positions from within or without the department without the prior approval of the Board of Commissioners.

10. The operations of the Cadet Corps should be improved, with a high school degree for admission and college-level courses made official requirements. Salaries should be increased to a level competitive with those offered by other police departments in the area, and fewer clerical duties should be assigned to cadets.

11. To bring technical and special skills into the department and to release officers for patrol duties, more civilians should be employed. Lateral entry should be permitted for skilled civilians as well as for talented officers from other departments.

12. The number of policewomen should be increased, and they should be assigned to a greater variety of duties within the department.

13. The department should employ a permanent general counsel to assist in the preparation of training materials and the formulation of operational procedures, in collaboration with the U.S. Attorney and the Corporation Counsel.

Buildings, Equipment, and Support Services

1. The department should substantially increase the number of its vehicles, with particular emphasis on one-man patrol cars and patrol wagons. Police vehicles should be more clearly and conspicuously marked.

2. The police uniform should be redesigned to help officers present a more attractive and distinctive appearance.

3. To enable citizens to receive police service more rapidly, the department's communications system should be redesigned and expanded. The department should actively promote and facilitate citizen calls for service or to report suspicious circumstances.

4. The department's methods of recording and clearing criminal offenses should be revised to provide for greater accuracy and to guard against under-reporting and questionable clearances of crimes.

5. The department's program to computerize its records system, including the design of a computer installation and the purchase of necessary equipment, should be supported and expedited.

Police Operations

1. The patrol force of the department should be motorized to the maximum extent possible to deploy manpower more effectively and provide more responsive service.

2. The department should reduce the current racial imbalance in the precincts and should adopt and enforce a policy prohibiting an officer's or commander's racial preferences from influencing assignment to patrol teams.

3. The responsibility for the recreational services of the Boys' Activities Bureau should be transferred to the District of Columbia recreation department and officers should no longer solicit funds for these activities.

4. The detective division of the department should be reorganized to improve supervision and administration. The process of selecting and training investigative personnel should be improved, with

provision made for written examinations, formal qualifications, and regular, professional training.

Police-Community Relations

1. The department should issue an immediate directive prohibiting the use by officers of abusive language or derogatory terms.

2. The department should issue directives guiding and regulating the conduct of police officers concerning: (a) field interrogation of citizens when there is no probable cause for arrest; (b) enforcement of the disorderly conduct statute; and (c) arrest procedures, including the handling of arrested persons on the scene, in the patrol wagon, and at the precinct.

3. The department's human relations training should be reorganized, relocated in police headquarters as soon as possible, and expanded to include sections on community liaison, public information, and program development.

4. The precincts should substantially improve and increase their community relations activities, with guidance and direction from an expanded police-community relations unit.

5. The department should hold a series of public meetings in high-crime districts for the purpose of discussing police policies and practices, educating residents as to their responsibilities in law enforce-

ment, encouraging them to accept those responsibilities, and increasing their understanding of a police officer's job and its problems. The Commission urges the public to recognize that effective law enforcement requires the full support of each citizen.

6. Investigation of citizen complaints of police misconduct should be conducted by the internal affairs division of the department.

7. The complaint review board should be provided an administrative assistant and appropriate clerical support. The board should order supplemental investigation of complaints by its staff where this is deemed appropriate.

8. Complaint forms should be readily available to citizens in precinct stations and other appropriate locations.

9. The Metropolitan Police Department and the complaint review board should collaborate to provide for more expeditious processing and disposition of civilian complaints.

10. Wide publicity should be given to the decisions and opinions of the board, and the annual report of the District Commissioners should detail the disposition of all formal citizen complaints of police misconduct. The board should be regularly notified of dispositions of all cases originating from sworn citizen complaints.

APPENDIX 1

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish the District of Columbia Civilian Complaint Review Board for the purpose of resolving citizen allegations of misconduct by officers of the Metropolitan Police Department and Special Police employed by the District of Columbia government.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "District of Columbia Civilian Complaint Review Board Act of 1980".

Sec. 2. Creation and Purpose.

(a) There is established a District of Columbia Civilian Complaint Review Board (hereafter referred to as the "Board").

(b) The purpose of the Board shall be to make findings and recommendations with respect to citizen complaints concerning misconduct by officers of the Metropolitan Police Department and the Special Police employed by the District of

CODIFICATION
D.C. Code,
sec. 2-2701

Columbia government, when such misconduct is directed toward any person who is not a member of the Metropolitan Police Department or Special Police employed by the District of Columbia government.

(c) The Board shall have authority to act with respect to a citizen complaint alleging one (1) or more of the following:

- (1) Police harassment;
- (2) Excessive use of force; or
- (3) Use of language likely to demean the inherent dignity of any person to whom it was directed and to trigger disrespect for law enforcement officers.

Sec. 3. Board Recommendations.

D.C.Code,
sec. 2-2702

(a) Except as provided in section 4(d), the Board shall find whether each allegation in a complaint filed against an officer should be sustained, dismissed, or found to evidence misconduct not directly related to the immediate complaint but within the authority of the Board. The Board shall be empowered to recommend

personnel actions against officers involved in misconduct. Each finding shall be in writing.

(b) The Board shall recommend actions to be taken by the Chief of the Metropolitan Police Department.

(c) Except as hereafter provided, the Chief of the Metropolitan Police Department shall be the final authority in regard to findings about and discipline of officers of the Metropolitan Police Department and Special Police officers employed by the District of Columbia government: PROVIDED, That, all rights provided by the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-331.1 et seq.) as amended by this act, including the right to appeal before the Office of Employee Appeals and the right to a trial board hearing prior to dismissal are maintained. It is further provided that if the Chief of the Metropolitan Police Department determines to take any action other than that recommended by the Board, he shall indicate in writing his recommended action and the reasons therefor. The findings and recommendations of the

Board, together with the recommendation by the Chief of Police, shall be transmitted to the Mayor of the District of Columbia who shall have thirty (30) days from the date of the transmittal by the Chief of the Metropolitan Police Department to either uphold the recommendation of the Chief of the Metropolitan Police Department, impose the recommended actions of the Board, or order a compromise between these recommendations. If the Mayor fails to act within the prescribed thirty (30) days, the recommended action of the Chief of the Metropolitan Police Department shall be deemed final.

Sec. 4. Complaint Procedure.

D.C. Code,
sec. 2-2703

(a) Except as provided in subsection (d), all citizen complaints of alleged misconduct by officers shall be adjudicated by the Board.

(b) The Board shall be responsible for promulgating rules and procedures in accordance with the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.) which ensure at a minimum:

(1) General public access to required forms and information concerning the submission, review, and disposition of complaints;

(2) The adjudication of complaints and forwarding of findings to the Chief of the Metropolitan Police Department in an expeditious manner;

(3) That complainants and accused officers have access to all Board proceedings and receive copies of the Board's investigative reports, findings, and recommendations simultaneously with their transmittal of any such materials to the Chief of the Metropolitan Police Department or the United States Attorney for the District of Columbia, as the case may be;

(4) That all Board meetings where testimony is presented or findings and recommendations are announced as open to the public;

(5) That adequate records for the conduct of hearings, presentation of evidence and

witnesses, and deliberation of findings are developed;

(6) That adequate records are maintained on the receipt, review, and recommendations concerning alleged misconduct cases to allow regular monitoring of the nature and disposition of such cases; and

(7) That the grounds and procedures for good cause removal from membership on the Board are specified.

(c) Within thirty (30) calendar days of the receipt of recommendations by the Board, the Chief of the Metropolitan Police Department shall (1) implement or otherwise issue a final order with respect to such recommendations or (2) refer the matter to a police trial board. Failure to act within thirty (30) days shall be deemed final action by the Chief of the Metropolitan Police Department ratifying the findings and recommendations of the Board, after which an aggrieved officer may exercise any right of review provided by law. The decision of the Chief of Metropolitan Police Department to refer the matter to a police trial board is final and non-

reviewable, notwithstanding the provisions of Title VI and Title XVI of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-336.1 - 1-336.4 & sec. 1-346.1 - 1-346.3).

(d) When, in the determination of the Board, the record indicates any probability that the alleged misconduct was criminal in nature, the Board shall refer the complaint to the United States Attorney for the District of Columbia. Records of such transfer shall be maintained and the disposition of action determined and recorded. In cases where referral for possible criminal prosecution has occurred but the United States Attorney for the District of Columbia has elected not to prosecute, the Board may continue its adjudication of the non-criminal aspects of the complaint. If the United States Attorney for the District of Columbia elects to prosecute, the Board may resume its adjudication of the non-criminal aspects of the complaint following resolution of the criminal prosecution.

(e) The Board shall maintain an official record of all complaint proceedings which shall be available to the public. All or any part of Board records may be sealed to prevent public disclosure only for good cause shown by order of the Mayor or a court of competent jurisdiction. Such order shall be a public record and state reasons for the sealing.

Sec. 5. Board Composition.

D.C. Code,
sec. 2-2704

(a) The Board shall be composed of a chairperson and six (6) other members.

(b) The members shall be representative of the population of the District of Columbia and each shall be a resident of the District of Columbia.

(c) The Mayor shall appoint the chairperson of the Board who shall be a resident of the District of Columbia and a member in good standing of the District of Columbia Bar.

(d) The recognized bargaining agent for the majority of uniformed Metropolitan Police Department employees shall appoint a representative, and the Chief of the Metropolitan Police Department shall appoint a member of the Metropolitan Police Department.

(e) The Board shall have four (4) citizen members, two (2) of whom shall be appointed by the Mayor and two (2) appointed by the Council of the District of Columbia. No citizen member appointed by the Mayor of the District of Columbia or the Council of the District of Columbia may be or become a member of the Metropolitan Police Department during such member's tenure on the Board.

(f)(1) The terms of the Board members shall be three (3) years, except that the first terms of appointment shall be as follows:

(A) The chairperson, one (1) citizen member appointed by the Mayor, and one (1) citizen member appointed by the Council of the District of Columbia shall be appointed for three (3) years;

(B) The member of the Metropolitan Police Department and one (1) citizen member appointed by the Mayor shall be appointed for two (2) years; and

(C) The representative of the recognized bargaining agent for the majority of uniformed Metropolitan Police Department employees and

one (1) citizen member appointed by the Council shall be appointed for one (1) year.

(2) Any member appointed to fill an unexpired term shall be appointed only for the unexpired portion of that term. No member shall serve more than two (2) consecutive terms. For purposes of this subsection, any member appointed to any term which exceeds twelve (12) months shall be considered to have served a full term.

(q) A majority of the seven (7) members of the Board shall constitute a quorum.

(h) Any Board member may be removed for good cause shown by the Mayor with the concurrence of a majority vote of the Board or by a majority vote of the Board with the concurrence of the Mayor. In such event, a new Board member shall be appointed promptly in the same manner as the predecessor to fill the unexpired term.

Sec. 6. Civilian Complaint Review Board
Functions and Hearings.

D.C. Code,
sec. 2-2705

(a) The Board shall convene and receive from the Executive Director complaints against a police officer involved in instances of alleged misconduct occurring within the District of

Columbia. Every accused officer shall be given sufficient opportunity to respond to allegations in any complaint. Within thirty (30) days of the filing of a complaint the Board shall fix a time and place for a hearing on the complaint unless the Board determines on the basis of the face of a complaint that the complaint is frivolous. The Executive Director of the Board shall, at the direction of the Board, conduct an investigation of any complaint, including the interviewing of witnesses and police personnel. The results of any investigation by the Executive Director shall be written in an investigative report, filed with the Board, and served on every party before the Board's hearing on the complaint.

(b) The Board shall decide by a preponderance of the evidence whether to sustain or dismiss the complaint against the accused officer.

(c) Any testimony and other evidence, together with all papers and requests filed in the proceedings, and all material facts not appearing in the evidence but with respect to which official notice is taken, shall constitute the exclusive record for decision. A tape recording of all

testimony and exhibits shall be made available to any party to the proceedings upon request.

(d) Upon the reasonable request of any party to its proceedings or on its own motion the Board may direct by subpoena the attendance of any person before the Board to give testimony under oath or affirmation and to produce all relevant books, records, or other documents before the Board.

(e) In case of contumacy by, or refusal to obey a subpoena issued to any person, the Board may by resolution refer the matter to the Superior Court of the District of Columbia which may by order require such person to appear and give or produce testimony or books, papers, or other evidence bearing upon the matter under investigation. Any failure to obey such order may be punished by the Superior Court of the District of Columbia as a contempt thereof as in the case of failure to obey a subpoena issued, or to testify, in a case pending before such court.

(f) Once a hearing has been scheduled, every party, including the complainant or counsel, shall have the right to testify, call, and examine

witnesses, to introduce other evidence, and to cross-examine adverse witnesses. Any oral and documentary evidence may be received, but the chairperson of the Board shall exclude irrelevant, immaterial, or unduly repetitious evidence.

Rulings of the chairperson on all questions at issue in the taking of testimony or submitting of evidence shall be binding, but exceptions to rulings of the chairperson shall be placed in the record. The Mayor is authorized to provide compensation for witnesses who are subpoenaed to testify before the Board, except those in the employ of the District of Columbia government or the United States government.

(q) Any willful false swearing on the part of any witness before the Board as to any material fact shall be deemed perjury and shall be punished in the manner prescribed by law for such offense.

Sec. 7. Liability of Board Members.

D.C. Code,
sec. 2-2706

(a) No member of the Board shall be liable to any person for damages or equitable relief by reason of any action taken or recommendation made by the member or by the Board, if the action taken was within the scope of the functions of the Board

and if the Board member acted in the reasonable belief that such member's action was warranted by the facts known to such member after reasonable effort to obtain the facts of the matter.

Sec. 8. Staff and Support Services.

D.C. Code,
sec. 2-2707

(a) The Board shall employ an Executive Director and such professional and investigative staff as is authorized through appropriations. The Executive Director and staff shall be considered employees of the District of Columbia government, hired in accordance with the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-331.1 et seq.) and be entitled to all rights enjoyed by District of Columbia employees.

(b) The Executive Director shall be a resident of the District of Columbia.

(c) The Executive Director shall have full responsibility for the supervision and direction of employees of the Civilian Complaint Review Board and shall ensure that all rules, regulations, records, and orders of the Board are maintained and properly executed.

(d) The Executive Director shall receive and administratively process all complaints authorized to be resolved under this act against an accused officer.

(e) The Executive Director shall file with the Mayor and the Council of the District of Columbia, once every six (6) months, a report of all activities encompassed within the complaint processing and disposition procedures, together with such recommendations as the Board deems appropriate with respect to police practices, procedures, and other matters within the concern of the police complaint system.

Sec. 9. Funding.

D.C. Code,
sec. 2-2708

(a) There are authorized such funds as may be necessary to support the Board, its staff, and support services.

(b) Board members who are not otherwise employed by the District of Columbia government shall be compensated pursuant to section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-331.8).

Sec. 10. Miscellaneous Provisions.

D.C. Code,
sec. 2-2709

(a) If any section or provision of this act is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the remaining sections or provisions of this act.

(b) The Board shall prepare an informational pamphlet on, and regularly publicize the police complaint procedure established by this act.

(c) Anyone who wishes to file a complaint against a police officer must be provided with a complaint form. The Metropolitan Police Department and the Mayor are prohibited from maintaining any system other than that set forth in this act for the processing of section 2(c) civilian complaints against officers of the Metropolitan Police Department and Special Police employed by the District of Columbia where the alleged misconduct is directed towards any person not an officer of the Metropolitan Police Department or Special Police employed by the District of Columbia government. The Metropolitan Police Department shall establish an intensive human relations training program for police officers at every level of command.

(d) No complaint may be filed more than six (6) months after a complainant using reasonable diligence, became or should have become aware of the matter giving rise to the complaint.

(e) The remedies created by this act are cumulative of any others provided by statute or at common law.

(f) The Regulation Enacting the Police Manual for the District of Columbia, effective January 14, 1972 (Reg. No. 72-2) is amended as follows:

D.C.M.R.

(1) by striking section 10.1:3 and inserting the following section:

"10.1:3 Complaints alleging police harassment, excessive use of force, or use of language likely to demean the inherent dignity of any person to whom it was directed and to trigger disrespect for law enforcement officers initiated by any person other than the Mayor or a member of the force, shall be resolved pursuant to the District of Columbia Civilian Complaint Review Board Act of 1980." in lieu thereof; and

(2) by striking the last sentence of section 10.1:19.

(q) Reorganization Order No. 48, effective June 26, 1953 (except as it relates to a "Complaint Review Board" which is superceded by the Civilian Complaint Review Board created under this act) shall continue to apply to officers of the Metropolitan Police Department and the Special Police employed by the Government of the District of Columbia hired after January 1, 1980, for the purposes of this act, notwithstanding the provisions of section 3203(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective January 1, 1980 (D.C. Law 2-139; D.C. Code, sec. 1-362.3).

D.C.M.R.

(h) In any case where a complaint is adjudicated by the Board and referred by the Chief of Police to a police trial board, review by the police trial board as provided in Reorganization Order No. 48, effective June 26, 1953, shall be the exclusive administrative procedure available to an officer of the Metropolitan Police Department and Special Police employed by the District of Columbia government, notwithstanding the provisions of Titles XVI and XVII of the District of Columbia Comprehensive Government

D.C.Code,
sec. 2-2709 (f)

Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-345.1 - 1-347.16).

(i) Section 1405 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective January 1, 1980 (D.C. Law 2-139; D.C. Code, sec. 1-344.4) is amended by adding the following sentence at the end thereof: "The findings and recommendations of the District of Columbia Civilian Complaint Review Board may be used in evaluating the performance of an officer of the Metropolitan Police Department and Special Police employed by the District of Columbia government."

D.C.Code,
sec. 1-344.4

Sec. 11. Statutory Construction.

D.C.Code,
sec. 2-2710

The purposes of this act favor resolution of ambiguity by an administrator, hearing officer, or court toward the goal of promoting public participation and openness in the resolution of citizen complaints of misconduct by police officers. This act shall be deemed to supercede and repeal any and all provisions of law or administrative orders enacted or promulgated prior

to October 1, 1981, which are inconsistent or conflict with any provision of this act.

Sec. 12. Effective Date.

This act shall take effect after a thirty (30) day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor action by the Council of the District of Columbia to override the veto as provided in section 502(2)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-147(c)(1)): PROVIDED, That this act shall not take effect prior to October 1, 1981, at which time complaints may be made to the Board.

D.C.Code,
sec. 2-2711

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPENDIX 2

TABLE 1
Washington, D.C. Metropolitan Police Dept. Workforce Analysis June 30, 1979

RANK	TOTAL	MALE	BLACK			HISPANIC			TOTAL		
			%	FEMALE	%	MALE	%	FEMALE	%	MALE	FEMALE
OFFICER	2826	1252	44	245	9	28	1	2	.07	2509	317
DET. II	425	155	36	9	2	4	1	—	—	410	15
DET. I	27	15	56	—	—	—	—	—	—	26	1
SGT	545	156	29	4	1	5	1	—	—	539	6
LT	166	36	22	—	—	2	1	—	—	164	2
CAPT	50	8	16	1	2	—	—	—	—	49	1
INSP	19	5	26	—	—	—	—	—	—	19	0
DEP CH	13	4	31	—	—	—	—	—	—	13	0
ASST CH	5	2	4	—	—	—	—	—	—	5	0
CHIEF	1	1	100	—	—	—	—	—	—	1	0

Source: Based on information supplied by Metropolitan Police Department (USCCR files).

TABLE 2**Washington, D.C. Metropolitan Police Dept. Workforce Analysis June 30, 1980**

RANK	TOTAL	MALE	BLACK			HISPANIC			TOTAL		
			%	FEMALE	%	MALE	%	FEMALE	%	MALE	FEMALE
OFFICER	3151	1301	41	244	8	39	1	1	*	2835	316
DET. II ¹	(-100) ²	(-106)		(-10)			(-7)		(+)		
DET. I	29	15	52	—	—	—	—	—	—	28	1
	(+2)										
SGT	534	159	30	6	1	4	0.7	—	—	526	8
	(-9)	(+3)		(+2)		(+1)					
LT	178	39	22	—	—	4	2	—	—	176	2
	(+12)	(+3)				(-2)					
CAPT	46	6	13	1	2	—	—	—	—	45	1
	(-4)	(+2)									
INSP	20	7	35	—	—	—	—	—	—	20	0
	(+1)	(+2)									
DEP CH	13	5	38	—	—	—	—	—	—	13	0
	—	(+1)									
ASST CH	4	2	—	—	—	—	—	—	—	4	0
	-1										
CHIEF	1	1	100	—	—	—	—	—	—	1	0

*less than .1%

1. 1980 AAP lumps officer and detective II together; however, virtually no promotions to detective have occurred due to freeze.

2. Net change from June 30, 1979, indicated in parentheses.

Source: Based on information supplied by Metropolitan Police Department (USCCR files).

TABLE 3
PROMOTIONS July 1, 1979 THROUGH November 14, 1980

	WHITE		BLACK	
	MALE	FEMALE	MALE	FEMALE
OFFICER	1	0	2	1
DETECT	0	0	0	0
SGT	19	0	13	2
LT	22	0	24	0
CAPT	14	1	7	0
INSPEC	8	0	5	1
D. CH	2	0	3	0
A. CH	1	0	0	0
CHIEF	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	67	1	54	4
%	53	.8	43	3

Source: Based on information supplied by Metropolitan Police Department (USCCR files).

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