U.S. COMMISSION ON CIVIL RIGHTS

BRIEFING ON RACISM AND SEXISM
IN LOCAL AND STATE LAW ENFORCEMENT AGENCIES

EXECUTIVE SUMMARY

On October 6, 1995, the Commission on Civil Rights held a briefing on racism and sexism in city police and county sheriff's departments and state highway patrol agencies. The Commission frequently arranges such public briefings, with presentations from experts outside the agency and a representative range of involved people, in order to inform itself and the Nation of civil rights situations and issues.

Over its existence the Commission has been examining the conduct of law enforcement agents from the standpoint of civil rights. Commission investigations have resulted in such significant reports as Police Practices and the Preservation of Civil Rights, in 1978, and Who Is Guarding the Guardians?, in 1981. As well as reports resulting from its own work, the Commission has available copies of reports dealing with police matters from its State Advisory Committees.

The October 6, 1995 briefing had 14 panelists, divided into three panels. In discussing racism and sexism within law enforcement agencies, the participants went into recruitment and training, the organizational climate and culture within agencies, codes of silence, community policing, and civilian review boards.

Panelist after panelist cited the existence of discrimination. There was less certainty about solutions. Recruiting for more diversity and better candidates was stressed, as were training, testing, and supervision to reduce prejudice and improve behavior in officers. Also voiced were suggestions that the problems derived from the society, and the most meaningful change must begin with the society. There were also contentions that police have generally improved in recent times and that perceptions of more misconduct result from the increased publicizing of such incidents.

The panelists were Sergeant Thomas Lee Glover, Sr., of the Dallas (TX) Police Department; Officer Hiram Rosario, president of the District of Columbia Hispanic Police Association; Deputy Roslyn Watkins of the Alameda County (CA) Sheriff's Department; State Trooper Pasco "Pat" Santangelo of the Florida Highway Patrol; Ronald E. Hampton, executive director of the National Black Police Association, and a retired Washington, DC police officer;

James E. Moss, director of Police Officers for Equal Rights, and a retired Columbus, OH police sergeant; Penny E. Harrington, director of the National Center for Women and Policing, and a former Portland, OR police chief; Wesley A. Pomeroy, executive director of the Dade County (FL) Independent Review Panel, a former Berkeley, CA chief of police and San Mateo County, CA sheriff; Patrick Murphy, director of the Police Policy Board of the U.S. Conference of Mayors, and who has headed police departments in New York City, Syracuse, NY, Detroit, MI, and Washington, DC; Edward Spurlock, president of Spurlock and Associates Inc. security and police services, and a retired Washington, DC deputy police chief; Nicholas Pastore, chief of police in New Haven, CT; Mary D. Powers, national coordinator, National Coalition on Police Accountability; Robert L. Johnson, chief of police in Jackson, MS, and a former chief in Jackson, MI; and James J. Fyfe, a professor of criminal justice at Temple University and a retired New York City police officer.

The first speaker, Sergeant Glover, of the Dallas police, stated that improvement must start with the recruiting of better candidates for training as police officers. Sergeant Glover also advised that police departments should "continuously monitor" the behavior of officers and that citizens should be encouraged to come forward with complaints against officers. He said complaints should be considered by a neutral body. He suggested that to some extent every police department in the country has a code of silence that discourages officers from speaking out when they observe wrongdoing by other officers. He said that police misconduct has not increased, but for whatever reason, is only being reported more often.

The next panelist, Officer Rosario, of the D.C. Hispanic Police Association, said that ethnic sensitivity training by the Washington, DC Police Department is inadequate and that all police departments should insist on serious, properly supervised sensitivity training for all officers. "There are members of my police department who openly will say I don't care about X, Y, and Z," Officer Rosario said, referring to groups of people. He advocated that officers be closely supervised to guard against misconduct.

Speaking next, Deputy Watkins, of the Alameda County Sheriff's Department, suggested that while discrimination stems from the broad society, the top management of police bodies can very much reduce displayed hostility by demanding that no incident of bias be tolerated. Deputy Watkins said that she had talked with African American officers out West about harassment, in preparation for her appearance before the Commission, and that incidents reported to her included racial slurs, hate mail placed in mail boxes, racist cartoons displayed in

open areas at stations, vandalism of personal automobiles, racial jokes, and vicious pranks. She said that the sheriff had significantly improved the Alameda County department by demonstrating a commitment to halt racial and sexual harassment.

The last speaker on the first panel, Trooper Santangelo, of the Florida Highway Patrol, said that racism in law enforcement agencies has been "swept under the carpet" for years. He recommended that national standards for police trainees, including the passing of psychological tests, be adopted.

Sergeant Glover added that psychological tests should be required annually for all officers.

The first speaker on the second panel, Mr. Hampton, of the National Black Police Association, said that the training academy creates the police culture and value system and suggested that training must be revised in order to change police behavior. Mr. Hampton said that the addition of minorities and women in law enforcement agencies has not corrected misconduct because a value system that demands officers "act like oppressors" remains unchanged.

Speaking next, Mr. Moss, of Police Officers for Equal Rights, spoke for the hiring and promotion of minorities but added that a black supervisor who is "part of the system ... is not the way to change the system." He added that criminal acts committed by officers go unpunished because the acts are "hidden in the records."

Ms. Harrington, of the National Center for Women and Policing, said that gender harassment prompts women to quit as police officers and suggested that the primary reason women are not wanted is they break the "code of silence" that bars reporting misconduct by fellow officers. Ms. Harrington said one reason more women should be officers is that women do not use excessive force in making arrests. She said that police departments pretend to seek out women as officers but then erect artificial barriers to their becoming officers.

Mr. Pomeroy, of the Dade County Independent Review Board, said that nondiscriminatory behavior should be heavily stressed in police academies because what officers learn in basic training, when they are eager and receptive, may "stay with them throughout their entire law enforcement careers." Mr. Pomeroy said that it is not easy to change an institution such as a law enforcement agency but that with proper training and supervision, significant improvement can be achieved.

Also on the second panel, Mr. Murphy, of the Police Policy Board of the U.S. Conference of Mayors, said that police officers should be taught to see themselves as trying to help the "poor and downtrodden" and that officers who do see themselves that way

are the most fulfilled. Mr. Murphy said that the 17,000-plus police departments in the United States "range from close to perfect to total disasters." There should be more interchange between departments so that improvements would spread widely, Mr. Murphy said.

The first speaker on the third panel, Mr. Spurlock, of Spurlock & Associates Inc., said that police problems boil down to "unprofessional conduct" and that the aim of reform should be professionalism. Mr. Spurlock said that such programs as cultural training and community policing could never adequately substitute for professionalism on a force. He said that police should be considered as part of a government and its services to a citizenry and not an isolated entity.

Chief Pastore, of New Haven, said that police should strive for alternatives to arrests and seek for connections to neighborhoods and cultures. He said that a particularly modern problem is that so many cases are plea-bargained that officers are no longer in the position of having to defend their arrests and investigations in court. Currently in Connecticut 96 percent of court cases are plea-bargained, Chief Pastore said. "Our cops don't go to court anymore," he said. "It's street justice. That's all that prevails...." Chief Pastore dismissed psychological testing as never having worked and stressed training instead.

Speaking next, Ms. Powers, of the National Coalition on Police Accountability, told the Commission that citizens are organizing across the Nation to oppose police abuse. She said that many groups "are beginning to recognize that they have not only a right but a responsibility to see that their professional police are really professional." She said that people wanted to assume oversight and help set policies and assess procedures.

Chief Johnson, of Jackson, said that law enforcement has improved during his 23 years as an officer and that he believes improvement will continue. "There are countless hundreds of thousands of good, decent police officers out there who have the interest of the community at heart, who put their lives on the line day in and day out, and do it in a very professional manner," Chief Johnson said. He suggested that highly publicized incidents of police misconduct serve as "an impetus to move us forward and to learn and grow from." He said that the Jackson police force is now 60 percent African American, in a city that is 65 percent African American. He said that the department is committed to increasing its number of women from the present 9 percent of the force.

The final speaker, Professor Fyfe, of Temple University, said that the No. 1 problem with police is that there is no generally accepted definition of what is a good officer and thus "enormous ambiguities" are faced by

officers in action. He suggested that stricter standards are required for police behavior. A problem with giving officers wide discretion, he said, is that the line between discretion and discrimination becomes unclear. Professor Fyfe also suggested that departments should put a much greater emphasis on hiring highly qualified people for the force, training them well, and keeping the best officers on the street, instead of moving them to desk or supervisory positions. "There is no job that I know of tougher than doing a police officer's job well," he said.

In closing the briefing, Commission Chairperson Mary Frances Berry described as "frightening" the information that so many cases are plea-bargained that "there's no opportunity for the police officers to be in court, where a court might scrutinize their behavior."

The attached transcript provides the complete presentations of the panelists and the discussions between the Commissioners and the panelists at the October 6, 1995 briefing.

Members of the Commission
Mary Frances Berry, Chairperson
Cruz Reynoso, Vice Chairperson
Carl A. Anderson
Arthur A. Fletcher*
Robert P. George
Constance Horner
Russell G. Redenbaugh
Charles Pei Wang*

Mary K. Mathews, Staff Director

(*Since the briefing, the terms of these Commissioners have expired.)

U.S. COMMISSION ON CIVIL RIGHTS

BRIEFING ON RACISM AND SEXISM IN POLICE DEPARTMENTS

October 6, 1995

CHAIRPERSON BERRY: On behalf of the Commissioners, I welcome all the panelists, and I thank each of you for appearing here today to share your information and insights with us.

Whatever other painful lessons may emerge from the Rodney King incident and the O.J. Simpson trial, the revelations contained in the Mark Fuhrman tapes serve to remind Americans again that biased behavior by police officers can exacerbate existing racial tensions and erode public confidence in our criminal justice system.

Police officers are entrusted to be a community's guardians of law and order, and most people choose police work as careers because they want to ensure that our laws are properly enforced and that justice is done, and we as citizens and as residents of this republic are very grateful to the police.

Yet communities and those who administer police departments must remain vigilant to ensure that good police officers are recruited, remain honest, obey the law themselves, and respect the civil rights of those whom they are hired to protect.

The Civil Rights Commission has been paying attention to the connections between police behavior and civil rights issues for a very long time. Our past investigations into this topic have resulted in such reports as the 1978 "Police Practices and the Preservation of Civil Rights" and the 1981 "Who Is Guarding the Guardians?" These reports are available from Public Affairs staff at the Commission.

This briefing today is designed to help the Commissioners learn more about why and how biased behavior can become rooted in a police department. How does that happen? And what is being done about it? And what can be done to address this problem?

We will be hearing about police recruitment, training, the organizational climate and culture within police departments, codes of silence, reward systems for police officers, community policing, and the latest on civilian review boards.

We will now proceed by having each of our panelists make a brief statement, and then there will be questions from the Commissioners, and after that, panelists may raise discussion points with each other.

Our desire and need are to learn as much as we can from you. From this initial panel, I call first Mr. Thomas Lee Glover, Sr. Mr. Glover is a sergeant of police in the Dallas, Texas, Police Department. He has extensive experience in the recruitment of police officers, and he developed and wrote a

minority recruiting plan for the Dallas Police Department.

Mr. Glover, thank you for being with us.

MR. GLOVER: Thank you. Good morning. As previously mentioned by Ms. Berry, I spent seven years recruiting in the Dallas Police Department, and one of the things that I think all of us should realize is that the buck starts with recruiting. The type of people we get in the door results in behavior that has been manifested in police departments in recent history that's been going on for years and that we have been in denial of.

There have always been L.A. police departments. There have always been police departments such as New York, Miami, New Orleans, Philadelphia, Dallas, Houston. All of those are the departments where we've had recent corrupt behavior that made the news.

One of the things I saw when I was recruiting is that people get into law enforcement for different reasons, and I think after talking to in excess of 5,000 potential police officers over a seven-year period, I saw vast differences in why people get involved in police work.

One of the things that I think we must all realize is that the majority of black Americans, the majority of Hispanic Americans, and a lot of our Asian Americans look upon police departments as symbols of oppression.

I made an analogy once, and I got quite an interesting response from it, that if you go into the Anglo community, and you yell police, everybody runs to you for help. If you go into the African American community and yell police, everybody runs away. It didn't get like that overnight. It started back in the 1700s and 1800s.

The specific mission for police departments at their inception was to catch slaves. That's the bottom line. There was never a police department in this country until after slavery was abolished. In fact, your first police officers were called freedmen catchers, meaning that they went out and caught slaves.

So, I guess the whole point I'm trying to make is..... there's a mentality and mindset that has started a subculture in police departments that indicates that a lot of our Anglo officers get into law enforcement for the wrong reasons, and specifically for what I call institutionalized racism, and there are two forms of racism.

We have symbolic racism, which simply means what I think the general population as a whole has that, and that's when we talk about affirmative action, welfare reform, hand-me-downs, pass-outs. All of that is something that we have as an attitude, but when we talk about institutionalized racism, the police department itself is an entity of our society that is embedded in institutionalized racism, and what I mean by that is by the mere set-up, the mere pattern, the mere existence of police

departments indicates that decisions are made on a daily basis, agendas are set, issues are defined, simply by how they affect us along color guidelines.

You can take and look at every major police department in this country, and out of the top 20, the only city that has a representative number indicating what its population looks like is probably going to be Detroit.

Everywhere you look, the police outnumber by race the makeup in the community, and what we need to do, we need to start looking at getting good people in law enforcement. We need to start getting early warning systems in place. What I mean by early warning systems is -- That Los Angeles Police Department is in the news right now. It didn't get that way overnight. Somebody turned their back and said this is the best police department in the world.

The culture itself allowed a Mark Fuhrman or that type of person to exist, and Mark Fuhrman didn't start out by planting evidence. We give people in law enforcement what we call discretion, and I'm a firm believer in discretion, but discretion allows us to get to where we are today, and what I mean by that is that a police officer has the discretion to make a decision and enforce the law based on his social upbringing or how he feels he should impact the person he runs into, and I think what we all need to do is talk about early warning systems: every police department in this country ought to continuously monitor

the behavior of its officers. There ought to be quality control checks on the people that police officers come in contact with. Your complainants, your citizens, the suspects. From time to time, you ought to just go down and interview these people and ask them how did this officer act when he confronted you. Did he use any racial slurs? Do you feel like you were degraded? Do you feel like your personality was demeaned?

These things need to be put in place, and we need to make sure they are enforced, and, No. 2, we need to make it possible for people to come forward and report police misbehavior without thinking that they're fighting against the world.

One of the major problems we see in the black community is that corruption exists in the police department toward the black community in terms of planting evidence and unequal enforcement, and blacks are afraid to come forward because they simply believe that it's going to fall on deaf ears.

If it was possible to have every police complaint heard, every police complaint addressed by a neutral body, then we would probably have some significant movement toward mending the problems that we have in the police departments today.

CHAIRPERSON BERRY: Okay. Thank you very much for your opening statement, Mr. Glover.

The next presenter is Mr. Hiram Rosario, who is currently a master patrol officer with the District of Columbia

Metropolitan Police Department. He also is the president of the Hispanic Police Association. In his current position, he has responsibility for training new police officers.

Welcome, Mr. Rosario.

MR. ROSARIO: Good morning. Thank you for allowing me the opportunity to be here today.

One of the main things and the main problems that we face today dealing with discrimination and those that are biased against a race or group has to do with training. I'm a strong believer in training.

Currently, the Metropolitan Police Department alleges to have sensitivity awareness training for its officers. No. 1 is that these classes are not properly supervised. There are members of my police department who openly will say: *I don't care about X, Y and Z. I don't have to go to the class. I don't have to pay attention. I don't have to be sensitive to Latinos. I don't have to be sensitive to gays.* And they will go out there and not do what we get paid to do.

So the training is very important. Supervision has to do with it, also. If we don't supervise our police personnel for police misconduct, we get nowhere.

Another thing has to do with the lack of concern. You bring issues to different agencies. You bring issues to the department itself. There is various discrimination going in our

department. We have officers who will stop, for instance, Latinos, because they believe that every Latino who drives in the District of Columbia might not have a permit, and you mention these things to management officials who will attempt to do something about it, but nothing is done. Then we allow it to get out of hand -- it continues to get out of hand -- and when we look on TV, there is, for instance, the Los Angeles incident.

As Sergeant Glover says, it didn't just happen overnight. Something could have been done, but nothing was done because apparently nobody cared. Now, because it's on TV, because everybody knows about it worldwide, now we have a concern.

My theory is if we stop the problem, if we try to address the problem at the right time, we might have something going, and what I say about this is -- my impression -- that justice delayed is justice denied.

In our department, we have a process of how to file complaints for discrimination and other acts, and what happens is when you bring these complaints and when you make them known to management -- when I say *management* I'm talking of official sergeants and above -- nothing is done. You go down to the equal employment opportunity office that we have, to abide by our department orders and follow certain guidelines, and complaints are lost, mishandled. For some reason, you give a complaint, and

they say the EEO counselor is getting ready to retire. That person will just let it sit there for a while, and then before he or she retires, he or she will come back and say I have to turn the complaint over to somebody else. Six, seven months have gone by, and nothing is done. It makes the problem even greater.

The other thing, the community enforcement policing -- and I believe in it, I agree with it, I think it's great -- however, it's not properly implemented in Washington, DC. I would think it's not properly implemented. Right now, it's really hard for my community, the Hispanic community, to be properly represented.

The Metropolitan Police Department has nearly 3,800 members, and out of those 3,800 members, we have less than 150 Latinos in our department. Nothing is done to go out there and recruit more Latinos. We get excuses that Latinos are not coming forward to take the test, that after the first stage, they don't make it to the second stage, and we get all these different excuses. But nothing is done to go out there and get the people that we need and get qualified personnel, because the one thing I believe in, we have to have people that are qualified to be police officers. We cannot just hire a person that wants to be a cop because when he or she was a kid, the person got robbed or raped or whatever and now he or she wants justice. Now he or she wants to go out there and beat up on people or whatever, which still we see on a regular basis.

We saw the Rodney King incident. We have seen Detective Fuhrman on the O.J. Simpson trial. There are individuals like that in my police force, and I would just end it by saying that.

CHAIRPERSON BERRY: Thank you very much, Mr. Rosario.

Ms. Roslyn Watkins is a deputy sheriff with the Alameda County Sheriff's Department in Northern California. She has more than 13 years experience in law enforcement and is the president of the Western Region of the National Black Police Association.

Thank you, Ms. Watkins, for coming, and please proceed.

MS. WATKINS: Thank you, Commissioners, for giving me the opportunity to speak before you.

To understand the climate of racism and sexism in United States police departments, all you have to do is look around the country. You'll see that we are divided along racial and gender lines.

The officers who are employed to protect and serve the people in this country are people who come from America's communities, and just because they wear the badge of law enforcement doesn't change their attitudes about what they believe in.

In preparation for speaking before you today, I talked to many officers around California and the Western Region area, and they reported several incidents of harassment in their police

departments, which ranged from racial slurs, hate mail being placed in their mail boxes, racist cartoons being placed in open places for all officers to see, vandalism to their personal vehicles, humiliating racial jokes being told, vicious pranks, and the list goes on. As for sexism in police departments, all you have to do is add sexual innuendos and sexual harassment for the females.

Some officers, hoping that it will just go away, say nothing and hope that if they don't report it and they say nothing about it to the people who are committing these acts, they'll become one of the boys, and that these incidents will stop. So they remain silent. Some feel compelled to do something at the expense of being ostracized and have a feeling of being alone in their department. It's a personal issue, and everybody handles the problems personally.

Sometimes a person will report it, and will be labeled a troublemaker, and the harassment doesn't stop. Some people opt to leave the police department, because they can't find any answers, and sometimes when the incidents are reported, nothing is done. That's the feeling of some African American officers who report these incidents, and of females as well, when they report incidents of sexual harassment.

The tone and the climate and the culture in the police department -- that has to be set at the top.

Minority officers and females used to have these same

concerns in the Alameda County Sheriff's Department, but there something was done about it. The sheriff, Charles Plummer, came in and set a tone for all employees in the sheriff's department that made it comfortable for everybody. Everybody didn't like the tone that was set, but he set a tone, and what he did was make a video tape, and he called it his *five cardinal sins*.

He listed some things that would not be tolerated in the sheriff's department. One was no racial slurs. Another was no sexual harassment -- was added to the end of the list -- but there was no lying. That either in writing or verbally. No gratuities being taken from anybody while you're on duty. And what this did was everybody listened to it, and we felt a change in the department.

Then it was challenged, and I don't think it was challenged on purpose, but what happened, one of the officers, who was a white officer, was talking to another white officer. They were working in the jail. He tells the other officer, I know how you can get an inmate to go off, and he used the "N" word and said all you have to do is call him an "N."

He said that, and the other officer reported it. Now, normally this wouldn't have been reported. It was reported largely due to the Rodney King incident. When the Rodney King incident occurred, what happened in most police departments in the Bay Area was that a feeling grew that if you do something --

the rule had always been there -- if you do something and you don't report it, if you're with somebody who does something, and it goes unreported, you're just as guilty as the person who commits the act. That rule was stressed when the Rodney King incident occurred, and people began to feel that if somebody does something, and I'm with them, I'd better go tell or my job will be on the line. It was really stressed in the sheriff's department.

So this officer felt compelled to go and tell. He didn't know if someone else had heard. He didn't know if it would be reported later. He went and told. The sheriff terminated that other person through the sheriff's department discipline process. The person was terminated. He fought to get his job back. Civil service gave him his job back, and the sheriff appealed it on the Superior Court level. The officer is still employed with the department, but that sent a powerful message throughout the department, that racial slurs would not be tolerated, and that the sheriff was serious about what he meant, and we haven't had a problem since.

There are still problems within the sheriff's department, but they're dealt with, and minorities and females feel it's a more comfortable environment now because we feel that, first of all, it's changing the behavior of the officers we work with. It's a more comfortable environment. Even if everyone doesn't mean it, we're a lot friendlier to each other

while we're at work, and that changes wanting to go to work. That changes dealing with the problems as they come up.

Also, the sheriff has an open door policy, which has changed the environment, to let people know that if they do something, it's not going to be kept in the dark.

Also, we're participating in a cultural diversity program. The cultural diversity program is a program that the entire county is going through. It's going through a process of people learning one another's culture, not just along racial and sexual lines, but along lines of different cultures, different people's ways of living. We're all coming together in classes, where everybody is talking about different issues that may bother him or her, and some surprising things are coming out of this, that a person might wear glasses and somebody might call that person "four eyes," or something like that -- how that bothers the person.

We're learning things like that about people, and people are becoming more sensitive to other people's ways of living, to things that people are sensitive about, and a lot of those things are coming to a halt, and it's through education. It's not trying to push something down people's throats, but educating them on racial issues and what are racial and gender issues and how they affect people and how it all affects people in their work places. It's giving people more responsibility as far as taking responsibility for their own behavior.

So, although there are the problems in law enforcement, as other panelists have said here, the situation didn't happen overnight, and it's not going to go away overnight, but this is a possible solution to some of the problems that we have in our police departments today.

CHAIRPERSON BERRY: Thank you very much, Ms. Watkins.

The next presenter is Mr. Pat Santangelo. Mr. Santangelo is a state trooper with the Florida Highway Patrol, a position he has held for the past 12 years.

He is the past president of the Florida Police Benevolent Association and has been very active in police officer rights throughout his career.

Thank you, Mr. Santangelo, for coming, and please proceed.

MR. SANTANGELO: Good morning. We are here today because we know that racism exists in United States police departments. We know that it's been swept under the carpet for years.

Today, our mission should be to lift up that carpet, and deal with the problem. It shouldn't be just the job of the Commission or the job of the people on the panel or the job of the unions, nor just a job of management. It should be everybody's mission.

I believe that the public feels that somebody should do

something about racism and sexism, not realizing that they're the somebody who ought to do something.

There are solutions. Deputy Watkins pointed out to us examples of solutions that have worked. When I came on my department, there were very few minorities employed. There are 1,500 troopers in Florida, and until the 1970s, they never even hired the first minority.

When you tell people that, they don't believe it, and it's not a south thing. I'm from Rhode Island originally. (I know, by my accent, you probably thought I was from Alabama.)

But in Rhode Island, they have the same problem. The first female trooper was not hired until 1986 in Rhode Island. I remember the first female officer, Mary Nunes, on the Rhode Island State Police, and she went through hell. She finally left the state police.

Our first black trooper's name was Al Lofton, and he was the Rosa Parks of the Florida Highway Patrol, and there's a reason why no one sat in that seat on the bus before Ms. Parks did, and Al Lofton found out why. Al was hired in approximately 1970.

Anyway, the solution in the 1970s was a consent decree enforced by the Federal Government. From that point on, the department had to comply and hire at least 50 percent minorities and females for each recruit class until the numbers came out even or came out properly, and they're still not proper. So

we're still following the guidelines.

Late in the 1970s, years after the consent decree, it was blatantly obvious that no minorities were getting promoted. I got involved because I realized that the system was crooked. If you weren't in the good old boy clique, if your dad hadn't been a trooper or a politician or a government official, you weren't going to get promoted. So what I did, I teamed up with some black troopers in the highway patrol, in the Miami area, and we decided to see if we could address this problem. We did solve the problem, but the solution didn't come easy.

What we did was basically do everything possible -- use all means necessary to solve the problem. In 1986, out of 300 supervisors, there were only two black, one Hispanic, and one female sergeants in the 1,500-person department. No one higher than sergeant.

When we told people that, they didn't believe us. Even the Dade County Community Relations Board was real skeptical. *How could this be true, in approximately 1984-85, in this day and age? It's just not possible.* But it was true.

We used things. We used, as I said, all means necessary, including the media. We used the Dade County Community Relations Board. We used anything that we could possibly get together. In fact, my first involvement with a community activist happened completely by accident.

Approximately 1985, I was driving to court in Miami on I-95, and there's a high occupancy vehicle lane, and a lady was driving by herself in the lane and drove right by my patrol car, marked patrol car, and I kind of beeped my horn, and I waved her out of the lane. Well, that lady followed me all the way to the courthouse. I got out of my patrol car, and this lady comes storming over to me, and she was a pretty big lady, and she starts yelling at me, says: *First I've been tear gassed by you all, and now I can't ride in the damn carpool lane. What kind of thing is going on here?* And she went on and on and on, and I just looked at this lady, and I said, *You know, lady, ma'am, you've got a lot of energy. Is there any way I can meet up with you, like after work?* And she kind of like stood back. Anyway, that lady -- some of you might know her from the Miami area -- her name is Georgia Ayers Jones, and Ms. Georgia really scared me.

So, anyway, we spoke. We became good friends, and she introduced me to the community relations board, which I didn't even know existed. An individual there, Reverend Willie Simms, spoke to me, and he said, *You know something, we do need to do something about this.* As soon as we started getting the community relations board involved, things started going really bad for us. They kind of knew where it was coming from, and Mr. Simms and the community relations board members were physically

banned from highway patrol property, and this is in the '80s. They were not allowed to set foot on highway patrol property in the City of Miami, okay, and this is a true story. I know it sounds like we're making up things, but it's true.

Anyway, the result turned out to be that the inspector general did an investigation, found out, as Officer Glover has pointed out, that there was institutional racism. That was the finding of the inspector general. Senator Graham was the governor at the time, and they still ignored the recommendation of the inspector general.

I brought a couple of examples of newspaper articles during the time, and this is from approximately that time, and the headline is "Complaints About Patrol Real or Imagined."

What happens generally when problems are brought up to management by politicians, by community relations boards, or by the public -- the immediate reaction is to deny the problem. They will put the problem on the person who's bringing the message. Okay?

So, the typical thing is to, No. 1, deny the problem. No. 2, tell people that the problem is fixed, although not fixed, and by that time, the media will go away. Like right now, it's a hot topic with the O.J. trial going on and so forth about racism and sexism and the code of silence and so forth, but then a hurricane will come by and then something will happen in Bosnia, and they won't have time to get back to this, and it will go

away. It works, and that's a common method.

When the media call the office, they'll say, *Well, the boss isn't in.* I remember a reporter, Cecilia Fernandez, who worked for Channel 7 news in Miami. The troop commander asked her to wait outside his office. He ducked out the back door and left here there for several hours. He never returned. She never came back because it started raining, and the boss calls her up and says, *Cecilia, you're doing weather, go ahead, get out there and talk about the weather.*

So that is basically what happens. Just briefly -- they start out by saying the complaints don't exist. Okay? The next thing they did to us at that time was they took the offense. They tried to kill the messenger. This headline is "Fairness Debated Within the Highway Patrol, Union Blocks Minorities, Officials Say." They blame the union. They said that union contracts are preventing minorities from rising in the ranks. Well, the union contract only covers troopers to sergeant. Lieutenant, captain, major, chief -- they're not covered by the union contract. So how could they blame the union? But you read this, you say, *Damn union*, you know.

So then we decided that it became war. The next headline -- from the Miami Times, which is a black-owned newspaper in Miami -- is, "Highway Patrol Again Under Fire Over Black Issues," and there's an article about the community

relations board being banned from the property. Also it points out -- again educating the public -- that there were only two black, one Hispanic and one female sergeants out of 310 supervisors.

We then move to our local politicians. There's a state representative whose name is Willie Logan, Representative Logan, in Miami, and what we did, a bunch of minority troopers went to his office and said, *Representative, you need to help us.*

So, between Representative Logan, the community relations board, and the black troopers, we were able to get a legislative task force on racism and discrimination in the highway patrol in the Dade County area.

Although they were focusing on Dade County, that was probably the least of the problem areas in the State of Florida. Anyway, this headline shows "Lawmakers Blast FHP on Minority Problems." So now we had our bosses' bosses bringing them on the carpet, and Congresswoman Meek was then a state representative, and said to them-- Well, first, Representative Cosgrove said to our bosses, who didn't even show up -- they just sent a representative -- but the message was that if you don't take care of this, we're going to get people who can take care of this problem, and Representative Meek says, *I don't have a big stick like Representative Cosgrove, but my stick will impale your tail,* and that was a quote here in the paper. Anyway, that article was

on February 7, 1989. The headline on February 9, 1989, "FHP Promotes First Black Lieutenant." It didn't take long once their bosses got involved.

Finally, just to wrap it up, the headlines that we do like are some recent headlines. This one says, "Good Old Boy" -- "Good-by to Good Old Boy Rules."

By making the promotional system fair, the perception is that now anybody who studies and works hard can get promoted. Previous to that, the promotional system was manipulated in such a way that only a certain few privileged people could get promoted. Therefore, minorities and other qualified people wouldn't even take the test. Well, as soon as the perception was that it was fair, people tested, and the statistics in this article, in 1993, there were 33 minority supervisors in the Florida Highway Patrol. In one year, between 1993 and 1994, the number went from 33 to 67 minority supervisors -- over double in one year -- because people who were qualified did take the test and they passed the test. The test was administered by an outside agency and graded by an outside agency, and the questions were made up by an outside agency, and it was perceived to be fair.

Just to wrap it up -- some things we can do or this Commission can help us with. Right now, a police officer could be called in by a sheriff or a chief in many places and told, *Ms.*

Berry, You're fired. Ms. Berry may say, *Well, why am I fired?* She could be told, *I don't have to tell you; pack your stuff and get out of here.*

Part of the problem why there is corruption in police departments is that a lot of police officers are afraid to say anything. There's very vicious retaliation against people who bring up problems -- and these people all here can probably testify to the same thing, and they can probably give you examples.

Right now in Congress, there's a House Bill 878 and a Senate Bill -- I have the number here somewhere -- that is designed -- it's called the Law Enforcement Officers Bill of Rights, and all this does is give basic rights to law enforcement officers. Now, some management people may be opposed to this, but most management people already have guidelines that far exceed this policeman's bill of rights, and many states do have a policeman's bill of rights. But for those people who don't -- mandated similar to the consent decree, mandated minimum rights for police officers would be something that we can do now, and if this Commission can help with this bill, this bill is in existence and is on the Hill right now.

Another thing we can do, there is what's called a National Law Enforcement Steering Committee that meets here in Washington, which represents every segment of the police

community -- National Organization of Black Law Enforcement Officers, NAPRO -- National Organization of Police Officers or National Association of Police Organizations, the Hispanic Troopers and Hispanic Officers, the National Troopers Coalition, the Major Cities Chiefs Association. They're all here. What I'm going to do is give Ms. Barbara Brooks a copy of this bill. I'm going to leave a copy of the Law Enforcement Steering Committee members and how people can get in touch with them, and that's sort of a one-stop shopping where you can be talking to management, labor, and all different groups at one time.

CHAIRPERSON BERRY: Okay, Mr. Santangelo.

MR. SANTANGELO: Okay. I'm sorry.

CHAIRPERSON BERRY: Thank you very much.

MR. SANTANGELO: Thank you very much.

CHAIRPERSON BERRY: Does any Commissioner have any questions for any member of the panel? Commissioner Horner?

COMMISSIONER HORNER: Yes. I have a lot of questions. I was very interested in something that Deputy Watkins said on the question of firing someone who is obviously unsuitable to be a fair policeman, and you indicated that a good message had been sent by the police leadership's effort to fire such a person.

But you also indicated that because of civil service rules, that policeman was still on the job.

In contrast, Officer Santangelo is calling for more

protections for police officials from termination by their superiors, and the reason I'm puzzled about this and would like to hear both of you react to each other is that in a recent column in the Washington Post, Lou Cannon talked about the Los Angeles Police Department, and he talked about the problem of some bad apples very much damaging the environment for those who work with them and those who are abused by them.

So Mayor Tom Bradley appointed the Christopher Commission to look into this question, and the Christopher Commission looked at six million computer messages sent by officers over a period of time, and according to Lou Cannon's column in the Post, the offensive messages amounted to only one-tenth of one percent of all computer transmissions and only a third of those involved race or ethnicity.

That tends to suggest that a limited number of people are having a very major bad effect, and therefore in my mind, it becomes a serious question how you address those people in terms of their remaining on a force.

So, I'd like to hear the two of you react to each other on this, if you would.

MS. WATKINS: Okay. I used that example because the person's history was looked into. He was a quiet person. He had five, maybe six or seven years in the department. Nobody knew much of him. He stayed out of trouble. He didn't have a history

of brutality. He had a clean record.

But because he made that comment right after the sheriff had addressed everybody, he was terminated. That sent a message to everybody. That sent a message to all the Mark Fuhrmans in the department -- that if you have those attitudes, you'd better keep them to yourself. If this person had had a history of brutality, a history of making such comments constantly, people would have been in an uproar about him getting his job back through civil service. The perception is that it's pretty easy to get your job back through civil service, if you take it that far, and you fight it.

I used that example because this person didn't have that type of a history, and he was terminated, although he eventually got his job back.

He would have been a hard person to work with, especially for African Americans, if he had had a history of police brutality, if he had had a history of making racial slurs, and he would have been eventually forced out of the department. He would have probably opted to quit because the pressure would have been so hard on him.

COMMISSIONER HORNER: How long is *eventually*, typically? If there's someone who fairly obviously doesn't belong in the job, can that person be removed within a matter of weeks, months, or years, if the person fights removal?

MS. WATKINS: It used to be years. The Rodney King matter brought about a situation where law enforcement is being looked at under a microscope, in some cases.

So now it will take months to get him out, because people are becoming more vocal about some things that are going on in their department and the planting of evidence and those sorts of things. People are feeling more compelled to tell now where they didn't used to before. The code of silence is being broken by the Rodney King incident, because of all the people who got in trouble behind that incident. Their jobs are on the line, whether they did anything or not. Just because you have knowledge of something, your job is on the line. So, now it's taking months, and it takes years for a person to do something.

They get away with it, they continue to do it, and eventually they weed themselves out of the business.

COMMISSIONER HORNER: So, civil service rules are not a deterrent to removal of bad officers --

MS. WATKINS: Right.

COMMISSIONER HORNER: -- in your view?

MR. SANTANGELO: There are extremes of what we're talking about here because there are places with no civil service rules, and that's what I was addressing.

COMMISSIONER HORNER: I see.

MR. SANTANGELO: Most sheriffs have -- do voluntarily

comply with these things. My position, as union president for six years, is that the rules are the rules for everybody. If the sheriff has a rule that you cannot use racial slurs, that's the rule. If someone comes to me and says, *Oh, geez, they're trying to fire me, I made a racial slur*, I say: *Did you do it? Yeah. Well, that's the rule.*

A union contract is for both sides. So if there are clear rules, that's the most important thing, and what her sheriff did, which was excellent, was set up the rules. There's no gray area. You cannot do that. If you do that, you're going to get fired, and that's the type of management that we need. Up until two years ago, we didn't have that in the Florida Highway Patrol, and now that we have that type of management in our organization, you don't see that going on anymore.

COMMISSIONER HORNER: But he did that, and he's still on the job. That's what --

MR. SANTANGELO: Again, you know, --

COMMISSIONER HORNER: It's a clear rule.

MR. SANTANGELO: There's a --

COMMISSIONER HORNER: He broke it. He's still on the job.

MR. SANTANGELO: Right. Again --

MS. WATKINS: But it's looked at. His history is looked at. I doubt he would still be on the job if he had a

history of brutality, a history of making racial slurs, and a discipline record. This guy had no discipline history. He had never done this before. He was probably joking, but the rule is the rule, whether you're joking or not, and the sheriff carried it out.

But there are some checks and balances that if the sheriff is wrong in carrying out his discipline, there is something that you can do about it to seek redress, and in this case, this guy just happened to get his job back, and I used that example because it was so minor. It wasn't minor what he did, but he didn't have the history and the things that go along with it, and discipline was carried out. It sent a powerful message.

COMMISSIONER HORNER: One more question for Officer Glover. There's an advocacy organization called the Sentencing Project, which came out with a report this past week. I think I have this figure right. I'm not absolutely certain of it, but I think the report said that in some cities, 50 percent of African American men between the ages of 20 and 29 are under some form of court supervision. They are in jail. They're on parole. They're on probation.

I want to ask you a question about recruiting in the light of that statistic, if it's true. I don't know whether it's true. If a large number of African American men are under court supervision and therefore ineligible to be recruited for police

work, and if the African American community does not hold police departments in high regard, does that make it difficult to find sufficient numbers of police recruits, or are those two considerations not a problem?

MR. GLOVER: I'd like to answer your question by giving you an analogy of a socio-- or physiological term called "gatekeeping." Police work, as I mentioned earlier, was in my opinion -- and this is through years of talking to in excess of 5,000 potential applicants -- police work was an occupation set up by and for white males, specifically, and in that set-up, you have a gatekeeper who sits there and who allows certain people to come through the door, and part of gatekeeping deals with if I have to let a female through, I have to let an Asian through, I have to let a black man through, it's going to be someone that I am comfortable with, and in that comfort level, there are certain things that are done to dwindle or reduce the numbers of people available.

In having almost 40 percent -- 47 percent on the national level -- of African American men tied up in a criminal justice system of some sort, it does impact the availability of African American men and women to become police officers.

I say it's a form of systematic institutional racism that I talked about, that you don't have to deal with 50-60-70-100,000 African American men and women who want to be police

officers, if they have police records.

The racism stems from a small kid all the way up. Police officers have a lot of discretion, and when I say discretion -- you pick a kid up for a minor violation, you can take him home to his parents or you can take him down to the police department, give him a record, and that record follows him.

I think the latter applies when you deal with blacks. Also, deferred adjudication or probation comes at a rate for blacks that's a hundred percent less than for whites. So, those numbers are tremendously reduced, but again even with that, there are sufficient numbers of African American men and women who can fill our police departments.

The problem comes with the gatekeeper, and I hope you understand what I'm talking about when I say gatekeeper. There are systems in place to keep blacks out of law enforcement.

COMMISSIONER HORNER: I would like to ask you to talk about that a little bit, about the system.

MR. GLOVER: No. 1, written examinations. Civil service exams are normally required around police departments, and civil service exams through recent research in this country have been shown to be biased or prejudicial towards certain groups of people. You go in and you take an examination, and just by the nature itself, it discriminates against you.

And I'll give you an example. In my city, Dallas, Texas, the first black police officer was hired in 1896. He was killed on the job three months after he was hired. We didn't hire any more black officers until 50 years later, 1947. Since 1947, we've only had 10 black officers to retire from the police department. My point is that exams, disciplinary processes, qualifications to be police officers, i.e., no past convictions in the state of Texas, more than three tickets in a year, misdemeanor convictions within the last two years, certain experimentation with certain drugs -- all of these things that are set up impact us in a negative way.

And No. 1, blacks in my opinion come into contact with police officers in negative situations at a rate that's probably triple or four times as high as what whites do, and these contacts with the police departments -- the system allows them to be given excessive tickets, arrested for minor offenses, taken down to jail and booked on charges that discretionary practice would allow the officer to release, and as a result, you have that background being built, and you have that unconscious or subconscious system that I call gatekeeping keeping certain people out, and vocal -- when I say *vocal*, people who turn in your Mark Fuhrmans, they don't make it in police departments.

If you speak out, and you break that code of silence, then you're expected to leave, and I tend to believe that every

police department in this country has some form of code of silence simply because it starts at the top level with the police chief. He has a certain responsibility to keep his city out of court. He has a certain responsibility to keep the lawsuits down. So sometimes an act that may produce liability to him and his officers is swept under the rug, and that allows that officer and that person under him to form this culture, and it's like a boiling frog syndrome.

If you take a frog and put him in a pot of water and it's cold, and you turn the fire up under him, he'll sit there in that water, and he'll boil to death, but if you put him in the water while it's hot, he'll jump out. That's the same way codes of silence and police corruption are. They start very slow, and each time they get away with an act, no matter how little it is, the heat keeps going up until we have a Mark Fuhrman, or we have a Philadelphia or we have a New York, or we have a Miami, or we have a New Orleans police department.

So, the system itself in my opinion is designed to set up certain groups to fail because the gatekeeper doesn't want them in in the first place.

COMMISSIONER HORNER: All right.

CHAIRPERSON BERRY: Commissioner Wang?

COMMISSIONER WANG: Thank you, Madam Chair.

Sergeant Glover, I think when you mentioned the

gatekeeper aspect, you forgot maybe one thing. A certain height. I see Commissioner Murphy here from New York. If you're not a certain height, you can't join the police force.

MR. GLOVER: Yes.

COMMISSIONER WANG: I think it was under Commissioner Murphy that we started to do away with the height requirements limiting many Latinos and Asians, what not, and they were able to join the forces. I think of that as a breakthrough. I hear from your testimony that we have made a lot of progress, but there's still a long way to go.

I want to ask two questions, if you can -- I mean *choose* -- to respond. One is when you talked about recruitment, and also the training, and you emphasized a lot of it is training, but at this very moment, I remember, personally, I used to be called for the 7:00 roll call and would give a talk about the community and helping the officers to understand more about the immigrants and the different aspects of what they're facing in their day-to-day affairs.

But few people would like me spend the time, at 7:00 in the morning, and join the roll call. So on the professionals who are actually training the officers -- have they really been brought up to speed on the current kind of a development? If they are still with the mentality of old times, and they're still there until their retirement, then they're not going to turn out,

shall we say, the type of officer with the kind of attitude and the understanding and sensitivity toward a multicultural/multiethnic community. So, that's one question, about if we want to see some changes, we got to see changes from the academy, and the instructors at the academy really have to go through their own training before we can see some changes.

I'd like you to comment on that, and one other aspect, which I find always troublesome, is that individual police officers run through a red light and have their cars parked in unauthorized locations, and give a kind of outlook. The police officer can violate the law, yet you are asking every citizen to obey the law. I don't think that is the kind of example to give and then have respect for the officer. People say, *You can violate the law, why should I not?* And then they are penalized.

I'd like you to comment.

MR. GLOVER: First of all, from an academy training standpoint, it is my contention that the majority of our problems that our recruits face when they come on the street are problems that perhaps they may not bring with them in terms of attitudes, simply because at the present time, as you're saying, I think we're getting a better applicant, No. 1, because of education, No. 2, because of cultural awareness, and No. 3, because of laws right now that don't allow certain things to happen, but what you have to remember is that normally in an academy setting, you are

taught -- and this is in my police department -- *this is the blue profession, we're all brothers, and we all stick together*, and that attitude permeates itself out into the streets, where you have a gentleman going or a female going to the street, who starts an alienation process.

In this alienation process, they tend to believe and get along with those people who are like them. As a result, when it's time to go to the academy for training, most of these people go just because it's required.

Officer Watkins talked about cultural awareness, cultural diversity training. In my department, it's mandatory, but people sit in the class and make jokes and turn their backs, and there is no repercussion for that. You have to sit eight hours and that's it.

I've instructed cultural awareness to sergeants and lieutenants in my department in the past. I've had people turn their backs and just not even listen. So, my point is even though the mechanisms are in place, the officers are only doing it because it's required. You know, there's an attitude in police work, that it's us against them. That's why civilian review boards are not wanted, because you "ain't" qualified to judge me. No. 2, that's why the code of silence exists because I can't tell on my fellow brother, he has a wife and a kid to feed.

So, my whole point is yes, the training is there. You

have people going into police work, and it appears that we may be making some progress, but I tend to say it's microscopic, you know. It's a form of evolution. It means it has to evolve over a period of time. Not a revolution that takes place right away, and we've been doing it now for the past 10 or 15 years, and I think we're still 200 years behind.

CHAIRPERSON BERRY: Did any of you want to comment on that question?

MR. ROSARIO: In reference to what Sergeant Glover was saying about the academy training, when I came here seven years ago, I came here from Puerto Rico, and a lot of the things that we used to hear from the instructors, *Your banana friends came on a banana boat*. This is the instructors making these kind of comments around other recruits, allowing this type of behavior to take place and for this behavior to be taken out to the streets.

So, as Sergeant Glover was saying, the instructor is certainly very important. Right now, the Metropolitan Police Department instructors, the majority of them are police officers, people with connections on the job, people that, No. 1, I feel should not be teaching/instructing recruits how to be police officers. A lot of these personnel do not have any type of training and education, no kind of teaching skills -- they are not active teachers. Some of them just have a high school diploma. However, they are instructing police recruits.

Another thing is a lot of the physical training that we do. We face in our department a lot of profanity that is used towards us. Again, allowing this type of behavior to be taken out to the street, a recruit officer is encountered by his instructor who calls him all kinds of names, him or her, and this person will graduate from the academy and go out on the streets and probably use this type of behavior towards citizens because it was allowed back in the academy. The instructor used to call you all kinds of names and make all kinds of racial slurs and that was overlooked, like *If you fail out, we just put you back on your banana boat, you go back to Puerto Rico.* Those kind of statements were allowed to happen, and my fellow recruits saw that. So they figure it's okay.

About the sensitivity courses -- as I mentioned earlier, these courses are not supervised. Recently, I met with an assistant chief of police from our department, because I was named by Interim Chief of Police Soulsby as the acting Hispanic program manager for the Metropolitan Police. I met with the assistant chief's office, and I told them that I would like, along with members of the Black Police Association and the Women's Police Association, to go and sit in some of these classes, and kind of supervise and jot down what really goes on, and to identify individuals who don't like these courses, because as I say, I have heard: *Why should I be sensitive to Latinos? I*

don't have to like them. I'm a police officer. If they can't speak my language, have them go back to where they come from. This is not the type of behavior that we need in our police force in serving our communities.

And when I say this, there's -- We have to be able to identify those that discriminate against others. If we don't identify these people, it will continue to go on, because right now, our department has a very serious discrimination problem. But again nothing is done because nobody cares. This is not the first time I have been in this type of situation where I have spoken out and, as we mentioned before, snitching.

If I go out here and tell on one of my fellow officers, and said this type of statement, it might be okay -- it's acceptable because according to our department guidelines, I am supposed to report police misconduct. I am supposed to snitch on my fellow officers.

However, when I snitch, now I'm labeled as a snitch. They will say, *He'll snitch on you.* They will make your career short, because then you get problems. Like, you go out to your car, somebody smashed your windows, the tires are flat; you get all kinds of stickers on your locker; you leave your note book and all of a sudden, it disappears.

They do make life impossible for you when you go out there and do your job.

CHAIRPERSON BERRY: I had a couple of questions, if no other Commissioner has another one.

First, the Commission in 1981, in its report on police practices called "Who's Guarding the Guardians?", which was done after hearings around the country on police practices, recommended that psychological screening could be used by departments to get rid of people in the application process who were predisposed to violence and/or racism and that, it said, would have a significant impact on reducing the number of incidents that occur. One, do they use psychological screening in your department, and do you think psychological screening in fact reduces the number of problems of this kind? Anyone on the panel. Mr. Santangelo?

MR. SANTANGELO: Well, one of the things that the Commission could recommend is minimum standards for hiring police officers, national minimum standards. One minimum standard could be psychological testing. It's under a hundred dollars to give that test. It generally costs 50 to 60 thousand dollars to train a police recruit.

CHAIRPERSON BERRY: Do you use it in your department, though?

MR. SANTANGELO: They had not in the past but they presently do test.

CHAIRPERSON BERRY: Do you use it in your department,

Ms. Watkins?

MS. WATKINS: Yes, we use it in our department, and I would say it's pretty effective, as far as screening out people that are predisposed to aggression, screening out people that are predisposed to racism and somehow allowing it to seep out, but one of the ways people can get around that is to know what the psychological evaluation is, know what questions they ask, know how to answer those questions, know what to say to the psychologist, and so it's not absolute that the psychological process screens those people out, because there is a way to get around it.

CHAIRPERSON BERRY: Do they use it in your department, . . . Mr. Rosario?

MR. ROSARIO: Yes, they do. However, I would have to make a statement as far as criticizing it. We do use it. How effective it is -- it works a majority of the time. But if it was something that was really looked into, our departments have a high number of suicides. So, we have personnel psychologists to catch this type of situation that should be looked into, and they should be able to at least, when they meet with these persons, at least find out if a person has suicidal tendencies, and they don't, because in the last years, we lost a good number of officers who committed suicide.

New York City is one of those agencies that has a high

suicidal rate.

So, even though we have it, I don't think it's really working to its standards.

CHAIRPERSON BERRY: Do you have it, Mr. Glover?

MR. GLOVER: Yes, we use the psychological exam for pre-applicant screening. I might add something, that the Commission may look into doing, maybe recommending that psychological exams be done on a yearly basis for police officers throughout their careers.

Most departments that use them on pre-employment screening -- that's the last time you'll take one unless there's a specific order due to misbehavior, misconduct or whatever. There are few departments that require you to come in on a yearly basis and take a psychological exam, or random testing, that type thing, and what you have over the years, you have an officer who builds up frustration, and by the time he has 10-15 years on, you create Mark Fuhrmans, and there was a rumor that Mark Fuhrman requested years ago to go to psychological services because he was having problems. His department turned its back, and look what we have!

So, I think that would be something significant, that we could have yearly psychological exams.

CHAIRPERSON BERRY: Okay. The second -- oh, yes, Mr. Santangelo?

MR. SANTANGELO: Just one other thing. I'd like to add to what Officer Glover said, and that is to give it to all ranks -- not just recruits, not just rank and file, even if you're going to do it annually -- do it to all ranks.

CHAIRPERSON BERRY: Okay. The second question I had was: You panelists placed a great emphasis on having more minority officers in general. Is there any correlation between the increase in minority officers and the decline in complaints about police abuse or brutality?

I've read a great deal about the culture of police departments, and one of the allegations is that black and Hispanic officers when they join departments become part of the culture of the department and that they are very often likely to engage in the same kind of abuse if that is a pattern in the department that exists already, so that they can become part of the networks and become part of the gang, as it were.

So, you seem to emphasize getting more minority officers as sort of a palliative, and I'm trying to figure out what's the relationship between that and making sure that all these other things don't happen, the code of silence culture, that they don't become part of the problem instead of part of the solution.

Yes, Ms. Watkins?

MS. WATKINS: It has been my experience that with few

minority officers in the department, you do tend to become part of whatever the culture is because it's not that many. If you maintain your culture, you're isolated, you're by yourself. If there's more officers that come from the same culture that you do, then you have somebody to go to, somebody to talk to, somebody to talk to and say before you go and snitch, to say this happened to me today, and be able to discuss it with somebody on a personal level and feel like you have some type of support when you report misconduct and abusive things. If you're the only one there, or if there's just a handful of minority officers there and we're all spread out all over the county or all over the city, you don't have anybody to go to. You more tend to blend into that environment of corruption or the environment of abuse and go along with what's going on there, as opposed to saying this is not right or this is wrong and maybe I should go a different way with this or maybe I should report it.

CHAIRPERSON BERRY: Hm-hmm. Okay. You wanted to comment?

MR. GLOVER: Yeah. When you look around the country, what you said is exactly true. I think what a lot of us miss is that -- in my opinion -- police misconduct has not increased. I believe that reported misconduct has increased.

Throughout the history of police departments in this country, you had corruption, you've had misconduct, but people

would not come forth. Be it a change of attitude, a change in society, or whatever the case may be, you have more incidents of misconduct being reported now.

At the same time, you have more blacks and more Hispanics, more Asians, and more women being hired on. If you look at the Miami Police Department, a recent study in a report done by "60 Minutes" indicated that during the '80s, they went out and hired a lot of Hispanic officers, and they had a lot of corruption. They are correlating the corruption to hiring all these Hispanic officers.

I say baloney. Same thing happened in New York with blacks. The same thing in my department. We set records between 1983 and 1991 hiring African American officers. At the same time, we've had some levels of corruption exposed in the police department in recent years, and almost half of the corruption was done by officers with one to five years on the police department, and the correlation has been made that, *Uh-oh, you go out and you hire all these blacks, and look at what happens, corruption has gone up.* That's not the case. It just happened to be coincidental in my opinion that police misconduct is being reported at a much higher rate now coinciding with the hiring -- mass hiring of blacks, Hispanics, women, Asians -- and many people correlate those two together, and I think that's a bad analogy for us to make.

CHAIRPERSON BERRY: Mr. Santangelo?

MR. SANTANGELO: There are --

CHAIRPERSON BERRY: Yes, Commissioner Fletcher, I'll recognize you in just one second.

COMMISSIONER FLETCHER: I'm going to have to step away from the mike for a few moments.

CHAIRPERSON BERRY: All right. Thank you.

MR. SANTANGELO: There are tapes available to the public at this time on how to sue the police and how to file complaints against the police. The National Organization of Police Officers can provide you with those tapes here in Washington, if you would like to see them.

CHAIRPERSON BERRY: Okay. Well, I won't pursue this, but I don't think I got an answer to my question as to whether hiring more minority officers is a way to stop incidents of the kind that Fuhrman alleges he was involved in and other kinds of bad incidents, but maybe there isn't any specific answer. I'll just leave it at that and contemplate the situation.

Thank you very much, panelists, for being with us. We very much appreciate it. Could we have the next panel come forward as quickly as possible?

I thank this panel very much for being with us, and we want to begin by asking panelists to make a brief opening statement. We'd like to begin with Mr. Ronald E. Hampton, who is

presently the executive director of the National Black Police Association. He recently retired after 22 years with the District of Columbia Metropolitan Police Department, where he had experience training citizens in crime prevention and community relations.

Welcome to you, Mr. Hampton.

MR. HAMPTON: Thank you very much, and good morning, and that was the least of my experiences. The best experience as a police officer was that I had struggling with the results of institutional racism, and I'm honored to be here and to have the opportunity to talk with you this morning in reference to the issues of racism and sexism.

I joined my police department 22 years ago because I wanted to to help people and I wanted to be involved in service to my community. Unfortunately, my first experiences as a police officer involved racism and sexism.

Clearly, the issue of recruiting people is very important. At the time I was recruited, police departments were specifically looking for African Americans, as a result of the Kerner Commission and other reports at the time that had recommended police departments hire officers to reflect the communities they served. As a result, police departments hired a significant number of minority officers and females. Thanks in large part to the efforts of Pat Murphy, the height requirements

for officers were reduced and more females admitted to the department.

We talked about retention, and we talked about what it is that causes people to stay around and not stay around. We talked about advancement, and when I say advancement, I usually put things like promotion and assignment under advancement because it really makes a difference, and all of those things are encompassed, and we talked about how can we move more blacks.

During the tenure of Chief Jefferson, emphasis was placed on the advancement of officers to the position of chief of police. Prior to that, Chief Jefferson's experience had been limited to the Patrol Division. In order for minority officers to be effective leaders, Chief Jefferson recognized a need for exposure and experience in the area of managing and directing people. This is extremely critical if minority officers are to advance to leadership positions within the police department. This approach had never ever happened in the history of the Metropolitan Police Department.

We often talk about the institutional culture of policing. Often people presume that since we are all wearing blue, then we must all be one family. As a child, my mother often told me there's a test that you give people when they say you're part of their family, and that is, you judge their behavior, because you can call me your brother but if you don't treat me like a brother, then I'm not your brother. Regardless

of the color of the uniform, a brotherhood exists when treatment is equal.

We talk about the split and this driven wedge between blacks and whites, and the fact of the matter is that we live in this world together, but where we live as African American people and white people -- white people say it's not important, and it's not important to them in relationship to us because they don't have to live in our world because this is their world. So that's why they don't know anything about our experience.

But we know everything about their experience because it's important for us to know about their experience in order to be able to maneuver and manipulate through there in order to be successful because the picture of success is that of a white male in this society, nothing else.

So that's why there's always this different perception.

There's a reason why women talk about the glass ceiling and men don't, because men don't experience the glass ceiling. You can't talk about something you don't experience.

The value system is important. They don't pay us to act like black people in the police department. They don't pay us to act like anti-oppressors. They pay us to act like oppressors, and -- let me say this -- that there is nothing more oppressive in my opinion than the environment in our police departments in this country.

Discipline, the code of silence, racism, racist

comments and behavior, and how all of that manifests itself is something we deal with on a daily basis. It's not by accident that the National Black Police Association (NBPA) exists. When we started in 1972 -- and, of course, black police organizations predate even that -- but we started because African Americans were experiencing problems within police departments, while the African American community suffered as well. It was because of the color of our skin, and so we had to come together.

We didn't want to have a black police organization, but we couldn't be a part of the other police organization, and folks say, even today, as black organizations organize all over the world, *Why do you need a black police organization?* That's what our brothers and sisters in London were confronted with, and in Canada, where they just organized. They were confronted with the same statement: *Why do you need a black police organization?* Well, we're not a part of the "police family." We, as African Americans, are mistreated by the "police family."

We often talk about that now we have more African Americans in law enforcement than we had 20 years ago. We have more African American executives today than we had 20 years ago.

But I want to be honest. We have less today than we had *10 years* ago. We had more African Americans in leadership roles in police departments 10 years ago than we do today. Seven out of the 11 major cities 10 years ago had black leaders. Seven

out of the 11 cities today have white leaders. We have police departments that have less African American police officers today than they had 10 years ago because there's no need to replace them. Despite beliefs to the contrary, affirmative action has not resulted in an increase of African Americans in law enforcement. We have more than 600,000 police in America. Less than 10 percent of those are African American.

The reality is that police departments that did not have African Americans 20 years ago still do not have African Americans. The same is true of female officers. As for state police departments, the minority representation is between 5 and 8 percent of the overall police population. This figure includes those states with a significant African American population.

So, and again, Ms. Berry, I want to answer your question. The reason that the addition of African Americans and other minorities and women in law enforcement hasn't changed anything is that we haven't changed law enforcement.

You can put all the peas in the pot you want, but if the water's hot, the peas get cooked. We never have dealt with the culture. We never have dealt with what produces those people, and what produces them is the academy creates this culture, this value system, this dynamic.

We have never changed that. We have never addressed the value system in policing. It's simple. Send in some African Americans and women and Latinos and Asians there, it's like

sending hogs to the slaughter. It is because it's a powerful thing they got there. It ain't changed nothing because, again Pat, they pay you to act like a police. They don't pay you to act like an African -- for the poor and downtrodden and the homeless people.

Police departments don't pay anybody for that. They pay you to go out there and arrest people and lock them up, and they don't care how you do it, and the ones who lock up the best and treat them the worst are the ones who get promoted, and whether that's by accident or not is irrelevant because it's the signal that is sent that is important.

So, let's be real, and it ain't changed, Ms. Berry, because people want to get paid, and they get paid for what they do, and it's going to continue to work, and one of the reasons I think -- and this is my own opinion -- I think one of the reasons that we have less African American leadership in policing is because they didn't do anything, because, see, people will come back and use you if you do something, and they just set themselves apart from their predecessors. They were better gatekeepers, Glover, than the original gatekeepers. They were better at oppressing and suppressing the malcontents than the original one because -- See, sometimes in my experience when I was there, the white guys recognized right away that they couldn't do anything with me. So, they left me alone. It was

the brothers and sisters who used to come to me and say, *Man, you got to be cool because, you know, this here is stirring up some trouble, and I want to get promoted, I want to go to assignment.* And you know what? I'm not blaming them.

But I want you to understand that I understand because, see, you can't address this unless you understand what you're up against, and I don't fault for that. I'm not making any judgment because I understand where they are and why.

But I just didn't operate like that. My mama didn't raise me that way. Our job is like a bus. If you miss one, catch the next one. Unfortunately, many of my colleagues let the job run them, instead of them running the job.

When I was a police officer, I worked for Chief Isaac Fulwood and many of his predecessors. But I had a clear understanding that I worked for the citizens of the District of Columbia. Those were the people I owed allegiance to, and I understood that commitment and promise. They understood that I understood that, too. So it was no mistake.

CHAIRPERSON BERRY: Okay.

MR. HAMPTON: These are the kinds of issues we must address before any kind of real change occurs in law enforcement.

CHAIRPERSON BERRY: All right. Thank you very much. Thank you, Mr. Hampton. You answered my question.

Mr. James E. Moss is the director of Police Officers

for Equal Rights, and recently retired after 24 years with the Columbus, Ohio, Police Department. Mr. Moss also is a teacher in American history, and we thank you very much for coming to us this morning -- afternoon, I guess it is now -- and please proceed.

MR. MOSS: Thank you. I just want to explain that in 1970, I joined the Columbus Police Department, a veteran of the Vietnam War. I think that had a great impact on my life because in Vietnam, an African American soldier was very much aware of racism in the military.

So, when I got back home and joined the police department, it was few of us who had that background to change things in our own police department.

In 1970, there were only about 20 black police officers, and approximately 600-800 officers. In 1973, there was a Federal lawsuit filed on the hiring practices of the Columbus Police Department. When I got hired, there were seven of us. It was the largest group of blacks ever hired, seven, and I remember taking my physical. The white doctor set me beside an air conditioner, a window air conditioner, and he told me sit there, and I was sitting by the air conditioning, and he took his watch, I guess, and he put it in my ear and he said, *Do you hear this?* and he turned the air conditioner up real loud, and he pushed my head back towards the air conditioner. I said, *No, I don't hear*

it. He said, *Okay, we're finished with you.*

I got a call at home that said I was deaf in both ears. I had just completed a physical examination for the military to get to be a helicopter door gunner in Vietnam. I had excellent health. So I went back and got another examination from a military doctor and also my minister called the mayor and complained, and I was hired, but like you said about the gatekeeper, all seven of us were rejected because of medical reasons. We scored high in everything, but we all were rejected, and this lawsuit opened the doorway and created two lists. It created a black list and a white list, and the Federal judge said the Columbus Police Department had to hire 14.9 percent black applicants until we got to a certain percentage of the population of our city.

Well, two years later, another Federal lawsuit was filed by African American females on the height and physical agility test work. Women were required to drag 200 pounds, go over an eight-foot wall in 10.6 seconds, and just ridiculous stuff that had nothing to do with policing. So, again, the Columbus Police Department was found guilty, and there were two Federal lawsuits.

When I came on the police department, I was aware that if you wanted to go to different bureaus or stuff, you had to know somebody. I was told I was too short to work traffic

because I was six feet tall, and you had to be six one. I was told that in order to get in certain assignments, you had to have education.

Well, I had acquired a Bachelor's degree and a Master's degree and was working on my Ph.D., and they told me that I still wasn't qualified to work organized crime, but they had white officers working in organized crime with no college education at all. So we filed a lawsuit in 1978 for promotion and transfer, and the lawsuit wasn't heard until seven years.

During this period, we were audited by the Internal Revenue, our phones were tapped, our cars were destroyed, we were followed by Internal Affairs. We had death threats against us. We went through all type of problems with this lawsuit, and then when we testified in Federal court, it was more retaliation against us when we testified, and the court came back in 1985 and found the police department again guilty, and myself and 14 others were immediately promoted to sergeant.

So, again, you had three court orders going at the same time, and also what happened was you had a different system take place. In the history that I was there, there was never a white officer ever reported anything bad about a supervisor.

Well, the word went out that you could make them sergeant, but we don't have to keep them, and, so, what happened was that you saw all type of black sergeants being disciplined by

white police officers. White police officers said, *I saw Sergeant Moss run a red light*. Well, that would be the gospel. That would be the truth. They wouldn't even investigate. I would be charged departmental, and I would go back to what Ron said, to be part of the system -- we had a black chief in 1990 who was part of the system, even though his skin was black, but he was part of the system. He didn't think black. He didn't act black. He came up through the system, and we filed a lawsuit in 1978, the same gentleman, Chief Jackson, had his name removed from the list. He said, "I didn't want to associate with these radicals. There's no discrimination." So, then-- him over for chief. Then he had to go back in the courtroom and put his name back on the list and say, *I want to be one of them*, and, so, this guy is now our chief, and we are now going through a process of filing another lawsuit. We have more discipline problems with the police department.

So, just by putting a black chief in place -- that he's part of the system -- that's not the way to change the system.

In 1989, the Federal judge said, *Well, Columbus police, you're doing so well now, we're not going to require you to have a double list anymore.* That Friday when the judge gave that sentence -- by the way, the judge was appointed by Reagan, in 1989 -- they had a class already set to start with approximately 15 blacks in this class and women. They were supposed to start

that Monday. When he gave that order out that Friday, the chief changed the whole class to all white, and in the next four years, we had all-white police classes going through.

So I'm saying that in my 24 years' experience while I went and talked to the chief and complained about the racial problems, I got rewarded with 19 departmental charges filed on me, and, again, phones being tapped, cars being messed with, threats against my life, and those still continue as I retire, because I'm still the president of my organization. We just had a black officer stopped on a supposedly traffic charge and beaten by eight white officers -- an off-duty black police officer.

We have a lot of corruption on our police department. We filed a suit with the Ohio Supreme Court to see police records. We knew there were criminal acts being done by police, but it was hidden in the records. We filed a suit this year. I'm now in the process of examining the records. I'm seeing all type of criminal activity that these police officers did unpunished, and most of these criminal acts are going on now -- which I'm working with the Justice Department on -- with a black chief in control.

So there's a lot of black police officers there who won't even talk to me. They want no part of our organization because they feel if they do that, then they get problems with their supervisor.

The biggest problem we have in Columbus, Ohio, is with

the union, the FOP. Our hometown is the home of Dewey Stokes, who is the president of the National Fraternal Order of Police, and Mr. Dewey Stokes -- every lawsuit that we filed, the FOP joined the city and fought against us, and we were members of that union.

So I say that the FOP in our state is very racist and has always been very racist, against affirmative action and against promotion of blacks in the police department. They say that they're for all the members in this silence code, but in reality, it's not there, and it's hard to tell young black police officers what I went through and the older black police officers went through because they try to simulate and act like the white counterparts until they get in trouble.

CHAIRPERSON BERRY: Thank you very much, Mr. Moss.

Ms. Penny E. Harrington is the executive director of the National Center for Women and Policing. She is a former police chief of Portland, Oregon, and is considered the foremost expert on women and policing in the United States.

Thank you very much for coming, Ms. Harrington, and please proceed.

MS. HARRINGTON: Thank you. I'm very grateful that the Commission has put sexism on the agenda of policing because it's the last secret that we don't talk about at all, and I'd like to start out my comments with a quote from Mark Fuhrman. I like

Mark Fuhrman because he has placed all of this on the national agenda, and when those tapes are really released with all of the comments he made about women, people are going to be very shocked at the attitude toward women and police agencies.

One of the comments that was released that Mark Fuhrman made about women was, "Being a police officer, if you have two suspects, you stop them on the street, and you want to find out who they are, you say to one, *Who's that guy over there?* If he doesn't answer you, you hit him in the stomach with your baton. You say, *Listen to me, I'm talking to you. You answer me or I'm going to drop you like a bad habit."* Then he pauses and says, "Now can you see a woman doing that?" And I say my point exactly.

All the studies that have been done on women and policing show women do not use excessive force. They use the force that's needed to get the job done, but they don't go further and beat people and use force that is not necessary to get the job done.

There is such an effort to keep women out of policing on every department. They all put out advertisements that say that, *We want women, we want women.* They don't. And I'll tell you how you can see that.

The hiring process which one of the officers referred to earlier, the officer from Dallas, is really biased against

women. First of all, even though some agencies may have reduced the wall from eight feet, there's still a five-foot or six-foot wall in most police agencies that you have to get over in order to be a police officer, and yet no police officer in their right mind would ever vault over a six-foot wall without knowing what's on the other side, and I also would challenge police officers nationwide after they've been on the department more than two years to get over that wall.

So, why do we have it as an entry requirement? And that answer is to keep out women, because that wall didn't come into being until the height requirement went out, and I got rid of the height requirement in my own department in 1972. We hired our first women and also the first minority men that weren't -- it was five foot 10 in our department -- and as soon as that height requirement was eliminated and women started coming in, that wall went into effect, and it's been there ever since.

The other thing is the oral interview process. In most police agencies, it's conducted by white males, and they do not believe that women can do policing. So they look for different reasons to wash them out on oral interview, *Not aggressive enough, doesn't have enough experience* -- who knows what they are?

In the background process, where they assign officers to go out and investigate you to see if you should be allowed to

be a police officer, one of the things we discovered in Los Angeles when we were looking into this was that if the background officer went to your home and made a visit to meet your family and see the neighborhood and all of that, if it was a male applicant, and they walked in and the home was a little bit messy and all of that, that was never mentioned. If it was a female applicant, and the home was messy, then that was written down, the home was in a bad condition and all of that, and it was her fault.

Then the training system -- and partially, Ms. Berry, in answer to your question about why things haven't changed, it is the way we train police officers, which is the way we trained the military. Boot camp. Even if we have good systems that select good people, and even if we put an emphasis on getting people who are maybe social workers, teachers, people with a liberal background, a liberal arts background, people that represent the community, we take them in, we march them up and down, we make them drill, we make them do sit-ups, calisthenics, -- everything else. We spend all of our time teaching them how to be strong, tough military machines, and very little of our time teaching them how to negotiate, mediate, defuse violence, de-escalate; and, so, we break them down and mold them into the image that we want them to be, and one of the best things that you could recommend is to do away with any type of military boot camp type of training in policing. It is not necessary. Police

are not a military force.

The other thing is that -- and I think many of the officers that have spoken this morning have referred to this -- during the training process, women and minorities are ridiculed. Comments are made by the instructors. Women are set up to fail on physical tests.

I remember when I was going out, the first time I ever fired a shotgun, I had never held one in my life. They handed me the shotgun. They told me to put it up to my shoulder and fire it, and a guy stands behind me holding out his arms because he knows the first thing that's going to happen is I'm going to get knocked back, and that's exactly what happened. The whole class laughed. I was terrified to ever touch that shotgun again. Not only did I look like a dope, but I had a bruise down the whole side of my body from the shotgun.

That's the kind of things that they do to women and minorities to ridicule them during the training process. Then you put them out into the coaching system, and even if your training process is good, by the time they get out with a coach working in a car day to day, the first thing the coach says is, *Forget everything they taught you in training, I'm going to tell you what it's really like out here,* and that's where they start getting the indoctrination of the us versus them, that *It's a war out here, we've really got to depend on each other, we're going*

to get killed if we don't, you know, it's really terrible, watch out for everybody, they're all against us.

We have not come one baby step in getting women into policing because the comments that you can hear in any police precinct are why women shouldn't be there, and they will say it to women's faces, you know, *Women can't do this job, you shouldn't be here, go home, take care of your kids.*

In the last three weeks, I have had women report to me.

One went into a precinct in a California city, and they had the names written on the board of who were going to be partners that day. A man walked in and was partnered with a woman and went up and erased her name and said, *I don't work with women.*

Another one was a woman who was on probation. She was made to sit in the front of the roll call room on a bench so that everybody could watch her during roll call. For no reason. Just for harassment. There's this constant kind of harassing behavior that goes on in the departments.

Women are still segregated into the types of assignments that they're given, so that they don't get a broad base of experience, so that when promotion time comes, then the white male promotional panels that are in place say, *Gee, I'm sorry, you don't have a very good background yet. You need more experience. You need more patrol experience. You need more*

experience in SWAT or narcotics or gangs -- where they're not allowed to go.

And the other thing is the sexual harassment that goes on in police agencies on a daily basis, and one of the mistakes that the legislature made when they passed the laws on harassment and discrimination was it should have said gender harassment, because a lot of police departments have gone in and tried to do some training on sexual harassment. So the people there think that: *As long as I don't say anything of a sexual nature, it's not harassment.*

So if I say, *You women are all stupid, you're not strong enough, you're not brave enough, you're not* -- you know, whatever it is -- *you're not manly enough to be here*, that's not harassment. If I call you a bitch, that's not harassment. If I do things like -- as long as I don't touch you in a sexual way -- if I refuse to work with you or refuse to let you in my car or don't talk to you during the whole shift, that's not harassment. And that's in their minds, and so another thing that needs to be done is we need to expand the definition -- and really change it from sexual harassment to gender harassment, because that's what it's really about.

Women who report harassment or discrimination are retaliated against and usually driven out of the department. If you looked at the percentages -- and we don't have them on a

national basis, and I wish we did -- if you could look at the percentages of women who are hired and then women who leave within probably five to seven years, you'd see a very high turnover rate because of the harassment that goes on.

Now this not only affects women who are police officers, but it affects every woman in the community because with this mentality in police agencies, when you get a police officer responding to your call and you are a woman, and you know that that officer does not value women, then what you get are officers that have no sensitivity to domestic violence situations. *Say, what did you do to aggravate him tonight?* Or, *Tell the guy to go take a walk around the block and cool off...* And also the same thing with rape victims or victims of any type of sexual offense. There's no sensitivity, and that's because these men believe it's all right to denigrate women.

One of the things that Los Angeles did is pass a requirement that the police department gender balance, and they have required the department to hire 43.4 percent women in all academy classes. Now the department is not meeting that. They say there aren't enough women that want these jobs, which is what is frequently heard, but I'd like to know what woman in the United States with a high school education wouldn't like a job that starts at $35,000 a year, complete benefits, a pension package, and a promotion system. There are women that want the

job.

I brought you a document called "A Blueprint for Gender Balancing in the L.A. Police Department" which we wrote, which identifies the obstacles to women and policing, and you can change the name on this document from Los Angeles to any police department in the United States, and it would be true -- almost any police department.

The other thing is one of the things you said about the code of silence -- somebody asked the question about the code of silence. There was a survey done about police officers and their attitudes toward women and policing. The primary reason they didn't want women in policing is that they tell. They tell on. . . what's going on. They reveal what's happening, and so, *We don't want them in there.*

Until you get a critical mass of women or minorities in these departments where they're not isolated, where they're not trivialized, denigrated, then nothing's going to happen, and I think the studies that are done on women and politics have shown you need at least 25 percent before they can really be effective, and the other thing that I am concerned about and what I heard about here before, you have to be very careful when you're talking about a police officer bill of rights because some of the biggest problems women and minorities face in the United States are from their own unions, who will take the side of the white

male officers when complaints are made and defend them against the minority and the women officers.

So I would urge you to do something about gender balance in police agencies nationally, to change the definition of discrimination to include gender -- gender discrimination -- and that wall must fall.

CHAIRPERSON BERRY: Thank you very much, Ms. Harrington.

Mr. Wesley A. Pomeroy is the executive director of the Dade County Independent Review Panel, a position he's held for the past 12 years. He's a retired police officer, former sheriff of San Mateo County, California, former assistant to the attorney general of the United States, and former head of the Police Executive Research Council.

Thank you, Mr. Pomeroy, for coming. Please proceed.

MR. POMEROY: I was also chief of police of Berkeley when --

CHAIRPERSON BERRY: Okay. Chief of police of Berkeley.

MR. POMEROY: -- when Charlie Plummer, the sheriff that Roslyn was talking about, was my captain. That was 20 years ago, and we've made a lot of changes then in that department, and it had to do with institutional racism. Actually, it was systemic discrimination because it related to gender as well as to race, and the preliminary point I wanted to make is that we know what

to do about those things. There have been methods in place with the right kind of leadership to deal with systemic discrimination -- for doing the right thing where the leaders are there to carry it out and the will to do it.

We have several of them in this room. We have Nick Pastore. We have Pat Murphy. And we have others who have been pioneers in this area, and when we get the right person in the right spot, they're willing to work, they can do it. They shouldn't depend upon a career there because they're not going to stay there that long, and I don't think anyone ought to because if you're doing the right thing, making the right decisions, you're going to make a lot of people unhappy, while you're doing the right things as well.

So, I think about four or five years for a police chief in any major city is about long enough. Good people ought to figure on moving along.

I didn't intend to say that, but I've been listening to what's going on, and what I have to say is a relatively narrow area, but I do want to get back to the institutional racism, although lots of good things have been said.

What -- and how -- police recruits learn in basic training so powerfully shape and influence them that the attitudes and sets of personal mission that may develop in those first few months may stay with them throughout their entire law enforcement careers. They're eager to learn and to please, and

they will never again be as receptive. There will never again be such a unique opportunity to put them on the right course, to show and convince them that they have such a critically important pivotal role in our society. There will never be a better time to give them the knowledge, the ethical balance, and realization of their special duty to their fellow human beings and to protect and serve under the law.

Recruits need to know, and deserve to know, what kind of an environment they'll be working in and what's expected of them in that environment. They need to know about institutional racism -- what it is, and what his or her department is doing about it, both within the department and outside.

Another critical area and the one I want to talk a little more about is the relationship of the recruit to the law. There is no other person in our society, I believe, who is as important as the police officer in maintaining and honoring the rule of law.

Too often recruit training about the law focuses primarily on the criminal statutory law, with the result that recruits are given the impression that the statutory criminal law is the only real law, that the courts only obscure it by misinterpreting it, and that constitutional law is only used by the defense lawyers to find loopholes to enable the criminals to escape justice.

That, of course, is a superficial view, and our

recruits deserve better. Their duty and responsibility is not only to prevent violations of criminal law and to arrest those who break it -- it is to protect the rights established by the Constitution and its amendments and to do all in their power to see that no one infringes on them.

I believe the police are the only ones who can really do that in a great measure because they're out there seven days a week, 24 hours a day, dealing with the kind of situations where these constitutional rights, or their protection, are most apt to come into play.

There's nobody out there at 2:00 in the morning except the police officer and the person he or she has stopped. There are almost never any witnesses, never any third party evidence, and as any good policeman knows, when he's trying to enforce discipline -- and as I'm aware of in the civilian oversight agency, because part of our jurisdiction is over the police department, as well as other county departments -- we know that's a frustration every good policeman has.

So, I think that when recruits are taught the law, they ought to start by being told what the scope and the nature of the law are and that it's the fundamental underpinning of our entire democracy.

They ought to be told -- and because many of them don't really have a good sense of history -- that we fought a revolution over the principles contained in the Constitution and

the amendments, particularly the first 10, and our democracy is based upon that and that they are in a unique position to be the protectors of that and carry forth a high mission and a responsibility to protect those rights and enforce them, and that they're important people, and they should do that, and they must do that.

Then you talk about the role. They talk about statutory law, and you tell them what we all know, that it's a legislatively enacted set of rules of decorum that reflect the majority viewpoint because that's how the political process works. Very often there's a lot of political influence in that, but what the courts say about the case law and interpreting that against real free applications and real life situations are what our operational law really is, and that's what they'll be enforcing.

Then they have about two weeks left to go in the course. Then I think they ought to find out about what the elements of crime are, and it's kind of exciting to learn the corpus delicti doesn't involve a body and some other things, and then say what robbery is, and so forth. *Those are the elements, and if you forget go look at the book. There are statutes, and you can look at those things, and you're going to be learning them and dealing with them.*

I think that will make a difference, but it will make a

difference only if what is said in those classes reflects what the police departments really are. It has to reflect not just what people say, but how they operate. It has to recognize it.

Every chief I know knows, having been a recruit, that it was said to him or her, and it's said right now, as Penny said, *When you get out there in the street, forget all that nonsense you learned in the police academy, I'll teach you what the real law is*, and you know what the training materials are then? It's the old what we learned from the seat of our pants, and what you see on television, where you get all kinds of influences, and cops look at that as well anyone else.

They see that people like that *Punch them in the nose, knock them down to the ground and be rough and not caring*. That's a good way to be a good cop, quote unquote. That's only a side issue. We can't blame them for something we can't control directly.

As police leaders, as police people, we can control what happens in the police departments. Little ways if you're a small person, and big ways if you're a bigger person. I believe, and this goes beyond police work, you have to use the influence you have no matter where you are, and nobody I know is absolutely powerless. Some of us come pretty close sometimes, but you have to try to fix where you are.

It's not easy to change an institution, and it takes a

long, long time, but there are ways to do it. We know what proper supervision will do. Pat Murphy showed that when he came in as commissioner under Mayor Lindsay in the New York City Police Department. He invited the Neff Commission to stay. He brought back the command structure. He handpicked his deputy commissioners and assistants, and he put them in place, and then he set up accountability within the police department and got it down to where the precinct commanders were responsible for what happened. They were held accountable.

After he left, it slipped, and it slipped. Now, thank goodness, Bill Bratton, who's the new commissioner, is doing some of the same things. So, it can work, even in a place that's as unmanageable as the New York City Police Department, and that is a tough place to change. So, it can be changed, and Nick -- well, you'll be talking to him, but he, too, does a lot of things because he knows they're right, and he gets ahead of things and does them because they're right, and that's what a police leader ought to do.

Incidentally, when Sergeant Glover was raking over the Miami Police Department, which is not the one over which I have jurisdiction, but he's talking about the corruption, and how that was blamed upon affirmative action and hiring a bunch of Hispanic officers all at once. Well, another part of that was that they were restricted to hiring within the city of Miami, with 350,000 population, and putting on hundreds of police officers, and they

did let down the standards.

The worst example of "affirmative action," which was really an insult to the name, I've ever seen, it just built all kinds of incompetence into the system, and do you know what the chief's answer to that was after he retired -- when he could have been really straight about it? *Well, they told me to do it, and I had to do it, although I knew it was wrong.*

I heard a lot of people in Germany talking that way, too. Now, you know, Johnnie Cochran was misunderstood the other day, too. So, don't misunderstand what I'm saying. I'm talking about a system and about the kinds of things that Cochran was, about if we don't look at it, it's going to be like that.

CHAIRPERSON BERRY: So we'll have time for questions, would you mind winding it up now?

MR. POMEROY: I'll just stop right right now. It's so much to be said.

CHAIRPERSON BERRY: I know.

MR. POMEROY: And it's just so little time to say it, but we know how to do it.

CHAIRPERSON BERRY: Okay. Good. Well, thank you very much.

Before we go to questions, I'd like to ask Mr. Patrick Murphy, who has joined us, whether he wants to make a few comments.

Mr. Murphy has been police chief of I guess every major city, or several of them, in the country, including New York City; head of the Police Foundation; and head of the Neff Commission that looked into police corruption in New York City. He's done everything that is possible to do related to police and is expert about it all and is a legend in his own time.

We're very happy that you were able to join us, and if you'd like to make a few remarks, please do.

MR. MURPHY: Thank you, Madam Chair, and I am honored to be permitted to join this distinguished panel.

I taught Ron Hampton only the good things, none of the mistakes, and it's a great honor to be with Wes Pomeroy and the other members of the panel.

Maybe in just two minutes, I'd -- first of all, we have more than 17,000 police departments in the United States, and they range from close to perfect to total disasters, but, unfortunately, there is not enough interchange among the departments, either in knowledge or in personnel, and, so, many of the improvements that occur don't disseminate as well as we might like them to.

Ron Hampton, as he concluded, said something very important. He said officers tend not to be advocates for the poor and the downtrodden, and to get underneath this problem, we really have to get to the problem and the role of the police

themselves.

Professor Egon Bittner from Brandeis University has written that policing is a vocation of service to the poor, and that's true. The middle class and affluent people depend very little on the police, but the work of the police officers is to help the poor, and I think the police officers who can see the role that way accept it as a vocation and are deeply fulfilled by their police careers as they attempt to help the poor and the downtrodden, but police departments do not organize themselves to do that.

Much is being said about community policing. I believe firmly in that, and it comes back again to the definition of the police. The proper role of the police is to assist the people. This is a democratic society. It is a government of the people, by the people, and for the people. If we can accept that, the role of the police is to assist the people to maintain order, prevent crime, protect their neighborhoods; and as the police move further in that direction, they will be making important progress.

Policing needs to be upgraded and professionalized. The 1967 Presidential Crime Commission called for a four-year college degree for every police officer as soon as it could be accomplished.

Incidentally, there's been much debate about whether that kind of a higher education requirement would have a negative

impact on the hiring of African American officers. Well, the reality is that the level of education of African American officers is higher than the general level. So it should be no impediment.

Political control of the police raises many important issues, and how a police chief can have the independence required to do the job, and in my own experience, working for four different mayors, I felt I always had that independence, but, frankly, within the police world, there's a tendency on the part of chiefs to blame their failures or weaknesses on political control.

Now, of course, there -- we are a democratic society -- there should be control by the people and the having of an arrangement that will permit a chief to have reasonable independence but still be under political control.

Incidentally, one of the problems in Los Angeles was that the chiefs for about 50 years had life tenure, and that's been changed now. As much as we'd like the chief to have independence, I think life tenure with no political accountability might explain a few things in Los Angeles.

The police leadership hopefully one day will speak out on the problems of poverty, of unemployment -- the problems that cause crime in any city that we look at. If we put two blank maps on the wall and on the one, plot poverty, unemployment, some of the other social problems, and then, on the other, crime,

especially violent crime, they will look the same.

The police world tends to be very conservative, and police spokespersons -- both chiefs, who have chiefs' associations, and the police unions -- have tended to be very far on one side of the political spectrum. I hope for the day when we'll see more leaders -- and we seeing some chiefs these days -- speak out about the problems of poverty and unemployment.

Thank you.

CHAIRPERSON BERRY: Thank you very much.

Now we go to questions. I'll turn to my colleagues, but -- I usually don't do this -- I would like the privilege to ask a question first, if no one objects.

Listening to all the panel and the panel before, I think you could be accused of being people who don't understand that there is a war out there and haven't been told that the public is very concerned about crime, that if you are a police officer, maybe you ought to understand there's a war out there.

Somebody said that, you know, they're trained to believe there is a war out there -- maybe there is one -- and that maybe police officers need to be aggressive. All the things that you were commenting on, some of you, about the behavior of police officers -- it might be argued that your presentation and your analysis maybe tend to go too far in one direction and do not portray an understanding of the public's interests in crime

and criminal behavior and trying to get rid of it.

I mean it could be argued, for example, that if African Americans are concerned about so many African Americans being in jail, what they need to do is stop committing crimes, and they wouldn't be in jail. It could be that argument.

Even the Fuhrmans of the world, maybe, are the price we pay, it could be argued, for having police who are committed to doing what most of the public wants them to do, to go out there and be aggressive, and Fuhrman is a rotten apple in a barrel, but maybe it's not that the system is broken, it's just there are a few people out there.

So I thought I'd lay that out and see if anybody wants to respond and then turn to my colleagues.

MR. HAMPTON: I happen to think that most police departments operate within the parameters of that. There are those who do the job and get it done, and there's a balanced mixture of all of that.

But let me say this, too. I think you all think or know that there is a war out there, because, No. 1, we tell you that there's a war out there. We talk about it in the warring process. Politicians talk about it that way, Pat, because it guarantees that they're going to have a job, so they can come back and tell you how they addressed the war, how they prepared for it.

I know police people who actually think that the absence of crime means that they won't have a job, and we know that that's not true in the democratic society. That's not true.

So, I think they understand that because we have misled them. See, I believe we can go do our job because, see, the best police officer I know will tell you that the best tool and asset that he or she may have is an ability to communicate, to talk to people, to analyze, to identify problems, to be able to address those problems, to be able to work within communities, to gain the trust and confidence of the people.

Good investigators have good communicating skills because it's necessary to be able to solve the crime because, see, police don't solve crimes. They solve crime only with the assistance of the community, for they weren't there, and the first thing they say is, *Did you see anything?* or, *What did you see?* That solves crimes.

See, they believe that there is a crisis in their community because police and politicians have politicized the issue of crime, and they think that it has something to do with job security, but they are mistaken, and communities are a lot more sophisticated on this issue than I believe we've given them credit for.

I think that there's a little bit of hysteria, but most of all, they understand and want to see some police, and they

want to see some in the context of: *That's Officer Murphy. I know something about him. He knows something about me, and I see him in my block regardless of whether or not my block has high crime.* See, everybody pays something for police services. *My block shouldn't be less protected because it's a better block.* But the police department will give you that as an excuse, and then the very blocks that need police services -- I don't see any more police on Clifton Street than I do on Allison Street, and Clifton Street, by their own testimony, is worse than Allison Street.

And then when you talk to them, it is they don't even want to go on Clifton Street because it's bad. They don't want to go on Allison Street because it's not bad. What is it? Tell me. I don't know.

But I do know a bull is stiffing somebody, and it's the public. They're not bulling me because I see it every day. See, again we underestimate the ability of our people, the people we serve, underestimate their ability to analyze and understand the complex world of police service, and it's not all of that really.

CHAIRPERSON BERRY: Okay. I see other people want to comment. Go ahead.

MR. MOSS: Yes. I think most police departments read the book of survival statistics. There's a book published when I was in college, and we had to read about survival statistics, and

most police departments rely on statistics. For instance -- I was the burglary squad sergeant head of statistical data and administrative sergeant in burglary squad -- by saying that you had a thousand burglary reports, of that thousand burglary reports, only 200 was assigned for the office to investigate, and out of those 200, maybe you had so many of that 200 that resulted in arrests. Well, how about the 800? They got thrown out. Most police departments operate that way.

Another thing for our statistical data is how you treat certain laws. Ohio State University last week, they beat Notre Dame. There was a riot on campus -- property was destroyed to set bonfires --

CHAIRPERSON BERRY: Ohio State or Notre Dame?

MR. MOSS: Ohio State campus.

You know, you had a fire. In the Metro section of the Columbus Dispatch, they said it was a student celebration.

In the black community, if we had set fires, stopped traffic, torn up buildings, it would have been a riot and people would have been shot. When you say, *Why are more black folks being arrested?* It's because it's discretion.

Only one person who did all this damage was arrested for a felony. All the rest were white students who were arrested for disorderly conduct. If it happened in a black community, all the blacks would have been arrested for felonies. They would

have been imprisoned and instead of having like 50 or 75 police officers, there would have been 300 police officers in that community, and there would have been people hurt and shot.

So, that's why there's more blacks in prison than whites, because there are certain laws that are in black communities and are not enforced the same way in white communities. Laws are not enforced the same, and police departments, the majority of police departments, lie with statistics; and they lie with statistics to get more funds from the Federal Government.

They lie with statistics to keep us scared of what's going on, and laws are enforced in two different ways -- enforced different in black communities compared with white communities, and that's why you get the perception, you know, sayings by the Mark Fuhrmans and stuff, because that's the way police departments operate, at least that's the way in Columbus, Ohio. They lie with statistics, because I've seen them lie with statistics.

CHAIRPERSON BERRY: Okay. Ms. Harrington?

MS. HARRINGTON: Yes. Well, I have to agree that in a lot of cities, there is a war out there, and the police have caused part of it, because they've become so estranged from the communities that they police, and, so, by declaring a war, like a war on crime -- if we declare a war on crime, then we can

identify the enemy, and then we can justify what we do to get that under control, and what we have to do is to stop that mentality within the departments and say, look, we have some problems in this community. Let's take drugs -- we know they're a problem in this country, nationwide, even though Bill Bennett said he solved the problem, but it is still a tremendous problem in this country.

But if we cannot solve it as police officers, and arresting the drug dealers doesn't solve it -- we have prisons full of drug dealers, and we still have a problem in this country -- and the problem is both in the children and people who are using drugs and the people who are getting rich off of it because *there are no jobs anyway, so why not deal drugs, it's a lot better living.*

We have to address these problems, and we have to work with the community as a piece of it to solve the problems, but by declaring a war, by saying it's bad out there, it's fear -- it's the fear of the police in knowing that things are "out of control." It's not like it used to be. Our society has changed very quickly.

We haven't kept up because we've isolated ourselves, and I think that that's what a lot of them are reacting to.

CHAIRPERSON BERRY: Mr. Pomeroy?

MR. POMEROY: They say there is no harm in words, but

there's a lot of harm. We make a very grave mistake when we talk about a war in the police parlance. War on drugs. We're talking about war on people, not drugs.

An example of where this gets into real problems operationally: The function of a commission of an army is to search and destroy and to take territory. That's a war. The function of police department is to preserve the peace and to arrest violators of law and bring them to some place where they can be tried, not to kill them.

But there have been instances where very clearly this has been done. In the '60s, when they had the raid -- L.A. had the raid -- on the S.L.A. and they went and attacked, and they destroyed and killed them, and the chief said, *Send me some more, I'll do the same.* In Chicago, when they assassinated the Black Panther -- was that Hampton? -- and that was strictly an assassination -- war. There was no attempt to arrest.

The situation in Waco was clearly a war-type operation. There was nothing police-like about it. The one out in the West, Wyoming or wherever it was -- Idaho? That again was a war-like approach, which is incompatible with, inconsistent with the police mission, no matter who's carrying it out.

I think that fundamental attitude has to be really understood by people making decisions and the leaders and the people within the police department. That's a part of it.

CHAIRPERSON BERRY: Commissioner Horner, did you have your hand up?

COMMISSIONER HORNER: Yes. A few questions for anyone who wishes to respond. You have all served as police officers as well as in your more elevated or, shall we say, *more recent* posts.

This morning, as I was leaving the house, I heard just a very brief radio report that a D.C. police officer had been murdered in the course of a traffic violation this morning, that he had been shot in the head. He or she. I heard only the headline and then left. That, in conjunction with something that was said earlier today, raises a question for me that I'd like to hear from you on.

One of the witnesses on the first panel talked about the large number of suicides among police officers, and we just passed right by that. I rode the Metro in this morning wondering what it must be like to stop someone who's run a red light and have to decide, make a three- or four-second assessment, whether I'm dealing with a sociopath or a drunk or someone who's on drugs, and if on drugs, how impaired and how likely to be violent. In my comportment vis-a-vis that individual, I could imagine very easily that I could go strictly by the book and be respectful and calm and orderly and dead.

I am wondering what you can tell us about the

environment in which a police officer operates -- perhaps the lowest level, street police officer -- that would help us understand why behavior might not be ideal from an ordinary citizen's point of view, so that we can then think about public policies, such as for instance additional police officers to relieve stress, or whatever you might propose which would help police officers themselves feel somewhat more at ease in meeting their civic responsibilities.

Any one of you who has a reaction, but mainly I would like to know why there is disproportionate, if indeed there is, number of suicides.

MR. POMEROY: I think one reason is because it could be psychological testing and psychiatric interviewing at that level. That doesn't tell you much, except who the real bad people are. It doesn't detect future behavior. It can't do that.

We went through -- well, I won't tell you. We had a lot of experience with that. What will work and does work in some departments is an early warning system, which the Metro-Dade Police Department has --that's the county department -- where a police officer has several incidents, some of them may be complaints or may be use of force complaints or may be one of the kind which does not result in any kind of a discipline or even investigation.

They have those kinds of report incidents over, say, a

six-month period of time, that flags them, flags that officer, and they are sent down through the ranks. The supervisor has to interview that police officer and see -- *Do you have a problem? What's going on?* And the remedy can be everything from change of assignment to just talking to the officer. It can involve getting the officer into psychological help or to take the officer out of the line, getting the officer real help. It's not disciplinary, and it's not going to harm the officers. But there is a system in place where you could pick signs, because it may be many of them, could be alcohol, could be drugs, could be physical with a brain tumor, all kinds of things.

So, that's a kind of warning system I think a police department can do. They have to know what their officers are dealing with, what the feelings are, and to be able to deal with them. Stresses at home -- help with that.

COMMISSIONER HORNER: Do you think there's any reason why the life of a police officer may lead to suicide more than the life of a citizen in another line of work?

MR. POMEROY: Well, there's a lot of frustration in it. Interestingly enough, most of the frustration is toward the upper administration, but a lot of it is toward the street. It is a dangerous job -- much more dangerous job than when I was patrolling years ago. Terribly dangerous.

But there is sophistication in the teaching of how you

approach things and how you try to guard against it. That officer who was shot last night apparently had no chance, and some things you cannot really guard against.

I don't know whether that really is a major cause of police distress or not, because it's among other things, but there is a training for it, and I'd just like to put in a plug for the fact that you don't have to become brutal or impolite or nasty in order to do a good police job. You needn't take your manhood or yourself -- the way you feel about yourself -- out of the strengths that you have and deal with those situations.

But it is dangerous. There aren't a lot of things you can do that about operation.

CHAIRPERSON BERRY: Yes, Ms. Harrington?

MS. HARRINGTON: I think that part of the thing that leads to police officer suicide is the way that we have our police departments set up, where you get -- especially young people coming in -- after you go through the academy and all that, you get out on the street.

A lot of police departments go by seniority as to what shift you work. So, police officers, because they're on 24-hour shifts, and because they work on Saturdays and Sundays and holidays, when everybody else is home with their family and all of that, and because they get called out for emergencies and because when they're at work, especially on that 4 to midnight

period of time, it's just one call after another because there are less police officers per thousand and more demand for service.

The stress level on these officers is very high, very high, and it's also a macho thing about *I can't seek help for it. Because I'm a real he-man type guy, I can't go ask for counseling if I need it.*

Now, a lot of the departments have come up with peer counseling and anonymous ways that you can get into it, and that's good, but the other thing is they become estranged from their families, from their support system, because the families are up, you know, they go to school during the day time, they're awake in the day time, when the officer's asleep, and, so, they become estranged.

So, what they do is they go out after work with the buddies, and they have a few drinks, and that even worsens depression, and the things that they see! You know, it all plays in. The policing is not always -- you get exposed to things there that most people will never see in their lives, and, so, all of that weighs on you, and until we can find ways to relieve the police officers -- If you have an officer who can't get promoted or doesn't choose to for some reason, then what break does the officer get from that constant stress on the street?

If there were a way to give police officers

sabbaticals, so that they could go away for maybe a year and work some place else, if there were ways to get them more time to work with the public, where they can do some crime prevention work, some things like that during their normal shift, so that it's not all this constant negative high-powered/high-adrenaline things. Those are all the issues that feed in to a suicidal culture.

CHAIRPERSON BERRY: Yes, Commissioner Wang?

COMMISSIONER WANG: Thank you. Listening to particularly Commissioner Murphy and also Officer Hampton, I think you talk about helping the poor, and also you talk about the community, leading me to think about the term "community policing," which has been mentioned so many times, and also residency.

That's an argument and a point which I don't think we have resolved. I'd like to hear your comment. If there's a residency requirement that police really live there and consider *this is my neighborhood, this is my community*, would that make a difference? I think we have an argument whether it's constitutional, but as for just enhancing the whole community policing, would that be helpful?

MR. MURPHY: What they've done here in Washington, in the District of Columbia department, and in Alexandria and in some number of other departments, they don't make it a mandatory thing, but they provide some kind of incentive for the officer.

For example, a few cities now provide an incentive of either a rent-free apartment in public housing or some kind of favorable arrangement for an officer to buy a house, probably in a low-income neighborhood.

So, the solution is not to make it mandatory but to offer some incentive for officers to volunteer, and I hear very good reports.

MR. HAMPTON: I think that it's excellent, and believe me, those streets where even the officers take cars home, and you have a marked cruiser sitting in front of the house -- I mean they've done it in counties and rural police departments for years, and now in this city -- where you take a car home, it makes a difference. You see a police car on your block.

I think that one of the things that I would leave, and I'd like to press upon you all, is that I think that those are columns that need to be erected in this system that will raise our policing in this country to an ethical level, all having something to do very much with one another because they are very important. But if we don't address the value system -- I have seen a number of those things erected in police departments, and the value system never ever addressed, and we have those same individuals.

It was interesting, Ms. Horner's comment, because as we looked at automobile accidents in this country, as we looked at

the results of years and years of smoking, we addressed that, and we addressed it primarily by changing how we look at it as a society. We addressed the culture, the value system. We said stop smoking. We said wearing seatbelts reduce automobile accidents, and don't you know that most police officers don't wear seatbelts? And why is that? Obviously they must think that they're not going to have an accident, but we know that they have accidents, and they're injured as a result of accidents.

If we don't look at that culture that sets up and that value system that sets up, I can go through all of this and nothing is going to happen to me, we can have all the residency, all the car take-home programs, and all the community policing programs that we want to have, and we will never ever touch the whole -- what it is that we want because, in my mind, that's the issue.

Something popped in my mind. Just a couple of years ago, Canada did a research piece because their police unions were raising the issue about police officers' lives being threatened, dangerous jobs, and they had the the wherewithal to do a research piece, a survey on what was the most dangerous job in Canadian society, and guess what the No. 1 job was? It was driving a tractor-trailer, and policing came in No. 7, and why was driving a tractor-trailer dangerous? Because more people get killed on the highways in the country than anywhere else. That makes sense to me, too.

Now that's not saying that police jobs aren't dangerous, but it didn't lay claim in legitimacy to what they were raising, and then what do you do if you want a person who drives a tractor-trailer for a living to do in order not to be the No. 1 on the list? Then you build in safeguards and other things to make that happen.

Well, we have to do that in policing, also, and then it reduces. But somehow or other, Ms. Horner, if we don't look at how the institution itself contributes to whether or not police officers decide that they want to jump off the bridge, then it's not going to make any difference because there is a great deal of built-in frustration that occurs within the institution because people who get there bring their experience, and then when you get there, they want you to do this, but then they say there are these institution impediments that prevent you from doing it, based on how you think it ought to be done, and then the way they want you to do it sometimes brings this great amount of pressure.

COMMISSIONER HORNER: How much has the perception of failure of the criminal justice system to carry through with its end of reducing crime been a contributor to police frustration?

MR. HAMPTON: I don't think I'm the right person to ask that because --

COMMISSIONER HORNER: Okay. I'll ask someone else.

MR. HAMPTON: No. I want to -- yeah. But no. I think

that it's important, though. I mean I think that that's a good question because, see, as a police officer, I believe that my job is clearly articulated on my ID folder, and it says that my job is to defend -- to arrest the violators of -- the law in my community. I don't have anything to do with what they do after I turn them over to the prosecutor. I don't have anything to do when they turn them over to the court, the judge, the jury. I don't have anything to do with that. As a matter of fact, that's not my job.

COMMISSIONER HORNER: But didn't you go into police work with the goal of making your community safer? And you contribute a piece of that goal, and if you see the larger goal unattained after all your effort, isn't that enormously frustrating?

MR. HAMPTON: You know what the larger goal is in my community? And I used to make it happen every day. I used all that discretion I had to impact on what was happening in my community that I had direct control over. That was my picture.

MR. MURPHY: But 99 percent of us cops know that the villains are the judges, okay, who don't send them away for long enough.

COMMISSIONER HORNER: You will get no quarrel from me on that.

MR. MURPHY: They do plea bargains.

COMMISSIONER HORNER: Okay.

MR. HAMPTON: I didn't live in that world.

CHAIRPERSON BERRY: Okay. We have to --

COMMISSIONER WANG: I have one comment. Every time I see Commissioner Murphy, it reminds me of a case in 1970 that we worked on. An Asian laundry on a street corner was approached by a pizza shop owner in the middle of the block saying, *I want your store; you should move and switch with me, because that corner is a very busy corner; I think the pizza shop can do more business there.* And the laundry person said, *Why should I switch with you? I have a lease here, and I want to stay here.* So then they start a problem -- from the precinct -- giving tickets. Then they send people over one day -- they had a fight inside the store and broke up all the store, everything -- and then when the police came they gave the person at the laundry a summon to appear in court, that he had committed assault and a violent act against the other two people. It turned out that to the contrary, the precinct had actually linked up with the pizza store and deliberately started the violence and tried to force the person to move out of the store.

So that commission actually turned the whole thing around, and the store still operates there as a laundry today. I just want to mention that as --

MR. MURPHY: The captain retired two weeks later.

COMMISSIONER WANG: Right.

CHAIRPERSON BERRY: Okay. I want to thank the panel. Thank you very much for meeting with us. We appreciate it.

Now we call the last panel.

We want to begin this panel with Mr. Edward J. Spurlock. He's a retired D.C. deputy police chief and former commander of the Third District. He has served on advisory committees for the National Organization of Black Law Enforcement Executives, National District Attorneys Association, and the International City Managers Association. He is currently the president of Spurlock and Associates. Welcome, Mr. Spurlock, and please proceed.

MR. SPURLOCK: Historically, there has been a movement within police departments which has been captioned as cultural training. It has been mentioned here. I have a definite opinion about cultural training.

I think probably what we are doing in cultural training might be called enrichment in the academic world. If you do not have a basis for professionalism, cultural training is not going to help you. Without a professional behavior standard, you are just simply going to have someone who can offend your citizens better because he or she knows more about that particular individual's culture and can probably speak some of the language.

I think police departments should put in front of

cultural training a real serious look at professionalism, and I think it's defined already. I think there is a history of law, administrative law, that would back up any unprofessional charge, of misconduct. Failure to display cultural sensitivity is an extremely difficult charge to make. It is made in parts by reference to a lot of memorandums, but unprofessionalism is something that you can label someone. You can actually convict a violator for it, and it will more than likely be upheld in appeals. Personnel action taken against an employee could follow that employee from one department to another.

I am not belittling, totally, cultural training. I do have a serious problem with emphasizing that learning about cultural diversity is going to be the answer to our problems. Our problems basically are unprofessional conduct. A professional law enforcement person does not call people by names that would offend them. The "N" word would not be used by a professional. Professionals do not use excessive force, make illegal arrest, or falsify evidence. I think law enforcement would be better served if we approached this problem from a standpoint of unprofessional conduct. This offense is easier defined and more defendable in the appeals process.

The term "early warning system" has been used before this panel today and has been defined as a way to get in front of a problem arising from an employee with multiple complaints of brutality. I have a serious problem with the expectations from

this program and the way it is being administered. I was recently asked to do a study of a small town in the Midwest, and while I was there, I experienced a situation that brought home the folly of their early warning system. Their program called for the counseling of an officer upon receipt of a second or subsequent complaint. The counseling was to take place as soon as possible after receipt of the second complaint, which means that it would take place before any consideration could be given to the validity of the complaint. In this case the officer explained that this was not his second complaint. He stated that the complainants were brothers and their complaint arose from the same incident. The lieutenant informed the officer that he was following orders and that he should consider himself counseled in reference to receiving two complaints.

This process has achieved nothing and has belittled the officer, causing him to resent the organization and the way he has been treated. You simply cannot counsel someone without being very specific about the purpose of the counseling.

In cases of this sort, many believe that this policy is something that management came up with in an attempt to pacify the minority community. At best, it demonstrates that management does not have a working knowledge of a functional complaint system, nor does the organization care very much for its most valuable resource, the people that make up the organization.

Looking at complaints against police is a serious

problem. Having been the commander of the Third District during rioting and having appeared before this Commission in reference to that, I was struck by the importance that someone would put on a complaint against a police officer on a front end. It amazed me because I saw my job as the commander as going out and making people feel good about the police, and about coming into the police station. That's extremely difficult for people from countries where, historically, if a relative goes to the police station, they never see that loved one again.

If you can get someone to come to the police station to make a complaint, whether the person's plain old American or someone from a South American country who's trying to start a new life, I think it's a major community relations coup if you can get that person to come to the station and say this officer wronged me and ask for an explanation.

But, in turn, the administration and the organizations in our society condemn us for numbers, up-front numbers. You must not do that because police, whether you believe it or not, can control the number of complaints against them as well as the types of complaints against them. They simply tell a citizen who doesn't know the process that we only receive those complaints on Tuesdays and Thursdays, and you have to go down to the wrong building. That person never will get that complaint filed.

So, if we can have a process whereby complaints are not good or bad on the front end, we will be well served by it.

We hear about complaints many times from the filing of a civil lawsuit. We should not hear about them in that manner. We should hear about them long before because we should encourage all people to come into the precincts, to come wherever the complaint centers are, whether it be a civilian complaint review board or a precinct where the officers are assigned, and to file their complaints. They must have some faith that an answer will be found and that someone will get back to them and inform them of the results of the investigation. Then they can go on with any other process or civil matter that they wish.

I have a serious problem with being held in a negative way responsible for the large numbers of complaints received up front. I actually had that happen to me because I was out encouraging people to come forward because that usually puts a large number of these complaints to rest, because a higher number of complainants are satisfied with a verbal complaint, with a verbal explanation.

About 95 percent of the complainants usually are satisfied with a verbal explanation.

I think we have a serious problem with isolating police as some sort of an adopted child out there by themselves. Police are part of a government, and I think we ought to look at it in that context, as just another part of government services to the citizenry.

I think if we captioned it that way, that possibly we

could say to the citizens, this is how you make complaints. This is where you go and do this. In other words, like Pat Murphy said, we assist more.

I'm not so sure that I agree totally with Pat because I know you want people locked up at certain times, and at other times, you expect police officers to have finesse and compassion and use that judgment that so many people refer to so that they can say they don't have to make an arrest. It's not mandatory. Good judgment is something we wish we could issue, but you can't, and we're certainly not born with it.

But I think if we could just keep police in the context of government they wouldn't feel so isolated, and at the same time we should work toward getting those police officers into the community.

But the overall aim has to be professionalism. Every officer cannot live on the beat where he works. They can't know everybody by name. Sooner or later, there's going to be an officer who does not know these people, and when they arrive, a professional response should be the basis for everything that we do, and from there, it can grow.

Community policing is a great thing. It means problem solving. It means assisting, helping people, and helping people help themselves. But we have to have a requirement that officers are professional. Without it, we are lost.

CHAIRPERSON BERRY: Thank you very much, Mr. Spurlock.

MR. SPURLOCK: And I apologize for having to leave.

CHAIRPERSON BERRY: We understand.

MR. SPURLOCK: I thank you for the opportunity to be here, and I am sorry I can't hear my famous colleagues speak. Maybe I can at another time.

CHAIRPERSON BERRY: We really appreciate it.

Our next presenter is Mr. Nicholas Pastore, who is the chief of police of New Haven, Connecticut. He's been chief since 1990, and he's been associated with the police service since 1962. He not only is chief of police, but he's published several articles on the subject of community policing.

Welcome, Chief Pastore. We appreciate your being here, and please proceed.

MR. PASTORE: Thank you, Madam Chair, and Commissioners. It's certainly a pleasure to be here on this important subject.

I have put my text aside a minute to try to address some of the questions that are so burning and so full of wisdom and maybe discuss some things that have obviously worked in New Haven. We've come a long way, and we have a long way to go in dealing with these important issues, and I think so many people have touched on the issues associated with it, but we're part of government.

I can't stress that enough. Based on what we've been doing for at least 15 to 20 years, especially, we've become a cynical business. We're dealing with the ills of society on the front line of it, and we're in each other's face, you know. We have the wind at our back from the other parts of government and other parts of the community -- elected officials more often than not. Those 17,000 police departments are an extension of the king's army and sometimes the queen's army, and to get re-elected is part of the process, and often the police are called on to *let's make some noise in this area*, and it's easy to affect negatively those people who aren't part of the process, the disenfranchised, especially those who don't vote, and the numbers and what have you who don't have legal standing in the Nation and what have you, and again I give you a Connecticut perspective, but the reality of government, how it works, certainly forms a thinking, a culture, that feeds the negative.

And the way to deal with that is certainly to move in the area of collaborations and understanding. I'm a firm believer that we must come together and look for alternatives to arrest, and that calls for smart policing and thinking policing. Get rid of the mean-spirited, and truly move for -- we heard Mr. Spurlock say we would move to a professional, but what are we now?

We're a crude track. That's all I see, a crude track.

We haven't invested in the adventure. We haven't worked with labor and other officials. Policing is still patronage in the business. Hire this person, hire that person, okay.

Some things that have happened in New Haven. We have moved toward the critical mass concept, and it does show a change. It's good to move from 3 percent to 17 percent women in a couple of years. Not bad. As Fuhrman said -- another thing he said -- women usually don't go along, but let's talk about the cops that do go along and why they go along.

They go along to get along, because, in my experience, many cops are afraid. They have a fear to go into neighborhoods. The level of violence is such that it's a good, validated reason to be afraid. The other is the cultural polarization, a lack of sensitivity and understanding, education. They're from the suburbs. We heard about residency, and what do we do to connect, to allay those fears, which translate into stress and what have you? Not very much.

So, what we have to do is keep putting those things in place that automatically give rewards to the officers when they do connect -- get away from stranger policing. *Hi, my name is so and so; what is your name?* Community policing starts there.

The thing that's worked so well in New Haven is that officers' bias usually doesn't translate to children. I found a common denominator in New Haven. We formed a coalition with Yale

Child Study four years ago, where New Haven officers go to Yale University as fellows and are trained to identify children traumatized by violence. And who better to train? Who makes house calls 24 hours a day, seven days a week? Just the cops alone. Who goes where others dare not go?

So, it's what you have us do, and what happens when these cops identify these kids traumatized by violence? They're in the system. They're treated. But what we found, and it was by accident, is that they became a credible part of the extended family. *Hi, Officer Mary, thanks for helping me out with the kid. By the way, I have another problem.* Getting back to what we heard from Murphy and Brother Hampton here about the role of police has to be defined, redefined.

We have become, and you heard it right here -- all I hear about policing is law enforcement, a single purpose agency, a single purpose mission, and Washington, what did you do? You build more prisons. You build them, we'll fill them. That's the fastest-growing housing industry in American, is prisons, and we're going to fill them. You know who we're going to fill them with? Again, we're in each other's face.

The system is driving us. Unleashed on society is the cop dealing with all the stress, the consequences, the failures, and let's talk about Fuhrman again. I'll give you the Connecticut experience.

There was a great question about the courts, let alone where are the good cops that allowed Fuhrman to manifest himself, but where were the courts? Where were the prosecutors, the poor men Tom Deweys and the poor women Tom Deweys? Trying to assimilate in the system? They knew what Fuhrman was, and they know that Fuhrmans are around the country. Where are the checks and balances?

In Connecticut, when I was a cop in the 1960s, I spent half my work week in court. My cops haven't been to court in 10 years. Ninety-six percent of cases are plea bargained out. They're not asked to say why did you do this. There's no motion for discovery, motion to suppress. They're gone. That's... Connecticut. I don't know what happens in Washington or anywhere else.

But our cops don't go to court anymore. It's street justice. That's all that prevails is street justice. So the system is in a state of paralysis. When we talk about -- what are we looking for? Social justice for all, and the criminal justice system has to come together, and the important part of that, too, is also labor has to be on the same page. Labor is a defender of transgression often because they're not in the loop of education. They're not part of the employment. They're not part of the process.

We have to sit down and really negotiate where we're going, to rid and ferret out the people that we don't want in the

system, and the culture has to change.

Let me tell you another sacred cow that some people touched on. It's training. There are sacred cows in police departments. They don't change. In New Haven, we changed it within a week when I became chief, and who heads it up? A woman, who hasn't had a day in the business of policing. She comes with strong education credentials.

We had built a college-type-setting academy, and think if you want to protract that. Imagine if you had an apprenticeship, two years full time, you go to school, fund it, whatever it was. I think we started in the '68 crime bill, when Nixon was in. It was funding for education in those days, and then during that period of the apprenticeship, you must maintain -- and then you're tied into your police departments. You get to know the people for two and three years before they become police officers. Forget psychological examination. I'm going to tell you they don't work. They haven't worked.

The leadership, change the culture, create the support mechanism and the foundation with the emphasis on diversity, and diversity has to be factored in not so much in the demographics as they exist but where we need it.

In cities like New Haven, we spend 90 percent of our work with our less-fortunate communities. It's not just a demographic. You could have 20 percent of your population that's reflective. It could be 80 percent of your work. So, start

looking where the need is, and residency does work. You've got to do everything to connect. That's what our effort has been in New Haven, and it works very well.

Thank you.

CHAIRPERSON BERRY: Thank you.

Ms. Mary D. Powers is the national coordinator for the National Coalition on Police Accountability, in Chicago. She publishes Policing by Consent, a newsletter that has captured the attention of police leaders around the country. Thank you very much for being with us, Ms. Powers, and please proceed.

MS. POWERS: Thank you. The National Coalition on Police Accountability is an organization of religious, community, and legal groups and progressive law enforcement representatives working together to hold police accountable to their communities through public education, community organizing, legislation, litigation, and promotion of empowered, independent oversight.

N-COPA is a unique organization. There are lots of local police accountability groups that may call themselves police watchdogs or other terms that seem hostile toward the police community. Our organization is not that. We've had police people working with us from the very beginning on our advisory boards. Our first national conference in 1991 had representatives from five African American police associations, which shared our concern for accountability. We have a steering

committee that's made up of people from across the country, from Minneapolis to Albuquerque to Boston, Syracuse, Dallas, Houston, Louisville, Oakland, Baltimore, Chicago, Cincinnati, Seattle and Biloxi.

We do publish, as Ms. Berry said, Policing by Consent. I brought copies of the last four issues for each of the commissioners. I think they really have much pertinent information to what we're talking about today. Suggestions for reforms that would help bring police and community closer together. Surprising information about people who really don't want civil settlements and million dollar settlements, don't want the same thing that happened to their sons. Mothers tell me over and over again in the 28 years I've been working in the field: They don't want someone else's son killed by the police, and they want to do something. They don't want pay for what happened to their sons. They find that somewhat insulting. They want to know there's some sort of change that can be made and that they can contribute toward it. They can be part of it somehow as a citizen, and there's a whole healing process that takes place when people are able to solve problems that will help people in the same situations.

I do want to refer to one article by John Krug, who's with the ACLU in San Francisco, who wrote an article about it's not just getting money, not just beat them, but make change, and recommends a lot of things that I think are really essential, and

that we've begun to work on.

In Chicago, where my own organization, Citizens Alert, has provided advocacy, referral and information to victims of police abuse for 28 years, it's not just having someone get a settlement for someone who's abused or hurt or killed, but along with that settlement, to have some written agreement of what was done wrong, what should be changed, what should never be done again, to prevent that same situation coming over and over again. We have police officers in Chicago with 35 complaints against them, and some of those complainants have been paid millions of dollars by the City of Chicago, by tax money, and still they're on the force repeating and accumulating these complaints....

There is an awful lot to be done within departments themselves, and we have the experts here to tell you that. So I won't go into any of that.

I would like to say that I think that we all know that police abuse is so widespread, but one thing that we found recently in the National Coalition for Police Accountability is that groups are springing up all over the country, citizen groups, to try to deal with this, and they're not so much the old thing, where you used to hear the defense committee when someone was killed or someone was brutalized or something happened in a community that people really took offense to, and they'd get together and say we're the defense committee against this and that or for this and that. But they're groups that are talking

about taking some oversight themselves. It's not even the old concept of community control that we see and hear about, but it's becoming partners, so to speak, with the community policing, but besides that, a lot of groups that aren't ready for community policing are beginning to recognize that they have not only a right but a responsibility to see that their professional police are really professional, that the people they pay to protect them and serve them really do that.

Just within the last week, I had a call from Phoenix, Arizona, from the father of a man who had been killed by the police, shot 33 times last January. I think there's probably a civil suit in process and all that. I haven't gone into the details with him. But what he really wanted was help in continuing to organize a group that's called Citizens Organized for Better Community Relations, and he lives in the Maricopa County housing projects. The incident took place there. Many of the people who are working with him in this committee are residents of that community. I think that's really exciting.

The same week we had a call from a mother from Tucson. I don't know the details. As they described themselves, they're a fledgling organization, quote unquote, called Police Watch, and they were asking for technical assistance from us in setting up some sort of an accountability agency there.

Springfield, Massachusetts, and Worcester, Massachusetts, and Santa Fe and Albuquerque -- places that you

don't think of as the large urban areas, but they're looking at things like civilian review boards, but beyond the civilian review board, they're really working together to take oversight and have a way of helping set policies and critique procedures and that sort of thing.

So I think that this is really the kind of opportunity for us, and we need to seize the day.

CHAIRPERSON BERRY: Thank you very much, Ms. Powers.

Our next presenter is another police chief, Mr. Robert L. Johnson, who is the chief of police of Jackson, Mississippi. Mr. Johnson has been a police officer for more than 23 years, and has held virtually every rank in police departments. Welcome, Chief Johnson, and please proceed.

MR. JOHNSON: Thank you. In making a short presentation to you this morning, having heard all of the comments prior to my speaking, I got the sense that things are bad and getting worse in law enforcement, and I take the optimistic view, that things have gotten better and will continue to get better for whatever drives them toward getting better, and I make that comment with a great detail of, I think, expertise in the area relative to the changes that I have seen in the 23 years that I've been in police work.

I have been in Jackson, Mississippi, for about nine months now. Prior to that, I came from a department that was

predominantly white. As police chief, I was there in a community that was predominantly white.

Going to Jackson, Mississippi, I went to a city where the African American population is predominant, about 65 percent. So, I have some basis for making a contrast and noting differences in terms of how people view racism, how people view sexism, and how people interact, and how they view the function of police departments in their city.

You are all mindful of the atrocious history that the State of Mississippi has had relative to law enforcement, and how people view law enforcement, and I've got to tell you that things are a lot different now.

I went to Mississippi, after 23 years in Michigan, with perceptions and expectations and certain stereotypes about the quality of law enforcement and about attitudes that people had about law enforcement, and I can see the differences. Having been raised in Tennessee and being a Southern native, I am also making that contrast, about the differences 23 years later when I went back to Mississippi.

I think we need to keep that in mind as we talk about these issues -- that although Mark Fuhrman and his type rear their heads every so often, there are countless hundreds and thousands of good, decent police officers out there who have the interest of the community at heart, who put their lives on the line day in and day out, and do it in a very professional manner,

and that's the basis which we must continue to build on and move forward from.

We can't continue to let the past haunt us to the degree that we can't see a brighter future ahead of us. We need to learn from our past history, and certainly Mississippi provides a good deal of rich history about what not to do in law enforcement. But we need to let that guide our future actions, as opposed to continuing to hamstring us in moving ahead to a better day.

I came back to Mississippi and found a department that currently is 60 percent African American. Although our numbers relative to women in sworn positions are low, 9 percent at this point in time, we're committed to increasing that. We have a civilian staff that's 76 percent African American, 72 percent of which are women, and that reflects the population of the city itself.

I found a department that has a crisis intervention unit that's comparable to any city's or state's in this country relative to involvement in domestic violence and domestic disputes, in getting at that issue right at the onset, with trained counselors who are able to provide crisis intervention in those crisis situations.

We have also in the State of Mississippi just this year a law that mandates arrests in domestic violence situations, not a preferred arrest policy, not a mandatory arrest policy that's

driven by the department policy, but a State statute that says to police officers, *You shall make an arrest in a domestic violence situation.* No if, and, or buts about it.

So, things are not as dark perhaps as maybe we think they are, and I think we need to be mindful of that, but we can't let our guard down.

What I've told you contrasts with a training system that I found to be entrenched in the old ways.

Training in most states is mandated by state training boards that prescribe basic training for all police officers, and every department has to comply with those training requirements.

Currently in the State of Mississippi, we require 10 weeks for police officers to be certified. About 60 percent of that training is in areas such as PT and firearms and defensive tactics. Very little of that time is spent on things like culture diversity and human relations and defusing volatile situations and personal interactions with other people.

But those are things that we have to change. We just simply can't continue to let the past hamstring us to the degree that we can't see the future.

So, I'm here this morning to talk about the positive aspects of law enforcement and what it is that we can do to continue to move forward in making our police departments all across the country better.

CHAIRPERSON BERRY: Thank you very much, Chief Johnson.

Mr. James J. Fyfe is a retired New York City policeman. He's been very active in national and international groups addressing police practices. He's now a professor at Temple University in Philadelphia.

Welcome, Professor Fyfe --

MR. FYFE: Thanks.

CHAIRPERSON BERRY: -- and please proceed.

MR. FYFE: Okay. Even though I'm in Philadelphia, I'm a New Yorker. So I'll talk fast.

CHAIRPERSON BERRY: Good.

MR. FYFE: I have a lot of points I'd like to make. One of them is an issue that has been hinted at several times here, sometimes more directly than others. I think the major problem with American police is that we don't know what we expect of them.

We really haven't -- you can define a good lawyer or a good firefighter or a good school teacher, but we really don't have a definition of good cop. One extreme, Mark Fuhrman, thinks he's a good cop, and on the other hand, we've heard other definitions of that.

I would challenge the Commission to sit down and write in 25 words or less the definition of good policing. I think the definition would vary all over the place.

So, I think part of the reason that that's an issue is that it creates enormous ambiguities for police officers. The problem with policing, for example, is not the physical danger. The physical danger of policing certainly is too much, but the police job is far more psychologically dangerous than physically dangerous.

In New York City last year, two police officers were killed in the line of duty. Eleven committed suicide. Those numbers are pretty constant around the United States.

Commissioner Horner raised questions about vehicle stops. I did a study in connection with some litigation in New Jersey and calculated that in the United States state troopers are killed by people in traffic stops once in every two and a half million traffic stops. So chances of being killed in a vehicle stop are very much like the chances of being struck by lightning.

The problem with police work is ambiguity. It's been long thought, for example, that the most dangerous police job was in a domestic situation. That just ain't so. The numbers have been misread on that, and domestic situations are far, far less dangerous for police officers than robberies or burglaries or even vehicle stops.

The problem with domestic situations, as Chief Johnson hinted at, has been ambiguity. When I was on the street in New York City during the 1960s and 1970s, we did not distinguish

between domestic disturbances and domestic violence, and thoughtfully the courts have done that for us. They've distinguished between domestic violence and domestic disturbances, and now in domestic violence situations, a cop's job is very unambiguous.

You're a law enforcement officer. Go there and make an arrest. Don't try and mediate violence. You make an arrest in those situations. Police officers still dread going to domestics because they're very ambiguous. They can't tell who the good guy is, who the bad guy is, and they can't tell when they've resolved them successfully. I think a major problem with police work is that great degree of ambiguity.

I think removing the ambiguity requires that we set expectations for the police, and that requires rulemaking. One of the most fundamental problems with policing is the absence of standards. The last time I was here -- I had hair -- we discussed deadly force standards.

If you look at what has happened to the use of deadly force in the United States, through the imposition of standards by police departments and by the United States Supreme Court in *Tennessee v. Garner*, you see that much ambiguity has been removed. In years when police officers enjoyed almost complete discretion, the line between discrimination and discretion was unclear. In Memphis, for example, I worked on the *Garner* case.

We found that black citizens who were arrested for non-violent crimes were six times as likely to be shot at during the course of the arrest as white persons arrested for non-violent crimes.

When rules were imposed by the police department, a couple of scholars from Memphis State University demonstrated that the disparity disappeared. The role of the police officer in those situations has been made much less ambiguous.

The same is true around the United States generally. Much of the disproportionate percentage of black citizens being shot by police officers has disappeared now that the parameters of police discretion have been clearly defined.

So I think what we've got to do, following up on that example and the example of domestic violence, is to come up with some more standards for police behavior. Police officers respond to domestic disturbances and don't have a clue about what to do. Police officers respond to stick-ups.

If you look at the police manuals in most agencies, you'll see no guidance in those manuals about what to do when the radio dispatcher tells you that the bank down the street is being held up. There's nothing in those things. *Do the best you can* is generally the advice.

Where recruitment is concerned, I think Commissioner Horner made some interesting comments. She talked about the lowest level police officer, and the unfortunate conception is

that policing is a low-level job, and it's not.

I can tell you that I've been an academic. I've worked for the Police Foundation. I've done lots of interesting things. There is no job I know of that is tougher than doing a police officer's job well. That's a tougher job than being an FBI agent or a Secret Service agent because an FBI agent or a Secret Service agent is under very close supervision in planned situations and does not respond to domestics at 3:00 in the morning.

The police officer's job is an extremely difficult job, which has much more in common with the job of a social worker or a deputy prosecutor or a legal aide attorney than it does with the jobs we equate it with.

Our problem, I think, is that we define it as a job that is suitable for GED people whom we can train for 10 weeks. And we wonder why we have problems! I think we really have to redefine the educational levels that are required to be a police officer. If we're going to professionalize it, we need professional educational standards, and an argument I hear quite often is that that works against affirmative action and minority recruitment.

I teach in Temple University, which Commissioner Redenbaugh knows is in one of the toughest areas and one of the toughest cities in the United States, and I could easily fill the Philadelphia Police Department's recruiting requirements with the

black and Hispanic kids who are in my classes. They're very anxious to become police officers.

As a part of that, I think one of the problems with the police culture is that people who become police officers in Philadelphia, as young as 19, with general equivalency diplomas or high school diplomas, and spend eight or nine years in the job and find that they don't like it are really stuck. They have no option because they're already halfway through a pension.

So, a big problem with policing is that it has attracted in many instances people who are stuck in the job. If you look at police departments -- and I'm sure everybody who has police experience will tell you this -- many police departments are loaded with burned-out people who have eight or nine or 10 or 12 or 15 years on the job and who are just marking time till they get a pension.

One of the most attractive aspects of a police career is the 20- or 25-year retirement pension, but when you combine that with the fact that many of the people who are in policing have no options for leaving, you find that you have an awful lot of folks who are in there who probably shouldn't be there and who are a real problem.

Training for police around the United States is generally inadequate. I taught here at American University for 13 years, and we had many foreign police officials. Police officers in Kuwait get four years worth of training. Police

officers in England get much more training than ours. There's no democratic society besides the United States that gives police officers the low level of training that we give, even in the best police departments.

One of the major issues there is that policing is a job that attracts people like the rest of the population who bring prejudices, and it's very important that police officers not be prejudiced, but it's almost impossible in a short police training program to try and address the core beliefs that people hold. You can't do that in a six-month training course when you're trying to teach people how to make traffic stops and how to resolve domestics. The extra length of training is so critical because the nature of police work really enhances any prejudices anybody has.

You take a guy like Mark Fuhrman. Presumably he's got some racist attitudes to begin with. He comes from a small lily-white town in the Northwest and finds himself working in South Central, in a job that has been defined as responding to crises, and all he deals with are black and Hispanic folks who are in trouble all the time. We don't want to see them. That becomes very, very wearing, and that makes it very easy to stereotype the people you work with, and it's not necessarily a racial issue.

I worked in two precincts in New York City, in Brooklyn and Queens, where some of the cops would say things about black and Hispanic people because they were the only ones we met in a

crisis.

Later I was a sergeant in a precinct that was full of Greek Americans, in the early 1970s, and many of the cops there said very much the same thing about Greek Americans. The only ones we met were the guys who had too much to drink, who had beaten their wives, who were in trouble, who had run red lights, and who just didn't want to see us.

So I think the socialization of police officers and the training are really, really critical. A couple of good examples:

One is that I was privileged to be a staff member of the New York City Police Academy from 1973 to 1975, and we completely revamped the recruit curriculum as Chief Pastore indicated, tried to make it much more like a college curriculum, and in fact, it was evaluated by the New York State Board of Regents as having the equivalent of 35 undergraduate credits. It was a very demanding curriculum.

The people who came into the job at that time were folks who regarded themselves as post-Neff police officers. They were honest, and they were going to turn the police department around. We hired 5,000 of them in two years. They went through hell because the city ran out of money almost as quickly as they were trained, and laid off 3,000 of them.

But as I look back on it -- I'm still in touch with many of my colleagues in that time -- I don't know of any of those 5,000 young police officers who have been in trouble, and

they went into that department at a very unique period in time. They went into it when the whole mentality of the agency under Murphy was *let's turn this place around*, and the training was really professional, and the sense that they got was that they were entering an agency that they were going to convert. I don't know of any one of them who has gotten in trouble, which is a remarkable statement to say about 5,000 big city police officers 23 years later.

Another issue, I think, is the culture of policing. That is really set by the top of the department. One of the problems with most police agencies is that they are really closed societies, and when Darryl Gates was chief in L.A., he used to talk with great pride about the LAPD mentality, and there was good evidence of how strong that was, despite, Former Chief Harrington mentioned, the 43 percent female membership in recruit classes.

Just before the Rodney King riots, a professor from the Claremont Graduate School named George Felkens did an evaluation of Los Angeles police officers' attitudes towards their work and towards the people in the city. The stipulation of 43 percent women and a large percentage of black and Hispanic officers -- that was a stipulation that was entered into in 1980, and the sense was that this would make LAPD a kinder and gentler police department.

What Professor Felkens found was that regardless of gender or ethnicity, a great majority of LAPD officers he surveyed felt the same about the job and about the city, which was to say that the city was a bunch of undeserving slobs, and that the only thing keeping them from anarchy was that thin blue line of the LAPD. So even though the agency succeeded in attracting very large numbers of women and minorities, it was driven by a culture and a set of values that really made them conform to the LAPD mentality.

And my last point has to do with accountability. A very good police scholar named Herman Goldstein wrote that we should never confuse responsiveness and accountability, and the police must always be able to explain what they've done. In the O.J. Simpson case, we have seen that police officers have not been able to explain what they did and why they did it, and we very rarely ask police officers to do that.

I know of very few police departments that publish statistics on how they discipline officers and for what. I have testified in civil rights cases, more than 300 of them, involving police officers. Police officers lie routinely. Just the other night I calculated that I've been involved in 32 civil rights actions in Southern California and in 30 of them it is absolutely clear that police officers lied. They gave testimony that was absolutely inconsistent with all the physical evidence. None of them has ever been punished, and none of their involvement in the

civil rights actions has ever been mentioned on their evaluations. Their periodic performance evaluations say they do a good job, and they don't say that they were the subject of a $1.9 million civil rights verdict, for example.

So I think we have to insist on accountability, and probably the best way to do that is fresh air, to take police discipline out from behind closed doors.

I thank you.

CHAIRPERSON BERRY: Thank you, Professor Fyfe. Spoken like a New Yorker.

MR. FYFE: I got more.

CHAIRPERSON BERRY: I know, I know. I believe you. I think my colleague, Commissioner Horner, probably wants to ask you a question or say something. I can tell.

COMMISSIONER HORNER: Of course. Would someone else like to go first?

CHAIRPERSON BERRY: Oh, no. I think ladies go first...

COMMISSIONER HORNER: I have a question for Chief Johnson and one for Professor Fyfe.

First, I do want to say for the record, Professor Fyfe, my reference to lowest-level police officers was intended to define the difficult street work as opposed to more sophisticated -- well, I don't want to say even that. I was trying to make a distinction between a desk job and a street job

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MR. FYFE: Well, that's --

COMMISSIONER HORNER: -- on the assumption that there is a hierarchy, and one is promoted off the street from the lowest level to a "higher level." I didn't mean to suggest one was a less desirable, or *difficult,* level.

MR. FYFE: Let me just make a quick point about that. If we were organizing the police again, we would not organize them in a military fashion. If we were starting from scratch, they'd be organized much more like a university.

I'm a full professor, and I make a lot of money. But I'm still doing basically the same job as an instructor. So, the university has said: *Well, this guy Fyfe is a good teacher and a good researcher. We want to give him more money, but we don't want to take him off the front line.*

A problem in policing is that very smart and astute men like Chief Johnson and women if they're going to advance have to go off the street, and what results is that the guys in the street are regarded in their agency as failures, and the instinctive response -- and this is not you -- but the instinctive response is, *If you're any good, what are you still doing on the beat?*

And every time we promote a good street police officer to sergeant, we lose a really important asset. There should be a

way to keep good police officers on the street without forcing them to live at the entrance level wage forever.

COMMISSIONER HORNER: One of my three brothers is a now retired policeman who has dealt with all the issues you just described.

MR. FYFE: Sure.

COMMISSIONER HORNER: Chief Johnson, you talked about the transformation of a police department in Mississippi over a 20-year period, maybe longer than that. It was very heartening to hear your assessment that things are getting better, and you obviously are in a position to make a good assessment.

We need to understand how that transformation and improvement happen, and I wonder if you have anything you could tell us about what makes such a transformation happen over time. What makes things better in your view?

MR. JOHNSON: A number of things, and I think one of the panelists talked about three things that he saw as driving the changes in the police departments. One was the recruiting. The second was training, and the third, he talked about laws and those kind of things I think. All that's true.

It takes committed leadership, first of all, not only at the head of the agency but political leadership in the city, and we happen to have that in the city of Jackson, Mississippi.

It takes focus, such as is being brought to bear here

in these discussions, for us to start thinking about these kind of things and what can make us better.

Professional organizations such as the IACP that highlight successful stories like New Haven help drive the changes that are taking place in many of the departments.

And occasionally we'll get a good idea from academia that may help us improve, but if you really think about it, if you think about it deeply, it's usually those troubling issues that move us beyond where we have been to where we need to go, and you only need to think about the tremendous changes that we've seen in law enforcement.

Professor Fyfe talked about *Garner v. Tennessee*. That clearly defined rules of deadly force for us. *Miranda*. *Neff*. Any number of things that created the problem. Rodney King has come to symbolize certain issues in law enforcement, and I don't have any doubt in my mind that Mark Fuhrman will come to symbolize certain things in law enforcement that will continue to move us forward.

So we need to look at these things not so much as sort of confirming what we want to believe about police departments being bad, but as sort of a catapult or an impetus to move us forward and to learn and grow from, and I think that's what we need to continue to do.

COMMISSIONER HORNER: I think that's a very helpful

perspective to offer on that.

Professor Fyfe, I want to say something that's just my own opinion. I don't quite know how to introduce it without saying this is what I observe. So, maybe I should just say *this is what I observe*.

It strikes me that in the big city I live in, which is Washington, D.C., there is very little political support for the kinds of costly contributions to good policing that you refer to. Better educated people more highly trained, longer training periods, and so on.

I pay a lot of taxes in the city and would be happy to have a larger proportion of my taxes go for precisely that purpose because life in this city is deteriorating in many ways because of crime, and I think there are a lot of people feel this way, and I cannot understand why my impulse as a citizen doesn't get translated by our City Council, our mayor. Why the translation of what I observe to be a massive craving by the city for more police, better police, better trained police, healthier police -- why that doesn't happen.

Why is the money going to other places, where I don't sense as strong a citizen impulse to spend the money? I guess I'd like to hear a response from any of you who have a response.

MR. FYFE: Well, I was in the Washington Battalion for 13 years, and I had a lot of contacts with the D.C. police. I've

known Ed Spurlock and Ron Hampton for many years, for example, and I worked on the Rivlin Commission that looked at the budget and financial priorities of the District, and I concentrated mostly on the police.

What I saw here was a confusion between quantity and quality. Washington, D.C., is one of the most overpoliced cities in the United States, although you wouldn't know that.

COMMISSIONER HORNER: Really?

MR. FYFE: In New York City, for example, there are 39,000 police officers for a population of something over seven million. I think the D.C. population is about 590,000, and you have right now 3,800 police officers, but you had almost 5,000 a year or two ago. You also have 1,200 officers on Capitol Hill. The roads and the parks are policed by the Federal Government.

COMMISSIONER HORNER: Right.

MR. FYFE: So there's an enormous number of police officers in this town. A big problem, I saw, was that many of the police officers are not deployed and trained in the appropriate manner.

The issue in this town, I think, has been that -- and I go right back to talking like a Washingtonian. *This town.* The issue in Washington, D.C., I think, has been that during the late 1960s and early 1970s, the Federal Government made the Washington, D.C. Police Department the model police department,

but it was done at a time when police technology was not highly advanced, when the notion was that we should specialize police agencies, and policing, as Chief Johnson can tell you, has advanced enormously since 1970, but the D.C. Police Department didn't do that, and I wrote in a piece in the Washington Post that instead of having a neat little Ford Taurus or Honda Accord, what you had in the Washington, D.C., Police Department was sort of an inefficient 1970 Cadillac, and a good example of that is in about 1988, the Washington, D.C., police bought all its officers new nine-millimeter semi-automatic pistols. Those guns ran about $600 a pop. There was no demonstrated need for them. I would sit and talk with the chief and the president of the union, both of whom are my friends. They could not give me any incident in which a police officer had been outgunned, and they bought all those guns at $600 apiece, and then they sent all of the 4,000 or 4,500 police officers in the department to five days training for those guns.

Now you figure out what that cost. That took a hundred police officers off the street for a year to give them an expensive gun that they didn't need, when police officers were not being trained, as Ron Hampton suggested, in community policing or in changes in the law.

I think there was a wrong emphasis.

COMMISSIONER HORNER: What I'm trying to get at is why

do we have such an accumulation of wrong emphases.

MR. FYFE: Why? I think this city is a unique city, largely because of its relationship with the Federal Government, and I did not understand the insidiousness.

I know a lot of my African American friends talked about Washington being the last plantation, and I really didn't understand what that meant until I sat on the Rivlin Commission. It's a city in which the unions are sophisticated enough to know that they can get around the mayor by going to the House Committee on the District of Columbia, and where lots of the political clout is not focused on the municipal issues.

You know, I hate to say this, but, you know, in many ways, many of the most sophisticated political types in Washington, D.C., don't want anything to do with the municipal government. The issue here is not municipal government as it is in New York City or Philadelphia or New Haven. The issue here is the national government. So, how could Sharon Pratt Dixon, for example, be a nationally known figure in the Democratic Party but be invisible on the Washington, D.C., scene?

So, I think there's a --

CHAIRPERSON BERRY: You mean until she became mayor?

MR. FYFE: Until she became mayor. Well, then --

CHAIRPERSON BERRY: We don't want to get into that.

MR. FYFE: Right.

CHAIRPERSON BERRY: Okay. Go ahead, Ms. Powers.

MS. POWERS: I wanted to ask Commissioner Horner. Are there citizens groups that are working for reform here and --

COMMISSIONER HORNER: The demand, as I hear it, is not at that organized level. It's a very simple, *Why don't we have more police as Professor Fyfe has focused on?*

MS. POWERS: Public education.

The other thing I was going to say is there's really something amiss when a 12-year-old civilian review board, where people from all over the world came to the United States, came here to deal with the civilian review board in Washington, which had its faults as everyone does, but where that has been defunded and that function that was once a civilian oversight function given back to the police department.

It's such a regressive thing, and it's happening all over. I mean it's a move.

COMMISSIONER HORNER: The perception that we have is that the citizens who are most vulnerable and most preyed upon by criminals do not demand better or more police. That's the perception. I'm not in that category, although given the trends where I live in the city, I perhaps will be soon, and I want to know why it is that those who are most vulnerable don't make that demand upon their city government.

CHAIRPERSON BERRY: Well, as a matter of fact, in D.C.,

the people who live in Anacostia, which is a poor neighborhood in far Northeast, demand police protection. In fact, one of their political gripes is, they say, that the police are all in Northwest and are all in Georgetown and other places and not in Anacostia and far Northeast and, they say, that they are preyed upon. They agree with you, about the criminals, and they don't understand.

They claim, I don't know what the numbers are, that all the police are over in Northwest somewhere, and they are dealing with revelers on Halloween or something or after a Redskins game or something, and here they are over there getting mugged and shot and with drug dealers infesting their communities, while they're trying to go to work, and the mayor or somebody tells them that you can't get any more police because we got to send them over in Northwest because that's where the tax base is.

So maybe what Ms. Powers is saying is correct. But at least in this city -- and we don't want to degenerate into a discussion entirely on Washington, D.C., I shouldn't say *degenerate* -- maybe we need in this community more community action together and more information to try to make clear that from all segments of the community, people want more and better police, and that that is a priority, rather than playing off parts of the city one against the other.

Commissioner Wang?

COMMISSIONER WANG: I am first?

CHAIRPERSON BERRY: And then Commissioner Redenbaugh.

COMMISSIONER WANG: I am dying to comment. I think we're really talking about some fundamentals, which I think our chief from Connecticut, Pastore, and Chief Johnson had touched upon. I think it's fundamental. I think we always talk about -- *if we have more jails to accommodate the criminals*, rather than *we should have more education, feed them, find them jobs, so that they don't have to commit criminal acts, so that they will be citizens contributing to the society.* There I think is where we talk about the mean-spirited approach, if we continue to look at everyone as criminals.

And we value your optimism. I think Chief Johnson was kind of optimistic that there's something that can be done.

I think definitely we can help to really make our society different. That's why the focus here is to make such a passionate appeal to America that we cannot abandon the principle -- what really makes America great -- and it's to really help, to continue to assist the poor and the needy, which we have tried to turn away from. We're trying to cut back on all those other services and not to really help those to give them the opportunity to make it in our society. So constantly we're building more jails to lock them up and not give them opportunity to really turn their lives around.

So, that is what I think fundamentally we really should have looked at. Why can't they have a decent education? Why can't they have the opportunity to find a job, so that they can support themselves, so that they don't have to again be a burden on our society?

I am disappointed that Mr. Spurlock left because he talked about pacifying them. We don't have to pacify any of our minorities. If we give them the same opportunity, and you see, if we cite two examples of cases to provide counseling from two brothers in a very -- I mean, I find those sort of extreme cases.

As a public person, as a part of the government structure, as he said, the police officer -- we are all accountable, and we in a sense, each of us, are constantly being called to task for whatever we do. Certain people will like it, certain people will not particularly appreciate it.

So, to that extent, as a public person, as a police department being in the public eye, constantly out there -- I can't help but kind of feel this is what went wrong with our society, that we are again missing the boat from the positive standpoint. We always look at the negative and try to, in a sense, stop the gap but not to work on the source of the problem.

The source of the problem is poverty. The source of the problem is discrimination. Not everyone is getting the same kind of services, as our Chair just mentioned, about different aspects, getting more compared to this different aspect, not

really getting a fair share.

So, to that extent, if we really see our society and every member of our society on an equal footing, I don't see that we need all the police. We need more school rooms. We need more -- shall we say -- services to really make immigrants continue to be welcomed, because they contribute to our society. Rather, we want to close our border, and again we continue to look at things from the negative, and from the standpoint of a mean-spirited approach, and I don't think we can turn this thing around.

CHAIRPERSON BERRY: Okay. Thank you.

Commissioner Redenbaugh?

COMMISSIONER REDENBAUGH: Professor Fyfe, if you could comment -- it's really an area of concern and I don't have an insightful question -- but I was jarred by the recent book of Steven Lopez' "Third and Indiana," which is, I guess, also close to your university.

For those of you who may not know the work, it's about the badlands in Philadelphia, which is the poorest and most violent district -- clearly in the city and maybe in the country -- and it's only three subway stops or so away from where I live in the police district that's the most highly protected -- and although we think we don't have enough police protection in my district -- it is the best protected in the city.

This book I found terribly troubling and jarring and

inclined me to despair over solving the problem.

Do you have knowledge of the Philadelphia situation from which you can make a comment?

MR. FYFE: Well, I think we put unrealistic expectations on the police to solve all the problems, and as we are talking, I think Washington, D.C., is an even better example than Philadelphia.

No place has the extremes that Washington, D.C., does, and in Northwest Washington, which is a nice quiet neighborhood, you don't even need the cops. So, the difference between the most crime-free neighborhoods and the most crime-ridden neighborhoods in American cities is not the police at all, and I think the situation in Philadelphia is problematic.

There are a lot of police problems there. There's an enormous problem with the economy in the city, and I think the Philadelphia Police Department has been involved in scandal and misconduct even more than my own department, the New York City department. I think a major problem in that agency is the fact that, like Los Angeles, there's only one person in that department who does not hold civil service tenure, and somebody at the Commission should think of that very seriously.

Willie Williams left Philadelphia to move to Los Angeles to try and change the culture of the police department. He comes in as the outsider, *Willie from Phillie*, the first

African American chief in that department, the first outside chief in that department for 70 years, since August Bulmer, the great American police reformer, who lasted all of one year. He takes the job over the heads of other people whose loyalty is to the LAPD mentality, who came up in the past, who have no obligation to make him look good, and who really are locked into their jobs for life.

So -- and the same thing is true in Philadelphia -- anybody who tries to reform that organization goes into it much like President Reagan being forced to retain Jimmy Carter's Cabinet. What kind of changes can you make?

We talk about how strong police cultures are, and they're driven from the top, but I don't think one person at the top of a police organization can effectively make change unless the person has the authority to appoint people to key positions that represent his or her philosophies and policies.

And a couple of good examples of that, I think, are Pat Murphy, who did manage to change the culture in the New York City Police Department for 15 or 18 years, and Don Pomerlo, who is the police chief in Baltimore.

It's very interesting when we talk about eastern cities and corruption and brutality. You very rarely hear Baltimore mentioned (Baltimore has the same troubles as Washington or Phillie or New York City) and I think by and large because the shape of that police department was changed in a very dramatic

fashion about 30 years ago, so that everybody at the top of the organization owes their job to the police chief and is responsive to the philosophies and policies of the police chief.

I've given you a very long answer, but I think if you're going to change the police department in Philadelphia, it takes enormous change at the top of the organization, and --

COMMISSIONER REDENBAUGH: And a change in the structure and the structure incentives, it sounds like?

MR. FYFE: It does. I've been involved in a whole series of civil rights litigation in Philadelphia, and the disciplinary system in the police department is virtually non-existent. It just doesn't function.

CHAIRPERSON BERRY: Did you want to comment?

MR. JOHNSON: Yes. I just need to comment to Commissioner Wang's observations.

Let me temper my optimism with a healthy dose of reality about the issue of law enforcement and the need to make arrests and the need for prisons.

You know, I don't want us to lose sight of the fact that there are some real bad people out there who are committing some awful atrocious acts on every citizen in our communities, and they need to go to jail. They need to be locked up for a long period of time.

So although I'm optimistic about us being on the right

track, I'm also a realist with the view that we need to lock people up when they deserve it.

CHAIRPERSON BERRY: Okay.

I want to say, on behalf of the Commission, that this discussion has been very illuminating. We have learned a great deal.

There is some ambivalence about this question of crime and everyone is concerned about criminal behavior and stopping it and stopping criminals from preying on society. Some people are concerned about focusing on the root causes of crime. Others are concerned about the cost of prisons. Other people are concerned about how you allocate resources. People are concerned about training, and we've heard that theme over and over again. We heard it at the Mount Pleasant hearings that the Commission held here in Washington. We heard it everywhere we've gone.

Police officers themselves are concerned about training and what kind of training works and how it's done, but people are also concerned about bias. They're concerned about racist behavior, sexist behavior, where it exists, in part because they think it undermines the job of the police in trying to enforce the law.

I guess the most frightening thing I heard here was the comment that Chief Pastore made when he said that 95 percent, or 90 percent, of cases are plea bargained, so that there's no

opportunity for the police officers to be in court, where a court might scrutinize their behavior, which means we have to rely more and more on internal review boards and civilian review boards, and, as Ms. Powers pointed out, the civilian review boards are going out of existence. So we have to rely more and more on the internal review process to get rid of the Mark Fuhrmans and all the people who are the rogue cops in the system. I really had not thought about that. If 95 percent of cases are plea bargained, and the officer never is in court for anybody to ask what you did, this is a major problem.

But I want to thank you. This will be useful for the Commission as we go forward with our work.

Thank you very much.

(End of Briefing)