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LOS ANGELES NAACP

"Making The Difference In Our Community"

NAACP POLICY RECOMMENDATIONS POLICE-CITIZEN VIOLENCE RESOLUTION

I. DEPARTMENTAL POLICY STATEMENT

In light of the crisis of public confidence in the police department following the revelation of the vicious beating of Rodney King, the Police Commission should make a clear policy statement aimed at reconstructing a more positive interaction in the field between individual citizens and LAPD officers regularly undertaking their lawful law enforcement duties. These policy statements should recognize that, due to widespread public perception that there is disparate use of excessive force and personal indignity toward persons from groups having subordinate or disfavored socio-economic status, whether they be racial and ethnic minorities, youth, "the criminal element", "casual drug users", or the so-called "underclass." Many people now feel that they are threatened if they are among one of these less dominant people. The Los Angeles Police Department now has an affirmative obligation to restore public confidence in its support for and fulfillment of its basic law enforcement mission.

The public's perception of disparate abuse of rights and dignity of these groups has been exacerbated by controversial public statements of the Chief of Police, from time to time, which have denigrated, disparaged or demeaned members of these disfavored groups by innuendo, expression of crass stereotypes or by outright aggressive quarrelsomeness. Though these have been rationalized and defended, by some, as an exercise of the Chief's individual freedom of speech, the chief's zeal for public controversy and the offensive nature of comments themselves have been broadly interpreted as a more than subtle undercutting of the very principles of good policing and human relations enshrined in departmental policy and procedure.

The Commission's reinforcement of the primacy of human life and dignity in the exercise of the police function, recognizing the humanity of all persons who come in contact with police, as well as the humanity of the police officers themselves, will have the effect of supporting the mutual expectation of civility between police and citizens. Persons who recognize and mutually respect each other's basic humanity in their dealings, build upon the first step for good human relations, despite differences which may be prevalent among them.

The Chief of Police should expressly join the Commission's statement of policy in this regard and follow it with a determination to root out pernicious practices and derelictions which have



threatened human life and demeaned the dignity of many. At this time, the department must recognize that it **must take affirmative action** to instill public confidence that its duties are and will be regularly performed.

- A. Primacy of Human Life and Dignity.
- B. Recognition of the humanity of **all** who come in contact with police personnel.
- C. Mutual Expectation of Civility must be built, maintained.
- D. Department must take affirmative action in instill public confidence that duties are and will be regularly performed.

II. THE CHIEF'S STATEMENTS

Police Chief Daryl F. Gates must accept the full responsibility as lead spokesman for the department. In situations such as the present, his leadership should seek to address the fundamental interests in good law enforcement, morale and future expectations of **all** elements of the community. His effort must go beyond the members of his department and extend to the victims of police abuse and the public at-large. Without addressing the interests, sensibilities and expectations of all segments, his leadership gives the appearance of aloof, self-serving and defensive rhetoric, rather than determined, constructive, and good faith contribution to restoring public confidence.

In routine administration of the department, for example, upon induction of new classes of recruits, the Chief has been firm and explicit in his expectations of high moral and behavioral standards for all officers wearing the badge of the LAPD. However, rarely, has the Chief publicly expressed the same high expectations in controversial situations where allegations of excessive force have come to public attention. He has, therefore, not firmly established in the public's mind that he does not have a double standard with respect to expected behaviors.

On many occasions in the past and, as recently as his statements deploring the coincident murder and shootings of two young police officers and in his cavalier statement suggesting that "causal drug users should be taken out and shot," Chief Daryl Gates has used **bellicose rhetoric** to describe perspectives of use of force events. [His rhetoric suggests war where there should be peace, siege where there should be pacification, and alienation where there should be reconciliation. Despite the provocation or belligerence that might be perceived as coming from the community, stimulation that violence, it is **police duty to maintain and promote the peace** of the community, not to promote the "warrior or siege mentality" through their conduct and rhetoric. There should be "zero tolerance" for the Chief doing anything else!

* In light of this past rhetoric and the obvious pernicious effects of a warrior or siege mentality among officers involved in the attack on Rodney King, Chief Daryl Gates ought to affirmatively make and disseminate public commentary including the following subjects:

- A. Use of excessive force dishonors the badge.
- B. Police duties are to be rendered equally to all, regardless of status.
- C. Police duty to **maintain and promote the peace** of the community, not to promote the "warrior or siege mentality" through their conduct and rhetoric.
- D. Unconditional apology to Rodney G. King, addressed to his humanity and human suffering.

III. CIVILITY STATEMENT CARD USED IN THE FIELD

The NAACP proposes that the Los Angeles community seize the initiative for restoring public confidence and reinforce the mutual expectation of civility in police-citizen contacts. The novel method is the distribution of a card which will tend to increase and reinforce the civility of future contacts.

The Miranda and Escobedo warnings, now required to be given by police to arrestees who are to be subject to custodial interrogations, were a simple tactic which markedly increased the expectation of civility in American police conduct. In earlier times, civility frequently yielded to torture and intimidation.

The fundamental assumption underlying the use of this technique is our belief that officers must constantly reinforce their support for fundamental humanity principles in each significant contact with citizens. Such officers will be less likely to conduct themselves in contradiction to those policies. Such contrary conduct will be readily acted upon, because citizens will be directly reminded of the principles. On the other hand, police officers can and should expect and demand civility, in return, from the public. Unfortunately, that civility can not be compelled by policy, training or other directive, it must be earned and nurtured, individually and collectively.

It is also our proposal that the Civility Card might also be used as a methodology to give citizens who may have a grievance and initial point of contact for information on policies and procedures. We propose that the card also contain something in the nature of a "hotline" which can be immediately contacted for information and followup. It need not be the initial point for formal complaint, but could become so. At a minimum, the "hotline" number would be an expression by the LAPD of its confidence in the regularity, civility and effectiveness of most police-citizen contacts. This is very much like the "How Am I Driving?" bumper stickers we are now seeing many companies affixing to their fleet vehicles.

- A. Use will tend to increase civility of contact like Miranda warnings have done to custodial interrogation.
- B. Use reinforces primacy of these values in each contact.
- C. Use alerts citizen who may have complaint or grievance.

1. Given to each person with whom there is a significant contact (Activity Log)

2. Content of small card printed in English and Spanish:

"The Los Angeles Police Department operates on a principle that there is a primacy to the **value of human life and human dignity**, which must be protected and served at all times. Valued life and dignity include those of crime victims or potential victims, bystanders, law enforcement personnel and also crime perpetrators and subjects of police activity. We hope that your contact with the LAPD has reinforced your understanding of our commitment to the importance of these values in our law enforcement service to you."

3. Card may also have number for "hot-line" call by dissatisfied person needing information.

IV. REDUCE USE OF THE "PRONE-OUT" OR "FELONY DOWN" ARREST

The NAACP calls upon the Police Commission to greatly restrict the use of the "prone-out" or "felony down" arrest technique. Mindless, bad-faith assertion of this technique is a demonstrated cause for abusive conduct, as in the Rodney King incident. LAPD officers have routinely unnecessarily used this technique to demean subjects, both male and female. Its use has persisted in situations where there was no clear and present danger to officer safety, such as field interrogations of youths, traffic stops of groups.

More importantly, the onlooking public very often perceives the use of this techniques, and other techniques in which citizens are required to sit in the street gutter or curbside, as unnecessary, provocative and a cause for humiliating delay in the field. To meet this public concern, we now advise all citizens who see police subjects in the "prone-out" position, to stop, watch and record.

To assist in the restoration of public confidence in the regularity of police work, the "prone-out" technique should be banned or drastically restricted. The less it is used, the more that citizens' alarm will be diminished.

- A. A demonstrated cause of abusive conduct.
- B. Used unnecessarily to demean subjects.
- C. Used when individual police danger not present.

- D. Onlooking public perceives it as unnecessary, provocative, and cause for delay.

V. PUBLIC INFORMATION OF POLICE ACTIVITY IN PROGRESS

The NAACP recognizes that different police activities require differential judgments with respect to the exercise of the use of force. Most contacts do not require force to be used. However, some require significant aggressive conduct and more extensive use of force by police officers to apprehend a suspect or to overcome unlawful resistance to the officers' authority. When undertaking their approach to citizen contact, we know that officers are charged, by policy and good tactics, to make definitive judgments which derive from an initial classification of the perceived risk from the activity in which the citizen is involved. These classifications are routinely made in radio calls prior to exiting police vehicles or in other initial communications to backup or supervisory officers. The same can be readily communicated to the public.

Similarly, when coming into initial contact with police officers, subjects and onlookers need to have an immediate assurance that the police will conduct themselves with regularity in their use of force. Subjects might then be expected to more readily comply with directives. Onlookers have less apprehension that civil rights violations, personal indignities might take place before them.

The general public can gain accurate communication to inform its initial expectation from same general classifications of events communicated by the responding officers.

The NAACP proposes that responding field officers and/or supervisors or back up officers should display one uniform sign showing general nature of police-citizen contact occurring in the street. This would apply to those situations in which the flashing lights of patrol vehicles are displayed to warn on-coming traffic of police activity in progress. Some examples of these signs might read:

1. "Felony arrest in progress"
2. "Traffic stop in progress"
3. "Misdemeanor investigation in progress"
4. "Field interview in progress"
5. "Public service call in progress"

The signs used for this purpose should be programmable digital signs similar to those used in airports and on buses. The signs would be located in the left rear window in the driver's blindspot. They might be connected to car computer keyboards or to the departmental communications systems.

In addition to these signs, immediate affirmative efforts to

inform the on-looking public of the nature of significant and time-consuming street contacts should be made by informed and trained police personnel. This is especially necessary in neighborhoods wherein large crowds gather at the scene of extended police activity.

All of these measures will immediately assist in reinstilling public confidence that LAPD will regularly perform their police functions with minimum use of reasonable force and little regard to promoting unwarranted indignities to citizens.

- A. Different police activities require different exercise of use of force.
- B. Officers are charged to make definitive judgments which derive from initial classification of perceived risk of activity.
- C. Suspects and onlookers need to have an immediate assurance of regularity in the use of force.
- D. Public can gain initial expectation from same classification.
- E. Field officers or supervisors should display one uniform sign showing general nature of police-citizen contact in street. (As when flashing lights are displayed)
- F. Immediate affirmative efforts to inform public of nature of significant and time-consuming street contacts by informed and trained police personnel.

VI. INCREASED REVIEW OF USE OF FORCE SITUATIONS

The NAACP calls upon the Police Commission to undertake a new review of circumstances in which Use of Force Reports are required to be filed by field officers. This is especially true in light of expectations that officers who are present and in a position to prevent violations of civil rights fail to do so and fail to report the abuse by fellow officers.

The NAACP suggests that all arrests with force involving more than 3 officers to be reviewed automatically by Internal Affairs with a report to Police Chief within 72 hours.

The NAACP also urges the Police Commission to compile and release more meaningful statistics to public concerning the incidence of the use of force, including such factors as the race of the subjects, the incidence of physical injury. Something similar to this was ordered in 1984 to monitor the incidence of force and injury during the moratorium on the chokehold.

- A. Review circumstances in which Use of Force Reports are required.
- B. Arrest with force involving more than 3 officers to be reviewed automatically by Internal Affairs with report to Police Chief within 72 hours.

- C. Police Commission to compile and release meaningful statistics to public concerning Use of Force.

VII. SUSPENSION OF FIELD OFFICERS FROM DUTY

The NAACP urges that the department suspend all officers from field duty where serious physical injury results to suspects or members of the public. The department must require, if it does not already do so, psychological clearance of officer before return to field duty. Unfit officers must be eliminated and not returned to the field.

- A. Suspend all officers from field duty where serious physical injury results to suspect or member of the public.
- B. Require psychological clearance of officer before return to field duty.

VIII. GATES TERMINATION AS CHIEF OF POLICE AND GENERAL MANAGER - FOR CAUSE

The Police Commission, after conducting its investigation into this incident and patterns and practices which may exist in the incidence and disposition of other cases of excessive use of force, should consider the adequacy of evidence to support the termination of the Chief of Police for cause.

The NAACP suggests that general specifications which might be supportable on the present record, involving personal conduct and responsibility of Chief Daryl Gates would include the following:

- A. Intemperate statements inimical to policy interests of LAPD.
- B. Dereliction of duty in the supervisory control of use of force within the department.