

of the degree of weakness in the police department in this area of police work. In any event, unless there is a joint effort made by members of both races, it is doubtful that this situation will be improved. The present Civil Rights Act of the Federal Government does not reach this particular area of law enforcement, for the reason that the police department has within its organization trial board procedures. Since these procedures are conducted by the police themselves, the only solution appears to be in the attitude of those high officials charged with implementing just administration of the law in a racially mixed situation. Since the Federal act is effective in situations where local authorities take no action, the Federal Government will seldom be called upon or resorted to where colorable hearings have been heard. These trial board hearings appear to be slanted to prove to the public that the officer is right and the citizen is wrong. Consequently, the officer is found guilty only in the most glaring instances of breaches of his duty. Thus, the trial board method of maintaining discipline within the ranks does not breed confidence in the citizenry that the trial board can protect the citizen from breaches of his civil rights.

Chairman HANNAH. Mr. Tiffany, will you call the next and final witness?

Mr. TIFFANY. Hon. Herbert Hart, commissioner, Department of Police, city of Detroit.

Chairman HANNAH. Mr. Hart, will you hold up your right hand.

Do you solemnly swear or affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. HART. I do.

Chairman HANNAH. Mr. Hart, we appreciate your being here this afternoon, and we will appreciate it very much if you will give us whatever you think will be helpful to us in arriving at valid judgments on the matters at inquiry, and particularly you have heard the testimony that has been offered here this afternoon. We will be interested in any comments you may care to make.

TESTIMONY OF HERBERT W. HART, POLICE COMMISSIONER, CITY OF DETROIT

Mr. HART. Well, I would like to open by saying there is no recorded justification for Mr. Ray fearing reprisal. Detroit policemen have testified continually in the past against others and against themselves, against fellow police officers, and there has never been a case, recorded case, of reprisal. I would like to reassure Mr. Ray for his synthetic fear.

I am happy to have been invited to appear before this committee. The Commission deals with a problem that, in spite of what Mr. Ward says, cannot be dealt with on a local basis. My experience as police commissioner has proven that in order to arrive at a reasonable solution to problems involving minority groups one must consider not only the local issue, but must include also the national situation as it relates to local problems. In the Detroit Police Department—

and I speak from a personal experience of a little over 2 years—I feel justifiably proud of the department's keen alertness to the problem as it pertains to matters within the department as well as to the community that it serves.

I would like to mention just a few of the things we have done in this respect. Since the early 1940's, as an example, our police academy has carried on an intensive course of training in the field of police human relations and police community relations. This course emphasizes the fact that since it is the responsibility of police officers to enforce the law, officers must enforce it impartially, firmly and fairly, and without either bias or prejudice. Police procedures which have been in effect for many years definitely pinpoint the responsibility of each officer in his everyday duties, emphasizing the necessity for being both impartial and unbiased.

The law enforcement code of ethics and the introduction to the rules and the regulations of the department clearly define the policy of the police department in this matter. Time doesn't permit the reading of these documents into the record. However, before I leave here, I will submit copies of each to accompany the group of exhibits which I will submit to the committee.

Since my appointment as commissioner, the police department has been surveyed by a Citizens' Advisory Committee on Police Procedures, which was appointed by the mayor in August of 1958. In outlining the function of the committee, the mayor stated—and I am quoting:

The committee, in consultation with police officers, leaders in industry, labor, civic organizations and other segments of the populace, will evaluate police community interrelationships with the purpose of recommending police policies as well as public educational programs which will tend to reduce to an absolute minimum all sources of irritation, tension, hostility and ill will.

The committee carefully studied the same area which you have indicated is of special interest to this Commission and submitted a report. Again, because of the limitation of time, I am filing a copy of the findings with this committee together with a copy of my answer.

I'd like to discuss now the two specific areas in which the Commission has indicated interest—allegations of unjustified police violence against Negroes and the employment of Negroes on the police force.

There have been many statements alleging police brutality, and I should like to make it clear that it is the policy of our department to investigate each and every complaint presented, regardless of either its type or its character. On my frequent visits to many organizations throughout the city, particularly minority groups, I have heard many general references to police mistreatment. Since the department is vitally concerned, I have attempted on every occasion to obtain specific information and specific incidents. In most instances,

the individual is unable to provide anything except a general allegation of police brutality. I refer to Mr. Ray, a disgruntled ex-employee of the police department, who had been with us for 13 years. He knows of one incident of police brutality in 13 years. I will rise and fall on his statement.

Since 1946 the Detroit Police Department has had an arrangement with NAACP for the investigation and processing of complaints received through this organization. In November of 1957 the department established an improved system for processing these same complaints, and under this same procedure the complaints are received, investigated and a summary of our finding is made to the organization.

Since the inception of this system we have received 51 complaints from the NAACP. In reviewing reports of the investigation of these cases, it was learned that most, if not all, of the complaints were classified as police brutality, but that in the majority of the cases there was no proof of physical force being used. The second conclusion was that there appeared to be a lack of communication between both the police and the citizen, particularly as to the citizen's responsibility in connection with police authority.

Another forward step was made in January of 1959, when the department established a procedure requiring an immediate investigation, whether a complaint is received or not, in every instance where either police are required to use force, where police are injured or where citizens are injured in connection with a police incident. Our records indicate that in the year 1959 the number of such incidents totaled 264. White persons were involved in 115 of these incidents and Negroes in 149. In 260 of the incidents the citizen appeared to be at fault, while in 4 the police officer used poor judgment.

During the first 9 months of 1960 there were 230 such incidents. Of the 270 citizens involved in the 230 incidents, 148 were whites, 121 were Negro and one was an Indian. In 223 of the incidents the citizen appeared to be at fault. Disposition of three cases was pending at the time I prepared this report and in two cases there was no basis for complaint whatsoever. In one case both a citizen and a police officer were found to be at fault, and in another case a police officer was definitely at fault.

The foregoing statistics concern incidents in which a citizen or a police officer was injured and in which an immediate police investigation was conducted. These figures should not be construed to mean that there was a complaint made in these cases. Nevertheless, we made an investigation through the police department.

I bring this matter to your attention in order to show the members of the Commission that in policing a metropolitan city such as ours police officers make millions of contacts with citizens every year. In many instances it's necessary to arrest or restrain persons and to keep

them in custody. When we compare the total number of incidents to the total number of contacts, the ratio of incidents is truly infinitesimal, not even worthy of notice.

The allegation has been made that because police make the investigation it's natural for them to place the responsibility for the incident on the citizen rather than on the police officer. In order to eliminate this presumption the prosecutor of Wayne County established, in May of 1960, an agency commonly known as the Civil Rights Board. The purpose of this board was to provide a means of independent investigation by the prosecuting attorney's office, whose duties are described by statute and in substance provide for the protection of the innocent and the bringing of the guilty to punishment. The Civil Rights Board operates by taking statements from all persons involved, police and citizens, making findings independently from any police investigation. This, I believe, is orderly process under law.

The city of Detroit, like most metropolitan cities, has a heterogeneous population. People come to Detroit from all areas of the United States. Largely they may be described as coming from non-urban areas. It's understandable that persons who have spent their youth and much of their adult life in nonurban areas are confronted with a problem of adjustment when they move into a city such as ours. In the first place, newcomers are faced with crowded housing conditions and a great deal of competition in securing employment unless they possess special skills. The customs and the practices of urban living do not always provide the counseling and the assistance of friends and relatives to which they had ready access in the smaller communities from whence they came. It is little wonder that many migrants become confused amid the complexities of urban life.

While the primary function of a metropolitan police department is law enforcement, in Detroit we have realized the seriousness of this larger problem and have established a precinct community relations program. The purpose of this program, which I started in July of 1959, is to provide a direct means of communication between both police and residents of every precinct.

Since the establishment of this program we have noted that residents of each precinct have gained better knowledge of the responsibilities of the police and a corresponding understanding of common problems.

We feel that this is a grass roots program which provides a channel of communication between police and community, which is so essential in policing a metropolitan city.

From our investigation concerning matters of police mistreatment, I feel that the policies, practices, and procedures in the department clearly indicate that we will not tolerate brutality on the part of any of our members. In reviewing all of these cases, whether they were initiated by complaint or through findings of our own investigation,

wherever there were cases involving poor judgment on the part of officers, an official reprimand was found to be sufficient punishment.

In summary, we investigated every incident brought to our attention, and we made disposition in each case. In those instances where the officer may have exercised poor judgment, he is subjected to disciplinary action. Minor complaints can usually be disposed of by reprimand at either the precinct or the district level, or, if the circumstances merit, formal charges may be preferred by the police trial board. In checking the years 1958, 1959, and to date in 1960, we fail to find any police trial board case involving police brutality.

In 1957, there was one such case in which charges were preferred against an officer who subsequently resigned from the department.

Further, as we have indicated, the department has a system of investigating thoroughly every incident where citizens or police are injured.

Finally, the so-called civil rights board of the prosecutor's office insures our citizens the right to bring, without fear, any complaint of this nature to this independent agency, and the department will, should the circumstances dictate, prepare formal charges for presentation before the trial board.

In investigating these incidents we do find a consistent lack of citizen responsibility and recognition of police authority. By statute, the police department is endowed with legal authority in order that it may carry out its responsibilities of preserving public peace and order and enforcing the laws and ordinances.

In the discharge of these duties we find frequent resistance on the part of citizens in failing to recognize this legal authority. In these instances most of these persons are unaware that the citizens not only have certain rights, but they have responsibilities as well.

Typical examples are instances in which police officers stop people for the purpose of asking certain questions in order to make a proper disposition of a case at hand. Some individuals feel it is their right to refuse to cooperate in any way. In many cases these are labeled police brutality incidents.

In this connection, I would like to cite from a comparatively recent Michigan Supreme Court case, the *People v. Louzon*, wherein the court said—and I quote:

Interrogation is not inherently coercive, as is physical violence. Interrogation does have social value in solving a crime, as physical force does not. By their own answers, many suspects clear themselves and the information they give frequently points out another who is guilty. Indeed, interrogation of those who know something about the facts is the chief means to solution of crime. The duty to disclose knowledge of crime rests upon all citizens.

Your Commission has asked me to relate what procedures were followed in investigating the so-called Magnolia Street fight in September of 1959. This occurred on the 10th of September and a detailed

investigation was made immediately by the department in accordance with the procedure which I have outlined. This was a case in which two of our officers were injured and several persons arrested, three of whom were later convicted in Recorder's Court and one was referred to Juvenile Court. This investigation disclosed that an assault was committed upon police officers and that it was necessary to use force in subduing the perpetrators. There was no evidence presented of police brutality.

Now, a separate investigation was conducted by the Wayne County Prosecutor's Office in connection with the claim of one of the prisoner's relatives to mistreatment by the police, and at the conclusion of their investigation the prosecutor ruled there was no justification for instituting criminal proceedings against any police officers.

The next subject you asked me to discuss is the employment of Negroes on the police force, including recruitment, duty assignment and promotion. As to recruitment, the department is governed by the charter of the city of Detroit, the provisions of which clearly define the procedures which must be followed in protecting the rights and privileges of every candidate for appointment. I am submitting to the Commission the charter provisions which apply to recruiting and promotion. However, I will mention briefly some of the techniques followed in administering the recruiting process.

First, no candidate is identified by his race, color, religion, national origin or ancestry in the examination for appointment—and Mr. Willis Ward knows this.

Second, to make certain that all young men and women in the community are aware of the fact that the opportunity for appointment to the department is available to them, the time and place of every examination is published 30 days in advance. In addition to meeting these legal requirements concerning announcement, newspaper release, classified advertising, radio and TV announcements, as well as personal contacts by the members of the department are made to insure maximum publicity.

And, third, by charter provision, all applicants are required to pass an examination provided they qualify as to age, health, physical standards, habits and moral character. Each candidate who participates in the written examination identifies his examination paper by number, not by name. Clerical employees who score these examination papers have no idea as to whose paper they are working on while they are processing it.

Fourth, at the end of each successive step in the recruiting process, every candidate who fails is notified by letter as to the reasons for his failure and invited to review the basis for his rejection.

Again I submit as exhibit copy of these letters which are part of the file.

In the event the applicant is not satisfied with the explanation for his rejection, he has the right to appeal to the police commissioner, as well as to an appeal board provided for under the city charter, which board has the right of review over the requirements and results of any and all examinations.

Candidates who are successful in passing all phases of the recruiting process are placed upon a register published by departmental order. This eligible list remains in existence for a year. It can be extended an extra 6 months at the whim of the police commissioner.

In connection with recruitment, the Citizens' Advisory Committee on Police Procedures, in an effort to determine why more Negroes were not appointed, requested our personnel examiner's office to make an actual count of the number of Negro applicants at 11 written examinations in 1959 and to make an actual count of the number of Negroes who passed the written test.

Again let me emphasize each candidate is identified only by number at these exams. However, in response to their request, such an actual count was made with the following results:

In 1959, a total of 437 applicants took these examinations. Three hundred and thirty-nine were white; 98 were Negro. Of the 339 white applicants, 161 passed the written or a percentage of 46. Of the 98 Negro applicants, 19 passed the written or a percentage of approximately 19 percent.

The results of this study would indicate the best qualified Negro is not applying for the written examination. Whether this is because private industry or other employment offer more attractive advance salaries I am not in a position to know. It is clear, however, the Negro candidates who can meet our requirements are not applying.

As to promotions, the same basic procedure applies as I enumerated in connection with recruitment. As you will note from the charter provisions, these include announcement of the promotional examination by official departmental order, a written examination where papers are identified by paper only to insure complete anonymity of the candidates, notification of those who fail, giving specific reasons.

Your Commission has directed a specific question to me as to the significance of the service rating in connection with promotional examinations and as to who makes these evaluations.

You will note in the exhibit I provide, paragraph M, city charter exhibit, that the city charter says:

In grading upon the examination consideration shall be given, among other things, to the rating of the candidate by his superior officers.

For your information, the patrolman taking an examination for detective uniform or detective sergeant—50 percent of the weight is given to the written examination, 40 percent to the service rating and up to a maximum of 10 percent for the seniority. Now, as to lieu-

tenants that's changed a little. The weight is 40 percent for the written, 30 percent for the service, 20 percent for his promotional qualifications and 10 percent for seniority.

After the ratings are scored and the results are tabulated in the personnel division, each officer receives a notification of his score. Any officer who feels he has been discriminated against in the completion of this rating may appeal to the commissioner or, if not satisfied with that, appeal to an appeal board.

The relative percentage to be given for the service rating as part of the promotional examination is indicated in the official notice and is arrived at in accordance with accepted principles in the personnel testing field.

At this point I wish to call the attention of the Commission to the police departments offer made in connection with the Citizens' Advisory Committee report to have an audit or examination made of our personnel practices concerning recruitment and promotion by competent professional people in the public personnel field. The Detroit Police Department has an outstanding reputation in this field. We receive many visits and inquiries from police representatives throughout the United States as well as from foreign lands as to the administration of our merit system. Many people have imitated this system. Chicago is currently examining our system and indicate they are going to imitate it.

With reference to duty assignments following completion of training at the police academy, the officer is assigned to precinct duty. The initial assignment from the academy is based solely on the needs of the department, and in some cases the entire graduating class may be absorbed by only one or two precincts.

In connection with subsequent assignments or transfers, we adhere to the fundamental principle that administrators have the responsibility of providing the most efficient police service to the community, and assignments are made accordingly. In making all assignments considerations are given to other factors, such as the proximity of the officer's residence to the place of his assignment, which can be of importance when the officers are recalled to duty.

We get comments from Negro citizens: "Why don't we have Negro officers in our 14th precinct or northwest precinct?" Well, first of all, we don't have applications from them. Why should they ask to be transferred there when they don't live in the area? It would be a tremendous inconvenience for them to be there.

As to the type of assignment, early in 1959 a survey was made following which it was determined that some adjustment should be made in the assignment of Negro officers with white officers. This was particularly true on the precinct level, but not necessarily true

on the bureau level where we show preferential treatment to Negro officers, as I will spell out. As a result of reevaluation of these assignments the department now has 24 integrated scout car crews. We have 118 scout car crews.

In answer to your question for statistics regarding the number of Negroes on the force, their rank and their assignment, I offer the following figures: We have 5 uniform sergeants; we have one women's division sergeant; we have 11 detectives; we have 107 patrolmen; we have 10 policewomen.

In other words, we have a total of 134, but let me point out the most desirable assignment within a police department is a bureau assignment. Thirty of that 134 are assigned to bureaus, which gives a percentage of in excess of 25 percent as against 5 percent for white officers, indicating prejudice in favor of the Negro officer on assignment.

We have precincts and bureaus to which Negroes are assigned. I will include this as part of the exhibit. I don't think it is of particular interest at the moment, and I have the breakdown on the bureaus that I referred to—parking enforcement, special investigation, stationary traffic, vice, women's division and youth. These are all preferential assignments.

Before leaving the subject of recruitment, promotion and personnel practice, I wish to repeat that our department has a national reputation as one of the finer large departments and, as previously mentioned, people from the United States as well as all over the world are constantly visiting our department for the purpose of observing and reviewing our procedures.

The excellent reputation we enjoy, I feel, is a result of good standard personnel practices. There should be no lowering of the requirements in our recruiting process and, to improve our department, I would even say I think they should be higher. I should point out that of every 100 officers, white or Negro, who apply for appointment to the force only 5 pass, which would indicate that our standards are very high.

Your Commission has asked my opinion of the suggestion which has been made that a citizens' review board be formed for the purpose of making recommendations regarding complaints against police officers, and there has been some discussion today on that subject. From the beginning, I have been opposed to the creation of such board. I watched the one board that has been imposed on the good citizens of Philadelphia in operation, and I know that there are serious legal objections in Detroit to the formation, one of which involves the unlawful delegation of power in violation of the provisions of the city charter which clearly defines the responsibility for the administration of the police department. The charter places that responsibility

for disciplining of the police officers exclusively in the hands of the police commissioner and the police trial board, and I can't see how it would be possible to establish a second board which in essence would review the findings made by the trial board established under a city charter.

Aside from the legal objections, there are several other reasons for being opposed. They have been covered in detail in answer to the Citizens' Advisory Committee which made a similar comment. I call attention of the Commission to pages 27, 28, and 29 of the report for more detailed explanation of the reasons, and I will submit this report. I may further add that such a discussion in Detroit is academic. Since May of 1960, a civil rights board has been established by the prosecutor's office, completely independent of the police department, and it performs all of the functions of the citizens' complaint board, but has the distinct advantage of being manned by a trained staff, which is one of the weaknesses of the civilian complaint board.

In conclusion, I feel that our department has taken many progressive steps in the matter of maintaining its leadership in the field of human relations and community relations. I would like to enumerate some of these for the benefit of the Commission. Every applicant for appointment as a police officer undergoes an intensive character investigation and also appears before an oral interview board. During the investigation as well as during the oral interview careful attention is given to the applicant to determine whether or not he displays a biased attitude in regard to race, color or religion. During the course of the recruit training a comprehensive course on human relations is included in the curriculum of the academy. On inservice training during the last year the department has had many outstanding people in the field of human relations address our command covering this field.

Command officers in precincts are required to attend block club meetings and various other community groups in order to be in communication with the problem at all times. As commissioner of police, I'm a member of the Commission on Community Relations where I'm exposed to all areas of problems involving minority groups. In addition to this, we work closely with the Commission on Community Relations in exchanging information in this particular field.

I feel that in policing of a community we cannot overlook the fundamental principle that this is a two-way street. If we did not have the cooperation of the majority of our citizens, the number of police officers required to provide protection for a city would be astronomical and, from a financial standpoint, impossible to provide.

Similarly, in the area of human relations we likewise require cooperation and understanding on the part of the entire community. In analyzing the problems which frequently occur, we must not fall into

the habit of judging the entire community on the basis of a single incident. This is the area in which the police department is vitally concerned while carrying out its responsibilities under law. Again let me emphasize the absolute necessity of making a proper evaluation of each and every incident, lest it be distorted carelessly and out of proportion and communicated improperly to the public.

Finally, the department has endeavored to investigate and evaluate every type of complaint in the area previously mentioned.

I have met with many, many groups, whether bona fide or not, interested in furthering good police-community relations. It has been my policy, if any investigation substantiates the allegation made, necessary changes are adopted. However, in those instances where the allegations could not be substantiated through investigation, these groups were advised of the finding.

In my travels throughout the United States, both before becoming commissioner and afterwards, I have always heard that the Detroit Police Department is considered one of the finest in the United States. Since I have been the police commissioner, I can understand this reputation has been earned as well as deserved by Detroit's continuous practice of reviewing its policies and procedures to guarantee what may be best called the efficient and the proper administration of law and order.

Thank you for the opportunity to appear here before you.

Chairman HANNAH. Thank you very much, Mr. Hart.

As you notice, I was out for a few minutes while you were making your statement and taking a telephone call and it may be that one or two questions of the questions I would like to ask were covered in my absence, and, if so, I apologize.

You indicated that you had a total of 134 Negroes on the police force, 30 of them in the bureau, as I understand it, as an approximate figure. What is the total number on the police force?

Mr. HART. Four thousand three hundred and fifty-seven as of today.

Chairman HANNAH. And how many are there assigned to the bureaus, approximately?

Mr. HART. I wouldn't have a breakdown on that.

Chairman HANNAH. Is it several hundred?

Mr. HART. Yes.

Chairman HANNAH. It may be in the exhibits you have already furnished us.

Mr. HART. I would say 5 percent of the total force.

Chairman HANNAH. I was trying to get some idea of the percentage of the total force that are Negroes and the percentage of the total number assigned to the bureaus, but—

Mr. HART. I would say it is 25 percent as against about 5 percent.

Chairman HANNAH. Twenty-five percent—

Mr. HART. Negroes.

Chairman HANNAH. Of the Negroes—

Mr. HART. Are assigned in the bureaus.

Chairman HANNAH. As against 5 percent—

Mr. HART. As against 5 percent of the others.

Chairman HANNAH. It is my understanding from something somebody told us earlier today on the chart in back of you, the city of Detroit, with the police precincts marked on it, and there has been some indication that the Negro employees are pretty well concentrated in this center area. Is that true or untrue?

Mr. HART. A Negro employee or a white—

Chairman HANNAH. No.

Mr. HART. Employee achieves appointment to a precinct or a bureau by requesting it. We do not have requests, except some that were deliberately instituted by pressure groups—we do not have legitimate requests—from police officers to, for instance, the 16th and the 14th precincts for the quite obvious reason they do not live in that particular area. We attempt to go along with the police officer unless they have a particular talent that we need in that area. We attempt to assign them in the area of their home.

Chairman HANNAH. One or more of the witnesses this afternoon indicated that it is a fairly frequent occurrence for Negroes to be stopped on the streets and to be searched while they are there on the street and that that is not a common practice with white citizens. Do you have any comment on that allegation?

Mr. HART. I would say this is an uninformed misstatement. [Cries of "Oh."]

I would like to have you go over to police headquarters with me and take a look at the plaque in the lobby which has the names of 100 officers who have been killed in the line of duty. Many of these officers were killed because they did not pat down the citizens prior to interrogating them. I do not understand why a good law-abiding citizen would object to being patted down and questioned. It doesn't make sense to me if they're good law-abiding citizens. I can understand a citizen who is a numbers operator or a prostitute wanting to set up a smoke screen to divert attention from what they are doing, but I do not understand the law-abiding citizen objecting to this.

Chairman HANNAH. Before I would proceed, I would ask the audience to refrain from demonstrations when answers are given to questions.

Some statement was made by one or two witnesses that, in spite of the fact there is a Michigan law prohibiting discrimination in giving

hotel and restaurant service, the police department makes no effort to enforce denial of service for food and so on in Detroit. Do you have any comment on that?

Mr. HARR. I would say this again is an uninformed comment because the police respond to a citizen's complaint. If the citizen makes a complaint, the police must respond. The citizen must sign the complaint. The problem that we have is the citizen very frequently will not show up the next morning either due to press of work or for whatever personal reasons they might have and they do not follow up on making the complaint. I have had two meetings recently with representative groups concerning this equal accommodation law, and I think we might come up with some modifications which will satisfy this part of the populace. However, this is the old story of attempting to dump the citizen's job on the hands of the police officer, who is concerned with law enforcement.

Chairman HANNAH. I think you indicated whenever complaints are made to the police department to the effect that police officers have exerted violence beyond what was necessary in making arrests or carrying on their duties that you have always or the police department investigate all of these complaints. That was essentially what you said?

Mr. HART. That is correct.

Chairman HANNAH. Are there incidents or instances of disciplinary action that have been taken against police officers in the period that you have been the commissioner resulting from these complaints?

Mr. HART. I think two in 1960 and four in 1959. My memory doesn't go beyond that point. I have been commissioner since Labor Day of 1958.

Chairman HANNAH. I am only asking of the period you have been commissioner.

Mr. HART. Yes.

Chairman HANNAH. There have been several specific instances—

Mr. HART. Yes.

Chairman HANNAH. Where after investigation some disciplinary action has been taken—

Mr. HART. That's right.

Chairman HANNAH. Resulting from investigation of these complaints?

Mr. HART. Yes.

Chairman HANNAH. One final question. The general tenor of your testimony would lead me to the belief that you feel there's really no serious problem of unjustified police violence to Negroes in Detroit.

Mr. HART. I have not seen instances of it, and one of the problems that I have is I hear, as has been stated today, generalized comments

that there might be mistreatment or brutality. Some of them extend back 15 or 20 years. I always request the citizen to document the particular incident and bring it up to date so that we can follow through and check the incident. I rarely receive this type of information.

Chairman HANNAH. Father Hesburgh.

Commissioner HESBURN. Commissioner Hart, I also appreciate your statement here because I think you understand our problem. We come from out of town. We are experts in a sense, although it may be difficult to prove it. We come into the city—it is the same thing in every city we come into—and we hear all sorts of allegations that the housing is bad, and then the housing people come in and say it is great. Then we hear about this police brutality, and then the police come in and say it isn't so. We're constantly being whipsawed between different sets of witnesses, and I get the impression—and I would like to know if this makes any sense to you as an impression—that maybe the big problem is one we have come up to in all these areas that we have talked on on civil rights—that the fundamental problem is the breakdown of communication between the races and that if somehow we could work out mechanisms whereby people with supposed valid complaints could get to the people against whom they have these complaints, if there's some way this two-way traffic could go on, if there are things that are being said that can't be validated, at least it is brought to light and shown it can't be validated. If there was at least an attitude of understanding and working towards more peaceful relationships in the maintaining of law and order, which you folks have to maintain and others are obliged to cooperate with, this may be the answer.

Can you think of anything that might be done practically within this community to work for a different situation than we have had this afternoon, where we have had a lot of witnesses claiming under oath that they are convinced there is discrimination by the police and police brutality against people who are either unarmed or manacled, and your own firm resolve that this shouldn't go on in the department, you are against it and you have taken all these means you have related to see that it doesn't happen? Can you think of some mechanism?

Mr. HART. First of all, Father, you have hit the crux of the problem. There isn't any question that communication is the weakness. I do not solicit speaking engagements. I am an orange peddler, and I will go back to being an orange peddler when I resign from police commissioner, and I am not running for any political office. So, the only speaking engagements I accept are those which are proffered to me. If I could, if I could answer your question specifically, get

greater exposure among certain ethnic groups, certain minority groups, where I can listen to their problems and spell out the facts, that is all that is necessary.

It is quite frustrating in my business to make a speech one night in front of a group, to attend an affair the following night in which a portion of the same people are again at that group and yet have the identically same questions raised which were supposedly solved and satisfied. In other words, the people themselves do not appear to communicate through fear because it isn't popular. I have no idea of knowing why. But this is the problem—communication.

If the local Negro press—I don't say that they should call me and whitewash a story, but I say if they would give us the courtesy—and I have made a request to one of the papers in writing and haven't had the courtesy of an answer—if they would give us the courtesy of listening to our side of the story before printing a story which inflames the populace—and the story is usually incorrect—that, too, would help some of the problem that we have.

Communication is the answer.

Commissioner HESBURN. Well, I hope something can be done, because we feel rather futile at the end of one of these afternoons. I think we like to believe that everyone under oath is telling the truth. We certainly can understand people have certain fears or they have certain impressions or they have convictions, but when you get these convictions that are actually at cross purposes within a community that obviously wants law and order—nobody is for disorder or for vice or for crime, at least not publicly, and if we can assume this is a common interest, and it is a common community problem and there are certain people who have to maintain it publicly—I don't think this function has ever been popular in any society, but certain people have to maintain it publicly. I would certainly hope—and we have said this in every community that we have been in—we would hope the only fruit that may come from an afternoon like this is that the local forces that are together in their willingness to have law and order and understanding would work together, and this is probably the old problem of human communication that affects the housing field and the employment field and all these other fields we are struggling with.

So, in a sense, I think we come into your community; we listen to both sides of a problem, but when we walk out we leave with you the problem. We get some perspective on our national approach to the problem, but we certainly would hope the fine things you have said and the worries the other people have may somehow get together and make for better peace and harmony within the community. We are all hopeful for that.

I hope—this is just a parting statement because I have to run and catch an airplane in about one minute—that somehow this fruit would be here, that what you desire and what the people desire and what this minority group hopes for in their hearts could somehow be the same thing.

I hope we have been able to contribute something just by listening to both sides.

Mr. HART. Thank you, Father.

Chairman HANNAH. Dean Johnson.

Commissioner JOHNSON. Just two questions: You indicated you had given considerable study to police practices throughout the country and many officials had come here to study your policies because they are very satisfactory. Have you found that it is a general practice to assign police officers to areas in which they reside?

Mr. HART. Yes, sir.

Commissioner JOHNSON. That is a general practice?

Mr. HART. Yes, sir.

Commissioner JOHNSON. One other thing: I was listening to Mr. Ward who, too, was interested in establishing better communication, and he indicated that he had gotten together an outstanding group of representative Negro leaders, who were prepared to sit down and discuss the problem. That seems to me to represent an opportunity that you might wish to give favorable consideration to?

Mr. HART. I came in during the middle of that testimony, Dean, and heard the tail end of it, and I was quite concerned because I hadn't been invited to participate in that group. I'm not sure which group Mr. Ward was talking about. I have met with so many groups. I doubt that I was invited to participate in discussion with that particular group, and I would have looked forward to it.

Commissioner JOHNSON. I think if you and Mr. Ward can get together why this may be a rather fruitful meeting.

Chairman HANNAH. Thank you very much, Mr. Commissioner.

Mr. HART. Thank you.

Chairman HANNAH. Before we adjourn this hearing I should, first of all, like to thank all of the officials of Detroit and the officials of this court that have made these facilities available to us and that have cooperated throughout.

Now, there have been two or three citizens that have indicated that they have material that they think should be called to the attention of the Commission, and we will say to them and to the witnesses that have exhibits that they would like to have included that the Commission will receive statements and exhibits from the witnesses and in writing, statements that any citizens may want to offer, any time within 10

day from this date. They should be mailed to the Commission on Civil Rights at 726 Jackson Place N.W., Washington, D.C.

The Commission will certainly include the exhibits furnished by the witnesses in the printed record.

They will give consideration as to whether or not the other statements that are furnished are to be included. If they are valid and make a contribution, they may be included. If they are not, they will not be included.

Again, thank you all very much—and the meeting is adjourned. (Thereupon, at 4 p.m., the hearing was adjourned.)

REPORT OF THE DETROIT POLICE DEPARTMENT TO THE COMMISSION ON CIVIL RIGHTS

By Herbert W. Hart, Police Commissioner, City of Detroit

Gentlemen, I am happy to have been invited before this Commission. Your Commission deals with a problem that cannot be resolved on a local basis only. My experience as police commissioner has proven that in order to arrive at a reasonable solution to problems involving minority groups, one must consider not only the local issue, but must include also the national situation as it relates to local problems.

In the Detroit Police Department—and I speak from my personal experience of more than 2 years as police commissioner—I feel justifiably proud of the department's keen alertness to the problem as it pertains to matters within the department, as well as to the community we serve.

I would like to mention just a few of the things we have done in this respect: Since the early 1940's our police academy has carried on an intensive course of training in the field of police-human relations and police-community relations. This course emphasizes the fact that since it is the responsibility of police officers to enforce the law, officers must enforce the law impartially, firmly but fairly, and without bias or prejudice.

Police procedures which have been in effect for many years, definitely pinpoint the responsibility of each officer in his every-day duties, emphasizing the necessity for being impartial and unbiased. The Law Enforcement Code of Ethics and the introduction to the Rules and Regulations of the Detroit Police Department, clearly define the policy of the police department in this matter. Time does not permit the reading of these documents into the record; however, I am submitting copies of each to accompany the groups of exhibits which I will submit to the Commission at the conclusion of my remarks.

Since my appointment as commissioner, the police department has been surveyed by a Citizens' Advisory Committee on Police Procedures which was appointed by the mayor in August 1958. In outlining the function of the committee, the mayor stated: "The committee, in consultation with police officers, leaders in industry, labor, civic organizations and other segments of the populace, will evaluate police-community interrelationships with the purpose of recommending police policies as well as public educational programs which will tend to reduce to an absolute minimum all sources of irritation, tension, hostility and ill will."

The committee carefully studied the same area which you have indicated is of especial interest to your Commission, and submitted a report. Again, because of the limitations of time, I am filing a copy of the findings of this committee, together with a copy of the police department's answer.

I would like to discuss now, the two specific areas in which the Commission is interested; namely, allegations of unjustified police violence directed against Negroes, and the employment of Negroes on the police force.

There have been many statements alleging police brutality, and I should like to make it clear that is the policy of our department to investigate each and every complaint presented, regardless of type of character.

In my frequent visits to many organizations throughout the city—particularly minority groups—I have heard many general references to police brutality. Since the department is vitally concerned, I have attempted on every occasion

to obtain specific information and specific incidents. In most instances the individual was unable to provide anything except the general allegation of police brutality.

Since 1948 the Detroit Police Department has had an arrangement with the National Association for the Advancement of Colored People for the investigation and processing of complaints received through this organization.

In November of 1957, the police department established an improved system for the processing of complaints received from the NAACP, and under this procedure the complaints are received, investigated, and a summary of our findings is made to the NAACP. Since the inception of this system, we have received 51 such complaints from the NAACP.

In reviewing reports of the investigations of these cases it was learned that most if not all of the complaints were classified as "police brutality," but that in the majority of the cases there was no proof that any physical force had been used. The second conclusion was that there appeared to be a lack of communication between police and the citizen, particularly as to the citizen's responsibility in connection with police authority.

Another forward step was made in January 1959, when the department established a procedure requiring an immediate investigation—whether a complaint is received or not—in every instance where police are required to use force; where police are injured; or where citizens are injured in connection with a police incident.

Our records indicate that in the year 1959, the number of such incidents totalled 264. White persons were involved in 115 of the incidents and Negro persons involved in 149. In 260 of the incidents, the citizens appeared to be at fault, while in 4, the police officers used poor judgment.

During the first 9 months of 1960, there were 230 such incidents. Of the 270 citizens involved, 148 were white, 121 Negro and one Indian. In 223 of the 230 incidents, the citizen appeared to be at fault. Disposition of three cases was pending at the time of this report, and in two cases there was no basis for complaint. In one case, both the citizen and the police officer were found to be at fault, and in another case the police officer was found to be at fault.

The foregoing statistics concern incidents in which either a citizen or police officer was injured, and in which an immediate police investigation was made. These figures should not be construed to mean that there was a complaint made in each case; nevertheless, an investigation was made by the police department.

I bring this matter to your attention in order to show the members of the Commission that in policing a metropolitan city such as ours, police officers make millions of contacts with citizens each year. In many instances it is necessary to arrest or restrain persons and to keep them in custody. When we compare the total number of incidents to the total number of contacts, the ratio of incidents is infinitesimal.

The allegation has been made that because police make the investigations in these cases, it is natural for them to place the responsibility for the incident on the citizen rather than the police.

In order to eliminate this presumption, the prosecutor of Wayne County established in May of 1960 an agency commonly known as the Civil Rights Board. The purpose of this board is to provide a means of independent investigation by the prosecuting attorney's office, whose duties are prescribed by statute and in substance provide for the protection of the innocent and the bringing of the guilty to punishment.

The Civil Rights Board operates by taking statements from all persons concerned, including police and citizens, and making findings independently from any police investigation. This I believe is orderly process under law.

The city of Detroit, like most metropolitan cities, has a heterogeneous population. People come to Detroit from all areas of the United States, but largely from what may be described as nonurban areas. It is understandable that persons who have spent their youth and much of their adult life in nonurban areas are confronted with a problem of adjustment when they move to a city such as ours.

In the first place, newcomers are faced with crowded housing problems and a great deal of competition in securing employment unless they possess special skills. The customs and practices of urban living do not always provide the counseling and assistance of friends and relatives to which they had ready

access in the smaller communities from whence they came. It is little wonder that many migrants become confused amidst the complexities of urban living.

While the primary function of a metropolitan police department is law enforcement, in Detroit we have realized the seriousness of this larger problem and have established a precinct-community relations program. The purpose of this program is to provide a direct means of communication between the police and the residents of each precinct.

Since the establishment of this program we have noted that residents of each precinct have gained a better knowledge of the responsibility of the police, and a corresponding understanding of our common problems. We feel that this is a grass roots program which provides the channel of communication between police and community which is so essential in policing a metropolitan city.

From our investigation concerning matters of police brutality, I feel that the policies, practices and procedures of the police department clearly indicate that we will not tolerate brutality on the part of our members.

In reviewing all of these cases, whether they were initiated by complaint or through the findings of our own investigation, wherever there were cases involving poor judgment on the part of the officers, an official reprimand was found to be sufficient.

To summarize, we investigate every incident brought to our attention, and disposition is made in each case. In those instances where the officer may have exercised poor judgment, he is subject to disciplinary action. Minor complaints can be disposed of by reprimand at the precinct or district level, or if the circumstances merit, formal charges may be preferred before the police trial board whose composition and duties are prescribed by the city charter.

In checking the years of 1958, 1959, and to date in 1960, we fail to find any police trial board case involving police brutality. In 1957, there was one such case in which charges were preferred against the officer, who subsequently resigned from the department.

Further, as we have indicated the department has a system of investigating thoroughly every incident where citizens or police are injured as a result of police contact, even without a complaint being made. Finally, the so-called Civil Rights Board of the prosecutor's office insures our citizens the right to bring without fear, any complaint of this nature to this independent agency. Further, that the department will, should the circumstances dictate, prepare formal charges for presentation before the police trial board.

In investigating these incidents, we do find a consistent lack of citizens' responsibility and recognition of police authority.

By statute the police department is endowed with legal authority in order that it may carry out its responsibility of preserving public peace and order and enforcing the laws and ordinances.

In the discharge of these duties we do find frequent resistance on the part of citizens in failing to recognize this legal authority. In these instances most of these persons are unaware that the citizens not only have certain rights, but that they have responsibilities as well.

Typical examples are instances in which police officers stop people for the purpose of asking certain questions in order to make a proper disposition of the case at hand. Some individuals feel it is their right to refuse to cooperate in any way, and in many cases these are labeled "police brutality" incidents.

In this connection I would like to cite from a comparatively recent Michigan Supreme Court case of the *People v. Louzon*, 338 Mich. 146, wherein the court said:

"Interrogation is not inherently coercive, as is physical violence. Interrogation does have social value in solving a crime, as physical force does not. By their own answers many suspects clear themselves, and the information they give frequently points out another who is guilty. Indeed, interrogation of those who know something about the facts is the chief means to solution of crime. The duty to disclose knowledge of crime rests upon all citizens."

Your Commission has also asked me to relate what procedures were followed in investigating the so-called Magnolia Street fight in September 1959. This occurred on September 10, 1959, and a detailed investigation was made immediately by the department in accordance with the procedure I mentioned earlier in cases where police or citizens are injured. This was a case in which two of our officers were injured and several persons arrested; three of whom were later convicted in Recorder's Court and one referred to Juvenile Court. This

investigation disclosed that an assault was committed upon police officers, and that it was necessary to use force in subduing the perpetrators. There was no evidence of police brutality.

A separate investigation was conducted by the Wayne County Prosecutor's Office in connection with the claim of one of the prisoners relative to mistreatment by the police, and at the conclusion of his investigation the prosecutor ruled there was no justification for instituting criminal proceedings against the police officers.

The next subject you have asked me to discuss is the employment of Negroes on the police force, including recruitment, duty assignment, and promotion.

As to recruitment, the department is governed by the Charter of the City of Detroit, the provisions of which clearly define the procedures which must be followed in protecting the rights and privileges of every candidate for appointment. I am submitting to the Commission the charter provisions which apply to the recruiting and promotion of police officers. However, I will mention briefly some of the techniques followed in administering the recruiting process to make certain that every candidate interested in appointment to the department is treated in a fair and completely impartial manner.

1. No candidate is identified by his race, color, religion, national origin or ancestry in the examination for appointment.

2. To make certain that all young men and women in the community are aware of the fact that the opportunity for appointment to the department is available to them, the time and place of every examination is published at least 30 days in advance in the official paper of the city of Detroit and also posted in the lobby of police headquarters and on the city hall bulletin board. In addition to meeting these legal requirements concerning the announcement of examinations, newspaper releases, classified advertisements, radio and TV announcements, as well as personal contacts by members of the department are made to insure maximum publicity. As an added example, I am enclosing a copy of a letter which was sent to members of the Baptist Ministerial Alliance recently, which speaks for itself.

3. By charter provision, all applicants are required to pass an examination, provided they qualify as to age, health, physical standards, habits, and moral character. Each candidate who participates in the written examination identifies his examination papers by number, and not by his name. Clerical employees who score these examination papers have no idea as to whose paper they are working on during the scoring process.

4. At the end of each successive step in the recruiting process, every candidate who fails is notified by letter as to the reason for his failure and invited to review the basis for his rejection in the personnel division. Again, I submit to you as exhibits, copies of these letters, attached to exhibit No. 4.

In the event the applicant is not satisfied with the explanation for his rejection, he has the right to appeal to the police commissioner, as well as to an appeal board provided for under the city charter, which board has the right of review over the requirements and results of any and all examinations on sufficient cause shown.

Candidates who are successful in passing all phases of the recruiting process are placed upon a register published by departmental order, which eligible list remains in existence for 1 year.

In connection with recruitment, the Citizens' Advisory Committee on Police Procedures in an effort to determine why more Negroes were not appointed, requested our personnel examiner's office to make an actual count of the number of Negro applicants at 11 written examinations in 1959, and to make an actual count of the number of Negroes who passed the written tests. Again, let me emphasize that each candidate is identified only by number at these examinations. However, in response to the committee's request, such actual count was made, with the following results:

A total of 437 applicants took these examinations; 339 white applicants and 98 Negro applicants. Of the 339 white applicants, 161 passed the written examinations, or a percentage of 46 percent. Of the 98 Negro applicants, 19 passed the written examination, or a percentage of approximately 19 percent.

The results of this study would indicate that the best qualified Negro is not applying for the written examination. Whether this is because private industry or other employment offer more attractive entrance salaries, I do not know

It is clear, however, that the Negro candidates who can meet our requirements are not applying.

As to promotions, the same basic procedures apply as I enumerated in connection with recruitment. As you will note from the charter provisions, these include announcement of the promotional examinations by official departmental order published at least 30 days prior to date of examinations; a written examination wherein the papers are identified by number only to insure complete anonymity of candidates; notification of those who fail; giving specific reason for rejection, and full opportunity to review any and all phases of the examination with the personnel examiner, as well as avenues of appeal to the police commissioner and to the appeal board provided under the city charter.

Your Commission has directed a specific question as to the significance of the service rating in connection with promotional examinations, and as to who makes this evaluation.

You will note (Paragraph "m"—City Charter Exhibit) that the city charter states, "In grading upon the examination, consideration shall be given, among other things, to the rating of the candidate by his superior officers." To accomplish this, a service-rating system has been developed wherein every officer below the rank of lieutenant is rated by his immediate superiors every 6 months. Individual evaluations are recorded on the rating form for such traits as appearance, cooperation with associates, judgment, initiative, dependability, knowledge of work, quality of work, public contacts, and others.

After the ratings are scored and the results tabulated in the personnel division, each officer receives a notification of the scores attained on each trait and is directed to confer with his commanding officer in the event he desires further explanation of the basis for his rating. Any officer who feels that he has been discriminated against in the completion of this rating may appeal to the police commissioner for the settlement of any grievance and, if not satisfied, to the appeal board.

The relative percentage to be given for the service rating as part of the promotional examination, is indicated in the official notice of the examination, and is arrived at in accordance with accepted principles in the personnel testing field.

At this point I wish to call the attention of the Commission to the police department's offer, made in connection with the Citizens Advisory Committee report, to have an audit or examination made of our personnel practices concerning recruitment and promotion, by competent professional people in the public personnel field. The Detroit Police Department has an outstanding reputation in this field, and we receive many visits and inquiries from police representatives throughout the United States, as well as from foreign lands, as to the administration of our merit system.

With reference to duty assignments, following completion of training at the police academy, the officer is assigned to precinct duty. The initial assignment from the academy is based solely on the needs of the department, and in some cases the entire graduating class may be absorbed by one or two precincts.

In connection with subsequent assignments or transfers, we adhere to the fundamental principle that administrators have the responsibility of providing the most efficient police service to the community, and assignments are made accordingly. In making all assignments, consideration is given to other factors, such as the proximity of the officer's residence to the place of his assignment, which can be of importance when officers are recalled to duty in emergencies.

As to the type of assignment, early in 1959 a survey was made following which it was determined that some adjustments should be made in the assignment of Negro officers working with white officers. This was particularly true on the precinct level, but not necessarily true on the bureau level. As a result of reevaluating these assignments, the department now has 24 integrated scout car crews throughout the city.

In answer to your request for statistics regarding the number of Negroes on the police force, their ranks and assignments, I offer the following figures:

Uniform sergeants.....	5
Women's division sergeants.....	1
Detectives.....	11
Patrolmen.....	107
Policewomen.....	10
Total Negro officers, all ranks.....	134

Precincts and Bureaus to which Negro officers are assigned:

Precinct or bureau	Number assigned
First precinct.....	13
Second precinct.....	9
Fourth precinct.....	1
Sixth precinct.....	13
Seventh precinct.....	14
Tenth precinct.....	21
Eleventh precinct.....	4
Thirteenth precinct.....	16
City hall bureau.....	1
Homicide bureau.....	5
Motorcycle traffic bureau.....	2
Parking enforcement bureau.....	4
Special investigation bureau.....	2
Stationary traffic bureau.....	2
Vice bureau.....	8
Women's division.....	13
Youth bureau.....	6
Total.....	134

Before leaving the subject of recruitment, promotion and personnel practices, I wish to repeat our department has a national reputation as one of the finer large departments and, as previously mentioned, people from the United States as well as all over the world are constantly visiting our department for the purpose of observing and reviewing our procedures. The excellent reputation we are enjoying, I feel, is the result of good standard personnel practices. There should be no lowering of the requirements in our recruiting process and to improve our department, I would even say that our requirements should be higher.

Your Commission has asked my opinion of the suggestion which has been made that a citizens' review board be formed for the purpose of making recommendations regarding complaints against police officers.

From the beginning we have been opposed to the creation of any such board or committee. To begin with there are serious legal objections, one of which involves the unlawful delegation of power in violation of the provisions of the city charter which clearly defines the responsibility for the administration of the police department. The charter places the responsibility for discipline of police officers exclusively in the hands of the police commissioner and a police trial board and I cannot see how it would be possible to establish a second board which in essence would review the findings made by the police trial board established under city charter.

Aside from the legal objections, there are several other reasons for being opposed to such a board. These have been covered in detail in our answer to the Citizens Advisory Committee which made a similar suggestion. I call the attention of the Commission to pages 27, 28, and 29 of that report for more detailed explanation of the reasons for objecting to such a review board.

I may add further that such a discussion in Detroit is academic. Since May of 1960 a Civil Rights Board established by the prosecutor's office performs all the functions of a citizens complaint board and has the distinct advantage of being manned by a trained staff which is one of the weaknesses of a civilian complaint board that has been proposed.

In conclusion, I feel that our department has taken many progressive steps in the matter of maintaining its leadership in the field of human relations and community relations. I would like to enumerate some of these for the Commission's information.

1. Every applicant for appointment as a police officer undergoes an intensive character investigation, and also appears before an oral interview board. During the investigation, as well as during the oral interview, careful attention is given to the applicant to determine whether or not he displays a biased attitude in regards to race, color or religion.

2. During the course of the recruit training, a comprehensive course on human relations is included in the curriculum of the police academy. These courses are conducted by police instructors who have participated in special training programs and workshops in the field of human relations at such universities as Michigan State University, the University of Michigan, Wayne State Uni-

versity, the University of Detroit, Southern Police Institute at Louisville, and others, including a special workshop conducted in Puerto Rico.

3. Inservice training. During the last year, the department has had many outstanding people in the field of human relations address our command personnel covering this field. The department maintains a staff of qualified instructors whose responsibility it is to carry out inservice training programs in the field. During the past year, such a course in public relations and human relations was conducted at all levels of our department by these trained instructors.

4. Command officers in precincts are required to attend block club meetings and various other community group meetings in order to be in communication with the problem at all times. At each roll call various problems arising in connection with police work are discussed, and frequently these involve human relations problems.

5. As commissioner of police, I am a member of the Commission on Community Relations, where I am exposed to all areas of problems involving minority groups. In addition to this, we work closely with the Commission on Community Relations in exchanging information in this field, and in connection with specific problems involving human relations.

I feel that in the policing of a community, we cannot overlook the fundamental principle that it is a two-way street. If we did not have the cooperation of the majority of our citizens, the number of police officers required to provide protection for a city such as ours would be astronomical, and from a financial standpoint, impossible to provide.

Similarly, in the area of human relations we likewise require cooperation and understanding on the part of the entire community. One of the fundamental requirements is calmness and willingness to ascertain all the facts and assess the situation accordingly before passing judgment. Rash judgment on the part of police should not be condoned; neither should rash judgment on the part of individual citizens or groups of citizens, which through the use of innuendo or rumor, can create hysteria and tension.

In analyzing the problems which frequently occur, we must not fall into the habit of judging the entire community on the basis of a single incident. This is the area in which the police department is vitally concerned while carrying out its responsibilities under the law. I feel that we have made much progress in this area, and there is better understanding of the problems of the police as well as those of the various groups which make up our community.

Again, let me emphasize the absolute necessity of making a proper evaluation of each and every incident, lest it be distorted carelessly and out of proportion, and communicated to the public. When this happens—when incidents are evaluated improperly and on the basis of incomplete facts and presented to the community in this light, we realize that human nature will overlook hundreds of incidents of good police work, and retain sharply in its memory the one incident it has been led to believe is completely true, which reflects unfavorably upon the department.

Finally, this department has endeavored to investigate and evaluate every type of complaint in the areas previously mentioned. I have met with many, many groups whether bona fide or not, interested in furthering good police-community relations. It has been my policy that if any investigation substantiates the allegations made, necessary changes are adopted. However, in those instances where the allegations could not be substantiated through investigation, these groups were apprised of our findings.

In my travels throughout the United States, both before becoming police commissioner as well as afterwards, I have always heard that the Detroit Police Department is considered one of the finest in the United States. Since I have been the police commissioner, I can understand that this reputation has been earned as well as deserved by Detroit's continuous practice of reviewing its policies and procedures to guarantee what we may best call efficient and proper administration of law and order.

EXHIBIT 1

LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or

disorder; and to respect the constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all, maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession—law enforcement.

EXHIBIT 2

INTRODUCTION TO THE RULES AND REGULATIONS OF THE DETROIT POLICE DEPARTMENT

OFFICE OF THE COMMISSIONER

Herein are published the revised rules and regulations for the information and guidance of the members of the Detroit Police Department. The right is reserved, for the good of the service, to amend or revoke any of the rules and regulations or to make additions thereto from time to time as circumstances may require.

The work of the police department consists of the preservation of the public peace and order, the apprehension of offenders, the protection of persons and property under the laws of the State, and the enforcement of the ordinances of the city. For this purpose the department is endowed with legal authority.

Efficiency being the first rule of an officer's demeanor, all officers are enjoined to know these rules and to conform to them in the performance of their duties. Officers are reminded, too, that in the execution of their duties, they act altogether for the public. The entire law regulating the discharge of their office turns on this principle. Likewise, it is required that they exhibit no feeling, except a zeal to enforce the law, and they should never allow their emotions to move them to brutality, nor their fear or sympathy to lead them to leniency. They shall exercise no more force than necessary to effect their legal purpose and duty.

Members of the department will understand that no arbitrary rules can be established which will embrace all possible situations. In the general discharge of duty under our laws and these rules and regulations, something must necessarily be left to the discretion and sound judgment of the individual. Nevertheless, all members are reminded that they may be required by vested authority to answer for abuse of authority or discretion.

All previous rules, regulations, and orders in conflict herewith are hereby rescinded.

EDWARD S. PIGGINS, *Commissioner*.

EXHIBIT 3

REPORT OF THE CITIZENS' ADVISORY COMMITTEE ON POLICE PROCEDURES

[This exhibit is the same report submitted for inclusion in the record by the Rev. Irwin Johnson, chairman of the Citizens' Advisory Committee. The report is reproduced starting on p. 350.]