

December 17, 1969

MEMORANDUM TO: Commission on Community Relations
FROM: Police-Community Relations Committee
SUBJECT: Year End Report of Major Issues Considered by the Committee
in 1969

I. POLICE DISCIPLINE

The Role of the Citizens Complaint Bureau

The question of the role of the Citizens Complaint Bureau within the Police Department and the responsiveness of the Department to the findings of the CCB was sharply brought into focus by statements made by Inspector Heffernan of the CCB.

Inspector Heffernan was called before Common Council with Commissioner Spreen to explain statements, attributed to Mr. Heffernan, which appeared in the 1/26/69 issue of the Detroit Free Press. These statements were: 1) That of 1,000 allegations of police misconduct made to CCB since 1961, not one ended in dismissal of a Detroit police officer. 2) The identity of "five or ten" police officers having reputations for using excessive force against Negroes (in the Tactical Mobil Unit) was known to police officials, but they would not take action. We have no knowledge as to whether action has been taken by the Commissioner to investigate or discipline the mentioned officers.

Rev. Allen's 2/7/69 letter to Common Council expressed firm support of the Inspector's performance pursuant to his official obligation to present to the Commissioner true findings resulting from impartial investigations by CCB officers.

Proposed Police Trial Board Changes

In August, 1969, a petition was circulated calling for a Charter amendment referendum on a police civilian trial board review system. The Committee proposed modifications of existing trial board procedures based on the recommendations of the Task Force on Police of the President's Commission on Law Enforcement and the Administration of Justice:

1. A legal advisor should be assigned to the Police Department to increase efficiency and eliminate the possible paradox presented by the conflicting roles sometimes performed by Corporation Counsel.
2. Hearings should be open to the public with full right of the complainant and his witnesses to be present, with counsel, if desired, with the privilege of cross examination and viewing the investigative report.

In a meeting with the Police Commissioner and ranking officers of the Department it was agreed that:

1. Prosecution and defense counsel, as well as witnesses, may be present at hearings, except when necessary to protect witnesses from other witnesses' testimony. However, complainants' attorneys may participate with the corporation counsel assigned to prosecute the case for the Police Department.

2. Attorneys for both sides are to have equal access to investigative reports that are admitted into evidence.

The Committee believes that citizens should have the right to sit in on the hearings. The Police Department is in opposition to this proposal because they claim to have no way of controlling the behavior of citizen observers.

II. POLICE DEPARTMENT INTEGRATION

A. Dismissal of Black Officers

In May, CCR staff learned that two black officers were being terminated because the Department physician said they had high blood pressure, although private physicians said their blood pressure was within normal limits. Dr. James Carter, an Internist and Cardiologist, examined one of the officers over a period of time and said that the Department's physician had erred in making his diagnosis on the basis of isolated blood pressure readings.

The Police Department has established a medical review board of three independent medical specialists to review these medical discharges. A final decision on the termination of these officers is expected shortly.

CCR inquiries, including a letter of September 5, into the allegations of a black officer that he was being terminated because of unfair charges of sub-standard performance have been evaded or unanswered.

B. Recruitment of Black Policemen

The Committee's major focus has been on the written test used by the Police Department, because it excludes proportionally more blacks than whites and because it has never been proven to be a valid predictor of police officer performance. The Committee feels the Police Department should precisely identify what characteristics a good police officer should have and then devise a test that will reliably and fairly test for these characteristics.

An Office of Law Enforcement Assistance-financed study of police officer testing in Chicago concluded that "the need for selection test validation can no longer be considered a research 'luxury'; it is a legal necessity if tests are to be used at all."

The New Detroit Committee on Review of Police Recruiting has endorsed the proposal of Dr. Richard Dresner to conduct a survey of police performance and develop and validate a bias-free test.

The CCR Committee on Police-Community Relations has written to Commissioner Spreen in opposition to the use of Dr. Dresner because of his involvement with building trades who were excluding black applicants.

The Committee has also recommended that the Department not hire suburban residents even though a Wayne County Circuit Court decision voided the ordinance requiring Detroit residency. The Committee feels that, although the Department is not legally prohibited from hiring suburban residents, it is not compelled to do so.

III. POLICE PRACTICES

1. Police Use of Firearms including Rifles and Shotguns

During the Spring and Summer continuing concern has been expressed regarding police cars passing through the community with the barrels of rifles extending from the windows, or out of the car when issuing a traffic ticket. Although many police officers felt they needed such firepower to protect themselves, many citizens thought the practice was solely to intimidate and that it reflected police hostility toward citizens.

The Committee feels no responsible group of citizens should seek to deny to officers the use of long guns in appropriate and justifiable circumstances. Conversely, however, the unnecessary display of firearms should elicit expressions of community concern. Inappropriate display of firearms feeds the belief of some who see the police as being a foreign occupational force in the inner city community and constitutes an unnecessary irritant and strain on community relations.

The Committee asked for the Police Department's guidelines on the carrying and use of firearms by police officers. The Committee's 10/21/69 meeting with police officials revealed that police policy requires carrying long guns in retaining devices connected with the ignition of police cars. Unfortunately, on that date compliance with the requirement was incomplete due to a shortage of 200 such devices--on order since 6/2/69.

The Department feels that no useful formula for appraising police officer judgment in the use of firearms exists. The Department's policy has more safeguards, however, than the State law, and the policy is read monthly at police roll calls.

The Task Force on Police of the President's Commission on Law Enforcement and the Administration of Justice said, "It is essential that all departments formulate written firearms policies which clearly limit their use to situations of strong and compelling need."

2. Mass Arrests, Detention and Processing of Arrestees

The shooting at the New Bethel Baptist Church in March, 1969 raised questions in the minds of many concerning the adequacy of Police practices employed to bring the situation under control and apprehend those responsible for killing a policeman.

The Committee criticized the Police Department for concentrating sustained fire on the church when other methods would have sufficed to bring the situation under control.

The Task Force on Police of the President's Commission on Law Enforcement and the Administration of Justice said:

"Deadly force should never be used on mere suspicion . . . that the person being pursued committed the crime."

"Officers should not be permitted to fire at felony suspects when lesser force could be used; when the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force; or when there is any substantial danger to innocent bystanders."

Without questioning the freedom of the news media to express its opinion publicly, the Committee urged the use of reasonable care in reporting the news. It objected to use of inflammatory reporting and misrepresentation of the arraignment proceedings held in the case.

The Committee was concerned about the apparent flouting of individual's right to contact and secure counsel, to be advised of their legal rights, to be free from unlawful mass arrest and to be afforded adequate detention facilities. The Committee recommended that the police reconsider their policies on these matters.

As the U. S. Court of Appeals for the 4th Circuit stated concerning a 1964 Baltimore case in which police searched more than 300 homes trying to find those who shot two police officers:

"The invasions so graphically depicted in this case 'could' happen in prosperous suburban neighborhoods, but the innocent victims know only that wholesale raids do not happen elsewhere and did happen to them. Understandably they feel that such illegal treatment is reserved for those elements who the police believe cannot or will not challenge them."

IV. POLICE DEPARTMENT ROLES

On August 5, 1969 representatives of the Commission on Community Relations and the Police Department met in the Mayor's office. The following agreements were reached:

1. The CCR will continue to report to the Mayor on its evaluation of the functioning of the Citizen Complaint Bureau.
2. CCR reports on the Police Department's policies and actions should be shared with the Department to prevent inaccuracy.
3. Police policy changes with possible effect on community relations should be discussed with CCR before publication.
4. The CCR will work closely with the Department on recruiting black officers and the Department will involve more community review of the screening of applicants.