THE POLITICS OF THE POLICE SYSTEM
IN PREDOMINANTLY BLACK CITIES

A DISSERTATION
SUBMITTED TO THE FACULTY OF ATLANTA UNIVERSITY
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THE DEGREE OF DOCTOR OF PHILOSOPHY

BY
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ABSTRACT

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Black Cities

Advisor: Shelby Lewis

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The interrelationship between the police and their
political environment is addressed in this study. The
focus is placed on attempts made by black community resi-
dents and city officials to check abuses of police power
and to bring about change within the Atlanta and Newark
Police Departments. The key issues relevant to police-
political environment relations in predominantly black
cities are identified as: recruitment, selection, and
training; residency; selection and removal of the chief
police administrator; police brutality; and civilian com-
plaint redress.

It is concluded that the political environment has
played a role in bringing about change in the two police
departments, but most of the change has been short range.
Much citizen activity has been centered around police
brutality incidents rather than around long range,
systemwide change. Several major reasons have been given for the failure of community organizations to bring about more comprehensive, long range change: limited resources, ineffective strategies and lack of political clout.

This study raises the question of whether a black mayor or police administrator makes a difference. It is concluded that the mere presence of black officials and administrators will not insure change in the police. The presence of black officials will often reduce the activity in the black community because blacks will be expecting their elected representatives to be accountable. It is suggested, however, that if a commitment to bring about meaningful change is received from black candidates, citizens may be in a better position to demand action from the officials after they are in office.
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INTRODUCTION

The role and function of urban police have become topics of increasing interest. This interest in urban police can be traced in part to the race riots of the sixties. The Kerner Commission found that not only did police arrests serve to precipitate riots, but hostility between blacks and the police was one of the major underlying causes.¹

The increased interest in police was also brought about by the evolution of police militancy.

The push for Negro Civil Rights, Supreme Court decisions highly critical of the police, black rioting, a soaring crime rate, a changing moral code, student unrest, and peace demonstrations all added to police dissatisfaction and frustration, especially since as government's most visible representatives, they had to man the barricades.²

Many policemen viewed the "radical youths" and "militant blacks" as real threats to the American political and social systems, especially when they demonstrated, rioted and cried "off the pigs." Politicians were viewed as too soft on the "unpatriotic" citizens; therefore, policemen felt impelled to play a more active role in saving the system.

Not only was police militancy evidenced by zealous military defenses of the cities, but also by police involvement in the political arena. Activities such as endorsing political candidates, lobbying, participating in public issue forums and debates and running for public


office increased greatly during this period. In New York City, the Police Benevolent Association (PBA) spent $500,000 on a campaign to defeat a civilian review board. In Detroit, the Detroit Police Officers Association contributed manpower and finances to Roman Gibbs' 1969 mayoral campaign against Richard Austin, a black man. Policemen in Philadelphia assisted Police Commissioner Frank Rizzo who after winning the 1971 mayoral election made national headlines when he ordered members of the Black Panther Party stripped naked in the streets.

Abuses related to police militancy have not gone unchecked. A black citizens' committee joined with the Guardians, a black police association, in New York City to denounce the killing of a black police officer by a white police officer under questionable circumstances. In a press statement, the PBA was accused of the murder by promoting a policy of "Shoot first and ask questions later." In Berkeley, California, a citizens' group tried unsuccessfully to institute community control of the police. In a number of other cities citizens have marched on city hall or used other means to demonstrate their opposition to police actions.

Attempts by black mayors to suppress some of the increasing police power and activism have been met with opposition by police officers and/or police associations. In Atlanta, Police Chief John Inman refused to vacate his office after he was fired by Mayor Maynard Jackson. Cleveland Mayor Carl Stokes' pullout of white police officers from the riot area elicited an adverse reaction from the Fraternal Order of Police (FOP) and helped spark a white backlash movement against Stokes.

This study grew out of an interest in the reaction of citizens and politicians to complaints of police brutality, increasing police
activism and campaigns to gain control of city governments. The problem addressed in this study is the interrelationship between the police department and its political environment.* Emphasis is placed on the mayor, city council, and the black community in terms of their interactions with the police.

Particular emphasis has been placed on the black community for several reasons. First, most documented conflict between the police and citizens involves blacks. Second, many of the larger cities now have black populations that are large enough to exert significant political power; yet, the police forces have remained predominantly white (especially the supervisory and administrative officers). There is a need to explore the conflicts and potential conflicts that result or may result from such situations. Third, police militancy (the kind being studied) is a direct outgrowth of activities in the black community during the sixties. Fourth, the author is a black person who feels that police-black community relations have, for the most part, been explored from a biased perspective by white researchers.

The main purpose of this study is to identify and evaluate the key issues relevant to police-political environment relations in predominantly black cities. It is expected that this assessment and evaluation will increase the understanding of how conflicts develop and the long and short range effects of conflicts and community intervention on the police system and the political environment.

*Political environment is used to include the city administration, legislative body, community, media, judiciary, and other units outside the police department that interact with the department and its members.
CHAPTER I

METHODS AND PROCEDURES

Assumptions

Hypotheses were not formulated for this study because of its exploratory nature. An exploratory study was undertaken because the sample size was small—number of cities and persons to be interviewed. Additionally, studies of this type are relatively new in political science, and hence there is a need for concept clarification and suggestions for research emphases and priorities. Nevertheless, several assumptions have been formulated for description, explanation and analysis.

1. The underlying assumption of this study is that the political environment has an influence on the police. No attempt was made to determine the exact amount of influence due to inadequate measurement tools.

2. The community has been identified as a major actor within the political environment; therefore, it is assumed that community pressure has been a major factor underlying change that has been effectuated in the police system. Community pressure has been defined as any mass persistent means employed by civilians to bring about a desired result.

3. Community pressure is related to perceptions of the state of police-community relations, i.e., there is a positive relationship between poor police-community relations and demands for change in the
police department.

4. No one strategy can successfully bring about change in the police department; however, the effectiveness of a strategy increases with the resources that are available to a particular actor or organization. Organizations that possess financial resources as well as political resources are more likely to be successful.

Concepts

Police system has been defined as the institutional arrangements, formal and informal units, and values that are present within the police department as it exists as a division of the local government.

The police department personnel have been divided into two categories: police administrators and rank and file police officers. Black police officers and black police organizations have been isolated in some instances as separate categories within the police department. This isolation was done for several reasons. First, the emphasis of this
study is the black community. Second, both police departments in the study have been charged with racial discrimination. Third, there is a need for more study of the black police officer and the black police organization.

Political environment has been defined as the formal and informal institutions outside the police department that are influenced and affected by the police and that try to influence the police. Agencies of the political environment included city officials, the community, the judiciary, the media, business, organized crime, state officials, and federal officials. The major emphasis of this study has been placed on city officials and the black community.

Figure 1 illustrates the author's conceptualization of a police system. The inputs into the system have been identified as (1) rule-making; (2) manpower; (3) finance; (4) moral and strategic support; (5) personnel appointment and review; and (6) pressure for change.

The outputs include (1) protection; (2) service; (3) recovery of property; (4) apprehension of criminals; (5) brutality and mistreatment; (6) political support; and (7) political pressure.

The inputs by the political environment determine in large part the outputs the political environment will receive from the police department. For example, police officers may react to a reduction in the police budget by city officials by slowing down police services.

On the other hand, outputs by the police department have a big influence on the inputs by the political environment. Harassment and brutality of community residents may be met by a lack of support for police officers in apprehending criminals.
FIGURE 1 - A POLICE SYSTEM

Inputs

City Officials
- Rule-making
- Finances
- Personnel appointment and review
- Pressure for change
- Moral support

Community
- Manpower
- Pressure for change
- Moral and strategic support

Other Agencies
- Finances
- Rule-making
- Pressure for change
- Moral and strategic support

Outputs

City Officials
- Protection
- Harassment
- Political Support
- Political Pressure

Community
- Service
- Protection
- Brutality & Mistreatment
- Apprehension of criminals
- Recovery of property

Other Agencies
- Service
- Harassment
- Protection
- Recovery of Property

POLICE DEPARTMENT

Police Administration

Rank and file police

Black police

Police Organizations

Feedback
Means of Analysis

Several key issue areas have been isolated for use in analyzing the impact of the political environment on the police department. Initially, the author was using policy outputs to analyze the impact of the political environment, but this method was rejected in favor of the use of issue areas. "Policy outputs and impacts are difficult to identify and measure, they often have long-term and overlapping spill-over effects that cannot easily be understood or predicted."¹ Issue areas may be as difficult to measure, but they are more easily identified. They also lend themselves to more comprehensive analyses because the major actors involved include non-bureaucrats as well as bureaucrats.

The issue areas used in this study are: (1) police personnel issues—(a) recruitment, selection and training, (b) residency requirements, and (c) appointment and removal of the police chief administrator—and (2) police-civilian relations—(a) police brutality and (b) civilian complaint redress. The factors used in the selection of the issue areas were: coverage by the news media; involvement of actors from the political environment; duration of the controversy; and existence of the issue in other jurisdictions. Each issue will be analyzed in terms of the involvement of the local political environment, that is the black community and local governmental officials. Each issue will also be analyzed using the diagram shown in Figure 2.

FIGURE 2 - ISSUE ANALYSIS SCHEME
The term "what" has been defined as the issue—its background and any accompanying issues. "Who" refers to the actors involved and how they became involved in the issue. Methods and strategies refer to the tactics employed to achieve goals and to settle the controversy. "Consequences" have been divided into results and implications. Results refers to the settlement of the issue and the rewards and achievements of the actors involved. Implications is used to denote long and short range effects of the results. Future predictions concerning the issue will also be included in implications.

The Cases

Two cities, Atlanta and Newark, were chosen for this study. The choice was influenced in large part by the size of the cities and the lack of available research. Most of the police studies have concentrated on the larger cities, such as Chicago and New York, with little attention given to cities the size of Newark and Atlanta. Only four books dealing with the Atlanta police were found—only one was based on research findings.² Only one book was found that focused on the Newark police.³

In order to better explain the similarities and differences between Atlanta and Newark and the reasons why each was chosen as a study city, a brief profile of each city was developed.


³Moss, Black Political Ascendancy in Urban Centers.
Atlanta is a southern city with a population of 496,973, a land area of 131.5 square miles, and a population density of 3,793.7 per square mile. During the period from 1960 to 1970, Atlanta experienced a 2 percent population increase, but the black population increased from 38 to 51 percent during the same period (table 1). The majority of Atlanta's population, 79.8 percent, were born in Georgia. (Only 2.3 percent of the population was of foreign or mixed parentage.)

**TABLE 1**

**CITY POPULATION PROFILE, 1970**

<table>
<thead>
<tr>
<th></th>
<th>Atlanta</th>
<th>Newark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>496,973</td>
<td>382,417</td>
</tr>
<tr>
<td>% Change 1960-1970</td>
<td>+2</td>
<td>-5.6</td>
</tr>
<tr>
<td>Density per square mile</td>
<td>3,793.7</td>
<td>15,934</td>
</tr>
<tr>
<td>% Black</td>
<td>51</td>
<td>54</td>
</tr>
<tr>
<td>% Foreign or mixed parentage</td>
<td>2.3</td>
<td>12.4</td>
</tr>
</tbody>
</table>

*SOURCE: U.S. Bureau of Census, 1970*

Despite the fact that blacks made up a majority of Atlanta's population in 1970, they did not enjoy the majority of the economic rewards (table 2). The median income for black families, $6,451, was only 61 percent of white family income. Close to 15 percent of all black families were receiving some form of public assistance; and 25.1 percent lived below the poverty level. Only about 9 percent of black workers were hired in professional and technical jobs compared to close to 14 percent of all workers. Nine percent of black workers were hired as laborers, while only 5.7 percent of the total work force were laborers.
### TABLE 2

**CHARACTERISTICS OF THE BLACK POPULATION, 1970**

<table>
<thead>
<tr>
<th></th>
<th>Education</th>
<th>Employment</th>
<th>Income</th>
<th>Poverty</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Atlanta</strong></td>
<td><strong>Newark</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Median yrs. completed-males</td>
<td>9.9</td>
<td>10.1</td>
<td>$4,952</td>
<td>25.1</td>
</tr>
<tr>
<td>Median yrs. completed-females</td>
<td>10.2</td>
<td>10.6</td>
<td>2,957</td>
<td></td>
</tr>
<tr>
<td>% High school grads-males</td>
<td>33.4</td>
<td>31.7</td>
<td>6,451</td>
<td></td>
</tr>
<tr>
<td>% High school grads-females</td>
<td>34.6</td>
<td>34.8</td>
<td>4,661</td>
<td></td>
</tr>
<tr>
<td>% males unemployed</td>
<td>4.0</td>
<td>7.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% females unemployed</td>
<td>6.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Median earnings, 1969-males</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Median earnings, 1969-females</td>
<td>$2,957</td>
<td>3,944</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Median family income</td>
<td>6,451</td>
<td>6,742</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean female-headed household</td>
<td>4,661</td>
<td>4,739</td>
<td></td>
<td></td>
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<tr>
<td>% families below poverty level</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean income of poor families</td>
<td>$2,079</td>
<td>$2,355</td>
<td></td>
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</tr>
</tbody>
</table>

**SOURCE:** U.S. Bureau of Census, 1970

These economic disparities exist in spite of the fact that black educational attainment is not very different from white attainment (table 2). The median school years completed by black adults in 1970 was ten years or 81 percent of white adult attainment—12.3 years.

In 1970 Atlanta had a reported crime rate of 3,099.3 per 100,000 population. This rate was higher than the central city average—2,711.7. In 1972 Atlanta was selected as a High Impact city by the Law Enforcement Assistance Administration. The High Impact Anti-Crime Program was initiated in eight cities to assist them in developing,

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implementing and evaluating programs that addressed stranger-to-stranger crimes and burglary.

Of the $15 million Atlanta spent on its criminal justice system in 1970, 84.9 percent was spent on the police (table 3). There were 1,080 police officers on the police force, making 2.2 officers per 1000 population and 8.2 officers per square mile.

**TABLE 3**

<table>
<thead>
<tr>
<th>Crime Rates and Criminal Justice Expenditures, 1970</th>
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<tbody>
<tr>
<td><strong>Crime Rates per 100,000 pop.</strong></td>
</tr>
<tr>
<td>---------------------------------</td>
</tr>
<tr>
<td>Atlanta</td>
</tr>
<tr>
<td>3,099.3</td>
</tr>
<tr>
<td><strong>Total Spent (M)</strong></td>
</tr>
<tr>
<td>15</td>
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<tr>
<td>23</td>
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</tbody>
</table>

**SOURCE:** High Impact Anti-Crime Program, National Level Evaluation

Atlanta was first incorporated as a municipality in 1847 with a weak mayor-council form of government. Under this type of government, the mayor's appointive and veto powers are limited.

Atlanta has had a history of conflict with the state government. Much of the conflict has been related to the state legislature's attempt to control city affairs. The legislature was able to legally enact much local legislation that was objectionable to city officials because Atlanta did not have home rule.
The Georgia Constitution provides for home rule in Article IX, Section 3. In spite of the fact that the constitution commanded the legislature to enact home rule legislation, the legislature refused to comply. The constitutional provision was changed in 1954 to "permit" rather than "command" home rule legislation. The legislature did not enact a home rule bill until 1966.

The city charter that was in effect during the study period was adopted by the legislature in 1953 despite the objections voiced by the Atlanta Board of Aldermen. The charter was a special charter that detailed the structure, powers, and duties of the city government. During the study period, a charter commission drafted a new city charter that went into effect in 1974.

The Atlanta City Charter of 1953 is an example of a specific but ambiguous charter. Control over the police department is given to the mayor, chief of police, and the police committee of the board of aldermen (city council). Section 8.1.1 grants power to the mayor and the board of aldermen. It states:

All power over the police department shall vest in and be exercised by the authority of the mayor and the board of aldermen, or in the discretion of the mayor and board of aldermen, through the appropriate committee of said mayor and board of aldermen. The mayor and the board of aldermen, or said committee in the discretion of said mayor and board of aldermen, shall have the exclusive power, and it shall be their duty, to appoint such police officers and policemen as in or may be prescribed by ordinance. They shall exercise full discretion and control of officers and members of the police force, in conformity to existing laws and ordinances, and such as may be made applicable to the subject.
Section 8.1.2 expands the powers of the mayor and the board of aldermen:

...aid mayor and board of aldermen, or said committee exercising its authority as aforesaid, shall be authorized at any time to discharge officers or men, or other employees of the department, without any liability attaching to the city on account of said discharge.

In Section 8.1.5 the charter gives the chief of police controlling authority over the police department:

The chief of police shall be chief executive officer of the department of police, shall have full power and authority over management and conduct thereof, and shall be charged with full and complete responsibility for its efficient operation...He shall have power and authority to give such orders to the officers and members of the department of police as he may deem proper; and it shall be their duty to render to him and his orders implicit obedience.

Section 8.1.6 gives the chief of police exclusive assignment powers and the power to make changes from time to time; yet, the police committee is given the power to formulate rules and regulations subject to the approval of the chief and mayor and board of aldermen.6

The police chief, mayor and board of aldermen are all given suspension powers. This power is granted to the mayor and board of aldermen in Section 8.1.13, while Section 25-52 of the Code of Ordinances grants it to the chief of police prior to disposition by the police committee. The Charter and Code are not explicit as to whether or not the police committee and the mayor have suspension powers prior to action by the chief of police.

The Rules and Regulations of the Police Department do not offer any enlightenment on the power confusion. The preamble indicates that the Police Committee is the "Head of the Police Department." Rule 2

6Section 25-1, Code of Ordinances.
defines "head of the police department" in the following terms:

The Police Committee of the Board of Aldermen governs and controls the business and affairs of the Police Department and is vested with and exercises all powers conferred by the State and the Ordinances of the City.

However, Rule 20 gives the chief control to the department:

The Chief of Police shall be the Chief Commanding Officer of the entire Police Department. He shall have full power and authority over the management and conduct of the Department and shall be charged with full and complete responsibility for the successful and efficient operation of such Department, subject to the laws of the State of Georgia, to the Ordinances of the City of Atlanta and to the rules and regulations of the Police Committee of the Board of Aldermen. He shall have the power and authority to give such orders to the officers and members of the Department of Police as he may deem proper, and it shall be their duty to render to him and his orders implicit obedience.

At the beginning of the study period, the Atlanta Police Department not only had a very confusing division of power, it also had a confusing police organizational structure (figure 3). There were six major divisions: service, detective, traffic, uniform, training and crime prevention. Missing persons and community relations were part of the crime prevention division. In addition to the crime prevention division, there was also a crime prevention section in the uniform division.

The International Association of Chiefs of Police (IACP) conducted a survey of the Atlanta Police Department in 1971 and recommended that the organizational structure be changed to include four bureaus: inspectional services, field operations, administrative services and technical services. The police department changed its structure in

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FIGURE 3 - ATLANTA POLICE ORGANIZATIONAL CHART (1970)
1971 to reflect the IACP recommendations, but in 1972 it added another bureau, crime control, and another division, the Fulton County Division. The Fulton County Division was added in an attempt to prevent the county from withdrawing from its contract for police services.

Most of the land area of Atlanta lies in Fulton County, but part of Atlanta extends into DeKalb County. In 1952, Atlanta entered into a contractual agreement with Fulton County called the Plan of Improvement which consolidated many of the city and county services, such as hospitals and health care, welfare, and police and fire protection. Under the contract, the Atlanta Police Department agreed to provide police services for the unincorporated areas of the county at cost which was less than that of maintaining a separate force. The cost of the first year of operation was $131,717.98. The population of the unincorporated area was over 100,000.

Despite the savings to taxpayers, the contract served as a constant source of conflict between the city and county. Some county commissioners complained because they did not have enough influence over police policy. Others did not like the fact that the police cars bore the name "Atlanta Police Department" rather than "Fulton County Police Department."

Another variable was added to the conflict when a black majority population in Atlanta became inevitable. Rumors spread that Atlanta would get a black mayor who would appoint a black police chief or that the white candidate, Massell, if elected, would appoint a black chief. Whites were fearful that a black chief would not protect them from black rioters and criminals. Former Atlanta Police Chief Jenkins states
that the whites "did not want a police force that was part of black Atlanta but instead wanted a force that was separate and under their total control and certainly mostly white."  

In November 1972, the Fulton County Commissioners voted to create a separate police force in the unincorporated areas of the county. The decision by the county commission provoked a sharp response from Atlanta Police Chief Inman who called the decision a political one. Inman felt that the vote was a reaction to some personnel changes he had made.

By this time, the city of Atlanta had become predominantly black, and there was much speculation that the next mayor would be black. The policing contract was a big issue in the 1970 commissioners' election; therefore, the commissioners probably felt impelled to cancel or modify the contract. Between 1970 and 1972, the contract was modified to give county officials more control over police policy in the unincorporated areas. Evidently these modifications were not enough because a resolution was passed calling for the establishment of a county police force by March 1973. The force was not established until 1974 (after a black mayor had been elected and a black police commissioner had been appointed).

It has been concluded by a number of authors, scholars as well as journalists, that the Atlanta city government is dominated by the downtown businessmen. Some of these authors have also paid special attention to the relationship between blacks and the white power

8Jenkins, Forty Years on the Force, p. 63.

structure. In 1937 when William Hartsfield was elected mayor, he recognized the political potential of black voters by establishing an informal consultation process with members of the Negro Voters' League and some black businessmen. This consultation continued during the administration of Ivan Allen, a wealthy businessman. During this period Atlanta was able to promote its image as "The City too Busy to Hate."

In 1969 Sam Massell was elected the city's first Jewish mayor with the support of blacks and northside whites, but without the support of the Chamber of Commerce. This study focuses on the Massell Administration.

Newark is a northeastern city located outside New York City with a population of 382,417, a land area of only 23.5 square miles and a population density of 15,934 per square mile (table 1). During the period from 1960 to 1970, Newark experienced a 5.6 percent decrease in population. During the same period, the black population increased from 34 to 54 percent, and Newark became the second U.S. city to have a majority black population. The city has a large number of persons who have migrated from other countries or other states. Over 12 percent of the population was foreign born or of mixed parentage, and 27.8 percent were born in another state.

Black workers hold similar jobs as whites, but there is a wide income disparity (table 2). The median family income for nonwhite families is only 69 percent of the income of white families, and over 23 percent of all black families live below the poverty level. Over 6 percent of black workers hold professional or technical jobs compared to 8 percent of all workers. The percentage of black laborers is the same as the percentage of all laborers in Newark.
In 1970 approximately one-third of all black adults in Newark were high school graduates. The number of nonwhite high school graduates was 91 percent as great as white high school graduates.

Newark's reported crime rate for 1970 was a high 4,865.6 per 100,000 population or 4.9 crimes per 100 population (table 3). This rate was much higher than the central city average and Atlanta's rate. Newark, like Atlanta, was chosen to participate in the High Impact Anti-Crime Program in 1972 in an effort to reduce its crime rate.

In 1970 Newark spent over $22 million on police expenditures. This figure represented 96.1 percent of its total criminal justice expenditures. Despite its smaller population, Newark had 1,707 police officers, 4.5 officers per 1000 population, and 72.6 per square mile. Its police department was divided up into four precincts: East, West, North and South.

In 1948 the New Jersey legislature broadened the home rule powers of its municipalities through the passage of the Optional Municipal Charters Law (Faulkner Act). This act provides fourteen forms of local government from which municipalities can select. Municipalities are now free to adopt a charter without the approval of the state legislature. Newark adopted Mayor-Council Plan C under the Faulkner Act. This plan calls for a strong mayor-council form of government. The strong mayor plan, which is found in many large cities, provides for a division of powers between the mayor and the council: The mayor is in charge of executive affairs, and the council is in charge of legislative affairs. The mayor enjoys veto, appointive, budget-making, and removal powers.

The chief administrator of the police department is the police director. The director's position is a political appointment which is filled by each incoming mayor with the consent of the city council. There have been several attempts to abolish the police director position, but they have all been unsuccessful. The second ranking position, the chief of police, is a civil service appointment.

The Newark city charter and ordinances are not as confusing as Atlanta's are. The Newark city charter is a general government plan that does not define specific departmental functions and rules.

The Revised Ordinances of the city are quite explicit concerning the division of power between the city government and the police director. Section 20:1-4 states that the director is the "chief executive of the police department." The section indicates further that the director shall:

(b) Make, administrate and enforce rules and regulations for control, disposition and discipline of the department and its officers and employees;

(c) Establish procedures for the hearing and determination of charges of violation of departmental rules and regulations by any members of the police force...;

(e) Have and exercise all functions, powers and duties of a department head...;

(f) Have complete and exclusive power for the assignment and reassignment of (1) patrolmen as detectives, (2) sergeants as detective-sergeants, and (3) lieutenants as detective-lieutenants, to uniform, and other police duties in the police department.

The role of the mayor is limited to the appointment and removal of the director and to service as chief executive officer by providing direction and supervision for all department heads. The city council is limited to legislative functions such as approval of financial
matters, approval of mayor's police director appointee, and passage of laws and ordinances.

Newark's organizational structure has not gone through many changes like the Atlanta structure. During the study period the department consisted of six divisions: administrative; internal affairs; detective; patrol; traffic; and staff service (figure 4).

During the 1930s many whites began to move to the suburbs, and blacks, Puerto Ricans, and Cubans started moving into Newark. The exodus of many businesses and middle class whites created financial problems for the city, and the influx of poor people contributed to high unemployment. A political struggle developed between the Irish who had traditionally controlled city hall and the Italians who were steadily increasing their political influence. In 1949 under the commission form of government, Newark got its first Italian mayor. Four years later, he was removed from office after he was indicted for involvement in a shakedown racket.

Newark's city government has had a long history of corruption. During the period between 1936 and 1945, there were eight grand jury investigations which resulted in critical presentments against Newark officials. A reform movement in 1954 successfully changed the form of government from the commission form to a strong mayor system. The reformers felt that a change in government would help ward off corruption and inefficiency, but their expectations were not realized.

In the 1962 mayoral election, eight-term Italian congressman, Hugh Addonizio, through an Italian-black coalition, was elected mayor. Addonizio gave more city government jobs to blacks than any previous
FIGURE 4 - NEWARK POLICE DEPARTMENT ORGANIZATIONAL CHART (1974)
mayor, but many blacks wanted more. The major split between Addonizio and the blacks came over the issue of police brutality. This was one of the major causes of the 1967 riot which destroyed any possibility of the Italian-black coalition regrouping. A new coalition, a black-Puerto Rican coalition, was developed, and in 1969, Newark elected its first black mayor, Kenneth Gibson. Addonizio was indicted prior to the election; he was found guilty and sent to prison after the election.

Many blacks expected overnight changes with the election of a black mayor. They saw this as an end to economic problems, racism in city government, police brutality, corruption, and all the other ills from which Newark was suffering. Gibson came into office with a reputation of being an honest man, and he had the overwhelming support of the black and Puerto Rican communities. Nevertheless, there were several missing variables that would affect the ability of the Gibson administration to bring about meaningful changes: a supportive city council, adequate funds, and support from the white community.

Study Period

The focus of this study is placed on the Sam Massell Administration—January 1970 through December 1973—and the first Gibson Administration—August 1970 through July 1974. These periods were chosen because they reflect "new days" in both cities. Massell was the first Jewish mayor of Atlanta, and Gibson was the first black mayor of Newark. Both Massell and Gibson were elected with the overwhelming support of the black community, and blacks had high expectations of both of them. Both began their terms of office without the support of the business community and the "old guard" politicians.
This period marked the beginning of a new decade. Both cities had experienced race riots during the previous decade, and much racial polarization was evident. The black population in both cities had increased to the point that blacks were in the majority. This increase was manifested in the election of Massell and Gibson. Was this increase in size felt in the police area? Did blacks gain more influence over police policy and issues? These questions will be addressed in this study.

The Sample

In order to get a full picture of the interrelationship between the police and their political environment, four sample groups were selected from each city: police administration, city council, police organizations and community organizations. Because of the relatively small number, the entire population of top police administrators (chiefs, assistant chiefs and division heads) in both cities as well as the entire population of city council members were used instead of a selective sample.

Five persons from each police organization were originally included in the sample. These five persons included presidents, vice-presidents and/or high officeholders in the organization during the study period. The predominantly black police organizations representatives were interviewed, but there was a lack of response from predominantly white police organizations.

All community organizations identified as being directly involved with the police and the black community during the study period were included in the sample. Community organizations were identified by
community activists, newspaper stories, members of other organizations and personal knowledge. One representative of each organization that agreed to participate in the survey was interviewed.

Data Collection

Four different instruments—one for each of the four sample groups—were developed for the study (see Appendices A-F). The same instruments were used in each of the cities with only minor changes to reflect particular issues or names that differed.

Twenty-four questions were repeated on each questionnaire to allow for some cross-group comparisons. These twenty-four questions represented over half of the questions on each instrument.

In addition to structured questionnaires, informal interviews were conducted with mayors, media representatives, political observers and police officers. Interviews were used because there was a need for more flexibility than the structured instrument allowed. There was also a need to probe fully into ideas and responses due to the sensitivity of the issue.

All of the informal interviews were conducted by the author. Questionnaires were administered by the author with the assistance of graduate and law students.

Additional and supplementary data were obtained from a number of sources. Newspapers were examined for information as well as editorial comments. Statistical records; books; articles; governmental and private reports and studies such as ones prepared by Research Atlanta, Atlanta Regional Commission and the International Association of Chiefs of Police; legal material; and firsthand observations were used to supplement survey findings.
A survey of the relevant literature is given in Chapter II.

In Chapter III the police personnel issues—recruitment, selection and training; residency, and selection and removal of the police chief administrator—will be discussed and analyzed by focusing on the background of the issue and the actors who were involved. The police-civilian relations issues—police brutality and civilian complaint redress—will be discussed and analyzed in Chapter IV.

Chapter V is devoted to a discussion of the methods and strategies that were used by the various actors and agents to bring about change in the police departments.

The results and implications of demands and efforts to bring about change will be analyzed in Chapter VI. Some attention will be given to events since the study period and the implications of this study for future research.
CHAPTER II

THEORETICAL BACKGROUND

Political scientists have only recently included the police within their scope of inquiry.\(^1\) An examination of urban politics books prior to the sixties revealed little or no discussion of the police.\(^2\) A number of political science studies have addressed the issue of the administration of justice; however, these studies have tended to deal with the judiciary with passing attention given to lawyers and an occasional nod given to the police.\(^3\) With this lack of attention by political scientists, research and theory development in the area of police studies have come almost exclusively from sociologists.

\(^1\)Jameson W. Doig noted in 1968 that no articles on police in democratic societies or police activities or behavior studies had been carried in the *American Political Science Review* during the previous 20 years. See "Police Problems, Proposals and Strategies for Change," *Public Administration Review* 28 (September/October 1968): 402. A survey of *APSR* from 1968–1975 revealed that the same situation was in existence.


Role and Function of the Police

The role of police forces during their infant years in the United States was simply "to keep a city superficially clean and to keep everything quiet that was likely to arouse public ire." Since those early days in the middle 1800s, police forces have grown, and police work has become more complicated.

The conceptualization of the function of police in modern society which police officers tend to cite was developed by the Institute for Training in Municipal Administration. The Institute has defined the functions of police as (1) prevention of criminality; (2) repression of crime; (3) apprehension of offenders; (4) recovery of property; (5) regulation of noncriminal conduct; and (6) performance of miscellaneous services. These categories are very broad and general, and do not provide real insight into the actual role and function of police in society.

A number of studies have identified law enforcement and peacekeeping as key functions of the police. James Q. Wilson identifies


essentially the same functions, but he calls them peacekeeping and order maintenance.  

The law enforcement function of police implies that police are charged with full enforcement of all criminal laws. In fact police administrators are reluctant to admit that their departments do not have a policy of full enforcement. This reluctance has been traced by some to a fear that the public will accuse the administrators of "shirking their duty."  

The average citizen, nevertheless, is aware of the fact that police officers have discretionary powers of enforcement or non-enforcement of the law. Goldstein has concluded that police discretion is necessary because (1) laws are ambiguous; (2) a double standard of morality exists; (3) police manpower and resources are limited; and (4) there is an absence of established enforcement priorities.  

Other reasons why discretion is used include: (1) public opinion is interpreted as being favorable to the use of discretion and (2) legislators fail to update laws to reflect present day norms.  

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while acknowledging that police discretion is practically unavoidable, a number of observers have called for openness, guidelines and restrictions on its unlimited use.\textsuperscript{11} It has been noted that secrecy and failure to acknowledge the use of discretion lead to injustice and leave individuals with confusion as to the proper recourse.\textsuperscript{12}

...Some police administrators believe that discretion serves as a breeding ground for corruption of individual police officers. The integrity of a police officer can more readily be observed if there is an exact scale against which his actions can be measured. The exercise of police discretion would make this measurement difficult and hence increase the problem of detecting evidences of corruption within the department.\textsuperscript{13}

The National Advisory Commission on Criminal Justice Standards and Goals has recommended that every police chief executive should:

1. have the authority to establish his agency's fundamental objectives and priorities and to implement them through discretionary allocation and control of agency resources;

2. establish policy that guides the exercise of discretion by police personnel in using arrest alternatives;

3. establish policy that limits the exercise of discretion by police personnel in conducting investigations, and that provides guidelines for the exercise of discretion within those limits;


\textsuperscript{12}Kenneth Davis, Discretionary Justice (Baton Rouge: Louisiana State University Press, 1969).

\textsuperscript{13}Municipal Police Administration, p. 14.
4. establish policy that governs the exercise of discretion by police personnel in providing routine peacekeeping and other police services that, because of their frequent occurrence, lend themselves to the development of a uniform agency response;

5. formalize procedures for developing and implementing the foregoing written agency policy;

6. immediately adopt inspection and control procedures to insure that officers exercise their discretion in a manner consistent with agency policy.14

The role of the police in crime prevention has not been given as much attention in the literature as the law enforcement function.15 This lack of attention may be indicative of a lack of police attention devoted to crime prevention. It may also be due in part to definitional confusion as evidenced by the literature. In a tabular presentation of the major police activities, Bruce Smith defines crime prevention as "protective work with women and juveniles," "supervision of delinquent boys' activities," and "juvenile aid programs."16 John P. Kenney states that crime prevention has traditionally been considered police work with juveniles and/or police activities aimed at the elimination of people's desire to commit crime. "Just how the police accomplish this

14National Advisory Commission, Police, pp. 22, 23.


Several authors have criticized the use of simplistic definitions to explain the police function. One of the most outspoken is Egon Bittner who argues that:

Because such statements of function are abstract and do not restrict the interpretations that can be given to them, they can be easily invoked to serve the polemic purposes of those who find fault with existing practices as of those who sound the fanfare of praise of the police. Nor is it very helpful to elaborate the official formulas in finer detail as long as the elaborations remain on the level of abstract moral, legal, or political theory.

Several persons have addressed the definitional problem by attempting a class analysis of the role of police in the United States. In 1943, William Whyte identified the role of the police as a buffer between middle class and lower class values. In an attitudinal survey, William A. Westley found a difference in attitudes toward the protection of the lower class and the "better class" of people. Another author concluded that status based attitudes are reflected in the "quality of justice" received by individuals in the United States.

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21 McDowell, Police in the Community, pp. 2, 3.
Organization and Management of the Police

Police departments are organized around a quasi-military model which was developed by Sir Robert Peel, England's Home Secretary in 1829.\textsuperscript{22} In spite of the fact that police departments in the United States have been based on the military model since their beginning, few analyses of the effectiveness of the model can be found in the literature.

One notable exception was written by Bittner who concludes that while the military model may work for resolving problems of internal discipline, it does not resolve problems relating to the community.\textsuperscript{23} He further states that problems of command authority are created and relevant training programs are subverted. Lee Brown states that the military model should be abandoned in favor of "modern concepts of management that recognize the human aspect of organization."\textsuperscript{24}

The elements underlying the organization of police departments were taken from Max Weber—rules and regulations, hierarchy of authority, division of labor, unity of command, specialization.\textsuperscript{25} Weber's conceptualization has come to be known as the classical approach.

Formal organization theory as it relates to the police was popularized by O. W. Wilson\textsuperscript{26} and the International City Management

\textsuperscript{22}For a brief history of the police, see President's Commission, Task Force Report, pp. 3-7.

\textsuperscript{23}Bittner, Functions of the Police, pp. 52-62.


\textsuperscript{26}Police Administration (New York: McGraw-Hill, 1950).
Association. These two studies borrowed public administration concepts to explain the organization of police forces.

Since the publication of the early works, a number of writers have tried to distinguish between formal and informal police organization. Formal organization is used to identify the established structure and relationships of the police department, while informal organization refers to the human aspects and informal relationships.

Systems analysis is one of the more recent approaches applied in explanations of police organization. Systems analysis differs from classical and neoclassical theory in that it views organizations as open, not closed structures. Several benefits of the systems approach to police administration have been identified in the literature. The systems approach is (1) a vehicle for permeating organizational boundaries of police administration; (2) a means of dealing with complexity; (3) a new perspective on organization; (4) a conceptual underpinning for the development of an empirical tool (systems analysis and design); (5) a theoretical approach; and (6) a potential fund of scientifically pragmatic information.

Most discussions of the systems approach only point out the benefits while ignoring the limitations. Kenney, borrowing from Yehezkel Dror, suggests that until the systems approach becomes more adaptable to qualitative and political phenomena, it will have only

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limited utility.30

Police and the Legal System

A number of legal issues studies have focused on the effect of Supreme Court decisions such as Kapp, Escobedo and Miranda.31 Many of the resulting studies represented attempts to allay some of the fears law enforcement officials were expressing. In reference to Escobedo, Donald Dowling concluded that "contrary to some popular belief, the Supreme Court did not hold a wake for policemen; it did not bury the confession; nor did it alter basic principles of law enforcement."32 A study conducted in Detroit during the period from January through October 1965 found that the confession rates to obtain convictions increased or remained unchanged after Escobedo.33 Niederhoffer, a former police officer, has concluded that the Supreme Court decisions have not affected the effectiveness of police officers, but they have promoted cynicism.34

30Kenney, Police Administration, p. 147.
Studies of the effect of court decisions on the police have led to evaluations of the relationship between the Supreme Court and the police. These evaluations can be placed into two categories: those which focus on the role of the courts in police control and those which analyze the limitations of judicial control.

In spite of what the police may have led the public to believe about judicial control over police, there seems to be widespread agreement among academicians that the courts do not control the police. Bittner states that the courts exert less control over the police than they do over private lawyers. George Berkley expresses a belief that there should be some judicial control over the police, but, he states "judicial control often fails to provide the total amount of external control which is necessary for a democratic police." On the other hand, Fred Inbau argues that the courts do not have the right to "police the police."

Herbert Jacob has outlined a number of restraints on policy-making by judges which he has categorized into external and internal

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37 Bittner, *Functions of the Police*, p. 25.


restraints. The internal restraints applicable to appellate courts include hesitancy to hear controversial questions; respect for precedent; judicial procedures; and structure of the courts. External restraints include dependence on administrative agencies to carry out decisions; dependence on the legislature for resources with which to operate; ability of executive to initiate and prosecute cases; ability of state courts to ignore federal rulings; dependence on legislatures for jurisdiction and structure; and power of legislatures to nullify court decisions by initiating a constitutional amendment or by passing legislation which overturns a court decision.

Specifically focusing on the Supreme Court and its powers over the police, Anthony Amsterdam states that the Supreme Court has limited powers due to the fact that few cases reach the Supreme Court, and the Supreme Court cannot act on a practice until it becomes a lawsuit issue. He also argues that the Court is handicapped due to the absence of laws pertaining to police practices and the fact that Court decisions must filter down through lower courts and police officials who tend to be "solidly massed against the criminal suspect."

Bittner admits that Supreme Court decisions have influenced police practices, but he distinguishes between "control" and "influence".

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Yet, the Court's influence is viewed as being limited by (1) the police's ability to harass outside the legal system, (2) the number of cases that are not appealed, (3) public opinion swayed toward toward the police and (4) police activities that are outside the realm of the legal system.43

Some authors during the Warren Court era were optimistic about the future of the Court's influence. In fact one stated that he expected "that the Supreme Court will gradually limit any official right to question a person except in the presence of counsel."44 However, in light of the changed philosophy of the Court, such optimism is unfounded.

In spite of the fact that there is widespread agreement that the courts should play a role in protecting citizens' constitutional rights, other ways of controlling police practices have been suggested. Herman Goldstein states that legislatures should develop more specific guidelines for the police, but police departments must play the major role in formulating day-to-day policies for police practices.45 On the other hand, Charles Reich argues that the community should play the major role in legislatively and administratively establishing guidelines for the regulation of police work and service.46

**Police and the Community**

In recent years, a number of police-community studies have

43Ibid., pp. 28-29.


46Reich, "Police Questioning," p. 250.
appeared in the literature. These studies have covered issues such as community control of police and police-community relations programs within police departments.

Much of the literature was inspired, directly or indirectly, by race riots, especially the ghetto uprisings of the sixties. Riot studies tend to focus on the police role in causing, containing and preventing riots. The National Advisory Commission found that the police were responsible in part for the riots in many cities. In a study of seventy-two race riots during the period from 1913 through 1963, Lieberson and Silverman found that fifteen were precipitated by "killings, arrest, interference, assault, or search of Negro men by white policemen."

These same studies and others criticized police handling of uprisings and suggested ways the police can help to prevent riots.

Other studies, unrelated to race riots, have shown that most of the problems between the police and the community result from conflict.

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48Report of National Advisory Commission, pp. 120-21; 206; 299; 302-305.

between minority persons and the police. Robert Wintersmith found a relationship between the slave system and the establishment of police forces resulting in hostile relations between blacks and the police. He states that

During this nation's early history, interracial relationships were based on white supremacy and Black inferiority, which was rendered operational through the institution of slavery. It was clear, however, that many Blacks would not willingly succumb to their prescribed inferior status as evidenced by the numerous slave uprisings and revolts. Hence, as early as the seventeenth century, police departments were created by law to assure the maintenance of this rigid social status differential of superhuman whites and subhuman Blacks. These early police departments existed solely for the security and protection of white citizens and their communities from Blacks.

Some studies have found negative police attitudes toward blacks. In a study conducted in the 1950s, Westley found that "no white policeman with whom the author had had contact failed to mock the Negro, to use some type of stereotyped categorization, and to refer to interaction with the Negro in exaggerated dialect when the subject arose." In a survey of policemen in a large West Coast department, Jerome Skolnick found that white policemen tend to view black men with


52 Ibid., p. 107.

Data collected in Boston, Chicago, and Washington, D.C., in 1966 indicated that 79 percent of white policemen assigned to black precincts were prejudiced.

Some authors state that police attitudes toward blacks are a mere reflection of the attitudes of society at large. In a Denver study, police officers were found to be "only slightly" more prejudiced than members of the "dominant" public.

Blacks and hispanics are aware of negative police attitudes toward them; therefore, they tend to view the police with suspicion and distrust. Whites, on the other hand, tend to view the police much more favorably. James Baldwin has written of black attitudes toward the police:

"Their very presence is an insult, and it would be, even if they spent their entire day feeding gumdrops to children. They represent the force of the white world, and that world's criminal profit and ease...."

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Skolnick concludes that police are not trusted in the ghetto because of their offensive actions and language, their failure to carry out their fundamental duties, and because their presence symbolizes a hostile occupying force. A study of relationships between Mexican-Americans and the police revealed that

In the barrio they are not called policia in proper Spanish, but the name of their stigma, placas, pigs, gabachos, chortas, dog pack, pendejos, Mister, motherfuckers, los muertas, the man....In the streets there is unseen warfare, not between gangs of boys, the Pachucos of legend--that is a daily headline--but between ordinary citizens and the police.

Bayley and Mendelsohn also found hostility and dissatisfaction with police performance in Spanish-speaking communities.

The establishment of separate police-community relations units within police departments influenced a number of articles. Much of the literature, however, is descriptive with little, if any, analysis.

Some articles have dealt with the issue of the need for separate units, while others have focused on the failure of police-community relations units. The Task Force Report called for separate units because otherwise "the job will either not get done or will lack the expertise, coordination, and leadership which are needed." Kenney

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64 President's Commission, Task Force Report, p. 151.
did not deal with the issue of whether a separate unit should be established, rather, he discussed the prerequisites for a successful program. 65

The most common criticism of police-community relations units has been that they have been too public relations oriented. 66 James Ahern has summed up the common theme that is present in much of the literature:

A community that is hostile to police will be increasingly and not decreasingly embittered when on one night a community-relations squad is trying to convince them that the police department is a good thing and the next night the 'real cops' beat a narcotics addict within an inch of his life or arrest someone on trumped-up charges. 67

James Q. Wilson suggests that relations between the police and the community will improve when the police accomplish their objectives of crime prevention, criminal apprehension and order maintenance. 68 Wilson is of the belief that professionalism will improve police-community relations. 69 Bruce Terris, on the other hand, has concluded that evidence supports his thesis that professionalism defined in terms of greater efficiency, better training, and better qualified police officers has done more harm to relations with the community than

65 Kenney, Police Administration, pp. 200-213.
66 Brown, The Death of Police-Community Relations; Skolnick, The Police and the Urban Ghetto.
good. 70

A number of other ways of improving police-community relations have been suggested such as changing police self-images and changing the concepts of police work. 71 Two black authors have made suggestions that have not been comprehensively examined. Wintersmith suggests that the black community be allowed to define its own style of policing "in such a manner as to consider the manipulation of those characteristics to which police officers must subscribe to remain in good favor." 72 Lee P. Brown proposes an eleven point evaluation process which includes the quasi-military model, the goals, reward system, the selection process, police discretion, and patrol practices. Brown concluded that better relations will be dependent upon a "thorough evaluation and change in many of the basic assumptions under which the police currently operate." 73

Police Brutality

The issue of police brutality has not been adequately addressed in the literature—perhaps because many whites do not believe that the concept has a practical meaning. Nevertheless, the President's Commission surveys found that blacks believe that police brutality exists in black communities. The fact that many blacks believe that brutality


72 Wintersmith, Police and the Black Community, p. 77.

73 Brown, Death of Police-Community Relations, pp. 36-46.
is widespread is justification enough for scholarly research.

The attempts to deal with police brutality or some aspect of it include a study of police abuses in New York City which concluded that abuses do not serve their avowed purpose: to create or maintain respect for authority.\(^{74}\) The Journal on Political Repression devoted an edition to the issue of police repression.\(^{75}\) Case studies of Jackson, Mississippi; St. Louis; Chicago; and Atlanta were carried in the edition. Some studies have explored police and citizen attitudes toward police brutality;\(^{76}\) others have examined evidence of brutality in the handling of sex offenders and blacks;\(^{77}\) and others have discussed some of the myths and realities of police brutality.\(^{78}\)

Most of the studies of police use of deadly force were published since 1970. These studies have generally fallen into two categories: (1) studies of firearms policies, and (2) studies of police shootings. Many of the firearms studies have surveyed various state laws and attempted to relate law and policy to the actual use of deadly force by police officers.\(^{79}\) The studies of police shootings have, for the most

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\(^{74}\)Chevigny, Police Power, p. 283.

\(^{75}\)Journal on Political Repression, 1 (June 1975).

\(^{76}\)Bayley and Mendelsohn, Minorities and the Police, pp. 122-29.


part, been case studies, but at least one national study has been attempted. One common theme runs through all the studies: it is difficult to get access to the information needed for such studies. Police departments have been unwilling to release information on police killings; yet, they have criticized the studies for being inaccurate.

**Civilian Complaint Process**

Much of the literature dealing with civilian complaint procedure has been concerned with specific review boards or with attempts to develop boards. Other works have examined the pros and cons of civilian review boards. Perhaps the most comprehensive examination of the good and bad points of civilian review boards was conducted by some Harvard University law students who concluded that the type of civilian complaint procedure depends on the "adequacy of existing departmental procedure."^84


Politics and the Police

Politics and the police is a relatively new research topic for social scientists. The earlier literature tended to focus on political corruption and the spoils system.85

More recent literature has been influenced by the increased political activism of police officers. These studies tend to focus on attempts by policemen to increase their political power.86 Several reasons for the increased activism have been cited in the literature. Eidenberg and Rigert state that it is "more a function of the absence of a tradition of civilian direction than a product of the victory of a new law enforcement philosophy itself."87 Another author has traced the activism to "rising crime tolls and the heated issue of 'law and order'."88

There is also disagreement in the literature concerning the impact of police political participation. Berkley feels that police participation in politics is positive in that it may move policemen from the right toward the center and a more moderate political position.89 On the other hand, Alan Bent sees a danger and a potential threat to

85See Smith, Police Systems, pp. 4-5; 105-106.
democratic principles.\textsuperscript{90} 

Other studies have addressed the issue of civil accountability of the police. Some works have not gone beyond a discussion of the formal structure and organization of police departments;\textsuperscript{91} however, two recent studies have discussed the "political" aspects of civil accountability. Ruchelman, in a study of Chicago, Philadelphia and New York, looked at patterns of police political behavior and the impact of this on the political system.\textsuperscript{92} He developed three models of police politics: mayor-police war, police cooptation of the mayor, and the mayor ascendant. Bent, in a study of Memphis, concluded that under the old machine politics, the police were at least held accountable to city hall, whereas, today, there is a threat of unchecked police power due to the development of police unions as powerful political forces.\textsuperscript{93}


\textsuperscript{93}Bent, \textit{Politics of Law Enforcement}, pp. 63-87.
CHAPTER III

DEMANDS AND SUPPORTS: POLICE PERSONNEL ISSUES

The systems approach to political analysis is based on the premise that political systems are influenced by their various environments—social, economic, geographic, cultural, etc. Each of the environments is made up of persons who try to share the power of the system by placing certain demands on the system. The type of demands made by the environment depends on the nature of the environment and the amount of influence it holds prior to making the demands. Demands and supports by the environment are called inputs to the system.

In Chapter I (figure 1) a diagram of a police system is presented. The two key agents of the political environment of the police system were identified as city officials and the community. This chapter and the following chapter will focus on demands and supports of the city officials and community organization representatives that were fed into the police system in each of the study cities. Two major issue areas which include five major issues—(1) Police Personnel Issues: (a) recruitment, selection, and training, (b) residency, and (c) appointment and removal of the police chief administrator, and (2) Police Civilian Relations: (a) police brutality, and (b) civilian complaint redress—have been used to discuss the demands and supports. These issues were selected because they had created the most controversy, especially in the black community, and there had been more activity on the part of the political environment around these issues. Each issue will be analyzed...
on the basis of "what"—its background and accompanying issues—and "who"—the actors involved and how they became involved with the issue. The actors and their roles refer to individuals or agencies in the study cities that worked for change in relation to the issue and the part that they played in effecting change. Each issue will be defined in general terms applicable to other cities and in specific terms applicable to each study city.

The police department by its very nature lends itself to a number of contacts with its political environment. These contacts may be harmonious or conflictual. The outcome of these contacts very often determines future demands and supports individuals will make on the police department and the response of the department to these individuals.

There is a lack of consensus concerning the proper relationship between the police department and its political environment, especially when the relationship concerns policymaking and change within the department. Respondents in this study—community organization representatives, city council members and police administrators—were asked what role they felt the mayor, city council, and community should play in the determination of police policy. The role choices were strong, weak, influential, and no role. Definitions of the roles were not suggested to the respondents.

With the exception of Newark community organization representatives and Newark police administrators, all respondents tended to feel that the mayor should play a strong role in the determination of police policy (table 4). This finding is not surprising in light of the history of corruption in the Newark mayor's office and the presence of a strong
police union that opposes interference by the mayor. Atlanta's community organization representatives were more in favor of the mayor playing a strong role than any of the other sample groups. This finding is partially explained by the fact that Atlanta had a weak mayor system during the study period; also many Atlanta residents feel that because they elect the mayor, the mayor should be able to hold the police accountable.

TABLE 4

IDEOAL ROLE OF MAYOR IN POLICE POLICY-MAKING

<table>
<thead>
<tr>
<th>Respondents</th>
<th>Strong N</th>
<th>%</th>
<th>Influential N</th>
<th>%</th>
<th>Weak N</th>
<th>%</th>
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Community organization representatives in both cities were more likely than city council members to view their role as a strong one (see tables 5 and 6); however, Atlanta council members were much more likely than Newark members to view their role as a strong one. Police administrators in both cities were asked their views on the role of the council and the community to determine if their views were similar to the
### TABLE 5

**IDEAL ROLE OF COUNCIL IN POLICE POLICY-MAKING**

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### TABLE 6

**IDEAL ROLE OF COMMUNITY IN POLICE POLICY-MAKING**

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<td>22.2</td>
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</table>

*One respondent answered "some role."
other respondents. Atlanta police administrators were more supportive of a strong role for the community and the city council than were the Newark administrators. The response by the Atlanta officials may be due to (1) the tradition of community activism (from a broad cross section) around police issues; (2) the city charter provisions for council involvement in police matters; and (3) the lack of a strong police union. These factors were not present in Newark.

In order to compare the actual role played by the actors of the political environment with the ideal role, respondents were asked what role Mayor Massell/Gibson, the city council and the community played in the determination of police policy. Only three respondents—all Atlanta administrators—rated their mayor as playing a strong role (table 7). Atlanta council members and organization representatives tended to view Massell's role as a weak one; however, over 60 percent of the Newark council did not respond to this particular item. Police administrators in both cities were more likely to rate the mayor as influential than either of the other categories. The large number of no responses by Newark council members and organizational representatives may indicate that there is confusion concerning Gibson's role or that Gibson did not play a strong role.

The most often cited rating of the city council in both cities was a weak role (table 8). The role played by the community was identified as either weak or no role. Findings of this survey seem to show that community organizations view their role as different from the role played by the community at-large (table 9). At least half of the representatives in Atlanta and Newark responded that the community had played
### Table 7

**Actual Role of Mayor in Police Policy-Making**

<table>
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<tr>
<th>Respondents</th>
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<th>Strong %</th>
<th>Influential N</th>
<th>Influential %</th>
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TABLE 9

ACTUAL ROLE OF COMMUNITY IN POLICE POLICY-MAKING

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either a weak or no role; yet, when they were asked about the role of
their organization in bringing about change, all of the Atlanta organi-
zations felt that they played a strong role, and over 65 percent of the
Newark organizations responded that they played a strong or an influen-
tial role.

Which political environment actor(s) play(s) the major role in the
determination of police policy? There was no consensus among the
Atlanta respondents on this issue. The majority of the aldermen
(84.6 percent) felt that the Board played the major role, but 55.6
percent of the police administrators felt that the mayor played a
greater role. Community organization responses ranged from the Board
and business—33.3 percent each—to the mayor and others—16.7 percent
each. This lack of consensus is probably brought about by confusion
concerning the role of the political environment and the division of power by the city charter in regard to police affairs. There was more consensus among Newark respondents than among Atlanta respondents. Over half (60 percent) of the council members and the police administrators indicated that the mayor plays the greater role; the majority of the organization representatives (66.7 percent) were unsure about which actor(s) played the greater role.

In spite of the fact that the majority of the Atlanta respondents did not feel that the mayor played the greater role in determining policy, close to 40 percent indicated that Massell was most responsible for the major changes in the police department. The second most often mentioned actors were Inman, L.E.A.A. (or the federal government), and Howard Massell (the mayor's brother). The board of aldermen was the third most often mentioned response. A general lack of agreement was again found among Newark respondents—only the mayor and the police director were mentioned by more than one person.

Police administrators were asked about groups whose demands were in opposition to the goals and function of the police department. Two-thirds of the Atlanta police administrators named the Black Panthers, and 44.4 percent mentioned the Black Muslims. Other organizations named included the Socialist Workers Party (SWP), 33.3 percent, Southern Christian Leadership Conference (SCLC), 22.2 percent, and the following organizations were mentioned by only one administrator: Students for a Democratic Society (SDS), Republic of New Africa (RNA), American Civil Liberties Union (ACLU), Ku Klux Klan (KKK), and the Atlanta Anti-Repression Coalition (AARC). The Newark administrators were unanimous in their mention of "Baraka's group" or the Committee for a Unified Newark; other
groups named were the Black Panthers and the National Labor Caucus. The groups that were named by the administrators in both cities tended to be overwhelmingly black. These groups also tended to be the most vocal groups, the ones most likely to demand change in the police department and/or the ones most likely to have conflictual contacts with police officers. Some of these organizations have been included in this survey.

Recruitment, Selection, and Training

Recruitment and Selection

Recruitment, selection, and training practices and programs largely determine the quality of service a police department will provide to the community. If police personnel who are biased and prejudiced against certain racial and social groups are selected, a large number of civilian complaints can be expected. If the training emphasis is on the use of firearms, a number of shooting incidents may result. "One incompetent officer can trigger a riot, permanently damage the reputation of a citizen, or alienate a community against a police department."¹

During the sixties many police departments experienced problems recruiting personnel—competent or mediocre. A 1966 survey conducted by the National League of Cities revealed that over 65 percent of the police departments surveyed were 5 percent below their authorized strength.²

¹Cited in the President's Commission, Task Force Report, p. 125.
²Ibid., p. 133.
The lack of available police recruits was due in part to the low respect for the occupation and the number of more appealing occupations that had job openings. The understaffing was brought to an end in the seventies when inflation and unemployment led to the laying off of many personnel in the private sector. Police departments were able to select from a much larger pool which included many college graduates. The increased interest in police work, coupled with new affirmative action laws and policies, led to one set of controversies: discrimination challenges. The most prevalent discrimination challenge has involved racial discrimination, but a number of other types of discrimination challenges have been brought before the courts in recent years. Females have filed discrimination suits in a number of cities challenging the selection standards; other cities have had conflicts over intelligence testing, and residency requirements. The education requirement has not become a controversy, but it has been the subject of several studies.

No record could be found of when the first black policeman was hired in the United States; nevertheless, evidence can be found of a long history of overt and covert exclusion of blacks from the police forces. Much of the literature focuses on the South, but the statistics show that northern states were also guilty of the exclusion of blacks.

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3 See Bracey v. Rizzo.

4 Morrow v. Crisler, 491 F. 2d 1053 (5th Cir. 1974).

5 See Detroit Police Officers Association v. City of Detroit, 190 N.W. 2d at 98.

6 See, for example, Donald E. Clark and Samuel G. Chapman, A Forward Step: Educational Backgrounds for Policemen (Springfield, Ill.: Charles C. Thomas, 1966).
Northern urban areas began to recognize the need for black police officers after the riots of the sixties. It was felt that black police officers could be used to cool potentially explosive situations between black residents and white officers. The Kerner Report concluded that contact with Negro officers could help to avoid stereotypes and prejudices in the minds of white officers. Negro officials also increased departmental insight into ghetto problems, and provide information necessary for early anticipation of the tensions and grievances that can lead to disorders.

Alex argues that police departments also began to feel the need for more black police officers because whites realized the "growing political power" of blacks.

Some southern police forces realized the need for blacks, at least a token number, after they saw how well black police controlled black people. One southern police chief remarked in 1951 that "in the seven years since the first of our Negro officers was sworn in, crimes of violence in our Negro communities have been reduced by about 50%." The mayor of Nashville, Tennessee was quoted as saying, "Any city with a substantial Negro population cannot really afford to be without Negro policemen on its force."

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9Alex, Black in Blue, p. 31.
11Ibid.
In recent years the courts have also begun to feel that black police officers have an important role to play in police departments.

In Officers for Justice v. Civil Service Commission, for example, it was declared:

...all citizens profit when the city achieves a racially integrated police force of qualified individuals who are knowledgeable of the diverse problems of different ethnic groups and who are prey to destructive hostility from minorities who feel excluded from full participation in city government life. Clearly, the general harmony of the community is enhanced by the city's obtaining a police force representative of its population.\(^\text{12}\)

The idea of a police force representative of the population at-large has never been realized. In 1945, there were only 134 blacks working in police departments throughout the South.\(^\text{13}\) By 1950, the number had increased to 435, but this was still an extremely small percentage of blacks who live in the South. The Kerner Commission survey of 28 police departments in 1967 revealed that "less than 1 percent to 21 percent" of sworn personnel were black.\(^\text{14}\) "The median figure for Negro sworn personnel...was 6 percent; the median figure for the Negro population was approximately 24 percent."\(^\text{15}\) A 1971 survey by Newsweek revealed that the situation had improved but blacks were still underrepresented in every city surveyed.\(^\text{16}\) Cleveland had a black population of 40

\(^{12}\)GEFD 8956 (N.D. Cal., 1973).

\(^{13}\)Rudiwick, The Unequal Badge, p. 3.


\(^{15}\)Ibid.

\(^{16}\)Newsweek, August 16, 1971.
percent with a 7 percent black police force. Washington, D.C. had the highest percentage of black police officers, 37 percent, but its population was 70 percent black. A national survey by the Police Foundation released in 1974 found only 12,477 (7.5 percent) blacks and other minorities among the over 166,000 police officers. If this figure is accurate, blacks and other racial minorities have a long way to go before they realize proportional representation on the country’s police forces.

Several reasons have been cited for the disproportionately small number of blacks on police forces. Some authors have claimed a lack of interest on the part of blacks. This argument has been supported by statistics from special recruitment programs. The Minneapolis Police Department was given $250,000 to recruit minorities over a two-year period—only six persons were recruited. Questions can be raised, however, as to whether the failure was due to a lack of interest or the nature and content of the recruitment program.

A survey of 307 cities with populations over fifty thousand revealed that 69 percent made special efforts to recruit minority persons.

Some of the methods used by the cities reporting included advertising in minority-oriented newspapers and on minority-oriented radio stations; sending special mailings to minority organizations...; sponsoring career days at high schools and colleges having a predominantly minority population; sending recruit mobiles to minority areas.

In spite of the large number of minority programs, most of them have been run by or at least planned by white police officers, but blacks tend to relate to black recruiters rather than white recruiters. Many programs

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17Atlanta Voice, February 16, 1974.

have used gimmicks that do not necessarily appeal to black potential recruits.

Many of the recruitment programs are studies in frustration; some are little better than public relations schemes aimed at improving a department's image without upsetting its old patterns. Other programs have been sincere in their intentions but unrealistic in their expectations.\textsuperscript{19}

A second and more popular explanation of why blacks are disproportionately underrepresented on police forces is racial discrimination. In recent years discrimination charges have centered around the examinations required of all recruits. Most recruits are required to pass physical, written, and oral examinations. In some cities all three examinations have been challenged by minority persons. Many blacks were disqualified on the physical because they did not have 20/20 vision or suffered from "heart murmur." A larger proportion of blacks fail the written examination than whites, and blacks who pass the written test are often eliminated on the basis of character in the oral testing.

Concrete evidence of discrimination has often been difficult to show to the courts and federal officials; however, a few courts have accepted a substantial disparity between black population size and blacks employed as sufficient evidence to demonstrate a prima facie showing of discrimination.\textsuperscript{20} In other cases, the courts have accepted such evidence


as supporting evidence. In still other cases, plaintiffs have had to challenge the validity and cultural bias of the test to show discrimination.

The courts and the Equal Employment Opportunity Commission (EEOC) have generally required that the selection standards that disproportionately reject racial minorities have one of three types of validity recognized by the American Psychological Association (APA). The types of validity are:

(1) content validity, which is demonstrated by evidence that a test, for example, a typing test, is a representative and reliable sample of actual work skills or tasks;

(2) criterion-related validity, which is shown by demonstrating a statistical relationship between the test, for example, an intelligence or aptitude test, and some important measure or actual job performance; and

(3) construct validity, which is shown by demonstrating a statistical relationship between the test, and some construct, or personality trait, and that the construct is required for satisfactory performance of the job; for example, a test measuring 'sociability' of prospective salespersons might have construct validity.

In other words, the tests should relate to content or prediction of actual performance on the job. The EEOC Guidelines, it should be noted, allow for the use of content validation studies only when the use of predictive

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validation studies are not feasible."\textsuperscript{24}

Blacks have been found to score lower on the written examination than whites, thus, questions have been raised concerning the validity of the examination in a number of cities. In Chicago, whites were found to pass the examination at a rate two and one-half times greater than blacks.\textsuperscript{25} In New York City whites passed the examination at a rate of 1.7 times that for blacks and 1.65 times that for Hispanics.\textsuperscript{26} During the period from 1969-1973, only 4 percent of the blacks taking the San Francisco examination passed, compared to 54 percent of the whites.

In San Francisco, an expert was appointed to aid the court in determining the examination's validity. The expert compared scores on the entry examination with those on examinations taken during training and found that all recruits performed "in rough terms" equally well on the second examination.\textsuperscript{27} A Chicago study found no correlation between test scores and any of the nine performance criteria, but a strong correlation was found between race and test scores.\textsuperscript{28} A study prepared for LEAA concluded that there was

\begin{itemize}
\item[\textsuperscript{24}] Officers for Justice et al. v. Civil Service Commission et al., Civil No. C-73-1657 RFP (N.D. Ca. 1973).
\item[\textsuperscript{26}] Guardian Association et al. v. Civil Service Commission, et al., Civil Action No. 72 Civ. 928 (S.J.R.).
\item[\textsuperscript{27}] Officers for Justice v. Civil Service Commission.
\item[\textsuperscript{28}] Ralph Knoohuizen and William Bailey, The Selection and Hiring of Chicago Policemen (Chicago: Chicago Law Enforcement Study Group, 1973).
\end{itemize}
more substantial evidence that the written test tends to keep a disproportionate number of minority group members off the police force than it found evidence that the test measures something that is relevant to the effective performance of police work.29

In recent years the issue of racial discrimination in the recruitment and selection of police officers has often become clouded over by the issue of high standards for police officers and charges of reverse discrimination. Police associations and police departments have answered charges of race discrimination with double talk concerning lowering the standards to admit blacks. The following statements sum up the arguments:

He /the black officer/ must also meet the same high standards as white officers and pass the same screening process. ...To require that police recruits have a high school diploma sets a standard too low in terms of the need for recruiting college graduates and perhaps too high in terms of the need for recruiting members of minority groups.30

The low standards argument in regard to a high school diploma is countered by the findings of several studies that show that black police tend to have higher educational achievement than white officers. A comparative study of black and white policemen in New York City conducted by the Rand Institute found a greater percentage of black policemen had college degrees than white policemen.31 A study of the Chicago Police Department also found that black patrolmen scored higher on


31Bernard Cohen and Jan M. Chaiken, Police Background Characteristics and Performance (New York: The New York City Rand Institute, August 1972).
"school achievement" than their white counterparts.32

The use of quota systems has been another issue of contention in increasing the number of minority persons on police forces. Several departments have instituted quota systems, but the use of quotas has been sharply attacked by police associations and others. One of the sharpest attacks was made by Robert E. Hampton, former chairman of the Civil Service Commission, who wrote that quota systems have always been abhorred by those who truly have supported concepts of equality and civil rights and liberties."33

Psychologists and police administrators have engaged in long debates concerning the use of psychological screening as a prerequisite to entrance into the police department. A survey conducted in 1958 disclosed that only fourteen of ninety police departments responding had formalized psychological testing for applicants.34 In 1956, the International Association of Chiefs of Police (IACP) attempted to survey all cities with a population of over 25,000.35 Thirty of the sixty-nine cities responding indicated that some type of psychological evaluation was used. In 1961, the IACP sent out a questionnaire to all the cities surveyed in the 1956 survey; the number of cities screening for emotional


33Quoted in Federal Civil Rights Enforcement, p. 17.


disorders had increased by nineteen cities. A significant increase in the percentage of cities using psychological tests was found by Narrol and Levitt in 1963. Fifty-five of sixty-one cities responded, and all fifty-five reported using some form of psychological examination.

These examinations vary considerably. For example, in Philadelphia, applicants are interviewed by a psychiatrist; in Kansas City, a clinical psychologist interviews applicants. In Los Angeles, the psychiatrist who interviews applicants also administers two tests—the Minnesota Multiphasic Personal Inventory (MMPI) and the Group Rorschach primarily to determine neurotic and psychotic tendencies.

The variance in the methods used for psychological testing has led to calls for valid and reliable tests. Valid tests have been defined as those that show a relationship between test results and job performance; therefore, it is difficult to judge whether or not psychotic and other mentally ill persons are being screened in, while "normal" persons are being screened out. In spite of the shortcomings of present tests and testing methods, one report concluded that

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36 Ibid.
38 President's Commission, Task Force Report, p. 129.
not having a screening program is even more costly in the long run both in money and in public reaction as a result of misfits in police work, hostile relations with the community and destructive attitudes within the Department.\textsuperscript{41}

**Training**

Training has not always been required for police recruits. The Wickersham Commission found that only 20 percent of the departments surveyed in 1931 had a formal training program;\textsuperscript{42} however, after World War II, most larger cities adopted some type of training program. A survey by the International City Management Association in 1965 revealed that 98 percent of 1352 cities surveyed had training programs.\textsuperscript{43} The same association only found one city out of three hundred without a recruit training program in 1973.\textsuperscript{44}

The issues of the seventies have moved beyond the need for recruit training to the length and content of the training programs. These issues have been raised by a number of persons both internal and external to the police department. James Ahern, former New Haven (Conn.) Chief of Police, writes

> In Connecticut...it requires 1,200 hours of training for a licensed beautician, \( \sqrt{} \) yet it requires only 200 for a policeman. It is difficult to believe that lawmakers feel that it is more important for beauticians to know how to curl hair than for policemen to know how to use their guns, how to make legal arrests, and how to mediate in domestic quarrels.\textsuperscript{45}

\textsuperscript{41}Whisenand, Hoffman and Sealy, "Chicago Police Department," 3.31.


\textsuperscript{44}"Personnel Practices in Municipal Police Departments," p. 11.

\textsuperscript{45}Ahern, Police in Trouble, pp. 86-87.
Another observer states:

A physician is an authority with the power of life and death in situations involving physical disorder. A policeman is a life and death authority in situations of social disorder. Yet physicians are trained, on the average, in 11,000 hours. The average policeman receives fewer than 200 hours of training, and in the latter instance, most of the training is irrelevant to the functions to be performed.

The number of hours required for training varies from city to city. The average length of training programs in the U.S. is two hundred hours, two hundred less than the number recommended by the President's Commission on Law Enforcement and Administration of Justice. The International City Management Association reports the average length for cities over fifty thousand in population is 484 hours. Western cities were found to devote many more hours to training than cities in other regions.

The average length for U.S. cities falls short of the length for European cities. In Britain, the average is four months, France six months, Sweden one year, Italy two years, and Germany three to four years. Denmark police officers are required to spend five years in a combined class and work situation.

The National Advisory Commission on Criminal Justice Standards and Goals recommended that "every sworn police employee satisfactorily complete a minimum of 400 hours of basic police training" plus "a minimum

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47 See Bent, Politics of Law Enforcement, p. 12; Berkley, The Democratic Policeman, p. 84.


49 Cited in Bent, Politics of Law Enforcement, p. 12.
of 4 months of field training." A number of cities require more hours than those recommended by the Commission. During the study period, Miami officers, for example, received one thousand hours of training, while Los Angeles recruits received eight hundred hours.

The number of hours of training is obviously not an adequate measure of a program's value, but, along with an assessment of staff and facilities, it provides a rough indication of the amount of resources that are invested in training and of the importance that a jurisdiction attaches to the need for training.

A list of courses offered to police recruits in 1934 included criminal law of the state and common law; ordinances and by-laws of the city; traffic signals, first aid; military drill, use of the revolver; and jiu jitsu holds and breaks. Noticeably absent from the list are human relations, psychology and behavioral science courses. These courses were absent because at that time it was felt that police work was physical as opposed to social.

Forty years later, many training programs have not changed. This is due to the failure of police administrators to come to grips with the role and function of police in modern society. Most police officers spend more time answering service calls and handling domestic situations than they do controlling crime and catching dangerous criminals.

In 1968 New Haven's training program was ten weeks long. During the training period, there was no instruction in social relations, race

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relations or nonviolent control techniques. New York City devoted 34.3 percent of its training hours to physical training and 11.4 percent to human and race relations in 1970. The 11.4 percent was among the highest in the country.

Atlanta

Recruitment and Selection

Atlanta, like most cities, especially southern cities, has a history of racial discrimination against black applicants for positions in the police department. In 1940 there were no black policemen in Mississippi, South Carolina, Louisiana, Georgia, and Alabama. Many white politicians were convinced that it 'just wouldn't work.' For example, among reasons given in Greensboro (N.C.) and Atlanta were that the morale of white police officers would be impaired and many would quit, that local Negroes did not seem intellectually or morally capable, and that the fabric of 'southern tradition' should not be torn away.

Atlanta did not decide to end the exclusion of blacks from the police department until December 1947. Prior to the decision to hire blacks, city officials had met to work out all the possible problems. One of the problems foreseen by city officials was the arrest of whites by black policemen. White males were concerned about white females being

53Ahern, Police in Trouble, p. 87.


55Rudiwick, The Unequal Badge, p. 3.

56Ibid.

57For a discussion of the decision to hire blacks, see Herbert Jenkins, Forty Years on the Force.
arrested by black officers. This problem was worked out by restricting blacks to black sections only. The blacks were also forced to work out of the YMCA building instead of the police station.

The white backlash to the hiring of blacks was immediately felt. A group of whites filed a lawsuit against the city challenging the hiring of black policemen and the limiting of the power of arrest to black people. The whites included the second issue in the lawsuit because if they received a favorable ruling on the second issue while losing the first issue, they felt it would have the same effect. They felt that the city officials and other whites would be so opposed to blacks arresting whites until no blacks would be hired. The lawsuit failed, and eight policemen started walking the beat in February 1948.

Press reaction to the hiring of black policemen varied. The Constitution ran a front page story with pictures. The Journal refused to do a story stating that it "had an absolute policy of never running any pictures of Negroes."

The Atlanta Police Department, like most police departments, does not ordinarily engage in aggressive recruitment efforts. The average recruit develops an interest in becoming a police officer through contact with policemen, awareness of the job security, and similar factors rather than through a billboard ad or a radio commercial.

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58 See Appendix G, Resolution Authorizing Negro Policemen.

59 Jenkins, Forty Years on the Force, p. 47.

60 Ibid., p. 53.

During the late sixties and early seventies, the Atlanta Police Department recognized the need for a special recruitment program to attract minority applicants. At the time of the 1967 riots, blacks made up approximately 44 percent of Atlanta's population; yet, the police force was only about 9.4 percent black. In 1971, 10 percent of the sworn personnel of the Atlanta Police Department were black. By June 1973, the percentage had increased to 18.5 percent, but black population had increased to 53 percent. One reason cited for the low black ratio in the police department was the lack of appeal of police work to black persons. Black community residents tend to have a negative image of the police, and police work is considered lower class.

Minority Recruitment in Atlanta undertook, within a structure plan, the problem of convincing potential applicants of the desirability of a police career. An attempt was made to point out positive benefits of a law enforcement career as a profession for members of minority groups and to eradicate the misconception that today's police agency is only a place where arrests are made. A reversal of cynical attitudes toward police in the black community was worked on while at the same time a positive image of the police officer as a servant of the community was fostered.

The predominant method of recruitment was through a mobile van. This van was parked on shopping center parking lots and in other areas where a large number of black people passed or frequented. Other methods used

63 Newsweek, August 16, 1971, p. 20.
64 City Personnel Board Statistics.
were public appearances by black police officers on college campuses and before groups and conferences, and radio and newspaper advertisements.

The special recruitment program was prompted by the small percentage of black police officers. In spite of the fact that the City Personnel Board avoided the word "quota", the program immediately came under attack by the Atlanta Crime Commission. The Commission, a private agency funded by the United Way, called the special recruitment "utterly ridiculous" and stated that "the race of the recruit, whether he be black or white, should not be considered as a necessary qualification for employment." The Chief of Police, John Inman, also rejected the notion of a quota system for the police department, saying that he was in "complete agreement" with the Crime Commission. The reference to a quota system was evidently triggered by a comment by the Chairman of the Personnel Board, Rev. J. D. Grier, to the effect that one hundred of the next one hundred fifty openings in the department should be filled by blacks.

In Atlanta, recruitment and selection of police officers was administered by the City Personnel Board because Atlanta did not have civil service. The selection process began with the application followed by a written test, medical examination, oral interview, background check, psychiatric examination and physical examination. Many blacks were screened out at one of these steps. A discrimination lawsuit was filed by the black police association in 1973. This suit will be discussed in a later chapter.

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67 Ibid.
The top administrators in the Police Department were asked if they supported or opposed special recruitment programs to increase the number of minorities in the police department. Over half of the respondents (55.6 percent) expressed support for such programs, while only 22.2 percent expressed opposition (table 10). The remaining 22.2 percent were uncertain. When probed as to why they did or did not support such programs, it was found that the persons expressing uncertainty leaned more toward opposition, but were perhaps reluctant to "flatly" oppose the programs. In fact one uncertain respondent gave the same reasons for his uncertainty as the opposition respondents gave for their opposition: "should meet the same standards," "should maintain high standards," and "most qualified should be recruited." This same respondent answered that there is "too much pressure on race instead of ability when asked what the department is doing to increase the number of blacks.

TABLE 10

SUPPORT FOR MINORITY RECRUITMENT PROGRAMS - ATLANTA

<table>
<thead>
<tr>
<th></th>
<th>Police Adms</th>
<th>City Council</th>
<th>C.O. Reps</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N  %</td>
<td>N  %</td>
<td>N  %</td>
<td>N  %</td>
</tr>
<tr>
<td>Support</td>
<td>5  55.6</td>
<td>10  77.0</td>
<td>6  100</td>
<td>21  75.0</td>
</tr>
<tr>
<td>Oppose</td>
<td>2  22.2</td>
<td>2  15.4</td>
<td>0  0</td>
<td>4  14.3</td>
</tr>
<tr>
<td>No Answer</td>
<td>2  22.2</td>
<td>1  7.7</td>
<td>0  0</td>
<td>3  10.7</td>
</tr>
<tr>
<td></td>
<td>28 100.0</td>
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</tr>
</tbody>
</table>

Forty percent of the supportive respondents stated that the black percentage of the police population should equal the black percentage of
the city population. Another 40 percent stated that such a program was needed to grant equal opportunity to minorities; 20 percent gave no answer.

The majority of the city council members also expressed support for special minority recruitment programs. Seventy-seven percent of the aldermen expressed support, while only 15.4 percent expressed opposition; one was uncertain. Four respondents felt that the police department should reflect the racial composition of the city. One of the supporters of special programs expressed a belief that black police are better able to understand black-on-black crime. One of the opponents of special programs stated that such programs bring "inferior people" into the department. Another opponent, also concerned about the quality of persons accepted into the department, stated that quality recruits were needed regardless of color.

All of the community organization representatives supported special minority programs; however, one expressed some reservations concerning the number of black police officers who engage in brutality against black citizens.

The fact that the majority of respondents favored a special recruitment program may be due in part to the lack of controversy the program generated after it was implemented. The police department did not become overwhelmed with black applicants and recruits, and a quota system was not imposed. By December 1973, the percentage of blacks had increased to 23.6 percent, but this was a long way from 53.1 percent—the population percentage.
Training

Atlanta did not have a recruit training program until the 1940s. The first Atlanta Police Training School Program was seven weeks long—six weeks of classroom and one week at the range. Subjects included criminal investigation, evidence, accident investigation, first aid, but no human relations or social sciences.

While other cities were increasing the length of their training programs, Atlanta reduced its program. Atlanta's program has varied between five and seven weeks. In 1973 Atlanta recruits were only receiving six weeks of training consisting of 294 hours. This program fell well short of the IACP recommendation of seventeen weeks with 615 hours of training. As table 11 shows, Atlanta only exceeded the IACP proposal in one area: ordinances and laws.

The Georgia General Assembly passed a uniform training standards act in 1970. This act did not have much relevance for Atlanta because Atlanta is the largest city, and its training needs are greater than the other cities and towns in the state. The act provides that a recruit's training program should consist of at least 114 hours of instruction that have been completed within a one year period.

Survey respondents were asked if they felt that Atlanta's training program was adequate. Over 50 percent of each sample group felt that the training program was inadequate; however, city council members and police administrators were less likely than community organization representatives to call it inadequate (table 12). Respondents who felt that the program was inadequate were asked how could the program be improved. The majority of the responses were to lengthen the program. Two aldermen and one community organization representative stated that the training program should
TABLE 11

RECRUIT TRAINING

<table>
<thead>
<tr>
<th>Type</th>
<th>Atlanta</th>
<th>IACP Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative</td>
<td>76</td>
<td>114.5</td>
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<tr>
<td>Investigatory</td>
<td>27</td>
<td>49.5</td>
</tr>
<tr>
<td>Human Relations</td>
<td>14</td>
<td>36</td>
</tr>
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<td>Defense, Firearms</td>
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<td>65</td>
</tr>
<tr>
<td>Ordinances, Laws</td>
<td>78</td>
<td>61</td>
</tr>
<tr>
<td>Procedures</td>
<td>52</td>
<td>129</td>
</tr>
<tr>
<td>Total Classroom</td>
<td>294</td>
<td>455</td>
</tr>
<tr>
<td>Field</td>
<td>0</td>
<td>160</td>
</tr>
<tr>
<td>Total Training</td>
<td>294</td>
<td>615</td>
</tr>
</tbody>
</table>

1Administrative training includes inspections, report writing, employment benefits, department rules, regulations and organization, examinations, driver's training, etc.

2Investigatory training covers procedures for investigating crimes and special tools available for assist.

3Human relations covers the study of psychology, minority groups and their special problems, relations between the police and the community and police brutality.

4Defense includes firearms training, self-defense, use of non-deadly force, e.g., nightsticks, survival information and special situation defenses.

5Ordinances and Laws covers the instruction on city and traffic ordinances, state and federal statutes, rules of evidence and civil rights.

6Procedures are those methods of conducting day to day patrol and traffic functions which police officers are expected to employ. They include first aid, stopping and approaching a vehicle, care and handling of prisoners, use of police radio, etc.

deemphasize shooting. Several police administrators wanted to see more street training.

**TABLE 12**

**ADEQUACY OF ALTANTA POLICE TRAINING PROGRAM**

<table>
<thead>
<tr>
<th></th>
<th>Police Adms</th>
<th></th>
<th>City Council</th>
<th></th>
<th>C.O. Reps</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Adequate</td>
<td>3</td>
<td>33.3</td>
<td>3</td>
<td>23.1</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>21.4</td>
</tr>
<tr>
<td>Inadequate</td>
<td>5</td>
<td>55.5</td>
<td>7</td>
<td>53.8</td>
<td>6</td>
<td>100.0</td>
<td>18</td>
<td>64.3</td>
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<tr>
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<td>0</td>
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<td>7.7</td>
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<td>0</td>
<td>1</td>
<td>3.6</td>
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<tr>
<td>No Answer</td>
<td>1</td>
<td>11.1</td>
<td>2</td>
<td>15.4</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>10.7</td>
</tr>
</tbody>
</table>

**Newark**

**Recruitment and Selection**

The Newark Police Department does not have the history of overt racial discrimination that Atlanta has. In researching minority recruitment, no information could be found on when the first black was hired in the Newark Police Department, but it is known that blacks were serving in the Department during the early forties. The earliest statistics found on black police employment were for 1952 when twenty blacks were on the force.68 Blacks made up 17 percent of the population at this time but only 1.7 percent of the police force. By 1952 one black had moved up

68President's Commission, Task Force Report, p. 172.
to the rank of sergeant—all other blacks were patrolmen. By 1962 the black percentage of the force had increased to 7.3, but the black population had increased to 34 percent. Two blacks had the rank of lieutenant, three had the rank of sergeant, and the other eighty-eight were patrolmen. The Kerner Commission that studied the 1967 riot reported that 9.8 percent of the Newark police force was nonwhite; the population had increased to 40 percent.

One of the recommendations made by the Kerner Commission was that more minority police be hired. Newark did not develop an aggressive campaign to increase the number of blacks on the force immediately after the Kerner recommendation, but the number of blacks taking the civil service examination increased substantially. In 1967 only nineteen blacks took the test, while in 1968, forty-one blacks took the test. These figures may seem to be significant until they are compared with statistics of whites who took the examination during the same period. Fifty-five whites took the test in 1967, but this figure more than doubled in 1968 when 124 whites took the test.69

During the period between 1966 and 1969, the black pass rate was extremely high, but the number of applicants was low. According to Newark Police Department statistics, 104 blacks took the police civil service examination during the period from May 20, 1966 through April 19, 1969; sixty or 57.7 percent passed. During the same period, 240 whites took the test; 177 or 73.8 percent passed.

When Gibson became mayor in 1969, blacks made up less than 15 percent of the police force. The police department was undermanned due

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69Statistics were supplied by the Newark Police Department.
to a failure to find qualified recruits. Several factors may explain the reason for the department being undermanned. First, the Vietnam War had pulled a number of potential recruits into the service (or a number may have been killed in the war). Second, the pay at this time was not enough to attract a number of better qualified persons. Third, the Newark disorder had helped to create a negative image for the city in the eyes of many whites and blacks, and for the police in the eyes of many blacks.

Through the encouragement and initiative of Mayor Gibson, Newark inaugurated Project Newark, a special recruitment for minority police officers in 1970. The project goals were to recruit "150 policemen to bring the force up to a desired strength and to attract applicants that would reflect a racial and ethnic makeup more consistent with that of the city's population." When the project was initiated, the percentage of black officers was only fifteen,70 while the population of Newark was 54.2 percent black. The percentage of Puerto Ricans was a frighteningly low one percent; yet, Hispanics made up 19.1 percent of the city's population.

Methods used to find minority applicants included a "recruit-mobile," an advertising campaign through the media, churches, schools and community organizations, and police-community speakers. The Mayor's office, the Chamber of Commerce and the Board of Education joined with the police department in the project.

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70 *Newark Star-Ledger*, April 1, 1971.
concerned citizenry did rise to action in aiding these recruiting efforts and there was an overwhelming reservoir of Blacks and Puerto Ricans indicating a desire to become policemen. Unfortunately, desire alone does not make a policeman as evidenced by the high percentage of failures on the written examinations.\(^\text{71}\)

Project officials were able to work out a plan with the New Jersey Department of Civil Service that included the following:

1. Walk-in testing and immediate scoring results,

2. Scheduling tests at various locations on a series of days and hours to accommodate more applicants,

3. Scheduling tests far enough in advance to allow sufficient time to develop effective recruiting campaigns,

4. Allowing non-high school graduates to take the examination (They would have obtained their GED before appointment.),

5. Giving examination data to the project so that applicants who came close to passing could be assisted through special educational development courses.

Sixty-eight percent of the 3,875 persons who applied between 1970 and 1971 were black or Hispanic. The number of black and Hispanic personnel increased from 204 in 1970 to 268 in 1971. By the fall of 1971, the percentage of black police had increased to 17.9, and Newark had graduated its first predominantly black class—sixteen out of twenty-six.\(^\text{72}\)

The project, however, fell short of its announced objective—to make the racial makeup of the police force equivalent to that of the population.

In 1974, the Police Community Relations Bureau of the Newark Police Department initiated a "Police Preparatory Recruitment Program" to assist

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minority persons in preparing for the entrance examination. The program provided for a sixteen-week evening course which focused on all examination subjects, but emphasis was placed on mathematics and reading comprehension. High school teachers provided the instruction for the course. The program was funded by the city. Support for the program was encouraged by the fact that a federal judge had recently rendered a decision favoring hiring one black or Hispanic for every two whites. The judge's ruling came in a class action suit filed by the Bronze Shields—a black police organization—challenging the discriminatory nature of the selection process. The lawsuit will be discussed in a later chapter.

Bureau officials felt that Project Newark had stimulated interest in police employment, but it had not adequately addressed the problem of the high failure rate of blacks and Puerto Ricans (see table 13). Between May 1972 and August 1973, the average pass percentage was only 27.4 for blacks, and 25.7 for Hispanics compared with the white pass percentage of 58.3. Only one time during the period did the black pass rate exceed 30 percent. Seventy-eight of 196 blacks taking the test in November 1972 passed. Hispanics exceeded 30 percent three times, but their overall pass percentage was less than the black percentage. (Only three Hispanics took the examination on the date that there was a 100 percent pass rate.) On the other hand, the white pass percentage never fell below 40 percent.

When the failure rates for 1972 and 1973 are compared with the failure rates for 1967 and 1968 before the initiation of special recruitment programs, it is shown that the failure rate for the 1970s was almost double that of the earlier period. The higher failure rate is
TABLE 13
CIVIL SERVICE PASS PERCENTAGES - NEWARK POLICE

<table>
<thead>
<tr>
<th>Test date</th>
<th>White</th>
<th>Racial Group</th>
<th>Hispanic</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td>May 8, 1972</td>
<td>43.0</td>
<td>17.0</td>
<td>10.0</td>
</tr>
<tr>
<td>June 19, 1972</td>
<td>60.8</td>
<td>25.0</td>
<td>100.0</td>
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<td>July 17, 1972</td>
<td>66.1</td>
<td>28.6</td>
<td>25.0</td>
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<tr>
<td>Aug. 22, 1972</td>
<td>62.3</td>
<td>25.0</td>
<td>25.0</td>
</tr>
<tr>
<td>Nov. 18, 1972</td>
<td>72.4</td>
<td>39.8</td>
<td>35.8</td>
</tr>
<tr>
<td>Mar. 19, 1973</td>
<td>55.4</td>
<td>20.6</td>
<td>18.4</td>
</tr>
<tr>
<td>May 23, 1973</td>
<td>49.4</td>
<td>19.4</td>
<td>31.9</td>
</tr>
<tr>
<td>Aug. 6, 1973</td>
<td>62.8</td>
<td>28.1</td>
<td>25.2</td>
</tr>
<tr>
<td>Total N</td>
<td>4805</td>
<td>364</td>
<td>115</td>
</tr>
<tr>
<td>Total %</td>
<td>58.3</td>
<td>27.4</td>
<td>25.7</td>
</tr>
</tbody>
</table>

SOURCE: Newark Police Department

probably largely accounted for by the fact that there was a larger pool, and the educational requirement had been changed. Six hundred forty-seven blacks took the test in 1972 compared to only forty-one in 1968. It is possible that recruiters let blacks take the test who they knew would not pass just to make it look as if the recruitment program was effective.

The statistics indicate that the percentage of blacks in the department increased from 15.9 percent in 1973 to 18.2 percent in 1975. It is not known whether the increase was directly related to a successful program or to some other factors. Nevertheless, it can be concluded that the four years of special recruitment programs were somewhat of a failure because the percentage of black police officers still was not nearly equal.
the percentage of blacks in the population. As one author observed:

The 18.2% of the present police force which is black, is roughly equivalent to that proportion of the entire population reported as Negro, twenty-five years ago. There has thus been a lag of a quarter of a century with regard to the racial composition of the police department reflecting that of the city as a whole.73

All of the city council members and two-thirds of all community organization representatives expressed support for minority recruitment programs; yet, only two of the responding police administrators supported such programs (table 14). The most often cited reason for support was that the police department should reflect the makeup of the population. Most respondents who opposed special programs were concerned about the standards being lowered to allow minorities to join the force. One community organization representative opposed the programs because, he stated, black policemen also engage in brutality.

The hostility of top police officials toward such programs reflects the racial dilemma Newark is in. The mayor urges aggressive recruitment, but the civil service appointees (predominantly white) see this as a threat to their job security.

TABLE 14

<table>
<thead>
<tr>
<th>Support for Minority Recruitment Programs - Newark</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Police Adms</strong></td>
</tr>
<tr>
<td><strong>N</strong></td>
</tr>
<tr>
<td><strong>Support</strong></td>
</tr>
<tr>
<td><strong>Oppose</strong></td>
</tr>
<tr>
<td><strong>No Answer</strong></td>
</tr>
</tbody>
</table>

Training

Unlike Atlanta, Newark has had recruit training courses since the turn of the century, and it has had a police academy since 1931.

In 1961 the New Jersey legislature passed the Police Training Act which established the Police Training Commission. The Commission administers the basic training programs required by the state for all new recruits. Each recruit must spend at least eight weeks at an approved academy. He/she has one year to complete a uniform curriculum of at least 280 hours. The curriculum consists of courses such as firearms training, laws, police procedures, investigation, report writing, and rules and regulations. The Newark Academy goes beyond the minimum state requirements by requiring seventeen weeks of training with over five hundred hours of classroom and field training. The extra hours are used to expand the courses emphasizing areas directly related to policing a big city, such as minority groups, use of deadly force and criminal law. The Newark program also includes two, three credit college courses in Normal Psychology and Urban Sociology.

The training program was not an issue of community concern in Newark. The lack of knowledge and concern about the program were evident from survey findings (table 15). All of the community organization representatives replied "don't know" when asked if they felt that the training program was adequate. Some of the police administrators even responded that they did not know whether the training program was adequate. Their reasons for not knowing about the program were that it had been a long time since they went through the academy and training was not one of their areas of administrative concern.
TABLE 15

ADEQUACY OF NEWARK POLICE TRAINING PROGRAM

<table>
<thead>
<tr>
<th></th>
<th>Police Adms.</th>
<th>City Council</th>
<th>C.O. Reps.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>N: 3</td>
<td>N: 0</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>%: 60.0</td>
<td>%: 60.0</td>
<td>%: 0</td>
<td>%: 37.5</td>
</tr>
<tr>
<td>Inadequate</td>
<td>N: 1</td>
<td>N: 2</td>
<td>N: 0</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>%: 20.0</td>
<td>%: 40.0</td>
<td>%: 0</td>
<td>%: 18.8</td>
</tr>
<tr>
<td>Don't Know</td>
<td>N: 1</td>
<td>N: 0</td>
<td>N: 6</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>%: 20.0</td>
<td>%: 0</td>
<td>%: 100.0</td>
<td>%: 43.8</td>
</tr>
</tbody>
</table>

Residency

The residency issue has become of particular concern to large and medium sized cities in recent years due to dwindling tax bases, the changing complexion of cities, and high unemployment. Mayors have been forced to become advocates of residency for all city employees in an effort to boost the financial standing of their cities. Blacks who have become the majority or near majority population in cities have advocated residency in order to ensure more jobs for blacks. During the past three or four decades, there has been a massive influx of blacks into cities, while at the same time, there has been a mass exodus of whites leaving the cities. Large numbers of the whites have taken up residence in suburban areas. Many of these suburban areas did not have the employment opportunities that the cities offered; therefore, many suburbanites were forced to maintain employment in the cities. Thus residents who either were forced to remain in the city or voluntarily chose to stay have had to compete with suburbanites for scarce employment opportunities. Many of the residents have called for commuter taxes to force suburbanites to
help pay for city services that are provided by the residents' tax dollars. Others have called for a residency requirement for all city employees.

A 1961 survey found that close to 75 percent of the departments surveyed had some form of preservice residency requirement. Many of these departments dropped these requirements during the sixties due to difficulty in finding enough recruits within their municipal boundaries. Many of the departments that maintained their requirements have very broad restrictions which allow for recruitment throughout the state.

The problem of nonresident city employees is particularly acute when it is applied to the police department. Police officers have often been referred to as members of an "army of occupation" in ghetto areas. James Baldwin wrote of a policeman patrolling ghetto areas: "He moves through...like an occupying soldier in a bitterly hostile country; which is precisely what, and where he is, and is the reason he walks in twos and threes." Blacks see white, nonresident police officers as outsiders who are not concerned about the safety and security of black, inner city communities.

Proponents of residency requirements argue that police officers will take a more active interest in the municipality they serve and the quality of service will improve as a result. They also argue that the presence of off-duty policemen will make the citizens feel more secure.

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74 O'Connor, Survey of Selection Methods.

75 Baldwin, Nobody Knows My Name, p. 67.
The Supreme Court of Michigan noted:

A policeman's very presence, whether actually performing a specific duty during assigned hours, or engaged in any other activity during off-duty hours provides a trained person immediately available for enforcement purposes....They are charged with law enforcement...and obviously must be physically present to perform their duties.76

"A policy of requiring...police force residency would tend to increase the presently low degree of community cooperation uniformly observed by law enforcement officials."77 Residency requirements make police officers more accessible in times of emergencies. It can also be argued that residency requirements for recruits may help to increase the percentage of minority police officers.

On the other hand, many police officers and researchers have argued against residency requirements. The President's Commission on Law Enforcement and Administration of Justice called for the abolition of all residency requirements because at the time its report was issued, most urban departments were understaffed.78 O.W. Wilson wrote that recruits from other communities may provide leadership that local recruits may lack.79 Police officers maintain that their safety off-duty and their families' safety may be threatened if they are forced to live in the cities they service. They also contend that residency violates their right to live where they choose. Lawsuits have been filed challenging

76*Detroit Police Officers Association v. City of Detroit*, 190 N.W. 2d at 98.

77Michael Chavis, "Municipal Residency and 'Home Rule',," May 1974. (Typewritten.)


the constitutionality of residency under the due process and equal protection clauses.

In 1972 the U.S. Supreme Court refused to hear a case challenging residency on the basis of due process and equal protection guarantees. Many observers implied from the Court's inaction that the Court would leave the residency issue to the states and cities. These observers were proven wrong in March 1976 when the Court decided the case of *McCarthy v. Philadelphia Civil Service Commission*. This case involved a Philadelphia fireman who lived in the city with his mother during the week, but went home to his wife and children in suburban New Jersey on weekends. The residency issue raised in this case is somewhat more complicated than the average case because two states are involved. The Court ruled that the right to live in one state and work in another state is not covered by the constitutional right to travel.

In spite of the fact that this decision is somewhat narrow, many cities have been inspired by it. Most notably, Chicago imposed a residency requirement on all city employees in May 1972. The late Mayor Richard Daley gave the suburban employees (approximately 25 percent of all employees) two months to comply. New Orleans and Nashville have taken similar actions. A residency bill was introduced in the New York legislature after the Court decision, but it did not become law. It should be noted that New York City had a residency law from 1937-1962, but pressure from police officers led to its repeal.

Even though residency requirements are unpopular in American cities, a most extensive version of the concept has been successful in London. In 1967 the "unit beat" system was adopted whereby police
Officers are assigned to patrol areas near their homes. Former New York Police Commissioner Patrick Murphy attempted a similar program with a small number of police officers in 1972. The program was discontinued after the officers complained of harassment and maltreatment.

Atlanta

Atlanta was experiencing the problem of "white flight" to suburban areas during the study period. This movement of whites from the city made the residency issue particularly important to Atlanta's black community residents and city administration. Residency, however, did not become a community issue until 1973 after a number of police killings and alleged brutality incidents. At a hearing on police brutality and misconduct, Vice Mayor (now mayor) Maynard Jackson revealed that over 61 percent of the Atlanta patrolmen lived outside the city. Over 80 percent of police officers involved in brutality incidents or killings reportedly lived outside the city. The higher one moves up in the ranks, the greater the percentage of nonresidents. The chief of police even lived outside the city limits.

Atlanta recruits from a five state area; therefore, some concern has been expressed about the effect of a residency requirement on future recruitment. Most of the proponents of residency felt that Atlanta should still maintain its out-of-town recruitment, but require all recruits to move within the city limits within a specified period of time. There was a small minority of persons who felt that recruitment should be

_80 Testimony before public hearing panel, September 15, 1973._
restricted to Atlanta residents. These persons felt that the racial imbalance within the department would not be remedied until recruitment was restricted to Atlanta residents.

White police officers tend to be solidly opposed to a residency requirement—perhaps because many of them live outside the city. On the other hand, black police officers—many of whom live within the city—tend to express support for residency. One white police officer remarked that a residency requirement would lower the standards of the police department, while a black police officer commented, "men hired from small communities to police Atlanta [have] the same attitude toward Atlantans as rural legislators have toward urban legislators."

Newark

Residency has long been a concern of residents, city employees, municipal administrators, and state legislators in New Jersey. Newark has had a city residency ordinance requiring all city employees to live within the city limits since 1932. Most other New Jersey cities have similar ordinances. The 1932 ordinance provided exemptions for employees whose health "necessitated residence outside of the city limits" or whose "nature of employment is such as to require residence outside of the city limits." Exemptions were also provided in "special circumstances...justifying residence outside of the city limits."

The first challenge to the ordinance was made in 1959 in the case

of Kennedy v. City of Newark. The ordinance was challenged on the grounds that it unconstitutionally violated the right to migrate. The New Jersey Supreme Court ruled that

Public interest is advanced by requiring public employees to reside within the political unit providing their pay, and residence requirements may be imposed upon other employees, as well as those who might be called for emergency work.... The right to migrate is not absolute, but rather is qualified by police power vested in government for the common good.

In 1966 the state legislature started moving in the direction of exempting police and fire departments from residency requirements. An act was passed permitting municipalities to waive residence requirements in instances where such requirements had a negative effect on the ability to establish and maintain a competent police and fire department.

Legislative efforts to weaken residence requirements did not stop the New Jersey Supreme Court from broadening the scope of residency. In 1970 a group of Patterson policemen and firemen who maintained dual residences, one in the city, one in the suburbs, brought a class action suit against the city. The firemen and policemen contended that their dual residences did not constitute a violation of the residence law. The court ruled that states, counties and municipalities have a constitutional right to impose residence requirements.

During the 1972 legislative session, the Patrolmen's Benevolent Association (PBA) launched a successful lobbying effort to exempt uniformed personnel from mandatory residency. The exemption bill was put

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83 L 1966, c. 292.
forth by Governor William T. Cahill. Cahill had been an avid supporter of open residency for uniformed personnel. Opposing the bill were the state's city mayors led by Gibson. Gibson stated that residency for police officers was his primary concern in the area of police matters. Methods and strategies used by Gibson to impose residency requirements will be discussed in Chapter V.

Selection and Removal of the Chief Police Administrator

An examination of the literature reveals that very little has been written on the selection and removal of the chief police administrator. The little that has been written tends to consist of case studies with no theoretical implications. It may be assumed that with the increasing interest in police accountability studies, some theory would have been generated. Nevertheless, the evidence yields the contrary. Police accountability studies have tended to concentrate on the activism of police unions. This type of concentration is understandable when one looks closer and finds that most of the studies have been conducted in large northern cities where the chief police administrator has been stripped of much of his powers by union contracts.

Despite the reduction in the chief administrator's authority in some cities, the politics of the selection and removal of the chief is a valid research area. Appointments continue to create conflicts, even in northern industrialized cities. Police chiefs still have powers that a number of groups, both internal and external to the police department,

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Interview with Kenneth Gibson, Mayor of Newark, N.J., July 20, 1976.
seek to influence. The removal issue often involves the courts and home rule, and other constitutional issues are brought to bear.

The selection process varies from city to city. Most mayor-council forms of government require that the chief be appointed by the mayor with the approval of the city council. Under the council-manager form, the city manager may make the selection. Civil service regulations in some cities require the chief to move up through the ranks. In a few rare instances, the police department is under the direct control of the governor, and the governor makes the appointment, while some cities have police boards or commissions that make the selection.

On the county level, popular election is a very common method of selecting the sheriff, but this process has not gained popularity on the municipal level. Several reasons may be offered as explanations of why elections have not been widely adopted. Traditionally, the office of the chief has been a patronage position for the mayor. Also, there is not much popular support for elections. Police officers tend to feel that the chief should come up through the ranks, while many city officials feel that the position would be too political if the chief was popularly elected. Reiss suggests that police chiefs are appointed because it is felt that "accountability to the electorate would be exercised more wisely if fewer persons were held responsible to the electorate."85

Throughout the history of the police system, reformers have sought the "best method" of selecting the chief administrator. The patronage

system was initially criticized for bringing in incompetent administrators.

The mayor of Indianapolis was called upon to introduce the police chief of that city to an assemblage of police chiefs during one of their conferences. In the course of his introductory remarks the mayor said, 'I know that my man is going to be a good chief because he has been my tailor for 20 years. He knows how to make good clothes; he ought to be a good chief.'

With the decline in machine politics, many cities adopted merit systems for the selection of the chief, but this system has also been criticized for bringing in inexperienced administrators. The passage of a civil service examination does not qualify a person to be a good administrator. On the other hand, the same argument can be made against elected police chiefs or mayorally appointed chiefs. In cities that use independent boards to select the chief, board members may be unduly influenced by the mayor if he/she has appointive and removal powers.

A few cities have either voluntarily or forcefully given the power of selection to the state. Ahern is critical of state control of police departments. He states that it creates more problems than solutions "because they tend to remove the decision-making procedure from the public, which is the only effective check on illegitimate interference in police departments in the long run."

Respondents in this study overwhelmingly supported appointment by the mayor with the approval of the city council (see tables 16 & 17).

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86 Quoted in President's Commission, Task Force Report, p. 127.

87 International City Management Association, Municipal Police Administration, pp. 71-72; see also President's Commission, Task Force Report, p. 127.

This finding was expected because both cities have the mayor-council form of government, and both use mayoral appointment. When respondents were categorized into police administrators, city council members, and community organization representatives, it was found that police administrators and city council members tend to be more supportive of this form of selection than community representatives who tended to favor some form of citizen participation.

**TABLE 16**

**SELECTION OF THE POLICE CHIEF ADMINISTRATOR**

**ATLANTA**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N %</td>
<td>N %</td>
<td>N %</td>
<td>N %</td>
</tr>
<tr>
<td>Mayor w/council</td>
<td>7 77.8</td>
<td>12 92.3</td>
<td>2 33.3</td>
<td>21 75.0</td>
</tr>
<tr>
<td>Citizen involvement</td>
<td>1 11.1</td>
<td>1 7.7</td>
<td>3 50.0</td>
<td>5 17.9</td>
</tr>
<tr>
<td>Competitive Exam</td>
<td>1 11.1</td>
<td>0 0</td>
<td>0</td>
<td>1 3.6</td>
</tr>
<tr>
<td>Other</td>
<td>0 0</td>
<td>0 0</td>
<td>1 16.7</td>
<td>1 3.6</td>
</tr>
</tbody>
</table>

28 100.1

It can be concluded from this survey that the appointment of the chief by the mayor is acceptable to the "establishment", but community residents would like to have some input. One respondent probably summed up the feeling of many of the respondents when he stated that there is "no perfect or good way, but the mayor-council appointment/approval is the most acceptable." Perhaps the question is not "what is the best
TABLE 17

SELECTION OF THE POLICE CHIEF ADMINISTRATOR
. NEWARK

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
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<td>Mayor w/council</td>
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<td>33.3</td>
<td>2</td>
<td>12.5</td>
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<td>12.5</td>
</tr>
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method", but rather, "what is the best method for a particular city." If the method works and the people are reasonably satisfied, perhaps it is the best method for that city.

Several ways have been suggested to reduce the politics of selection. One method that has been adopted is the fixed term of office with the chief's term overlapping the mayor's term. This is not necessarily a viable solution, especially for the initial term because the mayor will be just as concerned about the chief who is going to serve five years as he will about one who will serve indefinitely. In fact the mayor may be more concerned because his removal powers will probably be more restricted. Ahern supports fixed term appointments, but the chief should be still subject to "public recall", he suggests.89

89Ibid., p. 171.
City ordinances tend to vest removal powers in the agency or agent that has appointive powers, especially under strong mayor systems. The strong mayor model is modeled after the federal system where the executive has removal powers over his department heads. The courts have generally upheld executive removal powers. Under the weak mayor system, the mayor usually has to wait for the city council to remove an objectionable department head.

Conflicts that lead to removals or removal threats often revolve around personality and operation style. For example, the Oakland police chief was censured and an early retirement demanded after a referendum initiated by the Police Officers Association. The Association objected to the chief's due process police model, family crisis intervention program, and minority recruitment program. Police chiefs from outside the department are more likely to be removed than those who come up through the ranks because they may not have the support of the rank-and-file officers, and they usually serve at the whim of the mayor.

Atlanta

Atlanta's police department had its beginning in 1873. A Board of Police Commissioners, elected by the mayor and the city council, was established to administer the police department. The Board was responsible

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91 For a history of the Atlanta Police Department, see William Mathias and Stuart Anderson, Horse to Helicopter.
for the appointment of the chief of police, as well as all other appointments, suspensions and removals. The first chief, Thomas Jones, resigned after three years of service.

The issue of the removal of the chief did not become a controversy until 1912 when Chief James L. Beavers was suspended. Chief Beavers was removed after a trial by the Board of Police Commissioners where he was found guilty of insubordination. Beavers appealed the ruling of the Board to the Fulton County Superior Court where he won exoneration, but the ruling stated that he would have to resign within ninety days if the majority of the Board requested him to do so.

The conflict between Beavers and the Board was a combination of his operation style and politics. Prior to Beavers' ascendance to the office of chief, the Board had been stripped of some of its powers, including the power of appointment and removal by a successful reform movement. Beavers' selection was part of the reform movement to remove some of the political corruption and lawlessness from the city. Beavers carried out his duties in an aggressive manner which irritated the Commissioners.

In 1922 while still chief of police, Beavers ran an unsuccessful campaign for mayor. During the same election, an amendment was approved abolishing the Board. The authority of the Board was transferred to a police committee of the city council. Conflict between the new mayor, Walter Sims, and Beavers developed when Beavers refused to respect the authority of the Police Committee. A new move was launched to remove Beavers, and Beavers again sought relief through the courts. He received an injunction against his suspension, and upon appeal to the Georgia
Supreme Court, he was reinstated.

Most selections of chiefs in Atlanta have been accompanied by back-room deals and politicking. Herbert Jenkins, the chief when Sam Massell became mayor, was selected in 1947 after the chief, Hornsby, died of a heart attack. Jenkins had supported Mayor Hartsfield in several political campaigns, and Hartsfield felt that he could trust Jenkins. Atlanta did not have a fixed term for the chief, thus Jenkins remained in office until 1972.

Massell gained the opportunity to select a chief when Jenkins retired in 1972. The selection had the makings of a controversy in that Atlanta had not changed chiefs in 25 years. Controversy was also to be expected in that Massell was Atlanta's first Jewish mayor, and he had been elected with a large percentage of the black vote. It was rumored that a black chief would be selected since Massell had appointed several black department heads.

In addition to the racial issue, the parochial issue also surfaced. Many police officers expressed support for an internal selection; Massell initially felt that he should find someone external to the department. A number of "outsiders" were interviewed, but many were not interested. One "outsider" who was interviewed for the job reportedly remarked that the police department "is in such a mess, I wouldn't touch it." On the other hand, a number of aldermen and community persons expressed support for an internal selection.

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92 Interview with Sam Massell, former mayor of Atlanta, Ga., January 10, 1975.

Assistant Chief Clinton Chafin was suggested as a very likely nominee for the chief's job. He had the support of Jenkins, and many felt that his appointment would make for a smooth transition. Chafin had been involved in an on-going feud with Assistant Chief John Inman who also had been suggested for the chief's job. A month prior to Massell's nomination, the local newspapers were reporting that Inman was Massell's top choice for the job. Inman was a close friend of the mayor's brother, Howard Massell. There were rumors that the mayor's brother would control the department.

On March 20, 1972 Massell submitted John Inman's name to the Board of Aldermen for their approval. Inman had risen from sergeant in 1966 to lieutenant in 1967, to a captain in 1970, and finally to assistant chief one month before his nomination. He was criticized by some for his lack of administrative training and experience. There were also questions raised concerning his integrity because of his intervention in a bribery case of a night club owner. The Fulton County District Attorney opposed Inman's nomination because Inman had intervened in the case.

Jenkins reports that certain aldermen were told that if they rejected Inman, Massell may appoint a black chief. "The specter of a black chief frightened some members...into hastily supporting a candidate...without giving the matter serious consideration." There was only thirty-five minutes of debate during which time Aldermen Wade Mitchell, Marvin Arlington, and Wyche Fowler urged a delay until after a public hearing.

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94 Jenkins, Forty Years on the Force, p. 135.
95 Atlanta Constitution, March 21, 1972.
Two other aldermen, Q.V. Williamson and John Flanigan, joined the three who asked for a delay in voting against Inman—the vote was thirteen to five. Two black aldermen, Ira Jackson and H.D. Dodson, voted for Inman. Alderman Driebe voted for Inman but stated afterwards that he felt that an outsider should have been selected, but "the mayor has the responsibility. Good or bad, it's at his doorstep. He gets the credit or blame."

The nomination and confirmation took place in such a short span of time that the black community did not have time to organize support for or against the selection. The haste with which the board approved Inman "came back to haunt" many of the supporters, including the mayor. Within one year, the mayor and the chief had had a major split, and the chief had run his former friend, the mayor's brother, out-of-town. Inman had begun an investigation of the chairperson of the police committee, Ira Jackson (this investigation will be discussed later); and Charles Driebe was ready to vote to remove Inman from office.

The aldermen were asked to describe how John Inman viewed the Board. Over half stated that Inman had an unfavorable view of the Board; three stated that he had a highly unfavorable view of the Board. One alderman remarked that Inman was responsive to no one, and Inman viewed actions by the Board as unnecessary interference. On the other hand, the majority of the aldermen felt that Jenkins viewed the Board favorably (61.5 percent); they expressed opinions that Jenkins respected the Board.

More respondents felt that Inman viewed them personally as unfavorable than the Board as a whole. Six, compared to five unfavorable,
stated that they felt that Inman viewed them favorably. Persons who responded that Inman viewed them as unfavorable or highly unfavorable expressed pointed criticism of Inman. One alderman remarked that Inman did not like aldermen who voted against his appointment. Another remarked that Inman felt that the alderman was a threat to Inman's program. Still another answered that Inman disliked anyone who tried to get a semblance of justice.

Over 60 percent of the respondents answered that Jenkins viewed them favorably or highly favorably. Remarks such as "we respected each other" or "we maintained cooperation and support" were made.

Less than nine months after Inman was appointed chief, rumors began to spread concerning a dispute between the mayor and the chief. The dispute became public after Inman and Howard Massell broke their friendship. Inman and Howard Massell reportedly broke their friendship after the mayor's brother tried to get Inman's help in soliciting campaign contributions for the mayor from night club owners.96 There were also reports that Inman and the mayor's brother had disagreed about the Wolcoff brothers, reputed mobsters from Chicago who had moved to Atlanta. Inman reported that Massell wanted to befriend the brothers while Inman wanted them to leave town.97 The Wolcoff brothers and Howard Massell eventually left town—some say that Inman ran them out.

Soon after the dispute between the mayor's brother and the chief became public, the mayor threatened to fire Inman. The displeasure with Inman spread to the Board, and in early 1973 some members of the Board

96 Atlanta Constitution, April 19, 1974.

97 Atlanta Constitution, October 26, 1972.
began to develop methods to register their displeasure concerning the actions of the chief. Alderman Driebe introduced a proposed charter amendment that would establish a point system for promotions which would replace the existing system of exclusive chief promotions. Alderman Flanigan drafted a resolution calling for a censure of Inman. Both of these actions came after the chief had publicly announced that he was investigating Alderman Ira Jackson, head of the police committee. Inman charged that Jackson had been carrying out illegal activity at his gas station. Jackson, a black man, charged that the investigation was politically motivated because Jackson took some positions that were counter to Inman and his program. Jackson also charged that the investigation was racially motivated. Jackson was subsequently cleared of charges of criminal involvement and associations by a grand jury which found insufficient evidence for indictment.

The mayor refused to play an aggressive role in a move to oust Inman—this was blamed for the failure of the move. In the spring of 1973 an impeachment resolution was introduced in a Board meeting. When the vote was taken, ten aldermen voted against the measure: Griggs, Flanigan, Leftwich, Cotsakis, Fowler, Lambros, Turner, Summers, Fowlkes, and Pierce. The five black aldermen, along with three whites—Driebe, Bradley and Mitchell—voted for the measure. Fowler invoked the state's sunshine law to prevent the Board from meeting in a private session to discuss the matter. "Most observers feel a private session was the only way the Aldermen could have moved against Inman free of press scrutiny.
of their arguments and decisions." Some aldermen probably were afraid to vote against Inman for fear of reprisals by police officers who were Inman supporters.

The possibility of reprisals may have been more real than imagined. The attempted indictment of Ira Jackson has already been mentioned. Another alderman who sought the ouster of Inman, Driebe, was reportedly harassed by police officers who claimed that he was drunk driving. This survey revealed that over 75 percent of the aldermen knew of instances of police harassment of public officials; however, none admitted to being personally harassed. Some of the reasons given why harassment takes place were "to keep the heat off the police department," "political jealousy" and "racism." One alderman remarked that the harassment mainly came from the upper echelons. Two aldermen even stated that they had been pressured by police officers to take stands on certain issues.

Over half of the police administrators indicated that they knew of instances of police harassment of public officials. Several administrators stated that the harassment came as a result of personality differences, several others felt that opposing views on policy brought it about, while one administrator felt it was due to vindictiveness.

The campaign to remove Inman moved from the Board chambers to the community. The removal campaign will be discussed in Chapter V.

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The selection of a chief police administrator was a more heated issue in Newark than it was in Atlanta. The issue was conflictual for several reasons: (1) Newark had elected its first black mayor; (2) the police director's job can go to a civilian; (3) the police director's job is a political appointment; (4) Gibson's first appointee resigned after a year and a half in office; and (5) Gibson's second appointee was black. The impact of each of these factors will be discussed below, but first a brief historical overview of the development of the office of police director will be given.

The Newark police system had its beginning with night watchmen in 1836. In 1844 an ordinance was passed establishing an office of city marshal and providing for constables. The night watch, marshal, and constables were consolidated into one department in 1857. The mayor exercised administrative control over the department, and he and a Police Committee shared disciplinary control. Police personnel, including the chief, were hired and fired based on their political contacts and allegiances. The impact of politics on the force is best illustrated by the career of Jacob Wambold:

- Appointed day policeman by Council, April 4, 1857
- Promoted to chief, January 11, 1861
- Dropped by Council, January 6, 1866
- Appointed Chief, January 11, 1875
- Dropped by Council, January 18, 1876
- Appointed patrolman, April 1, 1884
- Promoted to detective sergeant, June 28, 1887
- Promoted to lieutenant, December 29, 1889

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In an effort to reduce some of the political involvement in the police department, the state legislature authorized the establishment of a Board of Police Commissioners in 1885 to administer the department. Six years after the inauguration of the Board, the office of police chief was abolished, and the sitting chief was demoted to chief of detectives. The office of chief was replaced with the office of superintendent. The state legislature reacted to the changes by abolishing the office of superintendent and restoring the office of police chief.

The political influence on the police department led to corruption within the department. In 1907 the Newark Police Department was shaken up by a major corruption investigation that involved the chief and several police commissioners. Before the chief could be tried, he committed suicide.

The constant shifting of lines of authority and administrative personnel continued until the present administrative structure was adopted in 1954. A referendum changed the structure of city government from the commission form to the mayor-council form. The office of police director was established to administer the police department. The director is a political appointee who answers directly to the mayor. The chief of police is second in command to the director. The chief's job is a civil service position.

Since the establishment of the office of police director, there has been conflict between the director and the chief. Some chiefs have been able to "run" the department because they have come up through the ranks and know the personnel. Some directors, like the first director, have
had a difficult time getting anything accomplished because they have been "outsiders" or the chief and other command personnel have been resentful because a person with a lower rank was named director.

There were periodic calls for the elimination of the political position of police director. The leading supporter of the abolition of the position during the study period was Councilman Bottone. In spite of the fact that he proposed abolition several times during the study period, no action was ever taken on his proposal. Mayor Gibson was clearly opposed to such a proposal because he felt this office provided the only means by which the mayor can hold the police accountable in a city with a strong police union.

After Gibson was elected mayor, rumors were circulated to the effect that Amiri Baraka would be appointed police director. Baraka (formerly Leroi Jones) was a playwright and black political activist who had helped to pull together a black and Puerto Rican coalition that was responsible for the election of Gibson. Baraka had been very outspoken concerning police brutality and other police related matters; therefore, some people felt that Gibson had promised Baraka the director's slot as his political payoff.

Instead of nominating a black as many whites and blacks had expected, Gibson nominated John Redden, a white police officer. Redden, a deputy chief, had a clean reputation as a policeman, but his nomination upset whites as well as blacks. Supporters of the outgoing director, Dominick Spina, did not want Redden appointed because he had once testified against Spina, and they felt that they would lose some of the favors that Spina had
delivered. Spina was indicted for nonfeasance in office and accused of being lax in the enforcement of gambling laws.

Gibson was asked if he considered appointing a black director. He said no because he thought it would have been politically unwise. He felt that the appointment of a black

would have raised to a higher level the fears that many whites had...that we were going to make everybody black and take over the city. I thought it would have been nice to have a black director, but politically it would have been a mistake.100

Gibson felt that Redden was highly qualified for the job.

The first confirmation vote by the city council was unanimously against Redden. The unity platform that swept Gibson into office broke down on his inauguration day when the black councilmen refused to support Gibson's nominee because he was white. The Newark Evening News reported that some white councilmen had received threats if they supported Redden.101

With pressure from Gibson, Redden was confirmed the same day by a vote of seven to two. Dennis Westbrooks, a black, and Anthony Guilliano, a former policeman, were the two negative votes.

The problems experienced by Redden in being confirmed were to only set the stage for future problems—problems that would drive him out of the office of police director and make him so bitter until he refuses to grant interviews concerning his tenure as police director.

The responding councilmen were asked what official or unofficial actions did they take in the controversy surrounding the appointment of

100 Interview with Kenneth Gibson.

Redden as director. Only one councilman stated that he actively worked to turn votes in favor of Redden, and only one councilman replied that he was satisfied with the outcome. Several councilmen who supported the nomination indicated that they were not satisfied with the candidate, either prior to or after their confirmation vote.

The councilmen were also asked their opinion of how Redden viewed the council. Four members indicated that Redden viewed the council as unfavorable or highly favorable, but when asked how Redden viewed them personally, three replied that he either viewed them favorably or highly favorably.

Less than a year after Redden's appointment, a group of black leaders asked Gibson to fire him because there was racism in the department. Redden replied by asking the City Council to review his work and "take a position, pro or con, and adhere to it." Gibson rejected the demands for Redden's ouster, stating that "Director Redden is the best police director in the history of Newark." He further stated that Redden had the support of the majority of Newark's citizens. The PBA president also expressed support for Redden stating: All Newark policemen, black and white, join me in denouncing the lunatic fringe element which recently demanded Director Redden's resignation....We congratulate Mayor Gibson in supporting Director Redden and for rejecting the anarchist demands for Redden's resignation.

102 Newark Evening News, April 9, 1971.
104 Newark Evening News, April 9, 1971.
106 Ibid.
In 1972 Baraka called for the resignation of Redden. The resignation was made because Baraka felt that Redden was not doing his job of protecting the workers at the Kawaida Towers construction site. The Kawaida Towers issue was the biggest police, political, and racial issue to develop in Newark after the riots. This issue led to the polarization of the police department and the eventual resignation of the police director. Several persons indicated that the Mayor would have fired Redden if he had not resigned. In order to show the relationship of the Kawaida issue to the "removal" of Redden as police director, a brief history of Kawaida Towers should be given.

Kawaida Towers was a housing project sponsored by Amiri Baraka and his followers in 1971. On September 15, 1971, the city granted the project a tax abatement on a motion by Councilman Frank Megaro without a dissenting vote. The project was to be located in the North Ward which is about 70 percent Italian. The proposed building, which would include 210 apartment units in sixteen stories, was designed to provide low and moderate income housing.

The New Jersey Housing Finance Agency (HFA) approved a $6.4 million, 100 percent guaranteed mortgage in March 1972. Soon afterwards, the 1.7 acre land tract was purchased at a cost of $225,000, and construction began.

It was not until October 1972, after ground-breaking ceremonies, after construction had begun, and a full year after the city council had approved the tax abatement, that opposition to the project developed. A former Kawaida Temple member reported that Baraka and Assemblyman Anthony Imperiale (now state senator) had met and worked out an agreement con-
cerning the number of Italians and blacks who would be hired at the construction site. At the time Imperiale did not express opposition to the project or its location; yet, Imperiale and Megara—the councilman who introduced the tax abatement proposal—became the leaders of the opposition to Kawaida Towers.

The issue became racial when Imperiale pointed out to Italians that the unit would become a black slum in their neighborhood. Italian residents of the neighborhood were told by the opposition leaders that they would be preyed upon by black criminals. Baraka became more of an issue than the need for housing; yet, publicly the opposition leaders said that the reason they were opposed to the Towers was because of the size of the complex.107

Imperiale and his followers were successful in keeping Italian construction workers from the site. Union workers refused to cross the demonstration lines. "Contractors, suppliers, builders and all who were connected with building the complex were...threatened with bodily harm by Imperiale and his mob, if they continued their efforts to complete the work..."108

The police became involved in the issue after the demonstrators set up a picket line at the site. Police officers were supposed to keep the pickets back from the site so that construction could continue, but the police officers allowed the demonstrators to block the workers from

the site. Director Redden went to court to seek an injunction to limit the picketing, but Superior Court Judge Irwin I. Kimmelman refused on the grounds that he did not see where the demonstrators were going beyond their freedom of assembly. Baraka attacked the Police Department's failure to control the demonstrators, stating: "Put antiwar demonstrators or black pickets up there and see how long they would last. Instead we see the highly trained police stopped by old women, beer bellies and children." The Italian president of the Police Benevolent Association (PBA) called on his members to support the demonstration by joining the picket lines, effectively aggravating the tense situation that existed.

After union workers refused to cross the picket lines, black, non-union workers began showing up to work. These black workers were assaulted by the demonstrators in full view of the police, and eventually, they stopped showing up.

In December 1972 Redden announced his resignation as police director citing the continuing controversy over Kawaida as the reason. Redden blamed both sides for the continuing controversy. Two days before his resignation, he lashed out at Gibson and the city council for allowing the controversy to continue. He felt that the police had been forced into a political dispute that they should not have been involved in. He spoke out against Kawaida Towers saying that it was located in the North

110 Ibid.
Ward "to provide confrontation under the guise of providing housing." 112

In testimony before a Kawaida Towers Inquiry, Raymond Brown, attorney for Kawaida Towers, Inc., disputed Redden's allegation concerning the location of the project. He stated that the land was chosen by the architects because it was the one place available that was suitable for the design that had been developed. Baraka, he reported, had nothing to do with the selection. 113

Gibson accepted Redden's resignation despite urgings to the contrary made by certain city council members. Relations between the Mayor and the director had been affected by the Kawaida controversy, and some respondents indicated that Gibson was glad that Redden decided to resign.

On December 10, 1972, Gibson nominated a black man, Lieutenant Edward L. Kerr, as Newark's first black police director. In an address before the City Council, Gibson asserted that his decision "hinged on a man who could enforce the law while tempering enforcement with justice, sensitivity and a realistic understanding of the social conditions out of which our present situation has come." Gibson indicated in his interview that he considered outsiders, but rejected them because an outsider would have to go through an adjustment period, plus Newark had enough qualified persons for the job. Kerr was the top ranking black in the department who was interested in the job.

The City Council's confirmation hearing on Kerr was more heated than the ones on Redden. Fifty of the approximately 350 persons attending the

112Ibid.

hearing spoke in favor of Kerr's confirmation. Much of the discussion broke down into racial terms. Community persons argued that Newark should have a black director because its population was predominantly black. Italians argued that Baraka and his black nationalist supporters were seizing control of the city. In an angry exchange with Italian Councilman, Michael Bottone, Sharpe James, a black councilman exclaimed, "When Newark had an Irish mayor, we had an Italian director and now we have a black mayor and all of a sudden the racist jump out of the closet." After five and one-half hours of debate, Kerr was rejected by a vote that split down racial lines: five to three (one white councilman was absent). In spite of the rejection vote, Gibson appointed Kerr acting director for ninety days. This action did not require council approval.

At the end of the ninety day period, Kerr's name was resubmitted to the council for approval. He was again rejected, and again the vote split along racial lines: three for and three against with three white councilmen absent. Prior to the confirmation meeting, Gibson had appealed to council members in a letter to make a "fair evaluation of Director Kerr's performance." Gibson mentioned that some council members who voted against Kerr had stated that if Kerr proved himself capable, they may change their vote. Either these council members were absent, Kerr had not proven himself or some one did not tell the truth.

115 Ibid.
In early June 1973, the Council voted to confirm Kerr, but later the same night the vote was suspended after Westbrooks accused the white council members of reneging on a deal that involved black support for the appointment of Councilman Ralph Villani's wife, Marie, to his unexpired term of office in exchange for white support for "black-oriented" resolutions. The vote on Kerr was five for and four abstentions. The two white supporters were Villani and Bontempo. Westbrooks charged that Turco had told him that "in order to get Kerr, we've got to get Mrs. Villani in." Council President Turco accused Westbrooks of having "a hidden agenda to defeat the confirmation of Director Kerr."

Finally, on July 11, Kerr was approved by a five for and three abstentions vote. Villani and Bontempo joined the three blacks in the confirmation. The long confirmation battle had served to take away some of the "thrill" the black community felt for a black director. Several weeks after the vote, Baraka charged that Kerr was "ignorant and reactionary, a man frightened that white folks will disapprove of him." The six months battle for approval had also taken its toll on Kerr. He stated in an interview that his leadership ability was severely hampered by the struggle.

Newark council members were asked what official or unofficial actions did they take in conjunction with the nomination of Kerr. One

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118 Ibid.
119 Interview with Lieutenant Edward Kerr, former police director, Newark, N.J., March 22, 1977.
councilman indicated that he voted for Kerr but did not think that he was qualified. Another stated that he voted against Kerr because he questioned his background. Still another commented that he had put pressure on the mayor to appoint a black. When asked their opinion of how Kerr viewed the Council, 60 percent indicated that Kerr had a favorable view of the Council. This finding is interesting in light of the problems Kerr had in getting confirmed. Some of the comments included the following: "he was more practical;" "politics forced him to have a favorable view." One councilman commented on the Council's view of Kerr, "they thought he was dumb." Another asserted that Kerr was insecure of all councilmen.

Conclusion

Both Atlanta and Newark experienced problems in recruiting and selecting black police officers. Both cities were sued by black police associations in an effort to increase both the hiring and promotion of black officers. At the beginning of the study period, close to 10 percent of each city's police force was black. By the end of the period the percentage had about doubled in each city; nevertheless, the black population in each city was over 50 percent. The special recruitment programs paid off by increasing the number and percentage of black police officer., but the goal of making the percentage of black police reflective of the cities' black population has not been reached. This goal was probably set more as an ideal or utopian goal rather than one to be achieved. Several factors have helped to keep departments from achieving this goal. First, the turnover rate in police departments is
not so great as to open many new positions. The undermanning of police departments that was experienced in the sixties was eliminated with the recession of the seventies. More police positions are being eliminated than positions being created. Second, whites tend to score higher on the entrance examination than blacks. This was true in Atlanta and Newark; therefore, if departmental rules say that persons making the highest scores should be hired first, whites will continue to be hired in greater numbers than blacks. Third, more blacks have had problems with the criminal justice system that will be reflected in their background investigation. Fourth, reverse discrimination lawsuits have helped to make some departments slow up in the area of affirmative action. Atlanta had such a suit filed against its police administrator after the study period. Fifth, the federal government is beginning to cut back on its aid to police departments, and much of this aid has been tied to affirmative action compliance. Some departments may cut back on the recruitment of black officers if the federal government is not watching over their shoulders. It can be concluded that there is still a lot of racism in America, and this will be the overriding factor that will determine the future of the recruitment and selection of minority police officers.

Blacks in both cities did not devote a lot of attention to the content of police training programs. Training does not usually make headlines like police brutality incidents, but the failure of training programs is often indicated by the number of police brutality complaints. Of course training alone cannot eliminate conflictual relations between the police and the public. Newark had a much more comprehensive program than Atlanta,
but there were still problems of police brutality and police-community relations.

The selection of the police chief administrator was the most controversial and conflictual of all issues in Newark, while the removal of the chief was a big issue in Atlanta. Blacks in all economic classes expected Gibson to appoint a black police director because they felt that only a black person could clean out some of the corruption and misconduct in the police department. Atlanta blacks did not even try to have any input into the selection of the police chief. They were willing to trust the judgment of Massell. Perhaps the differences between the reactions in the two cities can be traced to the history of the city and police department. Atlanta blacks had had their share of brutality incidents, but they had not lived through an experience like the Newark riot. They had not had the history of police and city government corruption. Newark blacks saw this as an opportunity to get their share of the "pie." Atlanta blacks had elected a liberal white who they felt would be sensitive to their concerns. However, it is only fair to say that Massell had no way of knowing that Inman would cause all the controversy and problems to the city that he caused.
CHAPTER IV

DEMANDS AND SUPPORTS: POLICE-CIVILIAN RELATIONS

Police Brutality

Police brutality means different things to different people and communities. Some acts of brutality are very obvious, and everybody could agree that such acts are brutal, while others are more subtle and may not be defined as brutality by certain people. Some people only include the obvious acts in their definition; therefore, they define brutality only as "excessive use of force." Others, such as Reiss, include a number of practices in the definition, such as: (1) the use of profane and abusive language, (2) commands to move on and get home, (3) stopping and questioning people on the street and searching them and their cars, (4) threats to use force if not obeyed, (5) prodding with a night stick or approaching with a pistol, and (6) actual use of physical force or violence itself.¹ For purposes of this study, the broader definition has been adopted so that police brutality can refer to "psychological, verbal and physical misuse of police authority."²

Several studies have dealt with racial differences in views toward police brutality. A Denver study revealed that...


Thirteen percent of the Negroes and 15% of the Spanish-named listed as police brutality not listening to the other side of the story, taking situations into their hands without consideration for the people involved, unfair use of authority and misuse of law. Furthermore, 3% of the Negroes and 5% of the Spanish-named cited unfriendliness, suspicion, and prejudice. Only 4% of the Dominants (whites) thought of these other activities as constituting police brutality. In fact, among Dominants the second most popular response (14%) was to deny that police brutality existed or to argue that force was necessary or that the charge was trumped up by criminals. Another 8% argued that, though physical mistreatment was what they meant by police brutality, it was for the most part provoked by the people dealt with by the police.3

A 1965 Gallup Poll found that 35 percent of black males believed that police brutality exists in their areas compared to 7 percent of white males. A study of Washington, D.C. residents found that 48 percent of the black males felt that police brutality existed.4 One common theme runs through all surveys: blacks believe that police brutality occurs in their communities.

It has been well documented that police brutality or a belief that police mistreat blacks was one of the leading causes of the riots of the sixties. In Newark, for example, the rumor that a taxi driver who had been taken into custody had been beaten, and later rumors that he had been killed by police, helped to trigger the 1967 uprising. It has also been documented that police brutality is a prime factor in continued tensions between blacks and the police.

There are no accurate figures on the extent of police brutality.

3Bayley and Mendelsohn, Minorities and the Police, p. 124.

Statistics would be easier to keep if all incidents involved excessive force because physical evidence would be available. Yet, physical evidence is often not enough to convince the larger society that an act of brutality has been committed if the police officer(s) states that force was needed to restrain the brutality victim. These cases add more definitional confusion to the concept of police brutality. How much force is needed to restrain a suspect? How is excessive or unnecessary force determined? When is a police officer justified in shooting a suspect? Is a police officer ever justified in shooting a suspect in the back? Are accidents really accidents? Answers to these questions by blacks, Hispanics, whites, and police officers help illuminate the divergent views concerning excessive or unnecessary use of force that exist in society.

There is even more disagreement over other forms of brutality. As mentioned earlier, some whites do not consider brutality anything besides excessive use of force. Racial slurs, abusive language and disrespect are often considered forms of brutality by minority persons. White people may not consider such acts brutality because they are not often subjected to such. The frequency of verbal discourtesy has been found to be greater than excessive use of force and greater toward blacks than whites.\(^5\) However, these type incidents are less likely to be reported by blacks because they will probably be ignored by the police department. This is evidenced by a review of statistics of the Civilian Complaint Review Board of New York City. During 1973 and 1974,

only 29.5 and 29.6 percent of the complaints, respectively, involved discourtesy, while 51.4 and 50.3 percent, respectively, involved excessive use of force. 6

During the sixties, most researchers studying police brutality addressed the issue by using surveys of opinions of the existence of brutality. These surveys, as mentioned above, showed that blacks were more likely to believe that brutality exists than whites. In more recent years, several journalists have attempted to document evidence of brutality. The most comprehensive documentation was carried in Muhammad Speaks (now Bilalian News), the official newspaper of the Nation of Islam (now the World Community of Islam in the West). Every week brutality incidents—some included pictures—from across the country were reported. Most of the reports involved acts affecting blacks, but some reports included Hispanics who had been brutalized. The readership of Muhammad Speaks was overwhelmingly black; therefore, the average white was never exposed to these reports. Even if they had read the paper, many would not have believed because the Black Muslims were considered white-hating militants.

In Chicago, the conservative newspaper, the Chicago Tribune, engaged four of its reporters in a five-month investigation of police brutality in that city. In an eight-part series, the paper reported its findings. As a result, the newspaper received many calls from

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citizens who berated the paper for running such a series. "Even more people called with stories of abuse and beatings by policemen which they had been unable or unwilling to talk about." A number of cases were documented through the use of court documents, medical records and polygraph tests. Not only did the reporters describe incidents, but they pointed out the problems and frustrations of victims in trying to redress their grievances against the police departments. The investigation also showed that judges and juries were biased toward the police officer.

Police use of deadly force has been an issue in a number of cities throughout the country. Interest has been raised concerning the relationship between race and police shootings; the frequency of shootings; the age of victims; the justifiability of the use of fatal force; and other related factors. The use of deadly force usually becomes a controversy after a publicized incident rather than attempts by police or city administrators to revise policy.

In Philadelphia, the Pennsylvania State Committee of the U.S. Commission on Civil Rights conducted hearings that dealt with this and other police-community relations issues after tensions arose due to police harassment of Black Panthers in 1970. The Pennsylvania Committee report indicated that "from 1960 to 1970, fifty-nine blacks were killed by policemen compared to twenty whites and one Puerto Rican." 

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six of the police officers involved in these incidents were white, twenty-four were black. The police killings resulted in an arrest of policemen in only three of the black killings and three of the white killings.

In New York City, the proportion of black civilians killed by police is also out of balance with the population: 59 percent of the civilians killed between 1970 and 1972 were black.9

The Chicago Law Enforcement Study Group compared civilian deaths by police action for the five largest U.S. cities from July 1970 through March 1971. The results showed that Chicago had the highest civilian death rate per 100,000 population: .95.10 Chicago was followed by Philadelphia with a rate of .67, Los Angeles with a .28 rate, New York with a .27 and Detroit with a .26 rate. In spite of the fact that no correlation was found between the size of the police force and the number of police killings, Chicago still had the highest rate of deaths—2.53—followed by Philadelphia with 1.67.11 Seventy-five percent of the civilians killed in Chicago were black; all three females killed were black.12


Tbid., p. 10.

Tbid., p. 20.
Kansas City, Indianapolis, Washington, D.C. and Detroit as sample cities. Seventy-eight percent of those killed, and 80 percent of the nonfatally shot persons were black.\textsuperscript{13} Thirty-two percent of the incidents involved disturbance calls; 21 percent involved reports of robbery.\textsuperscript{14} Most of the fatal cases (92 percent) did not result in any form of punitive action.\textsuperscript{15} Decoy or stakeout operations were involved in only 4 percent of the total cases, but the report noted that Detroit's shooting rate decreased by 25 percent after STRESS (a plainclothes special squad that used decoys) was abolished.\textsuperscript{16} During the same period that Detroit's shooting rate was decreasing, its violent crime rate increased by 18 percent.

A national survey of police killings during the period from 1965-1969 found that 43 percent of the victims were white, 42 percent black, 13 percent Spanish-American and 2 percent American Indian and Asian.\textsuperscript{17} "For every police officer killed by a black, six blacks were killed by the police."\textsuperscript{18} Less than one-third of the victims—28.6 percent—

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\textsuperscript{13}Milton et al., Police Use of Deadly Force, p. 19.
\textsuperscript{14}Ibid., p. 25.
\textsuperscript{15}Ibid., p. 28.
\textsuperscript{16}Ibid., pp. 25, 31; For a discussion of STRESS, see Detroit Under STRESS (Detroit: From the Ground Up, 1973).
\textsuperscript{18}Ibid., p. 188.
\end{flushleft}
cent—were either involved in a traffic violation or in no criminal activity. In over half of the cases, the policeman reported that he was defending himself against real, imminent or potential danger. The prevention of the escape of a felon or suspected felon was given as a reason for over 25 percent of the killings.

The killing of a fleeing felon or felony suspect has its roots in common law. Until 1800 most felonies were capital offenses; therefore, it was assumed that a felon who sought to escape has given up his/her right to life. This concept continues to exist in spite of the fact that for several years the death penalty was abolished, and now the death penalty can only be applied in murder cases. The average fleeing felon who is killed by the police seems from the available data to be an armed robber. Even if the death penalty applied to all felonies, police officers are not in a position to decide the guilt or innocence of a suspect. If police officers are to mete out death sentences, there is no need for the other components of the criminal justice system.

Many police departments do not have rules or policies pertaining to the use of firearms. A 1964 survey of cities with populations over 250,000 conducted by the Cincinnati Police Department revealed that the majority had firearms policies, but the policies varied considerably. Some policies consisted of nothing more than an appeal to officers to use "good judgement." Others simply stated that officers should leave their guns in the holsters until they intend to use them. One author has written of firearms policies in Connecticut:

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19 Cincinnati Police Division, "Police Regulations Governing the Use of Firearms Study," (Cincinnati, April 1964).
...it is legal for a policeman to use deadly force to halt a suspect when he has reason to believe a felony has been committed. Since the law requires clear probable cause, not mere suspicion, for an arrest, a... policemen could conceivably shoot someone whom he could not arrest.20

Vague and ambiguous policies have been criticized because they leave too much room for discretion by police officers. It is felt that patrol personnel need some guidance to protect the officers as well as the citizens. "The chief would not have to decide the rightfulness and wrongfulness of a particular incident based on some flexible and intangible scale."21

In recent years a number of police departments have reviewed their firearms policy with a view toward modernizing those policies. The impetus for change was brought about by the American Law Institute's Model Penal Code and later by the President's Commission on Law Enforcement and Administration of Justice's Task Force Report. The Model Code restricts the use of deadly force to instances where the suspect is a felon (or believed to be a felon) and the officer believes

1. The crime for which the arrest is made involved conduct involving the use or threatened use of deadly force, or

2. There is substantial risk that the person to be arrested will cause death or serious bodily harm if apprehension is delayed.22

20Ahern, Police in Trouble, p. 89.


22Model Penal Code, Sec. 3.07(b), 1962.
The Task Force Report recommends that

1. Deadly force should be restricted to the apprehension of perpetrators who, in the course of their crime threatened the use of deadly force, or if the officer believes there is a substantial risk that the person whose arrest is sought will cause death or serious bodily harm if his apprehension is delayed. The use of firearms should be flatly prohibited in the apprehension of misdemeanants, since the value of human life far outweighs the gravity of a misdemeanor.

5. Officers should be allowed to use any necessary force, including deadly force, to protect themselves or other persons from death or serious injury. In such cases, it is immaterial whether the attacker has committed a serious felony, a misdemeanor, or any crime at all.23

Seven states have adopted policies similar to the Model Penal Code. Another seven have passed legislation which limits the use of lethal force in making an arrest to forcible felonies.24

Atlanta

The history of the South has led many people to expect a certain amount of police brutality against black people. However, Atlanta has always tried to distinguish itself as the "different" southern city, the most progressive, "the city too busy to hate." During the Civil Rights Era, Atlanta experienced fewer and less violent confrontation than many other southern cities and towns; nevertheless, Atlanta has not been the leader in police-black community related matters.

One of the reasons why city officials agreed to hire black policemen was to reduce some of the police brutality in Atlanta.25 Jenkins mentions that brutality against black women was particularly

23President's Commission, Task Force Report, pp. 189-190.
25Jenkins, Forty Years on the Force, p. 51.
a problem. The police brutality problem in Atlanta was brought to full public attention in 1969 when the president of the Afro-American Patrolman's League (the black police organization), DeWitt Smith, held a press conference to report on the beating of three black men by policemen in the city jail. Smith, who witnessed the beatings, reported that as a black man he could not stand by and say nothing. Smith's revelation led to others. Several days after Smith's press conference, black leaders stormed the mayor's office demanding that the police chief be fired because of the increase in police brutality incidents. The leaders, in a telegram to the U.S. Attorney General, had asked for a federal probe of the department. The F.B.I. came into Atlanta, but no federal charges were filed as a result of their probe. A county grand jury probed the brutality charges and concluded that most of the charges had been exaggerated, but in a few instances, policemen had overreacted. The jurors concluded that "if the news media had reported all the facts, the fine reputation of our police department would not have been marred."

Police brutality was continually one of, if not, the key police related issue of concern to Atlanta's black residents during the study period. During 1970 two police incidents caused a great amount of concern in the black community: (1) a June 3 shootout at the Greyhound Bus Station left two persons dead and four persons injured, and (2) in August, Andre Moore, a fifteen year old black resident of Summerhill (one of the low income areas) was killed by Officer J. I. Hasty, a white man, after the officer's gun allegedly went off touching off several days of rioting.

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The Moore case was one of the most controversial cases that took place during the study period. Several factors may have contributed to the controversiality of the case: (1) the age of the victim; (2) the area in which the shooting took place; (3) the time the incident took place (after two other incidents and during a period when blacks were accusing the police department of brutality). Moore was unarmed except for a rock. Hasty stated that he drew his gun hoping that the youth would drop the rock. Immediately after the incident, the police chief announced that he was starting weekly gripe sessions and that a black man, Howard Baugh, had been appointed acting superintendent. Nevertheless, the two actions did not cool tensions in Summerhill. By the end of August, two policemen had been shot, a store had been bombed, and several acts of vandalism had been reported.

Officer Hasty and his partner were indicted on charges of voluntary manslaughter, but they were acquitted in October after tensions had eased.

Most of the respondents in this survey remembered the Moore incident, but few, including the police officials, had been directly involved. The community organization representatives were not satisfied with the outcome because the officers were acquitted. One alderman stated that he had checked the records and found out that Moore was a criminal; therefore, he was satisfied that Moore was killed. "A hoodlum that is killed is just a hoodlum," he replied.

Fewer respondents remembered the shootout at the Bus Station. The shootout occurred when police went to the bus station reportedly on a tip that some persons wanted by the police were there. When the
shooting ended, two persons were dead: a policeman and a civilian. Four civilians were reportedly beaten by the police after the shooting ended; yet, only one was charged.

Three of the community organization representatives stated that their organization was not in existence at the time or was not working out of Atlanta; therefore, they did not recall the incident. A police administrator and two aldermen could not recall the incident. This incident was not as controversial because most of the persons involved were out-of-towners.

1971 and 1972, however, only represented the "lull before the storm" because 1973 was to become known as the year of "police terror" by many black Atlanta residents. During 1973 at least nineteen civilians were killed by Atlanta police officers. The annual rate of civilian deaths per 100,000 persons was 3.32. When compared with cities used in a Police Foundation study, Atlanta had the highest rate of civilian deaths. When figures were broken down by deaths per 1000 police officers, Atlanta still came out well ahead of the other cities. Its closest competitor was Birmingham with a rate of 7.85.

In 1971 and 1972 there were no major police brutality controversies, yet, charges of brutality continued to be raised against Atlanta police officers. Perhaps by this time, the city had begun to get use to the police brutality cries and some black residents had begun to accept brutality as a way of life in Atlanta.

There were five major controversies concerning alleged police brutality incidents during 1973 and numerous lesser publicized incidents. Three of the five incidents involved killings of civilians by police
The other two involved injury to black mentally retarded female teenagers.

The first controversy began on March 10 when Hubert Comer, a black motorist, was fatally shot by Patrolman J. K. Ragland. The killing probably would not have created a controversy if the head of the homicide division, Lt. Louis Graham, a black man, had not indicated that he found discrepancies between Ragland's account and reports from witnesses. Graham reportedly found evidence that a knife had been planted on Comer in order to justify the shooting. Graham was removed from the case and the homicide division after his discovery of the evidence. Ten days after the Comer killing, Graham and Cpt. C. J. Strickland, a twenty-five year white veteran held a press conference to demand that Inman be removed because of the way he was handling the Comer case. This press conference and its aftermath touched off a series of probes, hearings, accusations and counter accusations.

Graham and Strickland were brought before the Police Committee in April on charges of refusing to carry out a direct order (to report to the Internal Investigation Division to answer questions). They were acquitted with Vice Mayor Maynard Jackson casting the deciding vote. Two days later, Inman expressed his displeasure with the vote by demoting both of the officers. In November the Police Committee held an administrative trial for Graham and Strickland on charges of inefficiency and untruthfulness. This time a unanimous vote cleared both officers of all charges except Strickland was found in violation of several minor regulations.

In the meantime, Ragland and four other officers who allegedly
planted the knife on Comer were dismissed from the force by the Police Committee. The county district attorney had refused to seek an indictment of the officers on the knife plant charges because the state did not have a law against such action.

All of the respondents had heard of the Comer incident. Community organization representatives expressed dissatisfaction with the outcome of the case because the officers involved had not been prosecuted. Some representatives also felt that Graham and Strickland should not have had to go through the personal hardships, financial expenses and personal humiliation just because they dared to take on the police chief. Police administrators tended to express satisfaction with the outcome of the case; however, some felt that the morale of the department had been hurt as a result. Aldermen who had served on the Police Committee were satisfied because they felt they had played a major role in cleaning up an ugly mess in the Department. Aldermen who did not serve on the committee tended not to comment on the case.

The second incident took place on June 4 when a fourteen year old, emotionally disturbed black female, Pamela Dixon, was shot in the stomach by officer Johnny D. Roberts with a dumdum bullet. A dumdum bullet, also known as a hollow point bullet, expands when it hits an object, thus creating a larger wound than a regular bullet. Atlanta Police Department regulations stated that officers should only use department issued ammunition. This was not department issued ammunition.

The police had been called by Pamela’s mother after she had been unable to take a knife from Pamela. Five officers were present at the
time of the shooting, but they reported that they could not restrain Pamela without shooting her. Pamela survived the shooting only to be charged with aggravated assault. In finding Pamela guilty, Fulton County Judge Kermit Bradford scored the case as he would a fight:

I have on her side, the only point I can see on her side is he shot her - if you want to call that one point for her, he shot her, - but the other points I have totalled up as it comes from the evidence. I have 22 points in favor of the officer and one for her.28

The third incident was a confrontation between Black Muslims who were selling papers downtown and policemen which occurred on June 19. The confrontation started when members of the police downtown foot patrol tried to stop several Muslims from "harassing" pedestrians. When the confrontation ended, two persons were dead—a policeman and a Muslim—and three persons were wounded. Conflicting stories have been told of how the shooting began. In fact details of what happened afterwards were so confusing to the grand jury until it indicted the six charged persons on a misdemeanor, simple battery, instead of murder.

Atlanta had only recently created a downtown foot patrol to help reduce crimes downtown and to make citizens feel safer. Atlanta had no crosstown buses; therefore, in order to get from one side of the city to the other, persons had to change buses downtown. At any one time of the day or evening, there may be an extraordinarily large number of persons waiting for buses. Many of these persons became easy prey for young purse snatchers, pick-pockets and muggers. These persons also served as a convenient group of potential consumers of the Muslim paper.

28 Transcript of Judge Bradford's statement.
Some persons viewed the confrontation as an attempt by the police to seize control of the streets downtown. Others saw this as another in a long series of harassment incidents carried out by the police. Still others who resented the Muslims' selling tactics were glad that the confrontation took place.

This incident and the resulting controversy, had political and racial overtones. One of the persons arrested was a campaign worker for Vice Mayor Maynard Jackson who was running for mayor. Jackson signed the worker's bond, and he was immediately accused of playing politics during a city crisis. Massell, who was running for re-election, went to visit the wounded policeman and afterwards he issued a statement praising the police department for the "way they moved in a proficient, professional manner."29 Black politicians, on the other hand, were critical of the way the incident was handled by the police, especially in light of the fact that so many innocent bystanders were on the streets during the shooting. Black community leaders condemned the action as another in a series of attacks by the police department on black citizens.

The fourth incident took place on September 8 outside a television station. A fifteen year old asthmatic and mentally retarded black female, Claudette Penson, was reportedly kicked in the abdomen by a police officer. According to accounts given by Claudette, her sisters and brother, Patrolman E. L. Wilson called Claudette's brother a "nigger" thus incensing her to the point that she picked up a brick. There is some dispute over which officer kicked the girl, but six

out of twenty-four witnesses reported that they saw a policeman kick her. The girl was initially taken to the county hospital from which she was released after a " cursory examination." Her mother later took her to a private hospital where evidence of internal bleeding was found.

After an investigation by the Internal Security Division of the Police Department, the case was closed by the Police Committee. The head of the division reported to the Committee that "even to take the word of the six people, we found she was very violent at the time and did abuse verbally and physically the officer involved."  

The black community reacted to this case because it was very similar to the Dixon case. In both cases, the "victim" was a black female teenager who was emotionally disturbed. Both girls were wounded in the stomach. There was some fear expressed for the fate of black females who had conflicts with police officers. Some viewed these incidents as expressions of the lack of respect for black females by white policemen.

The last incident, the eighteenth police killing of a civilian during 1973, took place in the city jail on November 29. Virgil Williams, a twenty-three year old black male was strangled to death when policemen reportedly attempted to bodily put him in a cell. The two officers involved, Patrolman D. E. Kelly and F. C. McIntyre, were both white and both had had misconduct charges filed against them in other cases. The officers reported that Williams had been belligerent, had refused to be locked up, and had physically resisted.

This case was somewhat different from the other incidents in that the officers involved were immediately suspended. Massell spoke out

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for the first time, calling the killing "the worst kind of brutality," "an overt act of sadism, almost.". 31 Perhaps Massell felt that by speaking out and taking immediate action, the black community would not organize protest marches, verbally attack the police department, and charge more police brutality. However, if this was his expectation, he was wrong. This incident probably created the most uproar of all the cases. In addition to the black community's outcry, McIntyre's ex-wife added her voice to the outrage. Mrs. McIntyre related at a SCLC meeting that her ex-husband was

very high-tempered, brutal, and cruel to everything helpless. Mrs. McIntyre broke into tears recalling how the officer had beaten her son, who couldn't walk, 'till he was black and blue.' If there was no human target for his cruelty, she said, he would take out his feelings on dogs and cats. When she complained to the police about his conduct, she was told he could handle his own children in any way he wanted to.32

At the end of 1973, the Police Committee examined the Internal Investigations Division files on the nineteen killings to determine if any irregularities existed. The committee concluded that further investigation was needed in four of the cases. A grand jury investigation was only suggested in one case. In the other three, it was indicated that material was missing. The committee indicated that it was not saying that all the other killings were justified. The committee also recommended the abolition of the decoy squad which had been involved in several of the killings. This recommendation was made for the consideration of the new administration that was taking office in 1974.


The question may be raised why was 1973 such an active year for police killings and other police brutality incidents. It may be argued that the increase in police assaults and killings was only reflective of increasing crime in Atlanta. According to FBI statistics for the first half of 1973, Atlanta's crime rate was the third highest among the thirty-three largest cities compared to a fourth place in 1972 and tenth place in 1971. Atlanta ranked first in murders. It may be theorized that police officers, frustrated by an inability to reduce crime took out their frustrations on persons they considered part of the criminal element. It should be mentioned that the number of policemen killed and assaulted increased during 1973. One policeman blamed the increased attacks on politicians. He told a reporter, "You add some statements they make without the facts and pretty soon some people think they're doing society a favor by shooting a policeman." Another policeman traced the blame to inadequate training of police officers in Atlanta.

Another explanation for the police brutality problems of 1973 may be the realization that Atlanta would probably have a black mayor in 1974. Many policemen feared what would happen to them if and when a black man was elected mayor of Atlanta. The fear and frustrations may have contributed to the number of police-black citizen confrontations.

Two explanations that can probably be substantiated easier than the first two are (1) the initiation of special squads such as the decoy squad, stakeout squad, and downtown foot patrol and (2) the lack of leadership by the chief in the area of police-community relations.

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34Ibid.
In 1972 Atlanta became part of the High Impact Anti-Crime Program. Atlanta used some of the Impact money to develop special police squads to fight specific index crimes. The stakeout squad was created in July 1972 to "combat the steady increase in armed robberies, burglaries and other street crimes." The squad members, armed with shotguns and working in plain clothes, hid out in or near business establishments during and after business hours and waited for a criminal to attempt to commit a crime. During the first six weeks of its existence, five persons were killed by the squad, and only seven arrests had been made. Despite the killings, the stakeout squad did not become publicly criticized until after it had been in existence for a year. The lack of public criticism amazed Inman, especially the lack of criticism by Vice Mayor Jackson. The lack of criticism may have been due to (1) lack of public knowledge concerning the squad; (2) approval of the tactics and the purpose of the squad; (3) lack of sympathy for "criminals" who are killed; (4) preoccupation of leading community and activist groups with other issues. The stakeout squad became a subject of public controversy in August 1973 after squad member Daniel P. Bowen killed his fifth black male.

In April 1973 the Police Department formed the decoy squad. This squad used various disguises such as drunks and little old ladies to attract would-be muggers, robbers and other persons who tend to prey on the old, weak and helpless. The concept of a decoy squad was developed by the New York Police Department in 1971. Since that time a number

36See Atlanta Constitution, August 9, 1973.
of cities have attempted to copy New York's model. Most of these squads have not been highly controversial. In fact most have enjoyed favorable acceptance by the public. In several cities the squads were accused of entrapment, but such charges have not been upheld by the courts.

In Atlanta the decoy squad was controversial from its inception. Like the Detroit STRESS squad, the Atlanta squad aroused the ire of the black community by the number of killings and shootings in which it was involved. One year after its initiation, seven persons had been killed. Twenty-four persons were shot between the time the squad was formed and the time it was phased out in 1976; many of these shootings resulted in deaths. One particular squad member, Carla Waites, a white female, was criticized for the tactics she used. Waites was accused of actively "soliciting sexual responses from men, reportedly telling one of the police victims that she would take so much for 'straight' sex and so much for other kinds." A black man testifying at hearings on the squad stated:

When you take a white woman, dress her up as a prostitute in a neighborhood where Blacks are known to pick up prostitutes, then kill the man, this is entrapment... why don't they entrap some whites?

Other criticism leveled at the squad concerned the leadership and training of the squad.

The third squad that evoked considerable public criticism was the downtown foot patrol which was created in the spring of 1973. This patrol was formed to provide security and a visible presence in the downtown business area. Its members were involved in a confrontation with the Black Muslims before the public could become fully aware of the existence of the patrol. The most frequent complaints against the patrol were that the officers spent more time harassing noncriminal citizens than they did preventing or fighting crime.

These special squads made up no more than 10 percent of the uniformed personnel; yet, they were responsible for over one-third of the police killings. This percentage is much higher than the percentages found for all the cities, except Detroit, used in the Police Foundation study. The Police Foundation found that only 4 percent of the shooting incidents involved stakeout or decoy operations. However, seventeen fatal shootings over a three-year period involved the Detroit STRESS unit. The New York Times states that a number of police officials felt that the controversy concerning the Detroit and Atlanta decoy squads was "the result of racial tensions that existed before the decoy operation was put into effect."\textsuperscript{41}

The final explanation of why 1973 was such an active year for police brutality related controversies was the lack of effective leadership by the police chief in police-community relations. From the beginning of his tenure as police chief in 1972, John Inman experienced conflict with members of the black community and with black police

\textsuperscript{41}July 10, 1977.
officers as well as with the county district attorney. A few months after Inman's appointment, he and the mayor had a major rift. Inman also had problems getting along with a number of white council members and police officers. Massell commented that Inman was difficult to work with and was a poor politician.\(^4^2\) One past president of the Afro-American Patrolman's League characterized Inman as a racist; another called him a dictator. Councilman Marvin Arrington was even harsher in his criticism when he remarked that Inman "Is one of the dumbest men I've ever met in my life....if John Inman had a brain he'd fly backwards."\(^4^3\)

Inman's failure to even pretend that he was concerned about police brutality helped to polarize the city and confuse his rank and file officers. Inman could not accept any criticism of the Police Department, and he felt he had to respond to any negative comments made about the Department. These responses were often not very diplomatic and well thought out. A hearing panel concluded:

A large part of the problem of police misconduct is present as a result of the seemingly racist attitude of the Police Chief, John Inman....The many acts of omission by Chief Inman have given a license to police officers to use force they see necessary to keep the black community in its place. As the highest official in the police department, the chief has a responsibility to exert and exhibit an impeccable character that encourages officers under his command to impartially protect and defend all the citizens of Atlanta - black and white. Police Chief Inman has not done this....\(^4^4\)

During the study period, little public attention was given to the firearms policy of the Atlanta Police Department, perhaps because

\(^4^2\)Interview with Massell.

\(^4^3\)Atlanta Constitution, June 19, 1972.

Atlanta did not have a policy. Also, many community residents felt that rules and regulations mean nothing unless they are enforced from the top down to the bottom. The Georgia Code states that deadly force is justified in situations where there is a threat of death or serious bodily injury to the officer or some third person(s) or where there is a belief that a forcible felony is being committed.\(^45\) The Code is not very specific; therefore, a number of interpretations could be attached. In order to more specifically define the limits of police power in the discharge of firearms, the International Association of Chiefs of Police (IACP) recommended that Atlanta adopt a general order regarding the use of firearms.\(^46\) The recommendation, which was not acted upon during the study period, prescribed the use of firearms only:

1. at an approved range,
2. when killing seriously wounded or dangerous animals where other disposition is impractical,
3. when necessary in the defense of their own lives when all other available means have failed,
4. when necessary in the defense of another person’s life when all other available means have failed,
5. when necessary to effect the capture of or prevent the escape or rescue of, a person whom the member has reasonable cause to believe has committed a felony, except for felony violations of the Motor Vehicle Code, when all other available means have failed.

Respondents were asked if they felt police brutality existed in Atlanta. The majority of each sample felt that it did exist, but community organization representatives were more likely to believe that brutality exists (table 18). A greater percentage of the police administrators indicated that they believe brutality exists than alder-

\(^{45}\)Georgia Code 26-902.

\(^{46}\)International Association of Chiefs of Police, A Survey of the Police Department, Atlanta, Georgia (April 1971).
men, but a number of police officials remarked that brutality exists in every city. Excessive or unnecessary use of force was considered to be a prevalent form of brutality by a majority of the respondents. No police official felt that beatings were prevalent in Atlanta. In the "other" category, responses included killings, abusive language and discourtesy. This study's findings are consistent with findings of other studies that black community residents are more likely to believe that brutality exists. The finding concerning the prevalent forms of brutality was similar to conclusions made by a hearing panel on police brutality and misconduct in 1973. The panel concluded that "misconduct by the Atlanta police takes the form of discourteous treatment, false arrests, excessive use of force, police murders, widespread 'flaking' (drop gun and drop knife) by police officers and subsequent police attempts to cover up these incidents."47

TABLE 18

POLICE BRUTALITY IN ATLANTA

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<tr>
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<td>5</td>
<td>55.6</td>
<td>7</td>
</tr>
</tbody>
</table>

NOTE: Percentages do not equal 100 because respondents could check more than one.

47"Interim Report on Police Brutality, p. 2."
The hearing panel and the survey respondents did not mention harassment as one of the prevalent forms of brutality. It is highly probable that most people do not define harassment as brutality. Respondents were questioned concerning harassment by police officers, and most of them agreed that harassment did take place; yet, this was not included in brutality.

Newark

In Newark, as in most cities, police brutality has racial overtones. During the early sixties a Black-Italian coalition had seized control of city government, but the coalition began to break down over the issue of police brutality. The police force was predominantly Italian, and the persons being arrested and those being subjected to brutality were predominantly black. Instead of trying to get at the root cause of the issue, Mayor Hugh Addonizio decided to allow the FBI to investigate Newark's police brutality complaints. Thus the police were left free to continue any actions against citizens as they saw fit.

One of the more publicized police brutality incidents prior to the 1967 riots was the case of Lester Long, a twenty-two year old black male. During the summer of 1965, Long was killed by Patrolman Henry Martinez after Long tried to escape. Long had been stopped because his muffler was too loud; and a check revealed a contempt of court citation. The killing brought angry reactions from members of the black community. Black protests were met by a PBA picket line. No charges were brought against Martinez who later became city councilman.

The Newark riots of 1967 were sparked by a rumored act of police brutality. John Smith, a taxi driver, was arrested on July 12 on a traffic violation. Residents of a housing project located across the
street from the Fourth Precinct Station saw Smith being dragged from a police car. As word spread throughout Newark, the details became exaggerated to the point that it was reported by some that Smith had been killed by police. Black residents took to the streets, and the riots began. When the riots ended on July 17, one white policeman, one white fireman, thirteen black men, six black women, and two black children were dead. Some of the deaths occurred under questionable circumstances; yet, none of the policemen involved were indicted.

The Hughes Commission reported that 32 percent of the blacks interviewed felt that Newark police performed poorly compared to 6 percent of the whites. Nineteen percent of the whites gave the police an excellent rating; only 5 percent of the blacks gave such a rating. The police were considered too brutal by 49 percent of the blacks and 5 percent of the whites. Only 3 percent of the blacks thought the police were too soft compared to 23 percent of the whites.

Seventy percent of the blacks felt that their complaints did not receive the same attention as complaints from whites. "Poor and middle-class Negroes alike complained about police brutality and verbal abuse....Negro women complained that the police treat every black woman as if she were a prostitute."

The Commission's findings of negative black feelings toward the police were considered to be exaggerated by the police director, and business went on as usual. A journalist described the period after the

riots as one marked by police brutality.

More than a score of blacks were sent to their graves, a good share of them by trigger-happy black police officers. They were shot when they ran. They were shot when they didn't run. And they were shot in confrontations and brawls which were dubiously reported in the local press. 49

One incident that particularly incensed black ghetto residents was the killing of seventeen year old Dexter Johnson. 50 Johnson was shot by Patrolman Charles Knox after Johnson accidentally ran into the rear bumper of a police car. Johnson ran from the car, and Knox pursued him in an alley. Knox claimed Johnson attacked him with a bottle, but an eyewitness, a fifty-seven year old man, claimed he saw no bottle. The policeman who did the shooting was a black man who later became the president of the Bronze Shields, a black police association. Ironically, he was also appointed to head up the probe into police brutality allegations relating to the Puerto Rican uprisings in 1975. 51

In spite of the fact that most of Newark's police brutality incidents involved white policemen, a substantial number involved black policemen. In addition to Knox, several other well-known black police officers have been involved in questionable shooting incidents. For example, Derek Akridge who took his fight to wear an Afro haircut all the way to the U.S. Supreme Court was involved in the killing of eighteen year old Charles Paul in February 1971. James Nance, president

51 Newark Star-Ledger, March 1, 1975.
of the Federation of Afro-American Patrolmen shot and killed a Puerto Rican during an off duty dispute in a barroom in 1974. As a result of these and other incidents, ghetto residents have been heard to remark that black policemen are more brutal than white policemen. One writer remarked that black police officers had less respect for black people than white policemen. One of the community organization respondents was opposed to special minority recruitment programs because he felt that black policemen brutalize as much as white policemen.

In March 1970 more charges of police brutality were leveled at the department in the case of Eddie Davis. Davis, a black man, had been arrested in the Columbus Homes housing development and taken to the Second Precinct station. Reportedly beaten in the precinct station by police officers, he was hospitalized with a broken arm. Columbus Homes residents took their protest to the city Human Rights Commission, but no action was taken.

Police brutality thus became a political issue in the mayoral campaign of 1970. Gibson's campaign committee circulated a poster of a black youth shot during the riots lying in a pool of blood with a white policeman passing by with a shotgun. The slogan on the poster read: "Don't Let This Happen Again. Register - Vote." The PBA blasted the use of such material, but the message was enough for ghetto residents. Dominick Spina, the police director, campaigned against Gibson because Gibson promised to replace him and bring policemen who kill civilians up on murder charges.

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52Porambo, No Cause for Indictment, p. 345.
Newark, however, needed more than campaign rhetoric to clean up its police department. On November 23, 1970, less than six months after Gibson took office, a black civilian was killed by two black policemen. The civilian, Richard Owens, was shot after he reportedly "jumped from the vehicle holding one hand behind his back as if he were carrying a weapon." The police had been called by Owens' girlfriend after Owens had choked her. The girlfriend watched the shooting from the police car, but her version was remarkably different from the police version. The girlfriend reported that Owens never reached into the glove compartment as the police said he did, and he did not have anything in his hands. She also stated that the police shot Owens when Owens tried to stop them from putting the handcuffs on him.

Despite the campaign promises and the public concern about police brutality, there were no protest rallies, press conferences, marches or intervention by the mayor's office. Perhaps the black community used all its energy to get a black elected mayor and assumed that it could sit back and relax. Mayor Gibson was probably too busy cleaning up the financial mess to call for an investigation.

After the killing of Richard Owens, the police evidently decided that Gibson and Redden would be no different from their predecessors and they reassumed their role as executioners. Seven more blacks were shot to death for suspected or petty crimes during Gibson's first year in office, five of them as they ran. One was a sixteen year old boy running from a stolen auto. Another was a fifty-two-year-old man who became involved in a barroom scuffle with an off-duty black detective. He arrived at City Hospital in critical condition with a bullet hole in his back and died shortly afterwards.

54 Forambo, No Cause for Indictment, p. 394.
One of the major police brutality controversies during the study period began when residents of the Central Ward organized a march to City Hall to dramatize the need for a clean-up of the garbage, abandoned buildings, and rats in the Ward. The demonstrators carried bags of garbage to dump at City Hall. Upon their arrival, they were met by about seventy helmeted police officers who attacked them. Councilman Westbrooks, the leader of the march was immediately pounced upon. James Nance, president of the Federation of Afro-American Patrolmen, was singled out by some policemen who were heard to remark, "That's Nance, get him." He was "slammed against the wall and beaten and clubbed repeatedly."

The police had been ordered to stand guard at City Hall by Gibson and Police Director Kerr—both black men. Gibson later apologized, admitting he had "made a mistake." The collaboration of the mayor and police director led a Muhammad Speaks reporter to write:

> The savage actions of the police department immediately raised the question in many people's minds: What good is there in having a Black man, Edward Kerr, as a police director when the traditional police-Black community clashes persist unabated?

Gibson and Kerr were sharply criticized by Baraka and Councilman Sharpe James. Baraka called Gibson and Kerr the "Amos and Andy, the twin shame of our community." James criticized Gibson and Kerr for not being present on the scene. He felt there was no need for the police since the demonstration was so orderly.

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56 Ibid.
Survey respondents were asked if they took any action in relation to the march and resulting attack on the demonstrators. Only one organization indicated involvement, the organization that helped to organize the march. One organizational representative indicated that Baraka organized the march without community support. There were at least 300 marchers. Police administrators who were involved refused to comment. Only two councilmen indicated involvement, one in support and one in opposition. Councilman Westbrook was not interviewed because he had moved out of the city.

Police brutality was not as big an issue during the study period as it had been during the previous period. When Kenneth Gibson was elected the first black mayor of Newark, many blacks expected miracles. They felt that the economic, housing, and political problems they had experienced in the past would be immediately eliminated. Persons who had actively advocated for change in the past, with a few exceptions, decided to sit back and give the new administration a chance to solve the problem. This factor probably explains part of the reason why there was not a lot of activity around the police brutality issue. Another partial explanation is probably the feeling of helplessness resulting in resignation that became very pervasive in many of the low income community after the riot. As a mother of a riot victim stated three years after his death:

I guess we're just different than white people. Our people get killed and beaten up all the time. We have a different viewpoint than white people....You be hurtin' on the inside but we can't do nothin' about it. We just have to live with it. Inside you're just hurtin' but you just got to live with it.59

After the riots, economic and housing conditions became worse for Newark's inner city residents; therefore, there was no reason to believe that the police situation would be any different.

Newark, like Atlanta, had a decoy squad and a TACT unit (Tactical Anti-Crime Team) which is similar to the SWAT squad; yet, these squads were not the center of controversial police-citizen confrontations. Instead, it has been the patrol officers who have been involved in most of the police brutality cases. Newark's decoy squad has received praise for its work in reducing street crime. The decoy squad uses disguises such as elderly persons, priests, blind persons and winos to catch robbers, assailants, rapists and purse snatchers. Police officials report that the ability of Newark's special units to carry out their jobs with a minimum amount of force has been brought about by the screening and training process used for selecting and preparing squad members. The TACT unit was involved in several controversies involving the Committee for a Unified Newark.

The New Jersey Code does not have a statute which defines when an officer is justified in using fatal force. Many jurisdictions follow case law definitions such as one given in the case of State v. Williams: a police officer is authorized "to use all force reasonably necessary to overcome resistance of misdemeanant and if this force results in the death of the offender then the homicide is justified." This case would seem to indicate that there is no distinction between a felon and a misdemeanant.

Newark has established its firearms policy through its Police Department Rules and Regulations. Police officers are allowed to fire their guns under five circumstances:

1. In the actual defense of his own life, or the life of another when other reasonable means of defense have failed,

2. When attacked with a deadly weapon,

3. When effecting the arrest or preventing the escape of a person who to the personal knowledge of the officer, has actually committed a crime of no lesser degree than a heinous common law felony such as arson, burglary, robbery, rape, murder, sodomy or the statutory crime of kidnapping and there is no other way of taking him,

4. When firing warning shots to prevent escape or to effect arrest for incidents described in 1, 2, and 3 being accountable, however, for any negligence resulting in injury to any person, and

5. When in attendance at an approved firing range. 61

The Rules and Regulations also state that firearms are not to be used "until all other reasonable methods of effecting the arrest have been exhausted." 62 Police officers are forbidden to use firearms in cases of traffic violations, misdemeanors or to halt a fleeing person on mere suspicion or other minor offenses.

The Newark policy seems to be ignored in several of the cases of police shootings. For example, Dexter Johnson had only committed a traffic violation when he was gunned down. It was reported that he grabbed a bottle and attacked the police officer. Was the officer in real fear of his life when he shot? The Newark case explains why the existence of policy is not enough to reduce the number of police killings

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61 Newark Police Department Rules and Regulations, Sec. 9:6.2.

62 Newark Police Department Rules and Regulations, Section 9:6.3.
of civilians.

Survey respondents were asked if they felt that police brutality was a reality in Newark. The majority of the city council and community organization respondents felt that brutality exists, but only 40 percent of the police administrators felt the same (table 19). There was no agreement concerning which type of brutality was most prevalent in Newark. Police administrators were more likely to point out racial slurs, while community organizations were more likely to suggest beatings. There was no tendency to suggest any one form by city council members.

**TABLE 19**

**POLICY BRUTALITY IN NEWARK**

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Beatings</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Excessive or Unnecessary Force</td>
<td>1</td>
<td>20.0</td>
<td>0</td>
</tr>
<tr>
<td>Racial Slurs</td>
<td>2</td>
<td>40.0</td>
<td>1</td>
</tr>
<tr>
<td>Others</td>
<td>1</td>
<td>20.0</td>
<td>1</td>
</tr>
<tr>
<td>Police Brutality Exists</td>
<td>2</td>
<td>40.0</td>
<td>3</td>
</tr>
</tbody>
</table>

NOTE: Figures do not equal 100 because respondents could check more than one.

When asked about harassment of public officials, 40 percent of the city council members stated they knew of such instances. No police administrator indicated that he knew of harassment of community organization leaders. Half of the community organization representatives stated that a member(s) of their organization had been harassed by
the police. These incidents were reported to the mayor and/or the police director. Only one representative indicated that the matter was cleared up.

Civilian Complaint Redress

Every year thousands of complaints are filed against police officers alleging misconduct, such as excessive use of force, false arrest, abusive language or harassment. The process of handling these complaints has become one of the most controversial issues in police-community relations. Citizens have continually called for civilian involvement in the complaint process, while police officers have vigorously fought any efforts to remove the process from the police department.

Before the methods of handling civilian complaints can be discussed, some attention must be given to the background of the issue. Why is this an issue? Who files complaints against the police? Why is this often a racial issue?

It has generally been concluded that the method of receiving and disposing of civilian complaints influences police-community relations. A satisfactory complaint review process can serve the interests of the community, as well as serve as a disciplinary device. In spite of the strong points of a properly administered complaint system, it has become an issue because police officers have been reluctant to develop and administer such a system.

A survey by Harvard University law students in 1963 found that 75 percent of the police departments surveyed had no formal complaint system.

63See President's Commission, Task Force Report, p. 194.
Most departments now have formal requirements, but citizens still complain of discourtesy, lack of interest in complaints, and threats of countercharges made by police officials. Cray reports of a typical experience of a citizen who files a complaint with the police department.

He may find a desk sergeant who will begrudgingly accept his complaint or a remote, special office charged with only this task. Once he has lodged his complaint, he hears nothing more of it until, in due course and with no deliberate speed, he receives a letter informing him of the results of the department's own investigation.65

Many citizens either never file complaints or fail to follow through with a complaint for the following reasons: (1) for fear of reprisals; (2) because they get tired of the "run around;" or (3) because they feel that it will do no good. The Philadelphia Police Advisory Board found that "more people...failed to pursue complaints of brutality than all other types combined, even though the majority of individuals do not allege brutality."66

Who files complaints against police officers? The Denver study found that blacks and Spanish-surnamed persons were more likely to file complaints than Caucasians.67 The Philadelphia Police Advisory Administration of Complaints By Civilians Against the Police," Harvard Law Review 77 (1964): 502.

65Cray, The Enemy in the Streets, p. 312.


67Bayley and Mendelsohn, Minorities and the Police, p. 129.
Board received more complaints from non-Caucasian males than from any other group. The New York Civilian Complaint Review Board receives more complaints from whites, but proportionately more blacks complain.

If blacks and Hispanics were combined into one group, this group would make up the largest number of complainants. The large number and proportion of minority complainants adds to the controversy surrounding the issue. The issue then becomes a racial issue: blacks and Hispanics v. white policemen.

Several different methods have been used or suggested for use to handle civilian complaints. The most common method is some form of internal review by the police department. Other methods are civilian review boards, ombudsmen, and court actions.

The internal review method may be carried out by a special unit within the department, by a designated person(s) within the department, by anyone available to take the complaint, or by the office of the chief administrator. Most urban police departments have a special unit that accepts and investigates citizen complaints.

Several arguments have been raised in favor of internal review. First, it is argued that police should handle the complaints because they are the experts. Police officers are experienced in investigation; therefore, it is suggested that they are better qualified. Second, it is maintained that any findings from an investigation will have to be implemented by the police department. There is no need for outside involvement because police misconduct can only be eliminated by the police.

department. Third, internal review is said to be more effective. If police officials resent the findings of an independent body, they may resist implementation. However, if the findings are made by police officials, they can force the findings to be implemented. Fourth, independent review may dilute the authority of the chief of police and undercut the ability of police officials to maintain discipline. Fifth, external review has been tried in several cities, but it has always failed. This argument refers to civilian review boards that were initiated in several cities including New York, Washington, D.C., and Philadelphia.

Cities have maintained internal review, not so much because the arguments listed above are so convincing, but because the police lobby is so strong. Each of the arguments can be counter-argued, but few politicians are willing to take on the police lobby.

Many of the counterarguments to exclusive police review of civilian complaints are used to support civilian review boards. Advocates of civilian review boards maintain that the police cannot police themselves, and that civilian review will make the police more accountable to the citizenry. It has also been suggested that citizens are less reluctant to come forth with complaints if civilians are involved. Another argument states that civilians will be more objective than police officers. Civilians will not have the added pressure of being part of the fraternal brotherhood.

Civilian review boards reached the height of their popularity during the sixties, but at least two cities established boards prior to the sixties—Washington, D.C. (1948) and Philadelphia (1958). The Washington board, before it was reorganized in 1965, consisted of three
civilians who reviewed cases referred to it by the chief. Prior to 1964, it had handled only fifty-four cases. After the board was re-organized, it still had no staff, and it could not recommend punishment.

Much of the literature on civilian review boards has focused on the Philadelphia Police Advisory Board, perhaps because it survived longer than most boards and disposed of more cases. The board was established by executive order after the city council failed to pass enabling legislation. The board was credited with two major achievements: (1) application of citizen judgment to police policies and activities and (2) development of an informal procedure of complaint settlement.70

The board which was dissolved in 1969 by the mayor had been inactive for two years after a lower court supported the Fraternal Order of Police's claim that the board was "illegal and void". Several factors besides the lawsuit helped to reduce the board's effectiveness and thus led to its demise. First, the board never had the financial support it needed to carry out its mission. Second, it lost some of its minority support due to its "leniency" on police officers. It was accused of being more lenient than police administrators. Third, a change in mayor led to the loss of support from the mayor's office. Fourth, the process was so slow until many complainants dropped their cases.

One of the most short lived, but controversial, boards was the civilian complaint review board of New York City which was established by executive order in 1966. Before the board was created, the Patrolmen's Benevolent Association (PBA) had started a campaign to destroy the board. A $500,000 campaign fund from the PBA treasury was used to

launch the referendum drive that brought about the abolition of the board. Concern about crime and racial hatred of blacks and Puerto Ricans were used to promote the campaign. The referendum was successful with approximately 63 percent of the votes in favor of abolition of the board. The board only operated for four months—too little time for the people to evaluate its effectiveness or ineffectiveness.

The fact that civilian review boards have not had a good track record has helped to intensify opposition to them. It is argued that the boards tend to have short lives and that they have many of the same problems that internal units have.

A number of other criticisms have been leveled at civilian review boards. Boards are said to lower police morale and effectiveness. They are also accused of diluting the authority of the chief of police. The personnel who serve on such boards are said to have little knowledge of police work. It is further argued that civilian review boards single out the police for persecution rather than establishing review for all government agencies.

One method of handling civilian complaints that has not been used widely in the U.S. is through an ombudsman. The ombudsman concept originated in Sweden and has since been adopted in Finland, Denmark, Norway, and New Zealand. The ombudsman receives complaints concerning the police as well as other government agencies. Few of the cases received by the ombudsmen in either of the countries involve the police.

At least one large city and one county have adopted the ombudsman concept in recent years: Detroit and Nassau County, New York. Detroit, after several years of major police-community problems, included the
co. in its new city charter of 1974; Nassau County adopted the idea in 1966.

Supporters of the ombudsman concept maintain that the ombudsman is the acceptable compromise between supporters of internal review and those favoring civilian review. The police are not singled out for complaints. The ombudsman is a civilian, but one chosen for his/her expertise. The ombudsman's office is independent of the police department. Studies of the use of ombudsmen in other countries have revealed a high level of confidence and satisfaction with their performance by citizens as well as government officials.

The courts have been used as yet another method through which civilians can redress their grievances. This type of review, however, is limited by the fact that it is only applicable in cases where criminal law have been violated and civil damages are sought. Persons with complaints such as harassment and racial slurs would not be able to redress grievances if the court review was the only type available. Court review may be further limited by the relationship that usually exists between the police and the prosecutor. Prosecutors may be reluctant to bring charges against police officers who they need cooperation from in prosecuting other cases. When charges are brought, jurors tend to believe the policeman rather than the complainant who is usually a poor or minority person who has been charged with a crime.

Civil suits against the police have greater limitations than criminal cases.
The chief witnesses are still likely to be the alleged victim and the officer....Unless the prospect of payment is substantial, there is little incentive for the victim to incur the costs of investigation and counsel necessary to the suit or for counsel to take the case on a contingent fee basis.71

Most of the police brutality complainants are indigent; and therefore, may not be able to hire an attorney. In spite of the fact that most complaints against police officers are filed by indigents or minority persons, only a small percentage of all civil suits are brought by poor persons. A 1971 survey of 432 police agencies found that only 6.9 percent of all suits were brought by indigents.72 Besides the cost of civil suits, the chances of winning are slim, and the amount of damages awarded is generally small. The survey mentioned above found that the plaintiffs won only 3.8 percent of the 6,077 suits brought during the five-year period with an average amount awarded of just over $3,000.

The previous discussion concerning the strengths and weaknesses of the major methods used to handle complaints against the police shows that there is no one best way that will be adopted by all jurisdictions. Survey respondents were asked what they consider to be the best method of handling complaints against the police (table 20). Police review was the most popular method in spite of the fact that none of the community representatives favored it. A combination police-civilian review was the least popular answer. Community organization representatives were most favorable toward the ombudsman; police officers favored

71Task Force Report, p. 199.
police review, and city council members did not have a clear preference. The most popular methods with the Atlanta sample were civilian review and police-civilian review (25.0 percent). On the other hand, Newark respondents were more favorable toward the ombudsman (31.3 percent).

TABLE 20

BEST METHOD OF HANDLING CIVILIAN COMPLAINTS
(ATLANTA AND NEWARK)

<table>
<thead>
<tr>
<th></th>
<th>Police Adm.</th>
<th>City Council</th>
<th>Comm. Org.</th>
<th>Total Atlanta</th>
<th>Total Newark</th>
<th>Total</th>
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<tr>
<td></td>
<td>N   %</td>
<td>N   %</td>
<td>N   %</td>
<td>%</td>
<td>%</td>
<td>N   %</td>
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<td>4  22.2</td>
<td>4  33.3</td>
<td>25.0</td>
<td>12.5</td>
<td>9  20.4</td>
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<tr>
<td>Police-Civilian Review</td>
<td>3 21.4</td>
<td>4 22.2</td>
<td>1  8.3</td>
<td>25.0</td>
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<td>8 18.2</td>
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<td>0  0</td>
<td>21.4</td>
<td>25.0</td>
<td>10 22.7</td>
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<td>0  0</td>
<td>1  8.3</td>
<td>0</td>
<td>6.3</td>
<td>1  2.3</td>
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These findings show that community persons have no faith in police review of complaints, and police officers have little faith in civilian review. The fact that no officers indicated a preference for an ombudsman may be due to a lack of knowledge of what an ombudsman is or how such a concept would be effectuated.

Atlanta

Rule No. 4 of the Rules and Regulations of the Atlanta Police Department adopted in April 1958 states that "The Government and discipline of the Police Department shall be such as the Police Committee
of the Board of Aldermen may, from time to time, prescribe by rules and regulations." The Police Committee interpreted this rule to mean that it has the power to hear complaints of citizens against police officers, to serve as a disciplinary and trial board, and to act as an internal investigatory body. Their broad interpretation of the rule was justified by the fact that the police department did not have an internal investigation division until 1965.

The internal security squad was established as a reaction to the killing of a gambler by his friend, an off-duty lottery detective. The major purposes of the squad were to investigate rumors and charges of misconduct lodged against police officers and to investigate the character of new officers being hired. The squad, as recommended by a grand jury that probed underworld influence in the police department, reported directly to the police committee and not to the chief.

The city hired the Public Administration Service of Chicago to evaluate the city government structures and operating procedures in the latter part of 1965. The Service was critical of the police department's internal security squad which they rated as "deficient". It was recommended that the squad report directly to the chief rather than to the police committee. A city ordinance was passed in 1966 adopting the Service's recommendation.

The police chief still was not satisfied with the squad, and he expressed his dissatisfaction in 1969 by abolishing the squad and turning over its responsibilities to division superintendents. Chief Jenkins surprised most aldermen who did not know that there was a problem with the squad. Jenkins indicated that "some superior officers had been passing the buck to the security squad instead of stepping in to
correct things themselves." This move by Jenkins led to further involvement of the Police Committee in internal affairs. The Committee was assigned an investigator to investigate complaints against police officers.

With pressure from Massell, a new internal affairs division was created in September 1970. The division, headed by a captain, reported directly to the chief, but it was also answerable to the mayor and Police Committee. In spite of the fact that the Internal Affairs Division conducted investigations of citizen complaints, the Police Committee still had the responsibility of holding trials. Citizens could also file complaints with the Police Committee.

Much criticism has been leveled at the Atlanta method of handling complaints. Five years after the Public Administration Service released its report, the International Association of Chiefs of Police issued a report that was highly critical of the Atlanta process. The IACP states in part:

The Atlanta Police Department has a history of spotty internal investigations which lack continuity, organization, and direction. The same lack of organizational structure, direction, and delineation of responsibilities that rendered its predecessors ineffective has been passed on to this new function of internal affairs. In all probability, the Department of Internal Affairs unit will prove to be no more successful than its predecessors were, and may even be regarded as simply another move in a game of musical chairs with internal affairs activities.73

A hearing panel on police brutality and misconduct was even more critical of the way complaints are handled. Its report states:

73 A Survey of the Police Department, Atlanta, Georgia (Washington, D.C.: International Association of Chiefs of Police, April 1971).
The Internal Investigation Division has conducted 'slip shod' investigations designed solely for the purpose of white-washing citizen complaints. Testimony was presented that supported the view that this division actively participated in campaigns to frustrate citizens' efforts to 'redress their grievances' against individual police officers. Despite written notice that decisions by the Internal Investigations Division can be appealed to the Aldermanic Police Committee, there is in fact no appeal since the same Internal Investigations Division is the investigative arm of the Aldermanic Police Committee. Efforts to present complaints of police misconduct are also met with indifference. In fact, the best way for an individual to guarantee conviction on any charge is to complain to the court of police brutality.74

In order to ascertain the views of respondents toward the methods used to handle citizen complaints, each was asked if he/she felt that the Internal Investigation Unit and the Police Committee had done an adequate job. Community representatives were unanimous in their belief that internal investigations had not done an adequate job. When probed as to why they felt that way, answers included, "impossible to investigate themselves," "corruption," "racism," "biased in favor of fellow officers". Community representatives also did not feel that the Police Committee had done an adequate job—66.7 percent said it had not, the rest did not answer. Responses to why they felt that way included, "too political," "rubber stamp for chief," "loopholes in it".

On the other hand, police administrators tended to feel that internal affairs had done an adequate job—66.7 percent as opposed to 22.2 percent who felt they had not done an adequate job. Several of the administrators had high praise for Capt. Burnette who headed internal investigations during the study period. The Police Committee was praised because it was a public forum, and the members tended to be

knowledgeable of police and community problems. The major criticism leveled against it was that it was too political.

The majority of the aldermen, 69.2 percent, felt that internal investigations and the police committee had done an adequate job. The aldermen tended to believe that the internal investigations officers were objective, unbiased, and thorough. Comments made by those who felt the unit had done an adequate job centered around the inability of police to police themselves and the effect of police fraternalism. It was expected that the aldermen would be supportive of the work of the Police Committee because many had served on the committee at one time or another. Supportive comments concerned the fact that the meetings were open and all persons who requested to be heard were heard. However, some aldermen felt that the committee never adequately responded to citizens and that committee members were not adequately informed.

If we combine the three samples into one, we find that about one-half of all respondents felt that internal investigations and the Police Committee were doing an adequate job. However, when we think about the fact that almost half of the respondents felt that complaints were not being adequately handled, either something is wrong with the process or the respondents were not fully aware of the workings of the process.

There have been several calls for a civilian review board. In 1965, and again in 1969, State Senator Leroy Johnson called for a civilian review board to investigate police brutality. In 1966 the Atlanta Constitution ran an editorial that stated, "a review board would be at least one way of redressing a serious grievance, and we have yet to hear a practical alternative." Numerous other individuals and groups, including the ACLU, also suggested that a civilian review
board should be established; nevertheless, legislation establishing a
board was not introduced until after the study period.

The ombudsman concept was not introduced as a viable issue until
1973 when a hearing panel called for the establishment of an office of
ombudsman. The city administration and police department did not follow
through on the suggestion. The head of the Internal Investigations
Division (IID) reacted by stating that the IID amounted to a citizens
complaint review board. "You won't find a citizens complaint review
board anywhere in the country that does more than ours." Chief Inman
responded to the report by stating that "the grand jury acts as a good
civilian board." However, he failed to recognize the fact that
citizens cannot file complaints with grand juries. Despite the coolness
of city and police officials toward the idea of an ombudsman, the state
legislature passed an act in 1974 establishing an office of ombudsman.

Newark

Police Department General Order of May 11, 1966 established the
policy and procedure for the investigation of complaints against the
police. The responsibility for investigating complaints is shared by
the Inspection Office (internal affairs) and commanding officers. The
Inspection Office was placed in charge of complaints alleging breach of
integrity, attempted violation of criminal law, unnecessary use of
force, and citizen complaints filed with the chief of police or director.
Commanding officers were responsible for complaints dealing with improper

75 The People's Crusader, October 1973.
76 Atlanta Voice, October 20, 1973.
procedure and neglect of duty. Commanding officers turn all cases needing disciplinary action over to the Inspection Office and the Inspection Office submits a report and recommendations on the case to the police director. The director then arranges for a departmental trial if he agrees with the office. The police director sits as the judge at departmental trials. The defending police officer has the right of appeal from the trial to the Civil Service Commission.

During 1966 eighty-four complaints were filed against police officers—seventy by citizens, fourteen by officers. Only seventeen of these complaints—three citizen and all fourteen internal—resulted in trials. One officer was found guilty on a citizen's complaint and eight on internal complaints. The small number of citizen complaints resulting in trials caused some concern to the Governor's Commission that studied the Newark riot of 1967.??

Criticism of police handling of citizen complaints did not begin with the Newark riot and its aftermath. The Congress of Racial Equality called for the creation of a civilian review board after the police killing of a black youth in 1965. The Police Benevolent Association (PBA) reacted to the call by picketing city hall. The Human Rights Commission, after considering the issue, split six-to-six. Action on the issue was then left up to the Mayor who reacted by adopting a procedure of referring complaints to the Essex County Prosecutor's Office and to the FBI. Nevertheless, the Governor's Commission found that in 1968 no more than seven or eight cases had been forwarded to

??See Governor's Select Commission, "Report for Action".
the U.S. Attorney's Office by the police or the city since 1965. The county prosecutor had received an average of twelve complaints a year.

The Governor's Commission made the following recommendation to deal with the complaint redress problem.

A five-man Board of Police Commissioners, made up of outstanding citizens representing the total Newark community should be named by the Mayor to receive and review all citizen complaints of police misconduct.

If the Mayor fails to act, there should be legislation enabling the Supreme Court to appoint such boards. A board should operate outside the structure of the Police Department, be staffed by its own investigators and equipped with subpoena powers. It should have the power to recommend disciplinary action to the police director and to publicize its findings. The police director in turn should be responsible for reporting back to the board within 30 days on what action he has taken.

Immediately after the release of the Commission's report, the Mayor announced that he would not establish such a board, but he asked the corporation counsel to make a study of the feasibility of an ombudsman.

In April 1968 the study was completed with a plan for an ombudsman. A bill was drafted calling for an ombudsman in every city with a population of over 100,000. The bill was defeated in the legislature, and the Mayor did not pursue the establishment of one without such legislation.

After Gibson became mayor, he submitted an application to the federal Office of Economic Opportunity (OEO) requesting funding for an ombudsman. Gibson's action was criticized by city council members,
state officials, and police officers. Much of the criticism centered around the existence of several complaint handlers in Newark. There were four methods of handling complaints in city government: (1) Human Rights Commission, (2) Action Now, (3) Meet Your Mayor Night, and (4) Information, a newspaper. The most popular methods were the Human Rights Commission which handled discrimination complaints and Action Now which operated a 24-hour referral service. James Coffee, Director of the New Jersey State Office of Economic Opportunity, felt that an ombudsman would only duplicate the work of Action Now. 80

The majority of Newark councilmen seemed to interpret the experience of Action Now and the Human Rights Commission as demonstrating that there was no need for a further similar institution which would also be a failure. 81

Council members also argued that federal money should be limited to expenditures for regular public services and that the ombudsman may be used to the mayor's advantage and the council's disadvantage. 82

Police officers did not want the police included in the ombudsman's jurisdiction. The PBA president indicated that he would not oppose the ombudsman if the police were exempted.


81 Ibid., p. 17.

82 Gwyn, Barriers to Establishing Urban Ombudsmen: The Case of Newark (Berkeley: Institute of Governmental Studies, University of California, 1974).

83 Ibid., p. 46.
In spite of the fact that the Council agreed to accept the OEO grant for an ombudsman, Newark never got an ombudsman because the Council refused to approve a person for the position. "There was a total absence of interest group activity on behalf of Mayor Gibson's proposed Ombudsman which relieved councilmen of the need to take into consideration the views of such groups." Several organizations had sponsored an ombudsman conference in 1970; yet, none of these groups lent support. Gwyn asserts that the lack of support may have been due to a failure to solicit support. "This neglect was partly the result of the inexperience of the Mayor's aides who were left to handle such matters."

After the efforts to get an ombudsman had failed, a movement was initiated around the establishment of a civilian review board. On December 6, 1973, a group called the Interim Committee for a Civilian Complaint Review Board announced a drive to establish a civilian review board in Newark. The drive was aimed at getting enough signatures on petitions to force a public referendum on the issue in May 1974. The proposed board would have jurisdiction over citizen complaints concerning police misconduct and corruption.

The Interim Committee did not begin collecting signatures until June 1974. The time between December 1973 and June 1974 was used to develop a proposed city ordinance. The ordinance would give the Civilian Complaint Review Board power to:

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84 Ibid., p. 62.
85 Ibid., p. 63.
a) Receive complaints, effect conciliation thereof and conduct hearings;

b) Issue subpoenas;

c) Conduct public hearings with respect to police practices...and make recommendations;

d) Develop legislation...for the elimination of police misconduct;

e) Assist...in developing rules, regulations and policies to eliminate acts of police misconduct.\(^{86}\)

The activity involved in the campaign to get a civilian review board will be discussed in the next chapter.

**Conclusion**

Police brutality was the major police related issue in Atlanta during the study period; it was not the major issue in Newark. During the period immediately preceding the study period, Newark had had many allegations of brutality. Blacks had marched, called on city officials, and even rioted in an effort to get the city to take positive action. Nothing meaningful came out of these efforts; therefore, many blacks became resigned to the status quo. On the other hand, Atlanta experienced more reported police brutality incidents during the study period than it had in the previous period. The actions of the police and the failure of the administration to take positive actions led blacks in Atlanta to protest and take many of the actions that Newark blacks had taken during the previous period.

Some Newark blacks concluded that the police were not going to adequately police themselves; therefore, they started a movement to get a civilian review board to handle complaints against the police. The mayor attempted to get an ombudsman. Both efforts failed due in part

\(^{86}\)See Appendix H for full ordinance.
to a lack of support by other members of the black community. During the study period there was no significant effort made in Atlanta to set up a mechanism outside the police department to handle citizen complaints. There was in existence in Atlanta such a process: the Police Committee of the Board of Aldermen. Most blacks were not, however, satisfied that the committee was any better than the internal affairs division of the police department. Nevertheless, some blacks wanted to try to force the Committee to do an adequate job. Others sat back waiting for the next election when they were confident that a black mayor would be elected— they felt that he would deal with the problems.
CHAPTER V

CHANGE METHODS AND STRATEGIES

Discussions of change and methods to bring about change have taken several different approaches. One of the more popular options has been the social worker approach which perceives the social worker as the change agent. There are several different models of social work activity. One model stresses broad participation by community residents with social workers providing leadership while a second emphasizes the social worker's role as a technician in social planning. The third approach was popularized by Saul Alinsky. The social worker works to organize the community so that he/she can seek changes in the distribution of resources and the decision-making process.

Political scientists have focused their attention on political parties and political organizations as change agents. Discussions have centered around the use of parties and organizations to change political systems either through electoral or violent means; however, little discussion has been devoted to community organizations as change agents in local communities.


Much of the literature on attempts by blacks to bring about change has focused on approaches like those used during the height of the civil rights movement. These works can be divided into two types: those discussing nonviolent approaches and those discussing electoral politics. One of the more popular works on nonviolent approaches is a three-volume series by Gene Sharp.\(^3\) Sharp divides nonviolent techniques into three classes: nonviolent protest and persuasion, noncooperation, and nonviolent intervention. Demonstrations and marches are classified as protest; the withdrawal or withholding of economic, social or political cooperation is defined as noncooperation; and sit-ins, nonviolent obstruction, nonviolent invasion, and parallel government are classified as intervention. Political scientists have focused their attention on the second type. The emphasis is placed on voting as a means of bringing about political and even social and economic change.\(^4\)

Literature that specifically focuses on change in police departments is predominantly journalistic. Perhaps scholars feel that community groups cannot bring about effective change. For example, Wintersmith concluded that the strategies that black organizations have used to bring about change in police departments "have not only been ineffective, but

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\(^{4}\)See Donald P. Matthews and James W. Prothro, Negroes and the New Southern Politics (New York: Harcourt, Brace and World, 1966); Donald S. Strong, Negroes, Ballots and Judges (University, Ala.: University of Alabama Press, 1968).
they have had no relationship to the problem at its source." Brown argues that most groups do not direct their protests at the appropriate persons. Efforts are directed at the chief of police instead of the elected officials who "are vulnerable to public criticism." Doig holds somewhat of an opposing view. He suggests that even dedicated police commissioners and mayors are unable to implement meaningful change, but that the situation would be improved if a number of organizations act as change-agents to implement improvements in the department.

Blacks have traditionally had problems with the police, but they have not had a number of avenues of redress. They have not had representation in city government and in the police administration, and most of their complaints were ignored. The failure of the decision-makers to provide adequate redress mechanisms led to two very significant developments in the black community. First, during 1966 and 1967 blacks across the country engaged in urban uprisings. Millions of dollars worth of property was destroyed, and many lives were lost. The study commissions that were formed in various cities, states, and at the national level to determine the causes of the riots all found that problems between the police and the black community was a major underlying cause.

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5 Wintersmith, Police and the Black Community, p. 112.
The second factor was the organization of the Black Panther Party (BPP). The BPP was organized as a self-defense group to protect black citizens from police misconduct. Point Seven of their ten-point program states:

We want an immediate end to Police Brutality and Murder of black people.

We believe we can end police brutality in our black community by organizing black self-defense groups that are dedicated to defending our black community from racist police oppression and brutality.

In accordance with Point Seven, the Panthers established armed patrols that walked the streets of Oakland, California keeping check on the police.

Whenever a black resident was stopped by the police, a Panther patrol would arrive on the scene, brandishing their weapons and carrying a law book from which to cite specific violations that the police might make.

There has been much discussion, both pro and con, concerning whether or not the uprisings and the BPP strategies were effective. The effectiveness or ineffectiveness of each will not be discussed here but rather their importance in setting the stage for other strategies and other actors to become involved in efforts to make police departments more accountable to the black community.

The focus of this chapter is on the strategies community groups and elected city officials used to bring about change in the police. Most of the community organization representatives and city councilmen in both cities indicated that they had called for change. When Atlanta

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organization representatives were asked about actions they had taken to bring about change, they reported that they had threatened to file and filed lawsuits, lobbied, issued press statements, monitored the police, helped develop legislation, appeared before the Police Committee, met with the mayor, called for the U.S. Justice Department to investigate brutality incidents, conducted public hearings, held marches, demonstrations, rallies, and pickets, and exerted media pressure. Newark organizations reported that they had lobbied, formed coalitions, collected signatures to try to force a referendum, held rallies, and created a Police Accountability Project.

Despite all the reported actions by community groups, these actions did not seem to result in any major changes. Fifty percent of Atlanta respondents indicated that the appointment of John Inman as chief of police was the major change that had taken place. None of the organization representatives indicated that their organization had played a part in the selection of Inman. The second most popular responses were science and technological innovations (28.6 percent) and special squads (21.4 percent). There was wide disagreement among Newark respondents. One-third of the community organizations felt that no major changes had been brought about, and most city council members stated that the hiring and resignation of police directors were the major changes.

In order to fully evaluate the various strategies and tactics used by the political environment to bring about change in the police department, interviews with persons who were knowledgeable of the activity of the various organizations, newspaper clippings, and other literature were used to supplement the interviews with community organization representatives.
The organizations that sought to bring about change differed ideologically from moderate to radical. Some organizations were local chapters of national organizations; some could more rightly be called community agencies rather than organizations. Several organizations were established during the study period, while others were well established in the community.

The strategies used by community organizations and city officials to bring about change in relation to the five issues discussed in the previous chapters have been divided into five categories: (1) litigation, (2) legislative action, (3) direct action, (4) political action, and (5) community education and media activity. Litigation refers to all activity related to the judicial process. Legislative action refers to activity directly related to the passage of laws or ordinances and activity carried out by council members in their official capacity. Direct action is defined as action such as marches, protest rallies, demonstrations, picketing, and boycotts. Activity such as filing complaints with public officials, campaigning, political pressure, and administrative action taken by city administrators have been defined as political action. Community education and media activity refer to actions designed to publicize activity and inform and educate the public such as hearings, press conferences, teach-ins, and public meetings.

**Litigation**

Litigation as a strategy for seeking change in the political, educational, and social systems was popularized by the NAACP which had successfully used this strategy during the Civil Rights Era. The
success of civil rights efforts from the late 1950s through the early 1970s led many blacks to believe that some measure of relief could be obtained through the courts, especially the U.S. Supreme Court.

In spite of the successes that have been achieved through the courts, this strategy has a number of weaknesses. First, it is a slow and very expensive process. A civil suit against a police officer or department may take years to settle and cost in the thousands of dollars. The average poor person does not have the money to afford such a suit. In cases where a poor person has a good claim, a less than equitable settlement may be accepted because the complainant needs the money. The slowness of the process may allow witnesses to die, move away or forget crucial details. Also, the process is so slow until often the relief desired has no meaning by the time the case is settled.

Second, many lawyers are reluctant to file suits against police officers. Access to information is usually a serious problem, and these cases are difficult to win. Jurors are more likely to believe police officers. Additionally, police officers make good witnesses because they usually are experienced in judicial proceedings. Lawyers may fear that officers will find ways to get back at the lawyers if they win.

Third, police brutality complainants usually have committed a crime or they are suspected of committing a crime. It may be hard to convince a jury that a "criminal" is not lying on the police officer. Police brutality complainants are usually easily intimidated by police officers. Police officers have been known to threaten or offer to drop charges in an effort to persuade plaintiffs to drop brutality charges.
A survey of police misconduct litigation for the period from 1967-1971 revealed that the police won 81.5 percent of the suits that were settled during the period.\textsuperscript{9} The survey further revealed that only a small percentage of all suits are brought by poor people. It would seem that the poor would more likely file misconduct suits since they are more likely to be victimized, but they are probably hampered by one or all of the limiting factors discussed above.

The amount recovered in suits against the police generally is not very large. The average verdict in the police misconduct litigation survey was a little over $3,000.\textsuperscript{10} The highest loss during the five year period was $198,000.

In spite of its weaknesses in fighting police brutality, litigation has been successful in suits charging discrimination in police departments. Beginning around 1973, blacks started achieving positive results through police employment litigation. Special recruitment programs and departmental rhetoric had failed to significantly increase the percentage of blacks serving as police officers; therefore, black police officers adopted litigation as a major strategy. Community groups have verbally supported such actions, but most of the initiative has been provided by black police associations.


\textsuperscript{10} Ibid., p. 7.
In 1973 a U.S. District Court for the Connecticut District enjoined the city of Bridgeport from using its police hiring examination and ordered hiring quotas to remedy past discrimination. The suit had been brought by the Bridgeport Guardians, a black police association on behalf of blacks and Puerto Ricans. This decision provided the impetus and guidelines for similar suits and decisions across the country.

Atlanta

Litigation was used to address the issue of the recruitment and selection of black police in Atlanta. In April 1973 the Afro-American Patrolmen's League, a black police association, filed a class action suit against the Police Department, the City Personnel Board, Mayor, City Council and LEAA challenging "the pattern and practice of racial discrimination" in the hiring of police officers. The suit alleged that the Personnel Board in conjunction with the police chief promulgated policies and criteria that discriminate against black applicants. The criteria listed in the suit included the written examination and the background investigation. The plaintiffs maintained that the written examination had not been validated to show that it predicted performance or that it did not discriminate against blacks. It was also maintained that numerous "illegitimate factors" were employed during the background investigation to deny employment to blacks, such as requiring a straight honorable discharge and disqualification.

11 Bridgeport Guardians, Inc. v. Bridgeport Civil Service Commission, 497 F 2d 1113.
because of association with so-called extremist groups or "on the basis of hearsay evidence as to the existence of personal biases."

The relief that was sought by the suit included the following:

1. That all federal monies be withheld from the Department until it discontinued its racist policies.

2. That the court issue a permanent injunction prohibiting the defendants from engaging in discriminatory practices.

3. That the Department only accept qualified Black applicants until the racial composition of the Department reflected the racial proportions of the city population.

4. That an affirmative hiring program be instituted to eliminate the effects of past discriminatory practices.

5. That the plaintiffs be awarded twenty million dollars ($20,000,000.00).

After the suit was filed, LEAA officials and lawyers from the Justice Department sought to work out an out-of-court settlement. Investigators were sent to Atlanta to review departmental records, interview police administrators and officers, and to talk with community organization representatives. Several organizations had filed complaints with the Justice Department alleging discrimination in hiring in the police department. One organization sent representatives to Washington to meet with LEAA officials concerning withholding funds due to discrimination in hiring and police brutality.

The investigation of the claim was hampered somewhat by the fact that the department did not have all the records needed to substantiate the claim. Former Chief Jenkins had not kept many records during his tenure. Additionally, some police officials were not very cooperative with the Justice Department investigators.
After the Justice Department concluded its investigation, it joined the suit on the side of the black police.

The suit was still pending at the end of the study period. In 1974 a new city charter went into effect, and the position of public safety commissioner was created. The commissioner administers the police and fire departments. A black man was hired as commissioner, and he actively sought to increase the number of blacks in the department. His efforts resulted in a reverse discrimination suit by the Fraternal Order of Police (FOP), the police union. The judge imposed a hiring freeze on the department until a settlement could be worked out.

The settlement did not come until six years after the initial suit had been filed. Under the terms of the settlement, the old police entrance examination was eliminated, and all minority applicants who were tested between 1971 and 1974 may take the new test. If they pass, they can apply for up to $90,000 in back pay. On the other hand, any white applicants who were not accepted during 1975 and 1976 may reapply and if accepted, they may apply for up to $20,000 in back pay.

The black police association was not completely satisfied with the settlement. The case had been in litigation so long until many of the potential applicants had pursued other careers. The AAFL was also upset by the fact that the court refused to reinstate three black

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officers who had been fired in a cheating scandal in 1975; yet, two white officers who had been fired for allegedly making false statements about the Commissioner were reinstated.

There was no significant litigation in conjunction with the police brutality issue. One organization reported that it had referred several cases to private attorneys for legal action, but the victims decided not to pursue the cases. The reluctance of the police brutality victims to pursue legal action was probably due in part to fear that the officers would retaliate. Several attempts to get the Justice Department to file civil rights violation suits were made, but the Justice Department lawyers refused to sue. The lawyers felt that the cases were not strong enough to pursue federal action.

Newark

Like Atlanta, the major strategy used to address the issue of recruitment and selection in Newark was litigation. In December 1972, the Bronze Shields, a black police organization, in conjunction with several black and Hispanic individuals filed a class action lawsuit in federal court alleging discrimination in hiring by the Newark Police Department. The defendants in the suit were the New Jersey Department of Civil Service, the New Jersey Civil Service Commission, the City of Newark and the Police Director.

The complaint indicated that of 1,456 Newark police officers, only 210 were black and twelve were Hispanic. Newark's population was approximately 60 percent black and Hispanic.
A reason suggested for the small number of Hispanic police officers was the height requirement. The state required that applicants be at least five feet, seven inches, but the suit charged that height is not related to job performance.

It was further charged that the written examination was discriminatory in the following ways:

1. A disproportionate number of black and Hispanic applicants are excluded.
2. The test was not related to job performance.
3. The test had not been validated as predictive of successful job performance.
4. The test required skills unrelated to a patrolman's duties.

The screening procedure which included a background investigation and a psychiatric examination was also attacked. The plaintiffs argued that the investigation and forms required of applicants inquired into factors irrelevant to job performance or fitness to be a police officer. The psychiatric examination was said to be culturally and ethnically biased and not validated as job related.

The relief requested in the suit included the following:

1. That a permanent injunction be issued prohibiting the defendants from (a) using written examinations or other standards that substantially disadvantage blacks and Hispanic applicants; (b) using the current height requirements as a prerequisite for employment; (c) using any elements of the screening process that discriminate against blacks and Hispanics; (d) using the present eligibility list for appointment until the percentage of black and Hispanic patrol persons equaled their proportions within the population.

2. That the defendants be compelled to: (a) establish a court approved affirmative recruitment and hiring program; (b) prepare new tests that are non-discriminatory and that predict job performance; (c) inform all unsuccessful black and Hispanic applicants
that a new examination and screening procedure had been adopted and invite them to reapply; (d) consult with community groups at all stages of the process.

3. Submit semi-annual reports documenting the number of black and Hispanic applicants, the score of each applicant on the written examination, the scores of each applicant on the elements of the screening procedure and the reasons for failure to hire any applicant.

In October 1974 U.S. District Judge M. Curtis Meanor found validity to the Bronze Shields' claim of discrimination. The judge ordered the Newark Police Department to revise its hiring procedures so that one-third of all new recruits would be black or Hispanic. The department was ordered to keep two eligibility lists: one for whites and the other for blacks and Hispanics. Periodic progress reports were required as proof of compliance.

In reaction to the decision, the city adopted a more aggressive recruitment policy and took affirmative steps to reduce the failure rate of blacks and Hispanics. Tutoring sessions were also established for persons who had failed the test.

Newark city council members and community organization representatives were questioned concerning actions they took in relation to the Bronze Shields lawsuit. Two city council members and two community organization representatives reported some type of action in relation to the lawsuit. Some of the actions reported included attendance at rallies, public statements in support of the suit, and assistance in finding an attorney. Only one person who reported action was not satisfied with the result of his action. This person felt that in the long run no real results would be realized. The persons who took no action did not give a reason for their inactivity or they did not feel that it was appropriate for them to become involved.
In Newark, as in Atlanta, litigation was not a major strategy for addressing the police brutality issue. Numerous threats of legal action were made, but evidence seems to show that the threats were not followed up with action. There was, however, a settlement of a police brutality case in 1974. A forty-nine year old Harrison, N.J. man was awarded $135,000 for a beating received by the Newark police. It took five years for the suit to be settled.

Legislative Action

Legislative action has been defined for this study as activity directly aimed at the passage of legislation and activity carried out by city council members in their official capacity.

In recent years legislative action at the municipal level has become more popular with black groups, perhaps because most cities now have at least one black city councilman who will listen to their concerns. As blacks have increased their percentage of the population, in many cities they have increased their political power and clout. The success of black political power in the legislative arena is best exemplified by what happened in Detroit in 1973. Blacks not only were successful in electing a black mayor, but they also engineered a successful referendum for a new city charter which had several provisions that had a direct impact on the police. The mayor was given more direct control over city operations, including the police department; an office of ombudsman was established; and the police commissioner was replaced with a five-member police commission.

The success in Detroit is not a typical example. Most efforts to bring about significant change in the police department have not been
successful. One of the most publicized failures occurred in 1971 when a coalition of black and white organizations promoted a referendum for community control of the Berkeley, California police. The proposal called for direct control of the police in three administrative districts: the black community, the middle class community, and the student community. It failed when two-thirds of the voters voted against it.

Atlanta

Most of the legislative activity carried out by community groups during the study period was aimed at the Police Committee of the Board of Aldermen. This activity will be discussed under the political action section.

It has been previously stated that there was no community involvement in the appointment of John Inman as chief of police in March 1972. The appointment was rushed through the Board so fast that the aldermen did not have time to negotiate on the nomination or fully consider the candidate.

Less than a year after the appointment of Inman, several aldermen and the mayor began to develop strategies to either remove the chief or reduce his power. One strategy involved the use of legislation. Three pieces of legislation were introduced, but each failed for a lack of support. One piece would have taken the chief's promotion power away; one called for a censure of the chief; and the other called for his

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removal. The legislative action had been inspired in part by an investigation of the chairman of the Police Committee for possible criminal involvement and associations. The investigation had been initiated by the chief. Many felt that the mayor and aldermen would move to fire the chief if the investigation proved fruitless. Less than a month after the grand jury failed to return a true bill of indictment, the mayor went before a live television audience to express his support for the chief. Calling Inman "an honest man," the mayor responded to criticism of the chief. After the mayor declared his support for the chief, aldermen who were seeking the removal of the chief decided that it was useless to try further legislative action.

There was more discussion than legislative action in an effort to change the process of reviewing and handling complaints against police officers. After a series of police brutality incidents, a state senator called for a civilian review board, but he did not take further actions. Another call for change was made at a hearing on police brutality and misconduct in September 1973. The hearing panel called for an office of ombudsman that would have subpoena and disciplinary powers. One organization followed up on the proposal by drafting a sample ordinance that would establish such an office. The proposed office would investigate complaints of police brutality, misconduct, and discrimination, and would be independent of the police department. The legislation was submitted to the mayor-elect and an alderman. However, before the mayor-elect or the city council acted on the proposed legislation, the state legislature passed a bill creating an ombudsman for the city. The ombudsman would investigate individual complaints about city services in all departments, not just
the police. None of the community organizations lobbied for the legislation. The legislation was criticized for being too broad; and some saw the legislation as a deliberate attempt to subvert efforts to develop an office devoted strictly to handling complaints against the police or to develop a civilian review board.

Newark

One of the major legislative efforts carried out in Newark during the study period was action related to the appointment of Lt. Kerr as Newark's first black police director. These actions will be discussed in the political action section.

Another major legislative action was the movement to get the city to establish a civilian review board. The drive for a civilian review board was initiated after Central Ward residents were attacked by police officers when they marched on City Hall. Appeals were made to the mayor, city council and the police director to establish such a board. In the absence of any action by public officials, a group of citizens came together to form the Interim Committee for a Civilian Complaint Review Board.14

The Committee drafted a proposed civilian review board ordinance, and in June 1974 the drive began to collect enough signatures on petitions to force a referendum on the issue. A year later, over 21,000 signatures were presented to the city clerk for validation--9,056 signatures were needed. The clerk had not completed the validation within the twenty day statutory limitation; therefore, the city had to

go to court to ask for an extension. The city was given a sixty day extension, and the committee was allowed to collect additional signatures during the extension period.\(^{15}\)

At the end of the sixty days, 3,997 additional signatures were submitted. The committee was later informed that their drive had fallen 692 valid signatures short of the number needed to force the City Council to adopt the ordinance or force a referendum. The reasons given for the rejection of some signatures were: some were not registered voters in Newark; some signatures did not compare with signatures in voting records, some were "illegible, and others were "duplicates or incomplete signatures with untraceable or nonexistent addresses."

Some names had been double checked for more valid signatures; however, the double checking was halted when the corporation counsel ruled that it was too expensive. The city had contracted the county registration commission to check the petitions. The double checking of 3,135 signatures had turned up 564 additional valid voters who had changed addresses. If the other signatures had been double checked, the Committee probably would have had enough signatures.

In an effort to stop the drive, the corporation counsel filed a lawsuit asking the court to throw the petitions out on the grounds that they were collected over an eighteen month period. In November 1975 Superior Court Judge Irwin Kimmelman ruled that the petition drive had collected enough valid signatures to place the issue on the ballot. The judge ruled that the petition drive was lengthy, but the long time period

\(^{15}\)Newark Star-Ledger, July 4, 1975.
did not make the issue outdated and reasoned that since the double checking had turned up approximately fifteen percent more valid names, if the checking had not been suspended, over 1,800 additional names probably would have been added giving the Committee more than enough signatures. The decision stated in part:

\[\text{Monetary considerations...are...extraneous to this case and cannot be interposed to defeat the basic rights of substantial groups of citizens to freely express themselves at the ballot box.}\]

The Superior Court decision was upheld by an appellate court in June 1976.

In August 1976 the city went back to court asking for a ruling that certain provisions of the proposed ordinance be declared illegal because they were contrary to the city charter or state statute. It was argued that the provision granting the board subpoena powers was illegal because such power could only be granted by state statute. An elected civilian review board, it was maintained, violates the city charter which sets up the mayor and city council as the only elected officials. The autonomous nature of the board was challenged. Another argument claimed that the review procedures set out in the proposed ordinance were in violation of civil service procedures established by state law. On September 2, 1976, Essex County Judge Leo Yanoff ruled in favor of the city and permanently enjoined the group from asking for a referendum on the November ballot.

The defeat of the referendum effort of Newark was a major defeat.

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16 *Newark Star-Ledger*, November 19, 1975.
for community efforts to develop some measure of control over the police. In spite of the fact that Newark had a black mayor and black police director, acts of brutality continued. The community saw this as the only way to try to reduce some of the brutality, and when this effort failed many felt that they had lost the battle to bring about significant change in the Newark police.

**Direct Action**

Direct action is one of the most popular strategies used by blacks to demonstrate their feelings on police brutality cases and to demand reform in police departments. Marches and protest rallies by blacks have been held across the country to show displeasure with particular brutality incidents. Some of these actions have been sponsored by established black organizations, while others have been organized by committees and groups that were formed after brutality incidents. Some examples of the use of direct action around the police brutality issue are given below.

On October 15, 1971, seventeen year old Elton Hayes was beaten to death by Memphis, Tennessee police officers and Shelby County sheriff deputies. At first the police reported that Hayes died from a traffic accident, but after an autopsy revealed that he died from blows to the head, the story was changed. Blacks who were incensed by the incident held protest rallies demanding that the city not whitewash the case. Youths took to the street, firebombing, and throwing rocks. The case ended two years later with the acquittal of all the officers involved. By the time the case was heard, tempers had cooled and there was no
activity around the trial or acquittal.¹⁷

In May 1973 a ten year old youth, Clifford Glover was shot in the back by a white policeman as he ran across a vacant lot. The policeman was reportedly looking for a twenty-one year old robber. Black organizations, community and national, came together to develop a joint response to the killing. Rallies, demonstrations, and marches were held, and a boycott of white businesses was threatened. The protests were carried out on a daily basis to show the city that the coalition was serious. The policeman was acquitted by a jury, but a departmental trial, initiated by the black man who headed the review board, found him guilty and had him dismissed from the force.

In September 1971 two black teenagers were killed by STRESS, a special police unit that operated through decoys and surveillance, officers in Detroit. The young men had reportedly tried to assault the officers with a piece of badminton pole. The State of Emergency Committee (SEC) was formed to seek the abolition of STRESS. The SEC was made up of a broad cross section of blacks along with some concerned whites. Demonstrations, rallies, and marches were held, some drawing as many as five thousand people, to educate the community as well as to pressure the city officials into abolishing STRESS. The efforts of the coalition did not pay off until a black man was elected mayor—he abolished the squad.

On July 24, 1973 twelve year old Santos Rodriguez was shot and killed by a Dallas policeman as Rodriguez sat handcuffed in a police

car. The white policeman, Darrell Cain, was playing Russian roulette in an effort to get the youth to confess a burglary. Cain claimed that he did not know that he had bullets in his gun. Later investigation showed that the fingerprints found at the scene of the burglary did not match the youth's fingerprints. Mexican-Americans, joined by some blacks, held a demonstration to protest the killing. The demonstration ended in violence with some youths breaking windows and throwing bottles and rocks. City officials agreed to sit down with Mexican-American leaders to discuss their grievances. A grand jury indicted Cain for murder; a trial jury found him guilty, and he was sentenced to ten years in prison. Even the community leaders were surprised that a policeman was found guilty and given an active sentence for killing a Chicano.

In three of the four examples above, the action of the community yielded a positive result, but these are not typical cases. Few police officers have been convicted in the wrongful death of a citizen, and few have lost their jobs. Despite repeated failures of direct action to yield positive results, groups across the country continue to use it to protest police brutality incidents. In many instances, it is the only avenue open to the community. Persons involved may not have the political clout to get a meeting with the mayor or police chief, and city officials may refuse to take any demands or protests serious until they see that a number of people are concerned about the incident.

Atlanta

Direct action was the major strategy used by community organizations in Atlanta to address the police brutality issue. Direct action tactics were used on numerous occasions prior to the beginning of the
study period, but interviews and documents indicate that the use of such tactics increased during the early 1970s. In 1970 blacks responded to the killing of Andre Moore by a white police officer with rallies and demonstrations and some violence. Two police officers were shot at and a third policeman was struck by a bottle; several places were firebombed; and there were numerous acts of vandalism. Community residents drew up a list of grievances which called for the following: a precinct station in Summerhill (the section of the city where the shooting occurred), neighborhood marshals to help reduce street crime, more jobs for youths, a recreational facility that included a swimming pool, the prosecution of store owners who sell liquor and weapons to youths, and the assignment of only black policemen to Summerhill.

The action around the Moore case achieved some results. The police department initiated weekly gripe sessions, and a black man was appointed acting superintendent. The mayor promised that more Model City funds would be channeled into Summerhill, and that police protection would be improved. A mobile station was placed in Summerhill with twelve nonuniformed community marshals, but the mayor refused to agree to the assignment of black police only. The two police officers involved in the shooting were suspended after the grand jury indicted them on voluntary manslaughter charges. They were, however, returned to the force after a jury acquitted them.

In the Greyhound Bus Station shootout, organizations held protest demonstrations, but neither of the officers involved was ever tried for his actions in the shootout. The city officials did not take any actions
in response to the organizations' protests.

The shooting of fourteen year old Pamela Dixon evoked a lot of protest activity. Outrage over this case led to the creation of a broad based coalition of organizations which led the efforts to bring about change in the police department for the next year. Marches, rallies, and demonstrations were held to express outrage over what community organizations felt was excessive use of force. Pickets were placed around the police station to protest the number of police shootings and killings of civilians in Atlanta.

Despite the massive protest around the Dixon case, the community groups did not achieve any positive results. Pamela Dixon was found guilty of aggravated assault; the officers involved were exonerated by the courts; and the Police Committee refused to become involved.

Another incident involving a black female teenager also sparked massive protests. Claudette Penson was allegedly kicked in the stomach by a police officer during a scuffle outside a television station. Picket lines were placed around the police station and city hall, and demonstrations were held to show support for the Penson family. Like the Dixon case, the community groups did not get the results they wanted from their actions. The police department never admitted any wrongdoing in the case. The prosecution did not feel that the case merited any action on their part; therefore, the officer was never charged.

The strangling of Virgil Williams by two officers in the city jail in November 1973 also set off marches, protest rallies, and demonstrations. One organization called for a total boycott of all Atlanta area stores to put pressure on the Chamber of Commerce to help change the atmosphere in
which police brutality was being created. By the time the Williams killing took place, blacks throughout the city had become concerned about the increasing incidents of police brutality; therefore, there was probably more community participation around this incident than around any of the previous incidents.

The two officers involved in the strangling were immediately suspended without pay pending the outcome of court action. When the officers were released on their own recognizance, further protests were mounted. The officers were indicted on charges of involuntary manslaughter, but a trial jury found them not guilty.

After failing to achieve the desired results in either of the police brutality cases, the coalition of organizations escalated its efforts to get the chief of police removed from office. Some direct action had been taken around this issue, but it had been secondary to the brutality cases. Regular demonstrations, marches, and picket lines were used to call for the removal of John Inman as chief of police. The chief had been criticized for not providing effective leadership, for encouraging police brutality by not taking any action in brutality cases, and for harassing black police officers who had spoken out on issues or supported black groups.

A boycott of stores owned by the chairman of the Crime Commission, a private organization, was initiated. The chairman had been very supportive of the chief and critical of black community efforts to have the chief removed. The boycott was not successful because the stores were convenience stores that were the only stores open late at night in many communities.
Direct action combined with other strategies did lead to the eventual firing of John Inman; however, he was not fired until a black man was elected mayor and four months of attempts to work with the chief had elapsed.

Newark

Direct action was not a major strategy employed in Newark during the study period; however, it was used on several occasions.

It was used during the confirmation of Lt. Kerr as police director to protest the failure of the city council to confirm Kerr as Newark's first black director. A rally was held to announce a recall of three of the white councilmen who had voted against the confirmation, but a major recall effort never developed.

Direct action was also used to protest police brutality. In 1973 when Central Ward residents staged a march to City Hall to protest the failure of the city to clean up the ward, they were attacked by police officers. Demonstrators charged police brutality and held a rally to inform the public of what had happened and to protest the treatment they had received. Gibson and Kerr were held responsible for the attack on the demonstrators.

Gibson arranged what was supposed to be a private meeting with Councilman Westbrooks who had participated in the march. About seventy-five Central Ward residents stormed the meeting, attacking Gibson for his handling of the incident. Gibson, upset over the fact that the meeting had become public, told the group they should vote him out of office if they did not like his actions, but he expressed regrets at
having ordered the police.

The black policeman who participated in the demonstration filed assault charges against the police for beating him, but he later dropped the charges. One policeman reported that the charges were dropped after the black policeman shot and killed a civilian in a bar under questionable circumstances less than a year later. No other charges were filed in the incident.

The attack on the Central Ward demonstrators contributed to a loss of support for the black police director. Some of the demonstrators and their supporters demanded his resignation because the police department continued to practice police brutality. After the incident, some residents became more vocal on the issue of police brutality.

In July 1974 direct action was used to protest the alleged killing of Charles Sutton, a twenty-eight year old black man. Sutton died in jail after he had been arrested on a parole violation. The police reported that he had committed suicide, but his sister said that his body had numerous lumps and bruises that apparently resulted from a beating. The medical examiner concluded that the death did result from suicide and that the bruises were self-inflicted. This finding did not please the coalition of community groups that had been formed to seek action in the case. A protest march was held and an investigation was demanded. Despite the protest and the intervention of a legal organization, the coalition did not receive the relief it wanted. The department maintained its position that the death was a suicide and no relief was granted through the courts.
Political Action

Political action has been used here to refer to activity such as political pressure, demands made to public officials, attempts to influence the outcome of an election, as well as administrative actions taken by city officials to bring about change in the police department.

The effectiveness of political action as a strategy to bring about change in the police depends to a great extent on the political clout of the group(s) involved and/or the ability of the group(s) to create fear, political or otherwise, in the city administrators. Recognized community groups that are active in the political process are likely to at least get the mayor to listen to their complaints. Groups that threaten violence or that are likely to commit violent acts may likewise get action because the mayor will be concerned about the city's image and protection of property and the lives of "respectable" citizens. Groups that are not willing to use "strong arm" tactics usually find that they will not get most of their demands met.

Political action has been a popular strategy in the area of police brutality. In cities across the country, the mayor has been the first person to receive a list of demands after a brutality incident. The failure of the mayor of Birmingham to respond favorably to black demands in the killing of a black woman by a white police officer in 1979 contributed in part to his defeat and the success of a black candidate. The campaign promises of Coleman Young to bring about major changes in the police department and his public criticism of the STRESS unit won him the overwhelming support of the black community in the Detroit mayoral race in 1973.
Atlanta

Political action was used in Atlanta to address the police brutality issue. Beginning with the Andre Moore incident in 1970, blacks called on the mayor and sometimes the Police Committee to take action in specific cases. The demands and the outcome of the Moore case were discussed under direct action.

Major political efforts were carried out after Claudette Penson, a fifteen year old black female, was allegedly kicked in the stomach by a white policeman. A group of about twenty-five persons took their protest to the mayor as he was leaving his weekly news conference. The group demanded that Nassell put an end to police killings of citizens, hire more black policemen, and abolish the internal security division. The mayor said he could not comment on the Penson case, denounced police brutality, defended the chief, and criticized some unnamed political candidates for "exploding...the whole crime issue." He walked out on the group, but he later apologized but did not promise to take any action on their demands.

Unsatisfied with the mayor's response, the group took its case to the Police Committee. The Committee was asked to suspend the officers involved until the investigation had been completed. An appeal was again made for the abolition of the internal security division and for an increase in the hiring of blacks on the force. The Committee did not take action on any of the requests.

The political actions, like the direct actions around the Penson case did not produce the desired results. Neither the mayor nor the Police Committee was interested in becoming any more involved than they had to be in the case.

The last police brutality case of 1973 that evoked community outrage was the strangling death of Virgil Williams in the city jail. This was the first and only case that the mayor became outraged about. Massell stated that the Williams case "is the most ruthless case of brutality that has been known in the city of Atlanta, based on the present facts as they are known." He contacted the chief to demand that the two officers involved be suspended. Massell had waited until he was on his way out of office to speak out against police brutality. By the time Williams was killed, Massell had been defeated in his reelection bid.

Community groups spent less time carrying out political actions and more time engaged in direct action around the Williams case. After failing to get positive responses from the Police Committee, many community persons had become convinced that it was a waste of time to take matters to the Committee. The mayor was leaving office in a little over a month; therefore, efforts were not made to get him to take further actions than those he had taken on his own initiative.

Some community residents felt that the answer to problems with the police rested with the election of a new mayor and some new city council members. Political action in the form of participation in campaigns was carried out by many blacks. A black man who had made strong statements

on the police brutality issue was running for mayor against Hassell who had refused to take actions to fire the police chief and had not addressed the increasing problem of police brutality. By the time the election was held, the city had become polarized along racial lines with the police department's treatment of blacks as a key campaign issue. With the overwhelming support of the black community, Maynard Jackson was elected Atlanta's first black mayor.

Jackson attempted to peacefully coexist with the chief of police, but the demands for the chief's ouster increased, and finally in the fifth month of his term, Jackson fired the chief. The chief sued to keep his job, and after a long court battle, a compromise decision was rendered: Inman would remain chief but the mayor would be allowed to appoint a "superchief" who would have authority over Inman.

Political action paid off in part because with the appointment of a black public safety commissioner the number of police brutality complaints decreased. Relations between the police and the black community also improved, and the number of black police officers increased.

Newark

Residency was a major controversy in Newark during the study period, but the campaign in favor of a residency requirement was not a community struggle—it was carried out almost single-handedly by Gibson. Early in his administration he announced that he would enforce a 1932 residency act that required all city employees to live within the city limits.

The first enforcement action came in January 1971 when a city employee was fired after she moved outside the city limits. She sued,
and her case became the test case of the mayor's ability to enforce the 1932 law. The suit charged that the residency act violated the nonresident city employees' constitutional rights. The suit was settled in May 1974 when the New Jersey Supreme Court upheld the constitutionality of the law. The 1932 law allowed three exemptions from the requirement: (1) those whose health "necessitated residence outside the city limits," (2) those whose "nature of employment is such as to require residence outside of the city limits" and (3) when "special circumstances exist justifying residence outside of the city limits." The court decision invalidated the third exemption. The decision also declared that a municipality cannot be enjoined from enforcing a valid ordinance merely because it has not always been enforced in the past. The court seemed to urge the enforcement of the ordinance when it stated, "Our holding in this regard will be no excuse for continued nonenforcement of the ordinance in the future."

During the period when the Newark case was moving through the courts, another case was heard which dealt specifically with police residency. In 1972 in the case of Krezewinski v. Kugler, a three-judge federal panel ruled that the New Jersey residency statute was justified by a compelling state interest in promoting identity with the community among the police, in the deterrent effect on crime by the presence of off-duty police in the municipality, and in the resulting chance associations and encounters which might lead to invaluable sources of information.

In reaction to the Krezewinski decision, the PBA launched a massive lobbying campaign to get the legislature to invalidate the decision by passing a legislative exemption for police officers. Mayor Gibson led the lobbying effort against an exemption for police officers. He and twenty-four other mayors unsuccessfully attempted to get the legislature to hold public hearings on the issue. Media pressure was exerted and appeals were made to individual legislators. The mayors, nevertheless, failed because they did not have as much political muscle as the police.

In 1974 Gibson again carried out a lobbying effort on the residency issue. This time he attempted to get the 1972 bill that exempted police officers from residency in the municipality of their employment repealed. Like the first time, the mayor was not successful.

After his defeat in the legislature, Gibson intensified his efforts to enforce the 1932 law for all non-exempted personnel. He felt that if other employees could be forced to comply, chances of repealing the exemption law would be increased. Gibson issued an order to all city employees to move within the city limits by May 31, 1975 or be subject to dismissal proceedings. A list of nonresidents was compiled, and employees were asked to file affidavits verifying their addresses. Gibson justified his order based on the May 1974 court decision and he argued that a residency requirement would help to stimulate business in the city. He also contended that "it would be a great incentive for people employed by the city to truly be concerned about the quality of services the city provides."²¹

In reaction to Gibson’s order, the New Jersey Veterans Civic League filed a suit challenging the residency requirement. The suit contended that League members were discriminated against because the law exempted policemen, firemen, teachers, and some administrators. It was also argued that the law deprives the members of their freedom of movement and that housing was not available in Newark in their income range. A class action suit was also filed by five hundred employees who would be dismissed if Gibson followed through on his order.

City employees took their problem to the city council where they found support. Gibson had felt that the council would not be sympathetic because nonresidents cannot vote in the city, but he was proven wrong. In April 1975, the city council voted to require all new employees to live in the city, but they exempted all current employees from the residency requirement. The vote for the measure was five to four. Gibson vetoed the measure; the council overrode his veto by a vote of six to three.

Another defeat was handed the mayor in November 1975 when New Jersey Superior Court Judge Melvin Antell ruled that the residency law was unconstitutional. Gibson appealed the decision, and began a petition campaign to force a referendum on the issue. Signatures were collected and submitted to the city clerk, but like most issues in Newark, it ended up in court. Both cases are still in litigation. Gibson has vowed to continue the battle for residency for city employees until he wins.

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Community residents carried out political action around the issue of the appointment and removal of the police director. Gibson did not consult community organizations before selecting a white man as police director. Many blacks had expected Gibson to appoint a black; therefore, there was not much support for Redden.

Less than a year after Redden's appointment, representatives of community organizations and black leaders called on Gibson to fire Redden. They charged that racism existed within the department and that Redden was insensitive to black community needs. In response to the actions by black leaders, the mayor issued a strong statement in support of the director.

As the Kawaida Towers dispute that was discussed in Chapter III became more heated, the demands for Redden's ouster became greater. The mayor and the director disagreed concerning the issue, and the director submitted his resignation in December 1972.

The Ad Hoc Committee for a Black Police Director was formed to lobby for the appointment of a black director. A black director, it was maintained, could relate better to the majority of Newark's population—blacks and Puerto Ricans. The strategy of forming a committee did not appear to be the best strategy after the mayor reacted by saying that the move "removed qualified black policemen from those I am considering to fill the post." However, it was common knowledge that Gibson was interested in placing a black in the post prior to the formation of the committee.

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23 Newark Star-Ledger, December 8, 1972.
On December 10 Lt. Edward Kerr, a fourteen year veteran of the police department, was nominated as Newark's first black police director. Kerr was not well known in the black community, and he had not distinguished himself in the police department. There were several blacks with higher rank, but Gibson indicated that they were not interested in the position.

Gibson appointed Kerr acting director for ninety days, and near the end of the period, Gibson resubmitted the nomination. Kerr was again rejected. When the Council considered the nomination for the third time, two whites joined the three blacks for a five for and four abstentions vote. The confirmation vote was, however, suspended after a black councilman accused the four whites of reneging on an agreement to support Kerr. A shouting match resulted, and one white council member who supported the nomination indicated that he did so because Kerr had gained the confidence of 99 percent of the police department.

After three rejection votes, some black leaders felt that Gibson should withdraw the nomination, but Gibson felt that he had gone too far with the nomination to back down. Gibson resubmitted the nomination, and Kerr was finally confirmed on July 11, 1973, six months and five confirmation votes later.

The major strategy carried out by black community residents during the long confirmation process was to make their presence known by packing the council chambers. On the day of the final confirmation, the chambers were filled with mostly Kerr supporters. Some black supporters had, nevertheless, become less enthusiastic about Kerr. Some
organizations only supported him because he was black. He had clashed with one group over the Kawaida issue, thus he had lost its support. The representative of this organization indicated during the interview that Kerr was black in skin color only.

Political action was a major strategy used by the black community during the years immediately prior to the study period. Blacks joined with Puerto Ricans to form a coalition that resulted in the election of Newark's first black mayor. One of the major issues that had caused blacks to split with the previous mayor had been the mayor's failure to aggressively take action on the issue of police brutality. Through the election of Gibson, blacks hoped that significant changes would be made in the police department, but their hopes were not realized. Citizens continued to complain about the treatment of blacks by the police. Gibson blamed his failure to bring about significant changes in the police department on the presence of a strong police union. The city had signed away much of its power to control the police. Nevertheless, some of the blame should be placed on Gibson for his appointment of two weak police directors. Neither man was aggressive or strong enough to tackle the problems that had divided the city.

Community Education and Media Activity

Community education and media pressure are usually carried out in conjunction with some other strategy or strategies. These strategies are designed to increase public support for efforts an organization is trying to carry out. These strategies have been carried out through public hearings, seminars, literature, public meetings, and press conferences.
Public hearings on police brutality have been held in cities and towns throughout the country. Generally these hearings are a direct response to a specific incident and an indirect response to a series of incidents. In New York, for example, a series of public hearings were held after the killing of ten year old Clifford Glover by a white policeman. During the course of protest activity, a number of reports of other incidents were brought to the coalition that was leading the protest. The hearings were designed to inform the public that the Glover killing was not an isolated incident. We have mentioned earlier that protest activity around this case led to the dismissal of the officer involved from the force.

In Memphis hearings were held after the killing of Elton Hayes by Memphis police and sheriff deputies. The city did not take any action on the recommendations of the hearing panel, but the Tennessee Advisory Committee to the U.S. Civil Rights Commission was convinced that police-community relations had deteriorated to the point that the Committee should conduct an investigation and make recommendations to Memphis officials for improving the problem. 24

Atlanta

There was one major public hearing on police brutality in Atlanta during the study period. This hearing was held over a two-day period in September 1973. The hearing panel, representing a cross section of the black community, included ministers, elected officials, community

organization representatives, and educators. Witnesses who testified at the hearing included brutality victims, government officials, a police officer, a college professor, and community organization representatives.

Testimony was received showing a relationship between poor training and police misconduct. One organization presented a comprehensive report on the training program of the police department. The report showed that the Atlanta program was below standards set by the International Association of Chiefs of Police (IACP). The report had previously been presented to the Aldermanic Police Committee, but they had taken no action. The following recommendation was made for the training program:

The establishment of a 6-month training program for all police recruits emphasizing race relations, psychological and sociological testing, sensitivity training, alternatives to firearms use and other lethal force and community relations. The training program should be established through discussions between Councilmen, police officials, community representatives and professional police training experts. There should also be annual retraining.25

The hearing report was submitted to the Aldermanic Police Committee, but no immediate action was taken. The training program was, however, extended to reflect the IACP standards after a new police administrator was appointed.

The issue of residency for Atlanta police was discussed at the hearing. Mayoral candidate, now Mayor, Maynard Jackson testified concerning the large percentage of police officers who lived outside the

city limits. The hearing panel recommended:

A residency requirement for all Atlanta police. Recruitment priority should be given to Atlanta residents, but recruitment should not necessarily be restricted to Atlanta. Policemen who live outside the city limits at the time of appointment should be required to relocate within the city limits. All police presently on the force should be given 9 months to comply with this directive or face replacement.26

Jackson continued to pursue the residency issue after he became mayor. The state legislature passed an act prohibiting the city from passing a residency act, but the governor vetoed the bill, clearing the way for a city ordinance that was passed in 1976 requiring residency for fire and police personnel.

One common theme ran through much of the testimony at the hearing: the police chief was at the heart of the problem. Three candidates for mayor appeared before the panel, and each promised to either remove Inman as chief or to take serious steps to clean up the department. The first recommendation that was made by the panel was: "The immediate firing or resignation of Chief John Inman." The mayor did not respond to the recommendation. The Police Committee's response to the full report is discussed below.

The brutality issue, which was the theme of the hearing, was discussed by all the participants. The panel concluded that brutality had reached a crisis stage and that it was so widespread and pervasive until many people were afraid to register complaints. The recommendations made for dealing with the problem included the establishment of an office of ombudsman; the elimination of the SWAT squad, the stakeout

26Ibid.
squad and the downtown foot patrol; a review of policy for the use of deadly force; and the formation of "police watch committees to keep abreast of police misconduct and to initiate action in such instances."

The hearing report and recommendations were submitted to the mayor, police chief, and the Police Committee. There was no response from the mayor and the chief, but the Atlanta Crime Commission, a private agency, attacked the report calling it "totally biased, prejudiced and irresponsible." The Police Committee allowed a formal presentation of the hearing's findings and recommendations to the Committee, but it waited until its last meeting to respond to the recommendations. The Committee said that the firing of the chief was out of its jurisdiction. Support was indicated for most of the other recommendations, but nothing could be done because a new charter was taking effect the next month, and under the new charter, the Police Committee was replaced by the Public Safety Committee. The Committee did review the files of the nineteen persons who were killed by the police during 1973 and recommended that four cases be reopened for further investigation. No evidence was found that the cases were re-investigated.

Several positive results were received by the black community as a result of the hearing. The issue of police brutality was publicized through the major "white" press. Support was received for the organizations that were engaged in direct action around the issue. The mayoral candidates, including Maynard Jackson, were forced to take a stand on the issues.

Press conferences were held by community groups throughout the study period to provide information to the Atlanta community on issues related to police activity. The Atlanta press, especially the television stations, were fairly responsive in regard to the coverage of activities by black groups; therefore, mass media was a major source of community education during the study period. There was also a black weekly newspaper and a white radical paper that followed closely the movement to bring about change in the Atlanta police. The black newspaper, the *Atlanta Voice*, had an investigative reporter who gathered numerous exposes on police officers and police programs. The newspaper became such a threat to the police department until a black policewoman was planted as a spy on the newspaper staff.

It can be concluded that community education and media activity were successful because their major purpose was to expose the issue to a broad audience and recruit support for the continuing campaign to bring about change in the department.

Newark

Newark is located outside New York City, and it is dominated by the New York media. In order for an incident to be reported on television, it must be a big event. Newark does not have a television station, and New York assignment editors do not place a high priority on Newark news. Community groups are left with a newspaper and a black radio station to do the majority of their press coverage. Nevertheless,

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the media were used to inform and educate the public concerning changes advocated for the police department.

During the study period, Amiri Baraka was a central figure in the Newark black community; therefore, his organization was able to receive considerable media attention. The press were used to speak out against the appointment of Redden and to call for his resignation. Later Kerr was denounced through the press for his failure to aggressively take charge of the police department. It should be noted that Baraka's organization had its own weekly newspaper which was used to promote the organization's positions on issues as well as to attempt to rally support for direct action and other strategies.

There was one hearing during the study period that dealt in part with the issue of police brutality and misconduct, a session conducted by the National Black Assembly on the Kawaida Towers controversy in April 1973. One of the issues that developed during the long conflict over the building of the complex in the North Ward was the police handling of the situation. Anthony Imperiale, a state senator and leader of a vigilante group, established a picket line around the construction site. Police officers were placed at the site to keep the pickets away from the site, but the predominantly Italian construction workers refused to cross the picket line. When black nonunion workers were brought in, the pickets attacked them while the police watched. Some of the pickets were off-duty police officers.

Testimony was given at the hearing that the police perpetrated the violence against the workers. Two blacks who had attempted to cross the
picket line testified that the police did not try to help them get to the construction site. Three members of the Temple of Kawaida testified that they had been attacked by members of the Tactical Squad of the police department. At first they reportedly were harassed, grabbed, searched, and verbally abused; later they were beaten. The testimony of the Kawaida members was supported by the testimony of the workers who had attempted to cross the picket line.

The hearing did not produce any positive results. Appeals for action on the complaints had been made to the police director and commanding officers, but no action had been taken. The hearing panel invited the police director to participate in the hearing, but he refused. After the hearing, he still refused to take action on the complaints. The Kawaida group felt that an independent panel might convince the department of the seriousness of the complaints, but it would have taken more than a black independent panel to persuade the police to become concerned about the harassment and beating of Kawaida members.

A number of different strategies were used in the two study cities by persons interested in bringing about change in the police. This study has demonstrated that no one strategy is effective all the time. A strategy that may be effective in one city at a particular time may be ineffective in another city. This study has also demonstrated that no single strategy can be used to bring about meaningful change.

\[24\] Kawaida Towers Inquiry.

\[25\] Ibid.
CHAPTER VI

CONCLUSION

Does the political environment have an influence on the police? This question has to be answered in the affirmative because this study has shown that the actors of the environment have influenced the police. But underlying this broader question are several other questions that must be addressed. What has been the effect of the political environment's influence? What role does the community, the city council and the mayor play in bringing about change? Why did each actor or agency play the role that it played?

In Atlanta the black community played a very active role in trying to bring about change in the police department. This activity by the black community and supportive whites did not escalate until after the police had killed an unusually large number of black citizens and the police administrator and city officials had refused to devote serious attention to citizen complaints. The community did not cease protesting until some changes had been made.

The black community of Newark was not as active as the Atlanta community; however, it had been prior to the election of Kenneth Gibson. Middle and working class blacks had used a variety of strategies to try to bring about change in Newark. The lower level of activity during the study period was probably due in part to blacks trying to give Gibson a chance to make some changes but feelings of hopelessness and resignation probably accounted for an even greater part.
The mayor did not play an active role in either of the cities. The presence of a black mayor did not seem to make a big difference in Newark. Gibson responded to complaints from citizens in much the same way as Massell. One major difference between Gibson and Massell should be noted. Gibson took the initiative on the residency issue and he fought to get an ombudsman. Massell did not take the initiative on any issue. Gibson did not seem to work well with community organizations, but he did seem concerned about black issues. On both the residency and ombudsman issue, he should have developed community support for his actions, but he chose to fight alone. He did not consult the community on his nominees for police director, and he had trouble getting both nominations through City Council.

Both Massell and Gibson had excuses for their failure to be more active in trying to improve the police system. Massell blamed his failure on the weak mayor structure of government; Gibson blamed his failure on the strength of the police union. Both of these were limiting factors, but they cannot be used as excuses for all of their inactivity. For example, Massell probably could have influenced his supporters on the Board of Aldermen to vote to remove Inman; yet, he chose to throw his support behind Inman when the community was crying for his removal. Gibson, on the other hand, could have appointed a black police director at the outset instead of appointing a white who did not have black or white support.

The Atlanta Board of Aldermen did not play a major role in bringing about change. During the course of the study period, some of the black aldermen became more interested and active in black concerns about the police. Blacks had not been unanimous in opposition to the appointment
of Inman as police chief, but they were unified in support for his removal in 1973. The major factor that helped to make some blacks take a more progressive stand on police issues was the Inman investigation of a black alderman. The vice mayor, who was running for mayor, took a strong position on some of the brutality cases. He was perceptive enough to see that the police brutality issue was going to be a major campaign issue. Some aldermen were also influenced by this factor.

Newark's City Council included three members who were police officers. These members tended to vote together and to protect police interest on the Council. On the other hand, the three black members did not always vote together. One black was considered a radical; one was considered a liberal; and the other one was somewhat moderate. They did not serve as an effective black lobby within the Council. Of course it is not clear, and it probably was not clear to the councilmen, what the community wanted. Only one organization was consistently pressuring city officials to bring about change. The councilman who was closely aligned with this group was defeated in his reelection bid.

One of the assumptions made at the outset of this study was found to be true in Atlanta but not in Newark. This assumption stated that the amount of community pressure is related to the community's perception of the status of police-community relations. Community representatives reported poor relations in both cities; yet, there was much more pressure in Atlanta than in Newark. Some reasons for the declining activity in Newark have already been given.

Since the study period, a number of changes have been made in the Atlanta Police Department. A new city charter went into effect in January 1974. This charter changed city government from a weak mayor to
a strong mayor system. It also eliminated the Police Committee and some
of the overlap of authority over the police. An office of public safety
commissioner was established to oversee the police and fire departments,
and the powers of the police chief were reduced. Atlanta’s training
program has been expanded, and the police are now under civil service.
The Newark department has not undergone any major structural changes. Of
course the Newark department was already better organized and structured
than the Atlanta department.

The major factor contributing to the changes in Atlanta was the
emergence of blacks in positions of political power. Very little change
has come about in the Newark Police Department. A new black police
director was appointed, but the department is still controlled by Italian
command officers and the police union. The police director cannot make
many changes without the approval of the union. The union serves as a
very active police lobby at the state and local levels.

The reported incidents of police brutality have decreased in Atlanta
since blacks took over the command of the police department. It probably
became clear to the white police officers who were engaging in such be-
havior that the leadership would not be as sympathetic as Inman had been.
Newark has a new black police director, but the charges of police brutality
have continued. There has even been a racial uprising in Newark since the
study period. This uprising involved Puerto Ricans who charged that the
black administration was not sensitive to their concerns. Two Puerto
Ricans were killed by police officers during the uprising and the outcome
was just as it had been about ten years earlier after the black uprising--
the officers went unpunished.

A key question has been raised by this study: Does a black mayor
and black police administrator make a difference? In Atlanta and Detroit it has made a difference, but it has not made much of a difference in Newark. Blacks did not get a commitment from Gibson on what he would do to change the police department; they got a commitment from Jackson and Young. If blacks are going to make police administrators accountable, they must first elect accountable mayors.

Police related issues sharply divided the black and white communities in the 1960s and it seems as if these issues may again cause polarization in the 1980s. Police brutality is a major issue in black communities throughout the country; yet, police administrators and city officials tend to ignore the seriousness of this concern. Whether it is widespread or limited to a few cops is not the issue because all it takes is one killing to spark an uprising.

Researchers have also ignored police brutality as a research topic. It can be validly argued that access to factual data is a problem, but information access has not stopped research on other topics. The whole area of police-community relations needs to be explored further. Many of the studies were hastily conducted after the riots and there has not been much follow-up research. Other areas that need further study include the following: the effect of black officials on police-community relations; the effectiveness of various strategies in bringing about long and short range change in police departments; and the role of the black police officer and police organization in bringing about change.
APPENDIX A

No.___________________________________________
Date_____________________________
Interviewer________________________

QUESTIONNAIRE

BOARD OF ALDERMEN
Atlanta, Georgia

1. What is your present position in the city government?
   Councilman____
   No position____
   Other (specify)____________________________________

2. What was the racial make-up of your aldermanic district?
   Predominantly or all black____
   Predominantly or all white____
   Other (specify)____________________________________

3. In your opinion, which of the following best describes how Chief
   of Police Jenkins viewed the Board of Aldermen during the Massell
   Administration?
   highly favorable____
   favorable____
   unfavorable____
   highly unfavorable____
   (a) Why?

4. In your opinion, which of the following best describes how Chief
   Inman viewed the Board of Aldermen during the Hassell Administration?
   highly favorable____
   favorable____
   unfavorable____
   highly unfavorable____

5. Do you think Jenkins viewed you as:
   highly favorable____
   favorable____
   unfavorable____
   highly unfavorable____

6. Do you think Inman viewed you as:
   highly favorable____
   favorable____
   unfavorable____
   highly unfavorable____
(a) Why?

7. Would you say that the majority of your votes on police related issues were pro or con police administration?
   pro____ con____

8. What official or unofficial actions did you take in connection with the killing of Andre Moore in Summerhill in 1970?
   (a) (If no action taken) Why?
   (If action taken) Were you satisfied with the outcome of your actions? yes____ no____
   (b) Why or why not?

9. What official or unofficial actions did you take in the shootout at the Greyhound Bus Station in 1970 and related incidents?
   (a) (If no action taken) Why?
   (If action taken) Were you satisfied with the outcome of your actions? yes____ no____
   (b) Why or why not?

10. What official or unofficial actions did you take in the investigation of City Councilman Ira Jackson in 1973 and related incidents?
    (a) (If no action taken) Why?
    (If action taken) Were you satisfied with the outcome of your actions? yes____ no____
    (b) Why or why not?

11. What official or unofficial actions did you take in the case of the knife plant on Hubert Comer and the resulting Graham-Strickland trial?
    (a) (If no action taken) Why?
    (If action taken) Were you satisfied with the outcome of your actions? yes____ no____
    (b) Why or why not?

12. What official or unofficial actions did you take around the shooting of Pamela Dixon in Capitol Homes in 1973?
    (a) (If no action taken) why?
    (If action taken) Were you satisfied with the outcome of your actions? yes____ no____
    (b) Why or why not?

13. What official or unofficial actions did you take in the incidents related to the killing of Virgil Williams in the City Jail in 1973?
    (a) (If no action taken) why?
(If action taken) were you satisfied with the outcome of your actions? yes no
(b) Why or why not?

14. Did you call for changes in the police department during the Massell Administration? yes no
(a) (If no) Why not?
(b) What factors caused you to call for change?

15. What major changes were brought about within the police department during the Massell Administration?
(a) What groups, agencies or individuals played a major role in bringing about these changes?

16. What role did Mayor Massell play in the determination of police policy?
   strong role__
   influential role___
   weak role___
   no role____
   (a) The Board of Aldermen during the Massell Administration?
      strong role___
      influential role___
      weak role___
      no role____
   (b) The community?
      strong role___
      influential role___
      weak role___
      no role____
   (c) The city and county courts?
      strong role___
      influential role___
      weak role___
      no role____

17. What role should the mayor play in the determination of police policy?
   strong role___
   influential role___
   weak role___
   no role____
   (a) The City Council?
      strong role___
      influential role___
weak role
no role

(b) The community?
strong role
influential role
weak role
no role

(c) The city and county courts?
strong role
influential role
weak role
no role

18. Which of the following played the greater role in the determination
of police policy during the Maswell Administration?
Mayor
Board of Aldermen
Community
City and county courts

19. Have you ever received support from any police or police organiza-
tions in your political campaigns?
yes
no
(a) (If yes) What forms?
(If no) Would you like to receive such support?
yes
no

20. Have you ever been pressured by police to take a particular stand
on an issue?
yes
no
(a) (If yes) What issue?

21. Have you ever been harassed or brutalized by police officers?
yes
no
(a) (If yes) For what reason(s)?

22. Do you know of instances of police harassment of public officials
in Atlanta?
yes
no
(a) (If yes) For what reason(s)?
(If no) Do you feel that harassment takes place?
yes
no

23. Do you feel that the city and county courts do an adequate job of
following up on the arrests made by police?
yes
no
(a) Why do you feel this way?

24. Which of the following best describes relations between the police
and the community in Atlanta?
25. Do you feel that your community receives adequate police protection? yes no
   (a) Why do you feel this way?

26. Which of the following is the most appropriate method of handling citizen complaints against police?
   Civilian review board
   Police-civilian review board
   Police review board
   Ombudsman
   Other (specify)
   (a) Why?

27. Do you feel that the Police Committee of the Board of Aldermen did an adequate job of handling citizen complaints against police? yes no
   (a) Why do you feel this way?

28. Do you feel that the Internal Investigation Division of the Police Department has done an adequate job of handling citizen complaints against police? yes no
   (a) Why do you feel this way?

29. Do you support or oppose special minority programs to recruit more minority persons to the police department? support oppose
   (a) Why?

30. Do you feel that black police are being discriminated against within the police department? yes no
   (a) (If yes) In what way(s)?

31. Which of the following is the most appropriate method of selecting the chief of police?
   Mayor
   City Council
   Mayor with City Council approval
   Citizen committee
   Other (specify)
   (a) Why?

32. Do you feel that the present police training program is adequate? yes no
   (a) (If no) How would you improve it?
   (If yes) Why?
33. What role do you feel the Atlanta press play in bringing about change in the police department?
   strong role
   influential role
   weak role
   no role

34. What influence does the governor have over Atlanta police policy?
   strong influence
   average influence
   weak influence
   no influence

(a) L.E.A.A. (Law Enforcement Assistance Administration)?
   strong
   average
   weak
   no influence

(b) The state legislature?
   strong
   average
   weak
   no influence

(c) The county commissioners?
   strong
   average
   weak
   no influence

35. Do you feel that police brutality is a reality in your city?
   yes
   no

   (a) (If no) Do you feel that the majority of complaints of brutality are unfounded? yes
   no

   (If yes) What are the prevalent forms?
   beatings
   excessive and unnecessary use of force
   racial slurs and insults
   other (specify)

36. What procedure should be used to prosecute officers accused of brutality and/or misconduct?

37. What reforms, if any, would you seek to bring about in the Atlanta Police Department? Be specific.
APPENDIX B

No. ____________________
Date ____________________
Interviewer ____________________

QUESTIONNAIRE

COMMUNITY ORGANIZATIONS
Atlanta, Georgia

1. What is the name of your organization?

2. Approximately how many members do you have in your organization?
   less than 30 ___
   30-50 ___
   50-100 ___
   over 100 ___

3. What is the racial make-up of your organization?
   all black ___
   predominately black ___
   all white ___
   predominately white ___
   other (specify) ____________________

4. How long has this organization been in existence?
   less than a year ___
   1-3 years ___
   3-5 years ___
   over 5 years ___

5. What problem is your organization most concerned with?
   (a) Why?

6. Is this organization connected with any other local, state or national organization(s)? yes ___
   no ___

7. Which of the following best describes the role your organization plays in bringing about changes in the Atlanta Police Department?
   strong role ___
   influential role ___
   weak role ___
   no role ___

8. Do you think Police Chief Jenkins viewed your organization as:
   highly favorable ___
   favorable ___
   unfavorable ___
   highly unfavorable ___
9. Do you think Chief Inman viewed your organization as:
   highly favorable
   favorable
   unfavorable
   highly unfavorable
   (a) Why?

10. Has your organization called for change in the police department?
    yes     no
    (a) (If no) Why not?
         (If yes) What changes have you called for?
    (b) What factors caused you to call for change?
    (c) What actions have you taken to bring about change?
    (d) Were the majority of your actions successful? yes     no

11. Did your organization take concrete actions around the killing of Andre Moore in Summerhill in 1970? yes     no
    (a) (If no) Why not?
         (If yes) What actions were taken?
    (b) Were you satisfied with the outcome of your actions? yes     no
    (c) Why or why not?

12. Did your organization take concrete actions around the shootout at the Greyhound Bus Station in 1970? yes     no
    (a) (If no) Why not?
         (If yes) What actions were taken?
    (b) Were you satisfied with the outcome of your actions? yes     no
    (c) Why or why not?

13. Did your organization take concrete actions around the investigation of City Councilman Ira Jackson in 1973 and related incidents? yes     no
    (a) (If no) Why not?
         (If yes) What actions were taken?
    (b) Were you satisfied with the outcome of your actions? yes     no
14. Did your organization take concrete actions around the case of the knife plant on Hubert Comer and the Graham-Strickland trial?  
   yes____  no____  
   (a) (If no) Why not?  
      (If yes) What actions were taken?  
   (b) Were you satisfied with the outcome of your actions?  
      yes____  no____  
   (c) Why or why not?  

15. Did your organization take concrete actions around the shooting of Pamela Dixon in Capitol Homes in 1973?  
   yes____  no____  
   (a) (If no) Why not?  
      (If yes) What actions were taken?  
   (b) Were you satisfied with the outcome of your actions?  
      yes____  no____  
   (c) Why or why not?  

16. Did your organization take concrete actions around the killing of Virgil Williams in the City Jail in 1973?  
   yes____  no____  
   (a) (If no) Why not?  
      (If yes) What actions were taken?  
   (b) Were you satisfied with the outcome of your actions?  
      yes____  no____  
   (c) Why or why not?  

17. What major changes were brought about within the Atlanta Police Department during the Kassell Administration?  
   (a) What groups, agencies or individuals played a major role in bringing about these changes?  
   (b) Would you say that the majority of the changes were positive____ or negative____  

18. What role did Mayor Kassell play in the determination of police policy?  
   strong role____  
   influential role____  
   weak role____  
   no role____
(a) The Board of Aldermen during the Massell Administration?
   strong role_____  influential role____
   weak role______  no role____

(b) The community?
   strong role_____  influential role____
   weak role______  no role____

(c) The city and county courts?
   strong role_____  influential role____
   weak role______  no role____

19. What role should the mayor play in the determination of police policy?
   strong role_____  influential role____
   weak role______  no role____

(a) The City Council?
   strong role_____  influential role____
   weak role______  no role____

(b) The community?
   strong role_____  influential role____
   weak role______  no role____

(c) The city and county courts?
   strong role_____  influential role____
   weak role______  no role____

20. Which of the following played the major role in the determination of police policy during the Massell Administration?
   Mayor____
   Board of Aldermen____
   Community____
   City and county courts____

21. Do you feel that the city and county courts do an adequate job of following up on the arrests made by police?
   yes____  no____

(a) why do you feel this way?
22. Which of the following best describes relations between the police and the community in Atlanta?
   good___ fair___ poor___ other(specify)_______________________
   (a) (If not good) How do you feel that better relations can be brought about?

23. Do you feel that the black community receives adequate police protection? yes___ no___
   (a) Why do you feel this way?

24. Have you ever called the police for assistance? yes___ no___
   (a) (If yes) Were you satisfied with their response?
    yes___ no___

25. Which of the following is the most appropriate method of handling citizen complaints against police?
   Civilian review board___
   Police-civilian review board___
   Police review board___
   Ombudsman___
   other (specify)_______________________

26. Do you feel that the Internal Investigation Division of the police department has done an adequate job of handling citizen complaints against police? yes___ no___
   (a) Why do you feel this way?

27. Do you feel the Police Committee of the Board of Aldermen did an adequate job of handling citizen complaints against police? yes___ no___
   (a) Why do you feel this way?

28. Do you support or oppose special minority programs to recruit more minority members to the police department?
   support___ oppose___
   (a) Why?

29. Do you feel that black police are being discriminated against within the police department? yes___ no___
   (a) (If yes) In what way(s)?

30. Do you feel that the present training program is adequate? yes___ no___
    (a) (If no) How would you improve it?

31. Which of the following is the most appropriate method of selecting the chief of police?
   Mayor___
   City Council___
32. What role do you feel the Atlanta press play in bringing about change in the police department?
   strong role____
   influential role____
   weak role____
   no role____

33. What influence does the Governor have over Atlanta police policy?
   strong influence____
   average influence____
   weak influence____
   no influence____

   (a) Law Enforcement Assistance Administration (LEAA)?
       strong____
       average____
       weak____
       no influence____

   (b) The state legislature?
       strong____
       average____
       weak____
       no influence____

   (c) The county commissioners?
       strong____
       average____
       weak____
       no influence____

34. Do you feel that police brutality is a reality in Atlanta?
   yes____   no____

   (a) (If no) Do you feel that the majority of complaints of brutality are unfounded? yes____   no____

   (If yes) What are the prevalent forms?
   beatings____
   excessive and unnecessary use of force____
   racial slurs and insults____
   other (specify)________________________

35. Have you or any member of your organization ever been subjected to any form of police harassment or brutality?
   yes____   no____

   (a) (If yes) How did you respond?

   (If no) Go to q. 36.
(b) what was the outcome?

36. Has your organization ever received specific complaints of police brutality and misconduct? yes  no
   (a) (If yes) How did you respond?
       (If no) Go to q. 37.
   (b) What was the outcome?

37. Have you ever made a complaint against a police officer? yes  no
   (a) (If no) Go to q. 38.
       (If yes) With whom did you file the complaint?
   (b) What was the outcome?
   (c) Were you satisfied with the outcome? yes  no

38. What procedures should be used to prosecute officers accused of brutality and/or misconduct?

39. What reforms, if any, would you seek to bring about in the Atlanta Police Department? Be specific.
APPENDIX G

No._____________________
Date_____________________
Interviewer________________

QUESTIONNAIRE

POLICE ADMINISTRATORS
Atlanta, Georgia

1. How long have you been on the police force?
   0-5 years___
   5-10 years___
   10-15 years___
   over 15 years___

2. What is your present position in the police department?
   (a) What was your position during the Massell Administration?
       Chief___
       Assistant chief___
       Division head___
       Other (specify)___________________________

3. What problem are you most concerned with in the performance of your duty as _____________________________.

4. Do you belong to a police organization(s)? yes___ no___
   (a) (If yes) Which organization(s)?
       (If no) Why not?

5. Which of the following best describes the role police organizations play in the Atlanta Police Department?
   strong role in policy formation___
   influential role in policy formation___
   weak role in policy formation___
   no role in policy formation___
   (a) In the political process?
       strong role in policy formation___
       influential role in policy formation___
       weak role in policy formation___
       no role in policy formation___

6. What official or unofficial actions did you take in the incidents related to the killing of Andre Moore in Summerhill in 1970?
   (a) (If no action taken) Why?
       (If action taken) Were you satisfied with the outcome of your actions? yes___ no___
7. What official or unofficial actions did you take in the shootout at the Greyhound Bus Station in 1970 and related incidents?
   (a) (If no action taken) Why?
      (If action taken) Were you satisfied with the outcome of your actions? yes no
   (b) Why or why not?

8. What official or unofficial actions did you take in the investigation of City Councilman Ira Jackson in 1973 and related incidents?
   (a) (If no action taken) Why?
      (If action taken) Were you satisfied with the outcome of your actions? yes no
   (b) Why or why not?

9. What official or unofficial actions did you take in the case of the knife plant on Hubert Comer and the resulting Graham-Strickland trial?
   (a) (If no action taken) Why?
      (If action taken) Were you satisfied with the outcome of your actions? yes no
   (b) Why or why not?

10. What official or unofficial actions did you take around the shooting of Pamela Dixon in Capitol Homes in 1973?
    (a) (If no action taken) Why?
        (If action taken) Were you satisfied with the outcome of your actions? yes no
    (b) Why or why not?

11. What official or unofficial actions did you take in the incidents related to the killing of Virgil Williams in the City Jail in 1973?
    (a) (If no action taken) Why?
        (If action taken) Were you satisfied with the outcome of your actions? yes no
    (b) Why or why not?

12. What major changes were brought about within the police department during the Hassell Administration?
    (a) What groups, agencies or individuals played a major role in bringing about these changes?
13. What role did Mayor Massell play in the determination of police policy?
   strong role...
   influential role...
   weak role...
   no role...
   (a) The Board of Aldermen during the Massell Administration?
      strong role...
      influential role...
      weak role...
      no role...
   (b) The community?
      strong role...
      influential role...
      weak role...
      no role...
   (c) The city and county courts?
      strong role...
      influential role...
      weak role...
      no role...

14. What role should the mayor play in the determination of police policy?
   strong role...
   influential role...
   weak role...
   no role...
   (a) The City Council?
      strong role...
      influential role...
      weak role...
      no role...
   (b) The community?
      strong role...
      influential role...
      weak role...
      no role...
   (c) The city and county courts?
      strong role...
      influential role...
      weak role...
      no role...
15. Which of the following played the greater role in the determination of police policy during the Massell Administration?
   Mayor____
   Board of Aldermen____
   Community____
   City and county courts____

16. Have you ever lent support to a candidate in a political campaign?
   yes____ no____
   (a) (If yes) What form(s)?

17. Do you know of instances of police harassment of public officials?
   yes____ no____
   (a) (If no) Do you feel that harassment takes place in Atlanta?
       yes____ no____
       (If yes) For what reasons?

18. Do you feel that the city and county courts do an adequate job of following up on the arrests made by police?
   yes____ no____
   (a) Why do you feel this way?

19. Which of the following best describes relations between the police and the community in Atlanta?
   good____ fair____ poor____ other (specify)____________________
   (a) (If not good) How do you feel better relations can be brought about?

20. Do you feel that the black community receives adequate police protection? yes____ no____
   (a) Why do you feel this way?

21. In general, how do you feel about the efforts of organized citizen groups to make their views concerning policy to you and to the police department?

22. Can you name any community groups that have been responsible for bringing about change in the police department?
   yes____ no____
   (a) (If yes) What groups?
   (b) Was most of the change positive or negative?
       positive____ negative____

23. Do you know of instances of police harassment of community groups and/or leaders? yes____ no____
   (a) (If no) Do you feel that harassment takes place?
       yes____ no____
       (If yes) For what reasons harassment takes place?
24. Can you identify any unfriendly or opposing organizations to the police department? yes no
   (a) (If yes) Name them.
   (b) Why are they in opposition?

25. Which of the following is the most appropriate method of handling citizen complaints against police?
   Civilian review board
   Police-civilian review board
   Police review board
   Ombudsman
   other (specify)
   (a) Why?

26. Do you feel that the Police Committee of the Board of Aldermen did an adequate job of handling citizen complaints against police? yes no
   (a) Why do you feel this way?

27. Do you feel that the Internal Investigation Division of the police department has done an adequate job of handling citizen complaints? yes no
   (a) Why do you feel this way?

28. What, if anything, has been done by your department to increase the number of and upgrade blacks within the department?

29. Do you support or oppose special minority programs to recruit more minority persons to the police department? support oppose
   (a) Why?

30. Do you feel that black police are being discriminated against within the police department? yes no
   (a) (If yes) In what way(s)?

31. Do you feel that the present training program is adequate? yes no
   (a) (If no) How would you improve it?
   (If yes) Why?

32. Which of the following is the most appropriate method of selecting the chief of police?
   Mayor
   City Council
   Mayor with City Council approval
   Citizen committee
   other (specify)
33. What role do you feel the Atlanta press play in bringing about change in the police department?
- strong role
- influential role
- weak role
- no role

34. What influence does the governor have over Atlanta police policy?
- strong influence
- average influence
- weak influence
- no influence

(a) L.E.A.A.?
- strong
- average
- weak
- no influence

(b) The state legislature?
- strong
- average
- weak
- no influence

(c) The county commissioners?
- strong
- average
- weak
- no influence

35. Do you feel that police brutality is a reality in Atlanta?
- yes
- no

(a) (If no) Do you feel that the majority of complaints of brutality are unfounded?
- yes
- no

(b) (If yes) What are the prevalent forms?
- beatings
- excessive and unnecessary use of force
- racial slurs and insults
- other (specify)

36. What procedure should be used to prosecute officers accused of brutality and/or misconduct?

37. What reforms, if any, would you seek to bring about in the Atlanta Police Department? Be specific.
APPENDIX D

QUESTIONNAIRE

CITY COUNCIL
Newark, New Jersey

1. What is your present position in the city government?
   Councilman
   No position
   Other (specify)

2. What is (was) the racial make-up of your council district?
   Predominantly or all black
   Predominantly or all white
   Other (specify)

3. In your opinion, which of the following best describes how Police Director Redden viewed the City Council during the first Gibson Administration:
   Highly favorable
   Favorable
   Unfavorable
   Highly unfavorable
   (a) Why?

4. In your opinion, which of the following best describes how Police Director Kerr viewed the City Council during the first Gibson Administration:
   Highly favorable
   Favorable
   Unfavorable
   Highly unfavorable
   (a) Why?

5. Do you think Redden viewed you as:
   Highly favorable
   Favorable
   Unfavorable
   Highly unfavorable
   (a) Why?

6. Do you think Kerr viewed you as:
   Highly favorable
   Favorable
   Unfavorable
highly unfavorable_
(a) Why?

6. Do you think Kerr viewed you as:
highly favorable_
favorable_
unfavorable_
highly unfavorable_
(a) Why?

7. Would you say that the majority of your votes on police related issues were pro or con police administration?
pro con

8. What official or unofficial actions did you take in the controversy surrounding the appointment of Redden as Police Director in 1970?
(a) (If no action taken) Why?
   (If action taken) Were you satisfied with the outcome of your actions? yes no
(b) Why or why not?

9. What official or unofficial actions did you take in the controversy surrounding the appointment of Kerr as Police Director in 1972?
(a) (If no action taken) Why?
   (If action taken) Were you satisfied with the outcome of your actions? yes no
(b) Why or why not?

10. What official or unofficial actions did you take in relation to the discrimination suit filed by the Bronze Shields in 1972?
(a) (If no action taken) Why?
   (If action taken) Were you satisfied with the outcome of your actions? yes no
(b) Why or why not?

11. What official or unofficial actions did you take in connection with the march on city hall by Central ward residents in 1974 and related incidents?
(a) (If no action taken) Why?
   (If action taken) Were you satisfied with the outcome of your actions? yes no
(b) Why or why not?

12. What official or unofficial actions did you take in connection with the Kawaida Towers controversy?
(a) (If no action taken) Why?  
(if action taken) Were you satisfied with the outcome of your actions? yes no  
(b) Why or why not?  

13. Did you call for changes in the police department during the first Gibson Administration? yes no  
(a) (If no) Why not?  
(if yes) What changes did you call for?  
(b) What factors caused you to call for change?  

14. What major changes were brought about within the police department during the first Gibson Administration?  
(a) What groups, agencies or individuals played a major role in bringing about these changes?  

15. What role did Mayor Gibson play in the determination of police policy?  
strong role influential role weak role no role  
(a) The city council during the first Gibson Administration?  
strong role influential role weak role no role  
(b) The community?  
strong role influential role weak role no role  
(c) The city and county courts?  
strong role influential role weak role no role  

16. What role should the mayor play in the determination of police policy?  
strong role influential role weak role no role  
(a) The city council?  
strong role
influential role__
weak role__
no role__

(b) The community?
strong role__
influential role__
weak role__
no role__

(c) The city and county courts?
strong role__
influential role__
weak role__
no role__

17. Which of the following played the greater role in the determination of police policy during the first Gibson Administration?
Mayor__
City Council__
Community__
City and county courts__

18. Have you ever received support from any police officer(s) or police organizations in your political campaigns? yes__ no__
(a) (If yes) What forms?
(If no) Would you like to receive such support? yes__ no__

19. Have you ever been pressured by police to take a particular stand on an issue? yes__ no__
(a) (If yes) What issue(s)?

20. Have you ever been harassed or brutalized by police officers? yes__ no__
(a) (If yes) For what reason(s)?

21. Do you know of instances of police harassment of public officials in Newark? yes__ no__
(a) (If yes) For what reason(s)?
(If no) Do you feel that harassment takes place? yes__ no__

22. Do you feel that the city and county courts do an adequate job of following up on the arrests made by police? yes__ no__
(a) Why do you feel this way?
23. Which of the following best describes relations between the police and the community in Newark?
   good__ fair__ poor__ other (specify)________________________
   (a) (If not good) How do you feel better relations can be brought about?

24. Do you feel that your community receives adequate police protection? yes__ no__
   (a) Why do you feel this way?

25. Which of the following is the most appropriate method of handling citizen complaints against police?
   Civilian review board__
   Police-citizen review board__
   Police review board__
   Ombudsman__
   Other (specify)________________________
   (a) Why?

26. Do you feel that the Internal Affairs Division of the Police Department has done an adequate job of handling citizen complaints against police? yes__ no__
   (a) Why do you feel this way?

27. Do you support or oppose special minority programs to recruit more minority persons to the police department?
   Support__ Oppose__
   (a) Why?

28. Do you feel that black police have been discriminated against within the police department during the last five years?
   yes__ no__
   (a) (If yes) In what ways?

29. Which of the following is the most appropriate method of selecting the police director?
   Mayor__
   City council__
   Mayor with city council approval__
   Citizen committee__
   other (specify)________________________

30. Do you feel that the present police training program is adequate? yes__ no__
   (a) (If no) How would you improve it?
   (If yes) Why?
31. What role do you feel the Newark press play in bringing about change in the police department?  
   strong role ___  
   influential role ___  
   weak role ___  
   no role ___  

32. What influence does the governor have over Newark police policy?  
   strong influence ___  
   average influence ___  
   weak influence ___  
   no influence ___  

   (a) LEAA (Law Enforcement Assistance Administration)?  
       strong ___  
       average ___  
       weak ___  
       no influence ___  

   (b) The state legislature?  
       strong ___  
       average ___  
       weak ___  
       no influence ___  

   (c) The county board of freeholders?  
       strong ___  
       average ___  
       weak ___  
       no influence ___  

33. Do you feel that police brutality is a reality in your city?  
   yes ___  
   no ___  

   (a) (If no) Do you feel that the majority of complaints of brutality are unfounded?  
       yes ___  
       no ___  

   (If yes) What are the prevalent forms?  
       beatings ___  
       excessive and unnecessary use of force ___  
       racial slurs and insults ___  
       other (specify) ________________________________  

34. What procedure should be used to prosecute officers accused of brutality and/or misconduct?  

35. What reforms, if any, would you seek to bring about in the Newark Police Department? Be specific.
APPENDIX E

No.________________________
Date________________________
Interviewer___________________

.QUESTIONNAIRE

COMMUNITY ORGANIZATIONS
Newark, New Jersey

1. What is the name of your organization?

2. Approximately how many members do you have in your organization?
   less than 30____
   30-50____
   50-100____
   over 100____

3. What is the racial make-up of your organization?
   all black____
   predominantly black____
   all white____
   predominantly white____
   other (specify)________________________________________

4. How long has this organization been in existence?
   less than a year____
   1-3 years____
   3-5 years____
   over 5 years____

5. What problem is your organization most concerned with?
   (a) Why?

6. Is this organization connected with any other local, state, or national organization(s)? yes____ no____

7. Which of the following best describes the role your organization plays in bringing about change in the Newark Police Department?
   strong role____
   influential role____
   weak role____
   no role____
8. Do you think Police Director Redden viewed your organization as:
   highly favorable____
   favorable____
   unfavorable____
   highly unfavorable____
   (a) Why?

9. Do you think Director Kerr viewed your organization as:
   highly favorable____
   favorable____
   unfavorable____
   highly unfavorable____
   (a) Why?

10. Has your organization called for change in the police department? yes____ no____
    (a) (If no) Why not?
        (If yes) What changes have you called for?
    (b) What factors caused you to call for change?
    (c) What actions have you taken to bring about change?
    (d) Were the majority of your actions successful? yes____ no____

11. Did your organization take concrete actions during the controversy surrounding the appointment of Redden as Police Director in 1970? yes____ no____
    (a) (If no) Why not?
        (If yes) What actions were taken?
    (b) Were you satisfied with the outcome of your actions? yes____ no____
        (c) Why or why not?

12. Did your organization take concrete actions during the controversy surrounding the appointment of Kerr as Police Director in 1972? yes____ no____
    (a) (If no) Why not?
        (If yes) What actions were taken?
    (b) Were you satisfied with the outcome of your actions? yes____ no____
        (c) Why or why not?

13. Did your organization take concrete actions in relation to the discrimination suit filed by the Bronze Shields in 1972? yes____ no____
    (a) (If no) Why not?
(If yes) What actions were taken?

(b) Were you satisfied with the outcome of your actions?
   yes____  no____

(c) Why or why not?

14. Did your organization take concrete actions in connection with the march on city hall by Central Ward residents in 1974?
   yes____  no____

   (a) (If no) Why not?

   (If yes) What actions were taken?

   (b) Were you satisfied with the outcome of your actions?
       yes____  no____

   (c) Why or why not?

15. Did your organization take concrete actions in connection with the Kawaida Towers controversy? yes____  no____

   (a) (If no) Why not?

   (If yes) What actions were taken?

   (b) Were you satisfied with the outcome of your actions?
       yes____  no____

   (c) Why or why not?

16. What major changes were brought about within the Newark Police Department during the first Gibson Administration?

   (a) What groups, agencies or individuals played a major role in bringing about these changes?

   (b) Would you say that the majority of the changes were positive____ or negative____?

17. What role did Mayor Gibson play in the determination of police policy during his first Administration?

   strong role____
   influential role____
   weak role____
   no role____

   (a) The City Council during the first Gibson Administration?
       strong role____
       influential role____
       weak role____
       no role____

   (b) The community?
       strong role____
       influential role____
       weak role____
       no role____
(c) The city and county courts?
- strong role
- influential role
- weak role
- no role

18. What role should the mayor play in the determination of police policy?
- strong role
- influential role
- weak role
- no role

(a) The City Council?
- strong role
- influential role
- weak role
- no role

(b) The community?
- strong role
- influential role
- weak role
- no role

(c) The city and county courts?
- strong role
- influential role
- weak role
- no role

19. Which of the following played the major role in the determination of police policy during the first Gibson Administration?
- Mayor
- City Council
- Community
- City and county courts

20. Do you feel that the city and county courts do an adequate job of following up on the arrests made by police?
- yes
- no

(a) Why do you feel this way?

21. Which of the following best describes relations between the police and the community in Newark?
- good
- fair
- poor
- other (specify)

(a) (If not good) How do you feel better relations can be brought about?

22. Do you feel that the black community receives adequate police protection?
- yes
- no

(a) Why do you feel this way?
23. Have you ever called the police for assistance? yes no
   (a) (If yes) were you satisfied with their response? yes no

24. Which of the following is the most appropriate method of handling citizen complaints against police?
   Civilian review board
   Police-civilian review board
   Police review board
   Ombudsman
   other (specify)
   (a) Why?

25. Do you feel that the Internal Affairs Division of the Police Department has done an adequate job of handling citizen complaints against police? yes no
   (a) Why do you feel this way?

26. Do you support or oppose special minority programs to recruit more minority members to the police department?
   support oppose
   (a) Why?

27. Do you feel that black police have been discriminated against within the police department during the last five years? yes no
   (a) (If yes) In what way(s)?

28. Do you feel that the present training program is adequate? yes no
   (a) (If no) How would you improve it?
   (If yes) Why?

29. Which of the following is the most appropriate method of selecting the police director?
   Mayor
   City council
   Mayor with city council approval
   Citizen committee
   other (specify)

30. What role do you feel the Newark press has played in bringing about change in the police department?
   strong role
   influential role
   weak role
   no role
31. What influence does the governor have over Newark police policy?

- strong influence
- average influence
- weak influence
- no influence

(a) The Law Enforcement Assistance Administration (LEAA)?

- strong
- average
- weak
- no influence

(b) The state legislature?

- strong
- average
- weak
- no influence

(c) The county board of freeholders?

- strong
- average
- weak
- no influence

32. Do you feel that police brutality is a reality in Newark?

- yes
- no

(a) (If no) Do you feel that the majority of complaints of brutality are unfounded? yes no

(b) What are the prevalent forms?

- beatings
- excessive and unnecessary use of force
- racial slurs and insults
- other (specify)

33. Have you or any member of your organization ever been subjected to any form of police harassment or brutality?

- yes
- no

(a) (If yes) How did you respond?

- (If no) Go to q. 34.

(b) What was the outcome?

34. Has your organization ever received specific complaints of police brutality and misconduct? yes no

(a) (If yes) How did you respond?

- (If no) Go to q. 35.

(b) What was the outcome?
35. Have you ever made a complaint against a police officer?  
   yes____  no____  
   (a) (If no) Go to q. 36.  
   (If yes) With whom did you file the complaint?  
   (b) What was the outcome?  
   (c) Were you satisfied with the outcome?  yes____  no____

36. What procedure should be used to prosecute officers accused of brutality and/or misconduct?

37. What reforms, if any, would you seek to bring about in the Newark Police Department. Be specific.
APPENDIX F

No.________________________
Date________________________
Interviewer__________________

QUESTIONNAIRE

POLICE ADMINISTRATORS
Newark, New Jersey

1. How long have you been on the police force?
   0-5 years___
   5-10 years___
   10-15 years___
   over 15 years___

2. What is your present position within the police department?
   (a) What was your position during the first Gibson Administration?
     Police Director___
     Chief of Police___
     Division Head___
     Precinct Captain___
     other (specify)______________________________

3. What problem are you most concerned with in the performance of your duty as ____________________________?

4. Do you belong to a police organization? yes___ no___
   (a) (If yes) which organization(s)?
     F.O.P.____
     P.B.A.____
     Bronze Shields____
     (If no) Why not?

5. Which of the following best describes the role police organizations play within the Newark Police Department?
   strong role in policy formation____
   influential role in policy formation____
   weak role in policy formation____
   no role in policy formation____
   (a) In the political process?
     strong role in policy formation____
     influential role in policy formation____
     weak role in policy formation____
     no role in policy formation____

6. What official or unofficial actions did you take in the controversy surrounding the appointment of Redden as Police Director in 1970?
(a) (If no action taken) Why?
    (If action taken) Were you satisfied with the outcome of your actions? yes no

(b) Why or why not?

7. What official or unofficial actions did you take in the controversy surrounding the appointment of Kerr as Police Director in 1972?

(a) (If no action taken) Why?
    (If action taken) Were you satisfied with the outcome of your actions? yes no

(b) Why or why not?

8. What official or unofficial actions did you take in connection with the march on city hall by Central Ward residents in 1974 and related incidents?

(a) (If no action taken) Why?
    (If action taken) Were you satisfied with the outcome of your actions? yes no

(b) Why or why not?

10. What official or unofficial actions did you take in connection with the Kawaida Towers controversy?

(a) (If no action taken) Why?
    (If action taken) Were you satisfied with the outcome of your actions? yes no

(b) Why or why not?

11. What major changes were brought about within the police department during the first Gibson Administration?

(a) What groups, agencies or individuals played a major role in bringing about these changes?

12. What role has Mayor Gibson played in the determination of police policy?
   strong role__
   influential role__
   weak role__
   no role__

(a) The City Council during the first Gibson Administration?
   strong role__
   influential role__
   weak role__
   no role__
(b) The community?
   strong role____
   influential role____
   weak role____
   no role____

(c) The city and county courts?
   strong role____
   influential role____
   weak role____
   no role____

13. What role should the mayor play in the determination of police policy?
   strong role____
   influential role____
   weak role____
   no role____

(a) The city council?
   strong role____
   influential role____
   weak role____
   no role____

(b) The community?
   strong role____
   influential role____
   weak role____
   no role____

(c) The city and county courts?
   strong role____
   influential role____
   weak role____
   no role____

14. Which of the following played the greater role in the determination of police policy during the first Gibson Administration?
   Mayor____
   City council____
   Community____
   City and county courts____

15. Have you ever lent support to a candidate in a political campaign?
   yes____  no____
   (a) (If yes) What form(s)?

16. Do you know of instances of police harassment of public officials?
   yes____  no____
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(a) (If no) Do you feel that harassment takes place in Newark?
   yes___ no___
   (If yes) For what reasons?

17. Do you feel that the city and county courts do an adequate job of
   following up on the arrests made by police?
   yes___ no___
   (a) Why do you feel this way?

18. Which of the following best describes relations between the police
   and the community in Newark?
   good___ fair___ poor___ other (specify)_____________________
   (a) (If not good) How do you feel better relations can be brought
       about?

19. Do you feel that the black community receives adequate police
   protection? yes___ no___
   (a) Why do you feel this way?

20. In general, how do you feel about the efforts of organized citizen
   groups to make their views concerning police policy known to the
   police administration?

21. Can you name any community groups that have been responsible for
   bringing about change within the police department?
   yes___ no___
   (a) (If yes) What groups?
   (b) Have most of the changes been positive or negative?
       positive___ negative___

22. Do you know of instances of police harassment of community groups
    and/or leaders? yes___ no___
    (a) (If no) Do you feel that harassment takes place?
        yes___ no___
        (If yes) For what reasons has harassment taken place?

23. Can you identify any unfriendly or opposing organizations to the
    police department? yes___ no___
    (a) (If yes) Name them.
    (b) Why are they in opposition?

24. Which of the following is the most appropriate method of handling
    citizen complaints against police?
    Civilian review board___
    Police-civilian review board___
    Police review board___
    Ombudsman___
    other (specify)____________________
25. Do you feel that the Internal Affairs Division of the Police Department has done an adequate job of handling citizen complaints?  
   yes  no  
   (a) Why do you feel this way?

26. What, if anything, has been done by your department to increase the number of and upgrade blacks within the department?

27. Do you support or oppose special minority programs to recruit more minority persons to the police department?  
   support  oppose  
   (a) Why?

28. Do you feel that black police have been discriminated against within the police department during the last five years?  
   yes  no  
   (a) (If yes) In what way(s)?

29. Do you feel that the present training program is adequate?  
   yes  no  
   (a) (If no) How would you improve it?  
   (If yes) Why?

30. Which of the following is the most appropriate method of selecting the police director?  
   Mayor  
   City council  
   Mayor with city council approval  
   Citizen committee  
   other (specify)  

31. What role do you feel the Newark press play in bringing about change within the police department?  
   strong role  influential role  weak role  no role

32. What influence does the governor have over Newark police policy?  
   strong influence  average influence  weak influence  no influence  
   (a) LEAA (Law Enforcement Assistance Administration)  
   strong  average  weak  no influence
(b) The state legislature?
   strong___
   average___
   weak___
   no influence___

(c) The county board of freeholders?
   strong___
   average___
   weak___
   no influence___

33. Do you feel that police brutality is a reality in Newark?
   yes___    no___

   (a) (If no) Do you feel that the majority of complaints of
       brutality are unfounded? yes___    no___

   (If yes) What are the prevalent forms?
   beatings___
   excessive and unnecessary use of force___
   racial slurs and insults___
   other (specify)________________________________________

34. What procedure should be used to prosecute officers accused of
    brutality and/or misconduct?

35. What reforms, if any, would you seek to bring about in the Newark
    Police Department? Be specific.
APPENDIX G

Resolution Authorizing Negro Policemen

OFFICE OF CITY CLERK
ATLANTA, GA.

Dec. 4, 1947

RESOLUTION
BY COUNCILMAN HUIE:

Whereas a large number of citizens and civic organizations, as well as both daily newspapers, have advocated the use of Negro policemen in Atlanta, and

Whereas it has been shown that over forty southern cities now have Negro police and that their use will aid in preventing the mounting crime and murder rate in Negro sections of Atlanta, and

Whereas those advocating the use of Negro police suggest their use in Negro sections only and in such a way as not to create any friction between the races; therefore,

Be it resolved by the Mayor and General Council that the use of a reasonable number of Negro police be approved on a trial basis, with the distinct understanding that they are to be used in Negro sections only, and under such rules and regulations and under such conditions as will not create any friction or tensions as between the races.

Be it further resolved that the Personnel Board, with the advice of the Chief, be requested to examine and certify at least eight candidates for such positions, and if found acceptable to certify them in the usual course of addition to the police force.

(PAVORABLE, By Police Committee
with the approval of the Chief,
in accordance with his letter of
Dec. 1st, 1947.)

ADOPTED By General Council December 1, 1947
APPROVED December 1, 1947

A true copy
J. L. Richardson
Clerk of Council.
APPENDIX H

ORDINANCE
City of Newark, N.J.

Be it enacted by the people of the City of Newark, New Jersey pursuant to the authority provided in N.J.S.A. 40:69A-184 an Ordinance establishing a Civilian Complaint Review Board and setting forth its functions.

Section 1. It is the public policy of the City of Newark to provide a viable and effective remedy to any of its citizens who present claims of police misconduct involving the use of unnecessary or excessive force and to eliminate all forms of illegal police conduct as hereafter described.

Section 2. In order to carry out this public policy there is hereby established an autonomous Civilian Complaint Review Board.

Section 3. The Civilian Complaint Review Board shall have jurisdiction over all complaints received from citizens of the City of Newark alleging police misconduct involving police corruption, the use of unnecessary or excessive force, abuse of authority, discourteous or insulting language or ethnic discrimination.

Section 4. Upon the receipt of a sworn complaint, the Civilian Complaint Review Board shall authorize the conduct of an investigation to determine whether there is any substantial disagreement as to the facts alleged. Within thirty days (30), the investigators shall report to the Board whether or not conciliation of the dispute is feasible. If the Board determines that conciliation is feasible, the Board shall order that the parties attempt to informally resolve the complaint. The Board shall determine, within 20 days of any attempt at conciliation, whether conciliation attempts have been successful. In the event the Board determines that conciliation has not been successful, the Board shall, within 20 days order a formal hearing to be conducted. Any police officer required to appear as a respondent in such hearing shall be accorded full rights to due process of law including the right to representation by counsel and cross-examination of witnesses.

Section 5. The Civilian Complaint Review Board shall have power to:

a) Receive complaints, effect conciliation thereof and conduct hearings into all charges of police misconduct within the definitions of this Ordinance.

b) Issue subpoenas to compel the appearance of witnesses and the production of documents;

c) Conduct public hearings with respect to police practices within the scope of the ordinance and make appropriate recommendations to the Police Director and Municipal Council as to appropriate dispositions of charges of police misconduct;

d) In those cases where the Board determines that criminal prosecution is warranted it may, after concurrence of an majority of its members, submit the results of its investigation and any findings after formal hearing, along with its recommendations to the County Prosecutor for further action;

e) Develop appropriate legislation for presentation to the
Municipal Council for the elimination of police misconduct;

f) Assist the Police Director and such persons as he chooses to designate, in developing rules, regulations and policies to eliminate acts of police misconduct;

g) Make all rules and regulations necessary to carry out the purposes of this Ordinance.

Section 6. The principal executive officer of the Civilian Complaint Review Board shall be known as the Director of the Civilian Complaint Review Board. He shall be appointed by the Civilian Complaint Review Board to serve at its pleasure and receive such compensation as fixed by ordinance.

Section 7. The Civilian Complaint Review Board shall be composed of 19 members, three from each ward and four (4) elected at-large. Ward members of the Board shall be elected in accordance with applicable state election laws governing municipal council elections and shall serve a term of four (4) years. At-large candidates shall be elected in accordance with applicable state election laws governing municipal council elections and shall serve a term of two (2) years. Members shall receive such annual compensation as fixed by ordinance.

Section 8. The duties of the Director of the Civilian Complaint Review Board shall be as prescribed by the Board. He shall, with the concurrence of the Board, have the power to promulgate such rules, regulations, and to issue such orders, as are necessary to effectuate the purposes of this ordinance and as are reasonable and consistent with due process of law. The Director may, with concurrence of the Board, and within the limits of the funds appropriated or otherwise made available, appoint such employees as he may deem necessary to carry out the functions of the Board and may retain or employ consultants to render professional or technical assistance.

Section 9. This ordinance shall take effect upon final passage and publication and in accordance with the laws of the State of New Jersey.
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