



21 STEPS PUBLIC OFFICIALS
CAN TAKE TO SUPPORT PITTSBURGH'S
POLICE

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TWENTY-ONE STEPS PUBLIC OFFICIALS CAN TAKE TO SUPPORT THEIR LOCAL POLICE, THE CASE OF PITTSBURGH

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INTRODUCTION

"We're not report takers. We're the police."² This bold message greets visitors to the New York City Police Department's crime strategy center, where for three hours, twice a week, the city's 76 precinct commanders gather to report their challenges and successes. And during William J. Bratton's brief tenure as Commissioner of Police, the department achieved some stunning successes: since 1993, a 36 percent drop in serious crimes, including a 44 percent drop in auto theft and a 45 percent drop in murder.³ Bratton's winning strategy: Hammer home his aggressive, crime-fighting, morale-building message to his troops while demanding (and getting) measurable results in combating crime and disorder from his commanders in the field.

It is possible to achieve dramatic reductions in crime. As a result of New York City's success, "Mayors, police chiefs, and scholars from San Diego to Singapore to Saudi Arabia come crowding

¹ For advice and comments, the authors thank Craig Fraser, Associate Director of the Police Executive Research Forum; Edward P. Moffit, formerly with the Detective Division of the Philadelphia Police Department; and Hon. Patrick Murphy, former Commissioner of the New York City Police Department. Any errors in fact, judgment, or policy, of course, are the authors' alone.

²Cited in George L. Kelling, "How to Run a Police Department," *City Journal*, Vol. 5, No. 4 (Autumn 1995), p. 43.

³Murray Weiss, "Crime Rate Drops Again," *New York Post*, July 3, 1996; see also Liz Trotta, "NYC Police Commissioner Resigns Despite Wide Acclaim: Endless Battles with Mayor Marred Drive to Cut Crime," *The Washington Times*, March 27, 1996, p. A7. Bratton resigned as New York City Police Commissioner effective April 15, 1996. He has been replaced by Howard Safir, previously chief of the New York City Fire Department.

into the NYPD's meeting room to learn first hand how this new technique works," says George L. Kelling, professor of criminology at Northeastern University.⁴ Moreover, many other innovative local officials are enjoying successes similar to New York City's. "Police can reduce crime now, within constraints. They needn't wait for new cars or computers, more cops, bigger budget or more overtime," says Professor Kelling.⁵ More than anything else, local police need solid personnel management and a clear mission to combat crime and disorder, with serious backup from the public, the politicians, and the press. Bratton's stunning success in New York City is largely attributable to his progressive vision of what the police can do to control crime.

The gains made by New York and other cities in fighting crime have not been achieved by accident. They have happened because innovative police officials have learned the lessons of experience and used them to improve policing. Among the lessons and actions taken:

Police should target urban America's "hot spots" and career criminals. Successful police departments focus on the decaying and disordered spaces where most of the nation's serious crime takes place. Research shows that more than half of all serious crime is concentrated in less than 3 percent of the addresses in an urban area. They also target urban America's tiny criminal class: the 6 percent of the male population responsible for about 50 percent of serious crime.

Good policing requires high recruitment standards. While Americans want the best police protection, too many metropolitan areas around the United States have witnessed a deliberate -- often politically motivated -- lowering of intellectual, physical, and character standards within the police force. Failure to maintain standards leads to a loss of *élan* among police officers themselves. Poor personnel practices result in bad, brutal, or incompetent police officers and a lowering of public confidence.

Police should be on the beat, not behind a desk. Instead of keeping order and enforcing the law, too many police officers are patrolling ineffectively or being employed in ancillary functions that could be performed just as easily by civilians or private agencies. These managerial and political decisions compromise the integrity and effectiveness of local law enforcement.

Local officials can learn from the experience of the growing number of cities and localities that have strengthened their police forces through their own efforts. These localities have improved personnel management, including direct accountability for police performance, while also employing the most effective strategies and the most sophisticated technical and information systems to track, prevent, and combat violent crime. Without waiting for official Washington, local officials can take decisive steps to improve their own police departments. These steps include

* Upgrading recruitment and training standards;

* Aggressively recruiting police officers from the ranks of the military (which would expand the

⁴Kelling, "How to Run a Police Department, p. 43.

⁵*Ibid.*

number of well-qualified black and minority applicants);

- * Improving the techniques used to detect and prevent crime;
- * Targeting the small number of criminals responsible for most of the serious crime;
- * Focusing on urban "hot spots" where crime flourishes;
- * Making salaries commensurate with responsibilities and performance;
- * Privatizing and civilianizing non-police administrative functions;
- * Promoting community policing; and
- Demanding direct accountability of police commanders in the field.

INTRODUCTION: THE PITTSBURGH PERSPECTIVE. A NATIONAL PROTOTYPE?

The Pittsburgh Police Department is an example of a superb big city police agency. In the past decade it has been able to boast of many cardinal successes in crime fighting, as well as certain internal transformations toward even better benchmarks of public safety. It has become one of the most racially and sexually diverse forces in the nation. It has, through a well-chosen plan of proactive policing, brought about dramatic decreases in crime. As the decade of the 1990s opened, homicides in Pittsburgh were at an all time high, double the normally expected rate for a city of Pittsburgh's size reports Police Chief Robert McNeilly, Jr. Crime was especially rampant in certain high complaint ridden neighborhoods, often neighborhoods with predominantly minority populations. Crack wars raged. Gang "turf" shootings and frequent random drive-by shootings were not unknown. Public opinion was generally supportive of the police, and the public demanded action. They got it. In the space of a few years the Pittsburgh Police Department dramatically transformed itself. There was significant demographic change in the makeup of the department. A wave of senior office retirements was followed in quick succession by a wave of new, young officer recruitment. Aggressive policing methods were introduced; high crime areas were targeted; special task forces and weapons tracking units were mobilized to attack quality-of-life misdemeanors before full neighborhood disintegration and felony behavior set in; weapons were tracked and, where possible, were removed from the street; community groups and outlets contributed to a concerted push against crime.

The results were dramatic. By 1997 the Pittsburgh serious crime rate had declined to its lowest level in thirty years. Noteworthy was a dramatic decline in homicides in African-American communities, according to Chief McNeilly. Ironically, as we shall see, the very success of these police procedures has led to the public airing of complaints and the deployment of high charged and inflammatory rhetoric against the Pittsburgh Police Department, which in turn have led to gross alteration of police practice in Pittsburgh, and threatened to undermine

effective policing.

By virtually all rational indicators, the Pittsburgh Police Department should have earned plaudits for a stellar record of public service. Instead, the very reverse has occurred. The force is under attack by ill informed and sometimes disingenuous critics, and is weakly defended by its natural allies. Despite a superb record of crime control in this decade, it is under sustained siege by detractors as the result of a tragic, highly visible, but limited, confluence of “death-while-fleeing-custody” cases where deadly force has been used. These incidents, now the subjects of investigation and trial, arose against the backdrop of an earlier campaign, spurred by the Pittsburgh NAACP, the United States Justice Department, and the American Civil Liberties Union (ACLU), which resulted in greatly intensified scrutiny of the Pittsburgh Police.

The City of Pittsburgh thus finds itself in one of the most interesting and unique positions of any large urban police force in the nation. The unique convergence of factors has combined to raise, in this city, issues and problems which may shape the face of urban policing across the country. The high profile death-in-custody cases, and a graphically violent officer-injury case, have had the effect of galvanizing critical segments of the media and the Pittsburgh civil rights community to new flights of police regulation. They have served to wield public opinion against the police in a way which may not be justified by the known facts. The City of Pittsburgh has become the most scrutinized and regulated local police force in America. As Pittsburgh Police Chief Robert McNeilly, Jr. observes, Pittsburgh is the only city in the country with police subject to dual levels of scrutiny. Since 1996 the City of Pittsburgh Police Department has come under the direction and scrutiny of a Civilian Review Board, as well as the constant review of a federal consent decree which mandates entirely new oversight procedures and officer tracking in the areas of street arrest, traffic stops, etc. Nothing that has happened in Pittsburgh since the original publication of this paper should be interpreted to cast skeptical light on the original premises of this study. The reverse may have occurred - The success of the New York – Kelling – "broken window" model may have led the United States Justice Department to target the police themselves. There are serving officers on the force who allege that Pittsburgh, with its first-in-the-nation consent decree is being used as a guinea pig by the Justice Department – that we have been singled out – for whatever reason – to serve as the national prototype of federal control of local policing.

The reality is that for the past decade and a half the Pittsburgh Police have been a highly trained, diverse, effective urban crime-fighting unit which can boast signal success in combating crime. Crime rates in Pittsburgh have reportedly declined to their lowest level in thirty years. Nonetheless, because of the failure of any organized entity, other than the Fraternal Order of Police, to support and defend the blue force against the legal machinations of the ACLU, the NAACP, and the Justice Department, the street cop in Pittsburgh is starting to feel more maligned than the street criminal.

Support from the State and Courts

Even with excellent police work, violent criminals typically serve only a portion of their sentences,

often as little as one-third.⁶ The tireless work of police officers and detectives often seems to be in vain, as repeat violent offenders are released from prison after spending minimal time behind bars. To back up the police, legislatures and courts must act to keep violent criminals and other perpetrators of serious crimes off the streets. Among the remedial measures needed are the reform of parole and probation systems and the adoption of truth in sentencing laws to make sure that violent criminals serve at least 85 percent of their sentences.⁷ Police officers have a personal interest in such policies: Between 1988 and 1992, 20 percent of all persons arrested for killing law enforcement officers were on probation or parole at the time of the offense.⁸

A PITTSBURGH FACTOR IN THE RISE AND FALL OF CRIME: PRISON OVERCROWDING AND JAIL CONSTRUCTION

One highly important contributory factor of local significance for the Pittsburgh crime rate reduction was the construction and opening of the new Allegheny County Jail in 1995. Beginning in the 1970s, and continuing into the 1980s, an ongoing lawsuit and court order extant in the United States District Court for the Western District of Pennsylvania mandated caps on prisoner population. The intent of the court was to protect prisoner civil rights to be free of inhumane overcrowding conditions. The unintended effect of the court order, however, was to render local judges and magistrates ineffective in controlling, not just quality of life crimes, but serious misdemeanors and felonies as well. It was well known in the 1980s by police, judges, lawyers and perpetrators alike, that the deterrent effect of threatened incarceration was often a paper tiger. During periods of crowding, misdemeanants and sometimes felons would be routinely and summarily released. "Broken windows" enforcement theory did not work nearly as well during the pendency of the overpopulation cases and the advent of the new jail facility was a boon to law enforcement.

Congress also can support America's local police, but not in the ways that often characterize action in Washington. In response to the continuing escalation of violent crime, the 103rd Congress, with the support of President Clinton, enacted the Violent Crime Control Act of 1994. The promise: 100,000 additional police officers on neighborhood streets.⁹ But thus far, the program has meant

⁶Cited in Benjamin J. Wattenberg, *Values Matter Most* (New York, N.Y.: The Free Press, 1995), p. 145.

⁷For a discussion of truth in sentencing, see James Wootton, "Truth in Sentencing: Why States Should Make Violent Criminals Do Their Time," Heritage Foundation *State Backgrounders* No. 972/S, December 30, 1993; see also Mary Kate Cary, "How States Can Fight Violent Crime: Two Dozen Steps to a Safer America," Heritage Foundation *State Backgrounders* No. 944/S, June 7, 1993.

⁸Council on Crime in America, *The State of Violent Crime in America* (Washington, D.C.: New Citizenship Project, 1996), p. 42.

⁹For a prophetic discussion of the Clinton Administration's crime bill, see Scott A. Hodge, "The Crime Bill: Few Cops, Many Social Workers," Heritage Foundation *Issue Bulletin* No. 201, August 2, 1994; see also William J. Bennett, "It's Time to Throw the Switch on the Federal Crime Bill," Heritage Foundation *Issue Bulletin* No. 196, June 28, 1994.

little more than 17,000 additional police on the streets. Worse, the Administration's funding allocation does not target localities hardest hit by violent crime, and many local governments are finding it difficult to bear the required financial burden of the matching formula.¹⁰

Congress could be far more helpful by:

* Providing more flexible federal funding for local law enforcement, such as federal tax rebates to states for use in combating violent crime. This would enable local officials to tailor financing to those aspects of law enforcement that best meet the needs of their communities. Alternatively, Congress could make \$10 billion in block grants available to local police agencies over a period of five years to target the areas hardest hit by violent crime, as proposed by Representative Bill McCollum (R-FL).

* Reforming criminal procedure. This means such things as enacting reform of the so-called exclusionary rule, which passed the House of Representatives in 1996, to allow a good faith exception in the gathering of evidence during criminal investigations. Hearings on the impact of the *Miranda* rule governing the taking of statements from suspects doubtless would prove enlightening and might build support for reasonable changes. In exercising their confirmation responsibilities with regard to the appointment of federal judges, Senators also could and should block the appointment of any candidate with a record of demonstrated insensitivity to public safety. Congress recently achieved a long-overdue reform by putting a stop to the judicial imposition of prison caps on state and local prisons. These court-imposed caps have been putting violent felons back on America's streets.¹¹ Police officers and crime victims alike have been frustrated and demoralized by such liberal judicial policies.

* Improving the social environment by replacing failed federal urban policies with a new neighborhood empowerment strategy. Inner-city communities can be renewed through genuine enterprise zones. Scholarships and vouchers can help poor children escape crime-ridden schools and attend the schools of their choice, including religious schools that respect parental responsibility, reinforce the moral teachings of their parents, and promote civilized conduct. Federal policies can encourage effective neighborhood social service agencies, including faith-based drug treatment and counseling activities, to improve the social climate. Strong community-based organizations, working closely with the police, also can help prevent crime. Representatives J. C. Watts (R-OK) and James Talent (R-MO) are sponsoring comprehensive legislation, Saving Our Children: The American

¹⁰Editorial, "More Police or More Choices," *The Washington Post*, September 21, 1995; note that matching funds are provided for three years, not five years.

¹¹Under the 1996 Prison Litigation Reform Act, Congress has restricted federal judicial control over state prison systems. The new law limits court-ordered relief in suits challenging prison conditions; only specific violations of an inmate's constitutional rights now qualify for relief. Furthermore, the court must consider whether its remedy would harm public safety. The new law also restricts court-ordered prison population caps by requiring a court finding that overcrowding is the primary cause of the violation of a prisoner's constitutional rights.

Community Renewal Act of 1996 (H.R. 3467), to accomplish these goals.¹²

BACK TO BASICS: WHY PUBLIC OFFICIALS NEED TO RETHINK THE ROLE OF THE POLICE

Local police are invested with awesome public authority, yet they often lack the public respect or official understanding that their specific duties should command.¹³ They are expected to make instantaneous and complex decisions, to put themselves in danger, and to act calmly in the most terrifying circumstances, yet they are often underpaid and lack the status of other public officials in much less demanding occupations. Many police officers find this combination of demands and pressures demoralizing.¹⁴

The inherent problem of police work is that the law often specifies what the police officer cannot do; it does not tell him what he should do.¹⁵ In virtually every public or private institution, the discretion available to a person is directly proportional to his rise in the hierarchy. Those at the top have the most discretion, while those at the bottom have the least. But discretion in the exercise of police authority increases as one goes *down* the hierarchy.¹⁶ Whether working alone or with a partner, the

¹²For a discussion of the Watts-Talent legislation, see Christine L. Olson and Robert Rector, "Saving Our Children: The American Community Renewal Act of 1996," *Heritage Foundation Issue Bulletin* No. 228, July 29, 1996; see also Robert Rector, "God and the Underclass," *National Review*, July 15, 1996, pp. 30-33. In the evaluation of social programs, especially those conducted by the General Accounting Office, Congress should order the study of success, not just the many federal programs that don't work.

¹³The problem is long-standing: "The police feel that they deserve respect from the public. But the upper class looks down on them; the middle class seems to ignore them, as if they were part of the urban scenery; the lower class fears them." Arthur Niederhoff, *Behind the Shield: The Police in Urban Society* (Garden City, N.Y.: Doubleday and Company, 1967), p. 9. The literature on the police and public policy is rich and growing. While chronologically dated, Niederhoff's work and James Q. Wilson's *Varieties of Police Behavior: The Management of Law and Order in Eight Communities* (New York, N.Y.: Atheneum Press, 1970) are foundational. See also J. S. Skolnick, *Justice Without Trial: Law Enforcement in a Democratic Society* (New York, N.Y.: John Wiley and Sons, 1966).

¹⁴Fully 91 percent of New York City police officers responding to a recent survey felt that the public has little understanding of police problems. Kelling, "How to Run a Police Department," p. 37.

¹⁵"The patrolman is neither a bureaucrat nor a professional, but a member of a craft. As with most crafts, his has no body of generalized written knowledge nor a set of detailed prescriptions as to how to behave. It has in short, neither theory nor rules. Learning the craft is by apprenticeship, but on the job and not in the academy." Wilson, *Varieties of Police Behavior*, p. 283.

¹⁶Wilson, *Varieties of Police Behavior*, p. 7.

police officer usually is not subject to any immediate supervision, and his judgments under pressure are subjected to constant analysis and second-guessing by the public and the courts.

As former New York City Police Commissioner Patrick Murphy has noted, the ideal police officer is in tune with the community and able to spot a likely problem before the fact, not just respond after the fact to something that already has become a local tragedy.¹⁷ Ideally, under circumstances less threatening than a life-or-death situation, a police officer functions best as a "streetcorner politician," peacefully settling disputes and using his social skills to assuage potential combatants and maintain order.¹⁸ Thus, the special challenge for local officials is to make sure that the recruit is a person of "quiet confidence" who can take control of a situation without identifying criminal resistance to established public authority as some sort of personal slight.¹⁹

This constant need to exercise prudential judgment illuminates yet another paradox of police work. Police management is likely to give a cop "credit" for an arrest, and yet the resort to an arrest may very well represent a genuine failure to keep order. If a neighborhood dispute is resolved carefully, the police intervention is an unrecorded success.²⁰ But if the officer fails to defuse the situation, and there is a crime leading to an arrest and prosecution, the cop who lets the situation deteriorate gets "credit" for the arrest.

For state and local officials, the heart of police reform is personnel management.²¹ The higher educational achievements of officers recruited during the 1940s contributed to the "professionalization" of the police from the 1950s on, and generally produced tougher standards in recruiting urban police officers. In New York City, for example, standardized tests, including IQ tests, were common during the 1950s and 1960s, and the performance of recruits in the Police Academy invariably was above the average for the population generally. As Arthur Niederhoff, a veteran officer and authority on the New York City Police Department, has reported, any recruit with an IQ below the normal range had only a small chance of being recruited either by the NYPD or by other major police departments.²²

¹⁷Interview with Hon. Patrick Murphy, former police commissioner of New York City, November 7, 1994.

¹⁸See William Muir, Jr., *Police: Streetcorner Politicians* (Chicago, Ill.: University of Chicago Press, 1977).

¹⁹Interview with Craig Fraser, Associate Director of the Police Executive Research Forum, November 14, 1994.

²⁰"Although the event does not exist officially, it is typical of routine police work; relatively unremarkable events that have the potential for mayhem, but that the officer can resolve without fanfare." Kelling, "How to Run a Police Department," p. 37.

²¹Interview with Hon. Patrick Murphy, November 7, 1994.

²²Niederhoff, *Behind the Shield*, pp. 35-36.

During the 1950s and 1960s, the New York City Police Department also undertook rigorous background investigations into the character, reputation, and medical and psychological histories of recruits. Approximately 50 percent of the applicants who passed the examinations eventually were eliminated.²³ The rule was simple: Any doubt concerning an applicant's fitness for appointment was to be resolved in "favor of the department."²⁴ The rules governing retention on the force were likewise rigorous: Officers were expected to refrain from any behavior (including immoral personal behavior) "that would tend to bring adverse criticism of the department."²⁵ During the 1950s and early 1960s, the rate of acceptance in the NYPD was only 15 percent.²⁶ In Tucson, Arizona, the acceptance rate during the same period was 6 percent; and in Los Angeles, California, the acceptance rate from 1950-1962 was only 4 percent.²⁷

With the recent trend in many cities back to community policing, the job requirements are likely to be even stiffer. One recent study of the competencies essential in "a community policing environment" concludes that "skills in effective verbal communication, listening and demonstration of empathy or understanding in a multicultural society are extremely essential. The ability to identify problems, make commitments, understand the reality of the police impact on crime, analyze situations, demonstrate persistence, employ situational strategies, and recognize solutions to problems are also extremely essential competencies."²⁸

In recent years, the working conditions for patrol officers have become tougher. As police departments have become more specialized and bureaucratic, officers have been moved from the street to staff jobs even as crime rates and the workload of patrol officers have increased. The result: "Odd hours, overtime, and off-duty court appearances, not to mention the most dangerous job in the organization, [have made] patrol work the least desirable policing assignment. Ironically, like the classroom teacher and the ward nurse, it is the lowest paid and least respected part of the

²³*Ibid.*, p. 36.

²⁴*Ibid.*

²⁵*Ibid.*, p. 115. Standards for New York City police officers were both expected and maintained. Culturally, these standards appear light-years away from personal behavior that would be ignored or even approved today. Niederhoff notes, for example, that "A young unmarried honor policeman with two years of service was threatened with dismissal because he allegedly had sexual intercourse with an unmarried woman during his probationary period." *Ibid.*, p. 155.

²⁶*Ibid.*, p. 38.

²⁷*Ibid.*

²⁸P. J. Ortmeier, *Community Policing Leadership: A Delphi Study to Identify Essential Competencies*, unpublished dissertation, Graduate School of the Union Institute, Cincinnati, Ohio, June 1996, p. 100.

operation."²⁹

Local officials should be aware that demoralization is a serious and recurrent occupational hazard among police officers. In urban areas, the social and economic elites have largely abandoned the central cities, and inner-city communities themselves are often crime-ridden. Big-city police often feel they are fighting a losing battle against overwhelming odds. Far too many of the persons they arrest for violent crimes are out on probation, parole, or pre-trial release.

PITTSBURGH: RISING RECRUITMENT STANDARDS AND IMPROVED TECHNOLOGIES

Pittsburgh Police recruitment standards are being ratcheted upward, according to Police Chief Robert McNeilly. At a minimum, a high school diploma is required and soon the threshold requirement of 60 college credits will be mandatory. Chief McNeilly stresses the need for police officers to possess ever-greater technical knowledge. He emphasizes that the federal consent decree has had the salutary effect of allowing the police to modernize. Officers are to be better educated and more cognizant of the laws they enforce. They will master e-mail and computers. Of community police officers even more is expected, as they will be required to identify and understand potential trouble.

Undercut by Lawyers and Judges

Police also are frustrated with lenient judges and frequent plea bargaining arrangements. In 1993, for example, 90 percent of the 200,000 felony convictions in the United States were plea bargained.³⁰ In one survey, 60 percent of police officers felt that criminal plea bargaining was "unfair to the arresting officer."³¹ Such frustration and cynicism, compounded by poor personnel management, fuel police demoralization. They also contribute to what is known as "the cop culture," the fraternal secrecy and mutual self-defense network thrown up to protect good and bad cops alike. Not surprisingly, studies also indicate that the suicide rate among police officers is more than twice that of the general population.³²

²⁹Gregory Berg, "Urban Policing in the 21st Century: Will It Really Be Different?," *The Network*, Vol. 13, No. 1 (Fall 1995), p. 42.

³⁰Cited in Wattenberg, *Values Matter Most*, p. 279.

³¹William F. McDonald, "Prosecutors, Courts and the Police: Some Constraints on the Police Chief Executive," in William A. Geller, ed., *Police Leadership in America: Crisis and Opportunity* (Chicago, Ill.: Praeger Publishers, 1985), p. 204.

³²In a study focused on the New York Police Department, researchers found that police suffered a rate of 29 suicides per 100,000 compared to 12 per 100,000 for the general population. Joseph D. McNamara, "Anguish in Blue Needn't Turn Deadly," *The Baltimore Sun*, April 26, 1996. In an older extensive study covering the period 1950-1965, the average number of suicides in the general New

PITTSBURGH: OFFICER MORALE AND THE OVERSIGHT OF THE POLICE FORCE

Although its existence is denied by management, it is possible to conclude that there is at least potentially a very serious morale problem affecting the Pittsburgh Police, in large part the result of the accusations and control mechanisms which have grown up around them in the past three years. Dissension between the ranks and the management has led to the separation of the chief from the Fraternal Order of Police. Additionally, there are indications of a racial split, not across the entire department, but between some white and some African American police officers. The media community and the political leadership of the city seem, to many officers, to have abdicated their duty to provide objective defense and support to and for the forces of law and order. The street officer can too easily perceive himself to be automatically accused, and hence prejudged as to guilt. Part of this may be attributed to the federal consent decree with its intrusion of the United States Justice Department into local policing procedure, from the decree's mandating of racial, gender studies, reports and paperwork, but some of it may also stem from the propensity of the local media and civil rights coalitions to reach for an easy stereotype and portray the police as out of control.

Ironically, it is the 1994 Violent Crime Control Act, more colloquially known as the "Clinton Cops Program," which once promised to put "100,000 new cops on the street," which is now perceived to have put hundreds of monitors on the backs of the police. The 1994 Act has led, in Pittsburgh, to the targeting of the police themselves through the adoption of an easily abused, monitoring policy which is inherently punitive. The complaint filed against the City of Pittsburgh by the U.S. Justice Department specifically invokes Section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 as conferring jurisdiction for the lawsuit against the police department.

Signs of serious disaffection in the force can be easily detected in the few, but sharp, dissenting voices. An anonymous website called "The Blue Knight," and widely believed to be authored by an officer, has been scathing in its critique of the management of the police. At the same time, another officer has openly penned several editorials in local newspapers and made television appearances, criticizing the federal intervention into the department. The president of the police union has also spoken out against the federal mandates. In the fall of 1998 the Pittsburgh Police force was the subject of a national television expose on Geraldo Rivera's CNBC television show. Entitled "Blacks and Blue," the Rivera documentary reported large numbers of disaffected officers.

York City population for males was 15 per 100,000, but the average police rate was 22.7 per 100,000, a rate substantially higher than the general population. Niederhoff, *Behind the Shield*, p.

Americans strongly support putting more police on the streets.³³ The popular assumption is that increasing the number of police will decrease crime rates, but the quantity of police does not make up for poor management of police or poor working conditions. In 1992, for instance, Washington, D.C.'s homicide rate was six times higher, and its overall serious crime rate two times higher, than San Diego's. Yet Washington had five times as many police officers per capita as San Diego. Moreover, in 1989, when Washington increased its overall police force by 19 percent under congressional mandate, serious violent crime actually rose by 15 percent, and homicide jumped 9 percent over a period of one year.³⁴ Between 1952 and 1978, total police personnel in the United States rose from 254,000 to 689,000, an increase of 171 percent; between 1957 and 1978, incidents of reported crime rose from 1,422,000 to 11,141,3000, an increase of 657 percent.³⁵ Overall, "More than a dozen major empirical studies over the last two decades have failed to demonstrate either that police manpower and crime rates vary inversely or that particular types of community-oriented policing practices prevent crime."³⁶ Declares Dr. Gregory Berg, a veteran of the Los Angeles Police Department, "We know that the number of police on the street and police methods in general have little effect on crime rates."³⁷

Fortunately, imaginative public policy is running ahead of public policy research. In New York City and elsewhere, innovative policing is having a measurable impact on crime -- again, not because of the numbers or mere presence of the police, but because of what the police are doing. With the evolution of modern information systems and the application of improved strategic thinking on the part of police managers, much more fruitful research is possible.³⁸ Local officials can adopt strong

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³³80 percent of all Americans favor putting more police on the streets, according to a December 1993 Gallup Survey. The differences between blacks and whites favoring this position (76 and 80 percent, respectively) are insignificant. Cited in Wattenberg, *Values Matter Most*, p. 121.

³⁴See Lawrence W. Sherman, "The Police," in James Q. Wilson and Joan Petersilia, eds., *Crime* (San Francisco, Cal.: Institute for Contemporary Studies, 1995), p. 329.

³⁵Roger A. Freeman of the Hoover Institution compiled these estimates for the late 1950s through the 1960s and 1970s. In accounting for technical changes in "reporting procedures," he revised the overall crime growth downward to 441 percent. Freeman nonetheless concluded: "The evidence at hand does not suggest that ballooning the police force is an effective or promising way of stemming the growth of crime." Roger A. Freeman, *The Wayward Welfare State* (Stanford, Cal.: Hoover Institution Press, 1981), p. 26.

³⁶Council on Crime in America, *The State of Violent Crime in America*, p. 56.

³⁷Berg, "Urban Policing in the 21st Century," p. 40.

³⁸John DiIulio, "Arresting Ideas," *Policy Review*, No. 74 (Fall 1995), p. 14.

empirical measures of police performance. But success rests ultimately on the intangibles: Courage and character, sound judgment, a solid knowledge of law and procedure, and an ability to apply them in ambiguous, often dangerous and difficult situations. Officials must realize that these qualities are essential in any person who is given broad discretion, armed with a deadly weapon, and pledged to serve and protect the citizens of the community.

COMPETENCE AND CONFIDENCE: KEEPING LAW AND ORDER

Approximately 80 percent of the urban police officer's job is "restoring order."³⁹ In practice, this means coping with such relatively minor things as drunken and disorderly conduct, loud noise in the neighborhood, fights and scuffles, or bar-room brawls. It is also the main interest of the public: "In focus groups, community meetings and surveys, citizens regularly report the biggest safety concerns to be things like panhandling, obstreperous youth taking over parks or street corners, public drinking, prostitution and other disorderly behavior. Such concerns cross class, race, and ethnic boundaries, and occur in all areas of the country."⁴⁰

In any given circumstance, restoring order involves intervening and settling a "dispute" about what is "right" or "seemly."⁴¹ Thus, the situation is governed not only by law, but by the social circumstances and prevailing "subculture" of the neighborhood or community. Indeed, custom is often more important than law in "street situations."⁴² While these incidents may appear to be minor, they can be dangerous, for they often involve personal "honor and dishonor." Despite its importance to the public, police are often "defensive" in keeping order. They recognize that they are dealing, at least initially, with minor offenses or "misdemeanors" which are unlikely to result in jail or even significant fines. This means that the entire process of arrest, booking, and preliminary hearings is, in most instances, a waste of limited and valuable time; "[t]he most important consequence of this state of affairs is that with respect to routine police matters, the normal tendency of the police is to underenforce the law."⁴³

The best guide to making an arrest in such cases is the police officer's own experience and judgment, combined with a strong working knowledge of the law. A notorious neighborhood troublemaker, well-known to the police, for example, invariably is a good candidate for arrest and is worth the personal investment in the time and paperwork the arrest entails. Nevertheless, the police officer knows that very few of his arrests are likely to result in prosecution; for every 56 persons arrested by

³⁹Berg, "Urban Policing in the 21st Century," p. 42.

⁴⁰George Kelling, "Reduce Serious Crime By Restoring Order," *The American Enterprise*, Vol. 6, No. 3 (May/June 1995), p. 36.

⁴¹Wilson, *Varieties of Police Behavior*, p. 7.

⁴²See Geller, *Police Leadership in America*, p 156.

⁴³Wilson, *Varieties of Police Behavior*, p. 49.

the police, only 1 goes to prison.⁴⁴ Most of those arrested are released within 12 hours.⁴⁵

Nowhere is deciding whether to arrest a suspect more difficult than in cases of domestic violence. In 1984, for example, a controlled experiment in Minneapolis found that male batterers arrested by the police were largely deterred by these arrests which were "more effective" than "peacekeeping strategies."⁴⁶ Further analysis revealed, however, that while this strategy worked if the male batterer was employed, the arrest of batterers who were unemployed led to increased violence toward their partners.⁴⁷ State and local officials must be mindful of the trade-off between arrest and police presence on the street, especially in view of the fact that "[t]he deterrent effects of an arrest and of patrol presence on the streets have never been compared."⁴⁸

The effectiveness of the police in maintaining order and quelling disorder has a broad impact on the prevention or reduction of more serious crime. "For decades," however, "most big city police departments have devoted little effort to combatting disorder. By allowing an accumulation of small infractions, this neglect creates an environment that generates big infractions."⁴⁹

Disorder is highest in neighborhoods characterized not only by loss of economic vitality, but also by social instability: broken families, fatherless children, and physically and sexually abusive criminal adults, the ultimate source of crime.⁵⁰ Broken windows, graffiti, drunken and disorderly conduct, prostitution, and the like all say to the small criminal population responsible for most serious urban crime that members of the community are indifferent to the conditions around them and do not care enough to call the police to stop the disorder in their midst.⁵¹ These disordered territories become "hot spots," geographical areas open to illegal business and more serious crime such as the sale of crack cocaine, which is strongly associated with rises in violent crime. Moreover, most violent crime

⁴⁴Sherman, "The Police," p. 335.

⁴⁵*Ibid.*, p. 336.

⁴⁶*Ibid.*, p. 337.

⁴⁷*Ibid.*

⁴⁸*Ibid.*, p. 335.

⁴⁹William P. Eggers and John O'Leary, "The Beat Generation: Community Policing at Its Best," *Policy Review*, No. 74 (Fall 1995), p. 8.

⁵⁰For an extensive discussion of the cultural and social roots of violent crime, see Patrick F. Fagan, "The Real Root Causes of Violent Crime: The Breakdown of Marriage, Family, and Community," Heritage Foundation *Backgrounder* No. 1026, March 17, 1995.

⁵¹Perhaps the best summary of this "fixing broken windows" strategy is presented in George L. Kelling and James Q. Wilson, "Making Neighborhoods Safe," *The Atlantic Monthly*, Vol. 263, No. 2 (February 1989), p. 46.

is the deadly work of a criminal class comprised largely of males aged 15 to 24 from broken families, with low cognitive abilities (particularly low verbal skills) and a history of anti-social behavior and multiple arrests: "The 5 to 7 percent of the population falling into the category of habitual offenders is responsible for no less than half of all arrests or police contacts."⁵²

This spatial concentration has profound implications for effective urban policing: "Spreading more police out across a big city and lowering response time, the research shows, will have little effect on crime -- no matter what neighborhood groups think. But more police attacking the risk factors for crime -- like guns on the street in 'hot spots' street corners -- could make a substantial difference in crime."⁵³ This is especially true of gun crime. Of the approximately 200 million guns in the United States, one-third are handguns; and about 2 percent of these handguns are used to commit crimes.⁵⁴ Therefore, "Concentration of police crime prevention in places with the highest gun crime may be the most effective way to protect everyone, not just residents of the high crime locations."⁵⁵

New York City Police Commissioner William Bratton made the concerted attack on neighborhood disorder a top priority, combining modern management techniques with an older tradition of policing based on a perceived relationship between neighborhood disorder and serious crime. Bratton's "Police Strategy No. 5," for example, declares that "By working systematically and assertively to reduce the level of disorder in the City, the NYPD will act to undercut the ground on which more serious crimes seem possible and even permissible"⁵⁶ This neighborhood-based strategy involves an all-out attack on the components of neighborhood disorder, including prostitution, liquor sales to minors, and violations of noise ordinances, as well as felonies. Violators are cited, and persistent violators are arrested; moreover, these arrests are accompanied by probing police interrogations by officers looking for leads to more serious criminal activities, especially gun-related crimes. When Commissioner Bratton headed the New York City Transit Police, his aggressive methods re-established order on New York's subway systems, long a notorious crime "hot spot;" felonies in that system declined 75 percent in four years.⁵⁷

⁵²See Richard J. Herrnstein, "Criminogenic Traits," in Wilson and Petersilia, *Crime*, pp. 39-63. It is well to recall that 30 to 40 percent of all boys in urban areas will be arrested at least once before they turn 18 years of age, and most boys will never be arrested again by the police. It is the chronic offenders, the 6 percent, who account for approximately 50 percent of all police arrests. See Peter W. Greenwood, "Juvenile Crime and Juvenile Justice," in Wilson and Petersilia, *Crime*, p. 91.

⁵³Sherman, "The Police," p. 327.

⁵⁴James Q. Wilson, "Just Take Away Criminals' Guns," *The American Enterprise*, Vol. 6, No. 3 (May/June 1965), p. 37.

⁵⁵Sherman, "The Police," p. 348.

⁵⁶Cited in Kelling, "How to Run a Police Department," p. 41.

⁵⁷*Ibid.*, p. 45.

Bratton's success in New York City is mirrored to a lesser extent in other metropolitan areas in which police have combined this aggressive neighborhood-based strategy with innovative community policing techniques. Atlantic City, New Jersey, and Sarasota, Florida, for example, are bringing police officers and their families back into troubled neighborhoods through low-interest home loans. Not only do the police live where they work, but the program also sends a positive message to law-abiding residents in these neighborhoods that the police are there to protect them. Chief Charles Austin of Columbia, South Carolina, says that the city's home loan program has contributed to a 16 percent decrease in crime.⁵⁸ Similarly innovative community police programs can be found in cities throughout the United States, including Lowell, Massachusetts; Baton Rouge, Louisiana; Austin, Texas; Charlotte, North Carolina; Indianapolis, Indiana; Milwaukee, Wisconsin; and San Diego, California.

PITTSBURGH "HOT SPOTS"; PROACTIVE POLICING AND CRIME REDUCTION

"There is a fine line between proactive law enforcement and what is termed harassment," says Pittsburgh Police Chief Robert McNeilly, Jr. Good policing policy leans heavily upon the split second expertise and judgement employed by the street officer in reaction to the exigent circumstances of a potentially dangerous situation in order to police effectively and yet respect citizen civil liberties. In Pittsburgh, proactive policing has had as many manifestations as it has had successes. In the 1990s, Pittsburgh Police targeted a number of inner city neighborhoods; Homewood Brushton; the Hill District; Hazelwood, and the Northside, where the complaints of violent crime and serious property crime were significantly higher than elsewhere in the city. The nature of the complaints themselves evidenced the extent of the problem. Open drug sales were a common feature. Random shootings, car jackings, and drug and gang related shootings were commonplace, and homicide statistics had reached record territory. From the fact that these "hot spot" neighborhoods were predominantly African-American in composition can be deduced the corollary conclusion that the vast majority of victimized citizens in these neighborhoods were African-American. It should also follow logically that these African-American's being held hostage in their homes by high crime rates must be the among the Pittsburghers most succored and benefited by proactive policing. Ironically, it may well be this police concentration on the "hot spots" and the aggressive police response to the "broken windows" misdemeanors and summary offenses which caused the community backlash which spawned the ACLU lawsuit, followed by the federal consent decree and the civilian review board.

Proactive policing, drawing upon Professor Kelling's now justly famous "broken windows" theory has been honored in Pittsburgh and has borne fruit, according to Police Chief McNeilly. At one point in the mid 1990s the city formed special squads of plainclothes officers who patrolled bus stops and other well-trafficked ways. They cracked down on aggressive panhandling, prostitution, open drug sales and usage, and disorderly conduct. The tactics were so successful that "double digit" decreases were seen in the occurrence of "quality of life" crimes.

The City of Pittsburgh Police Department also embarked on an ongoing program to establish and

⁵⁸Walter Olesky, "A Cop Next Door," *Policy Review*, March/April 1996, pp. 8-9.

operate a firearms tracking unit. At any given time at least one city detective is assigned to the Bureau of Alcohol, Tobacco and Firearms. The unit tracks the origin of guns used in the commission of crime, seizes stolen guns and recovers them for their owners where possible. In addition, the city conducts an annual Christmas guns for gift certificates program.

The City Council of the City of Pittsburgh enacted a curfew ordinance and built a teen curfew center in the mid 1990s. The center and the law have been criticised for underuse, but Chief Robert McNeilly says that the curfew ordinance, while not resulting in a “roundup” of youth, has been successful and contributed to the crime drop. “It (the curfew) gives the street officer another tool,” says McNeilly.

The greater Pittsburgh community pitched in as well. A former United States Attorney from Western Pennsylvania convened a series of community task forces which examined causes and sought prevention techniques for crime. Joint city, county, and federal coordination brought together social agencies, probation offices, tutoring agencies, faith-based organizations, youth groups and scouting organizations, all working together in whatever way they could to retard crime. Priorities were set to identify drug users and get them into treatment, seeking to identify those prone to commit crime and head them off. The public community in the afflicted areas took on an active role in the repudiation of gang activity. Their devotion, energy and success may be one of the most unsung stories of Pittsburgh’s crime drop.

It should be noted that all of the implementation and success of proactive policing in Pittsburgh was achieved without any federal intervention.

Enforcing the Law

For the officer on the street, enforcing the law or stopping the commission of a serious crime is more clear-cut than settling a dispute over what constitutes "disorderly" behavior. In practice, however, it is difficult to combat serious crime either by preventing it or by arresting the perpetrator after the fact. Police responding immediately to a case make an arrest in only 2.9 percent of all calls involving serious crimes.⁵⁹ Only 25 percent of all calls to the police in cases of serious crime involve actual contact between the victim and the offender; 75 percent of all serious crimes are reported after the fact.⁶⁰ And, as noted previously, almost half of America's violent crime is never even reported to the police.

Once the initial report is taken, the task of resolving serious crimes usually is reserved to the detectives, whose work requires the ability to ask the right questions, a sound capacity for deductive reasoning, and a keen sense of human nature. In most major metropolitan departments, regardless of the social changes that have taken place over many years, detectives are viewed as the professional

⁵⁹Sherman, "The Police," p. 335.

⁶⁰*Ibid.*

elite of the police force.⁶¹ On the face of it, their work is daunting. They must identify, locate, and arrest the suspect and then prepare a careful report of the criminal investigation, replete with all the pertinent facts of the case. This is the crucial body of information to be used by the prosecution both in determining the charge and ultimately in proving its case in court. The detective must prepare for his own testimony and cross examination as a key state witness at the preliminary hearing and at the trial itself, seeing the case through to its ultimate resolution.

Since the 1960s, this job has been complicated by a series of U.S. Supreme Court rulings that, in effect, have federalized state criminal procedure, including the rules of evidence, contrary to the spirit of the Constitution and the original intent of the Framers. For example, in *Mapp v. Ohio* (1961), the Court mandated the exclusion of evidence in cases involving even the most technical violation of the search and seizure provisions of the Fourth Amendment. In *Miranda v. Arizona* (1966), the Court held that a person held as a suspect in a criminal case must be informed of his right to remain silent and to have his lawyer with him during the interrogation.⁶² Again, the penalty for even a minor police mistake was exclusion of any statement made by the suspect. *Miranda* in particular was met with a storm of protest from local police officials, who argued that it would handcuff their investigative work. Congress responded by enacting a provision in the Crime Control Act of 1968 which allowed a judge, after looking at the totality of circumstances surrounding a confession in a federal case and finding that the confession was given to the law enforcement officers voluntarily, to admit the evidence even though not all of the procedural requirements specified in *Miranda* had been met. This provision has been all but unused by the U.S. Department of Justice.⁶³

Given this situation, the detective obviously must be sensitive to the fine points of criminal procedure, since defense attorneys may be expected to seize upon the slightest error. Rigorous selection and training of detectives therefore must be among the most important personnel management priorities in any police department. Because uniformed patrolmen constitute the pool

⁶¹Commenting on the professional culture of the famed New York City detective division in the 1950s and 1960s, Arthur Niederhoff, a former New York City policeman, observes that "Detectives are the upper class of police society and haughtily guard their special status and privileges. Their quarters are separate from those of the uniformed police. Within this private domain democratic camaraderie eliminates the social distance that ordinarily divides the various ranks of a bureaucratic hierarchy.... It is of special significance that this high status unit, to which every member of the lower echelon aspires, performs best when disregarding formal regulations and official procedures." Niederhoff, *Behind the Shield*, pp. 83-85.

⁶²The Supreme Court qualified its *Miranda* ruling in *Harris v. New York* (1971), ruling that if an accused person makes statements on the witness stand that differ from statements made to the police, the prosecution can introduce the earlier statements into the record for purposes of discrediting the testimony of the accused.

⁶³See Paul Cassell, *Reforming Miranda: A Proposal for Congressional Action*, College of Law, University of Utah, 1994.

from which future detectives will be drawn, state and local officials must pay close attention to the entrance standards for police recruiting and staffing as well.⁶⁴

The most common measurement of law enforcement success is the clearance rate. Technically, a "cleared" case is one in which a person has been arrested, charged with a crime, and turned over to prosecutors. Clearance rates for violent crimes known to the police have been declining for over two decades. In 1972, the clearance rate for reported violent criminal offenses was 48.8 percent. By 1993, it was 42.5 percent.⁶⁵ In some of America's largest cities, including Chicago, Detroit, and San Francisco, according to 1994 FBI statistics, clearance rates for violent crime run as low as 20.7 to 38 percent.⁶⁶ Over the past 30 years, the clearance rate for homicide nationwide has declined by 25 percent, and the ability of police to close cases of forcible rape has declined by 20 percent.⁶⁷ Clearance rates for 1994, the most recent year for which figures are available, ranged from 64 percent in murder cases to 24 percent for robberies and as low as 13 percent for burglaries and 14 percent for motor vehicle thefts.⁶⁸ Thus, a great many of the most serious crimes are never solved.

Police and Community

Walking "the beat" used to be the model for urban policing. Officers got to know the residents of the community, and the residents of the community got to know them. This made it relatively easy to maintain order and enhanced the ability of the police to fight crime. Direct or anonymous tips, a well-grounded experience with local troublemakers, a keen sense of the local powers present in the

⁶⁴"A good detective must be suspicious; he needs the intuitive ability to sense plots and conspiracies on the basis of embryonic evidence," says Niederhoff, but the qualifications are hard to establish: "A strong minority on the [New York] police force asserts... that a detective's value and future success depends on the private sources of information at his disposal, and his willingness to do the necessary legwork. They support this opinion by citing the many brilliant detectives in police history who could never have passed an IQ test, could hardly write an intelligible report, and whose techniques of investigation violated every recommended principle of scientific detection." Niederhoff, *Behind the Shield*, p. 84.

⁶⁵*Sourcebook for Criminal Justice Statistics 1994*, U.S. Department of Justice, Bureau of Justice Statistics, 1995, p. 408.

⁶⁶Associated Press, "Cities with Low Crime Solving," February 12, 1996. A major reason for the decline in clearances is the growth of violent crimes committed by strangers, making it difficult for police detectives to investigate these cases. Morgan Reynolds, *Crime by Choice: An Economic Analysis* (Dallas, Tex.: The Fisher Institute, 1985), p. 103.

⁶⁷International Association of Chiefs of Police, *Violent Crime in America* (Alexandria, Virginia, 1993), p. 1.

⁶⁸U.S. Department of Justice, Federal Bureau of Investigation, *Crime in the United States* (Uniform Crime Reports), 1994.

neighborhood, including the very worst influences, all gave police officers quick and often easy access to solid information that could serve as the basis for further questioning and the apprehension of criminals.

Over the past four decades, two developments changed the widespread use of this traditional model. The first was internal: a change in the style and philosophy of urban policing itself. Police officials determined that officers cruising urban or suburban areas in patrol cars would be in a better position to respond to calls for help or assistance. Aside from the speed and mobility of the well-equipped patrol car itself, the practice of using police cars in regular patrols created higher visibility over a larger geographical area. This, it was thought, would better deter crime and make the police, equipped with radios and other equipment, more effective in combatting it.

The second development was external: the dramatic social and cultural changes within the communities themselves. The legal revolution in civil rights and the racial conflict and social tension of the 1960s and 1970s left a legacy of hostility to the police that persists in certain neighborhoods to this day. While urban police in the 1960s and 1970s, particularly in large cities, were overwhelmingly white and came from working-class or middle-class backgrounds, they often were policing non-white neighborhoods. This presented new challenges. "The problems created by the exercise of the necessary discretion," as Professor James Q. Wilson has written, "are least in communities that have widely shared values as to what constitutes an appropriate level of order and what kind of person or form of behavior is an empirically sound predictor of criminal intention; the problems are greatest in cities deeply divided along lines of class and race."⁶⁹

Since the 1960s, police officers have found themselves responding in different ways to different communities. Disorder in some neighborhoods may lead to little or no intervention by the police, while similar problems in other neighborhoods may cause an entirely different response.⁷⁰ The unspoken assumption is that "Various neighborhoods and subcultures have their own levels of tolerable disorder; what may appear to be weaker norms are only different norms."⁷¹ Too often, laboring under real or imagined suspicions of racial bigotry, the police have simply given up trying to quell disorder in many minority communities, thus tacitly accepting the academically fashionable premises of cultural and moral relativism and its tragic consequences.⁷²

⁶⁹Wilson, *Varieties of Police Behavior*, p. 279.

⁷⁰"Incidents that would cause commotion and consternation in quiet precincts seem so common in ghetto neighborhoods that they are often not reported. The police rationalize this avoidance of duty with theories that the victim would refuse to prosecute because violence has become the accepted way of life for his community, and that any other course would result in a great loss of time in court, which would reduce the efficiency of other police functions." Niederhoff, *Behind the Shield*, p. 65.

⁷¹Wilson, *Varieties of Police Behavior*, p. 287.

⁷²"This doctrine encourages an observer from one culture to respect the integrity of another, although its standards of behavior may be different from his own. The implication is that the policeman has some justification for accepting a minority group's way of life on its own terms, and

This problem is aggravated by conflicting ideological pressures, particularly among black liberals and leftists, over the appropriate response to crime and disorder in black communities. Paul Butler, a professor of law at George Washington University and former D.C. prosecutor, argues that black jurors should acquit non-violent black criminals, including drug dealers and burglars, even if they are clearly guilty, precisely because they are black and victims of a racist social order.⁷³ At the same time, however, in reacting against laws against disorder used by the police in the past as "tools of subjugation" to harass black males, many black citizens in the District of Columbia now find themselves vulnerable to levels of disorder that are not tolerated in middle-class white suburbs.⁷⁴ Says Professor John DiIulio: "You can't have it both ways -- protesting that police are less responsive to black crime victims than white ones in one breath, charging that too many black victimizers get caught, convicted and sentenced in the next; spinning out conspiratorial theories of white acquiescence in letting drugs flow into black communities in the morning, complaining that efforts to crack down on the drug trade are motivated by racism in the afternoon."⁷⁵

Popular reactions to the Rodney King episode and the O. J. Simpson trial highlight the deep racial divisions in Americans' attitudes toward the police. Blacks are more likely than whites to complain about the behavior of police. Surveys also indicate that 49 percent of blacks, but only 22 percent of whites, believe whites get better treatment before the courts and at the hands of police.⁷⁶ Moreover, while 50 percent of whites believe that the police and the courts treat blacks and whites equally, only 29 percent of blacks believe this to be true.⁷⁷ The data on police brutality,⁷⁸ however, indicate that such incidents have not been widespread in recent years. According to Robert E. Worden, Assistant Professor of Criminal Justice at the State University of New York at Albany, "The incidence of the

thus for acting the way he does. There is no easy answer to this paradox." Niederhoff, *Behind the Shield*, p. 66.

⁷³Professor Butler's basic argument is that since the United States is "structurally" racist, blacks are victimized by the American system, and black jurors have, therefore, no obligation to uphold its system of justice, at least as applied to blacks who commit non-violent crimes. See Lisa Gray, "Innocent Even If Proven Guilty," *Washington City Paper*, Vol. 16, No. 16 (April 19-25, 1996), p. 23.

⁷⁴Paul Ruffins, "Battered Neighborhood Syndrome," *Washington City Paper*, Vol. 16, No. 22 (May 31-June 6, 1996), p. 20.

⁷⁵John DiIulio, "My Black Crime Problem, and Ours," *City Journal*, Vol. 6, No. 2 (Spring 1996), p. 25.

⁷⁶*Differences in Black and White Opinion on Some Important Issues of Public Policy* (Washington D.C.: Center for New Black Leadership, February 2, 1996), p. 7.

⁷⁷*Ibid.*, p. 8.

⁷⁸Wilson, *Varieties of Police Behavior*, p. 28.

use of improper force is rare in the sense that aircraft fatalities are rare; it is infrequent relative to the large volume of interaction between police and citizens, just as deaths in aircraft accidents are infrequent relative to the large number of passenger miles flown."⁷⁹ When these incidents do occur, they are associated with a variety of factors and, at least historically, more often than not are aggravated by class rather than racial differences.⁸⁰

PITTSBURGH: A HISTORY OF PROACTIVE POLICING, OF BACKLASH, AND FEDERAL INTERVENTION

In 1996 the Greater Pittsburgh ACLU filed a class action lawsuit involving multiple allegations of police brutality. In quick succession the U.S. Justice Department launched an investigation, which relied heavily on recycled ACLU allegations, and filed its own complaint alleging systemic abuse of power. At the same time, a citizen coalition portraying the police as violent, organized and achieved a successful electoral referendum which established a civilian review board. Neither the ACLU suit nor the federal complaint were ever fully litigated or adequately tested under oath. Instead, the City of Pittsburgh, while denying liability, quickly capitulated to the Justice Department and entered into a consent decree with the United States Government.

The effect of the consent decree boils down to the implementation of a system of collection and storage of personal data concerning each individual officer, concerning his or her official conduct, and, to the extent deemed pertinent, concerning private conduct. This computerized databank is known as the "early warning" system; a silicon accumulation of background data on the street officer. The goal is to monitor behavior and weed out problem officers before serious trouble occurs.

The consent decree altered the functions of the Office of Municipal Investigations (OMI) and authorized an independent outside auditor to operate the early warning system. The voter mandated Citizens Review Board (CRB) also operates with its own investigative staff and data entry program. By 1998 the Pittsburgh Police were being actively monitored, scrutinized, and profiled to a degree

⁷⁹Robert E. Worden, "The Causes of Police Brutality," in William A. Geller and Hans Toch, eds., *And Justice for All: Understanding and Controlling Police Abuse of Force* (Washington, D.C.: Police Executive Research Forum, 1995), p. 58.

⁸⁰Other factors include the presence of alcohol and other officers, the youthfulness of the suspects, and the relative inexperience of offending officers. See Kenneth Adams, "Measuring the Prevalence of Police Abuse of Force," in Geller and Toch, *And Justice for All*, p. 69; Wilson, *Varieties of Police Behavior*, p. 28..

unprecedented in American history. By 1998 Pittsburgh, Pennsylvania had the distinction of being the only city in the nation with dual personal oversight bureaucracies – OMI and CRB – both tracking idiosyncratic officer characteristics, personalities, and histories.

The unfortunate rub of this situation lies in the fact that there was never any adequate proof that either of these “improvements” to Pittsburgh policing were desirable or even necessary. Crime had already been greatly reduced and, in fact, it can be logically speculated that the federal scrutiny was the fruit of the success of proactive policing. As noted, the tame acquiescence of the city administration in conforming to the federal demands negated a lengthy lawsuit, but also obviated any opportunity for the police to defend themselves and show that they were not the rogue operation imaged by their critics. The police were thus defenseless, their natural allies were silent, and credible and substantial evidence which would have refuted most of the federal and ACLU contentions was never adduced in court. Local media never explored below the surface of the issue. The city’s failure to adequately defend their police, coupled with the unfortunate tendency toward media sensationalism, has led to an erroneous public perception that the Pittsburgh Police Force is a brutal band of thugs, even though nothing is further from the truth.

The need for public support for the police

In Pittsburgh strong local political and popular support for the police is apparently lacking. The administration in city hall, while not openly hostile to the police, failed to stand up to the United States Justice Department’s consent decree when ample evidence existed, in the city’s own audit of the police department, to dispute both the Justice Department and the lawsuit brought by the ACLU. Initially the mayor opposed the decree, but very quickly reversed course and approved it. The police part was never taken, heard, or addressed in the process of adoption of the consent decree. Moreover, strong, broad-based respect and understanding for the police is not given sufficient voice in the media and in the community in general. A number of community and civil rights leaders, as well as public officials, have been permitted to caricature the police in the public eye with emotional, untruthful, and inflammatory rhetoric. There is virtually no public coalition, which is currently serving the cause of law and order, by speaking out for good crime control in the interests of the community at large. The FOP, which is generally considered to take a “defend-at-any-cost” attitude is a lone and media-crippled voice.

PROTECTING MINORITY COMMUNITIES

Many black leaders, both liberal and conservative, argue that the real problem is the absence of police in neighborhoods that are perceived by the officers as "dangerous." The predominant fear is not of the police, but that the police will abandon the community to criminal predators, some of them mercenary agents of organized crime or drug cartels. "Why doesn't America keep the peace in inner cities?" ask Glenn C. Loury, Professor of Economics at Boston University, and Shelby Steele, Senior Fellow at the Hoover Institution. "Suppose there were several hundred gang-related murders

every year in suburban Chicago or Washington or Los Angeles. Would there be a different public response?"⁸¹

Young black males are far more likely to be victimized by violent crime than any other segment of America's population. A solid majority of blacks in one survey (57 percent) agreed that there were places in their areas "where they were afraid to walk alone at night."⁸² In a 1994 survey, more than 60 percent of blacks and whites agreed that government was spending "too little" on law enforcement.⁸³ The misgivings of Loury and Steele echo the earlier complaints of the late Dr. Martin Luther King: "Permissive crime in ghettos is the nightmare of the slum family. Permissive crime is the name for the organized crime that flourishes in the ghetto -- designed, directed and cultivated by white national crime syndicates operating numbers, narcotics, and prostitution rackets freely in the protected sanctuaries of the ghettos."⁸⁴ The color and ethnic composition of the predators may have changed, but for inner-city residents, the nightmare continues.

PITTSBURGH: PERCEPTIONS OF THE POLICE IN THE MINORITY COMMUNITY

Paradoxically, in Pittsburgh as the crime rate has fallen, not the least in African-American communities, the civil rights establishment and the political leadership of the African-American community have been almost uniformly critical of the police despite ample evidence that the crime pressure against African-American citizens has abated. Unfortunate terms such as: "murder of African-American males.....ambush of African-American males (by police)"...have been employed with impunity, sometimes even by public officials.

The public interest in Pittsburgh would be far better served if the white-hot rhetoric of some police critics was muted, and if cooler heads were able to break effectively make the case to the public that the Pittsburgh Police are a safe and reliable partner in the community. On March 2, 1999, the Pittsburgh NAACP issued a critique in which they took Pittsburgh Mayor Tom Murphy to task for "blind faith in the police before all the facts are known – especially in light of repeated abuses resulting in injury and death." This observation is easily refuted in several key respects. Firstly, it has been the consistent theme of this paper that the City administration has not given *enough* support to the police, in that the Mayor so readily capitulated to the unwarranted federal intrusion into local policing. Secondly, but more appropriately, in his response to the NAACP, Mayor Thomas Murphy did properly observe that the Pittsburgh Police have a superlative safety record. In his report, issued March 29, 1999, Mayor Murphy wrote: "Of note, a recent study conducted concerning the use of force by City of Pittsburgh Police

⁸¹Glenn C. Loury and Shelby Steele, "A New Black Vanguard," *The Wall Street Journal*, February 29, 1996, p. A18.

⁸²*Differences in Black and White Opinion on Some Important Issues of Public Policy*, p. 7.

⁸³*Ibid.*, p. 9.

⁸⁴Quoted in Niederhoff, *Behind the Shield*, p. 66.

indicates that our offices have actually demonstrated an *under*-utilization of force in situations which warranted the use of a higher level of force.” Concomitantly, the Chief of the Pittsburgh Police, Robert W. McNeilly, Jr., addressed the NAACP: “There have not been ‘several’ deaths at the hands of police officers as you mention. In fact, there have been nine deaths in the last eleven years. In nine of these incidents, according to reports, the suspect was armed with a firearm. This is an extremely low number for a city and police agency the size of Pittsburgh. Most police agencies the size of the Pittsburgh Bureau of Police experience many more tragic incidents with the use of firearms. Fortunately, our officers have been capable of handling these situations in most instances with a lower level of force. In fact, our reports indicate that from August 1, 1997 to December 31, 1997, our officers would have been justified in using impact weapons 90 times. Instead, our officers only used an impact weapon on 27 occasions. Our reports further indicate that our officers would have been justified in using deadly force 11 times. Deadly force was only used once, when an actor was firing upon our police officers.” In conclusion, the Mayor added: “Most recently, an audit conducted by the Consent Decree auditor confirmed this finding and indicated that this under-utilization (of force) continued into 1999.”

Despite these facts, the negative image of the police favored in Pittsburgh by the media and the grievance community persists. Despite the unprecedented level of police scrutiny, the NAACP and other self-anointed community leaders agitate for even more federal intervention, and ever more stringent scrutiny of police. Balance in the public debate is lacking. A recognition throughout the Pittsburgh community of the stability and quality of the city police would be of great benefit to the body politic.

LOWERING STANDARDS: THE HIGH PRICE OF POLITICAL CORRECTNESS

Minority group spokesmen claim, often with justification, that they are "underrepresented" in the staffing of police departments. Police officers must understand the local people and their culture and mores. Neighborhood perceptions of insensitivity or a lack of diversity among police personnel can have a negative impact on police-community relations.⁸⁵

To cope with these social realities, beginning in earnest in the late 1960s, state and local officials attempted to break down long-standing barriers to the hiring of minorities in metropolitan police forces. Federal laws and regulations, particularly those issued by the Nixon Administration, reinforced these efforts. Under Title VII of the Civil Rights Act of 1964, no person may be discriminated against or deprived of an opportunity for public service on the grounds of race, color, religion, sex, or national origin; the processes of recruitment, selection, training, and promotion are supposed to be "color-blind" so that all persons are given an equal opportunity. As a result of this combination of changing "social norms" and "the end of overt discrimination," blacks in particular

⁸⁵"In training and deploying officers, a chief serving a Hispanic community must consider the public reaction that would come from a 'macho' male being ordered about by a female police officer." Raymond C. Davis, "Organizing the Community for Improved Policing," in Geller, *Police Leadership in America*, p. 91.

made substantial gains: "Between 1970 and 1990, for example, the number of black police rose from 23,796 to 63,855; they constituted 41 percent of new hires."⁸⁶

But as the effort to increase diversity accelerated, liberal politicians and judges too often departed from the sound principle that individuals should never be rewarded or penalized on the basis of race or sex. To employ more minorities and women, police agencies frequently have adopted systems of quotas and preferences at the expense of quality, causing standards to be lowered and personnel decisions no longer to be based on selecting the most highly qualified candidates, especially in large metropolitan urban areas.⁸⁷

In 1966, for example, using federal funds under the Manpower Development Training Act, one of many liberal job training programs enacted during the 1960s, New York City officials planned to train 1,000 black and Puerto Rican youths to become policemen through a "Cadet Program." Whatever the intended benefits of this program, it was a blow to the cause of professionalism within the NYPD, which had sought to attract new recruits who possessed college degrees, because it concentrated on enrolling "minority group drop-outs" to staff the city's police force.⁸⁸

Quotas are both logically incompatible with personnel management based on the principle of merit selection and a departure from the liberal tradition. In the words of the late Justice William O. Douglas, one of the most prominent champions of liberal views on the U.S. Supreme Court, "Minorities in our midst who are to serve actively in our public affairs should be chosen on talent and character alone, not on cultural orientation or leanings."⁸⁹ The irony is that "Cities as a whole suffer from bad police diversity policies, but it is crime ridden minority communities in them that suffer the most."⁹⁰

Various metropolitan governments have deliberately lowered standards for the recruitment and hiring of police officers in recent years. During the early 1990s, for example, the rush to racial and ethnic "diversity" on the New York City police force resulted in the hiring of officers with low test

⁸⁶Robert J. Samuelson, *The Good Life and Its Discontents: The American Dream in the Age of Entitlement* (New York, N.Y.: Random House, 1995), p. 177.

⁸⁷For an excellent overview of the current controversies surrounding quotas and police hiring, see Robert Zelnick, *Backfire: A Reporter's Look at Affirmative Action* (Washington, D.C.: Regnery Publishing Inc., 1996), Chapter 5.

⁸⁸Niederhoff, *Behind the Shield*, p. 196. Ironically, according to former New York City Police Commissioner Patrick Murphy, the program did not end up working as intended; it became a mechanism to hire white youths.

⁸⁹Cited in Edwin Delattre, *Character and Cops: Ethics in Policing* (Washington, D.C.: American Enterprise Institute, 1989), p. 107.

⁹⁰William McGowan, "The Corrupt Influence of Police Diversity Hiring," *The Wall Street Journal*, June 20, 1994, p. A12.

scores and inadequate background investigations. City officials examining police corruption, including officers compromised by notorious drug dealers, argued that the problem was the "institutional culture" of the department. But the lowering of standards clearly contributed to the problem: "True enough, most bad cops have been white, but a disproportionate number of cops indicted in New York have been minority officers hired in recent years to make the city's force more reflective of its demographics."⁹¹ In other major cities, whether because of "rush hiring" or quotas, the consequences, both in terms of public safety and in terms of public confidence in the hiring process, have been equally alarming.

Washington D.C.: Between 1989 and 1990, under congressional authorization, Washington hired 1,500 police officers. As part of this effort, city officials deliberately reduced hiring standards: "Critical background checks on applicants were cut short, and investigators scrimped on visits to neighborhoods and interviews with former employers. Physical examinations were hurried, and some people who failed to meet minimum requirements were hired anyway. The psychological services unit, which had rejected one in five applicants in other years, rejected just one in 20."⁹²

Since 1989, 201 D.C. police officers have been arrested (some more than once) by their colleagues on charges ranging from drug dealing and shoplifting to rape and murder. Reporters from *The Washington Post* learned that the department kept a list of 185 police officers with criminal problems so severe that prosecutors could not put them on the witness stand to testify in criminal cases. And a number of the new police officers that they did put on the stand made such poor witnesses that they often injured the prosecution's case. Because of just one narcotics detective who tested positive for cocaine, the U.S. attorney was forced to seek the release of 32 prisoners convicted on the officer's testimony and the dismissal of 88 cases in which the detective was the key witness for the prosecution.⁹³ ABC News correspondent Robert Zelnick has noted that "The police department of the nation's Capital has a notorious record of seeing felony charges dismissed because of police incompetence in filling out arrest reports and related records."⁹⁴

A D.C. Metropolitan Police training director found that many recruits had tested so low in reading comprehension tests that they needed "remedial classes." District of Columbia Mayor Marion Barry put a stop to such classes because, said the director, he "feared the classes would reflect poorly on D.C. public schools from which many of the recruits had

⁹¹*Ibid.*

⁹²Keith Harriston and Mary Pat Flaherty, "District Police Are Still Paying for Forced Hiring Binge," *The Washington Post*, August 28, 1994.

⁹³Keith Harriston and Mary Pat Flaherty, "Delays Defeat Police Efforts To Clean House," *The Washington Post*, August 31, 1994.

⁹⁴Zelnick, *Backfire*, p. 111.

graduated."⁹⁵ As summed up by Edwin J. Delattre, Professor of Education and Philosophy at Boston University, "The part that Congress and top elected officials in the city government have played in this debacle is a disgrace."

Miami, Florida: In 1980, the city of Miami quickly hired 200 new policemen, with the specification that 80 percent were to be from the city's minority communities. Throughout the orientation and background investigation process, city officials were warned of the deficiencies of this class of future Miami police officers. The results proved disastrous. By 1988, more than a third of the class hired in 1980 were fired; 75 percent of Miami police officers accused of wrongdoing turned out to be members of this class; and 10 ended up pleading guilty to crimes as serious as murder and drug trafficking. "The frenzy of indiscriminate hiring, inadequate training, and poor supervision eroded personnel standards of the Miami Police Department until even illiteracy was no disqualification."⁹⁶

Chicago, Illinois: After promising to base police personnel decisions on merit, Mayor Richard J. Daley, Jr., recently reversed himself and determined that the city would use race as a consideration in promoting senior members of the police department. This would allow police officials to promote black and Hispanic candidates above white candidates who scored higher. In 1994, Mayor Daley authorized merit tests for police promotions, and the taxpayers of Chicago paid \$5 million to have an outside company develop and administer these tests. Of the top 114 test scores, only 5 were achieved by minority candidates. Daley's decision has angered and demoralized members of the police force. "They told us it was all about merit," remarked William Nolan, President of the local chapter of the Fraternal Order of Police. "Now we hear it's not about merit, but about politics and race. So, the police force doesn't believe him anymore."⁹⁷

Boston, Massachusetts: Bypassing merit testing for appointment to the police force, the city of Boston has entered into a court-ordered consent decree mandating "diversity" in the ranks. While 42 percent of the residents of Boston are members of minority groups, the police department is 26.4 percent minority. The purpose of the new judicially imposed policy is to reduce the racial imbalance and make up for past "exclusion" by elevating minorities over white candidates taking the police examinations. In 1990, nearly 75 percent of white candidates who took the test scored 90 or above, compared to 36 percent of minorities; 11.4 percent of the white candidates scored 98, 99, or 100, compared to 2.9 percent of minorities. Liberal critics claim the police test is inherently discriminatory, and therefore a poor indicator of how a policeman will perform on the job. According to James Kelly, President

⁹⁵Keith Harriston and Mary Pat Flaherty, "Cutting Corners at the Police Academy: Training Was Reduced, Standards Erased in Rush to Expand D.C. Force," *The Washington Post*, August 29, 1994.

⁹⁶Delattre, *Character and Cops*, p. 77.

⁹⁷John Kass, "Daley to Bypass Lieutenant Test for Promotions," *Chicago Tribune*, March 14, 1995, p. 1.

of the Boston City Council, however, "There were whites who scored 100 on the tests, but they are not Boston police officers for one reason: the color of their skin. What we have now is a quota system."⁹⁸

Poor personnel management has created serious problems in other major metropolitan areas as well. For example, the Philadelphia, Pennsylvania, Police Department has been ripped by devastating charges of police corruption, and numerous convictions, including convictions in major drug cases, have been overturned because of falsified police reports, illegal tactics, and perjury on the part of police officers.⁹⁹ In New Orleans, Louisiana, 50 police officers have been arrested, indicted, or convicted on criminal charges ranging from murder to drug-trafficking since 1993.¹⁰⁰ In Baltimore, Maryland, the failure to retain experienced detectives with top-level investigative skills is compromising the quality of police investigations and hampering the efforts of prosecutors. "In court, it is a loss of an experienced detective who can explain to a jury how you go through an investigation," observes U.S. Attorney Katherine J. Armentout. "They have credibility with a jury that is just invaluable."¹⁰¹

PITTSBURGH: REQUIREMENTS OF DIVERSITY AND CHARGES OF "RACISM" IN THE POLICE OF THE CITY OF PITTSBURGH.

It is instructive to examine the effects of the diversity controversy in urban police departments. The City of Pittsburgh has a long history of grappling with diversity issues, and, in light of current events, is likely to build on that history, one way or the other. Assuming that "diversity" as employed by the critics of the police is a code word vehicle for subliminally voiced charges of racism and its related isms. From 1976 to 1991 the City of Pittsburgh was subject to the dictates of a federal court order mandating diversity guidelines and standards in the hiring of minority police officers. As a result, by 1995, the City of Pittsburgh Police force was appreciably diverse, with a 1995 sworn strength of "60% white male and 15% minority male, for a total of 75% male: 14% white female and 11% minority female, for a total of 25% female. This compares to 1991 figures of 65.5% white male, 13.9% minority male, 9.6% white female, and 10.5% minority female." (See: Performance Audit, Department

⁹⁸Brian McGrory and Ann Scales, "Police Preferences," *The Boston Globe*, May 25, 1995, p. 1.

⁹⁹ Associated Press, "U.S. Is Said to Seek Logs on Arrests," *The New York Times*, August 31, 1995, p. A16.

¹⁰⁰ Bruce Alpert, "NOPD Deserves U.S. Rights Probe Lawmaker Says," *The Times Picayune*, September 13, 1995, p. B8.

¹⁰¹ Kate Shatzkin and Peter Hermann, "Concerns Arise as Police Lose Homicide Veterans," *The Baltimore Sun*, September 1, 1995, p. 1A.

of Public Safety, Office of professional Standards, Office of the City Controller, City of Pittsburgh, August 1996) In fact, minority representation on the Pittsburgh Police force had become so pervasive a goal that it ultimately resulted in a reverse discrimination claim against the city. In June, 1998, a federal jury awarded more than \$400,000.00 to eight white officer applicants who were able to demonstrate that the City of Pittsburgh Police used a half hour oral exam, given on a pass/fail basis, to weed out qualified white applicants, thus creating quotas for minorities and women.

It is on the back of charges of institutional racism and brutality that the monumental changes in Pittsburgh policing has come. And yet, the most comprehensive and, indeed, only systematic empirical examination of police performance data undertaken reveals a comfortably low incidence of police misconduct and even citizen complaint. In 1996 the Office of Pittsburgh City Controller Thomas Flaherty conducted an intensive analysis of citizen complaints about employees of the Department of Public Safety from 1986 to April 1996. The reported results undermine the twin contentions of the anti-police groups and political activists: that racism and lack of diversity have spawned a brutal and out-of-control police. Instead, the Controller's performance audit found that by analyzing the 1986-1996 complaint summary, where the race of the officer is known: "Of 698 complaints known to have been filed by black citizens, we can identify the race of the accused officer 637 times. Of these, 313 were filed against white officers; 317 were filed against black officers. This is a noteworthy finding. Black officers (male and female) currently comprise about 26% of the Police Bureau's sworn strength. Yet, in those cases we can identify, when black citizens filed a complaint with OPS, (Office of Professional Standards) 50% of the time they were complaining about a black officer. This disproportion occurred in all years of the audit period, ranging from a high of 63% in 1991 to a low of 37% in 1995....the average for complaints filed by black citizens was 50% against white officers Vs. 50% against black officers"

The Controller's conclusion, and a very important conclusion it is, was voiced as follows: "Thus, when viewed in summary fashion, against the backdrop of the audit period as a whole, the finding that black citizens filed slightly over 50% of their complaints against black police officers, tends to negate a systemic racial interpretation,"

The audit report did note a rise in overall police complaints in the mid 1990's, but linked this increase to police experience level, not racism: "These data show a pronounced drop, beginning in 1993, in the average experience level of police officers who had citizen complaints filed against them. They lend support to the view that the upswing in citizen complaints which began in 1994 was caused, in part, by an influx of newly hired police officers. From January 7, 1991, to February 15, 1993, the City of Pittsburgh did not hire a single police officer. Then, beginning in the closing months

of 1993 and continuing over the next two years, over 40% of the police force retired. Thus, younger, new recruits came into the ranks of the police in Unprecedented amounts during 1994 and 1995.... Here it remains to be said that lack of experience is not a satisfactory excuse for police misconduct. As a partial explanation, however, it is less intractable than racism, and one which bodes better for the future."

The performance audit has become famous locally for concluding that the police force contained notably few "bad apples," and urged their dismissal. This calls into question once again the need for the federal consent decree.

THE CLINTON "COPS" PROGRAM

With the enactment of the \$30 billion Violent Crime Control and Law Enforcement Act of 1994, President Clinton promised to put 100,000 additional police officers on America's streets to fight violent crime. Among its many provisions, the 1994 law sets aside \$8.8 billion in funding for the hiring of police officers over a six-year period. Clinton's Community Oriented Policing Services (COPS) Program, administered by a new office within the Department of Justice, gives funds to local jurisdictions, including smaller towns and larger urban areas, for "community policing" strategies.¹⁰²

Under this, grants fund local police personnel for three years, and the federal contribution is set at 75 percent of the combined salary and benefits of each officer, up to \$75,000 over a three-year period. According to the Bureau of Justice Statistics, average starting salaries for entry level police officers today range from \$18,710 to \$26,560, with "average operating expenditures" for each officer ranging from \$31,500 to \$63,400 per annum.¹⁰³ In 1995, 8,000 of the nation's approximately 15,000 law enforcement jurisdictions applied for the new federal funding; 92 percent of those which applied were approved.

There has been some confusion over the exact number of police officers hired thus far under the Clinton plan. While the 100,000 figure is used routinely in the media, Attorney General Janet Reno recently cited a far smaller number of police on the streets as a result of the new grant program: 17,000.¹⁰⁴

¹⁰² "Community policing is generally defined as a shift in police efforts from a solely reactive response to crime to also proactively working with residents to prevent crime." U.S. General Accounting Office, *Community Policing: Information on the "Cops on the Beat" Grant Programs*, GAO/GGD-96-4, October 1995, p. 1.

¹⁰³ *Ibid.*, p. 12.

¹⁰⁴ Cited by Adrienne Fox, "Clinton's Cops: A Shell Game?" *Investor's Business Daily*, July 16, 1996, p. A1.

PITTSBURGH: RETIREMENT, RECRUITMENT AND THE “CLINTON COPS”

There has been some success in Pittsburgh for the “Clinton Cops” program, but it is caught up in the record of the massive force turnover which occurred in the mid 1990s. In the 1991-1994 era some 400 officers retired. Approximately 550 new, young officers were hired to replace them, according to Chief McNeilly. According to the Pittsburgh Police Pension office 136 of the new hires were funded by the Clinton program. They were admitted in two classes; 114 officers in 1995, and 22 in 1997. Also according to the pension office, the force is still slightly under-staffed. The force is budgeted for 1175 officers but currently has 1086.

The Clinton Administration's promise of 100,000 additional police is popular with local officials who can afford the matching contribution. But even if the promise were fulfilled, "the nation would go from having one officer on patrol at any given time for every 6,250 Americans (1.6 per 10,000) to one officer for every 5,208 Americans (1.9 per 10,000).... This 20 percent increase does not seem likely to make much difference in crime, at least under conventional theories of high visibility and rapid response time. Nor is it likely to produce the substantially higher arrest rates that some advocates argue will reduce crime."¹⁰⁵ In addition, reported crime has been declining since 1992,¹⁰⁶ well before passage of the 1994 crime bill and well before the first cohort of newly funded officers hit the streets.

The available evidence clearly indicates that the Clinton program is poorly targeted to reduce violent crime.

In a random sample of applicants conducted by the U.S. General Accounting Office, for example, 84 percent of the jurisdictions cited "property" crimes as among their "top five ranked public safety issues," followed by domestic violence (78.3 percent); alcohol-related crimes, including drunken driving (63.3 percent); drug crimes (60.9 percent); and vandalism (51.2 percent). "Violent crimes against persons" ranked only sixth (50.7 percent).¹⁰⁷ Other "top five public safety issues" included traffic violations (3.7 percent), disorderly conduct (19.8 percent), and gangs (19.3 percent). Overall, the GAO "found no relationship between crime rates and whether an applicant jurisdiction was awarded the grant."¹⁰⁸

\$7.2 million in COPS grant money ended up funding 86 police officers for state parks, including 30 additional officers in Florida to "keep watch over a coral sanctuary" and 19 park rangers for the

¹⁰⁵ Sherman, "The Police," p. 329.

¹⁰⁶ Fox Butterfield, "Major Crimes Fell in '95, Early Data by FBI Indicate," *The New York Times*, May 7, 1996, p. 1A.

¹⁰⁷ GAO, *Community Policing: Information on the "Cops on the Beat" Grant Programs*, p. 14.

¹⁰⁸ *Ibid.*, p. 9.

Maryland Department of Natural Resources.¹⁰⁹

Based on an extrapolation from the GAO data, the Subcommittee on Crime of the House Judiciary Committee found that grant funding was not going to those cities and communities hardest hit by violent crime. In Oregon, for example, Portland accounts for 56 percent of all violent crimes but received less than one percent of the state's COPS funding.¹¹⁰

Many local jurisdictions simply cannot afford the Clinton plan, which requires them to assume a greater portion of the cost each year of the three-year grant period. According to the GAO, almost 7,000 local jurisdictions did not apply for grants, and over 600 turned down the opportunity to participate. Based on a review of jurisdictions that did not apply, the GAO found that in 62 percent of the cases, the reason was their inability to meet the program's financial requirements.¹¹¹ Other reasons included local management decisions and excessive regulatory and paperwork requirements.¹¹²

Instead of reinforcing merit selection, the Clinton plan encourages quotas. Upon withdrawing from participation in the COPS program, Oklahoma City Police Chief Sam Gonzales observed that the Justice Department's language on the hiring of women and minorities is "very significant" because "it states 'equal employment' of women and minorities rather than 'equal employment opportunity.'" ¹¹³ The program is also inflexible: "There's nothing wrong with community policing, and many cities would be glad to spend federal dollars to implement it. But others, including some large cities, already have instituted community policing and need computers instead."¹¹⁴

BUILDING AN EFFECTIVE LOCAL POLICE FORCE

The federal government cannot improve local police personnel management. That is a job for state and local officials and, given the demands of public safety, is one of their most important responsibilities. They must, therefore, understand the realities of police work and the kinds of standards that should be applied both in recruiting new police officers and in evaluating police performance. They cannot safely indulge racial quotas or accommodate liberal political attacks on

¹⁰⁹ Fox, "Clinton's Cops: A Shell Game?"

¹¹⁰ *Talking Points*, "COPS Grants Are Not Focused on the Localities Hardest Hit By Crime," Subcommittee on Crime, House Committee on the Judiciary, December 1995.

¹¹¹ GAO, *Community Policing: Information on the "Cops on the Beat" Grant Programs*, pp. 11-12.

¹¹² *Ibid.*

¹¹³ Memorandum from Sam Gonzales to Donald Brown, City Manager, Oklahoma City, December 28, 1994.

¹¹⁴ Editorial, "More Police or More Choices," *The Washington Post*, September 21, 1995.

merit principles of personnel management.

Local officials also must pay police officers for the job they do; they cannot expect to have a first-rate police department with bargain-basement pay scales or lowered mental and physical standards. The federal government cannot make police officers effective in their communities simply by throwing more money at the problem. At the same time, however, imaginative local officials have demonstrated some dramatic successes.

New York City: Taking over a demoralized 38,000-member department in 1994, William J. Bratton declared an all-out war on crime and disorder to reclaim neighborhoods literally block by block. Commissioner Bratton started decentralizing authority, tracked crime trends through a computerized system, and held commanders directly accountable for decreasing crime and disorder in their precincts. He also dismissed high-level police officials who were unable or unwilling to adapt to the new program.¹¹⁵ The result: In 1994, major felonies fell by 2 percent nationwide; in New York City, they dropped by 12 percent in 1994 and fell by another 18 percent in the first nine months of 1995.¹¹⁶ This dramatic reduction in major felonies over three years also included an almost 45 percent drop in the murder rate.

Houston, Texas: In a remarkable experiment in community policing, Houston Police Chief Sam Nuchia started an innovative "citizens patrol program" to supplement the work of the city's police force. The result: Thousands of citizen patrollers have reported criminal activities to the police, arrests have increased, and police productivity has improved.¹¹⁷

Oxnard, California: Using a sophisticated crime analysis and advanced gang-tracking computer data base developed by a team of experts during the Reagan Administration, police have been able to issue crime alerts to residents in high-crime areas and to target juvenile offenders effectively. The result: violent crime has fallen by 38 percent to its lowest level since the 1960s.¹¹⁸ Similar computerized identification and tracking techniques are being used in 130 other jurisdictions.

¹¹⁵ "Those who show up unprepared, without coherent strategies to reduce crime are fried crisp, then stripped of their commands. Half of all precinct bosses have been replaced under Bratton. Those who survive get unprecedented autonomy but have to demonstrate extraordinary results." Eric Pooley, "One Good Apple," *Time*, January 15, 1996, p. 55.

¹¹⁶ Elizabeth Lesley, "A Safer New York City," *Business Week*, December 11, 1995, p. 81.

¹¹⁷ John J. DiIulio, Jr., "Why Violent Crime Rates Have Dropped," *The Wall Street Journal*, September 6, 1995.

¹¹⁸ Through their computerized tracking system, Oxnard police identify the habitual offenders, their turf, their associates, and their modus operandi. Gary Taubes, "Robocops," *Inc. Technology*, No. 4 (1995), p. 67.

Charleston, South Carolina: Police Chief Reuben Greenberg, widely known for innovative police management, concentrated his efforts on combatting the high level of crime and disorder in the city's public housing projects. Working directly with public housing tenants, Greenberg and his officers helped them screen prospective tenants for criminal records; tenants engaged in illegal behavior, including drug trafficking, were evicted. The result: Charleston's public housing projects were transformed from one of the most dangerous places in Charleston to one of the "safest."¹¹⁹

THE NEED FOR LOCAL LEADERSHIP

In the final analysis, the principal problems facing the police today are personnel management and how best to utilize the limited resources available to maintain order and enforce the law. To address these problems, state and local officials should:

1. Get serious about personnel standards. The police officer's job is unique; there is nothing comparable to it in the private sector. Many experts like former New York City Police Commissioner Patrick Murphy therefore favor a four-year college degree, or at least a higher education requirement, as an ideal standard.¹²⁰ Other experts do not see a college or university degree as a necessary condition of appointment, and argue that for persons with demonstrated maturity and diverse life experiences, a high school degree or equivalent may suffice.¹²¹ As noted above, Pittsburgh is moving toward a requirement of college credit as a threshold requirement for membership on the force.

No matter what educational standards they adopt, responsible officials should use standardized tests as an initial screening mechanism to evaluate the cognitive ability of recruits. For patrol officers charged with keeping order on the streets, psychological evaluations and the ability to meet serious physical requirements, measured in physical strength and stamina, are also essential. Most important, background investigations of recruits must include serious inquiries into their past behavior, their reputation for honesty and integrity, their current and past associations, and their financial and marital stability, as well as any evidence of illegal drug use or alcohol abuse.¹²²

¹¹⁹ Eggers and O'Leary, "The Beat Generation," p. 10.

¹²⁰ Interview with Hon. Patrick Murphy, November 7, 1994.

¹²¹ Craig Fraser of the Police Executive Research Forum, for example, argues that 21- or 22-year-old college graduates may test well and have outstanding academic records, but they frequently have little or no exposure to life outside a college setting. Having been dependent on parental authority and institutional settings throughout their late teens and early twenties, such persons would be struggling as police officers, not only in using discretion on the street, but also in trying to live on their own. Interview with Craig Fraser, November 17, 1994.

¹²² For local officials, this policy recommendation may turn out to be much more than a good idea.

Periodic re-investigations of personnel, particularly those assigned to specialized tasks such as drug enforcement, also are desirable. Continuing vigilance concerning the character and integrity of the police force is the best defense against the perennial threat of corruption.

2. Improve the image of the police. The image of the police officer on the street means a lot: "Cops deserve smart looking uniforms -- and should wear them smartly -- because they represent both the city and the profession."¹²³ A police officer's personal appearance and demeanor can help instill respect and confidence among members of the community by creating an image of competence and strength. This is what taxpayers want in their police officers, and it is what they deserve.

3. Draw recruits from every sector of the community. Because the mission of the police is of vital concern to every citizen, the police department should represent the community and reflect its demographic composition. Such broader representation is particularly important in minority neighborhoods so that officers can understand the prevailing subculture, prevent and control community disorder, and elicit critical information vital to effective law enforcement. Local officials have a genuine public interest in making their police officers role models and champions of the local community.

This means that they should cast a wide net and recruit aggressively from every sector of the community. But they should not be deceived by the false god of "diversity at all costs" or by the politically correct premise that simple numerical "underrepresentation" is proof of racial or ethnic discrimination. Nor should they adopt race-based deployment, with only white cops in "white communities" and only black cops in "black communities."¹²⁴ And in no case should personnel management policy make a mockery of merit selection or promotion: "When individual performance is undervalued, professional standards are bound to decline."¹²⁵ Finally, while officials should draw police recruits from the minority community, they should not make membership in the community a condition of appointment: "It is easier to teach police about an area and its residents than to make good police from unqualified applicants."¹²⁶

The United States Supreme Court recently agreed to hear a case (*Bryan County v. Brown*) and decide whether an Oklahoma county must pay money damages to a victim of police brutality because the officer charged with brutality was hired without any serious background investigation. The officer had a history of criminal misdemeanors, including an arrest for assault and battery. Joan Biskupic, "Court to Hear Dispute in Brutality Lawsuit over Screening of Police," *The Washington Post*, April 23, 1996.

¹²³ Kelling, "How to Run a Police Department," p. 40.

¹²⁴ As Craig Fraser and others argue, such a policy would amount to "institutional racism" in policing.

¹²⁵ Delattre, *Character and Cops*, p. 112.

¹²⁶ *Ibid.*, p. 118.

4. Draw recruits from the military. The United States Army recruitment motto "Be all that you can be" applies with equal force to the police. While military and police functions are fundamentally different, and good police work is often the product of an entrepreneurial spirit, military personnel have served in a disciplined organization and are trained in many skills that are useful in police work, including the use of firearms. Veterans preference in recruitment and hiring is being used in many departments, but officials should go further and actively recruit candidates from the military, a talent pool distinguished by high standards of performance. Moreover, for officials wishing to increase the number of minorities serving on the police force, they should realize that blacks make up 11.5 percent of America's civilian population between the ages of 18 and 44 but represent almost 30 percent of the American military, including a large number of senior officers, particularly in the Army: "The military is not free of racial problems found in the civilian world, but it has been more insulated from them because it is a closed and hierarchical society where rank is more important than race or gender."¹²⁷

5. Anchor the police in the community. The most effective police officer is not an outsider, but an insider; and the best way to establish effective "community policing" is for local residents to know the police and the police to know the local residents. Foot patrols should be established wherever feasible; the more people the police officer knows, the more effective he will be not only in maintaining order and enforcing community standards, but also in obtaining the sort of solid information that is essential in controlling crime.

A police officer must get to know the community and its residents and be ready to share information with other officers patrolling the area. If the police officer and his family live in the community, policing becomes more than simply a job; it becomes a matter of protecting one's friends and neighbors. In order to integrate police officers into the community, local officials should consider low-cost housing loans or housing vouchers to enable officers to move into the neighborhoods where they are needed. "The residency requirement is not very effective right now," says Hubert Williams, President of the Police Foundation. "We simply need another approach and police homeownership in high risk or deteriorating neighborhoods is proving to be a successful solution."¹²⁸

6. Modernize police management. Too often, police management practices are outdated and do not work.¹²⁹ Bureaucratic civil service rules and regulations and outdated labor/management models

¹²⁷ Chris Black, "Military's Efforts Produced Achievements and Lessons," *The Boston Globe*, May 25, 1995, p. 25. Says Adam Meyerson, "The U.S. Military provides an excellent model: It has provided extraordinary opportunity for training and advancement to African Americans, in part because it has kept performance standards so high." Adam Meyerson, "Manna 2 Society: The Growth of Black Conservatism," *Policy Review*, No. 68 (Spring 1994), p. 6.

¹²⁸ Cited in Olesky, "A Cop Next Door," p. 9.

¹²⁹ Kelling, "How to Run a Police Department," p. 38. For an excellent series of essays on ways to improve police management, see Larry Hoover, ed., *Police Management: Issues and Perspectives* (Washington D.C.: Police Executive Research Forum, 1992).

impede managerial flexibility and undercut accountability and performance. For example, officers appointed to the detective division should serve on a probationary basis to demonstrate their skills and commitment, just as physicians serve internships. Too often, also, there is little lateral entry into managerial ranks from outside the force. The police force is one of the few organizational cultures in which promotion is almost exclusively through the ranks. Success in the ranks, however, usually depends on responding to incidents, not on strategic planning.¹³⁰ Strategic use of resources, which includes analyzing crime and devising of long-term and short-term solutions, requires an effective planning and research capability to support police management. But less than 1 percent of police budgets are dedicated to research,¹³¹ and planning often is not coordinated effectively with operations leadership. Above all, the command staff should not be political appointees, as, in Pittsburgh, they are.

Sound personnel management is based on clarity of mission, direct accountability of line management and staff to see that goals are met, and reward for performance. While police work is hardly comparable to anything in the private sector, "Police executives must continually review private sector approaches to managing, developing and supporting people, and transport ideas into the public sector where applicable."¹³²

Commissioner Bratton's success in New York City is partially attributable to the clarity of his goals: "I don't want a 2 or 3 percent reduction in crime this year -- I want 15 to 25 percent.' And he got it."¹³³ He also devolved authority downward to police commanders in the field, holding them directly accountable for the maintenance of law and order in their jurisdictions and carefully measuring their success and the success of the officers working under their command: "We gave these first line managers the authority to run their precincts as miniature police departments without a lot of petty interference from headquarters. The best ones rose to this opportunity with enthusiasm and creativity."¹³⁴ Commanders must know their precincts, take personal responsibility for conditions there, and respond quickly and effectively to the needs of the community: "As many private sector organizations have discovered, the further from the point of service delivery, the harder it is to make good decisions without good information."¹³⁵

¹³⁰ Interview with Craig Fraser, November 17, 1994.

¹³¹ Compare this with 15 percent for defense expenditures or, in the private sector, 24 percent in the aircraft industry. Reynolds, *Crime by Choice*, pp. 92-93.

¹³² For example, "Police executives should spend money like it is their own." Berg, "Urban Policing in the 21st Century," p. 41.

¹³³ Kelling, "How to Run a Police Department," p. 40.

¹³⁴ William J. Bratton, "How to Win the War Against Crime," *The New York Times*, April 5, 1996, p. A27.

¹³⁵ Berg, "Urban Policing in the 21st Century," p. 41.

7. Use sound personnel management to combat police corruption. Conventional wisdom holds that if an officer stays too long on one beat, he may become subject to corruption, particularly by organized crime syndicates. Police corruption can be met in two ways: through serious background investigations, particularly investigations into moral character, and through sound management practices that make commanders directly accountable for the integrity, as well as the performance, of their people. Everyone in the department, from the top executives down through the ranks, must accept responsibility for the integrity of the force: "Few actions erode the confidence of the public or of the police in their own department as much as the indifference of command officers to misconduct by their personnel."¹³⁶ In New York City Commissioner Bratton adopted a highly public strategy of going out and personally arresting corrupt policemen, disgracing them by taking their badges from them for violating their oaths.

If commanders have to answer for a breakdown in the system's integrity, they also are more likely to ensure both the periodic background investigation of personnel assigned to sensitive details, such as narcotics or organized crime investigations where the temptations of corruption are higher, and the periodic rotation of personnel in such assignments. Police officials, in effect, should impose "term limits" on assignments to such highly sensitive investigative squads.

8. Target hot spots. Modern techniques for tracking crime give police officials an opportunity to anticipate and intervene quickly and effectively in high crime areas: "By plotting each homicide incident and using sophisticated mapping and statistical clustering procedures, the early crime warning system allows police to identify potential neighborhood crisis areas at high risk for suffering a spurt of gang violence. With rapid dissemination of information, police can intervene in hot spots to quell emerging trouble."¹³⁷ Such intervention also can serve to disrupt the trade in illegal narcotics. "The key to making crackdowns work is to keep them short and unpredictable," advises Professor Lawrence Sherman. "Long-term police crackdowns all show a 'decay' in their deterrent effects over time. Short term crackdowns, in contrast, show a free bonus of residual deterrence after the crackdown stops, while potential offenders slowly figure out that the cops are gone."¹³⁸ In Minneapolis, a controlled experiment in "hot spots" interventions in 1988 and 1989 resulted in a 50 percent decline in disorder, including neighborhood fights and other disturbances.¹³⁹

9. Target the criminal class and their guns. The population engaged in the most serious crime is relatively small, composed generally of serious habitual offenders, often on probation and parole. They should be a routine target of the police. State lawmakers, for example, can enact laws which make all persons on probation and parole subject to "non-consensual" search for guns or other

¹³⁶ Delattre, *Character and Cops*, p. 51.

¹³⁷ Robert J. Sampson, "The Community," in Wilson and Petersilia, *Crime*, p. 208.

¹³⁸ Sherman, "The Police," p. 333.

¹³⁹ *Ibid.*

weapons as a condition of probation or parole.¹⁴⁰ Stopping and frisking such persons, especially in hot spot areas, is an innovative way to combat gun violence.¹⁴¹ Local police officials also can create specialized units that "combine surveillance and sting strategies to catch the offender in the act of crime. The resulting evidence is stronger than arrests made after the fact, thus increasing the odds of the offender being imprisoned."¹⁴² Finally, as Craig Fraser of the Police Executive Research Forum has suggested, state officials should appoint police chiefs to parole and probation panels, giving them a direct role in the official decision to put prisoners back on the streets.

10. Civilianize and privatize administrative and support functions. Too many police officers are tied up with administrative, logistical, and other support duties. Officials should review positions held by police personnel to determine whether the job requires a sworn officer. Where possible, civilians should carry out ancillary administrative functions. Santa Clara, California, for example, established a system of community service officers -- personnel who are not armed and who can conduct traffic accident assistance and investigations, file reports, and serve in school crossing and traffic positions. Community service personnel also can serve as a good pool for recruitment into the regular police ranks. If a function does require supervision by sworn personnel, don't use a commander where a sergeant will suffice.

Local officials also should consider the privatization of ancillary police services. Most police departments, for example, have a large fleet of automobiles that must be maintained; keeping police cruisers in top condition need not require police personnel, but could be contracted out to private bidders. Privatization is a healthy and growing challenge to police management generally: "Venture capitalists are now exploring the concept of policing corporations which provide policing services to contract cities."¹⁴³

11. Reduce the caseloads of detectives. In many urban areas, the caseload for detectives is too high. This problem could be eased by training patrol officers to conduct the early stages of investigations, including the interrogations of witnesses and suspects at or near crime scenes. In order to gain the confidence of detectives on the force, experienced or retired detectives could be used for such training. In the investigation of certain crimes, specially trained officers easily can take over interviewing responsibilities normally reserved for detectives, especially in sensitive areas such as rape or child molestation.¹⁴⁴

¹⁴⁰ James Q. Wilson, "Crime and Public Policy," in Wilson and Petersilia, *Crime*, p. 496.

¹⁴¹ Phillip J. Cook and Mark H. Moore, "Gun Control," in Wilson and Petersilia, *Crime*, p. 293; see also James Q. Wilson, "Just Take Away Criminals' Guns," *The American Enterprise*, Vol. 6, No. 3 (May/June 1995), p. 37.

¹⁴² Sherman, "The Police," p. 341.

¹⁴³ Berg, "Urban Policing in the 21st Century," p. 41.

¹⁴⁴ A RAND Corporation study conducted in the 1970s concluded that the bulk of cases were solved not by follow-up questions by detectives, but by information secured by patrol officers. "The

Careful interviewing and questioning of informants, witnesses, and suspects is the key to resolving difficult cases. Officials therefore should thoroughly debrief retiring detectives before they leave the force to gather as much information as possible about their investigative techniques, experiences, and other tricks of the trade. Retiring detectives also should transmit to police intelligence units, consistent with respect for confidentiality and the sensitivity of the information, the names of good informants, contacts in the underworld, or other crucial sources of information.

12. Improve police compensation. "Bargain basement cops" invariably turn out to be expensive, (and even criminal, as New Orleans learned the hard way) especially in terms of morale and lost public confidence. Policing must be a desirable middle-class occupation. This means regularly reviewing police pay to make sure that it attracts the best candidates to the force. Officials also should consider pay for performance, at least for police managers,¹⁴⁵ as well as bonuses for officers assigned to dangerous or sensitive investigations. Monies secured from "drug busts," for example, could be used not only for drug rehabilitation and treatment, but also for bonuses for police officers temporarily assigned to narcotics investigations, undercover work, or other dangerous assignments. Nor should local officials neglect other forms of compensation: "Educational incentives, patrol bonuses, watch differentials and alternative work schedules are methods to improve the quality of service delivered and the job satisfaction of line personnel."¹⁴⁶

13. Use advanced technology. Modern, time-saving equipment can magnify the effectiveness of well-trained police officers. The concept of "working smarter, not harder" is particularly appropriate to police work and can free up the officer's time to maintain the neighborhood contacts vital to community policing. Lap-top computers can speed up the process of report writing and improve the legibility of field reports, making it unnecessary to write out the same information numerous times in order to complete the crime reports, arrest reports, property reports, witness lists, and other paperwork needed to record police incidents.

Some departments are using innovative electronic information systems to streamline the process of reporting and analysis. In St. Petersburg, Florida, for example, the police are experimenting with electronic docking mechanisms in patrol cars which would allow officers to use computers to receive and transmit information through the police radio system. This would allow all crime incident record keeping processes -- from the original taking of a telephone complaint, through the

implication was that patrol officers should become more actively involved in criminal investigations. The implementation of appropriate training would allow patrol officers to perform some early investigating that could help in timely case closures, thereby reducing the tremendous case loads of detectives and allowing them to devote more time to complex investigations." Bureau of Justice Assistance, *Understanding Community Policing: A Framework for Action*, August 1994, p. 10.

¹⁴⁵ According to a 1994 survey of major American companies, 90 percent used a system of pay for performance. See Samuelson, *The Good Life and Its Discontents*, p. 120.

¹⁴⁶ Berg, "Urban Policing in the 21st Century," p. 40.

patrol officer's response and preliminary investigation, to the follow-up investigation by detectives -- to be automated. The resulting improvements in productivity, timeliness, and accuracy would provide multiple benefits both for the police department itself and for the citizens who rely on its services.

Other advanced electronic devices, such as cellular telephones and facsimile transmission equipment, can enhance patrol officers' ability to communicate while minimizing their time away from the neighborhoods they serve. Automated fingerprint identification systems greatly improve criminal investigations and the apprehension of suspects. Closed-circuit television has many uses, from "line ups" identification to traffic surveillance and physical location security. Advanced simulation technology and computer-generated audio-visual equipment can provide "virtual reality" in police training and increase the accuracy of officer evaluations.

Even though many municipalities may find it difficult to provide funding for the major capital expenditures necessary to obtain such equipment, they should make a special effort in this direction as a way to improve public safety. Special law enforcement bond issues, private sector contributions, or other innovative means of financing could be used. Likewise, if Congress wants to provide federal funds to local law enforcement, it would be far wiser to make those funds available for capital expenditures on technological improvements which provide long-term value¹⁴⁷ instead of simply paying part of the costs of local police operating expenses, which offer only temporary and limited benefits.

WHAT THE FEDERAL GOVERNMENT CAN DO

State and local officials bear the primary responsibility for combatting most crime, especially street crime. Nevertheless, both Congress and the executive branch can play a supporting role. Among the 15,000 law enforcement jurisdictions in the United States, the challenges to law enforcement are as different as the communities they serve. Therefore, any federal assistance should ensure maximum flexibility for state and local officials in fighting crime in their communities. Specifically, Congress should:

- * Block the appointment of federal judges who demonstrate an insensitivity to public safety. The United States Senate has the constitutional responsibility to give its advice and consent to the appointment of federal judicial nominees. A number of liberal judges appointed to the bench have issued creative rulings to advance the rights of criminal suspects, even to the point of embarrassing the Presidents who appointed them. The Senate should scrutinize judicial candidates more carefully, rely more heavily on the formal advice and testimony of police representatives in the confirmation process, and block the appointment of nominees with records of insensitivity to public safety.

- * Review all federal statutes dealing with crime, identify those which impinge on the legitimate authority of local and state law enforcement officials, and repeal them. Currently, there are more

¹⁴⁷ In the 1994 crime bill, there is limited funding for technology, overtime, and equipment in the form of one-year grants.

than 3,000 federal crime laws on the statute books: "Hardly any crime, no matter how local in nature, is beyond the jurisdiction of federal criminal authorities. Federal crimes now range from serious but purely local crimes like carjacking and drug dealing to trivial crimes like disrupting a rodeo."¹⁴⁸ The Clinton Administration's 1994 crime bill added two dozen more federal crimes, duplicating offenses already illegal under state and local statutes. Congress should begin to reverse this counterproductive trend toward the federalization of crime -- a process that has been promoted by representatives of both political parties.

* Reform the exclusionary rule. A "good faith" exception to the exclusionary rule would enable prosecutors to introduce incriminating evidence at trial which has been gathered in good faith but otherwise would be ruled inadmissible because of technical violations of procedure by police officers. A process also should be established to discipline officers who abuse proper procedure. As currently formulated, the exclusionary rule suppresses good evidence, causes good arrests to be thrown out, and contributes to the demoralization of the police. This problem is aggravated by tortured interpretations of the law by liberal judges: "If an officer stops a car without adequate reason and finds the butt of a marijuana cigarette on the floor," for example, "there is little public concern when the offense goes unpunished. But if the officer finds a gun that proves the driver committed a murder, the suppression of the gun may set a killer free and outrage the public. The officer's conduct in both cases is the same, but the consequences to the public vary drastically."¹⁴⁹ A congressionally enacted good faith exception to the exclusionary rule for federal jurisdictions also could encourage state legislatures to enact similar statutes affecting local jurisdictions.

* Review the impact of the *Miranda* ruling. For three decades, police officers have been operating under the U.S. Supreme Court's ruling in *Miranda v. Arizona* requiring officers to inform suspects of their right to remain silent and their right to an attorney. Statements made by suspects can be excluded as evidence if the technical rules are not followed precisely. Congress should revisit this ruling to determine its impact on the ability of prosecutors to achieve justice in criminal cases. Professor Paul G. Cassell of the University of Utah College of Law, for example, argues that *Miranda*, at least as currently enforced, is responsible for thousands of lost criminal cases.¹⁵⁰ Congress should conduct hearings and enact remedies for any deficiencies in the application of *Miranda* rules, including an alternative to the exclusion of valid probative evidence.

* Make federal funding of local law enforcement user friendly. Neither federal programs nor increases in federal anti-crime spending have had much impact in reducing violent crime at the local level, and indications are that President Clinton's multibillion dollar COPS program will follow this pattern. If Congress wants to help state and local officials, it should break away from outdated and

¹⁴⁸ Edwin Meese III and Rhett DeHart, "How Washington Subverts Your Local Sheriff," *Policy Review*, No. 75 (January/February 1996), p. 49.

¹⁴⁹ George Dentes, "Radically Narrow the Exclusionary Rule," *The American Enterprise*, Vol. 6, No. 3 (May/June 1995), p. 43.

¹⁵⁰ Cassell, *Reforming Miranda*, p. ii.

ineffective patterns of federal spending.

Under an innovative proposal by Representative F. James Sensenbrenner (R-WI), for example, 2 percent of the federal personal income tax taken from the residents of each state would be returned to the state to fight crime. These tax rebates would be free of the federal intrusions that accompany categorical grants and would allow state officials to use the money for their specific needs, such as police staffing and equipment, community policing, crime prevention, or prison programs. These rebates would amount to \$55 billion over a five-year period, a steady stream of funding both more flexible and more generous than that contained in the Clinton Administration's crime bill.¹⁵¹ The tax rebate strategy also has the advantage of creating strong incentives for local officials to spend the money wisely, targeting what is necessary rather than what is merely desirable. The reason: Under the Sensenbrenner proposal, state officials also would have the option of giving money back to the taxpayers directly in the form of tax cuts.

* Review D.C. police pay and personnel management practices. Since Congress in the late 1980s and early 1990s contributed directly to the problems of the police in the nation's capital, it should work cooperatively with local officials to make the D.C. police force the national model it once was. This includes reviewing pay and personnel management practices, particularly the recruiting and hiring of police officers. Washington Police Chief Larry Soulsby already has embarked on a comprehensive retraining program for 2,700 officers, nearly 75 percent of the force. This retraining covers everything from ethics and criminal procedures to street tactics and the preparation of police reports, a critical subject since "Unclear or misleading statements in those documents can jeopardize prosecution of criminal cases."¹⁵²

* Pursue an innovative empowerment strategy to revitalize inner-city neighborhoods plagued by crime and disorder. Over the past 40 years, Congress has enacted numerous social programs aimed at crime "prevention," including federal programs for "at risk" and delinquent youth. The General Accounting Office recently identified 131 such overlapping federal programs for "at risk" youth alone, administered by 16 federal agencies at an annual cost of over \$4 billion.¹⁵³

Innovative community policing strategies should be combined with imaginative new social policies. Representatives James Talent (R-MO) and J. C. Watts (R-OK), for example, are sponsoring Saving Our Children: The American Community Renewal Act of 1996 (H.R. 3467). This comprehensive initiative would establish a new federal policy to empower parents and neighborhood organizations, such as black churches and other religious institutions, to educate children trapped in poorly performing inner-city schools, in addition to encouraging faith-based drug and alcohol rehabilitation

¹⁵¹ These estimates are based on projections made in 1994, when Congressman Sensenbrenner first made his proposal.

¹⁵² Sari Horowitz, "Getting Back to Basics," *The Washington Post*, April 1, 1996, p. A12.

¹⁵³ U.S. General Accounting Office, *At Risk and Delinquent Youth: Multiple Federal Programs Raise Efficiency Questions*, GAO/HEHS-96-34, March 1996, pp. 2-3.

and other private social service programs that work.¹⁵⁴ Dr. Richard Freeman of Harvard University has found that black inner-city youth who have religious values are 54 percent less likely to use drugs and 50 percent less likely to engage in criminal activities than those without religious values.¹⁵⁵

One final recommendation applies specifically to the executive branch:

* Improve the sharing of information with state and local officials. In carrying out their constitutional responsibilities to combat interstate and international crime, as well as to control United States borders, federal law enforcement agencies should maximize their coordination and cooperation with state and local police. The Federal Bureau of Investigation in particular can provide valuable technical assistance and training, specialized support in the fields of identification and scientific investigation, and central facilities for the collection and dissemination of statistical data, criminal intelligence, and other relevant information on a national basis.

CONCLUSION

No American family is safe from the threat of crime. In some inner-city neighborhoods, the situation is positively desperate. And with the rising tide of violent juvenile crime, millions of Americans will be locked behind their doors, imprisoned in their own homes in deteriorating neighborhoods. In far too many urban areas, law-abiding citizens cannot go to the store, take a stroll in the park, or even visit friends and relatives without fear of violent assault. These people need the best police protection they can get. It is the job of state and local officials to give it to them.

To do this, they must get serious about the mission of the police and expand their use of the kinds of personnel management principles that can attract and hold first-rate police officers. This includes setting and maintaining high standards for appointment; drawing from every sector of the community; drawing from the military, particularly to broaden minority representation; aggressively targeting both hot spots and the criminal class; anchoring police officers in the community; modernizing police management and privatizing and civilianizing support functions wherever possible; and improving police compensation.

Largely as the result of the types of police reform recommended in this paper, crime is significantly lower in Pittsburgh, as across the nation. Our society is not crime free, but with a respite from levels seen earlier in the decade some people have become complacent. With fear of crime abating somewhat, they forget the terror of threatening streets, and complain about the guardians of law and order. As Robert Hughes has observed, we live in a "culture of complaint," where an uninvolved

¹⁵⁴ "You don't need a computer printout to figure out that kids who do God are less likely to do drugs or turn to crime or get pregnant. In the inner city, churches are often the only institutions that still work." Editorial, "Drugs and God," *The Wall Street Journal*, March 6, 1996.

¹⁵⁵ Cited in Michael Novak, *The New Consensus on Family and Welfare* (Washington, D.C.: American Enterprise Institute, 1987), p. 34.

and sometimes narcissistic populace feels entitled to disrespect the police. Sympathetic community based groups and alliances can and should work together to stand behind the police when they are themselves, inappropriately and unfairly put on trial. Sociologists are still predicting a generation of “super predators,” whose advent will make all citizens rally around their police forces once again.

Congress can play a supportive role in this drama, but not a definitive one. This means repealing federal laws which impede the ability of local police to enforce the law. Specifically, Congress should reformulate the exclusionary rule to allow the inclusion of evidence gathered in good faith by police officers; review the impact of *Miranda* on police criminal investigations; stop the appointment of lenient federal judges; and change the funding formulas for federal financial assistance to the states, replacing the current grant-in-aid system with a more generous tax rebate that allows state and local officials maximum flexibility to combat violent crime. Above all, Congress should turn its attention to halting the spread of such consent decree federal intervention into local law enforcement.