

4F 64 (GENERAL)

COMPTROLLER
FILE NUMBER 279625

~~RECEIVED~~

PETITION

OF

SEIZE TIME FOR OPPRESSED PEOPLE (STOP)
FOR ESTABLISHMENT OF A CITIZEN'S REVIEW
BOARD TO REVIEW POLICE MISCONDUCT COM-
PLAINTS, ETC.

8/5/74 SPD, SCPAC, LADPO, Seattle Chamber of Commerce
8/20/74 Hold Under Advisement
12-10-74 Place On File (PS & H)

FILED AUGUST 1, 1974

C. G. ERLANDSON
COMPTROLLER AND CITY CLERK

BY J. F. Fenton DEPUTY

ACTION OF THE COUNCIL

| | |
|----------------|----------------------|
| REFERRED | TO |
| AUGUST 5, 1974 | PUB. SAFETY & HEALTH |
| REFERRED | TO |
| REFERRED | TO |
| REPORTED | DISPOSITION |
| DEC 16 1974 | ON FILE |
| RE-REFERRED | TO |
| REPORTED | DISPOSITION |

REPORT OF COMMITTEE

Mr. President:

PUB. SAFETY & HEALTH

Your

Committee

to which was referred the within PETITION

would respectfully report that we have considered the same and respectfully recommend that

THE SAME BE PLACED ON FILE

CHAIRMAN

CHAIRMAN

December 13, 1974

Ms. Adriane Ninaud, Chairperson
Seize Time for Oppressed People (STOP)
3724 - 38th Avenue South
Seattle, Washington 98144

Dear Ms. Ninaud:

Pursuant to our December 3, 1974 discussion, I recommended on December 10, 1974 that the Public Safety and Health Committee deny STOP's petition for the establishment of a civilian review board. My recommendation was based primarily on the following:

- (1) The City Council recently selected a new Police Chief. During the confirmation proceedings, Chief Hanson indicated he would review the Police Department's discipline procedures and develop revisions to improve public credibility in the process. Chief Hanson should be given time to implement his program.
- (2) The 1975 Police Guild contract contains some improvements in police discipline procedures. A civilian non-voting observer has been added to the Disciplinary Review Panel. The civilian observer will certify to the Mayor in writing whether citizen complaints receive a full, fair and impartial hearing, and may request the Chief of Police, in writing, to review the decision of the Panel. Although the changes adopted in the 1975 contract are not as extensive as those requested by STOP, the new procedures represent a significant improvement. Time should be granted to allow the 1975 revised procedure to function.
- (3) During the 1975 Budget process, some of us on the City Council funded the Ombudsman with the understanding that he would review civilian complaints about the police discipline process in an effort to improve public credibility in the process and insure fair and impartial hearings.
- (4) Civilian Review Boards have not been successfully implemented anywhere in the country. In my opinion, there is no reason at this time to believe that Seattle would have any better luck with this concept.

Ms. Adriane Ninaud

Page Two

December 13, 1974

The action of the Public Safety and Health Committee was to adopt unanimously my recommendation denying STOP's petition. The matter will be before the entire Council for decision on Monday, December 16, 1974.

While I disagree with the concept of a civilian review board for the City of Seattle, I continue to share your concern that the Police discipline process be open, fair, and credible. I will continue to work with the Mayor's Office, the Police Chief, the Ombudsman, and through the City's contract negotiations with the Seattle Police Officers Guild, to improve Seattle's police discipline process.

We appreciate STOP's input on the issue of police discipline. If you have any questions, please contact Duane Woods, my Assistant, at 583-2359.

Respectfully yours,

RANDY REVELLE, Chairman
Public Safety and Health Committee

RR:sb

cc: Mayor Wes Uhlman
Members, Seattle City Council
Robert L. Hanson, Chief of Police
Director, Law and Justice Planning Office
Paul Meyer, Ombudsman
John Sullivan, President, Seattle Police Officers Guild

SEIZE THE TIME FOR OPPRESSED PEOPLE
1726 16TH AVENUE
SEATTLE, WASHINGTON 98122

NOV 26 1974 REC'D

NOVEMBER 22, 1974

DEAR COUNCILMEMBER REVELLE,

ENCLOSED IS A COPY OF A LETTER WE SENT TO ALL THE EDITORS OF THE LOCAL NEWSPAPERS CONCERNING THE REYNOR ROLLER CASE AND ITS DISPOSITION. COPIES WERE ALSO SENT TO MAYOR UHLMAN, POLICE CHIEF ROBERT HANSON, AND SENATORS WARREN MAGNUSON AND HENRY JACKSON.

WE THINK THIS CASE IS A CLEAR INDICATION OF THE NEED FOR A CITIZENS' REVIEW BOARD IN THIS CITY. WE CANNOT ALLOW THIS SORT OF CRIME TO CONTINUE.

WE'RE PAYING FOR PUBLIC SERVANTS, NOT GUN-HAPPY COPS BEHAVING LIKE ACTORS IN A 1930'S GANGSTER FILM. WE NEED A RESPONSIBLE POLICE DISCIPLINARY PROCESS, NOT A POLICE CHIEF WHO GIVES A 10 DAY SUSPENSION TO A MAN WHO HAS JUST SHOT AN AUTO-THEFT SUSPECT IN THE BACK.

WE WANT TO KNOW WHAT IS GOING TO BE DONE ABOUT THIS CASE, AND THE UNLIMITED POLICE POWER IT IS SYMPTOMATIC OF.

WE WILL BE LOOKING FORWARD TO OUR DECEMBER 3RD MEETING WITH YOU.

SINCERELY,

Sam Deaderick

SAM DEADERICK
FOR S.T.O.P.

SEIZE THE TIME FOR OPPRESSED PEOPLE
1726 16th Avenue Seattle, Washington 98122
725-8440

To the editor;

November 21, 1974

On November 14th, Seattle Police Officer Reyner Roller shot a 19 year old black man in the back. The man was an auto-theft suspect fleeing from the officer. On Tuesday, November 19, the Police firearms review board opened a closed hearing into the matter. A black civilian observer, Fred Maxie, deputy King County Ombudsman was allowed to observe the proceedings--after a demand was made by 25 members of the black community. Now, Thursday, November 21, Police Chief Robert Hanson announces that Roller will receive a 10 day suspension and retraining.

Now, we all read about this in the newspapers during the last week; it raises once again some crucial issues in the relationship of the police to the community they serve.

First of all, as an organization concerned about the rising incidences of Police brutality, Seize the Time for Oppressed People is outraged that a police officer could cold-bloodedly shoot an auto-theft suspect--shoot to kill, you don't warn someone with a bullet in the lower back. One wonders if the incident would have occurred at all in a different part of the city, or if the suspect had been white. This happens just as the SPD tells us it intends to begin using "dum-dum" bullets; the victim is still alive, he would undoubtedly be dead if a dum-dum bullet had been used. The police claim they need them, a regular bullet won't "stop" a suspect.

Secondly, there is the matter of a closed internal investigation. To the police, the incident is embarrassing, damaging to their public relations. I'm sure they'd claim the hearing must be closed to maintain rationality, to avoid its degeneration into emotionalism; but to the community it is a very emotional matter and rightfully so. A member of the community has been shot in the back, simply on suspicion of a crime that the SPD admits is not an "inherently dangerous felony." How are we to be guaranteed we won't be next, for what reason, with nothing more than suspicion as justification? And how can we expect any kind of fair hearing, if we use this one as an example? The Police doors were closed awfully quickly, with only token "observers" slipping in, and only through community pressure at that. Hanson even soiled that small, almost meaningless concession by stating that the presence of those observers did not set any kind of "precedent" for future observers. We can't even hope for that.

There's a rank odor wafting from the Public "Safety" Building, and it's not just emanating from the lower floors. The bad smell comes from our secretive "public" servants, comes from the atmosphere of an exclusive men's club that is our police department, comes from their saving face at the expense of justice while a wounded victim lies in the hospital, under arrest, and his assailant is suspended from the force for 10 days. And worst of all, it comes from the smugness of the men who have the power to shoot us without being accountable to anyone but themselves.

In August, Seize the Time for Oppressed People submitted a proposed ordinance to establish a citizen's review board for the Police Department, in order to effect justice in situations such as this. The ordinance was received politely and immediately dismissed, due to police pressure. It became a bargaining tool during the Police Guild contract negotiations, and a threat to the police.

SEIZE THE TIME FOR OPPRESSED PEOPLE
1726 16th Avenue Seattle, Washington 98122
725-8440

To the editor:

November 21, 1974

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In August, Seize the Time for Oppressed People submitted a proposed ordinance to establish a citizen's review board for the Police Department, in order to effect justice in situations such as this. The ordinance was received politely and immediately dismissed, due to police pressure. It became a bargaining tool during the Police Guild contract negotiations---as a threat used to further

a few political careers. We can see why it's still in limbo. If it had been adopted, and it still can and should, the outcome of this matter would have been decided by civilians instead of a panel of police "experts", decided by people who were concerned with justice rather than public relations. Where is it?

S.T.O.P. demands the reconsideration of this ordinance, and that the Reynor Roller case be heard before a civilian board. In addition, we call on all people truly concerned about unlimited police power to limit that power and put control of public servants into public hands. This kind of disgusting incident must stop--the police clearly won't do it--we're the only ones who can.

Sam Deaderick

for S.T.O.P.

AUG 23 1974 REC'D

12301 - 33 Ave. N. E., #205
Seattle, Washington 98125
August 22, 1974

Mr. Randy Revelle
Seattle City Councilman
1106 Seattle Municipal Bldg.
600 Fourth Avenue
Seattle, Washington 98104

Dear Mr. Revelle:

I have previously written to you stating my protests regarding the formation of a Civilian Review Board for the Police Department. I wish to thank you for your reply to that letter and the fact sheets you enclosed regarding your statement to the Seattle Police Officers Management Association.

I was able to attend the hearing which was held in the City Council Chambers as requested by the S.T.O.P. organization on August 20th. I certainly appreciate the hard work put forth by you and other members of your committee as it is no easy task to listen objectively to all the viewpoints presented at such a meeting.

After listening carefully to the views presented, I fail to see how a Civilian Review Board could help solve the grievances as presented by S.T.O.P. True, they have problems and grievances as we all do, that need to be solved, but the solutions to those problems would be found elsewhere. In many of the cases where the eyewitness reports seem to indicate Police Brutality, they really do not have the complete picture since they have no way of knowing what prompted the action they witnessed.

I feel the Police Department should be operated in the same manner as a private enterprise business when discipline is involved. If an employee fails to do his work in a satisfactory manner, his superior reprimands him -- not an outsider. Their chief complaint was the fact that they are members of a minority group but revolutionary action, demonstrations and additional government intervention do not solve these problems, only add to them.

Keep up your good work!!

Sincerely yours,

Mrs. Esther Anderson

Mrs. Esther Anderson

To: Members of
Public Safety &
Health Committee
1106 - Municipal Bldg.



R. A. Chisholm
P. O. BOX 1372
SEATTLE, WASH. 98102

AUG 2 1974 REC'D

Dear Sirs:

Having been unable to attend the recent hearing regarding a Police Disciplinary Review Board, I find it necessary to submit the following experience for record.

It has been my profound opinion that the Internal Investigation Dept. as it now functions happens to be about the most Bias Provocative, one-sided vehicle imaginable for the screening & interrogation of Police officers accused of wrongdoing by citizens filing complaints with that Department.

During previous cases, the investigating officers made excuses for their fellow officers, gave false information and covered up or "white washed" the entire incident. I have on file several cases which I can vouch to the fact that the I. I. D. is sorely inadequate to either properly investigate without secret Police involved only, and properly discipline any offending

(2).

Officers.

Excuses for an offending Officer were many, such as: "well perhaps the Officer had a fight with his wife" - or "maybe the Officer was tired and had a hard day."

I get tired after a hard day too, but if I make the error of violating a traffic ordinance I pay my ticket thru City Hall, and I can't use excuse, the officer is right there with his ticket book.

Enclosed herewith please find copies of letter written to the Seattle P-D which was published in answer to the Editorial of May 6, 1974 entitled "Public Confidence".

This editorial summarizes very well the problem that now exists between the Public and the Police Department, and a form of Civilian Police Review Board is recognized by the Seattle Police Officers' Guild President John Sullivan as the solution in order to maintain Public's faith in its Police

(3).

Department "

Should any of the members on this Committee desire to review my files on the "battle" I've had with the I. L. D. and my findings of a truly one-sided bias, organization, please feel free to arrange for an appointment.

Most Sincerely
Mrs. R. Chisholm

P. O. Box 1372

Seattle, Wa. 98102

phone Ea. 3-3839

COPY OF LETTER TO
SEATTLE P-I VOICE & THE
PEOPLE

P.O. Box 1372

SEATTLE WASH.

98102

May 6, 1974

Seattle P-I Intelligence
Voice of the People Editor
521 - Wall St
Seattle Wn. 98121
Dear Editor:

The P-I Editorial "Public Confidence" (May 6 '74) regarding Citizen Review of Police disciplinary action is as "water falling on parched ground". As John Sullivan, Police Officers Guild President stated, "We can't function if we don't have the support of the community - I want the Public to be lined in, us" nothing could be truer.

But how can this be achieved while there is a bias organization within the Police Dept. not unlike a Star Chamber, secretive, partial and one-sided known as the I.D.D. (Internal Investigation Department)

A recent P-I article likened its function of investigations to "Policing the Police". A good question might be, who polices the I.D.D.? As far as can be remembered, no one.

For many years various groups of civic leaders, and Citizen Groups have stressed the need for a creation of a Citizens Review

(2)
board to investigate and punish
if necessary, police men for
infractions of Police Regulations and/or
misconduct, or unprofessionalism.

Unless there be discipline for officers
who violate Police Regulations, there can
be no Positive Community Relations re-
sulting, and the I.D.D. with its de-
fensive, bias, Police-indoctrinated officer-
investigators is sorely inadequate
to serve the best interests of the
Citizen.

Groups such as the National Assoc.
of Chiefs of Police, the Seattle Crime
Prevention Advisory Commission, the
Seattle Human Rights Commission,
and the Public Defender Program
to name a few have favored some
form of Civilian Police Review
Procedure.

As the present system stands, there
^{appears to be} ~~there~~ no avenues of appeal open
for Citizens dissatisfied with the
results of the I.D.D. other than
possibly the Courts.

~~It is~~ ^{THE I.D.D.} stopped by police officers, many
if not all who have worked the beat

and know all the angles of defensive talking. One, visiting the Department to file a complaint against an offending officer quickly senses an air of "discrepancy", that it is surrounded in a cloak of secrecy. He files his complaint and is told he would be notified (by mail, or whatever) of the results of the investigation.

Days later the report comes in, ~~and~~ "allegations not sustained" and "more than not unfounded. That's it!"

What went on behind the walls in secret, God knows.

In Defense of his "brothers" in law enforcement, I was told by one investigator "well perhaps the officer was tired and had a hard day" or, "maybe he had a fight with his wife," etc. When told this was not an excuse for violating regulations, he stated, "You'd stick up for your buddies too wouldn't you?"

With a system going like this, is there any wonder why the Public becomes disenchanted when decisions involving a complaint made by a citizen against a police —

man are resolved by police
men in SECRET?

The absence of any disciplinary action only contributes to the hostility and alienation between citizens and the Police Department R.A.C.

Sincerely -

R.A. Wilson

NOTE. Please use initials only, if you please
Thank you -

SEIZE THE TIME FOR OPPRESSED PEOPLE
3321 37TH AVE. S.

725-8440, 329-1347, 725-1224

SEP 3 1974 REC'D

AUGUST 30, 1974

TO COUNCIL MEMBER RANDY REVELLE,

AT THE RECENT PUBLIC HEARING WHERE SEIZE THE TIME FOR OPPRESSED PEOPLE PRESENTED THE CITIZENS' REVIEW BOARD ORDINANCE TO YOUR COMMITTEE, THE POLICE DEPARTMENT MADE A STATEMENT CONSISTING OF ALLEGATIONS THAT THE ORDINANCE WAS UNCONSTITUTIONAL, ILLEGAL, CONTRARY TO THE CITY CHARTER, ETC.

WE FEEL THAT IT IS IMPORTANT FOR YOU TO KNOW DURING YOUR CONSIDERATIONS OF THE ORDINANCE THAT THESE ALLEGATIONS WERE FALSE AND/OR DISTORTED.

WE ARE PRESENTLY WORKING, WITH OUR LEGAL COUNSEL, ON RESEARCHING THESE POINTS AND AS SOON AS WE HAVE IT PREPARED WE'LL SEND YOU A WRITTEN CRITICISM AND CLARIFICATION OF THESE ISSUES.

AS YOU KNOW, WE ARE VERY SERIOUS ABOUT GETTING THIS ORDINANCE THROUGH AND WE KNOW YOU WILL APPRECIATE OUR UNCOVERING OF THE FACTS.

THANK YOU,

Sam Deaderick

SAM DEADERICK
FOR S.T.O.P.

Poth & Associates, Inc.

JERROLD R. POTH, President W. A. PRIMROSE, Director - U. S. Secret Service - retired

Professional Investigators

AUG 22 1974 REC'D



*Police
Reception*

August 21, 1974

Mr. Randy Revelle
Councilman
Seattle City Council
1106 Seattle Municipal Building
Seattle, Washington 98104

RE: Licensing

Dear Randy:

Thank you very much for advising me of the hearing on August 20, 1974, concerning the STOP proposal. Inasmuch as both the general public and the City of Seattle are equally concerned about the manner in which complaints against the Police are handled, I would like to submit the following recommendation for your consideration:

I would recommend that a private agency be contracted by the city to conduct investigations of complaints against the police. Said such a private firm with sufficient former law enforcement experience could not only adequately represent the citizens of the City of Seattle, but would have the expertise to understand the laws regulating the actions of law enforcement authorities. In such a manner, not only could objective investigations be conducted, but they would be done in a professional manner as well.

Please find enclosed a brochure concerning Poth & Associates, Inc. I hope that we might continue to be of service to the City of Seattle.

Very truly yours,

POTH & ASSOCIATES, INC.

Jerrold R. Poth
President

JRP/jb

Ready to serve you anywhere in the world
(206) 323-7020

TOUCHE ROSS & CO.

THE FINANCIAL CENTER
SEATTLE, WASHINGTON 98161

August 16, 1974

AUG 19 1974 REC'D

Mr. Randy Revelle
City Councilman
1106 Seattle Municipal Building
Seattle, Washington 98104

Dear Randy:

It will not be possible for me to attend the hearing scheduled for August 20, 1974 at 7:30 p.m. regarding the City's policy and procedure for handling complaints against the police department. I have read over the material proposed by "STOP" and must confess I am aghast at their proposal.

It is hard for me to accept the fact that crime is increasing at a horrendous rate and yet certain individuals feel they are being unduly harassed by the police department. There obviously is a fine sense of balance that takes place in this regard but I do not believe we are going to get at the root of the real problem by putting another group of people in a position to prejudice the operation of the police department.

Too often people criticizing police action have no respect for the policeman's natural reaction for self-preservation. I am sure no one can identify the types of crimes taking place today as being the cause of a too aggressive police department.

Sincerely,

Jerry

G. E. Gorans/cb

National Headquarters:
San Francisco, CA 94115

off. file

REGIONAL OFFICES:
Chicago, Illinois
Fresno, California
Los Angeles, California
Portland, Oregon
Salt Lake City, Utah
San Francisco, California
Washington, D.C.

Japanese American Citizens League

Seattle Chapter
526 SOUTH JACKSON, SEATTLE, WASHINGTON 98104

August 19, 1974

Randy Ravelle, City Councilman
City of Seattle
Municipal Building
Seattle, Washington 98104

AUG 23 1974 REC'D

Dear Councilman Ravelle:

The Seattle Chapter, Japanese American Citizens League supports the establishing of a Citizens Review Board to investigate and report on charges involving alleged police brutality.

Too often the public and the citizens of Seattle are not given an accurate and full report on police operations when charges of police brutality are involved. A Citizens Review Board charged with the responsibility for making a complete and accurate investigation with a report available to the public will insure that valid procedures are being followed and that the citizens will be given factual information. The Japanese American Citizens League is interested in advocating fair and equal application of the city's laws, ordinances and regulations but in turn feel that those exercising authority must also function with the citizens' rights in mind.

In order that a Police Review Board may operate effectively and with credit, it must be composed of a cross-section of all the people living in Seattle, including members of racial and minority groups. This would eliminate bias and discrimination toward minorities based on color, race, sex, religion, etc.

Thank you for your interest and consideration in this matter.

Very sincerely,

Samuel T. Shoji
SAMUEL T. SHOJI
Chapter President

cc: Ms. Carol Bishop



SEATTLE CITY COUNCIL

MEMORANDUM

DATE: August 21, 1974

TO: Adriane Minaud, Chairperson
Seize Time for Oppressed People

FROM: Duane Woods, Clerk
Public Safety and Health Committee

SUBJECT: STOP's Petition for a Civilian Review Board

Enclosed are copies of all materials received by the Public Safety and Health Committee on your petition for a civilian review board.

If you have any questions about the Committee's action on your proposal, please contact me at 583-2359.

DW/y

File/Bill: CF 279625

Page 1

Date: August 20, 1979

Issue: Police Discipline

Agenda Item: 8

ROSTER OF SPEAKERS FOR PUBLIC HEARING

| NAME | ORGANIZATION | ADDRESS | PHONE | PRO | CON |
|------------------------|--|-------------------------------|-----------|-----|-----|
| ✓ LAUREN SELDEN* | ACLU | 2101 Smith Tower | 624-2180 | X | X |
| ✓ LOREN NELSON | INDIVIDUAL | 7328-19TH NE CITY | 522-7589 | | X |
| ✓ Judith Freil | Radical Women | Freeway Hall | 632-7449 | X | |
| ✓ Jessie Parks | Action Children's Coalition | 1921-14th Ave #202 | 329-2895 | X | |
| ✓ Dolores Chelover | Individual | 403-110th E. (C) | N/A | X | |
| ✓ Dr. Paul F. Jennings | Greater Seattle Support Your Local Police Committee | P.O. Box 1991 / Seattle 98111 | MM3-4674 | | X |
| ✓ Adrienne Newmark | S.T.O.P. | 3724-38th So. | | X | |
| ✓ Church Strasser | Cape Patrol | | | X | |
| ✓ Helen Martin | Freedom Socialist Party | 3321-37th So. | | X | |
| ✓ Joseph A. Brown | Seattle Council on Property Owners | 1720-16th Ave | EA9-8737 | X | |
| ✓ Mildred Larson | Proteccion Ass'n. | 203 7th Republican | AT 4-5155 | | X |
| ✓ JOANNE McPherson | FEAR Electric Co. | 168 Western (W) | 222-2511 | | X |
| ✓ Gary Johnson | Socialist Workers Party | 5623 Univ. Way | 522-7800 | X | |
| ✓ David North | Gay Community Cntr. | 1726 16th Ave. | EA2-2000 | X | |

File/Bill: CF 279625 Page 2

Issue: Police Discipline

Agenda Item: 8

Date: August 20, 1974

ROSTER OF SPEAKERS FOR PUBLIC HEARING

| NAME | ORGANIZATION | ADDRESS | PHONE | PRO | CON |
|--------------------|-------------------------------|-----------------------|-----------|------|-----|
| ✓ John M. Donald | None | 8804 Ravenna NE | 525-1819 | | ✓ |
| ✓ Jessie M. Connor | None | 1502 NE 105 | LA 26826 | | ✓ |
| ✓ Dorothy Dixon | None | 1735 N.E. 105 | 523-5589 | | ✓ |
| ✓ Leathel Anderson | None | 12301-33 N.E. | 365-6611 | | ✓ |
| ✓ Dennis Falk | None | 10710 Victory Lane NE | 365-2249 | | ✓ |
| ✓ Fred L. Maxie * | Ombudsman's Off | Rm 217 Cant Hse | 344-3452 | X | |
| ✓ Sheila Bayne | Feminist Coordinating Council | 6400 Brooklyn NE | 525-0985 | X | |
| ✓ Glenn Young | Cascade Community Council | 224 minor Ave N. | 622-6684 | X | |
| ✓ LAURIE MORTON | S.T.O.P. | 1302 1/2 31st S | | X | |
| ✓ SAM DEADERICK | SEATTLE GAY LIBERATION | 1726 10th AVE | EA 2-2000 | X | |
| ✓ ELMER DIXON | BLACK PANTHER PARTY | 169-19th AVE | EA 3-1800 | X | |
| ✓ Teresa WILLIAMS | None | 1816 Boylston Ave | — | X | |
| ✓ Robin Guenakka * | Self | 1048 S. Donovan | RO 2-3848 | X | |
| ✓ Gary T. Way * | American Friends Comm Service | 814 NE 40th | 632-0500 | ✓ | |
| ✓ Terry Allen | United Workers Union | 605 W. Roy | 284-4199 | X | |
| ✓ BEN NAKASAWA * | JAPANESE-AMER CIT. League | 4347-13th Ave SE | RO 27824 | at X | |

See Hc Chapter

Date: 8/20/74

File/Bill: 279625
 Issue: Police Disruptions
 Agenda Item: 8

ROSTER OF SPEAKERS FOR PUBLIC HEARING

| NAME | ORGANIZATION | ADDRESS | PHONE | PRO | CON |
|---|---------------------------------------|---------------------|----------|-----------|-----|
| Megan Cornish | - S.T.O.P. - | 2940-36th Ave. S. | PA5-0471 | X | |
| Craig Rhyme | Students for Responsible Expression - | U.W. Seattle | 485-4100 | | X |
| Ross Radley | * self | 3458 6th Ave. W. | 284-7805 | X | |
| Natley King | - S.T.O.R. - | 202 S. 182nd | 942-8999 | | |
| Shirley Jeffers | self | 1619 E. John | 325-0244 | mentioned | |
| Kou MARRS | SELF | 1151- N. 41st | 525-4093 | X | |
| Francisland | any / R.W. | 1931 E. Colburn St. | EAS-9481 | X | |
| Marguerite Elton | SELF / R.W. | 526 Melrose Ave E. | EAS-8495 | X | |
| (Committee on Civil Rights) | | | | | |
| (Young Lawyers Section) | | | | | |
| (Seattle-King County Bar Association) | | | | | |
| Accountability | | | | | |
| Citizen Report | | | | | |

Members of the Public Safety Committee, Ladies and Gentlemen.

Your police officers live in the same community you do. They have children going to the same schools you do. They have sons, daughters, aunts, uncles, nieces, cousins, grand children, and other relatives and they also live in your community. The Police officer owns property and many times businesses in your community. Police officers are active in community affairs by being members of civic clubs and organizations. Police officers have the respect of their neighbors because of their active community service and their active participation in the local schools and community affairs.

The Job of the Police Officer is to protect life and property and thus Your Local Police are the authoritative symbol of law and order for your community. Your Police Officer dislikes criminals and the various types of crime and to name a few; Murder, Assault, Rape, Robbery, Auto Theft, Burglary, Fraud, Larceny. Your Police Officer has been hired by you the tax payers to protect you and your property. When an offense has happened then your Police Officer is obligated to apprehend the offender and place such offender either in jail or cite the offender using a citation for minor infractions such as petty larceny. If the judge lets the criminal back on the street to participate and commit more crimes then the public should take a good look at the Judges. Guess What? Your local citizens "THE TAXPAYERS" also dislike Murder, Assault, Rape, Robbery, Auto Theft, Burglary, Fraud, Larceny. The citizens and the police officers who are also citizens of this same community have the same likes and dislikes. We all live in the same community and that community is the majority of the population of this city.

Lets take a look at the few people that are asking for a Civilian Review Board. Most likely they very seldom own property thus they pay no property tax which covers schools, city and county streets, port commission, and other obligations in the community. By not owning property they have no real roots in the community. Most likely they very seldom operate or own any businesses in your community thus they do not contribute any taxes again. THEY CAN DO THEIR DAMAGE TO YOUR COMMUNITY AND

THEN MOVE ON TO THEIR NEXT VICTIM. Most of these people who want Police Civilian Review Boards are ripping the tax payer off by receiving a subsidised income via Food Stamps, Welfare, and other forms of assistance. This type of government assistance is money that has been removed from the hard working American citizen and given to these loafers on a spoon that is operated by and controlled by the government bureaucrats. These people who want a Police Civilian Review Board think that the hard working tax payer owes them these hand outs. I say its time they go to work and get up off their bottoms and quit stealing from the tax payer by using soft headed politicians and start contributing some respectability to the community rather than creating problems and hasseling your police officers.

You must concern yourself with the reasons why these persons conduct such a hate campaign against your fellow citizens. I don't need to tell you the different classification these people fall in. All you need to do is look at them and their speaking and actions will convince you that they are attempting to rip the tax payer off any way they can.

I will give each of you a copy of this and there are some attachments. Please read the recommended reading and you will become fully aware that there is a strong movement to paralyze the Police through the use of Civilian Review Boards.

POLICEMENT (attached pamphlet)

THE COMMUNIST ATTACK ON U.S. POLICE

by W. Cleon Skousen

L.E.A.A. GRABS FOR CONTROL (attached pamphlet)

PLANS FOR A NATIONAL POLICE FORCE

by Alan Stang (American Opinion, February 1974)

Thank you for your time.

MR. DENNIS FALK
10710 VICTORY LANE N.E.
SEATTLE, WASHINGTON 98125
365-2249

David Smith:

Facts and figures on crime

FOR those who like statistics, here are a few that may arouse interest, anger, fright or encouragement. They are from the Seattle Police Department's 1973 Statistical Report.

They show, for instance, that the two most unsafe areas in town are the central business district and the University District. Those two areas had more "Part 1" offenses than any other parts of the city. Part 1 offenses include murder, rape, robbery, assault, larceny, burglary and auto theft.

Next most dangerous areas are much of Rainier Valley, Ballard, Greenwood and the residential areas adjacent to the central business district, including Capitol Hill.

The safest parts of Seattle? Most of the Northeast, Magnolia, much of the extreme Northwest, and the extreme Southwest.

THE STATISTICS ALSO show that firearms are not necessarily an integral part of crime. Of all robberies reported in 1973, weapons were involved in 921 of them (that includes knives, clubs and other weapons), but 781 were strongarm and were committed without weapons. Of 880 aggravated assaults, only 185 of them involved firearms.

The figures seem to show that age has a bearing on crime. Looking at adult arrests—those involving people 18 or older—the majority of arrests for rape, illegally

carrying weapons and aggravated assaults were of people between 25 and 34.

Most arrests for drunkenness and drunken driving were people 25 to 60, not younger people.

A large number of the arrests in the 16-to-24 age group were for crimes involving theft and narcotics and drug offenses.

THE POLICE MADE 8,548 arrests for drunkenness last year, 668 of them women.

On the other hand, police arrested 345 women on prostitution and related charges, but only 105 men.

How effective are police in solving crimes? The statistics say that in 1973 police solved 70 per cent of the city's murders and 61 per cent of aggravated assaults. But they solved only 42 per cent of rape cases, 39 per cent of larceny cases, 26 per cent of robbery cases, 14 per cent of auto thefts and only 12 per cent of the burglaries.

The statistics also show that since 1968, rape is up 65 per cent, aggravated assault is up 12 per cent, burglary is up 30 per cent, purse-snatching is up 70 per cent, and shoplifting is up 128 per cent.

On the other hand, thefts of bicycles are down 21 per cent, auto theft is down slightly, and robbery is down about 25 per cent.

THERE WERE 46,274 murders, rapes, robberies, aggravated assaults, burglaries, thefts and larcenies, and auto thefts in Seattle in 1973, up 10 per cent from the year before.

That's a lot to digest, but it is only a tiny part of the total report. What does it all mean? Here's what the foreword to the report says:

"All indications are that crime is on the increase, nationally and locally. With the extreme budget deficit and possibility of layoffs, the men and women of the Police Department will be hard pressed, even with increased productivity, to hold the level of crime within a modest increase in Seattle in 1974."

THAT MAY TURN OUT to be prophetic. Through the first half of this year, major crime was up 9 per cent over the first half of 1973.

Which means that when the 1974 Statistical Report comes out, there will be less encouragement and more to anger and frighten some people.



MR. DENNIS FALK
10710 VICTORY LANE N.E.
SEATTLE, WASHINGTON 98125
365-2249

ACTION CHILDCARE COALITION

2718 Franklin Ave. E #A, Seattle 98102

STATEMENT OF SUPPORT

Action Childcare Coalition is founded on the belief that the care and raising of children is a social, not a private responsibility. The Coalition's program is built on the rights and needs of the most oppressed: women, minorities, and sexual minorities. We affirm that it is the right of all people for equal and humane treatment under the law.

Action Childcare Coalition supports the passage of the STOP Ordinance for a Citizen's Review Board because it is necessary that civil control and police brutality be dealt with in an objective and unbiased manner.

We draw your attention specifically to Sec. IV of the ordinance, entitled: Composition and Qualifications. In this section, the seven members of the Review Board would be composed of, and therefore representative of, women and minorities. The majority of complaints of police brutality come from women and minorities. Therefore, the composition of the Citizen's Review Board would insure any person coming before the Review Board a fair hearing.

It is necessary to create controls over public agencies to safeguard the rights of all peoples. A Citizen's Review Board would effectively do this. Action Childcare Coalition urges the adoption of the Ordinance for a Citizen's Review Board.

FEMINIST COORDINATING COUNCIL

To: Seattle City Council

Re: Citizens' Review Board

The Feminist Coordinating Council supports STOP's ordinance establishing a Citizens' Review Board, because we as feminists recognize that women have been relegated to a position of powerlessness in society, and need the kind of protection that a Citizens' Review Board would provide.

As many of you know, the FCC is also sponsoring an ordinance; ours deals with crimes of violence against women, including rape and domestic assault. We have lobbied the City Council extensively with regard to this ordinance, but so far we have not been granted so much as a hearing. It is significant that the incident which led us to develop our ordinance was a case involving police brutality. A police officer charged with rape and convicted of third degree assault was allowed to return to his job on the police force. As far as we know he is still working in the police department. We wonder whether such an offender would have been returned to the force if his case had been reviewed by a group of representative citizens.

In presenting the FCC ordinance to the public and to the City Council, we have consistently raised some of the same issues dealt with by STOP. We have demanded that police stop their campaign of harassment and entrapment against prostitutes and homosexuals, and start protecting women from rape and domestic assault.

It is no coincidence that these two ordinances have arisen almost simultaneously. They come before you in response to the growing problem of violence in Seattle and throughout the country, which faces women and minorities with particular intensity. The heightened consciousness of these groups regarding the problem of violence and the interconnections of the struggles for women's rights, racial equality, and civil rights for all leads to our demands for comprehensive solutions to the problem of rampant violence.

The FCC is tired of waiting for the police to stop brutalizing racial minorities, homosexuals, and prostitutes, and start protecting all of us from rape and other violent attacks. We urge the adoption of the STOP ordinance for a Citizens' Review Board, and we demand the the City Council grant us a hearing on our ordinance establishing a Commission on Crimes Against Women.

This statement was approved by the following member organizations and individuals in the Feminist Coordinating Council:

Action Childcare Coalition
Campus Radical Women
Freedom Socialist Party
Radical Women
United Workers Union--Independent
Unitarian Feminist Alliance

Seattle Counseling Service
U of W Law School Women's Caucus
Carol Riddell, Independent
Sheila Bayne, FCC Coordinator
ASUW Women's Commission

September 12, 1973

PETITION

WE THE UNDERSIGNED CITIZENS OF SEATTLE, WASHINGTON, PETITION THE MAYOR AND THE CITY COUNCIL OF SEATTLE TO TAKE ACTION TO STOP THE PHYSICAL AND PSYCHOLOGICAL HARASSMENT, INTIMIDATION AND BRUTALITY OF THE SEATTLE POLICE TOWARD RACIAL AND SEXUAL MINORITIES, WOMEN, POLITICAL ACTIVISTS, THE POOR, AND WORKING PEOPLE.

We demand that Police Chief Tielsch be fired, that the Seattle policeman who raped a woman in January, 1973 be dishonorably dismissed from the police force and that, as recommended by the Seattle Feminist Coordinating Council, an independent unit of women sensitive to the problems of women be created to respond to complaints of rape and other crimes of violence against women.

We further demand the establishment of a citizen's review board chosen by the community, with enforcement powers to investigate complaints against the Police Department and that the Seattle Police uphold the Bill of Rights of the U.S. Constitution as it relates equally to all people in this country.

| <u>NAME</u> | <u>ADDRESS (optional)</u> | <u>ZIP</u> |
|--------------------|---------------------------------------|------------|
| Kathy Carpenter | 525 Bellevue Ave E. #302 | 98102 |
| Debbie Johnson | 4245 S Raymond Seattle | 98118 |
| Tom Harrison | 4245 S. RAYMOND Seattle | 98118 |
| Michael E. Melton | 1626 13 TH AVE #16 SEATTLE | 98122 |
| Concise L. Stow | 1311 E. Union Seattle | 98122 |
| Bob Jones | 6207 7th NW Seattle | |
| Augustine E. Smith | 4714 2 ND Av N.E. Seattle | 98105 |
| Michael P. Doyne | 1307 N.W. 85 TH Seattle | |
| My Lumbard | 611 17 Ave E " | 98112 |
| John Hershman | 611 17 E | 98112 |
| John Skotzke | 6223 21 NE | 98115 |
| Paul W. Newman | 1201 NE Campus Plany | 98145 |
| James A. Ghomel | 4541 Broadway NE | 98125 |
| Norm C. Gunderson | 5229 15th NE | 98105 |
| David Barance | 13816 10th S.W. | 98146 |

| NAME | ADDRESS (optional) | ZIP |
|--------------------------|---------------------------------|-------|
| Richard M. Hicks | 1400 East Mercer | 98102 |
| Perry Bury | 914 East Jefferson | 98122 |
| Edw Bailey | 317 17th St E | 98112 |
| Rev. Valerie J. Valnojan | 1542 16th E. | 98112 |
| Julie A. Alexander | 514 - F. Long #23 | 98102 |
| Don K. Kuy | 1727 Second St #301 | 98112 |
| Gerry W. Silvers | 11225 Airport Rd. Everett Wash. | 98204 |
| Dean M. Lewis | 4446 - 39th St SW | 98116 |
| Roger Ranges | 1574 Bellview Ave. #201 | 98132 |
| Walter Peterson | 1623 - 14th Ave. SW | 98122 |
| E. Lorne Bailey | 721 So. Eye St. Lac. Wn. | 98402 |
| David Smith | 2417 N.W. 60th, Seattle | 98112 |
| Carmy J. Jorgensen | 120 Casino Road West | 98203 |
| Betty Sharkey | 1720 Casino Rd W. #5-A | 98203 |
| Robert J. Hunt | 1215 Queen Anne Ave. N #8 | 98109 |
| Bill Adams | 615 Valley St | 98104 |
| A. Beron | 1703 James | 98104 |
| CAUL CRUZEN | 7111 FINKELCROFT WAY SW | 98136 |
| Ernest Napera | 1412 Market St SE | 98145 |
| | 1400 1st Ave SE | |
| Susan B. Moore | 1303 9th Ave | 98101 |
| Charles F. Smith | 225, 24th East | 98122 |
| Jan Anderson | 1002 Spring | |
| Max Smith | | |
| Sub 7 Starnes | 218 1st Avenue N | 98119 |
| Red C. Rasmussen | | |
| Ralph L. Rasmussen | | |
| Wm. J. Rasmussen | The Big Boy 10720 - 39th N.E. | |
| Stanley F. Rasmussen | Com. Hill | |
| Wm. H. Rasmussen | On River | |

In case anyone is interested in why I am here commenting on the merits of a civilian police review board it's because I'm very concerned. I've been in business in Seattle for 15 years and I'm concerned about this community for my own sake, for the sake of my employees who live and work here and I'm concerned about the safety of every person who comes into this community as a resident, an employee or as a visitor.

I might also add that I am here because I've been invited to give my views on the STOP proposal and the discipline policy and procedure currently followed by the city. My remarks will be brief on the assumption that others asked to appear have access to the same public record that we all have and will use that information.

I'll confine my comments to personal reaction and my first reaction to this proposal has got to be unreal.

We hear charges of police brutality...but who's making the charge?

Admittedly, the people who form STOP. They're saying the police are brutalizing them... that they are victims of police crimes and now they want to be prosecutor, jury and judge against the police for these alleged crimes.

Would the felons and ex-felons they want on their seven-member board be willing to let the victims of their crimes be their prosecutor, jury and judge?

In their own words they want this review board made up of alleged victims to quote..."ensure objectivity"...unquote. That can only be described as Orwellian New-speak on the same level that war is peace.

The STOP proposal is not only a diagram for bad government, it doesn't make sense.

But... the charges of police brutality are made. If true, what redress does a citizen now have?

He can start off by going to the offending officer's superior. Or he can go to an elected official...including the mayor's office. Or he can go to the prosecuting attorney or to the Ombudsman's office. Or to the courts. Or he can go to that most powerful institution of all... the press.

The professional conduct of lawyers and doctors is reviewed by members of their own profession... not laymen who have no understanding of the standards, procedures and problems of the profession. Policemen are every bit as professional as any group. To have any kind of civilian review board would be a travesty.. To have the kind proposed by STOP would be ridiculous..even worse, catastrophic.

Even under the best of conditions it would be a hangman's law.

To describe the STOP proposal in two words...incredibly biased.

In one word..absurd.

ACTION CHILDCARE COALITION

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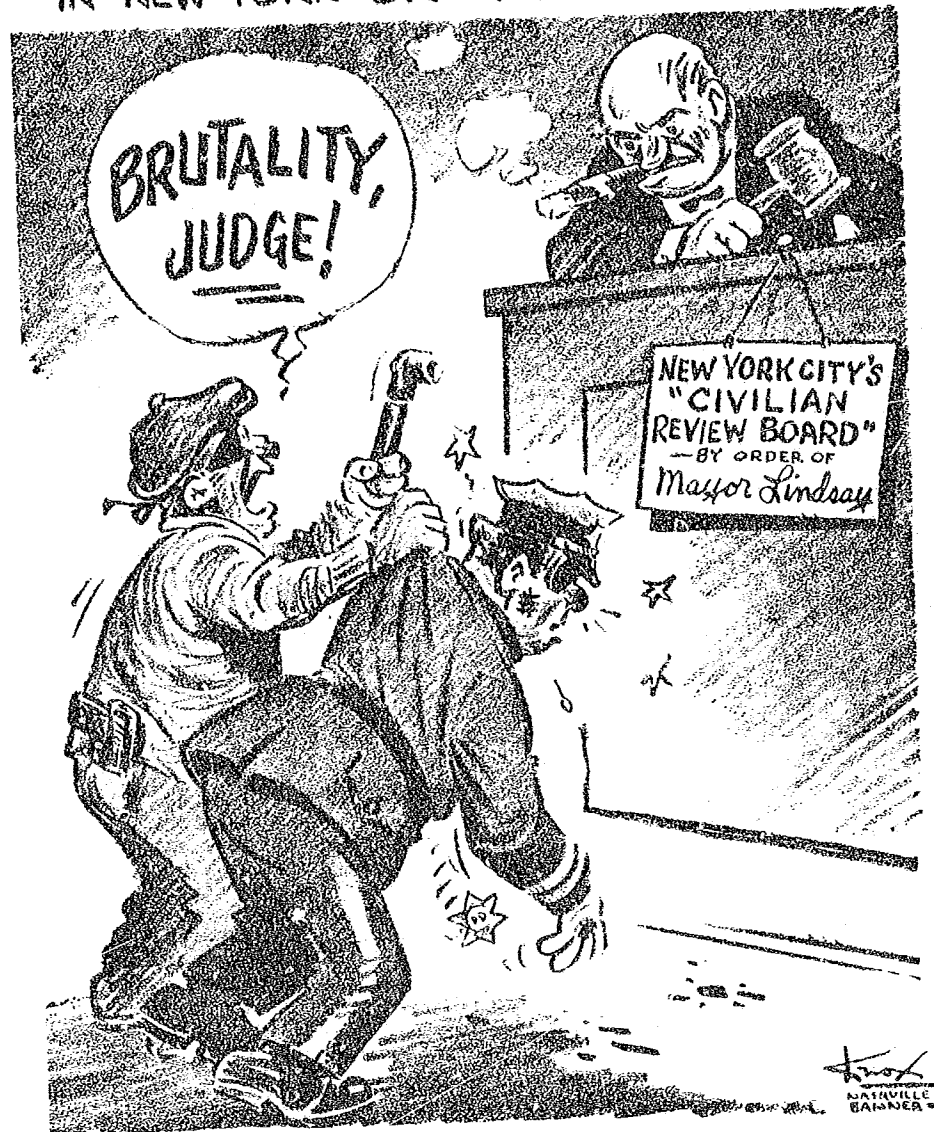
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STUDENTS FOR RESPONSIBLE EXPRESSION

P.O. Box 25726 • Seattle, Washington 98125

HOW NOT TO RUN A POLICE DEPARTMENT -
IN NEW YORK OR ANYWHERE ELSE



Reprinted from the Nashville Banner

1966

LIFE

Black Models Take Center Stage

Top fashion model
Naomi Sims

01 EB 657635005 CNY 1270
NAM

LIFE

EXCLUSIVE REPORT DISCLOSES
THE POLICE RIOTED
At the Democratic Convention

EXCLUSIVE LIFE REPORT

CORRUPTION OF CHICAGO POLICE

Where Discipline Broke Down



DECEMBER 6 1968 40c

UNITED WORKERS UNION - INDEPENDENT
Statement In Support of S.T.O.P. Ordinance to Establish
a Citizens Review Board
August 20, 1974

Year after year after year, the mayor's office has been advised that the city's police force must have a citizen's review board. United Workers Union - Independent and the community it is a part of, is not advising now -- we are demanding that our police force have a Citizens Review Board as proposed in the ordinance written by S.T.O.P.

Every day of every year, more and more citizens are beaten up by our so-called protect-ors -- the police. Our homes are continually robbed, our children stolen, our wives, sisters and daughters raped and murdered -- and the police do nothing. Instead they practice their personal prejudices by harassing minorities and setting traps for prostitutes and gay people.

We the citizens, who pay the police, don't pay them to beat us up. We women don't pay them to sneer at us when we're raped. We don't pay them to rape us, and then be put back on the force for doing it. Minority men and women don't pay them to come into our neighborhoods and push us around, or ignore our calls for help. Women, minorities and poor people bear the brunt of most crimes committed, AND we bear the brunt of police brutality. THIS CANNOT GO ON.

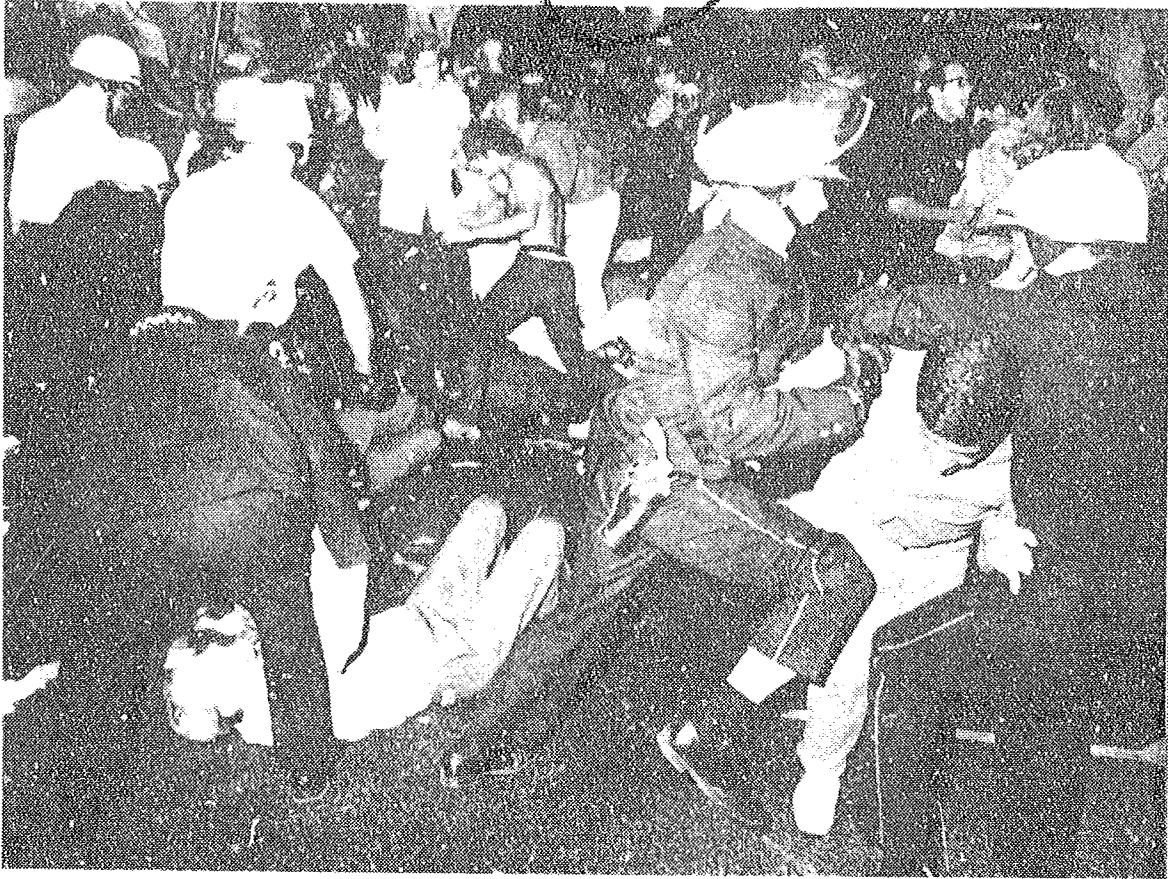
The purpose of the Seattle Police Department is to protect the community. Instead they attack us. Charge after charge of brutality is brought. Yet this shows only part of the outrage. the people who are most often attacked can't afford to bring charges because it costs at least \$100 -- and gets us nowhere.

On the streets and in the jails, minorities are harassed and attacked. Women are raped and beaten-up by men, and then accused by the police of inviting rape, or dismissed as victims of "lovers quarrels." Unarmed minority men are shot dead in the streets and police get off free.

Not until our police force is really our police force will its brutality against us, especially against women and minorities, be stopped. Police must be subject to the rule of the people, not downtown businessmen, wealthy suburbia, and other policemen. A citizens review board, representing the majority of the people - women, minorities and poor people, must be set up immediately, with the power to help create, judge, and discipline our police.

United Workers, a union of women, minorities and poor people, joins the community in its demand that racist, sexist billy clubs and guns be stopped.

* * * * *



► **Walker report: Chicago cops rioted**
 ► **LIFE report: Mob payoffs to police**

"The whole world is watching," screamed the demonstrators as the Chicago police moved in, and they were right. The four violent days of the Democratic Convention in August must go on record as the most widely observed—though far from the bloodiest—riot in history. In the great law and order debate it has become a symbol and a cause, used to defend police and to attack them, to decry protest and to sympathize with protesters' injuries. Yet for all the emotional—and press and TV—attention the rioting received, nobody knows much about what really happened.

This week a thorough report reveals that what happened in Chicago was in many ways even more disturbing than anybody thought. Acting upon the request of the National Commission on the Causes and Prevention of Violence, a team of investigators under the direction of Attorney Daniel Walker questioned a large cross section of those involved—police, protesters, press and other witnesses—

volume. That the police were severely—and purposely—provoked is one of their conclusions. But most striking is evidence that a significant number of Chicago police units, faced with a situation calling for great discipline and restraint, simply dissolved into violent gangs and attacked protesters, press and bystanders indiscriminately. It was, the report says, "what can only be called a police riot," and the photographs shown here emphasize this fact.

Devoted to an analysis of the events, the Walker report does not fully establish why police discipline collapsed. An independent LIFE investigation beginning on page 40 provides much of the answer. Discipline under great pressure requires a communication of strong trust between the leaders and the led, and it is clear that such trust and morale could not exist in Chicago, where an important section of the police structure, from patrolman to high rank in headquarters, has been—and is today—seriously corrupted



OFFICE OF THE MAYOR—CITY OF SEATTLE

Wes Uhlman, Mayor

August 20, 1974

The Honorable Randy Revelle, Chairman
Public Safety and Health Committee
Seattle City Council

Dear Mr. Revelle:

As you are aware, I am vitally interested in the subject of "allegations of misconduct against Seattle Police Officers." However, because this subject and disciplinary procedures relating thereto have become a topic of labor negotiations and because the Fact Finding Panel which is presently involved in the Police Labor negotiations has asked all parties to refrain from public pronouncements regarding negotiable issues during the fact finding process, I am unable to attend and provide testimony at the August 20, 1974 Public Safety and Health Committee relative to the handling of complaints against the Police. Please refer to the attached Memorandum dated July 22, 1974 from the Personnel Director, more specifically, paragraph three.

Thank you for your invitation. I'm sorry I'm unable to respond at this time.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wes Uhlman", written over a horizontal line.

Wes Uhlman
Mayor

WU:ers
Attachment

SEP 11 1974
9:4 AM '74
23 PM 2:50

*American Friends Service
Committee (Gary T. Way)*

August 20, 1974

THE PEOPLE OF THE CITY OF SEATTLE DO ORDAIN AS FOLLOWS:

Section I PURPOSE

The general purpose of this ordinance is to provide for community participation in setting and reviewing police department policies, practices, and procedures and to provide a means for prompt, impartial and fair investigation of complaints brought by individuals against the Seattle Police Department.

Section II CITIZEN-POLICE REVIEW BOARD

There is hereby established a Police Review Board of the City of Seattle. Said Review Board shall consist of nine (9) members appointed by the City Council. All members shall be residents of the City of Seattle. Membership will consist of five (5) civilians and four (4) police officers, representative racially, sexually, economically of the larger population, and (for police members) representative by rank to include no more than two of the four to be sergeants or above. Police assigned to review board are to be separated from their normal duties while review is in progress.

Section III TERM OF OFFICE

The term of each member shall be two (2) years from the effective date of his or her appointment. Each member of the Commission shall serve until his or her successor is appointed and qualified. No member shall serve two (2) consecutive terms. Vacancies on said Board for whatever reason shall be filled for the unexpired term by a new appointee selected from the register by the City Council.

Section IV REMOVAL OF MEMBERS

A motion for removal of a Board member shall be initiated by any Board member or by petition signed by at least one hundred citizens (100) of the City of Seattle. Upon receipt of the petition the Board shall take action no later than thirty (30) days. Upon a two-thirds (2/3) vote of the members of the Board a member may be terminated for one or all of the following reasons:

- a) missing three (3) meetings of the Board without legitimate reason.
- b) malfeasance

Section V SELECTION OF CHAIRPERSON

The Review Board shall elect one of its members as chairperson, who shall hold office for one (1) year and until his or her successor is elected. The chairperson shall not serve more than one term. The chairperson shall be elected no later than the second meeting of the Board following its appointment. Said chairperson shall not be a member of the Seattle Police Department.

Section VI BOARD MEMBER'S WAGES AND STAFF RESPONSIBILITIES

In order to compensate Board members for their time and work in investigating complaints, reviewing policies and practices, and attending meetings, Board members shall receive five dollars (\$5.00) per hour, but in no case shall compensation for any Board member exceed four hundred dollars (\$400) per month. Procedures and regulations for accounting for hours worked and compensation shall be developed and adopted by the Review Board and filed with the office of city clerk. The Review Board shall hire a staff of investigators, secretaries and an office administrator. The staff will be answerable to the Board and shall be hired according to the City of Seattle's Affirmative Action Program including Sexual Minorities.

Section VII BOARD MEETINGS

The Review Board shall establish a regular time and place of meeting and shall meet regularly at least once every two weeks or more frequently as workload requires. The regular place of meeting shall be in an appropriate central location in the City capable of accommodating at least seventy five (75) people, but shall not be held in a building in which law enforcement agencies are located. At least once every three months, or more frequently if the Board desires, they may meet in other places and locations throughout the City for the purpose of encouraging interest and facilitating attendance by people in the various neighborhoods in the City at the meetings.

All Review Board meetings, and agendas for such meetings shall be publicized in advance by written notice given to newspapers, radio and television stations serving the City at least three (3) days prior to regular meetings.

All meetings shall be open to the public, unless the Board, in order to protect the rights and privacy of individuals, decides otherwise and if such closed meeting is not waived by the individual concerned. The Board shall cause to be kept a proper record of its proceedings. The records and files of the Board shall be kept and open for inspection by the public at reasonable times in the office of the secretary to the Review Board.

A majority of the appointed Board members shall constitute a quorum for the transaction of business, and the affirmative vote of a majority of those present is required to take any action.

Section VIII SPECIAL MEETINGS

On the petition of fifty (50) or more citizens in the City of Seattle filed in the office of the secretary of the Review Board, the Board shall hold a special meeting in an appropriate and convenient location for the individuals so petitioning for the purpose of responding to the petition and hearing and inquiring into matters identified therein as the concern of the petitioners.

Section IX POWERS

The Board established by this ordinance shall have the following powers:

- a) Shall receive complaints of police misconduct and/or abuse of authority from civilians. It may receive complaints against individual police officers, any police unit or division, or the department as a whole.
- b) Shall oversee the investigation of these complaints and hold open hearings, adhering to the procedures outlined below.
- c) Shall adjudicate said complaints with the full authority to enforce any or all of the following disciplinary action:
 1. reprimand
 2. fine
 3. suspension
 4. termination
- d) Shall exercise the power of subpoena
- e) Shall request and receive promptly such written and unwritten information, documents and materials and assistance as it may deem necessary in carrying out any of its responsibilities under this ordinance from any office or officer or department of the City government.
- f) shall adopt rules and regulations and develop such procedures for its own activities and investigations as may be necessary. (to include the activities of its staff) and to publish and file same with the officer of the City Clerk.

Section X REVIEW BOARD HEARING

Due process rights shall be afforded both the accused officer and the civilian complainant. These shall include:

- a) Right to Counsel
- b) Right to present evidence and cross-examine witnesses.
- c) Right to challenge for cause any member of the Board.
- d) Any other rights guaranteed in criminal proceedings by the Constitution of the United States.

The Board, after hearing evidence and arguments from both sides, will reach the conclusion based on the evidence. The conclusion will be based on the civil standard of a preponderance of evidence. The Review Board shall establish an appeal process that shall automatically be granted if it is shown that:

- a) there is new evidence which was not available at the time of the hearing;
- b) decision of the Board has no basis in fact or that the Board hearing was conducted in such a manner as to substantially deny petitioners' rights to due process.

Section XI ABOLISHMENT OF THE POLICE INTERNAL INVESTIGATION DIVISION

Immediately upon the date that this ordinance becomes law the Internal Investigation Division of the Seattle Police Department is herin abolished and replaced by the Police Review Board.

All files, records, publications, tape recordings, photographs and documents of whatever kind at the former Seattle Police Internal Investigation Division shall be immediately deposited in the office of the Mayor of Seattle for use and benefits of the newly created Police Review Board.

Section XII REPEAL OF EXISTING ORDINANCES

Any or all ordinances pertaining to the existance and functioning of the Seattle Police Internal Investigation Division are repealed by this ordinance.

Section XIII INVALID PROVISIONS, SECTIONS OR APPLICATIONS

If any provision of this ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not effect other provisions, sections, or applications of this ordinance which can be given effect without the invalid provisions or applications, and to this end any phrase, section, sentence or word is declared to be severable.

SEIZE THE TIME FOR OPPRESSED PEOPLE

3321 37th Avenue South, Seattle, Washington 98144

725-8440 725-1224

CITIZEN'S REVIEW BOARD ORDINANCE
PRESENTED BY SEIZE THE TIME FOR OPPRESSED PEOPLE
TO THE SEATTLE CITY COUNCIL'S COMMITTEE ON PUBLIC HEALTH AND SAFETY
CITY COUNCIL CHAMBERS
5TH AVENUE AT JAMES STREET
SEATTLE, WASHINGTON
AUGUST 20, 1974 7:30PM

The people in attendance at this hearing tonight are for the most part the poor. We represent the working mother, the welfare recipient, the communities of racial and sexual minorities, the ex-con, the elderly on fixed incomes and all working people in general, the list is long. We are the people who best understand, and are most sensitive to, the role of institutions and police in our communities. We have been made cognizant of the fact throughout our history of struggle, that the police are the enforcing arm of the system in it's effort to maintain it's power. It only stands to reason, that racism and sexism for example, must continually feed the fires of police violence. For these reasons we are here to address ourselves to the issue of police brutality, to the violence and harassment that play an arrogant and very definite role in our daily lives. Based upon our long but unsought standing as the principal victims of abuse at the hands of the Seattle Police Dept., we consider the following demands to be the most logical in working towards the solution of one of the most serious problems facing our communities today.

(1) We demand that the Seattle Police Department's Internal Investigation Division be totally abolished, and (2) that a Citizen's Review Board be empowered to process and adjudicate all complaints of police misconduct brought to it's attention by the citizenry.

In speaking to the abolishment of the I.I.D., we are in truth acknowledging that the police have not been and are not today responsible to any form of governmental control. Neither are they subjected to any type of supervision or monitoring of their policies and practices, except that which comes from within the policing structure itself. The police remain above the law but those citizens who commit even the most petty and innocuous of crimes are subjected to the criminal justice system in it's entirety via the police, the courts and the prisons. Tightening up procedures for example, is beside the point when the I.I.D. is by it's very nature anomalous in a democratic system of checks and balances. This kind of isolation and aloofness will continue to militate against fairness and impartiality rather than providing the environment for their growth.

The issue of police controls and their necessity is nothing new as presidential commissions through the years have attested. As early as 1931, the Wickersham Report stated that police departments throughout the United States failed consistently to follow their own rules and regulations. The Kerner Study after riots of the 60's reiterated this point and further advised the creation of external agencies to regulate police and other government agencies. The Presidential Commission on Law Enforcement and the Administration of Justice repeated this in 1967 and again the National Advisory Commission on Criminal Justice, Standards and Goals in 1971. In Washington State just this past year, the Asian-American Advisory Council in a hearing held here in Seattle listed the need for

an external regulatory agency over the police.'

The position of the police department in general is that of a closed structure, autonomous and untouchable from the outside. Despite all the verbiage regarding the effects of court decisions of the last decade, the procedures and rules have not substantially changed. The police have great stores of experience in circumventing legal strictures to perform what they conceive as their function. Essentially, they involve collusion in perjury whereby any of their declared actions, as distinct from their true actions, receive as many substantiating witnesses as there are available credible officers in the vicinity. To control the daily misuse of police power, more is needed than the ability to appoint or dismiss a police chief. The citizenry must be able to monitor and adjust the activity of it's police force both individually through the punishment of particularly acts of illerality, and misuse of power collectively, through examination and establishment of police policies, procedures and rules.

As it stands now, the I.I.D., can be compared with a professional society's board of ethics or a trade union's industrial disciplinary committee. Questions such as absenteeism, inefficiency or insubordination may be proper to such a board but hardly complaints which are criminal in nature. Yet the Police Guild would have us believe that assault, manslaughter, rape and murder for example, are within their province and their province only. Even with the most thorough-going of internal investigatory and regulatory bodies, the only absolute control is over the machinations of the lower echelon of police officials. (The high echelon officials, as controllers and directors of the internal agencies, must be taken on faith, the faith that their commitment to justice outweighs their loyalty to the police force. Nowhere else in our system of criminal justice do we take people on faith---even to the presidency---why should we here?)

The people of this country have been awakened to the realities of power gone wild and uncontrolled, they no longer put unquestioning trust in their public officials on a national or a local basis. The people of the State of Washington are now at the forefront of instigating some more democratic controls, witness Initiative 276. In Seattle, citizens are organizing to address themselves to such issues as entrapment, rape, the plight of our senior citizens in the International district, to unfair housing practices and discrimination in foster child-care legislation, not the least of which is the formation of a civilian review board over the police.

What are the alternatives presently open to a person wronged by the police; beaten, harassed or otherwise abused? Since many acts of the police violence upon such a person are usually covered by an arrest, the office of the District Attorney could well aid that individual by refusing to prosecute the often barely credible cases brought to it for this purpose. However, the District Attorney seldom goes against the police in this fashion because he needs them for his job and the number of D.A.s that function in the face of police dislike is infinitesimal. Again, the trial judge is similarly able to see false arrest if he is at all competent; but to impugn the word of a police officer who often appears before him would lay the officer open to impeachment whenever he took the stand, making the judge's job that much more difficult. This, of course, is aside from any political pressures. An attempt at a civil suit would not profit the victim either since it is normal in agreements with police associations that the department, not the individual police officer, is liable for all damages or that the wages of the policeman are unattachable. The inability to get a judgment against a government body is proverbial and what lawyer would take the case? What redress is possible via the Office of the Ombudsman? First of all, the Office of the Ombudsman cannot produce change and can only assume the role of

arbiter. Secondly, that office cannot enforce decisions and lastly, even if given definite power, we would have an unhealthy concentration of that power in one individual.

The victim's only recourse in Seattle is to make a complaint to the Seattle Police Department's Internal Investigations Division. However, the IID in Seattle has shown itself repeatedly to be an ineffective agency, unable, through its control by the police department, to adequately and fairly handle civilian complaints. (In 1972, for example, out of 89 charges concerning brutality or the use of excessive force, the IID sustained none. In 1973, from a total of 117 charges of excessive force, the IID again found none of the charges sustainable. Also in 1973, only 17 charges of police harassment were brought forth, a ridiculously small number when one is witness to the general, systematic harassment of the racial and sexual minorities. Of the 17 harassment charges that were brought forth, again, none were sustained. Are we to believe that there were no incidents of harassment or use of excessive force by police officers? Those of us who are a part of the poor and minority communities know better, we've seen different, and IID's clean statistics only say to us that they're adept at covering up their dirty work. When people do complain to the IID, they are often ignored; charges are seldom acted upon and many times the people filing the complaints are not contacted as to the disposition of the charges. At S.T.O.P.'s last meeting with Mr. Revelle, he agreed to press for the consideration of an individual complaint and said to turn over to him personally other cases that have been ignored by the IID. Although this kind of political pressure can force consideration of one or two individual cases, it is no answer to the problem facing us. [The only method of guaranteeing fair handling of complaints is objective consideration by an impartial board, independent of the police department and therefore immune to police pressure.] ?

We know that the concept of a Citizen Review Board is a controversial subject, and is much maligned by many persons and organizations, especially organizations of police. But, in general, their criticisms are based on error. The most frequent and seemingly devastating criticism of Civilian Review Boards and one which I expect we will hear again tonight, is that they have not been successful. This is a perversion of the reality. A Civilian Review Board, as an entity capable of controlling the actions of the police individually and capable of changing police discrimination, brutality, and harassment have never existed anywhere in the United States. To defame the idea of review boards on the basis for example, of the New York City Civilian Complaint Review Board, is like defaming the reasoning power of humanity on the basis of a lobotomy victim. There have been no boards with power to enforce their determinations; there have been no boards except Berkeley's with sufficient legality to withstand political manipulation; no boards have been independently and adequately staffed; and no boards have been controlled by the community. Those that have been brought into existence have been sold-out by mealy-mouthed compromise, dropping the substance of accountability for the phantasm of name.

However, these boards have not been a total loss; besides injecting the idea of citizen control into the police apparatus, they have taught us much of what we should avoid in the structure and composition of a board. If you study the fact sheets on Civilian Review Boards as researched by the S.T.O.P. membership, you too can see the obvious pitfalls that must be avoided. If we are truly concerned with making the police accountable to the public, there are guidelines we must follow:

- ① The board must be totally independent of the police force and legally secure in the structure of government. Time and time again we see in the history of past boards how they were either unable to function adequately

because they were int to the police department o. use they were vulner-
able to police pressure and changes of administration.

② They must be composed entirely and strictly of civilians. In each case we've researched, the presence of police or ex-police on the board tended to make the board a whitewash for police crimes. There have been a number of studies of police officers done in the United States, the most extensive being the (supplemental studies to the National Advisory Committee on Civil Disorders), commonly called the Kerner Report. From these studies we have culled a typical characterization of the police officer which is at odds with both the general populace and with the requirements of justice. Particularly germane is a survey made in 1953 on the reasons for use of force, with 'disrespect for the police' being by far the main reason cited by the police surveyed. 37 of the respondents cited this reason as opposed to 23 citing the need of force to make an arrest. An additional 19 considered force justifiable to obtain information and another 10 if they knew the suspect was guilty. It is no wonder that Jessica Mitford, in her recent book "Kind and Usual Punishment", questions who in reality should populate our prisons if we insist on having them, the poor who fill them to overflowing because of their poverty or their jailers.

③ The board must have an adequate and independent investigative force with sufficient power to obtain all pertinent information from all agencies of government. Without such a staff, the board will be gravely hampered in its attempts to fully and fairly adjudicate the complaints brought before it. And, unless the investigators be independent, the board will only know that which those in control of the investigators wish them to know.

④ The board must have direct access to all complaints of wrongful conduct by the police. To this end, the review board must be open to the people, both to gain their confidence and to inform as many as possible of their existence. By dissolving the internal investigative system and taking control of its sources of complaints, the board may play an important role in ridding the city of police abuse. In New York City, the Citizens' Complaint Board, by virtue of widespread political campaigning and its position as the internal investigative division of the NYPD, was able in the four months of its existence to obtain half as many complaints as the poorly informed and poorly publicised Philadelphia Police Advisory Board garnered in eleven years.

⑤ The board must be adequately funded---an obvious point, but one overlooked often in the past.

⑥ Perhaps the most important, the membership of the board must be comprised of those who feel the brunt of police lawlessness. Not only is it a refreshing change that a governmental agency be comprised 'of the people' rather than 'for the people', it is also only those who are confronted by the reality of police violence who can adequately judge cases of police abuse.

The Citizens Review Board as proposed by S.T.O.P. follows these guidelines.

Let's understand that police brutality exists; it exists in every city in the United States; it exists in Seattle. If we are ever to be rid of brutality, we must take control of our police forces.

PREAMBLE

Police brutality is and has been a serious problem, not only in Seattle, but throughout the country. As evidence of the need for a resolution of this problem, structures such as the Police Internal Investigations Division have been developed. The P.I.I.D. has not been and cannot be maximally effective in curbing the incidence of police brutality and giving citizens just redress for two fundamental reasons: one, the P.I.I.D. represents an example of the police investigating themselves and therefore begins with the premise of bias; and two, it falsely presumes that the investigators in the P.I.I.D., policemen themselves, are exempt from the institutionalized racism, sexism and class prejudice out of which most complaints they receive actually arise. Both the bias and the institutionalized racism, sexism, and class prejudice of the P.I.I.D. are clearly visible upon noting the race, class, sex and sexual orientation of the bulk of the yearly complainants---they are minority people, women, gays, and poor people.

The procedure for making and adjudicating complaints brought against the police is desperately in need of modification to the extent that it becomes a just and sensitive civil procedure.

To ensure objectivity and to eliminate the prejudice attendant upon the vested interest of the police in protecting the police department, administration and adjudication of complaints must be removed from the hands of the police and transferred to a Citizen's Review Board. This administrative body would be composed of specially oriented and trained people capable of making just and fair determinations on the validity of complaints and taking appropriate action to ensure the civil liberties of all people involved.

Such a bureau for citizen's complaints against the police department would then become a social service instead of a social persecution perpetrated by the police.

Sex discrimination, race discrimination and class prejudice must give way to the reality of contemporary society if the liberating climate produced by the various movements for civil liberties and social freedom is to be perpetuated. Where one is constrained by the prejudice of yesterday, one cannot be free. Today's city government needs to represent and protect the human, social, economic and cultural interests of all its citizens equally if it is to ensure justice for the future.

ESTABLISHING A CITIZEN'S REVIEW BOARD, PROVIDING FOR THE APPOINTMENT AND REMOVAL OF MEMBERS THEREOF, AND DEFINING THE OBJECTIVE FUNCTIONS, DUTIES AND POWERS OF SAID BOARD.

THE PEOPLE OF THE CITY OF SEATTLE DO ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE

The general purpose of this ordinance is to provide for community control of an independant Citizen's Review Board that shall conduct prompt, impartial and fair investigation of complaints by individuals agianst the Seattle Police Department and adjudicate said complaints.

SECTION 2. AUTONOMOUS BOARD

There is hereby established an autonomous Citizen's Review Board of the City of Seattle, and It's members shall abide by the rules and procedures established by the Board and those rules and procedures herein described.

SECTION 3. POWERS

The Board established by this ordinance shall have the following powers:

- a.) Shall receive complaints of police brutality against police officers and employees and complaints of illegal or discriminatory procedures of the Seattle Police Department, and expeditiously and completely investigate said complaints and hold public hearings.
- b.) Shall adjudicate said complaints with the full authority to enforce any or all of the following disciplinary action:
 1. reprimand
 2. fine
 3. suspension
 4. termination
- c.) Shall exercise the power of subpoena.
- d.) Shall adopt rules and regulations and develop such procedures for its own activities and investigations as may be necessary (to include the activities of its staff) and to publish and file same with the office of the City Clerk.
- e.) Shall do such other things which are consistent with the broad interpretation of this ordinance and its general purpose.

SECTION 4. COMPOSITION AND QUALIFICATIONS

The Board shall be composed of seven (7) members, with at least three (3) members being women and one Asian, one Black, one Chicano, one Gay, one Native American and one ex-felon. All members shall meet the following qualifications:

- a.) Shall be a resident of the City of Seattle.
- b.) Shall at the time of their appointment, the individual annual income of five (5) members must not be greater than the median income for the City of Seattle. Median income shall be determined by current United States Department of Labor statistics for the City of Seattle. The remaining two (2) members shall not have an individual income greater than \$20,000.
- c.) Shall support the establishment of a Citizen's Review Board as stated in this ordinance.
- d.) Shall not be a police officer or employee of a police department.
- e.) Shall agree to fulfill the necessary time requirements to properly adjudicate complaints.

SECTION 5. APPOINTMENT OF BOARD MEMBERS

Three (3) Board members shall be appointed by the Mayor of the City of Seattle and the remaining four (4) Board members shall be appointed by the City Council from a register of names submitted by community organizations. Community organizations shall meet the following requirements in order to be eligible to place names on the register:

- a.) Shall be a non-profit organization.
- b.) Shall be an advocate for the rights of one or more of the following groups: Women, Racial Minorities, Sexual Minorities, Poor, Felons and ex-felons
- c.) Shall support the establishment of a Citizen's Review Board as stated in this ordinance.

SECTION 6. TERM OF OFFICE

The term of four (4) members shall be two (2) years from the effective date of their appointment. The remaining three (3) members shall serve for three (3) years from the effective date of their appointment, the first term, every member shall serve a term of two years thereafter.

No person shall be appointed for two (2) consecutive terms.

Vacancies on said Board for whatever reason shall be filled for the unexpired term by a new appointee selected from the register by the City Council.

SECTION 7. REMOVAL OF MEMBERS FROM THE BOARD

A motion for removal of a Board member shall be initiated by any Board member or by petition signed by at least fifty (50) citizens of the City of Seattle. Upon receipt of the petition the Board shall take action no later than thirty (30) days.

Upon a two-thirds (2/3) vote of the members of the Board a member may be terminated for one or all of the following reasons:

- a.) Missing three (3) meetings of the Board without legitimate reason.
- b.) Malfeasance.

SECTION 8. SELECTION OF CHAIRPERSON

The Board shall elect one of its members as chairperson who shall hold office for one (1) year and until his or her successor is elected. The chairperson shall not serve more than one term. The chairperson shall be elected at a special meeting immediately after all members have been appointed to the Board.

SECTION 9. BOARD MEMBER'S WAGES AND STAFF RESPONSIBILITIES

In order to compensate Board members for their time and work, each member shall receive seven (7) dollars per hour. However, no Board member shall exceed a eighty (80) hour workload per month. Board member's salaries shall be adjusted according to cost of living increases.

The Board shall hire a staff of investigators, secretaries and an office administrator. The staff will be answerable to the Board and shall be hired according to the City of Seattle's Affirmative Action Program and shall include Sexual Minorities.

SECTION 10. BOARD MEETINGS

The Board shall establish a regular time and place of meeting and shall meet regularly at least once a week or more frequently as the workload requires. The regular place of meeting shall be in an appropriate central location of the City, but no meetings shall be held in a building in which law enforcement agencies are located. At least once every three (3) months meetings will be held in other places and locations throughout the City. The Board shall be responsible for disseminating to all segments of the public, information concerning the time and location of all meetings. All meeting shall be opened to the public unless the Board, in order to protect the rights and privacy of complainants, decides otherwise, and if such closed meeting is not waived by the complainant.

Five (5) Board members shall constitute a quorum for the transaction of business and the affirmative vote of a majority of those present shall be required to take any action.

SECTION 11. PUBLIC INFORMATION

The Board shall keep a proper record of its proceedings and the results of its investigations, and records and files shall be made public.

All records and files shall exist only in written form and copies of records and files shall only be available to Board members and those persons directly involved in the complaint.

SECTION 12. RESPONSIBILITIES OF CITY GOVERNMENT

In carrying out its objectives, the Board shall receive the following prompt and full cooperation and assistance from any office or officer or department of the City Government:

- a.) Written information, documents, materials, tape recordings and photographs as the Board deems necessary in carrying out its responsibilities under this ordinance.
- b.) The attendance at Board meetings of any police department personnel or city official the Board deems appropriate in carrying out its responsibilities under this ordinance.

SECTION 13. ABOLISHMENT OF THE POLICE INTERNAL INVESTIGATION DIVISION

Immediately upon the date that this ordinance becomes law the Internal Investigation Division of the Seattle Police Department is herein abolished and replaced by the Citizen's Review Board.

To assist in an orderly transition between the Seattle Police Internal Investigation Division, herein abolished, and the Citizen's Review Board established by this ordinance, all files, records, publications, tape recordings, photographs and documents of whatever kind of the former Seattle Police Internal Investigation Division shall be immediately deposited in the Office of the Mayor of Seattle for use and benefit of the newly created Citizen's Review Board. Once the Board establishes a permanent office, these files and documents will be transferred to the Board and shall become part of its records.

SECTION 14. REPEAL OF EXISTING ORDINANCES

Any or all ordinances pertaining to the existence and functioning of the Seattle Police Internal Investigation Division are repealed by this ordinance

SECTION 15. INVALID PROVISIONS, SECTIONS OR APPLICATIONS

If any provision of this ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not effect other provisions, sections, or applications of this ordinance which can be given effect without the invalid provisions or applications, and to this end any phrase, section, sentence, or word is declared to be severable.

SEIZE THE TIME FOR OPPRESSED PEOPLE

3321 37th Avenue S

FACT SHEET

725-8440 725-1224

SEIZE THE TIME FOR OPPRESSED PEOPLE, S.T.O.P. was organized on January 1, 1973 by representatives of organizations and individuals, to fight against the cutbacks in social and health services and to struggle for childcare and other survival issues. In the discussions that followed a program and structure were adopted. The name, Seize the Time for Oppressed People, is descriptive of the organization because the members are oppressed people who are involved in a day to day struggle on issues which affect their lives as women, racial and sexual minorities, and poor people.

SOME S.T.O.P. HISTORY

Since January of 1973, S.T.O.P. has participated in a large number of activities including the following; assisted in organizing the UNITED FRONT FOR SURVIVAL to fight the cutbacks of O.E.O. funds; collected money for our sisters and brothers at Wounded Knee; organized a protest in Olympia to stop the use of Northwest Indians as a mock enemy by the U.S. Coast Guard. S.T.O.P. has also been involved in a dinner and program to commemorate International Women's Day, joined Coyote and the Association of Seattle Prostitutes on a picket line, and served as legal observers at a Gay Pride Week street dance.

POLICE BRUTALITY CAMPAIGN

Through out this period of intense activity S.T.O.P. began to receive many reports of police brutality and harassment from the community. In response to these reports a campaign against police brutality was organized and a petition demanding an end to police brutality, the removal from office of the Chief of Police, George Tielsch and the establishment of a Citizen's Review Board. People were sick and tired of asking the Police Internal Investigation Division to investigate complaints against the police, because in almost every instance the I.I.D. favored the police officer, so the idea of a Citizen's Review Board met with the most response and nearly 1,500 signatures were gathered. S.T.O.P. saw the necessity of writing a ordinance for a Citizen's Review Board to alleviate the problem of police brutality and won a hearing from the City Council's Committee on Public Health and Safety on August 20, 1974.

The following organizations endorse the S.T.O.P. ordinance for a Citizen's Review Board.

| | |
|--|---|
| Action Childcare Coalition | Japanese American Citizen's League |
| American Indian Student Association | Kinetchatapi |
| A.S.U.W. Women Commission | Radical Women |
| Barja Jennings | Seattle Gay Alliance |
| Black Panther Party | Seattle Gay Liberation Front |
| Campus Radical Women | Country Doctor |
| El Centro de la Raza | South King Ex-offenders Program |
| Feminist Coordinating Council | United Construction Workers Association |
| Freedom Socialist Party | United Workers Union Independant |
| Gay Community Center | Women Out Now |
| Gay Students Association of U of W | Association of Seattle Prostitutes |
| Seattle Counseling Service for Sexual Minorities | labor donated 8/74 |

Issued by the Time Inc. Pressed People

FA MEET ON CIVILIAN REVIEW S - STOP

Pa 5-1224

| | | |
|--------------------|----------|---|
| Washington, D.C. | 1948-70 | Voluntarily deactivated in protest to lack of staff and power. |
| Philadelphia, Pa. | 1958-69 | Dissolved by mayor in 'law and order' climate. |
| New York City | 7-11/66 | Removed by referendum initiated in highly polarized climate. |
| Rochester, N.Y. | 1963-? | No information except that it was similar to Philadelphia's board |
| Minneapolis, Minn. | 1960 | Never convened because legal counsel felt members vulnerable to defamation suits. |
| York, Pa. | 1960-1 | New mayor refused to fill vacancies when members' terms expired; no data. |
| Berkeley, Cal. | 11/73--- | In operation |

WASHINGTON D.C. (COMPLAINT REVIEW BOARD)

Legal Position: Internal organ of police department.
Composition: Three civilian residents appointed by mayor; no staff.
Duties: Recommend to Police Chief if police trial needed.
Procedure: Complaints not easily handled by Police Chief after investigation are referred to the CRB to determine, on the basis of the prior investigation, if a hearing is necessary. Hearing may also be scheduled if, despite a negative decision by the CRB, complainant demands one. In the hearing, complainant and accused are examined separately and their statements, with the investigation, are used in boards determination. No reasons are given for recommendation; no records kept; no subpoenas served; no notification to victim.
Comment: Hearings were infrequent. No data on advisals.

PHILADELPHIA PA.
(POLICE REVIEW BOARD/ POLICE ADVISORY BOARD)

Chronology: Instituted as adjunct of mayors' office after defeat of review board ordinance---Oct., 1958
Enjoined by Fraternal Order of Police (FOP) suit---19
Suit dropped when PRB changed name to PAB and their rules to request rather than order investigations Feb., 1960
Position of Executive Secretary added to PBA.
Membership raised from 5 to 8 to include police.
Executive Secretary replaced by new mayor
FOP brings new suit---1965
Executive Secretary resigns; mayor delays appointment
Rizzo appointed chief and difficulties between PAB and chief begin---1967
PAB again enjoined by FOP suit---1967
Injunction lifted after private suit caused city to appeal, but mayor refuses to reactivate PAB---1969
Mayor terminates PAB---Dec., 1969
Legal Position: Adjunct of mayors' office
Composition: 5 civilians; later 3 police added. No staff until Executive Secretary added; investigative work by Community Relations Division of police department.
Mandate: Charged with responsibility of considering citizens' complaints against the police where the charge involves brutality, false arrest, discrimination based upon race, religion, or national origin, or other wrongful conduct of police against citizens.
Budget: None originally; in final full year (1966), \$17,000.
Procedure: Either directly to board or referred by the police.
Complaints: After investigation, complaint submitted to a subcommittee of lawyers on board to determine if hearing necessary. Complainant could demand hearing. Late Executive Secretary classified complaints, dropping the frivolous and obviously fallacious, referring some complaints elsewhere, sending remainder to police chief with request for a hearing.
Pre-hearing: No subpoena power. Form of hearing adversary. Both
Hearing:

ities allowed counsel (the accused always with FOP counsel). If complainants had not counsel, board acted in their behalf. Witnesses brought by either side. Rules of evidence, relaxed. No records kept except for disposition. Decision by majority vote without formal opinion.

Advisal: Recommendation on disciplining sent to police chief and mayor. If mayor disagreed, mayor acted as informal arbiter. PAB also advised on policies.

Comment: PAB hampered and subsequently destroyed by political vulnerability of mayoral commission. The board was largely unknown and had no consistent access to complaints. It had no initial budget, office space, staff, or rules of procedure, its rules being derived from the members' interpretation of their mandate. The relationship of PAB and police chief (until Rizzo) was good, requests for hearings invariably being conceded and advise, often followed. In 1959 and 1967-9, injunctions limited the PAB to informal arbitration. A policy recommendation on the procedures in handcuffing suspects was adopted by the police department.

Statistics:

| DISPOSITION OF COMPLAINTS HANDLED BY % (1958-69) | |
|---|-----|
| Police discipline before hearing | 2% |
| Hearings: | |
| Discipline recommended | 6% |
| Adjustment or redress by police recommended | 3% |
| No recommendation | 7% |
| Conciliation, apology or explanation of policy | 20% |
| Complaint withdrawn | 12% |
| Case closed (Complainant or officer unavailable, insufficient data) | 33% |
| Open when board dissolved | 17% |
| Total # of cases = 868 | |

| DISPOSITION OF COMPLAINTS HANDLED (1958-66) | |
|---|-----|
| Total # of hearings | 627 |
| Settled or dropped | 400 |
| Hearings | 150 |
| Adverse decisions | 44 |
| Dismissals | 2 |
| Suspensions (to 3 months) | 23 |
| Reprimands | 19 |

| CHIEF COMPLAINTS BY % | |
|---------------------------|-----|
| Brutality | 42% |
| Harassment | 22% |
| Illegal entry and Seizure | 19% |

| Complainants to PAB (1958-69) | |
|-------------------------------|-------|
| Majority non white | (78%) |
| Majority low income | |
| With criminal records | 1/3 |
| Convicted of a felony | 8% |

NEW YORK CITY (CIVILIAN COMPLAINT REVIEW BOARD)

Chronology: Mayor Lindsey replaces outgoing police chief with one who agrees to a majority of civilians on CCRB---1966
 Mayor appoints four civilians to CCRB---7/66
 Referendum filed by Policemen's Benevolent Association (PBA) and Independent Citizens Committee Against Police Review Boards---7/66
 After campaign heavy with racist and 'law and order' politics, referendum carried and board dissolved---11/66

Legal Position: Internal organ of NYFD

Composition: 7 members (4 civilian, 3 police); staff, police investigative services

Powers: To advise police chief to hold police trial; no subpoena power.

Comment: This board was long on investigative resources, but short on power. In addition, but a bare majority were civilians. However, with the publicity given it by the Lindsey campaign and the ability to gather all complaints filed with any division or

placinct of the police, the C 3 received 440 complaints---over half the number referred to Philadelphia's PAB in nearly 11 years---in just 4 months.

Statistics:

| Complaints to CORB | |
|---------------------------------|-----|
| Referred elsewhere | 10 |
| Conciliated | 55 |
| Unsubstantiated | 110 |
| Sent to police chief for action | 5 |
| Left when dissolved | 260 |

BERKELEY CAL. (POLICE REVIEW COMMISSION)

Legal Position: Established by ordinance as an independent body.

Composition: 9 members, appointed by individual members of the Berkeley City Council. No appointee may be an employee of the city; staff hired by the PRC as needed, presently but one investigator.

Powers: Power of subpoena. Power to demand of any city agency material the PRC deems germane to its proceedings. To give advise to the public, the City Council, the City Manager, and the Chief of Police on all policies and procedures, written or unwritten, of all policing agencies operating in the city and to advise disciplining of accused officers.

Procedure:

Complaint: Complaints filed directly with the PRC, the police, or the city clerk on specific complaint forms.

Pre-hearing: Upon receipt of a complaint, the complainant, the police chief and the accused officer is apprised the complaint has been assigned to the investigator and given material explaining the hearing process. The investigator gathers all pertinent data and interviews the principals and witnesses. He may attempt a conciliatory meeting.

Hearing: The trial board consists of 3 members of the PRC (empanelled in rotation among the members) The hearing is adversary, and all participants are apprised of their constitutional rights, including counsel. Each member of the trial board, the principals and their counsel may cross-examine and the rules of evidence are relaxed to 'reasonable man' standards. A decision is reached by a majority vote on the preponderance of the evidence.

Advisal: A verdict of sustained or not sustained is immediately sent with the investigation report to the complainant, the accused, the City Council, the City Manager, and the Chief of Police. Any action taken, if any, is the responsibility of the City Council, the City Manager, and the Chief of Police.

Comment: Although the Berkeley Board was established in November, 1973, the final two members were just appointed in July. Further, the PRC's single investigator was but recently hired, a most miserably staff. In regards to the redundant advisory capacity of the PRC, the unworkability of agreement among the City Manager, the City Council (as individuals or as majority decision?) and the police chief is apparent. Obviously the power would devolve to the chief and the others either like it or call a row. The very real possibility the board's advise will be ignored tempers our admiration of the PRC's comprehensive investigatory powers and public presence. The distance between the board members and the populace, the insulation factor of appointment by individual members of the Berkeley City Council, indicates a possible failure of accountability of the members to the general populace. Nonetheless, it is a significant step forward toward an even better solution to the problem of citizen control of their police forces.

CONCLUSION IN CITIZEN REVIEW BOARDS NEEDED

There have been but seven police review boards, only one of which still exists and none with the power to enforce its decisions. The make-up of the boards was rarely civilian in total---ex-police, plain clothes police, and line police forming a significant portion of all but the boards of Washington D.C. and Berkeley. An adequate investigative staff is missing from all but New York's which had use of the NYPD investigative services. Berkeley alone has an independent staff with real investigative powers; however, at present there is but one investigator---hardly an adequate staff. This may yet be changed for the better. Most boards were highly vulnerable to political manipulations inasmuch as they were extensions of mayoral power, not independently defined bodies. The others, again excepting Berkeley, were interior to the police department. Although all the boards practiced racial and ethnic diversity in their membership, there were never attempts to enpanel representatives of the various communities. Berkeley, for all its requests for citizen participation, has no provisos for the inclusion of the populace as a whole, the poor, or the minorities in the membership of the board. None of the boards was adequately funded, inasmuch as they were usually off the top of someone's head. We have no information on the budgeting of Berkeley's board, but a lack might account for their single examiner. Only Berkeley and Philadelphia have attempted to examine policy---Berkeley's ordinance being particularly commendable in this respect.

| <u>COMPLAINTS SUBMITTED TO SPD IID 1972 (partial) = 165</u> | | | |
|---|------------------|------------------------|--------------------------|
| | <u>Brutality</u> | <u>Excessive Force</u> | <u>Unnecessary Force</u> |
| Unfounded | 10 | 17 | 26 |
| Exonerated | 8 | 45 | 44 |
| Not Sustained | 2 | 7 | 4 |
| Sustained | 0 | 0 | 2 |
| Total | 20 | 69 | 76 |

| <u>COMPLAINTS SUBMITTED TO SPD IID 1973 (partial) = 188</u> | | | |
|---|------------------------|--------------------------|-------------------|
| | <u>Excessive Force</u> | <u>Unnecessary Force</u> | <u>Harassment</u> |
| Unfounded | 28 | 18 | 10 |
| Exonerated | 81 | 27 | 4 |
| Not Sustained | 8 | 5 | 3 |
| Sustained | 0 | 4 | 0 |
| Total | 117 | 54 | 17 |

COMMENT

The above tables lack a figure for the number of complaints of harassment and their determination. Barring that figure, these figures attest to the official reality of brutality and harassment in Seattle. The tables are ambiguous in their categories. The determination of what constitutes brutality as opposed to excessive force or excessive force as opposed to unnecessary force is unstated, indeed we fail to see where one could draw the boundaries. Apparently the IID concurs with us since it has seemingly incorporated complaints of brutality with those of excessive force in the 1973 report. When we compare the figures of the IID with those of Philadelphia, we see one startling difference, the percentage of cases in which the police were deemed culpable. In Seattle, the percentage of judgments declared sustained over a two year period dealing with brutality or harassment was less than two percent. On the full scale, in 1973 there were a total of 375 complaints of which 37 were upheld or a percentage of about 10. This of course includes an unknown number of offenses internal to the SPD. If we check the chart of complaints handled 1958-66, we find a record of culpability of 30% in the hearings. And, though the items are not broken down by subject, we must remember that 64% of all the complaints to the Philadelphia PAB were on either brutality or harassment, leading us to believe that a substantial number of these decisions concerned those complaints. Also, the PAB was reputedly very lenient to the police accused, a reputation supported by their long-time easy association with the chief of police. The conclusion unmistakably arises that the determinations of the IID are largely dependent on the need to protect the department not the public---a whitewash.

ROBERT L. HANSON
CHIEF OF POLICE

THE CITY OF SEATTLE



SEATTLE, WASHINGTON 98104

August 16, 1974

OUR NO. _____
YOUR NO. _____

Councilman Randy Revelle
Seattle City Council
1100 Municipal Building

Dear Mr. Revelle:

You have requested our reply to CF-279625, which is a petition for establishment of a Citizens Review Board to review police misconduct complaints.

Attached hereto is our response to this petition, together with supporting documents.

Very truly yours,

A handwritten signature in dark ink, appearing to read "R. L. Hanson", is written over the typed name.

R. L. HANSON
Chief of Police, Interim

RLH:mn
Attachment

STOP Petition

PROPOSED CIVILIAN REVIEW BOARD ORDINANCE

I. As to the problem:

In 1973, the men and women of the Seattle Police Department:

- 1) made 24,000 arrests
- 2) wrote 109,000 traffic tickets
- 3) handled 203,000 calls where a police unit was dispatched
- 4) made thousands of additional contacts (field interrogations, traffic verbal warnings, etc.) not counted in official statistics

There were eighty-five of these events where officers were assaulted with dangerous weapons and another 846 where they were assaulted without weapons.

620 During that same period of time, the Internal Investigations Division received and investigated 375 complaints against policemen for the manner in which one of these events was handled, less than half of which involved allegations of improper or excessive use of force.

Roughly one out of one thousand police actions. This does not indicate a department that routinely engages in brutal or repressive tactics, and certainly does not indicate a problem.

II. Civilian Review Boards, in general

We have attached a report titled "Advantages and Disadvantages of Civilian Review Boards and Alternates" as evidence that our remarks

here are not uninformed. The bibliography appended thereto is lengthy and, we think, complete. We also append a study by William H. Rogers, Associate Professor of Law, University of Washington, July, 1970. Our current disciplinary procedures are modeled very closely after the recommendations contained in that study. These procedures have been, and are, subject to continuous review and refinement.

Since these procedures are incorporated by reference into the Police Guild labor agreement with the City, major changes are made with great care and only after significant negotiation with, and concurrence by, the Seattle Police Guild.

Our review of all the available literature, and particularly the history of civilian review boards where they have been implemented, convinces us they have been largely unsuccessful and have little likelihood of success.

Given all the foregoing, we would think it unwise to abandon a process that is working reasonably well and improving with time in favor of a process which has been largely discredited by its own history.

We would recommend against a "Civilian Review Board" in any form.

III. STOP Proposed Ordinance

The proposed ordinance has numerous flaws. Among these are:

A. "Autonomous Board"

Article V, Sec. 2 of the City Charter specifically places responsibility with the Mayor "except insofar as such enforcement, direction and control is by this charter reposed in some other officer or board,"

We interpret this as requiring an amendment to the Charter to create an "autonomous" board.

B. Sec. 3, Powers; sub "b" "enforce disciplinary action."

Violates both Article VI, Sec. 4 and Article V, Sec. 2 of the City Charter, as well as existing Civil Service Rules.

C. Section 4, Composition and Qualifications

Given the rather stringent limitations on both the overall make-up of the proposed board and its individual members, the proposed ordinance effectively disenfranchises over 50% of the residents and voters of this City. We question the constitutionality of such restrictions. Many community organizations are prevented from participation by these provisions.

D. Removal of members from the Board.

No provision is made for removal for cause by any elected government official or legally constituted body.

E. Section 12

It is proposed that this Board have access to any documents or records it deems pertinent, a provision which goes well beyond existing law.

F. Section 13

Existing Internal Investigation Division files have been created under case law and Guild agreement that such files would remain confidential. This provision for transfer of files would be in violation of all previous agreements entered into by the City with employee groups, and is therefore of questionable legality.

SUMMARY

The overriding tone of this proposed ordinance indicates a philosophy of government at odds with the Constitution of the United States, the State of Washington Constitution and the Charter of this City.

This may well be its biggest flaw.

RESEARCH AND INSPECTION
DIVISION

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Disciplining the Officer: A Model Order
for Police Departments.*

RESEARCH AND INSPECTIONS
DIVISION

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PC
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R6d

William H. Rodgers, Jr., Associate
Professor of Law, University of Washington,
July 23, 1970

*This research was prepared under a grant from the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, United States Department of Justice. The fact that the National Institute of Law Enforcement and Criminal Justice furnished financial support to the activity described in this publication does not necessarily indicate the concurrence of the Institute in the statements or conclusions contained herein.

ACKNOWLEDGMENTS

Thanks are due to Mr. Charles Ekberg, third year student at the University of Washington, School of Law for his assistance in research. Also, the cooperation of the Seattle Police Department was greatly appreciated. Especially helpful were Assistant Chief of Police Auten Gustin, Capt. Herbert Swindler, Lt. Clark Elster, Sgt. Joseph Sanford, St. Hugh Riley, Sgt. Al Rasmussen and Sgt. Patrick Murphy, who have served, in one capacity or another, with the Internal Investigations Division of the Seattle Police Department.

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I. Introduction

Discovering a suitable mechanism for resolving charges of police malpractices long has challenged the ingenuity of interested observers. With rare exceptions, popular--and perforce political--clamor for enforcing effective discipline in police ranks has been translated into proposals to implement external surveillance of police practices. The notion of civilian-dominated review boards, once quite popular but now largely discredited, has been revived and intensified throughout the country in the form of proposals for ad hoc civilian investigatory groups, formal commissions and, most emphatically, the ombudsman.

Superficially, this preference for an external review procedure is surprising. Sound administration requires that any system of disciplinary machinery concentrate on strengthening internal procedures, reserving external review for the extraordinary, sensational or intractable case. On the other hand, where police are concerned, academic dogma holds that internal decisions about disciplinary matters rarely will be accepted as credible by large segments of a skeptical community. Presumably, based upon this summary evaluation of the futility of internal disciplinary machinery, interested academes largely have abandoned efforts to work within police departments and have concentrated their energies and resources upon refining and analyzing external grievance mechanisms. Undoubtedly there are other reasons for failure of researchers to examine closely internal disciplinary practices in police departments--a dearth of published information, inaccessibility of records and personnel, lack of cooperation by police, and suspicion and timidity among those who simply are reluctant to gather the data at the working level. Whatever the causes, it is clear that law enforcement agencies have received little outside assistance in formulating procedures governing questions of discipline.

From these assumptions arose the present research, which was based, in large part, upon an empirical investigation of practices within the Seattle Police Department. The methodology of the project during the one year grant period was as follows: a survey was made of the existing literature and the procedures enforced in several departments throughout the United States.¹ Interviews were conducted with various persons in the Seattle community who come into contact with the police disciplinary machinery--officers, complainants, minority citizens, representatives of community action groups and public officials. Complaints were monitored at various stages of the process to test the responsiveness of the system. Finally, a sample of the 1969 complaint file of the Internal Investigations Division of the Seattle Police Department was examined to determine the types of cases resolved by the internal complaint mechanism.²

Seattle, no less than other cities in the United States, historically has been quite primitive in handling questions of police discipline. External remedies of all types are available in theory in this city but are satisfactory only occasionally. Presently a well informed Seattle citizen, who has a grievance charging misconduct by a police officer, may file a complaint with the courts, the Human Rights Commission, State Board Against Discrimination, Citizen's Service Bureau, the Troubleshooter Column of the Seattle Times, the City Council or the Mayor's office. Soon he will be able to file a grievance with the Office of Citizen Complaints, an ombudsman-type institution presently being implemented jointly with King County pursuant to an Office of Economic Opportunity grant.³ The purpose of the research was to determine how and to what ends the disciplinary machinery of the department itself functioned within this proliferation of possible remedies.

Recognizing deficiencies in present practices, the Seattle Police Department several times during the course of the project has revised its General

Order dealing with disciplinary procedures. At the outset, it must be acknowledged emphatically that issuing a few declarations about discipline cannot alone reduce inevitable frictions between the department and the community it serves. Spirited words mean little if not backed by an equally firm commitment from the administrators. Many complainants fail to discover the available machinery; some never will be pleased by the fairest of procedures; occasional disputes raise issues immune from resolution by a formal procedure;⁴ some controversies, such as alleged criminal violations or illegalities in departmental policy, are destined for higher forums--the courts, the grand jury or the ombudsman. As this report was being written, a federal perjury trial in Seattle of an ex-Assistant Chief of the Seattle Police Department produced testimony documenting an extensive pay-off system within the department implicating several officers presently on the force and reaching the highest echelons of the staff.⁵ One officer has testified that in 1968 he resigned within one week of his appointment by the mayor as head of the internal investigations unit because the Chief became "irritated" when the new commander "refused to limit his investigations to complaints of brutality from persons in the Central Area."⁶

That internal investigations could not uncover instances of wholesale corruption within a department is discouraging though insightful. That internal investigations might be useful in resolving "complaints of brutality from persons in the Central Area" is encouraging and also insightful. Conceding that some types of controversies about police conduct are met for other forums or insoluble in any legal system, there nonetheless remains a substantial number of disputes which can be and are resolved by internal police disciplinary machinery. Most metropolitan police departments have some procedure for receiving and processing complaints about department personnel and all departments

have an internal disciplinary mechanism. In Seattle, as elsewhere, complaints are filed through ordinary channels, considered and decisions are made, sometimes favorably to the officer, sometimes not. Recent statistics, hollow in themselves, disclose that during the first three months of 1970 a total of one hundred complaints alleging police misconduct were logged and filed. Fifty-nine investigations were completed by April 1, eight of which resulted in disciplinary action.⁷ During 1969 officers were fired for accepting bribes and thieving from prisoners, admonished for driving carelessly and referred for psychological counseling for cursing citizens. These reports, like all others emanating from an administrative agency, are subject to the usual charges of whitewash, distortion and manipulation. Probably, no internal system of grievance procedures could be drawn that would avoid charges that it is a "one-sided" instrument useful as a publicity tool for police propaganda;⁸ a prop for maintaining departmental morale;⁹ or inherently untrustworthy to large segments of the community.¹⁰ But to argue that an institution suffers from actual or perceived limitations is not to prove that efforts to strengthen that institution are misguided.

A model procedure should be functional, readily understandable by a rookie policeman or an ordinary citizen. It must contain sufficient specificity, nonetheless, to impose a clear rule of law in a field where administrative discretion--or abuse--has undergone little scrutiny. Many of the departmental orders surveyed left large gaps in procedure¹¹ and one major department operated without any written rules of procedure at all.¹² Improving the process is the objective of this study.

II. The Model Order

Section 1.00 STATEMENT OF PURPOSE

A relationship of trust and confidence between members of the police department and the community they serve is essential to effective law enforcement. Police officers must be free to exercise their best judgment

and to initiate law enforcement action in a reasonable, lawful and impartial manner without fear of reprisal. So, too, enforcers of the law have a special obligation to respect meticulously the rights of all persons. The [] Department] acknowledges its responsibility to establish a system of complaint and disciplinary procedures which not only will subject the officer to corrective action when he conducts himself improperly but also will protect him from unwarranted criticism when he discharges his duties properly. It is the purpose of these procedures to provide a prompt, just, open and expeditious disposition of complaints regarding the conduct of members and employees of the Department. To this end, the [] Department] welcomes from citizens of the community constructive criticism of the Department and valid complaints against its members or procedures.

The overriding objective of the procedures, here articulated, is to foster improved service to the public the department serves. Bringing the delinquents to book serves not only to upgrade the general level of performance and enhance departmental morale but also makes evident a sense of responsibility to the community at large. Of equal importance is the need to expose the unfounded, false or malicious complaint which, standing unrefuted, would tend to undermine that public confidence so essential to the continuation of effective law enforcement.

Section 2.00 DEFINITIONS.

2.01 "Aggrieved party" means the person or persons claiming to have suffered abuse or injury from the misconduct of a member of the department.

2.02 "Complainant" means the person who files a complaint with the department alleging the commission of a major violation or infraction by a member or members of the department and includes any aggrieved party and any person or group who assists him in filing the complaint.

2.03 "Exonerated" means the classification assigned to a complaint where the incident complained of occurred but was lawful and proper.

2.04 "Hearing Board" or "Board" means the group of members selected by the Chief of Police to adjudicate complaints.

2.05 "Infraction" means a violation of departmental rules and regulations defining transgressions that are not major violations.

2.06 "Major violation" includes:

- (1) a violation of statutes and ordinances defining criminal offenses;
- (2) the use of unnecessary of excessive force;
- (3) discourtesy or the use of abusive and insulting language;
- (4) language or conduct which is derogatory of a person's race, religion, life style or national origin; or
- (5) abuse of authority.

2.07 "Member" means both sworn and civilian, including temporary, employees of the department.

2.08 "Not sustained" means the classification assigned to a complaint where there is insufficient evidence either to prove or disprove the allegation.

2.09 "Removal" means the termination of a member's employment in the department.

2.10 "Rules and Regulations" mean the administrative acts promulgated by the Chief of Police which are designed to regulate departmental standards of conduct and appearance.

2.11 "Suspension" means the temporary excusing of a member from active employment for a definite period of time.

2.12 "Suspension, investigative" means the temporary excusing of a member from active employment for a period of time no longer than forty-eight (48) hours pending the investigation of a complaint.

2.13 "Sustained" means the classification assigned to a complaint where the allegations are supported by a preponderance of the evidence.

2.14 "Unfounded" means the classification assigned to a complaint where the allegation complained of is false or not supported by the evidence.

2.15 "Witness" means a person who can produce evidence relevant to an alleged major violation or infraction.

Most procedures used by major police departments lack a definitions section with a consequent contribution to ambiguity. The definitions here set forth are crucial to an understanding of the scope and purposes of the Model. A few major policy decisions will be mentioned at this point.

The Model, with minor language changes, embraces the four classifications for investigated complaints recommended by the International Association of Chiefs of Police--exonerated, not sustained, sustained and unfounded.¹² Many departments presently abide by these classifications which generally have served the dual purpose of simplicity and specificity. A finding of exonerated is equivalent to traditional notions of excuse and justification in tort or criminal law. Illustrative is the case in Seattle of the off-duty police officer who took steps to subdue a belligerent, drunken driver until officers of the state patrol arrived to make an arrest. The plainclothesman^{was} charged with brutality by the outraged citizen. The complaint was properly classified as exonerated--that is, the force used was justifiable--on the strength of a subsequent drunken driving conviction of the complainant and a commendation of the officer by the State Patrol. There is no doubt that an internal investigating authority must deal with clear cases of excuse and justification no less than other adjudicative bodies.

A conclusion that a complaint is "not sustained" must be premised upon the insufficiency of evidence "either to prove or disprove the allegation." Many investigations--some 10% in Seattle--fail to turn up enough information to resolve the controversy. In these cases, manifestly, no sanction would be appropriate but at the same time saddling the suitor as a "loser" in a contest with a member of the department is wholly inappropriate. A patient explanation that the department has "insufficient information to decide" is a correct disposition and one that, properly explained, need not offend the complainant who may be right on the merits. On the other hand, branding a complaint "unfounded" goes to the merits and concludes that the aggrieved party was a liar, a fool or reasonably mistaken.

Judicial notions of burden of proof generally are rejected in the definitions with the exception of a complaint "sustained" which must be supported "by a preponderance of the evidence." The imposition of sanctions assumes an acceptable level of proof which in disciplinary cases is thought to be satisfied by the "preponderance" standard of civil cases.¹⁴ Short of such a finding of culpability, it is believed that discussions of burden of proof would serve only to muddy communication between interested parties. It is sufficient to inform the aggrieved party that "you are wrong; or "we don't have enough facts to tell you whether you are right or wrong"; or "you are right about the facts but the officer was right in what he did."

The draft embraces the distinction, preferred now by a few departments,¹⁵ between minor "infractions" and "major violations." Distinguishing between complaints at the reception stage was thought to be helpful for purposes of establishing priorities for investigation and review and indicating what penalties may be imposed. Plainly, the categories are not immutable so that complaints at any stage of investigation may be reclassified and reassigned as appropriate.

The distinctions are largely self-evident. That charges of criminal conduct be treated as a "major violation" under §2.06(1) is hardly debatable. Widespread and damaging cynicism about all operations of the Seattle Police Department has resulted from the recent court disclosures of criminal activity among police officers. Brutality cases, as well, under §2.06(2), are denominated major cases, both because of the serious nature of the violation and its potential for creating widespread community resentment. The last three Seattle mayors have monitored closely all incidents of alleged brutality. Racial incidents and the "use of abusive and insulting language" also are thought to be

sufficiently provocative to deserve treatment as major violations. Lastly, the loose category of "abuse of authority" is included to cover cases where the status of the offender as a police officer serves to aggravate an incident that might go unnoticed if committed by a member of the general public. Minor traffic offenses, the "borrowing" of a newspaper from a stand without payment, or the use of a police car to go shopping for groceries assumes a special severity given the privileged status of the violator.

"Infractions" are described broadly as all transgressions of departmental regulations not treated as "major violations." Most police departments, like most major employers, have a vague collection of mandates to guide the sloppy, the neglectful and the lazy. Unshined shoes, lost revolvers and slumbering workers are inevitable recurrences in a large governmental agency. For the most part, minor "infractions," from complaint to disposition, are likely to be dealt with without a formal allegation from an outsider. The Model avoids attempting to delineate the limits of the powers of a department to discipline its personnel. The length of an officer's locks,¹⁶ the strength of his credit rating¹⁷ and the intensity of his premarital sexual relationships¹⁸ are among the more exotic subjects treated in existing regulations.

Section 3.00 APPLICABILITY

These procedures shall apply to all members of the department, whether on or off duty, with the exception of the Chief of Police and other personnel subject to summary removal, demotion or suspension by the Chief of Police.

The decision to apply the procedures to off-duty members of the department is consistent with the usual practice¹⁹ and responsive to the empirical evidence in Seattle which discloses a surprisingly high number of off-duty incidents handled through the department's machinery. Distinguishing between the private and public lives of a policeman apparently is not usually done by

the ordinary citizen. Invariably, the department has an interest in claims of brutality or abuse of office taking place while the offender happens to be out of uniform. The shooting of a Negro by an off-duty policeman in Seattle several years ago is still cited today as an especially acute cause of ill feelings between police and the black community.

Exempting the Chief and his immediate entourage accords with accepted administrative practice. The Chief, who is responsible for administration, generally has summary powers to appoint or dismiss Assistant Chiefs, Majors or Police Legal Advisors.²⁰⁻²⁴ These key men, like most others at the top, properly are subject to the whims of their boss.

4.00 PROCESSING OF COMPLAINTS

§4.01 Source of Complaints

The department shall receive complaints from any source alleging an infraction or major violation.

This deceptively simple provision is designed to overcome limitations on the eligibility of persons who may file complaints. It is assumed that all

attempts to restrict sources of complaints pose unrealistic obstacles to legitimate grievances. Some with legitimate claims, especially among minority groups, are stifled by a fatalism that feeds on ignorance, fear and past disappointments. A few, such as street walkers with complaints of harassment, refuse to complain because they do not wish to invite a formal police inquiry into their shady activities. But there is, in addition, sufficient documentation of police harassment of complainants in Seattle and elsewhere to make understandable the reluctance of even the most well intentioned to press their claims. During one period it was reported that the Washington, D.C. police department lodged criminal charges of filing

a false report against 40% of all persons attempting to file complaints alleging police misconduct.²⁵ Cases of physical abuse against the vocal aggrieved also have been recorded.²⁶ Deterring complainants may be more subtly accomplished. During a disturbance in the summer of 1969 in Seattle's University District the owner of a small cabaret claimed he was beaten by two members of the police department's tactical squad as he attempted to escort two female employees through an alley to see them safely home. Several days later two of his friends who are members of the police force persuaded him to refrain from filing a complaint. They reminded him that his application for a liquor license for his cabaret required the signature of the captain of the local precinct and, accordingly, the use of discretion was advisable. The interviewer was reminded, "Don't mention my name, you understand!"

These and other incidents create an atmosphere of suspicion and fear that deters the filing of complaints even though the doors may be genuinely open as almost all observers insist they are in the offices of Seattle's Internal Investigations Division. In this setting it is simply unrealistic to expect everyone to come directly to the department or go to a "friendly" public official with his grievance. Intermediary groups can help bridge the gap. In Seattle, the Human Rights Commission, American Civil Liberties Union and the Model Cities Law and Justice Task Force have served as active reception groups for receiving, screening, and passing on complaints to the department. More recently, VISTA volunteers and the Public Defender's Office actively have sought to discover instances of alleged police misconduct for consideration by the department. This practice of allowing another to file a complaint on behalf of an aggrieved person is preserved by the draft in §§ 2.01, 2.02.

4.02 Anonymous complaints

Anonymous complaints shall be accepted and may be investigated at the discretion of the commanding officer of the Internal Investigations Division.

This provision is a reaffirmation of §4.01 which declares that the department "shall receive complaints from any source." There is, in principle, no reason to reject anonymous complaints summarily, especially where legitimate fears are a well documented deterrent. The police department no less than the public restaurant should be anxious to solicit helpful tips and suggestions from someone who wishes to preserve his privacy. Indeed one could detect hypocrisy in a department anxious to investigate an outsider on the basis of an anonymous tip²⁷ but reluctant to investigate one of its own on similar unverified grounds. In Seattle anonymous tipsters have led to the identification of officers who were using vehicles for unauthorized purposes. This is not to say, of course, that complaints filed anonymously should be treated with the same consideration as those from a more credible source but neither should they be ignored altogether. The course of action, in any event, should be left to the commander of the Internal Investigations Division.

4.03 Form of complaint

A complaint may be filed in person, by writing or telephoning any member of the department.

Many departments further clog the complaint process by erecting procedural impediments designed to discourage all but the most determined. A 1969 act of the Texas legislature requires that a complaint against an officer be in writing and signed by the complainant.²⁸ The city charter of Rochester, New York requires the complaint to be written, signed, and verified.²⁹ Departmental rules in Buffalo,³⁰ Indianapolis,³¹ Newark³² and Washington, D.C.³³ impose similar limitations.

These obstacles are misconceived efforts to protect the department and its personnel from the slanders of the irresponsible. Far wiser would it be to accept all complaints and cull out the good from the bad in the administrative process. Procedural obstacles do not deter the liar and demagogue and, indeed, lend credence to charges of unresponsivity. The body of opinion that banished the forms of action in the courts should be extended to modern police departments.

4.04 Timeliness of complaint

A complaint must be filed with the police department within sixty (60) days after the date of the alleged incident. A complaint filed after that time will be investigated at the discretion of the commanding officer of the Internal Investigation Division.

The limitation period is supported by the familiar reasons of fading memories and disappearing witnesses that make difficult the investigation of stale complaints. The Seattle experience has been that a limitation period almost never would bar a legitimate complaint because the griper invariably reacts with rapidity to an unsavory contact that inspires him to take action. Authorizing a discretionary waiver of the time bar is defensible since the provision seeks to accomplish only a general directive for investigational priorities not an opportunity for slamming the door on seemingly meritorious complaints.

4.05 Receipt of Complaint

(1) A member of the department receiving a complaint shall record all pertinent facts and information, including the:

- (a) nature of the alleged incident;
- (b) date of alleged incident;
- (c) place where alleged incident occurred;
- (d) name of member of department involved or his badge number or any other description;
- (e) name, address, and/or telephone number of the aggrieved party, the complainant and of all known witnesses;
- (f) summary of complaint with details of the alleged violation.

(2) A member receiving a complaint shall report the information immediately to the commanding officer of the Internal Investigations Division.

Logging complaints is a simple matter of filling out a form in most departments. It is a form with which all members of the department should become familiar. The usual stories about the impossibility of penetrating a bureaucracy have been recited about the Seattle Police Department: complaints have been given false information by departmental personnel about where complaints should be filed and what form is required. One officer, it is alleged, refused to accept complaints that were not notarized though such a requirement nowhere appears in the departmental rules. Complaints have been accepted and recorded by police officers, never to appear in the files of the internal investigations unit. Complainants have been met with the run-a-round, the put-off and the put-down. This is not to say that filing a complaint with the police department is any more difficult nor any easier than filing a complaint with another agency of government. It is to say that every effort should be urged to improve the accessibility of the process. Oakland supplies a novel technique by distributing form complaints on post cards carrying the address of the Chief of Police. The fear that the department may be inundated with frivolous complaints is no excuse for erecting impediments that may cut off meritorious claims. Section 4.05(2), which requires the forwarding of all complaints to the Internal Investigations Division, deserves further explanation.

5.00 INVESTIGATION OF COMPLAINTS

5.01 Internal Investigations Division

The Internal Investigations Division is the staff unit which coordinates and exercises staff supervision over the investigation of complaints against members of the department. It shall ensure that an investigation of all complaints is conducted.

(2) A member receiving a complaint shall report the information immediately to the commanding officer of the Internal Investigations Division.

Logging complaints is a simple matter of filling out a form in most departments. It is a form with which all members of the department should become familiar. The usual stories about the impossibility of penetrating a bureaucracy have been recited about the Seattle Police Department: complaints have been given false information by departmental personnel about where complaints should be filed and what form is required. One officer, it is alleged, refused to accept complaints that were not notarized though such a requirement nowhere appears in the departmental rules. Complaints have been accepted and recorded by police officers, never to appear in the files of the internal investigations unit. Complainants have been met with the run-a-round, the put-off and the put-down. This is not to say that filing a complaint with the police department is any more difficult nor any easier than filing a complaint with another agency of government. It is to say that every effort should be urged to improve the accessibility of the process. Oakland supplies a novel technique by distributing form complaints on post cards carrying the address of the Chief of Police. The fear that the department may be inundated with frivolous complaints is no excuse for erecting impediments that may cut off meritorious claims. Section 4.05(2), which requires the forwarding of all complaints to the Internal Investigations Division, deserves further explanation.

5.00 INVESTIGATION OF COMPLAINTS

5.01 Internal Investigations Division

The Internal Investigations Division is the staff unit which coordinates and exercises staff supervision over the investigation of complaints against members of the department. It shall ensure that an investigation of all complaints is conducted.

5.02 Staff

The Internal Investigations Division shall be staffed by a unit of investigators commanded by a captain who shall be directly responsible to the Assistant Chief.

5.03 Investigation

Upon receipt of a complaint, the commanding officer or his designee will determine whether the complaint alleges a major violation or an infraction. He will assign complaints alleging infractions to the unit commander of the accused. Complaints alleging major violations will be retained by the Internal Investigations Division for investigation by its own staff.

Funnelling all complaints to a single investigative unit is as important as it is difficult to achieve. A large number of departments, reciting the military dogma that "discipline is a function of command," require the commanding officer of the accused to conduct an initial investigation.^{33a} Deservedly, this practice has been the target of much criticism for it offers an open invitation to the whitewashing that has undermined many internal procedures.^{33b} A fair hearing is aborted when first-line supervisors consciously condone the misconduct of officers under their command and deliberately shield them from disciplinary action. Also, the time demands on today's policemen make it difficult for a supervisor to depart from his normal tasks to conduct a complete investigation. The deficiencies in this system can be eliminated by requiring that all serious complaints be forwarded to a single unit for investigation or assignment. Complaints alleging major violations--including the brutality and civil rights cases--will be retained by the investigative unit while lesser infractions will be routed elsewhere for disposition.³⁴ Plainly, it would be unwise and unrealistic to expect every case of unshined shoes to be passed to the special investigators and back to the line commander for an oral reprimand. But the need for a central, independent body cannot be overemphasized.

The successful operation of this procedure depends on the establishment within the department of an independent unit which would assume full responsibility for the investigation of complaints. Such a unit should be commanded by a high-ranking officer who would be directly answerable to the Chief or Assistant Chief. Advantages of expertise, objectivity and increased public confidence are obvious. In large departments it would be advisable to include officers with legal training, for, in the hard cases, vigorous investigation in sensitive areas is required. The decision in the aftermath of the scandal in Seattle to appoint an elite investigative unit of police and prosecutors headed by the former chief of the Oakland Police Department should be indicative of the future direction of internal investigations. Independence, competence and commitment must be the hallmark of housecleaning efforts within a department.

An elite unit assumes the necessary resources. An easy way to deemphasize internal investigations is to scrimp on funds and cut back on competent personnel. Being stingy with resources assures delay, superficiality and unresponsiveness where speed, depth and sensitivity are needed. Until recently, the investigative unit of the Seattle Police Department was staffed by five officers who shared one small office, three telephones and one typewriter and who worked without a secretary, camera or tape recorder. For smaller departments without necessary funding, it might be advisable to designate one high-ranking officer to investigate all complaints. Or, has been suggested, the department could appoint an ad hoc investigative group to handle all complaints as they arise.³⁵

The mechanics of the investigation are not specified in the procedure. It is assumed that the departments will utilize business as usual techniques. Physical examinations and photographs will prove useful in brutality cases. In Seattle, a positive polygraph test led to further investigation and ultimately the sustaining of a complaint initially thought to have been incredible.

Police officers, no less than other citizens, of course are entitled to the usual panoply of procedural rights arising when the investigation looks their way. Years of agitation by New York City's Patrolmen's Benevolent Association has resulted in the adoption of a Bill of Rights to safeguard the rights of officers involved in departmental investigations. The precedent is a good one.

5.04 Special cases

If the complaint alleges misconduct on the part of a member assigned to the Internal Investigations Division, the Chief of Police shall assign the investigation of the complaint to another commanding officer unconnected with the Internal Investigations Division, who shall proceed to investigate in accordance with the provisions of this section.

Requiring the assignment to another unit of complaints against internal investigations personnel is merely an application of the general principle rejecting the built-in conflicts of interest inherent in inflexible insistence upon the "discipline is a function of command" notion. Where the internal investigations unit is called into question obviously the integrity of the entire disciplinary machinery is at stake and an objective inquiry dictated.

5.05 Classification of complaints

Upon completion of an investigation, the commanding officer of the Internal Investigations Division shall review the results of the investigations and classify the complaint as either:

- (1) unfounded;
- (2) exonerated;
- (3) not sustained;
- (4) sustained.

The reasons supporting reaffirmation of the IACP's fourfold classification scheme have been set forth earlier.

5.06 Review by Chief

The commanding officer of the Internal Investigations Division shall forward the results of the investigation and his recommendation to the Chief of Police who shall review the findings and:

- (1) concur in the results and recommendations; or
- (2) if not satisfied, return the file to the Commanding officer for further investigation.

The Police Chief is given this power of review at the investigative stage in the interests of sound administration. Obviously, at the investigative stage, the Chief will intervene only in the most sensitive incidents, especially where, as here, it is assumed that he has vast powers over the disciplining of members of the department. As a matter of written or unwritten administrative practice, a category of cases over which the Chief will exercise supervisory review gradually should be defined. The power to punish a fortiori assumes the power to order additional investigation.

6.00 ADMINISTRATION OF DISCIPLINE

6.01 Recommendations

Whenever a complaint has been classified "sustained," with the concurrence of the Chief of Police a member of the Internal Investigations Division familiar with the case shall meet with the accused's commanding officer to review the circumstances of the violation and the background of the accused. The commanding officer shall make a disciplinary recommendation to the Chief of Police who may approve or modify the recommendation or direct that a trial board be convened. When disciplinary action has been approved by the Chief of Police, the commanding officer shall notify the accused of the proposed discipline.

Upon a finding by the investigative unit that misconduct has occurred the procedure calls for consultation between the investigator and the accused's superior to determine what discipline is appropriate. This preserves the disciplining function of the commanding officer though, as mentioned, he has lost his investigative powers in serious cases. Plainly, the recommended punishment may run the gamut from oral reprimand to removal and may take positive forms such as counselling, medical or psychological treatment and retraining. The Chief of Police, as the ultimate administrative authority, is authorized to modify dispositions recommended by the accused's superiors

though in practice they usually will have the last word. Most day-to-day discipline will occur within this framework without resort to additional procedures.

6.02 Waiver of Trial Board

Within 48 hours from the time of notification, the accused must waive or demand his right, if any, to a trial board hearing. Any waiver must be voluntary and in writing signed by the accused.

6.03 Implementation of discipline

(3) Upon the signing of a waiver, the accused's commanding officer will implement the recommended disciplinary action. The Internal Investigations Division shall exercise staff supervision over implementation of the approved discipline.

These provisions, in large part, place the responsibility for initiating further review upon the affected officer. In serious cases he is afforded an opportunity for a de novo hearing before the trial board. He is put to the choice, however, of waiving or demanding his hearing. The signing of a waiver, which is the equivalent of a guilty plea within the administrative process, has the effect of vastly extending the range of discipline that can be administered summarily within the department. For administrative convenience, it might be advisable to assume a waiver unless the accused in writing requests that a Board be convened. In Seattle, the formal trial board procedures of the department have been invoked only once.

A more conventional procedure would have the accused exercise his right to a trial board hearing prior to a determination by the Chief about appropriate discipline. This would avoid the Board being unduly influenced by any prior recommendation. On the other hand, advising the accused of the proposed discipline would afford him more direction about what was at stake. And in any event, the Chief can order the convening of a trial board without disclosing any prior opinion on the proposed sanction.

In some respects it is misleading to speak of an "accused" in the sense of a criminal adversary proceeding. Complaints may be "sustained" in cases where individual culprits are unknown. Illustrative are the several complaints arising out of the disturbance in Seattle's University District in August 1969 where unknown officers of the tactical squad were alleged to have inflicted damage on parked cars by deliberately beating them with night sticks. Through the use of filmed reports supplied by a local television station, the Internal Investigations Unit was able to ascertain that the allegations were true though identifying the officers was impossible.³⁶ The city was advised to pay all claims for property damage in connection with the incident. Similarly, on June 3, 1970 day long campus protests over the movement of United States troops into Cambodia resulted in numerous complaints that plainclothes officers armed with batons had inflicted unnecessary beatings on several persons in the university area. Though, once again, identification of the marauders was impossible the Internal Investigations unit ~~affixed~~ responsibility by identifying an error in judgment by the unit ~~commander~~ who allowed contact between the officers and civilians under circumstances likely to lead to violence. He was demoted and transferred.

Arguably, whether or not individual responsibility can be clearly fixed, a strong case can be made for eliminating the trial board in form as well as in fact. Several departments allow the chief to take summary action in disciplinary cases without the interposition of a hearing board.³⁷ In most departments, the Chief has broad powers to administer discipline.³⁸ Invariably, a serious disciplinary action--such as a suspension, demotion or discharge appealable to a local civil service commission empowered to hold hearings with a full panoply of procedural rights.³⁹ Add to these factors of futility

and duplication the costliness and delay of an internal hearing board and the case against it is well substantiated.

On the other hand, having a hearing board affords the Chief an opportunity to plumb the judgment of other men in the department prior to approving summarily a disciplinary measure that may affect gravely the career of an individual officer. The accused himself is given an opportunity to be judged by his peers and to avoid what may be perceived to be persecution by his superiors. Moreover, a hearing allows the complaining citizen to participate directly in the adjudicatory process which he initiated. On balance, it was thought desirable to include provisions for a hearing board.

7.00 TRIAL BOARD HEARINGS

7.01 Applicability. A hearing shall be held upon:

- (1) the demand of any accused who has been notified of proposed disciplinary action based upon a sustained major violation
- (2) the demand of any accused notified of proposed disciplinary action based upon a sustained infraction where the recommended penalty is suspension for a period of greater than thirty (30) days, demotion or removal;
- (3) the direction of the Chief of Police.

Provision for resort to the hearing procedures is made available upon direction of the chief or upon insistence of the accused in serious cases. Under subsection (1) all sustained major violations, which invariably reflect adversely on the accused, are grounds for invocation of the trial board procedures. Similarly, infractions where the recommended penalty is suspension for a period of greater than thirty (30) days, demotion or removal put in motion the trial board procedure. Short of this, penalties for infractions may be administered summarily. As mentioned, the scope of summary punishment practically would be extended considerably upon consent of the accused. Trying

the availability of procedural protections to the gravity of the threatened sanction is not unknown in the law.⁴¹⁻⁴²

7.02 Membership of Hearing Board

The Hearing Board shall be composed of five (5) members of the department who shall be appointed by the Chief of Police to serve terms of one (1) year. The membership of the Board shall include one patrolman, one sergeant, one lieutenant, one captain and one major or assistant chief, except that no member of the board shall hold a rank below the member of the accused. In such event, the Chief of Police shall appoint a member of the same or higher rank of the accused to substitute for the ineligible member. Vacancies shall be filled within thirty days. Board members are eligible for reappointment. Three members shall constitute a quorum. The Chief of Police shall appoint an Assistant Chief to serve as chairman of the board for one year.

No immutable principles govern the make-up of the Board. Its size and composition reflect a rough effort to assure fairness. A Board of five members is large enough to assure a cross-section of personalities and ranks though small enough to avoid being unwieldy.⁴³ Most departments surveyed restrict membership on the Board to officers above the rank of lieutenant or captain,⁴⁴ a judgment rejected here on the ground that common sense is a prerogative extending to the lower ranks as well. Gains in departmental morale, moreover, theoretically are available by opening the Board to the lower ranks. A similar concern for morale suggests the provision making ineligible any Board member with a rank below that of the accused. Asking an officer to sit in objective judgment of a superior to whom he might be responsible later in the day is to ask the impossible.

The Chief is given the power of the appointment on the assumption-- articulated throughout these procedures--that it is he who is ultimately responsible for departmental discipline. Other permissible variations would limit his appointive powers. One would authorize the Chief to appoint a panel of officers from which a Hearing Board is drawn by lot.⁴⁵ Another would allow

the accused to select one member of the department to sit on the board; with the Chief reserving the right to select the other members.⁴⁶ Still another allows a trial before an impartial arbitrator selected by the parties.⁴⁷ The draft limits the Chief's discretion--and protects him from charges of having convened a kangaroo court--by requiring appointments for a definite term of office instead of in response to a particular case.

There is some community sentiment in Seattle for allowing a representative of the public, possibly appointed by the mayor, to sit on the Hearing Board. Only one department surveyed allows participation by civilians: in the District of Columbia an attorney is chosen by lot from a panel of attorneys selected and appointed by commissioners of the District.⁴⁸ The suggestion, of course, is still another version of the police review board which, for varied reasons, has had a dismal history in this country.⁴⁹ Citizen involvement is here rejected on the ground that, at the initial stages at least, disciplining a police officer is the responsibility of the department. No internal review procedures need invite outside participation just as they should not purport to foreclose external review if there is dissatisfaction with the performance of the department.

7.03 Ineligible members

- (1) No member of the Department currently assigned to the Internal Investigations Division is eligible for appointment to the Board. Any member of the Board who is assigned to the Internal Investigations Division during the course of his term on the Board shall be replaced on the Board by another member of the same rank selected by the Chief of Police.
- (2) No member of the Board shall be eligible to sit in judgment on a complaint which he filed or investigated or has knowledge of as a witness or if he believes for other reasons that he cannot render an impartial decision. The Chief of Police shall select another member of the same rank to substitute for the ineligible member.

These disqualifications are obvious concessions to the need to separate the accusatory and adjudicatory functions of the Board. Allowing the investigator and the judge to be the same man is as unfair to the accused as it is insulting to the public. As a further courtesy to a member of the Board, he is permitted to disqualify himself at his option.

7.04 Powers and functions of the board and chairman

- (1) Hearings. All hearings to be held under the provisions of this code shall be conducted by the Hearing Board.
- (2) Function of Board. The Board shall:
 - (a) consider all the evidence bearing on the charges contained in the specification;
 - (b) determine the classification to be assigned to the complaint;
 - (c) explain in writing the reasons for deciding upon a classification;
 - (d) recommend appropriate disciplinary action, if any.
- (3) Function of the Chairman. The Chairman shall:
 - (a) set a date, time and place for the hearing;
 - (b) notify the complainant and the accused of the hearing;
 - (c) issue subpoenas compelling any person to appear, give sworn testimony, or produce documentary or other evidence relevant to a matter under inquiry;
 - (d) administer oaths;
 - (e) decide all questions of procedure and admission of evidence.

Plainly, the reason for the hearing is to ventilate fully the circumstances of the alleged misconduct. Like the Internal Investigations Division at the investigatory stage, the function of the Board is to assign a classification to the complaint and to give reasons for its conclusion. A complaint "sustained under §2.13 requires a finding that the "allegations are supported by a preponderance of the evidence." Manifestly, the findings of the Internal Investigations Division and any recommendations as to classification will be part of the record before the Board.

Requiring the chairman to organize and preside over the hearing is consistent with sound administration. Departments having a police legal advisor

might wish to allow him to rule on peculiarly legal questions at the hearing --such as on evidentiary matters--if he is not conducting the prosecution of the case.

7.05 Pre-hearing procedure; notice; specification of charges

The Chairman of the Hearing Board shall give at least ten (10) days notice to the accused member of the date, time and place of the hearing. A specification of charges against the accused shall be prepared by the Internal Investigations Division and served on him at the same time notice of hearing is served.

7.06 Answer

The accused member has five (5) days from the date of service upon him to prepare and serve an answer which shall be in writing.

7.07 Service on complainant

The notice of the hearing, and copies of the specification of charges and answer of the accused member shall be served on the complainant at least three (3) days prior to the date set for hearing.

The decision to convene a formal hearing requires resort to the usual indicia of due process in adjudicatory proceedings. Notice and an opportunity to prepare the defense are preserved in the requirement for service of the specification of charges. Some departments make discretionary the obligation to serve an answer,⁵⁰ a practice rejected here on the ground that requiring the issue to be joined might contribute to eliminating surprise. Details of service and pleadings were omitted purposely in the interests of the simplicity sought throughout. Service upon the complainant is required to keep him informed as a member of the public allegedly wronged by police misconduct.

7.08 Challenge to Members of Board

The accused shall be allowed to challenge any member of the Board upon good cause shown. A challenge shall be made to the Chairman of the Board at least forty-eight (48) hours before the date set for the hearing and shall be decided by the other members of the Board.

A challenge is sustained if upheld by a divided vote of the members of the Board. The Chief of Police shall appoint another member of the same rank to substitute for a member successfully challenged.

The availability of challenges plainly will turn on the methods of selecting the Board. Departments allowing the accused to select members of the Board⁵¹ might eliminate the opportunity for challenges of participation in the selection process suffices to offset any prejudice. Seattle goes further by allowing the accused both to select one member of the Board and to exercise one peremptory challenge and unlimited challenges for cause.⁵² The draft opts for unlimited challenges for cause to overcome any unfairness thought to result by denying the accused a role in the selection process.

7.09 Conduct of hearing

The hearing generally shall be conducted as a "contested case" within the meaning of applicable administrative law. The Department legal advisor or city attorney shall prepare and present the case for the department. The complainant and accused may be represented by Counsel. All witnesses may be questioned under oath by counsel. Hearings shall be open to the public. A record of the proceedings shall be transcribed and shall be open to inspection.

The hearing is a departmental trial to be treated as a "contested case" for administrative law purposes. The legal advisor or city attorney is assigned to prosecute though, in cities without the manpower, a member of the Internal Investigations Division not appearing as a witness could serve in this role. It is assumed that the accused usually will be represented by the attorney retained by the Police Guild. To assure adequate representation of the complainant's interest, he specifically is invited to retain a lawyer of his choice. Rejected is the assumption, held by some departments,⁵³ that the complainant need not be represented by an attorney because the dispute is solely between the department and the accused. Several departments recognize that the public interest, too, demands that the citizen have a spokes-

man and one has gone so far as to supply an attorney if the complainant is financially unable to retain his own.⁵⁴

Contested cases assume cross-examination, argument and a full opportunity to be heard. The draft does not attempt to deal with the self-incrimination problems of Garrity⁵⁵ and Gardner,⁵⁶ which indicate that an officer cannot be dismissed for failure to sign a waiver of immunity to prosecution. It is assumed that the accused is protected from loss of job and other sanctions by the usual constitutional guarantees.⁵⁷

The subpoena power is a customary complement of trial-type hearings and is thought to be necessary to assure the appearance of recalcitrant witnesses. The failure of one department's trial board mechanism has been blamed on an inability to investigate fully in the absence of the subpoena power.⁵⁸ Precautions are advisable, however, since the power gives the department investigative authority beyond its usual complement. Possible abuses can be contained by judicial scrutiny of relevancy and specificity. The hard questions raised by conflicts between the hearing procedure and pending civil and criminal cases is dealt with in §7.10.

Most difficult to resolve is the question of whether hearings should be open to the public. Though fifty-one of ninety-four departments reported to the Harvard Law Review in 1964 that hearings were open to the press and public,⁵⁹ this could not be verified by the present study's examination of existing procedures. Only a small minority of departments allow public hearings⁶⁰ though the sample might be biased by a failure to consider civil service hearings which usually are open to the public.⁶¹ The arguments against an open hearing are familiar: the proceeding is solely a private matter between the department and an employee, essentially no different from a disciplinary question

involving White Front Stores and one of its employees; public hearings about police conduct usually deteriorate into shouting matches before television cameras where the demagogues prevail; open disciplinary proceedings would subject the officer to an unwarranted and unnecessary invasion of his privacy.

Experience in Seattle tends to confirm some of the hobgoblins about open hearings. Sessions held last year before the Human Rights Commission, which was inquiring into a collision between police and demonstrators at a University of Washington construction site, were marked by wild though occasionally substantiated accusations delivered in a carnival-like atmosphere. Recently, an open hearing before a coroner's jury considering a police shooting of a Negro youth focused attention on the travesties of this ancient procedure which ventilates before the public sensitive issues better treated behind closed doors by a grand jury.⁶² Also, many disciplinary matters involving officers of the department stem from sensitive psychological and emotional problems or alcoholism wisely treated with discretion. In one case a complaint by a medical doctor spurred an investigation that resulted in the medical retirement of an officer found to have had schizophrenia.

None of these reasons seem sufficient to exclude the public. It is a fiction to insist that a widely heralded incident inspired by outside complaints is solely a matter for the department. Slanderers, liars and demagogues, who perform best at hearings allowing no cross-examination, can be kept under control by adherence to the contested case procedures. The privacy argument, instead of supporting a blanket slamming of the doors, could be met by having a specific application and ruling by the Chairman to exclude outsiders whenever the testimony would involve intrusion into delicate private matters. That is the solution preferred by the courts. Moreover, from the point of view

of the department, it would appear that of all possible public forums the departmental hearing would be preferred. So long as closed doors raise the suspicion of whitewash there will be continued community pressure to air issues of police practices in external forums, such as a civilian review board or, as in Seattle, the human rights commission or some version of the defunct Police Liaison Committee, which was created by the mayor a few years ago following disorders involving police and citizens in the Central Area. Lastly, it deserves emphasis that in many cities much of the debate over the desirability of open inquiries into police disciplinary matters is entirely moot since for years civil service hearings have been open to an invariably disinterested public.⁶³

Short of a completely open hearing, it would be acceptable to exclude the public but allow participation by the complainant and his counsel. This is the present practice in New York City.⁶⁴ Transcribing the proceedings and requiring a written and reasoned disposition would enhance the procedure. Allowing an outsider, like the soon-to-be-created ombudsman, to review the record for errors in procedure and other deficiencies would provide the necessary check on the conduct of the proceedings. Ideally, this procedure should satisfy the noisy factions.

7.10 Stay of Hearings

On motion of the accused or the complainant, the Chairman may grant a stay of the hearings pending the completion of related civil or criminal proceedings or to allow for further preparation.

A conflict between police disciplinary proceedings and pending litigation is a recurring problem. The citizen's charge of excessive force against the officer may be the subject of a concurrent charge of resisting arrest against the citizen. During September 1969 police officers refused to participate

in one hearing before the Seattle Human Rights Commission on the ground that the incident complained of had given rise to criminal charges not yet resolved. Circumventing judicial rules of discovery and generating unfair pretrial publicity should not be the consequence of a disciplinary proceeding. One of the costs of a public hearing is to require the setting of priorities in litigation. If the hearings are open only to the complainant and his attorney, it might be possible to continue the proceeding concurrently with a related case. There is considerable precedent on establishing priorities between related civil and criminal matters.⁶⁵

7.11 Consideration of the Record of the Accused

Consideration shall be given to previous disciplinary actions against the accused only upon a finding that the complaint should be sustained and then only for the purpose of assessing appropriate disciplinary action.

Many departments allow a hearing examiner or board to review the accused's record when deciding a case.⁶⁶ Sometimes the accused is not afforded an opportunity to explain the notations appearing in the record.⁶⁷ The procedure limits the scope and power of the Board to examine an accused's record and thus endorses a principle of basic fairness firmly embedded in our judicial practice. It is assumed, in accordance with the prevailing opinion, that the personnel file of an officer will contain only a record of sustained complaints against him. Those given other classifications will be recorded in the private files of the Internal Investigations Division.

7.12 Decision and Recommendation of Board

The decision and recommendation of the Board shall be decided by a majority vote and shall be delivered in writing to the Chief of Police within thirty (30) days following the conclusion of the hearing. Dissenting opinions may be included.

This requirement of a written decision is very important, especially if

the proceedings are closed to the public. Too often deep deliberations produce a long delayed cryptic disposition that has all the markings of a political put-on instead of a reasoned decision. The procedure adopts two of the recommendations made by the President's Commission on Law Enforcement and the Administration of Justice by requiring that the decision be prompt and accompanied by an opinion of the board containing findings of fact and an explanation.⁶⁸ The provision for dissenting opinions probably represents wishful thinking but is consistent with the principle of requiring a public explanation.

Consideration was given to allowing the Board to decide by secret ballot. The idea was rejected on the ground that this secrecy might conflict with the need of the public to know and that assuring the accused a tribunal free of coercive influences could be better achieved by building protections into the process of designating the board.

7.13 Review by Chief

Upon receipt of the written decision and disciplinary recommendation of the Board, the Chief of Police, within fifteen (15) days, shall approve or modify the recommendation of the Board. The decision of the Chief of police is final and conclusive, subject only to a review by a court of competent jurisdiction or a civil service commission.

Accepting Wilson's premise that sound administration dictates that the Chief should have the right of final review in disciplinary cases,⁶⁹ the procedure requires that the decision and recommendation of the board be submitted to the Chief for final review and implementation of disciplinary action. Discipline, once determined, is to be administered under §6.00.

Giving the Chief a virtually unlimited power of review does not make the Hearing Board a mockery. Though in theory the Chief could order that discipline be imposed for a complaint deemed frivolous by the Board, the procedure is not likely to function that way. Plainly, the Chief will choose to invoke

the Board where the decision for him alone was difficult. A combination of institutional pressures indicates that the Board invariably will be the de facto final arbiter of disputes handled through the formal machinery.

Departments wishing to impose limits on the discretion of the Chief might specify that he would have the authority to reduce but not to increase a disciplinary recommendation by the board.

7.14 Notification of Complainant

Upon completion of an investigation, a member of the Internal Investigations Division shall notify the complainant of the results of the investigation, classification of the complaint and a suitable indication of the discipline imposed, if any. A copy of the decision and recommendations of the Hearing Board, if any, shall be forwarded to the complainant.

The failure of many departments to perform the simple courtesy of keeping the complainant informed has added credence to charges of futility by those whose complaints are absorbed by the bureaucracy never to surface again. Neglect in communication has been costly in police-community relations. The practice in Seattle is to type a letter or make a telephone call to each complainant informing him of the classification and, in the event of a "sustained" complaint, that "appropriate" disciplinary action would be taken. Most departments balk at informing an aggrieved person about the specifics of the discipline,⁷⁰ presumably to protect the privacy of the accused and to avoid debates over whether the discipline was sufficiently draconian. Compromising on this point, the draft calls for a "suitable" explanation of the discipline. In most cases, to assure full disclosure it would be appropriate to indicate to the complainant generally the action taken--suspension, discharge, retraining.

In Seattle, there is a tendency for the investigators to ignore complaints from the excessively querulous, those who were uncooperative during the investigation and, by necessity, transients with no forwarding address.

It is easy to sympathize with those inundated by frivolous grievances. Few outsiders appreciate how patently absurd some police complaints appear. One noteworthy example from the Seattle files is the grievance of the citizen who took offense at receiving a speeding ticket for traveling 75 mph in a city park and for cutting off a police motorcycle which was attempting to intercept another speeding vehicle. One would suppose that the aggrieved party should consider himself fortunate for having escaped with a mere ticket. A substantial percentage of the brutality complaints from the Central Area originate from one of three families, no member of which has earned a reputation for veracity within the Internal Investigations Division or several others in the community. Other illustrations of time wasting nonsense could be offered. Despite the tendency to react sharply against some types of complaints, fighting rudeness with rudeness is thought to be an untenable principle for a public body. It is recommended that within reasonable bounds a department supply written explanations to all complaining parties.

A special problem of communication arises where the subject matter of the complaint also is at issue in the courts. Prevailing practice seems to be to allow the complainant to cool his heels for several months without an explanation. Where the investigation or its findings are delayed, informing the complainant would be advisable.

8.00 SUSPENSION, INVESTIGATIVE

Nothing in the provisions of this code shall be construed to limit the right of the Chief of Police to suspend a member of a department for an alleged infraction or major violation without a hearing for a time no longer than forty-eight (48) hours to complete the investigation of the complaint whenever, in the opinion of the Chief, such suspension is believed to be in the best interests of the department and the community.

This power of summary action has its parallel in *ex parte* procedures

throughout the law. In rare cases the threat posed to the public welfare and safety by the continuation of a member on the force will be so grave as to justify a summary severance. Nothing in the due process clause forbids acting now and litigating later when the risk is intolerable.⁷¹ Cooling a riot takes precedence over the nice procedural rights of an accused officer.

III. Conclusion

Imposing a rule of law on the administrative process is among the most important of public law questions today. Nowhere does a breakdown in law and order cut so destructively into the fabric of society than when it occurs within a law enforcement agency. Correcting the wrongs of the police efficiently and thoroughly only can be done by the police. The choice ultimately is theirs. Adopting and enforcing standards of internal discipline is the surest way for departments to consolidate the respect and independence they seek. Failure to do so will give further impetus to the running commentary over external review mechanisms which has done so much to foster polarization in police-community relations. It is hoped that the draft procedures and accompanying commentary will contribute to the strengthening of internal responsibility which is the touchstone of sensible police administration.

IV. Footnotes and Bibliography

1. Twenty-nine of thirty-five departments responded to a request mailed to a cross-section of cities: Baltimore, Birmingham, Buffalo, Cheyenne, Chicago, Cincinnati, Cleveland, Dallas, Detroit, Houston, Indianapolis, Los Angeles, Louisville, Memphis, Miami, Nashville, Newark, New York, New Orleans, Oakland, Omaha, Oklahoma City, Phoenix, Richmond, Va., Rochester, N.Y., St. Louis, Seattle, Spokane and Washington, D.C.
2. Working from a total universe of three hundred complaints filed during 1969, fifty complaints were selected on a random sample basis. Five were rejected because of insufficient data. The remaining forty-five were examined both as to the substance of the complaint and the procedural steps involved. Complaints were classified as to the nature of the complaint (excessive force, criminal conduct, improper use of authority, immoral conduct, rudeness or verbal abuse and miscellaneous) and examined for demographic data, method of filing and disposition.
3. See Rodgers, When Seattle Citizens Complain, _____ Urban Lawyer _____ (1970).
4. Illustrative of the inevitable frictions in police-community relations in this report in the University of Washington Daily, "A Day in the Life of a Beat Walker":

It started with just a gesture from the first officer and a nod from the second.

It was a small thing, low key. That was typical.

The two beat officers aroused their even, methodical strides. They crossed to the other side of the dimly-lit Ave at the crosswalk between 41st and 42nd N.E.

It was a cold evening. The hint of a breeze carried an intermittent drizzle that put a misty glitter on the pavement. Street lamps, headlights, and dim storefronts lit the Ave in a gloomy halflight.

"One thing we do enforce out here are jaywalking laws, the city ordinances," Officer M. C. Walker had noted earlier. Walker, youngish, amiable, easy to talk to, covers two blocks of the U. District's University Way--the "Ave"--with his partner, Robert L. Morris.

Morris, also young, even-tempered, but a shade more reserved, stopped the youth in front of the Arabesque fabric shop.

"You know when you crossed the street back there?" he said. "That's a no-no."

"Do you have some identification?" asked Walker.

The youth, brown hair brushed across his narrow forehead, dug around and pulled a wallet out of his surplus army jacket.

"What if I didn't?" he asked as he pulled out a driver's license.

"Then we'd take you downtown," answered Walker routinely. He inspected the license.

"You know," said Morris, "some yo-yo could have spun around that corner and really clobbered you."

"I know you probably heard it before," said the youth, "but there are crimes being committed in this city." He was tense, getting a little heated.

"Sure there are," retorted Morris, "right out there in the street," he looked toward the street, into the pavement, "lots of crime, see it out there?"

The exchange was developing a biting little under-current of hostility. You could feel it.

"Did you arrest me because I had long hair?" taunted the youth as Walker wrote out the ticket. "I smoke marijuana," the youth bragged.

"If you want to be a nice guy, we'll be nice guys," said Morris finally. "If you want to be an asshole, we can be a bigger asshole than you can."

Walker handed him the citation.

"Are you guys cops because you like to have power over people or what?"

"We're here to do a job," Walker retorted. "Somebody's got to do it. If it was left to people like you we wouldn't have laws--we'd have anarchy."

"Ya," said the youth, "that'd be cool."

Walker was irritated. "The trouble with you is that you're too immature to know what the laws are for--to protect people."

It was a stand off. Both sides had ruffled each other. The exchange shortly dropped off.

The youth put his ten-dollar ticket in his pocket and walked off coldly. The officers walked away thoughtfully.

5. United States v. Cook, Crim. No. 51944 (W.D. Wash. 1970).
6. Testimony of Major David Jessup, reported in the *Seattle Times*, June 30, 1970, p. C 7, col. 5.
7. During 1969 a total of 300 complaints were logged and filed. By December 31, 1969, investigations had been completed on all but two of these with the following results: unfounded, 109; exonerated, 85; not sustained, 28; and sustained, 76.
8. Wilson, *Dilemmas of Police Administration*, 28 Pub. Ad. Rev. 407, 409 (1968).
9. See American Civil Liberties Union of Southern California, *Law Enforcement: The Matter of Redress 20* (1969) [hereinafter cited as ACLU Report]. The report suggests that internal procedures are used only to protect and cover up police misconduct.
10. See Report of the National Advisory Commission on Civil Disorders 311 (1968) [hereinafter cited as the Kerner Commission Report].
11. To compound the problem, police disciplinary procedures in many cities are scattered throughout departmental orders, civil service statutes and regulations, personnel hand books and the like. It is, moreover, a safe

assumption that written procedures and actual practices are less than compatible in many departments.

12. At the time the survey was taken, Oklahoma City was operating without any written rules of procedure.

13. See Int'l Assoc. of Chiefs of Police, A Survey of the Police Department of Seattle, Washington, App. V, Complaint, Disciplinary and Summary Punishment Procedures at 10 (1968). [hereinafter cited as IACP Report]. Although the report specifically was prepared for the Seattle Police Department, many of the IACP recommendations are boilerplate clauses appearing in similar reports.

14. Cf. 2 K. Davis, Administrative Law § 14.14 (1958).

15. See Cincinnati Police Department's Procedure in Handling Disciplinary Matters, §6.17; Memphis Police Department's Procedure in Handling Disciplinary Matters, § 6.021. Newark has four classifications of offenses--improper procedure, breach of integrity, misconduct and neglect of duty. See letter to author from Thomas M. Henry, Deputy Chief of Police, Newark, N.J., Aug. 8, 1969.

16. See N.Y. Times, _____, 1970, p. _____, col. _____; Detroit Police Manual § 34 (23).

17. See Personnel Rules of the City of Richmond, Grounds for Disciplinary Action, p. 2--30.

18. Many departments enforce general prohibitions against "immorality" or "conduct unbecoming an officer." See, e.g., Detroit Police Manual §34(8), (39).

19. Though the disciplinary order of the Seattle Police Department does not specifically mention off-duty conduct, the procedures are routinely invoked for complaints against officers for activities not related to their duties.

20-24. See, e.g., Seattle City Charter, art. 6, §5.

25. See R. Galvin & L. Radelet, A National Survey of Police Community Relations 204 (1967).

26. See ACLU Report, supra note 9, at 37, 42. In one case in Seattle two police officers, incensed over a complaint being filed against them, inflicted a beating on the complainant, an indiscretion that later cost them their jobs. Reports elsewhere disclose cases of police retaliation by charging complainants with resisting arrest or disorderly conduct. See The President's Comm'n. on Law Enforcement and the Administration of Justice, Task Force Report: The Police 195 (1967) [hereinafter cited as Police Task Force Report]; P. Chevigny, Police Power 249 (1969).

27. See Lankford v. Gelsten, 364 F.2d 197 (4th Cir. 1966).

28. S.B. No. 148 (1969).

29. Rochester City Charter § 8-34 (1963).

30. Letter to the author from Frank N. Felicetta, Commissioner, Buffalo Police Department, Aug. 8, 1969.

31. See Police Dep't Procedure for Complaint Against Police.

32. Letter to the author from Thomas M. Henry, Deputy Chief of Police, Newark, N.J., Aug. 8, 1969.

33. Manual of Metropolitan Police Dep't, ch. XXXV, § 11 (1966); see St. Louis Police Dep't, Discipline & Department Rule 7.109.

33a. Departments in this category include those in Birmingham, Buffalo, Chicago, Cleveland, Houston, Los Angeles, Phoenix, Rochester and St. Louis.

33b. See R. Galvin & L. Radelet, supra note 25 at 189-92.

34. Experience in Seattle conforms to this pattern. Of the complaints assigned to other units for investigation, most include minor claims of rude-

ness, verbal abuse or hazardous driving. The central investigative unit retains all complaints alleging excessive force or brutality, discrimination and criminal activity and all complaints filed by minority citizens or alleging misconduct by minority officers.

35. See Brown, Handling Complaints Against the Police, 12 Police 74, 87 (May-June 1968).

36. Easily the most prevalent identification problem in Seattle arises because of the disappearance of name badges from officers who are engaged in quelling disturbances. Fundamentally mistrustful, many people on the scene view this practice of resorting to anonymity as a prelude and an invitation to unnecessary force by the police. In partial defense of the practice, many officers feel that they are likely to have their badges torn from their uniforms during a melee, causing damage to the clothing. Each officer is responsible for maintaining his uniform in good repair. This source of ill will will be eliminated shortly with the implementation of a decision to require the officer's name to be sewn on his uniform.

37. Among those in the survey were Birmingham, Houston, Memphis and Oakland.

38. Most departmental regulations allow the Chief either to administer discipline directly or to delegate this duty to a subordinate. See, e.g., Seattle City Charter, art. 6, § 2.

39. See, e.g., ^{RCW} 41.12.090 (1969), which provides in part that an officer in the classified civil service who has been removed, suspended, demoted, or discharged may file a written demand for an investigation by the civil service commission within ten days after the action has been taken against him by the department. The investigation "shall be had by public hearing." Similar

statutes are in force in most jurisdictions.

40. See R. Galvin & L. Radelet, supra note 25, at 226. These disadvantages explain why many departments favor a decision-making process without a hearing. See Note, the Administration of Complaints by Civilians Against the Police, 77 Harv. L. Rev. 499, 505-06 (1964).

41-42. See, e.g., Bloom v. Illinois, 391 U.S. 194 (1968).

43. Most departments surveyed prefer a five or three member hearing board. Louisville has an eleven member board. See letter to author from Sgt. Bill Lamkin, Aid to the Louisville Chief of Police, Aug. 7, 1969.

44. Only two of the departments surveyed, Louisville and Spokane, had hearing boards composed of a cross-section of the ranks. Louisville's board includes the Chief, three Lieutenant Colonels, three Majors, one Captain, one Lieutenant, one Sergeant and one patrolman. See letter supra note 43. Spokane draws a five member board from a list of twenty patrolmen, detectives and/or motorcyclemen; eight sergeants; and eight lieutenants. See letter to author from E. W. Parsons, Spokane Chief of Police, July 29, 1969.

45. See Los Angeles City Charter, art. XIX, §202(b).

46. This is the procedure recommended by the International Association of Chiefs of Police. See IACP Report, supra note 13, app. V at 5. This feature has also been incorporated into the disciplinary procedure of the Seattle Police Department. See General Order No. 70-2, §2.01.440(2)(d) (Jan. 19, 1970).

47. See Rules and Regulations of the Buffalo Police Department, art XII, §2.

48. Manual of Metropolitan Police Dep't, Ch. XXXV, §1(b)(1966) (prescribing a "Special Police Trial Board). The Complaint Review Board in Washington, D.C., consists of five adult residents, two of whom are members

of the bar and is responsible for reviewing citizen complaints against officers of the department, Id., § 1(c). Omaha has^a provision for a Personnel Board comprised of five citizens which functions basically as a civil service commission. See letter to author from Richard R. Andersen, Omaha Chief of Police, Aug. 26, 1969. In many ways, of course, a functioning civil service commission provides the "civilian review" which in other contexts has become a fighting word.

49. See W. Gellhorn, *When Americans Complain* 170-195 (1966).

50. See, e.g., Memphis Police Dep't Manual §12-18 (by implication).

Most departments fail to specify the procedural amenities preceeding a trial board hearing.

51. See note 46, supra.

52. See General Order No. 70-2, §2.01.440(2)(d)(1) (Jan. 19, 1970).

53. By cmission almost all regulations adopt this course.

54. See New York Police Dep't, Amendment to Rules for Civilian Complaints, 21/12.5 (1966).

55. *Garrity v. New Jersey*, 385 U.S. 493 (1967).

56. *Gardener v. Broderick* 392 U.S. 273 (1968).

57. See Van Alstyne, *The Demise of the Right-Privilege Distinction in Constitutional Law*, 81 Harv. L. Rev. 1439 (1968).

58. See R. Calvin § L. Radelet, supra note 25, at 209 (discussing the Cincinnati experience).

59. See Note, supra note 40, at 507 n.34.

60. Memphis, Omaha and Rochester specify that hearings are open to the public. Richmond gives the accused an option to choose between an open and closed hearing. New York City and Washington, D.C. specify that hearings are

closed. Most departmental regulations are silent on the subject with the assumption being that hearings are closed.

61. see notes 39, 48, supra.
62. See, e.g., Seattle Times, May 21, 1970, p. _____, col. _____.
63. See note 39 supra.
64. New York Police Dep't, Amendment to Rules for Civilian Complaints, 21/13.5 (1966).
65. See, e.g., United States v. Kordel, 397 U.S. 1 (1970).
66. See, e.g., St. Louis Police Dep't Discipline and Department Rule 7-118.
67. Of course this is the inevitable result where loose rules of evidence allow the past record to be introduced at the hearing/^{and} where rights of cross-examination are compromised.
68. Police Task Force Report, supra note 26, at 197.
69. See O.W. Wilson, Police Administration 173 (2d ed. 1963).
70. See, e.g., Los Angeles Police Dep't, Statement of the Purpose and Functions of Internal Affairs Division, p. 5 (June, 1968).
71. See North American Cold Storage Co. v. Chicago, 211 U.S. 306 (1908).

SEATTLE POLICE DEPARTMENT

Research and Inspections Division

A Study on the Advantages and Disadvantages of Civilian
Review Boards and Alternatives

March 15, 1974

Shirley Melnicoe
Assistant Methods Analyst

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I. INTRODUCTION

Confrontations with police often take place in highly emotionally charged situations where there is a "tendency to indulge in physical or verbal excess".⁽¹⁾ The fine line between "necessary" and "unnecessary force", particularly in procuring an arrest, is often difficult to ascertain. However, it is that type of situation that the Department must take special care in protecting its integrity and that of its officers. Complaints may arise when there is a lack of specific guidelines or when the formal rules are improperly used or ignored by the police officers involved.⁽²⁾ In any given Department there will be complaints regarding problems of excessive force, misuse of express powers, incivility and abusive language, failure to exercise given powers, and occasionally corruption.⁽³⁾

The question then arises as to how and who should handle the complaints against the police. One proffered suggestion is the establishment of civilian review boards to investigate and review alleged police malpractices. The purpose of this paper is to set forth and objectively evaluate arguments against and in favor of civilian review boards.

HISTORY OF CIVILIAN REVIEW BOARDS

According to the 1967 President's Commission "Civilian review boards of one sort or another were established in Washington, D.C. (in 1948), Philadelphia

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1. P. G. Barton, "Civilian review boards and the handling of complaints against the police," U.Toronto L. J. 20:448 (1970), p. 449.
 2. Ibid., p. 449
 3. Ibid., p. 450

(in 1958), Minneapolis and York, Pennsylvania (in 1960), Rochester (in 1963), and in New York City (in 1966)."(4)

A survey conducted in 1970-71 of 46 police departments in cities with populations between 125,000 and 8,000,000, disclosed that four departments⁽⁵⁾ acknowledged having civilian complaint review boards.⁽⁶⁾

A closer look at these boards reveals that they were all structured along the lines of "internal" review in that the police receive and investigate all complaints. Civilian members are involved in the hearing process and may review and make recommendations as to whether or not the complaint should be sustained. However, the final disposition of the complaint lies in the hands of the chiefs of police.⁽⁷⁾ Judging from Dempsey's research, no purely "external" review boards currently exist.

Few topics are more controversial or more misunderstood in this country's police departments than civilian review boards. Much confusion exists even on the question of how certain boards were eliminated. According to one writer the boards in "Philadelphia and Rochester were eliminated by court orders; the one in Minneapolis crumbled under the threat of civil suits after it failed to win an absolute privilege against defamation actions; the York, Pa. board was abolished by executive order of the Mayor."⁽⁸⁾ However, a

4. The President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: The Police (Washington, D. C.: U.S. Government Printing Office, 1967). p.200.

5. Unfortunately a letter to author, Robert R. Demsey, did not receive a response and therefore the four cities to which he was referring are unknown.

6. Robert R. Dempsey, "Police Disciplinary Systems," The Police Chief (May, 1972), p. 54.

7. Ibid., p. 54

8. W. J. Bopp, Police Rebellion--A Quest For Blue Power (Springfield, Illinois: Charles C. Thomas, 1971), p. 119.

New York Times⁽⁹⁾ article and a press release⁽¹⁰⁾ indicate that it was Mayor James H. J. Tate who dissolved the Philadelphia Police Advisory Board by executive order. According to a letter from the present Mayor of Minneapolis, Albert J. Hofstede, there has never been a Civilian Review Board, "and as of this time there is none in the making".⁽¹¹⁾

To add to the confusion, other sources report that police review panels of varied authority and composition were established in New Haven, Connecticut;⁽¹²⁾ Indianapolis, Indiana; Trenton, New Jersey; and Los Angeles, California,⁽¹³⁾ although another source states that in 1960 the Los Angeles City Council unanimously rejected the establishment of a civilian review board. A recent attempt in 1972 to create a civilian review board in Louisville, Kentucky failed when their city council, the Louisville Board of Aldermen, voted down the proposal 8 to 2.⁽¹⁴⁾ The Cincinnati, Ohio City council has also refused even to consider such a board.⁽¹⁵⁾

As far as can be determined from the sources available, the only board in the country which was composed entirely of civilians and which was completely

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9. New York Times, December 28, 1969.
 10. Mayor James H. J. Tate, "Remarks of Mayor James H. J. Tate Before Police Command," Memorandum (69-24), (Philadelphia: Philadelphia Police Department, December 22, 1969).
 11. Letter from Albert J. Hofstede, Mayor of Minneapolis, to Chief George Tielsch, February 6, 1974.
 12. Americans for Effective Law Enforcement, Inc. [hereafter referred to as AELE]; "Counterarguments To Proposals for Police Civilian Review Boards and Court Ordered Remedies for Insufficient Internal Review Practices," Brief No. 73-5, AELE Law Enforcement Legal Defense Manual (Evanston, Illinois: American For Effective Law Enforcement, Inc., 1973) p. 4.
 13. Anon., "The History and Structure of the Philadelphia Police Advisory Board," (Provided by Mayor's Office of the City of Philadelphia, mimeographed, n.d.), p. 39.
 14. AELE, op. cit., p. 7
 15. Ibid., p. 7

independent of the police department was the Philadelphia Police Advisory Board.(16) It was also the only board which lasted long enough to facilitate adequate evaluations.(17)

Little uniformity in disciplinary procedures exists in police departments(18) much less in the type of review boards which exist or have existed. For instance, St. Louis, Missouri, has an arrangement whereby a Board of Police Commissioners composed of civilians is appointed by the governor. The chief of police is accountable to the police board rather than the Mayor. Baltimore, Md., and Kansas City, Mo. also have similar arrangements.(19)

II. ARGUMENTS AGAINST CIVILIAN REVIEW

A. HISTORICALLY, CIVILIAN REVIEW BOARDS HAVE FAILED.

A common conclusion frequently expressed is the following:

"The fact that most review boards are no longer in existence, can fairly be construed to indicate that they failed to accomplish the purposes for which they were established. While there appears to be no empirical data which would justify a theory that such boards won the confidence of the community in terms of police investigations, it would appear to be a fair conclusion that they were in fact unsuccessful." (20)

16. Anon., "The History and Structure of the Philadelphia Police Advisory Board," op. cit., p. 40.

17. Ibid., p. 40.

18. Dempsey, op. cit., p. 56.

19. Author Unknown, "Policing The Police," Ebony (May, 1973).

20. AELE, op. cit., p. 4.

B. ADEQUATE EXTERNAL CONTROL AGENCIES CURRENTLY EXIST

In 1964 a Seattle Times editorial opposed the creation of a review board on the grounds that it was "unwarranted, unnecessary and unrealistic" since there were existing safeguards such as the courts, the Civil Service Commission, the Mayor's Office and the City Council. (21)

Since that editorial was written various other governmental agencies, such as the Office of the Ombudsman and the Human Rights Department have been created. This view has been echoed numerous times and expanded to include the press and broadcast media as well as the general public, whose attitudes, values, and voting behavior are the final arbiters of how our society is to operate. (22)

Out of 440 complaints received by Seattle's Internal Investigations Division in 1972, 28 complaints were received via the Ombudsman, 7 were referred from the news media; 31 were forwarded from city agencies (i. e. the Mayor's Office, the City Council, and Citizen's Service Bureau); and 19 were referred from other outside agencies. (23) These figures alone account for approximately 19% of all complaints. Not only do some of the above agencies refer complaints but they also follow up and review various cases which were first handled in their own offices. When this happens, outside review becomes a very real factor.

21. The Seattle Times, December 14, 1964.

22. Rodney Stark, Police Riots, Collective Violence and Law Enforcement (Belmont, California: Wadsworth Publishing Company, Inc., 1972), p. 178-179.

23. Seattle Police Department Statistical Report 1972, r. 4

C. INHERENT POLITICAL OVERTONES ARE PRESENT IN THE APPOINTMENT OF CIVILIAN REVIEW BOARD MEMBERS.

The late J. Edgar Hoover, former Director of the FBI, once stated that "one of the major weaknesses of civilian (review) boards is their inherent political overtones. In many instances, appointments will be made for political expediency rather than merit, and every faction, clique, group, and organization which has an ax to grind will demand representation. If there is one thing career police executives have learned over the years, it is that politics has no place in effective law enforcement."(24)

It is almost impossible to make any appointments to such a volatile board which would be totally divorced from any political influences.

D. USURPATION OF THE CHIEF'S AUTHORITY

It is often argued that Civilian Review Boards usurp authority(25) which rightfully belongs to police officials. Such boards damage effective law enforcement and might possibly reduce the orderly processes of community life to continuous petty bickering, suspicion and hatred. The police chief cannot become a mere pawn of bureaucratic committees. It is essential that the Chief have full responsibility for the performance, discipline and control of his officers. The responsibility

24. J. Edgar Hoover, "Message From the Director," FBI Law Enforcement Bulletin Vol. 34, No. 1 January, 1965 (Washington, D.C.: Federal Bureau of Investigation, United States Department of Justice), p. 2.

25. Ibid., p. 1.

for maintaining the public safety, technical competence, and awareness of law enforcement problems lies with those who deal directly with these things daily. The need for an outside review board, even though staffed by the honest, enlightened and intelligent persons who made up the Philadelphia Board is superfluous at best." (26)

The Review Board concept tends to make the police subservient to certain special interest groups. (27) For example, Mayor Lindsay appointed two Blacks and one Puerto Rican to the seven member board in New York (28) (four were civilians and three were officers). Such appointments gave the appearance of over-representation of the minorities as well as political appeasement.

E. THE POLICE, AS A PROFESSION, SHOULD HAVE THE RIGHT TO DISCIPLINE ITS OWN MEMBERS.

The attainment of professionalism in law enforcement is a major step toward solving the problems of police reforms, recruitment, citizen hostility, effective uses of the advances in police science, the continuing risk of corruption and scandal as well as police mistreatment

26. Thomas F. Mc Dermott, "Death of a Review Board," (Pennsylvania: Police Chiefs Association of Southeastern Pennsylvania, 1967), p. 1.

27. Edward M. Davis, "Move over, Chief," 10 pp. mimeographed, 1962 (This speech, subtitled "An Address on Police Review Boards to the Police Chiefs' Section, California League of Cities," was presented on October 23, 1962), p. 4.

28. Arthur Niederhoffer, Behind The Shield The Police in Urban Society (Garden City, New York: Doubleday & Company, Inc., 1967), p 174.

of citizens. (29) Experience has shown that the "task of discipline and review of the conduct of its members--a task not unique incidentally to police forces--is best left to those within the profession."

Specialization along with professionalization implies that a certain professional competency and technical knowledge is necessary to judge situations in which professional standards are breached. It is that very principle which is followed in the professions of law, medicine, teaching, and among the clergy. (30)

Many police feel that Civil Review Boards threaten to restrain the positive development of law enforcement into a professional occupation. And one privilege of a profession is the right to discipline its own members without interference from outside. (31)

It has been further suggested that the--

"Investigation of complaints and disciplining of subordinates is a basic *management function*. To remove this function from police administrators and place it in the hands of outside authorities would, in effect, completely undermine administrative control of subordinates in a department because they need not fear answering to their superiors for acts of misconduct and that those in a direct line of authority over them will have the power to promptly administer discipline in appropriate cases." (32)

29. Hubert G. Locke, "Police Brutality and Civilian Review Boards: A Second Look," *Journal of Urban Law*, Volume 44, Summer 1967, (Detroit, Michigan: University of Detroit), p. 633.

30. *Ibid.*, p. 633.

31. Joseph D. Lohman and Gordon E. Misner, The Police and the Community: The Dynamics of Their Relationship in a Changing Society Field Survey IV, Vol. 2, President's Commission on Law Enforcement and Administration of Justice, (Washington, D.C.: U.S. Government Printing Office, 1966), p. 265.

32. AELE, *Op. Cit.*, p. 12.

Where disciplinary action is lacking, the defect is one of management. The cure would be either the removal or the discipline of the defective administrator.

One group believes that review boards are a "direct reflection upon inadequate police leadership since they can exist only when the police leaders fail, for whatever reason, to adequately discharge their responsibility to impartially investigate and deal with complaints by citizens against department personnel." (33)

F. CIVILIAN REVIEW BOARDS ARE A COMMUNIST PLAN TO DISRUPT THE POLICE.

A frequently quoted article by John E. Keller expounds the theory that the communists, as far back as 1930, have attempted to control the police. The People's World, cited by the House UnAmerican Activities Committee as a communist newspaper, in its February 8, 1949 issue, supported an Anti-Police Brutality resolution which had been adopted by the Unitarian Fellowship for Social Justice. A group of forty-five people, some of whom were affiliated with the Communist Party, recommended establishing an independent police trial board with the power to try as well as discipline police officers charged with brutality and other misconduct. (34)

Doctor Bella V. Dodd, a former communist party member, stated that the original communist campaign to institute police review boards was launched in the 1930's.

33. Ibid., p. 12.

34. E. John Keller, "Friend or Foe? A Penetrating Study of the Civilian Police Review Board", Law and Order Vol. 13 No. 10 (October 1965), p. 85.

A communist handbook captured by the CIA contained the following statement:

"... police are the enemies of Communism, if we are to succeed we must do anything to weaken their work, to incapacitate them or to make them a subject of ridicule."(35)

Another manual provided the following instructions on how to weaken police departments:

"First, make investigations and report on the activities of the police and security services. Secondly, investigate and repress those security organizations which support the government. Third, find ways to infiltrate into the police and security organizations to steal documents (particularly those reporting their knowledge of Communism) and to destroy everything of value."(36)

The Committee on Human Rights and Law Enforcement of the National Fraternal Order of Police warned that one of the inherent dangers of Police Review Boards is that of "infiltration by Communists". (37) Another group cautioned: "Unlike elected or appointed boards or commissions which serve to establish and maintain basic police personnel policies and be responsible for their proper execution, review boards are answerable to no one but themselves. They represent a form of control which is entirely alien to the American concept of democratic process."(38)

35. Ibid., p. 86.

36. Ibid., p. 86.

37. Vernon M. Smith, "Police Review Boards: Their History; How They Are Created; A Board In Action," (Philadelphia, Pennsylvania: National Fraternal Order of Police Committee on Human Rights and Law Enforcement, 1962), p. 11.

38. Quinn Tamm, "A Position Statement from the International Association of Chiefs of Police: Police Review Boards," (Washington, D. C., IACP, May 10, 1965), p. 1.

G. CIVILIAN REVIEW BOARDS INHIBIT LAW ENFORCEMENT

Police have opposed civilian review boards in the past because arrested persons sometimes file unjustified complaints against the arresting officers in retaliation. "There is no doubt that the threat of being called before a review board has intimidated many police officers and in effect, discouraged them from full performance of their duties."(39)

Some police officers have reportedly passed up many arrests since the establishment of the review board in Philadelphia.(40) It has also been alleged that some police officers will not make arrests in certain areas of town.(41) Another commonly voiced opinion states that the fear of change (i. e. civilian review boards) coupled with fear of any form of disciplinary action can lead to excessive timidity by police officers.(42)

Since the conception of the review board is aimed more toward the protection of the citizen rather than the officer, it often follows that such a board will "*coddle criminals*". The criminals can also use it to harass police. Unfortunately the law abiding citizen tends to suffer the most since he/she will receive decreased police protection.(43)

39. AELE, op. cit., p. 10.

40. Ed Dieckmann Jr., "Our Police! And Civilian Review Boards," American Opinion (June, 1965).

41. Ibid.

42. Barton, op. cit., p. 460.

43. Lohman, op. cit., p. 266.

H. INTERNAL REVIEW SYSTEMS ARE GENERALLY TOUGHER ON POLICE THAN THE CIVILIAN BOARDS.

Police tend to agree that it is easier to "snow" a civilian than another fellow police officer. For this reason alone, civilian boards in practice have been more lenient with accused officers. (44)

The Philadelphia Police Advisory Board during 1965-67 handled 421 cases and recommended disciplinary action in 19 of the cases or 4.5%. (45) In contrast, between January, 1968, and October 1969, the Board of Inquiry (the internal unit of the Philadelphia Police Department) handled 301 civilian complaints, 85 of which resulted in hearings before the board. Of the 85 cases, 76 officers were found guilty and punished--approximately 25%. (46) The Board of Inquiry was generally much stricter with officers than the Police Advisory Board.

I. THE PRESENCE OF A CIVILIAN REVIEW BOARD LOWERS POLICE MORALE AND CREATES RECRUITING DIFFICULTIES

During the existence of the Philadelphia Police Advisory Board, the Fraternal Order of Police filed petitions against the external review system. One of the petitions stated that:

"The existence of the defendant Board has lowered the morale of the Policemen;" (47)

44. Harold Beral and Marcus Sisk, "The Administration of Complaints by Civilians Against the Police," 77 Harv. L. Rev. 499 (1964), p. 517.

45. Tate, op. cit., p. 2.

46. Ibid., p. 2.

47. Lohman, op. cit., p. 262.

Another writer has pointed out that Philadelphia had difficulties in recruiting new, eligible officers after the establishment of the Police Advisory Board. In 1953 Philadelphia gave the examination twice a year and had 2000 applicants for police recruits of which 1000 were accepted. Just seven years later, in 1960, Philadelphia was forced to test for applicants twice a week and only managed to get a mere handful. (48)

It has been asserted that police will refuse to do their job in fear of repercussions from the review board.

"Qualified men will refuse to enter the police service because they want no part of such an unstable occupation. Trained policemen already working in the service will start looking for jobs because they know that police work will no longer be a career profession and they prefer not to work under such pressures." (49)

J. CIVILIANS LACK KNOWLEDGE, EXPERIENCE, AND EXPERTISE TO EVALUATE POLICE ACTIONS

The major advantage of having the police review citizen complaints is that police have the expertise to do so. (50) Police have more confidence in their peers' passing judgment upon them because they have knowledge and experience in police work which, in turn, allows them to "objectively evaluate their performance on the basis of such experience". (51)

48. Dieckman, Jr., op. cit.

49. Lee P. Brown, "Police Review Boards: An Historical and Critical Analysis," Police Vol. 10, No. 6. July-Aug. 1966 (Springfield, Illinois: Charles C. Thomas), p. 28.

50. Beral, op.cit., p. 516.

51. AELE, op. cit., p. 9.

Needless to say, police officers do not want to be second-guessed by those "who have no experience in police work and whom they deem as unqualified to sit in judgment on their actions".⁽⁵²⁾ As J. Edgar Hoover once stated, civilian review boards would be staffed by "appointed individuals who are generally inexperienced and untrained in law enforcement and police administration."⁽⁵³⁾

To illustrate the problem, one need only look at Mayor Lindsay's appointees on the New York City review board. None of these persons had any knowledge of police matters or even any judicial experience. It appeared that political considerations alone dictated their selection.⁽⁵⁴⁾

K. CIVILIAN REVIEW BOARDS HAVE DIFFICULTY IN COMPELLING OFFICERS TO TESTIFY

All police officers must submit to questioning by the Internal Investigations Unit. The Seattle Police Department's Manual clearly states that:

"Members or employees are required to cooperate in a departmental investigation and to answer questions by, or render material and relevant statements to, a competent authority in a departmental personnel investigation when so directed." ⁽⁵⁵⁾

52. Ibid., p. 9.

53. Hoover, op. cit., p. 1.

54. William H. Hewitt, "New York City's Civilian Complaint Review Board Struggle: Its History, Analysis and Some Notes," Police Volume 11, Number 6, July-Aug. 1967 (Springfield, Illinois: Charles C. Thomas), p. 26.

55. Seattle Police Department Manual, section regarding "Complaint, Disciplinary, and Punishment Procedures", Section 2.01.410, subsection (4) (b) (2).

Legally, civilian review boards would not have the power to compel statements from police officers. The United States Supreme Court has ruled that police officers have the same constitutional right against self-incrimination that private citizens have.⁽⁵⁶⁾ However, the U. S. Supreme Court also ruled that in a disciplinary hearing a police officer is required to answer questions specifically, narrowly, and directly related to his conduct and to the performance of his duties.⁽⁵⁷⁾ The officer could be dismissed upon his failure to answer the question. The rationale behind this decision is the "feeling that the policeman's special role as a law enforcer requires him to allay any suspicions as to the impropriety of his official conduct."⁽⁵⁸⁾ Thus legal authority exists for the Police Department to question its own officers but this same authority has not been extended to independent civilian review boards.⁽⁵⁹⁾

Psychologically it would also be more difficult for a policeman to be questioned by a civilian rather than by a fellow officer. More empathy and understanding is expected from ones' peers. Also there is always the fear that the civilian may be anti-police.

L. THERE IS NO EVIDENCE THAT REVIEW BOARDS CREATE OR PRESERVE COMMUNITY CONFIDENCE IN THE POLICE

The most important factor in determining whether or not external

56. Garrity v. New Jersey, 385 U. S. 493 (1967).

57. Gardner v. Broderick, 392 U. S. 273 (1968).

58. Beral, op. cit., p. 508.

59. AELE, op. cit., p. 13-14.

review is necessary may be the adequacy of the existing departmental procedures for the handling of citizen complaints. If the community trusts the integrity of the police, then there is no need for any form of external review.

According to the Chairman of the Seattle Crime Prevention Advisory Commission (speaking independently), Seattle does not need civilian review at this particular time because the Internal Investigations Division is functioning well and the public is presently content.⁽⁶⁰⁾ An additional factor, which should not be overlooked, is that the cost of setting up and maintaining an outside board is an unnecessary burden on the taxpayer.⁽⁶¹⁾

M. PRESSURE FOR POLICE REVIEW IS DISCRIMINATORY AGAINST POLICE.

One of the best arguments against civilian review boards is that citizen pressure on just the police tends to single them out for special review and inspection and is therefore discriminatory.⁽⁶²⁾

This discrimination may foster polarization between the police officer and the society he is supposed to serve. One writer asserted that the creation of a police review board tends to increase the police officer's "alienation from and antagonism to, the larger society and to enhance his feeling of group solidarity".⁽⁶³⁾

Another important aspect to consider is that a civilian review board

60. Interview with Fred Tausend, Chairman of the Seattle Crime Prevention Advisory Commission, January 30, 1974.

61. AELE, op. cit., p. 8.

62. Lohman, op. cit., p. 298.

63. George E. Berkley, "Civilian Administration and Influence", The Democratic Policeman, 1969, p. 146.

may detract from self-policing which is a very necessary function of the police. Policemen may be more apt to cover up for each other when control is being exercised by a nonpolice agency set up exclusively for just such a purpose. (64)

It was for the reasons discussed above that the President's Commission on Law Enforcement and Administration of Justice did not recommend the establishment of civilian review boards in jurisdictions where they did not exist solely to review police conduct. (65) Furthermore the American Bar Association Advisory Committee report in 1972 said that the most comprehensive and effective method of control is through internal administrative sanctions and procedures to handle citizen grievances. (66) And lastly even the noted sociologist, Gellhorn, expressed his reservations on civilian review boards, saying that they are commendable in principle but nevertheless it is doubtful that they can achieve the desired results. (67)

64. Ibid., p. 146.

65. The President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police [hereafter referred to as Task Force Report] (Washington, D. C. : U. S. Government Printing Office, 1967), p. 198.

66. Jack C. Landau, "Damage suits seen as police-misconduct curb," reprint from Washington, The Seattle Times, May 18, 1972.

67. R. A. Myren, "Decentralization and Citizen Participation in Criminal Justice Systems," Public Administration Review, V. 32, Special Issue (Washington, D. C. : The American Society For Public Administration, October 1972), p. 725.

III. ADVANTAGES OF A CIVILIAN REVIEW BOARD

A. CIVILIAN REVIEW BOARDS HAVE HISTORICALLY "FAILED" BECAUSE THEY WERE NOT GIVEN A CHANCE TO SUCCEED

On May 2, 1966, Mayor Lindsay announced his plan for a four-civilian-and-three-police-officer review board for New York City.

One week later the president of the Patrolmen's Benevolent Association, John Cassese, announced plans to campaign against the board. With a budget of \$1.5 million and membership of 25,000 officers, the Patrolmen's Benevolent Association initiated an attack using the following strategy:

- 1) petition the courts to require city officials to show cause why they should not be restrained from creating the civilian dominated board. (The Supreme Court for New York City turned down their petition on May 23, 1966.)
- 2) instigate a vigorous lobbying campaign in Albany aimed at getting legislative help in defeating the proposal.
- 3) initiate a drive to get 50,000 signatures on a petition to force a referendum on the issue.

(This was accomplished by July 7, 1966 when the PBA filed a petition with 51,852 signatures, and an ally, the Conservative Party, also submitted

40, 383 signatures.)(68)

Opponents of civilian review were very-well organized and financially sound. Emotional advertisements were widely circulated in the campaign. One such advertisement depicted a young lady exiting a subway alone at night with the following slogan:

"The Civilian Review Board Must Be Stopped. Her Life, Your Life May Depend On It. With A Review Board, It May Be The Police Officer Who Hesitates, Not The Criminal."(69)

Furthermore, members of the Police Department who were not actively opposed to the review board were branded as traitors to the force. When the 1,360-member Guardian Association, (70) which represented Black patrolmen, expressed their approval of the Civilian Review Board, John J. Cassese publically denounced them: "They put their color ahead of their duty as police officers." (71)

Then on November 8, 1966, New York City voters abolished the Police Department's Civilian Complaint Review Board 1,313,161 to 765,468. (72) Basically the Patrolmen's Benevolent Association demonstrated their power and ability in influencing public opinion. (73)

68. Bopp, op. cit., p. 123-124.

69. Ibid., p. 129-130.

70. American Civil Liberties Union, "Police Power and Citizens' Rights--the case for an independent police review board," [hereafter referred to as ACLU], mimeographed, n. d., p. 22

71. Niederhoffer, op. cit., p. 175.

72. Bopp, op. cit., p. 133

In Philadelphia the Fraternal Order of Police initiated two court actions against the Philadelphia Police Advisory Board and succeeded in obtaining a temporary injunction which prevented the Board from holding formal hearings or making recommendations to the mayor for almost 26 months.⁽⁷⁴⁾ Although the Board won the legal battles, Mayor Tate dissolved it in December, 1969.⁽⁷⁵⁾

The review board in Rochester, New York (which had jurisdiction only over complaints of physical brutality) was also besieged by litigation from the policemen's organization there.⁽⁷⁶⁾

In 1970 the Indianapolis review board encountered similar problems when the chief of police, the members of the force as a class, and the local Fraternal Order of Police filed a suit against the subcommittee (composed of five council members and eight community representatives) which was empowered to investigate and hear complaints or charges of alleged police brutality.⁽⁷⁷⁾

73. Ibid., p. 133.

74. Barton, op. cit., p. 459.

75. The New York Times, "Police Advisory Board Abolished in Philadelphia," December 28, 1969.

76. Myren, op. cit., p. 725.

77. AELE, op. cit., p. 18.

The International Association of Chiefs of Police has passed many resolutions in which they announced their vigorous opposition and rejection to the "creation and existence of such so-called police practice review boards". (78)

Reflecting on past history one would expect most police guilds or organizations to oppose any attempts toward civilian review. Perhaps the main reason for such opposition is that police groups are inherently distrustful of any proposal, such as civilian review boards, which is traditionally advocated by liberal or radical groups such as ACLU, NAACP, or CORE. (79)

Civilian review boards have not "failed". Nor have they been given time, money, and authority to prove themselves. Police departments must learn not to be afraid of constructive changes. There will always be citizens' complaints against the police. Perhaps the emphasis in investigations of police malpractice should be changed from the negative aspect of punishment to a more constructive one of self-improvement. "Suggestions that have emerged from individual cases have often been affirmative proposals for future actions, not negative criticisms of past defects." (80)

78. The International Association of Chiefs of Police, Resolution re: "Police Practice Review Boards", October 1, 1960, p. 2.

79. Bopp, op. cit., p. 119

80. Walter Gellhorn, "Police Review Boards: Hoax or Hope?" paper presented at the Columbia University Forum, Summer 1966, p. 10.

B. THE BOARDS WHICH EXISTED WERE NEVER PROVIDED WITH ADEQUATE RESOURCES AND POWER

The Philadelphia Review Board (the name was later changed to the Police Advisory Board) was created October 1, 1958 by Mayor J. Richardson Dilworth who established the board as an adjunct of his office under powers granted him in the charter rather than by ordinance. Mayor Dilworth charged the Board with:

"The responsibility of considering citizen's complaints against the police where the charges involved brutality, false arrest, discrimination based upon religion or national origin or other wrongful conduct of police personnel toward citizens."(81)

The Police Advisory Board was created with no specifications as to rules and procedures it should follow. No funds were provided for expenses or for even an office. The Board served at the pleasure of the Mayor and thus its existence was always in jeopardy. It only served in an advisory capacity to the Mayor who, in turn, passed on the Board's recommendations to the police department. And lastly, the Police Advisory Board had to rely on the police department to carry out the investigations in that they interviewed all the officers involved.(82)

81. Lohman, op. cit., p. 213.

82. Ibid., p. 221-222.

It is questionable whether any true "review" boards have ever existed in that "review" signifies the authority to compel testimony and to discipline. "Mere suggestive, consultative or precatory powers only indicate the presence of an advisory board." (83)

C. CIVILIAN INVESTIGATIONS WOULD BE MORE OBJECTIVE THAN INVESTIGATIONS DONE BY POLICE

The Association of the Bar in New York recommended that the Police Advisory Board have control over investigations through its own investigative staff and should have the authority to request further investigation by the Police Department. (84) A police investigation of the police is not and can not be totally neutral. Internal investigations are more likely to be defensive and slanted against the complainants. (85) The problem naturally lies in the conflict of interests.

Investigatory power along with adequate staffing would provide true independence to a review board. Investigatory power properly utilized by review boards could tremendously increase their power and effectiveness because "Acquisition of the input and output information is one of the most powerful monitoring devices available over an organization. Whoever has that information has the potentiality to assess where the problems of the organization lie." (86)

83. AELE, op. cit., p. 23.

84. Association of the Bar of the City of New York, Committee on Administration Law and Committee on Municipal Affairs Joint Report on "Police Advisory Board For Civilian Complaints," (New York: The Association of the Bar of the City of New York, 1965), p. 6.

85. Schwartz, op. cit., p. 108.

86. Reiss, op. cit., p. 194-195.

Th complainants would be less intimidated by civilian investigators. The very nature of an internal investigations unit with police investigators leads to incrimination-oriented questioning of the complainant. For example the Police Board of Inquiry in Philadelphia often subjected complainants to what appeared to be immaterial and irrelevant questioning.(87)

The complainants were warned of the gravity of their charges, citing the jeopardy in which he was placing the officer's job. "During the course of the hearing, it often appeared that the citizen complainants were on trial themselves."(88)

The head of the Inspections Services for King County when asked for his opinion of civilian investigators replied: "If they are trained, I have no qualms as long as it's done within the Department. People don't trust the police. The public would prefer talking to civilians and I wouldn't have any objections."(89)

D. THE EXISTING EXTERNAL REVIEW AGENCILS ARE NOT SUFFICIENT

It is frequently said that many alternatives for redress are available: the courts, the executive and legislative branches of municipal government, the Ombudsman, the Human Rights Department, other city agencies, as well as the news media. The courts, however, only handle cases which involve the

87. Lohman, op. cit., p. 198.

88. Ibid., p. 203

89. Interview with Lt. Richard Rebman, King County Inspections Services, February 7, 1974.

possibility of criminal behavior. In many situations from which a complaint results, such as verbal abuse, judicial recourse would be inappropriate. (90)

If the prosecutor's office were charged with handling citizen complaints, a definite conflict of interests would result. Considering the daily cooperation between the police and the prosecutor, it would be absurd to expect the prosecutor to secure a conviction of the complainant on the testimony of police officers and then to turn around and prosecute the police witnesses for using excessive force and perhaps even for lying about it. (91)

Moreover, prosecutors and courts are less likely to regard police misconduct toward citizens as serious, preferring not to risk suits for civil damages against the city or to jeopardize the conviction of citizens. (92) Also there are practical, financial and legal difficulties which make courts an unfeasible recourse for many complainants. (93)

90. New York County Lawyers Association, "Civilian Complaints Against the Police," Bar Bulletin Vol. 22 No. 5, 1964/65, p. 229.

91. L. B. Schwartz, "Complaints against the police: experience of the community rights division of the Philadelphia District Attorney's Office", U. Pa. L. Rev. 118: 1023 Je '70, p. 1024.

92. Albert J. Reiss Jr., The Police and the Public, (New Haven, Conn.: Yale University Press, 1971), p. 184.

93. Lohman, op. cit., p. 262.

With the exception of the Mayor, no other agency, including the City Council, has full access to the Internal Investigation Divisions files. The police officers' statements can only be seen by the chain of command involved, the Chief of Police, and the Mayor.⁽⁹⁴⁾ Consequently, no one except the Mayor can make a complete outside review of the case. Since the Mayor generally only reviews cases brought to his attention, it is safe to say that sufficient outside review does not exist. It should also be noted that the outside agencies which do occasionally get involved in citizen complaints against police are referral agencies rather than reviewing agencies.

E. THE STATEMENT THAT ALL REVIEW BOARDS HAVE POLITICAL OVERTONES IS NOT A JUSTIFIABLE ARGUMENT AGAINST THEM

Politics and appointive office is not synonymous with the worst people in the most sensitive jobs. There are many examples of appointments of dedicated responsible citizens serving the public's needs. Since review board decisions critically depend upon wide community support, "'hack' employees unequipped to handle the job would only boomerang against the appointing Mayor or City Council."⁽⁹⁵⁾ The requirement of qualified citizens is one of the most important factors in the review board's success.

It was suggested by the Assistant Ombudsman that police credibility would be improved even if the Police Guild acted as

94. An exception was when the court upheld the right to examine internal investigation files in No. 1917-1, Cook v. King County, King County No. 753765.

95. ACLU, Op. cit., p. 31.

the appointing power for a review board as long as some of board members were civilians.⁽⁹⁶⁾ The review board must then acquire the confidence of the citizenry and the police.

Another possibility for appointments is to appoint the members on the basis of existing positions--public defender, prosecutor, ombudsman, etc. (or a representative thereof). Another alternative is to leave the creation of such agencies to a higher level of government such as the state human rights commissions.⁽⁹⁷⁾

All appointments above the rank of captain are basically "political" appointments of the Chief of Police. And by appointing such persons to a Disciplinary Review Board hearing places them in a very precarious position. Their positions may be upgraded or down-graded at whim by the Chief.

Which appointments are less political--those by the Mayor or other appointing power or those by the Chief of Police?

And secondly, in which situation would more pressure upon the appointees exist? It is important to realize that in either case, problems exist.

A basic element of Anglo-American ideology is that the police force operates under political and civilian control and direction. If police were immune to such controls, they would

96. Interview the Fred Maxie, Assistant Deputy Ombudsman, January 17, 1974.

97. Barton, op. cit., p. 461.

be unresponsive to changing social needs and in opposition to our democratic governmental philosophy. (98)

F. A REVIEW BOARD NEED NOT DETRACT FROM THE CHIEF'S AUTHORITY

The authority of review boards has been limited to making recommendations (98) to the mayor, police chief, or the commissioner. (99) In New York Commissioner Leary reassured the Patrolmen's Benevolent Association that his power and authority were in no way impaired by the Civilian Review Board nor was the efficiency of the department adversely affected. (100)

A Civilian Review Board would not vest control in minority groups as is sometimes feared, (101) since such boards can only make recommendations. Contrary to accusations often heard from opponents of civilian review boards, "support for the review board among minority groups in Philadelphia has come chiefly from what must be regarded as the moderate side..." (102) A University of California study concluded that some minority leaders believed that the board was

98. Barton, op. cit., p. 461.

99. One exception to the statement is the Board of Police Commissioners in St. Louis, Missouri. The Board, rather than the Chief, renders the final decision.

100. Niederhoffer, op. cit., p. 177.

101. Barton, op. cit., p. 461.

102. Lohman, op. cit., p. 217.

ineffective and a few even believed that it had no value. However, most agreed that the board did relieve tensions and that it had "worked as an avenue of redress for civilian grievances against members of the police force".(103)

G. THE TRADITIONAL APPROACH TO SELF-REGULATION IS CHANGING

A civilian review board, in effect, monitors police practices by setting itself up to review citizen complaints. Until recently, the monitoring of the practices of so-called "professions" has been jealously guarded by the professional groups themselves.

One could argue that law enforcement is not a profession such as medicine or law, but that is moot since the more traditionally recognized professions are gradually changing their approaches to self-regulation. Two years ago the State Legislature in Michigan involved lay-persons on the Lawyers' Disciplinary Board. Wisconsin followed suit by also including lay-persons on their disciplinary board for attorneys.(104)

In California the State Legislature is currently considering the "Attorney Accountability Act" which would involve lay-persons on their Disciplinary Board. No problems with the bill's passage are foreseen.(105)

103. Task Force Report, op. cit1, p. 202.

104. Interview with Lou Prichard, member of the Board of Governors for the Washington State Bar Association March 1, 1974.

105. Ibid.

Since January, 1974, the Washington State Bar Association has had two lay-members on their Disciplinary Board. The two lay-persons are on a one year trial basis and currently do not have a vote. Apparently the Bar wanted the lay-persons to have a vote, but that right would necessitate extensive changes in the rules by the State Supreme Court. As that process is extremely time-consuming, it was decided the new members would not have the right to vote. The lay-persons were, however, appointed by the State Supreme Court.⁽¹⁰⁶⁾ The Washington State Bar is the first such Bar to take the initiative in bringing in lay-members. State legislatures provided the impetus in the other states.

Reasons given for appointments of lay-persons are as follows:

- (1) they provide valuable input;
- (2) lawyers tend to become very involved and compassionate while sitting in judgment of fellow attorneys--a tong feeling which is not unique to that profession; and
- (3) in light of Watergate and the number of attorneys involved, their credibility is at stake.⁽¹⁰⁷⁾

II. THE THEORY THAT CIVILIAN REVIEW BOARDS ARE PART OF A COMMUNIST PLAN IS PURELY AN EMOTIONAL RATHER THAN A FACTUAL ARGUMENT

After reading numerous articles which mentioned communism in

106. Ibid.

107. Ibid.

connection with civilian review, it is interesting to note that only one single source was continuously quoted. In John L. Keller's article ("Friend or Foe? A Penetrating Study of the Civilian Police Review Board"), the major sources which tie the history of review board to the communist party were personal interviews of doubtful reliability.

Civilian review boards do not fit into characteristic communistic tactics. Communist revolutionaries have traditionally fought any type of accommodation or compromise with the social order they seek to destroy. Secondly, revolutions are much easier to incite when political power and police power are concentrated rather than diffused.⁽¹⁰⁸⁾ As two noted criminologists have pointed out it is generally believed that tension and dissension are necessary prerequisites to revolutions. But civilian review boards are an attempt to reduce and ameliorate community tensions, thus lessening the possibility of frustrations building up to the point where subversives might use them to serve their own goals.⁽¹⁰⁹⁾

I. REVIEW BOARDS DO NOT INHIBIT LAW ENFORCEMENT

Since few review boards lasted very long, little empirical

108. Lohman, op. cit., p. 270

109. Ibid., p. 270.

evidence exists to prove whether or not they inhibit law enforcement. The lone veteran, the Philadelphia Police Advisory Board, was in force during the Philadelphia riots in the summer of 1964. According to the President's Commission on Law Enforcement, the Philadelphia Police Department handled the riots very well. (110) It can be concluded that the Philadelphia Police Advisory Board was neither "an asset or a liability. Credit belongs to the commanding officers who developed the strategies and to rank-and-file policemen who carried them out. As for the implications that the existence of a review board encourage rioting, one doubts it, considering that riots have broken out in any number of cities having no civilian review." (111)

J. CIVILIAN REVIEW BOARDS DO NOT "CODDLE" CRIMINALS NOR IS HARASSMENT THE OBJECT OF MOST COMPLAINTS

It is sometimes suggested that civilian review boards tend to "coddle" criminals who repeatedly file complaints for the sole purpose of embarrassing and harassing police officers. Quite the opposite is true. Since leniency of the Philadelphia review board toward the accused officers was blatantly apparent, (112) it would be illogical to assume that such

110. Ibid., p. 266.

111. Ibid., p. 266

112. Mayor James H. J. Tate, speech presented before the Police Command December 22, 1969, Philadelphia Police Department, Memorandum (69-24), p. 2

review boards "coddle" criminals.

The argument of wholesale harassment of police by professional criminals also appears unfounded. Fewer than six complainants filed more than one complaint with the Philadelphia Police Advisory Board in its first eight years. Such statistics show that the review board was definitely not a haven for criminals. Many cases never even reached the investigatory stage. In addition, 50% of the complainants did not have arrest records of any kind, nor were they known to the police as troublemakers. (113)

K. THE PRESENCE OF A CIVILIAN REVIEW BOARD NEITHER LOWERS POLICE MORALE NOR CREATES RECRUITING DIFFICULTIES

When asked if the police advisory board in Philadelphia lowered the morale of the police officers, Police Commissioner Gibbons in 1959 responded: "if you talk to some individual officer who has appeared before the Board, then I guess the answer would be that it had a harmful effect; but from my point of view as Commissioner, I think the Board has not only aided me, but has aided the police department." (114) The director of public safety in Rochester also stated that the review board in that city had not impaired the efficiency or morale of the police. (115) In practice, review boards were generally more lenient toward the accused officer than internal units. (116)

113. Lohman, op. cit., p. 266.

114. ACLU, op. cit., p. 28.

115. Task Force Report, op. cit., p. 202.

116. Beral, op. cit., p. 262.

The President's Commission on Law Enforcement found that "Recruitment and retention of personnel is, if anything, more successful in Philadelphia than in other large cities. Low pay, occasional periods of extra duty, the tensions associated with the job, and a number of other well-known characteristics of police work in large cities are the first problems to tackle if morale is judged poor."(117)

L. THE ESTABLISHMENT OF REVIEW BOARD WOULD RESTORE PUBLIC TRUST
IN THE COMPLAINT SYSTEM

There is still a certain degree of public distrust in internal complaint review systems. Such distrust is often based on the belief that a "police-orientated perspective necessarily colors complaint review by police"(118) which sometimes results in charges of "whitewash". (119)

The Kerner Commission pointed out that both in appearance and in reality the handling of a complaint is of utmost importance. Of internal review, the Commission said, "We believe that an Internal Review Board--in which the police department itself receives and acts on complaints--regardless of its efficiency and fairness, can rarely generate the necessary community confidence, or protect the police against unfounded charges...our

117. Lohman, op. cit., p. 262.

118. Beral, op. cit., p. 517.

119. ACLU, op. cit., p. 22

Commission believes that police departments should be subject to external review."(120)

Donald E. Santarelli, Administrator of the Law Enforcement Assistance Administration (LEAA), gave a speech on January 14, 1974, before the National Conference of State Criminal Justice Planning Administrators in Williamsburg, Virginia; he stated that the proper functioning of the criminal justice system demands a greater involvement of the public. He recommended the establishment of civilian review boards as a major step toward fulfilling this goal.(120)

Another expert has pointed out that external review can relieve community tensions.(122) In particularly tense communities, it is further suggested that: "Where opposition to existing complaint procedures is intense, some independent review procedure should be initiated. In those communities where pressure for a Police Review Board has become intense, it is probable

120. Kerner Commission, Report of the National Advisory Commission on Civil Disorders, (Washington, D.C.: Government Printing Office, 1968).

121. Robert B. Angrisani, Statement of Francis B. Looney, Deputy Commissioner of the New York City Police Department and IACP President, in which he challenged a speech by Donald E. Santarelli, head of LEAA, which was presented on January 14, 1974, before the National Conference of State Criminal Justice Planning Administrators in Williamsburg, Virginia (Washington, D.C.: International Association of Chiefs of Police, Inc., News Release, February 4, 1974).

122. Lohman, op. cit., p. 210

that nothing short of independent review procedures will help restore confidence in the police apparatus. (123)

Furthermore, the establishment of civilian review boards could provide the police with a public relations vehicle by which "the public can be convinced of their sincerity to curb police abuses wherever they exist, and thereby the confidence and respect of the community they serve can be won." (124)

The Seattle Crime Prevention Advisory Commission in 1971 recommended to the Mayor that a provision for appeal to an independent civilian-controlled investigating body be established to process complaints against law enforcement personnel. (125)

And lastly, the use of civilian review will not only lessen the isolation of the police but it will also protect the police against pressures of civilian suspicions in the internal review system. (126)

123. Ibid., p. 297

124. Dempsey, op. cit., p. 54.

125. The Seattle Crime Prevention Advisory Commission, Report to the Mayor and City Council of the City of Seattle, January 20, 1971.

126. Barton, op. cit., p. 460.

IV. ALTERNATIVES

This section will explore and expound upon the various methods available for handling citizens' complaints against police officers. The alternatives to be discussed are grouped in the following categories:

- A. Retention of the present system
- B. Establishment of a Civilian Review Board
- C. Use of existing agencies such as the Ombudsman or the Human Rights Department for police review
- D. Setting up a Board of Police Commissioners
- E. Use of the Hearing Examiner as the fact-finding agent
- F. Use of civilians within the Internal Investigations Division and on the Disciplinary Review Board

A. RETENTION OF THE PRESENT SYSTEM

The concept of investigating and dealing with citizens' complaints internally appears to have the approval of many police experts.⁽¹²⁷⁾ Furthermore, the officers in the Internal Investigations Division believe that the Division serves a useful purpose and should not be replaced by an external review board. Their reasoning is that the staff has both knowledge of the law and expertise in law enforcement which, allows them to understand what the police officer has gone through. Although they admit to a natural bias, they feel they are

127. Dempsey, op. cit., p. 52.

objective and "act for the Officer, the Department, and for the Community". (128) They also believe they serve a useful purpose by counseling and providing guidance for the police officers who are found to have problems.

Retaining the same structure is by far the easiest course. Any type of radical change will invariably be met with vigorous opposition from the police. (129)

However, retention of the same system does not exclude the possibility of improving on the existing procedures. Much can be done, and should be done, along this line. A detailed study of various methods for handling complaints would be productive. A major goal should be for the police to develop a professional approach toward the problems which currently exist. Experimentation with new ideas is essential.

The most important variable is the adequacy of existing departmental procedures. If we can honestly say that the community trusts the integrity of the present system and is completely satisfied, then there is no need for outside review.

B. ESTABLISHMENT OF A CIVILIAN REVIEW BOARD

The main body of this paper presented most of the specific arguments for and against civilian review boards. Given

128. Interview with Lt. Earl Fisher, Internal Investigations Division, Seattle Police Department, January 17, 1974.

129. Dempsey, op. cit., 52.

adequate funding, responsibility and staffing, there is little doubt in theory that a civilian review board could function very successfully. It could relieve community tensions, restore public confidence in the police and provide independent judgment. Even with a civilian review board, the Internal Investigations Division would still be necessary to carry out the investigations, to interview the accused officers, and to handle complaints which do not involve citizens. In order to prevent one person or group from dominating the review board, selection of the members could be accomplished by appointing persons already elected or appointed to other positions, such as the Prosecutor, Public Defender, Ombudsman, City Council, etc.

In spite of all the advantages of civilian review boards, historically nearly all civilian review boards have been destroyed by police organizations, and there are no indications that police organizations have drastically changed their attitudes on review boards. Since cooperation of those who are directly affected is one of the most important ingredients in making any system work, a civilian review board could not function effectively without police staff and line support.

C. USE OF EXISTING AGENCIES SUCH AS THE OMBUDSMAN OR THE HUMAN RIGHTS DEPARTMENT FOR POLICE REVIEW

An existing outside agency which already monitors different governmental practices would have a greater chance of acceptance by police than a specific board created for the sole

purpose of dealing with complaints of police malpractice.

The Ombudsman's Office acknowledged that review would be possible from their standpoint as long as the investigation was still carried out by the Police Department, because the Ombudsman's Office does not have the resources to carry out more investigations than it currently does. (130)

It would also be of considerable value if the reviewing agency also interviewed the complainant thereby alleviating certain fears and distrust some citizens have of talking to police officers.

After the police department completes its investigation, the external agency in charge of the review would receive a copy of the final report. The agency would also have the authority to request the complete file for review if it was either necessary or desirable. (131)

Anonymity of the officers involved could be retained by appropriate procedures. (132) If the reviewing agent has any questions as to the impartiality or thoroughness of the investigation, he could discuss the case with either the Internal Investigations Division or the Chief of Police.

130. Interview with Fred Maxie, Assistant Deputy Ombudsman, January 17, 1974

131. New York County Lawyers Association, "Civilian Complaints Against the Police", New York County Lawyers Association Bar Bulletin Vol. 22 No. 5 1964/65 (New York, New York County Bar Assoc.) p. 235.

132. At the present time all officers' statements are confidential.

Ideally, the reviewing agency would not be limited to reviewing only allegations of police misconduct. The Varner Report stated that "We also believe as did the Crime Commission, that police should not be the only agency subject to outside scrutiny and review. Incompetence and mistreatment by any public servant should be equally subject to review by an independent agency. (133)

And lastly it has been often asked why police should be treated differently than other municipal employees and, in a sense, discriminated against by having a special procedure for reviewing their actions. To state it simply, the police officer possesses much more discretionary power than the average city employee and should therefore be held to a higher standard:

"The police are among the most important policy-makers of our entire society. And they make far more discretionary determination in individual cases than any other class of administrators..." (134)

D. SETTING UP A BOARD OF POLICE COMMISSIONERS

A Board of Police Commissioners currently operates in St. Louis, Missouri; Baltimore, Maryland; and Kansas City, Missouri. (135)
All complaints by citizens against officers are reviewed by a

133. Stephen J. Harmelin, "Police Advisory Board of Philadelphia", (Philadelphia, Penn.: Junior Chamber of Commerce of Philadelphia) p. 10.

134. Kenneth Culp Davis, Discretionary Justice (Baton Rouge: Louisiana State University Press, 1969) p. 22.

135. Ebony, op. cit., p. 1.

four member Board of Police Commissioners. In St. Louis the four members are civilians who are appointed by the Governor of Missouri, by and with the consent of the State Senate. The Mayor is an ex-officio member.(136) After the Chief of Police reviews the report and makes his recommendations, it is forwarded to the Board of Commissioners. The Board reviews the case and renders the final decision.(137)

Besides reviewing citizens' complaints, the Board is also responsible for making policy and establishing guidelines for the Police Department.(138)

Unfortunately, on the data available, it is impossible to judge either weak or strong points of the Board of Commissioners concept. However under such a system, the Chief of Police relinquished all power regarding discipline since the Board makes the final decision.

E. USE OF THE HEARING EXAMINER AS THE FACT-FINDING AGENT

The Office of the Hearing Examiner was created by the Seattle City Council in 1973 for the purpose of conducting fair and impartial administrative hearings. The Hearing Examiner presides over an administrative hearing to hear and rule on questions of fact and law. The hearing takes place in an informal and relaxed atmosphere and is open to the public.

136. Letter from Eugene J. Camp, Chief of Police, St. Louis, Missouri to Chief George Tielsch, February 8, 1974.

137. St. Louis Police Department, "Here's How the St. Louis Police Department's Citizen Complaint System Works", n.d.

138. Ebony, op. cit., p. 1.

Following the hearing the Examiner prepares a written decision or recommendation containing findings of fact, conclusions of law and the reasons therefor. (139)

The Hearing Examiner currently has jurisdiction in the following areas: zoning, licensing and consumer affairs and fair employment. (140) Further authority to either render decisions or propose decisions in the area of citizen complaints against police officers can be granted by ordinance.

Perhaps the most advantageous method for using the Hearing Examiner in the area of citizen complaints would be as a fact-finding officer who could pass on his findings to the Disciplinary Review Board.

When asked for his opinion of the usefulness of him being the chairman of the Disciplinary Review Board, the present Hearing Examiner responded that with a panel of varied opinions one would tend to argue facts and end up with a compromise. He reiterated his position that an Examiner should be purely a fact-finder who passes on his written findings. Under this proposition the Disciplinary Review Board would review the findings of fact and could listen to the tapes of the hearings (all hearings are recorded) if they are concerned with actual

139. "Office of Hearing Examiner," paper explaining the Office, City of Seattle, March 1974, p. 1.

140. Ibid., p. 2.

testimony. If the Disciplinary Review Board is unsatisfied, they can demand the Hearing Examiner hold another hearing.

Another advantage of utilizing the Hearing Examiner is the acquisition of subpoena power which neither the Internal Investigations Division nor the Disciplinary Review Board has. Decisions would be based on the finding of facts and conclusions of law by an accountable individual. The final decision, however, would still remain with the Chief of Police. The Hearing Examiner concept presents a unique and positive alternative which warrants further investigation.

F. USE OF CIVILIANS WITHIN THE INTERNAL INVESTIGATIONS DIVISION AND ON THE DISCIPLINARY REVIEW BOARD

"The less drastic and more profitable reform lies in correcting the weaknesses in the otherwise acceptable departmental procedure."(141)

Probably the most logical step toward improving the present system is to take the best of each system and combine them. It would be more beneficial to all concerned if the Police Department itself *took the initiative* in instituting changes in the handling of citizens' complaints against policemen. An advantage to the approach is that the police could choose the method of change which is most acceptable to them. Also, changes initiated by the Department are more likely to be accepted by the police officers and by the Police Guild.

One innovation which merits consideration is the use of civilian investigators within the Internal Investigations Division. Naturally, the choice of personnel is important. Persons should be chosen with the necessary communicative skills such as interviewing techniques, and investigatory experience as well as unbiased and objective attitudes.

With proper training and experience civilians could be an important asset to the Division. The civilian members would not be part of the continuous turnover of staff which currently exists with sworn officers who are limited to two years within the Division.

Civilians should be used to interview the citizen complainants thereby alleviating any fears of intimidation and retribution. Economically the use of civilian personnel would also be advantageous since officers tend to receive higher pay. By replacing some of the officers in that Division with civilians, the sworn personnel could be moved to assignments where they might be better utilized. Also, the use of citizens internally would heighten the community's confidence in the Department's objectivity.

Including several civilian members on the Disciplinary Review Board would also be beneficial to all concerned. The civilian members would provide valuable input with their objective review of the cases and provide credibility to the Board's

recommendations. They would add checks and balances to the system.

The procedures and rules of the Disciplinary Review Board should not escape re-examination. By giving the Board the power the review all sustained cases and to recommend the form of discipline in those which are upheld *before* the Chief reviews them, the Chief would then be better prepared to cast the final decision.

Another problem in the present procedures is that only one side is really heard--the accused officer's. Either the Hearing Examiner method should be instituted for the fact-finding process or the complainant and his attorney should be allowed to be present during the entire hearing with privileges of cross-examination. Facts do not surface unless the proper questions are asked. Perhaps this "one-sided" picture is the Disciplinary Review Board's greatest shortcoming. A detailed study of the Board's procedures would be helpful before initiating other changes.

A proper balance between the need for greater public confidence in the police while retaining the effectiveness of disciplinary control over the Police Department is important. (142) The inclusion of civilians within the complaint system would not jeopardize or remove any authority from the Chief of Police. Civilians, instead, would establish the impartiality which is vital to the effectiveness of the complaint system.

Respect and confidence of the community in the police would be strengthened.

V. CONCLUSION

It has not been the intent of this study to produce a single recommendation. Rather, we have attempted an exhaustive literature search, presentation of the principle arguments pro and con, and a range of alternatives for consideration.

Each of the alternatives is presented in its most favorable light. If any bias or personal preference is discerned it is wholly unintended. We would hope that the facts and references here presented can lead toward calm, rational consideration of the various ramifications of this question and move it out of the emotional arena.

THE FOLLOWING INDIVIDUALS WERE INTERVIEWED:

1. Lt. Earl Fisher, Internal Investigations Division, Seattle Police Department, January 17, 1974.
2. Fred Maxie, Assistant Deputy Ombudsman, January 17, 1974.
3. Fred Tausend, Chairman of the Seattle Crime Prevention Advisory Commission, January 30, 1974.
4. Earl Smith, Counselor in the Human Rights Department, January 30, 1974.
5. Lt. Richard Rebman, Inspections Services, King County Department of Public Safety, February 7, 1974.
6. Lou Prichard, member of the Board of Governors for the Washington State Bar Association, March 1, 1974.
7. Capt. Marvin Wubbens, Internal Investigations Division, Seattle, Police Department, February 21, 1974.
8. Max Snell and John Hendrickson, City of Seattle's Hearing Examiner and Assistant, March 8, 1974.

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ESTABLISHING A CITIZEN'S REVIEW BOARD, PROVIDING FOR THE APPOINTMENT AND REMOVAL OF MEMBERS THEREOF, AND DEFINING THE OBJECTIVE FUNCTIONS, DUTIES AND POWERS OF SAID BOARD.

THE PEOPLE OF THE CITY OF SEATTLE DO ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE

The general purpose of this ordinance is to provide for community control of an independent Citizen's Review Board that shall conduct prompt, impartial and fair investigation of complaints by individuals against the Seattle Police Department and adjudicate said complaints.

SECTION 2. AUTONOMOUS BOARD

There is hereby established an autonomous Citizen's Review Board of the City of Seattle, and its members shall abide by the rules and procedures established by the Board and those rules and procedures herein described.

SECTION 3. POWERS

The Board established by this ordinance shall have the following powers:

- a.) Shall receive complaints of police brutality against police officers and employees and complaints of illegal or discriminatory procedures of the Seattle Police Department, and expeditiously and completely investigate said complaints and hold public hearings.
- b.) Shall adjudicate said complaints with the full authority to enforce any or all of the following disciplinary action:
 1. reprimand
 2. fine
 3. suspension
 4. termination
- c.) Shall exercise the power of subpoena.
- d.) Shall adopt rules and regulations and develop such procedures for its own activities and investigations as may be necessary (to include the activities of its staff) and to publish and file same with the office of the City Clerk.
- e.) Shall do such other things which are consistent with the broad interpretation of this ordinance and its general purpose.

SECTION 4. COMPOSITION AND QUALIFICATIONS

The Board shall be composed of seven (7) members, with at least three (3) members being women and one Asian, one Black, one Chicano, one Gay, one Native American and one ex-felon. All members shall meet the following qualifications:

- a.) Shall be a resident of the City of Seattle.
- b.) Shall at the time of their appointment, the individual annual income of five (5) members must not be greater than the median income for the City of Seattle. Median income shall be determined by current United States Department of Labor statistics for the City of Seattle. The remaining two (2) members shall not have an individual income greater than \$20,000.
- c.) Shall support the establishment of a Citizen's Review Board as stated in this ordinance.
- d.) Shall not be a police officer or employee of a police department.
- e.) Shall agree to fulfill the necessary time requirements to properly adjudicate complaints.

SECTION 5. APPOINTMENT OF BOARD MEMBERS

Three (3) Board members shall be appointed by the Mayor of the City of Seattle and the remaining four (4) Board members shall be appointed by the City Council from a register of names submitted by community organizations. Community organizations shall meet the following requirements in order to be eligible to place names on the register:

- a.) Shall be a non-profit organization.
- b.) Shall be an advocate for the rights of one or more of the following groups: Women, Racial Minorities, Sexual Minorities, Poor, Felons and ex-felons
- c.) Shall support the establishment of a Citizen's Review Board as stated in this ordinance.

SECTION 6. TERM OF OFFICE

The term of four (4) members shall be two (2) years from the effective date of their appointment. The remaining three (3) members shall serve for three (3) years from the effective date of their appointment, the first term, every member shall serve a term of two years thereafter.

No person shall be appointed for two (2) consecutive terms.

Vacancies on said Board for whatever reason shall be filled for the unexpired term by a new appointee selected from the register by the City Council.

SECTION 7. REMOVAL OF MEMBERS FROM THE BOARD

A motion for removal of a Board member shall be initiated by any Board member or by petition signed by at least fifty (50) citizens of the City of Seattle. Upon receipt of the petition the Board shall take action no later than thirty (30) days.

Upon a two-thirds (2/3) vote of the members of the Board a member may be terminated for one or all of the following reasons:

- a.) Missing three (3) meetings of the Board without legitimate reason.
- b.) Malfeasance.

SECTION 8. SELECTION OF CHAIRPERSON

The Board shall elect one of its members as chairperson who shall hold office for one (1) year and until his or her successor is elected. The chairperson shall not serve more than one term. The chairperson shall be elected at a special meeting immediately after all members have been appointed to the Board.

SECTION 9. BOARD MEMBER'S WAGES AND STAFF RESPONSIBILITIES

In order to compensate Board members for their time and work, each member shall receive seven (7) dollars per hour. However, no Board member shall exceed a eighty (80) hour workload per month. Board member's salaries shall be adjusted according to cost of living increases.

The Board shall hire a staff of investigators, secretaries and an office administrator. The staff will be answerable to the Board and shall be hired according to the City of Seattle's Affirmative Action Program and shall include Sexual Minorities.

SECTION 10. BOARD MEETINGS

The Board shall establish a regular time and place of meeting and shall meet regularly at least once a week or more frequently as the workload requires. The regular place of meeting shall be in an appropriate central location of the City, but no meetings shall be held in a building in which law enforcement agencies are located. At least once every three (3) months meetings will be held in other places and locations throughout the City. The Board shall be responsible for disseminating to all segments of the public, information concerning the time and location of all meetings. All meeting shall be opened to the public unless the Board, in order to protect the rights and privacy of complainants, decides otherwise, and if such closed meeting is not waived by the complainant.

Five (5) Board members shall constitute a quorum for the transaction of business and the affirmative vote of a majority of those present shall be required to take any action.

SECTION 11. PUBLIC INFORMATION

The Board shall keep a proper record of its proceedings and the results of its investigations, and records and files shall be made public.

All records and files shall exist only in written form and copies of records and files shall only be available to Board members and those persons directly involved in the complaint.

SECTION 12. RESPONSIBILITIES OF CITY GOVERNMENT

In carrying out its objectives, the Board shall receive the following prompt and full cooperation and assistance from any office or officer or department of the City Government:

- a.) Written information, documents, materials, tape recordings and photographs as the Board deems necessary in carrying out its responsibilities under this ordinance.
- b.) The attendance at Board meetings of any police department personnel or city official the Board deems appropriate in carrying out its responsibilities under this ordinance.

SECTION 13. ABOLISHMENT OF THE POLICE INTERNAL INVESTIGATION DIVISION

Immediately upon the date that this ordinance becomes law the Internal Investigation Division of the Seattle Police Department is herein abolished and replaced by the Citizen's Review Board.

To assist in an orderly transition between the Seattle Police Internal Investigation Division, herein abolished, and the Citizen's Review Board established by this ordinance, all files, records, publications, tape recordings, photographs and documents of whatever kind of the former Seattle Police Internal Investigation Division shall be immediately deposited in the Office of the Mayor of Seattle for use and benefit of the newly created Citizen's Review Board. Once the Board establishes a permanent office, these files and documents will be transferred to the Board and shall become part of its records.

SECTION 14. REPEAL OF EXISTING ORDINANCES

Any or all ordinances pertaining to the existence and functioning of the Seattle Police Internal Investigation Division are repealed by this ordinance.

SECTION 15. INVALID PROVISIONS, SECTIONS OR APPLICATIONS

If any provision of this ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not effect other provisions, sections, or applications of this ordinance which can be given effect without the invalid provisions or applications, and to this end any phrase, section, sentence, or word is declared to be severable.

CITIZEN'S REVIEW BOARD

PUBLIC HEARING

tues. aug. 20, 7:30 pm

11th floor, SEATTLE MUNICIPAL Bldg. 5th & JAMES

stop police brutality

SEIZE THE TIME FOR OPPRESSED PEOPLE (S.T.O.P.) is a community based organization through which women, racial minorities, sexual minorities and the poor have taken a stand on the issue of police brutality.

DEMAND

Seattle's people are calling a halt to the mental and physical brutalization of the poor and minority communities. Nearly 2,000 signature collected in the S.T.O.P. petition demand an end to police brutality and the establishment of a Citizen's Review Board. In the face of this clear mandate from the people, the Seattle Police Department continues to follow policies of brutality and harassment and now plans to use hollow tipped "dumb dumb" bullets to more effectively murder and mutilate Seattle's citizenry. Why a Citizen's Review Board?

CITIZEN'S REVIEW BOARD

Violence and brutality are inherent in the nature of "policing". The Seattle Police Internal Investigation Division is nothing more than a horrible farce at the expense of the mental and physical well-being of Seattle's poor and minority people. Hundreds of complaints of brutality and outcries of horror at such plans as the use of "dumb dumb" bullets have gone ignored and unresolved by the P.I.I.D. Clearly indicating the need for a Citizen's Review Board.

JOIN US!

Attend the Public Hearing of the Public Health and Safety Committee of the Seattle City Council on August 20, Tuesday, at 7:30pm on the 11th floor of the Municipal Building at 5th Avenue and James Street.

If you wish to make a statement in support of a Citizen's Review Board or want more information call S.T.O.P. at 725-8440 or 725-1224.

If you support a Citizen's Review Board write to City Councilmen Sam Smith or Randy Revelle.

S.T.O.P. MEETINGS ARE OPEN TO EVERYONE AND ARE HELD ON THE FIRST AND THIRD MONDAY OF EACH MONTH AT 7:30PM AT 3321 37th AVENUE SOUTH, SEATTLE, WASHINGTON 98144

The following are some of the organizations which have endorsed a Citizen's Review Board: Black Panther Party, Seattle Gay Alliance, Lesbian Radical Women, EL Centro Dela Raza, Freedom Socialist Party, Kinshasa, Radical Women, Gay Student Association, Third World Women, United Construction Workers, ASPI Screen Commission, American Indian Student Association

donated 8

COMMUNITY RELATIONS SERVICE • U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20530 • 1972

CONFLICT RESOLUTION PROGRAM



U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20530

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A NEW FEDERAL APPROACH

• TO HELP FACILITATE SOCIAL CHANGE THROUGH CONSTRUCTIVE AND VOLUNTARY CHANNELS OF RECONCILIATION

FOREWORD

The Community Relations Service (CRS) is an agency of the U.S. Department of Justice * which was created by the Civil Rights Act of 1964 to help communities resolve "disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin. . . ." The goal of the agency is to bring about rapid and orderly progress toward securing a life of justice, equal opportunity, and human dignity for all American citizens.

Since inception, the CRS has engaged essentially in two categories of innovative activity—(1) crisis resolution, or the ad hoc application of remedial measures under the pressures of ruptured relationships and adversary hostilities, and (2) crisis prevention—a programmatic approach aimed at eliminating the root causes of social discord and strife. Each approach has its proper place within the CRS mission.

With development of its Conflict Resolution Program (CRP), the agency adds a new dimension to its efforts to ameliorate community crises and tensions. This program represents a new Federal approach for helping troubled communities to alleviate intergroup tensions and strife and facilitate smooth social change. The two major components of the CRP are conciliation and mediation. Each of these components and other aspects of the program are described on the following pages.

Ben Holman

Ben Holman
Director

* The CRS was transferred from the U.S. Department of Commerce to the U.S. Department of Justice in April 1966.

DEFINITIONS

MINORITIES — Blacks, Chicanos, Puerto Ricans, other Spanish-speaking groups, American Indians, Orientals, and Eskimos.

CRISIS — A state of actual or potential confrontation which relates to minority racial issues and is of potentially major proportion.

TENSION — A pre- or post-crisis factor which centers around critical conditions which may produce confrontation and/or violence. Tension is characterized by—

- Existence or rumors of demonstrations, boycotts, strikes, rallies, and racial incidents;
- A breakdown in communication between disputants;
- Heightened concern of the minority community toward acts of discrimination; and
- Visible evidence of negative or insensitive responsiveness by the establishment.

ESTABLISHMENT — Persons who have the power to make decisions related to the issues of the crisis or causes of the tension.

CONFLICT ISSUES

The list is long of contemporary conflict issues in community relations. Boycotts, picketing, walkouts, sit-ins, street disorders, and other manifestations of unrest, reflect polarities in a variety of institutional settings. Among the more frequently contested problem areas are—

EDUCATION

- Community control or significant participation in public school administrative decisionmaking.
- Equal opportunity for quality education without regard to race or national origin.
- Inequities arising from public school desegregation.
- Student rights on the college campus.

HOUSING

- Public housing tenants' activity to secure resolution of grievances.
- Demands for greater and more decent low and moderate income housing.
- Tenant-landlord disputes.

ADMINISTRATION OF JUSTICE

- Allegations of police malpractice.
- Inequities in the systems of criminal justice at all levels of jurisdiction.

ECONOMIC SECURITY

- Equal employment opportunity and stability.
- Consumer abuses in minority communities.

WELFARE AND HEALTH CARE

- Burdensome health and welfare regulations.
- Inaccessible and/or inferior services.

• TO CONTRIBUTE TO EFFECTIVE RESOLUTION OF CRISIS AND TENSION THROUGH CONCILIATION AND MEDIATION

- Unfair stereotyping, public misunderstanding, and insensitivity to welfare recipients.

GOVERNMENT SERVICES

- Lack of representation by minorities in policy formulation, program planning, and decisionmaking.
- Onerous property acquisition practices (i.e., urban renewal, eminent domain, etc.).
- Service discrepancies in affluent minority neighborhoods.
- Discrimination in hiring and promotional practices.

CONCILIATION

Paramount to successful settlement of contemporary conflict issues is the need for an outside source to provide an independent perspective upon which adversaries can mutually depend for detached observation, objective judgment, and balanced responsiveness.

The conciliation component of the Conflict Resolution Program is designed to serve this need.

In conciliation, the CRP professional undertakes numerous roles and activities, including—

- Assessing the situation as a neutral third party.
- Facilitating communications between disputants so that issues and opposing viewpoints are perceived and examined.
- Arranging and/or convening meetings between the adversaries.
- Helping disputants to identify and enlist resources which have a bearing on the resolution of the conflict.
- Identifying and verifying leadership roles between disputants.
- Consulting and advising with law enforcement officials to reduce the likelihood of confrontation or violence when inflammatory conditions prevail.
- Intervening in conflicts between and within ethnic/racial groups to seek solutions to such discord.
- Assisting adversaries to understand the nature of conflict, crisis, and protest, and to overcome inhibiting stereotypes.
- Helping to formulate and apply constructive internal disciplinary procedures (self-policing systems) in the planning and execution of protest activities involving large numbers of participants.
- Providing a Federal presence in critical situations in which there is a useful purpose served by on-the-scene observation—such as demonstrating a major concern for a particular problem and assuring timely and active Federal involvement should changing circumstances dictate.

MEDIATION

Mediation is a technical process, more formal than conciliation, in which a third-party intermediary—with sanctions from all disputants—assists the conflicting parties in reaching a mutually satisfactory settlement of their differences, preferably with self-enforcing, built-in mechanisms. In this capacity, the CRP mediator brings disputants and interested parties together for positive action. More specifically, the CRP mediator—

- Establishes recognition by the parties of opposing negotiation spokesmen and participants.
- Chairs negotiation sessions.
- Presents and clarifies the issues and establishes priorities.
- Arranges for an appropriate mechanism with which to assure followup implementation of agreements reached.
- Discusses affirmative steps to prevent and meet future problems.
- Persuades parties to maintain a "good faith" posture and to move toward realistic settlement goals.

CRITERIA FOR RESPONSE

Conciliation

CRP conciliation involvement in community crisis may occur in two basic ways—

- When the agency, on its own initiative, determines that CRP conciliation assistance is needed.
- At the request of State or local officials or upon inquiry of local citizens or organizations, both public and private, with a legitimate interest or stake in the outcome of the intergroup dispute.

Response to requests for CRP conciliation service depends upon these criteria—

- Satisfactory assessment of circumstances indicating that the type of difficulties under review are likely to be effectively influenced by conciliation intervention.
- Availability of other resources (outside CRS) which may be considered necessary for successful resolution of the dispute.
- A reasonable likelihood that an agreement, once consummated, can be promptly implemented.

Mediation

CRP mediation involvement in community crisis may occur in three basic ways—

- Upon judicial referral when the courts feel there is a reasonable possibility that the dispute can be voluntarily settled through mediation and negotiation.
- When the agency, on its own initiative, determines that CRP mediation assistance is needed.
- At the request of State and local officials or upon inquiry of local citizens or organizations—public and private—with a legitimate interest or stake in the outcome of the intergroup dispute.

Response to request for CRP mediation service depends upon these criteria—

- Satisfactory determination that the nature of the difficulties are within the agency's legislative mandate and are compatible with its responsibilities under existing policy.
- Availability of agency personnel to perform the required assignment.
- Assessment of circumstances which indicate that (1) conflicting parties are, or may be, willing to accept and facilitate mediation; (2) a reasonable likelihood that permanent settlement can be reached; and (3) an agreement, once consummated, can be promptly implemented.

STATE AND LOCAL RELATIONSHIPS

Major responsibility for preventing civil disorder rests with local officialdom. However, State resources, as well as Federal, are sometimes required. The CRP efforts in this regard center on—

- Helping to establish contingency plans to constructively cope with civil disorders and violence; reviewing and evaluating established plans for use in responding to urban emergencies and, when appropriate, making recommendations for constructive modifications.
- Facilitating utilization of local and other non-Federal resources by strengthening their delivery capacities and/or their access to needed technical assistance.
- Informing State and local officials and community groups of available Federal resources that can be utilized to overcome local problems, and helping to expedite the delivery of Federal resources so as to accomplish the objectives within reasonable time frames.

CRS REGIONAL OFFICES

Requests for conciliation or mediation assistance—or for additional information about the Conflict Resolution Program—should be directed to the CRS offices listed below:

ATLANTA, GA. 30303 Room 900
Citizens Trust Company
Bank Building
75 Piedmont Avenue NE.
(404) 526-4396

CHICAGO, ILL. 60603 Room 1440
Mid Continental
Plaza Building
55 East Monroe Street
(312) 353-4356

DALLAS, TEX. 75202 Room 138-35
Federal Building
1000 Commerce Street
(214) 749-2457

NEW YORK, N.Y. 10007 Room 3400
U.S. Customs and
Courthouse
26 Federal Plaza
(212) 264-9865

PHILADELPHIA, PA. 19107 Room 1432
Bankers Security Building
1315 Walnut Street
(215) 597-9943

SAN FRANCISCO, CALIF. 94105 Room 703
Matson Building
100 Mission Street
(415) 556-2453

WASHINGTON, D.C. 20530 (Headquarters)
Room 513
Todd Building
550 Eleventh Street NW.
(202) 739-4002



Robert L. Burnside

AUG 15 1974 REC'D

6217 FIFTIETH AVENUE N. E. • SEATTLE 19, WASHINGTON

98115

Mr. Randy Revelle, Chairman
Public Safety and Health Committee
Seattle City Council
1106 Municipal Building
Seattle, Washington 98104

Re: Comptroller's File 279625, a petition of
Seize Time for Oppressed People (STOP)
for establishment of a citizens' review
board to review complaints about
alleged police misconduct.

Dear Mr. Revelle:

We support the right of any organization to petition the City Council and be granted a public hearing on any area of concern to the people of Seattle; however, I cannot support the referenced petition.

The areas of particular exception to the petition are in Sections 3, 4, 5, 9, 11, 13, and 14 for these reasons:

Section 3 b.) and c.)---The proposed Board should not have any authority to impose disciplinary actions. This authority must remain with the Seattle Police Department under the Mayor and the City Council; nor should such a Board have subpoena power.

Section 4.---Composition and Qualification. The proposed composition of the Board would not be a fair membership ratio of our entire community. Paragraph b.) relative to income restrictions is unnecessary and has no bearing upon an individual's qualifications for Board appointment.

Section 5.---Appointment of Board Members. This basis for appointment is too restrictive to represent the interests of the whole community.

Section 9.---Board Members' Wages and Staff Responsibilities. Such a Board, if formed, should consist of knowledgeable, interested, capable and dedicated citizens who are willing to serve their community without pay.

Section 11.---Public Information. There is a disparity between the two paragraphs as to whether the record of the proceedings, results of investigations, and records and files are to be made public.

Section 13.---Abolishment of the Police Internal Investigation Division.---And replacing it with the proposed review Board. Strong exception is taken to this proposal. By the very nature of the missions of the Police Department, it is not, and cannot be, a democratic organization. It has an established and known set of regulations under which it must operate. If these Police regulations are broken; then the Police must investigate such infractions, bring the offender before a board of his peers, and dispense whatever is fair and legal justice for all concerned.

Section 14.---Repeal of Existing Ordinances. Above comments in Section 13 cover objections to this proposal.

Abolishing the Police Internal Investigation Division as proposed here by STOP has been

Robert L. Burnside

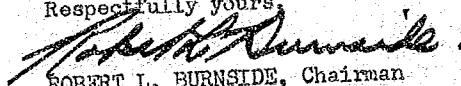
6217 FIFTIETH AVENUE N. E. • SEATTLE 15, WASHINGTON
98115

proposed at other times and in other communities in various forms. None of the proposals have been effective; therefore, they have not been accepted by the Police Department or by the community. Perhaps this is an opportune time to open up for study the existing set-up for more public input.

It is suggested that possibly two citizens be appointed by the Mayor to observe and comment upon the present procedures and policies of the Police Internal Investigation Division. These two citizens (with or without a vote) would submit written comments and recommendations on constructive alternatives to the Mayor and City Council for improving the operation. Such citizen appointments could result in a feeling of openness and fairness to the public.

The Seattle Crime Prevention Advisory Commission will continue the study of this proposal at its next meeting on August 22, 1974 at 3:00 P.M. in the conference room of the main branch of the Seattle Public Library. As usual, this meeting will be open to the public.

Respectfully yours,



ROBERT L. BURNSIDE, Chairman
Seattle Crime Prevention Advisory Commission

State of
Washington
House of
Representatives



WILLIAM S. LECKENBY
9105 Fauntleroy Way S.W.
Seattle 98136
Residence: 932-3124
Business: 624-3507
Legislative: 753-7932

Forty-Third Legislature
1973-75

Committees

Transportation and Utilities
Commerce
Financial Institutions

August 15, 1974

AUG 16 1974 REC'D

Councilman Randy Ravelle
Seattle City Council
Municipal Building
600 Fourth Avenue
Seattle, Washington 98104

Dear Randy:

I note with interest that you are having a hearing on August 20th regarding a proposal for a Civilian Police Review Board.

This matter came up five or six years ago when I was a member of the Seattle Human Right Commission. In my deliberation I concluded that such a board would severely restrict police activity and that the Police Department should conduct its own review.

However, I recommended at that time and I suggest for your consideration now, that there be an Inspector General capability in city government.

There should be a method whereby the chief executive of any government can get an audit from other than department managers. Such an audit is available in private industry through annual C.P.A. examination.

An Inspector General office could be required to report on particular problems such as Police brutality, etc., as well as on routine matters.

I trust that this will be of interest.

Best regards,

A handwritten signature in cursive script, appearing to read "Bill", written in dark ink.

William S. Leckenby
State Representative

WSL:pw1

OFFICE OF MINORITY STUDENT AFFAIRS
SPECIAL SERVICES
SEATTLE, WASHINGTON 98122

Seattle University



15 August 1974

City Councilman Randy Revelle, Chairman
Public Safety and Health Committee
Seattle City Council
Municipal Building
Seattle, Washington 98104

AUG 16 1974 REC'D

Dear Councilman Revelle:

I strongly endorse the proposal to establish a Civilian Review Police Board. The current Police Internal Investigations Department is inappropriate and inadequate in this era of openness and honesty in government.

All too frequently, citizens have been left with unanswered questions and partial information. Two examples which may be cited were the McMahon-Carr shooting, and that of John Bisha.

The present process then, does little for enhancing police-community relations or improving police methodologies.

I suggest a combined police-civilian review board which, I believe, would greatly improve confidence in the fairness and prudence of the police department.

Finally, it would seem far better to initiate this now rather than to wait until some unusual crises precipitates the demand.

Sincerely,

ROBERT F. FLOR
Assistant Director
Office of Minority Student Affairs
Special Services Program

RFF:cnm

cc: Ms. Caroline Bishop



THE CITY COUNCIL OF THE CITY OF SEATTLE

1106 SEATTLE MUNICIPAL BUILDING

600 FOURTH AVENUE, SEATTLE, WASHINGTON 98104

TELEPHONE 583-2640

August 15, 1974

SAM SMITH
PRESIDENT OF THE COUNCIL
583-2367

GEORGE E. BENSON
CHAIRMAN
TRANSPORTATION
COMMITTEE
583-2357

BRUCE K. CHAPMAN
CHAIRMAN
PARKS & PUBLIC
GROUNDS COMMITTEE
583-2364

TIM HILL
CHAIRMAN
FINANCE COMMITTEE
583-2356

PHYLLIS LAMPHERE
CHAIRMAN
INTERGOVERNMENTAL
RELATIONS COMMITTEE
583-2355

WAYNE D. LARKIN
CHAIRMAN
UTILITIES COMMITTEE
583-2358

JOHN R. MILLER
CHAIRMAN
PLANNING & URBAN
DEVELOPMENT COMMITTEE
583-2355

RANDY REVELLE
CHAIRMAN
PUBLIC SAFETY &
HEALTH COMMITTEE
583-2359

JEANETTE WILLIAMS
CHAIRMAN
HUMAN RESOURCES &
JUDICIARY COMMITTEE
583-2366

Enclosed for your review is a proposed ordinance submitted to the City Council by Seize Time for Oppressed People (STOP). The ordinance would establish a citizens review board to investigate and adjudicate allegations of misconduct filed against the Seattle Police Department. Although I do not support the STOP proposal, I do support the right of any organization to petition the City Council and be granted a public hearing on an area of concern to the people of Seattle.

The question of police discipline is a significant one for the people of Seattle. Therefore, a public hearing has been scheduled on the STOP proposal and the City's policy and procedure for handling complaints against the police. The hearing will be held next Tuesday, August 20, 1974, at 7:30 p.m., before the Council's Public Safety and Health Committee.

The Committee seeks constructive comments from a broad spectrum of Seattle citizens on possible improvements to the City's policy and procedures for handling allegations of police misconduct. In addition to any comments you may have on the STOP proposal, we would appreciate hearing your views on the discipline policy and procedure currently followed by the City, as well as any recommendations you may have for improvement.

For your additional information, I have also enclosed a copy of remarks I recently delivered to the Seattle Police Officers Management Association.

We invite you to participate in the hearing to be held next Tuesday. If you are unable to attend, you are welcome to submit any written recommendations you may have to my office by no later than Monday, August 19, 1974.

If you have any questions about the hearing, please do not hesitate to contact Duane Woods, my Assistant, at 583-2359.

Sincerely,

RANDY REVELLE, Chairman
Public Safety and Health Committee

RR:d1:dk

cc: All Council members

August 15, 1974

Ms. Adriane Minaud, Chairperson
Seize Time for Oppressed People (STOP)

Duane Woods, Clark
Public Safety & Health Committee

Public Hearing on STOP's Proposal for Civilian Review Board

Enclosed as promised is a copy of the City Council News Release and excerpts
from the Seattle Police Officers Guild contract relating to discipline.

DW/y

Revelle/Woods

Wed. Sep. 4, 3:00 p.m. PUBLIC HEARING: REPEAL OF RATE SETTING FOR AMBULANCE COMPANIES will be considered by the Public Safety & Health Committee, Randy Revelle, chairman. The proposal would require ambulance and cabulance companies to merely post ~~make~~ their rates and file them with the Department of Licenses & Consumer Affairs. (OF 279667)

(Add the hearings calendar 8-15-74 --- Hugh)

Edward Watton
Forde Motion Picture Labs
306 Fairview Avenue North
Seattle, Washington 98109

Joseph Zimmerman
Legal Advisor
Department of Public Safety
W116 King County Courthouse
516 - 3rd Avenue
Seattle, Washington 98104

Fredic C. Tausend
Schweppe, Doolittle, Krug
Tausend, Beezer & Beierle
Colman Building
Seattle, Washington 98104

William Massey, Executive Director
Seattle-King County Municipal League
Central Building
Seattle, Washington 98104

T. Evans Wyckoff, President
Seattle Chamber of Commerce
215 Columbia Street
Seattle, Washington 98104

Barbara Sarason
League of Women Voters of Seattle
1402 - 18th Avenue
Seattle, Washington 98122

Rita Geier, Director
Legal Services
104-1/2 Cherry Street
Seattle, Washington 98104

Paul Meyer
City-County Ombudsman
C213 King County Courthouse
Seattle, Washington 98104

Jerome Page, Director
Seattle Urban League
105 - 14th Avenue
Seattle, Washington 98122

Lowell Halverson, Chairman
Young Lawyers Section
Seattle-King County Bar Association
Central Building
Seattle, Washington 98104

William Burns, Chairman
Central Seattle Community Council Federation
2410 East Cherry
Seattle, Washington 98122

Allan W. Munro
Bovy, Graham, Colen and Wamphold
338 Logan Building
Seattle, Washington 98101

Mr. Gerald Gorans, CPA
Touche, Ross & Company
Financial Center
1215 - 4th Avenue
Seattle, Washington 98101

Ms. Pamela Bradburn, Chairperson
CHECC on Seattle City Government
1900 Washington Building
Seattle, Washington 98101

John Gilmore, Executive Director
Downtown Seattle Development Association
1318 Joseph Vance Building
Seattle, Washington 98164

Phillip H. Ginsberg
Seattle-King County Public Defender
Room 202, Smith Tower
506 - 2nd Avenue
Seattle, Washington 98104

Jennifer James
Department of Psychology
University of Washington
Seattle, Washington 98105

Norm Nelson, Chairman
1st District Democrats
19311 - 45th Northeast
Seattle, Washington 98155

Mac Henderson, Chairman
31st District Democrats
10414 - 2nd Avenue South
Seattle, Washington 98168

Merry Burnette, Chairperson
32nd District Democrats
3816 Fremont North
Seattle, Washington 98103

Jim Higgins
33rd District Democrats
1926 Southwest 166th Street
Seattle, Washington 98166

Liz Pierini, Chairman
34th District Democrats
9633 - 47th Avenue Southwest
Seattle, Washington 98116

Robert Porterfield, Chairman
35th District Democrats
10243 - 65th Avenue South
Seattle, Washington 98178

Norma Olsonoski, Chairperson
36th District Democrats
3642 - 40th Avenue West
Seattle, Washington 98199

Ross Burks, Chairman
37th District Democrats
221 Empire Way East
Seattle, Washington 98112

Ellen Hansen, Chairperson
43rd District Democrats
2042 - 26th Avenue East
Seattle, Washington 98102

E. D. Stanley, Jr., Chairman
44th District Democrats
10540 Greenwood Avenue North
Seattle, Washington 98133

Victor Hanzeli, Chairman
46th District Democrats
411 Northeast 81st Street
Seattle, Washington 98115

Patrick McGillis, Vice-Chairperson
King County Democratic Central Committee
4027 - 41st Avenue Southwest
Seattle, Washington 98116

Dick Kelley, Vice-Chairperson
King County Democratic Central Committee
8611 - 45th Avenue Northeast
Seattle, Washington 98115

William E. Ames
Democratic State Committeeman
4507 Stanford Avenue Northeast
Seattle, Washington 98105

Barbara Campbell
State Committeewoman
4511 Densmore Avenue North
Seattle, Washington 98103

Phyllis Dwyer
1415 Taylor Avenue North
Seattle, Washington 98109

Luke Graham
National Democratic Committeeman
2649 Walnut Southwest
Seattle, Washington 98116

Walter Cisski, Sgt. at Arms
Democratic Central Committee
2021 Fourth Avenue, #609
Seattle, Washington 98121

Robin Guevarra, Secretary
Seattle Crime Prevention Advisory Commission
1048 South Donovan Street
Seattle, Washington 98118

Russell Amick, President
Floy Tag & Mfg. Company, Inc.
4616 Union Bay Place Northeast
Seattle, Washington 98105

Christopher Bayley
King County Prosecuting Attorney
King County Courthouse
516 - 3rd Avenue
Seattle, Washington 98104

Helen Bonds
Jay Rockey Public Relations, Inc.
2121 Fifth Avenue
Seattle, Washington 98121

Reginald Bruce
Citizens Council Against Crime
1404 Dexter Horton Building
710 Second Avenue
Seattle, Washington 98104

Thomas Bryan
Personnel Manager
The Seattle Times
P.O. Box 70
Seattle, Washington 98111

Kris Chrey
Sales Coordinator
Evelyn Wood Reading Dynamics
2515 - 4th Avenue
Seattle, Washington 98121

Muriel Church
Stenographic Service
314 Lloyd Building
603 Stewart Street
Seattle, Washington 98101

Mark Cooper
Assistant Vice President
Public Relations
Safeco Corporation
4347 Brooklyn Avenue Northeast
Seattle, Washington 98105

Russell A. Davis
Washington Society of C.P.A.'s
347 Logan Building, 500 Union
Seattle, Washington 98101

Ron Drayton
Seattle-First National Bank
Post Office Box 3580
Seattle, Washington 98124

Barbara Evans
District Accounting Manager
Burns International Security Services, Inc.
133 Queen Anne North
Seattle, Washington 98109

Fred Gray
Seattle Urban League
105 - 14th Avenue
Seattle, Washington 98112

Lob Gropp
Gropp Advertising
928 Joseph Vance Building
1402 - 3rd Avenue
Seattle, Washington 98101

Gordon Hamilton
Community Relations Representative
Safeco Insurance Group
Safeco Plaza
Seattle, Washington 98185

Matthew A. Hudson
14007 Southeast 45th Court
Bellevue, Washington 98006

Seymour H. Kaplan
Pacific N.W. Regional Director
Anti-Defamation League of B'nai B'rith
602 Securities Building
1904 - 3rd Avenue
Seattle, Washington 98101

Paul W. Kelly
Paul Kelly and Associates
Post Office Box 80284
Seattle, Washington 98108

John F. Ketter
Public Affairs Department
Manager, Urban Affairs
Weyerhaeuser
Tacoma Building
Tacoma, Washington 98401

James Leach
Wn. Criminal Justice Educational
& Training Center
Providence Heights Conference Center
Issaquah, Washington 98027

Duncan Livingstone
Security Director
The Bon Marche
Third Avenue and Pine Street
Seattle, Washington 98101

Mrs. Clark Malmø
6050 - 50th Northeast
Seattle, Washington 98115

Robert Maxie
Model City Group Homes Program
1310 East Union
Seattle, Washington 98122

Warren B. McPherson
Radar Electric Company
168 Western Avenue West
Seattle, Washington 98119

Robert G. Moch
Roberts, Shefelman, Lawrence, Gay & Moch
1818 IBM Building, 1200 5th Avenue
Seattle, Washington 98101

Kathleen A. Park
Supervisor
Youthful Offender Program
Department of Public Safety
King County Courthouse
Seattle, Washington 98104

Jerrold Poth
Poth & Associates, Inc.
1411 East Olive Way
Seattle, Washington 98122

Edward Riley
Travel Advisors, Inc.
4th & Pike Building
Seattle, Washington 98101

Fordie Ross
Randolf Carter Industrial Workshop
2100 East Spruce
Seattle, Washington 98122

Gary Shavey
Shavey & Schmidt Architects
710 Cherry
Seattle, Washington 98104

Robert Simmons
Nat Dickinson Agency Representative
Job Therapy, Inc.
150 John Street
Seattle, Washington 98109

Frank W. Soderling
V.P. & Chief Legal Counsel
Security Title Insurance Company
1109 - 2nd Avenue
Seattle, Washington 98101

John Sullivan, President
Seattle Police Officer's Guild
407 Jefferson Street
Seattle, Washington 98104

Lawrence G. Waldt
Sheriff-Director
Department of Public Safety
King County Courthouse
516 Third Avenue
Seattle, Washington 98104

Steve C. Watson, Attorney
1500 IBM Building
1200 - 5th Avenue
Seattle, Washington 98101

PREAMBLE

Police brutality is and has been a serious problem, not only in Seattle, but throughout the country. As evidence of the need for a resolution of this problem, structures such as the Police Internal Investigations Division have been developed. The P.I.I.D. has not been and cannot be maximally effective in curbing the incidence of police brutality and giving citizens just redress for two fundamental reasons: one, the P.I.I.D. represents an example of the police investigating themselves and therefore begins with the premise of bias; and two, it falsely presumes that the investigators in the P.I.I.D., policemen themselves, are exempt from the institutionalized racism, sexism and class prejudice out of which most complaints they receive actually arise. Both the bias and the institutionalized racism, sexism, and class prejudice of the P.I.I.D. are clearly visible upon noting the race, class, sex and sexual orientation of the bulk of the yearly complaintants---they are minority people, women, gays, and poor people.

The procedure for making and adjudicating complaints brought against the police is desperately in need of modification to the extent that it becomes a just and sensitive civil procedure.

To ensure objectivity and to eliminate the prejudice attendant upon the vested interest of the police in protecting the police department, administration and adjudication of complaints must be removed from the hands of the police and transferred to a Citizen's Review Board. This administrative body would be composed of specially oriented and trained people capable of making just and fair determinations on the validity of complaints and taking appropriate action to ensure the civil liberties of all people involved.

Such a bureau for citizen's complaints against the police department would then become a social service instead of a social persecution perpetrated by the police.

Sex discrimination, race discrimination and class prejudice must give way to the reality of contemporary society if the liberating climate produced by the various movements for civil liberties and social freedom is to be perpetuated. Where one is constrained by the prejudice of yesterday, one cannot be free. Today's city government needs to represent and protect the human, social, economic and cultural interests of all its citizens equally if it is to ensure justice for the future.

AUGUST 13, 1974

TO THE CITY COUNCIL:

SEIZE THE TIME FOR OPPRESSED PEOPLE (S.T.O.P.) IS A COMMUNITY ORGANIZATION REPRESENTING WOMEN, RACIAL AND SEXUAL MINORITIES, WORKING AND POOR PEOPLE, WHICH HAS BEEN FIGHTING POLICE BRUTALITY IN SEATTLE SINCE JUNE 1973.

WITH OUR DEMANDS BACKED BY OVER 1300 SIGNATURES GATHERED FROM THE MINORITY AND WORKING CLASS COMMUNITIES IN THIS CITY, WE WERE INSTRUMENTAL IN BRINGING PRESSURE TO BEAR ON FORMER POLICE CHIEF TIELSCH'S "RESIGNATION."

ANOTHER DEMAND ENDORSED BY THESE SAME PEOPLE WAS THE ESTABLISHMENT OF A CITIZENS' REVIEW BOARD. THAT MANDATE FROM THE PEOPLE IS CLEAR.

PEOPLE HAVE BEEN DENIED JUSTICE SO LONG THAT THE IDEA OF COMPLAINING TO THE POLICE INTERNAL INVESTIGATIONS DIVISION IS LAUGHABLE. TIME AND TIME AGAIN CHARGES ARE DROPPED FOR "LACK OF EVIDENCE," CASES ARE SIMPLY IGNORED, AND IN THE RARE CASES OF CONVICTIONS, PENALTIES ARE OVERTURNED BY THE FARCE OF THE POLICE DEPARTMENT'S APPEALS BOARD.

WE KNOW THAT POLICE BRUTALITY WILL NOT STOP WITH THE RESIGNATION OF A MAN AS LONG AS THE METHOD OF HANDLING GRIEVANCES REMAINS THE SAME. JUSTICE IS IMPOSSIBLE IN SUCH A SYSTEM. IN A SITUATION OF THE POLICE POLICING THEMSELVES PREJUDICE IS INSTITUTIONALIZED, OBJECTIVITY IS IMPOSSIBLE, "PUBLIC RELATIONS" IS FAR MORE IMPORTANT TO THEM THAN OBJECTIVE JUSTICE.

THEIR PR HAS FAILED. WE DEMAND CONTROL OVER OUR OWN LIVES; DEMAND, AS CITIZENS, THE RIGHT TO CONTROL THE CONDUCT OF THE POLICE DEPARTMENT, SUPPOSEDLY OUR "PROTECTOR."

TO THIS END WE HAVE DRAFTED AN ORDINANCE TO ESTABLISH A CITIZENS' REVIEW BOARD WITH THE POWER TO INVESTIGATE AND ADJUDICATE CHARGES BROUGHT AGAINST POLICE OFFICERS, A BOARD COMPOSED OF PEOPLE APPOINTED--SOME BY THE MAYOR, SOME BY THE CITY COUNCIL--FROM A REGISTER OF NAMES SUBMITTED BY COMMUNITY ORGANIZATIONS, A BOARD MADE UP OF WOMEN AND MINORITIES, THOSE MOST IGNORED AND MOST EXPLOITED BY THE PRESENT SYSTEM.

THIS IS THE ONLY WAY TO ENSURE OBJECTIVITY, COMMUNITY CONTROL OF POLICE CONDUCT. TO TRULY BE "PUBLIC SERVANTS" THE POLICE MUST BE ACCOUNTABLE TO THE PUBLIC. WE DEMAND NOTHING LESS.

SEIZE THE TIME FOR OPPRESSED PEOPLE

AUG 14 1974 REC'D

SEIZE THE TIME FOR OPPRESSED PEOPLE
3321 37TH AVE. S.
SEATTLE, WASHINGTON
725-1224, 725-8440, 329-7347

AUGUST 13, 1974

TO COUNCIL MEMBER RANDY REVELLE:

HERE IS THE LITERATURE YOU PROMISED TO DISTRIBUTE AMONG THE COUNCIL MEMBERS BEFORE THE PUBLIC HEARING ON AUGUST 20TH. WE'D LIKE TO THANK YOU FOR YOUR SPONSORSHIP OF THE ORDINANCE AND FOR GOING TO THE TROUBLE OF GETTING IT REPRODUCED AND INTO THE HANDS OF THE COUNCIL MEMBERS.

IN APPRECIATION,

Sam Deaderick

SAM DEADERICK
FOR S.T.O.P.

Seattle City Council NEWS RELEASE

1106 Seattle Municipal Building
Randy Revelle, Chairman
Public Safety & Health Committee
Tel. 583-2359

600 Fourth Avenue, Seattle, WA 98104

August 13, 1974

Further Info: Hugh McIntosh, 583-2609

FOR IMMEDIATE RELEASE

(August 20 Hearing: The Handling of Complaints Against the Police)

The City's policy for handling complaints against policemen will be discussed at a public hearing at 7:30 p.m. on Tuesday, August 20 before the City Council's Public Safety and Health Committee, according to Councilman Randy Revelle, chairman.

Revelle said the committee seeks constructive comments from a broad spectrum of Seattle citizens on possible improvements to the City's policy and procedures for handling allegations of misconduct against Seattle police officers. He stressed that all interested persons are invited to participate.

The hearing was prompted by a proposed ordinance submitted to the City Council by Seize Time for Oppressed People (STOP). Under the STOP proposal, an autonomous civilian review board would investigate and adjudicate citizen allegations filed against the Seattle Police Department. The review board would have the power to reprimand, fine, suspend, or terminate officers convicted of misconduct. The board would be composed of seven members chosen by the Mayor and the City Council from names submitted by community groups.

The hearing will be held in the City Council Chamber, 1101 Seattle Municipal Building, 600 Fourth Avenue. Persons unable to attend the hearing are invited to submit written comments to Councilman Revelle by Monday, August 19, 1974.

#

AUG 12 1974 REC'D

City Council of Seattle
Mr. Randy Revelle

Sirs,

This letter is to plead for your support of S.T.O.P's proposed city ordinance which would place the Police under a civilian board of review. I feel that it is unthinkably naive to expect the police department to police themselves. Have they done so? NO. The proof of the pudding is in the Payoff system. If we truly want to prevent the return of that system you must turn to the concept of Civilian Review. This would be a painful procedure it should be noted, it should also be noted that Democracy is a painful process because it sets two sides against each other.....and yet the people in this matter have no where to turn to. Harrassment of minorities is a fact of human nature but it cannot be tolerated in a body that constantly purports to be professional but which inevitably allows itself to violate its own ethics. The people can and should police the police, somewhere in the judicial system of administration a democratic method must be brought to bear. I especially support that part of this legislation that would have the majority members of a civilian review board be PEOPLE, and to me that means that they MUST earn less than 20,000\$ a year. Without this there is vested interest of a certainty.

Please give the people.....something, any way to control

police abuse.

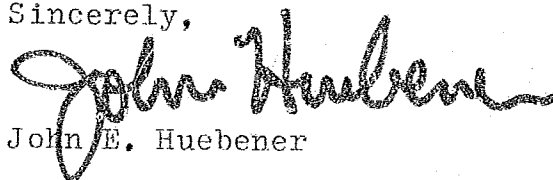
I realize that most of you do not believe the majority of cases which you have heard of police brutality and harassment. These things are prone to be overblown, but from my personal experiences of the police, I tell you that they certainly do exist and that it is unfortunate for minority persons who are accosted by police officers who are 'in a bad mood' and need that little "moral boost" I hear mentioned from time to time. The moral of the police department, for instance, is said to be high practically at the same times that you have brutality cases popping up at you right and left, and there is a correlation there: Witness the fine moral of the force under George Tielch who didn't mind one bit if a fag got kicked around.

This letter is a plea for mercy.....
a plea that you will open your eyes and see what the police are into, to help us eliminate officers who cannot conduct themselves as professionals (Who the Police Review Boards install as officers again and again even after proven violations).

We MUST police the police, without a civilian review board there will be no justice here, only the laissez faire racism and sexism that minorities are experiencing today.

With a prayer that this will even be read.

Sincerely,


John E. Huebener

403 - 11th East
98102



SEATTLE CHAMBER OF COMMERCE
215 Columbia Street • Seattle, Washington 98104 • 206-622-5060

August 9, 1974

Councilman Randy Revelle
Seattle City Council
Seattle Municipal Building
Seattle, WA 98104

Dear Randy,

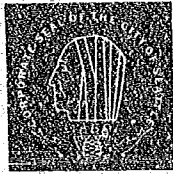
We appreciate your sending the copy of the STOP petition to us for review and comment. Something like this should normally be reviewed and discussed by our Law and Justice Committee, but since we would be unable to convene that committee and respond prior to your requested date of August 19, I am taking the liberty of responding directly.

While the Chamber does not have a specific policy position, the Law and Justice Committee did review the subject of police review committees or boards a little over two years ago. At that time there was considerable apprehension on the part of many of our committee members over placing such extensive authority in the hands of a group such as described in the attached petition. We would also hesitate to respond at this time, however, because it is our understanding that the composition of the existing police review committee is currently a matter of negotiation between the Mayor's Office and the police department in their present labor talks.

Cordially,

Russ Amick

Russ Amick, Chairman
Law and Justice Committee



OFFICE OF THE MAYOR—CITY OF SEATTLE

Wes Uhlman, Mayor

August 9, 1974

Law & Justice Planning Office
600 Arctic Building
Seattle, Washington 98104
583-6592

AUG 13 1974 REC'D

The Honorable Randy Revelle
Chairman, Public Safety and
Health Committee
Seattle City Council
1106 Municipal Building
Seattle, Washington 98104

Dear Randy:

I have reviewed the STOP petition for a citizen's review board, C.F. 379625. I have two general comments to make about this petition. If you need a more detailed review of this petition, our office can undertake such an examination. However, it seems to me that such a review may not be necessary.

As you are aware, the question of appropriate mechanisms for handling police discipline problems is a subject of negotiation with the Seattle Police Officers' Guild. It seems appropriate to postpone consideration of alternative disciplinary procedures until a proposed agreement has been reached with the Guild which can be considered by your committee. At that time the concept of a civilian review board as proposed in the STOP petition can be compared with the disciplinary process proposed by the Mayor and the Police Guild.

However, a few words on the basic concept proposed in this petition seem to be in order now. The process for reviewing complaints against police officers must be respected by the members of the Police Department and trusted by the general public. In order to accomplish these objectives the process must in fact be fair, that

is, thorough, factual investigations are done of complaints, the rights of the parties are protected in those proceedings, and the judgments from the proceedings are rationally related to the investigative findings. The process must also have the appearance of fairness. The policemen need to believe that the investigators have a full understanding of the context in which a complaint against an officer's conduct arose. This includes not only reviewing the specific facts surrounding the incident but having an appreciation for the general context for police officer actions. That confidence can only be met by having experienced police officers participating in the investigative process.

--- the public to have confidence in the disciplinary process the investigation cannot be undertaken exclusively by police personnel. While the members of the Police Department involved in such an investigation may believe they are conducting a fully objective review, there will always be some suspicion in the public that they are protecting their own. Therefore, some lay participation in the review of the complaints is necessary to assure that all of the evidence is examined and that appropriate standards are applied to the evidence. The procedure must also assure that the complainant has an opportunity to tell his or her own full story, to bring forth additional witnesses, to be represented by counsel, and to have an opportunity to rebut the evidence provided by the defending police officer. A process which involves these elements could, I believe, gain the confidence of the public. Because police officers would play a principal role in the investigation, it should also retain the respect and confidence of police personnel.


For a disciplinary system to be truly workable I believe it must maintain the confidence of both the police officers and the public. Some system like the one described may be able to accomplish that. I am certain that a civilian review board of the kind proposed in the STOP petition could never gain the confidence of the police officers that their cases were being heard fairly. The evidence across the country is that when disciplinary processes do not have the confidence of the police officers, they simply cannot function.

If the STOP proposal is to receive extended consideration by your committee, I would have additional comments about the suggested composition for the board and the procedures as outlined in the ordinance. However, I believe

Page 3 -- "Review of STOP petition, C.F. 379625"

the entire proposal ought to be rejected in favor of a negotiated proposal with the Police Guild with some modifications if it appears to the Council that such modifications are necessary.

Sincerely,



Philip G. Sherburne, Director
Law and Justice Planning Office

PGS:js

August 9, 1974

Mr. Robert L. Burnside
Chairman
Seattle Crime Prevention Advisory Board
6217 - 50th Avenue Northeast
Seattle, Washington 98115

Dear Mr. Burnside:

Recently my office transmitted to the Seattle Crime Prevention Advisory Board Comptroller's File 277625, a petition of Seize Time for Oppressed People (STOP) for establishment of a citizens' review board to review complaints about alleged police misconduct. Due to the sensitive nature of the police discipline issue, it is important that the Seattle Crime Prevention Advisory Board understand that although I have agreed to introduce the proposal, I personally do not support it. I do, however, support the right of any organization to petition the City Council and be granted a public hearing on an area of concern to the people of Seattle.

I am requesting that the Board review and submit written comments and recommendations on STOP's proposal. I would welcome any comments or recommendations you may have on constructive alternatives to improving the current police discipline policy and procedure.

The Public Safety and Health Committee has scheduled a hearing on police discipline policy and procedure for August 20, 1974 at 7:30 p.m. in the City Council Chambers. Please submit your written recommendations to the Committee by no later than Friday, August 16, 1974.

If you have any questions, please contact my office.

Respectfully yours,

RANDY REVELLE, Chairman
Public Safety and Health Committee

RR:rw

August 9, 1974

Mr. Fred Donahue
Public Affairs Division
Seattle Chamber of Commerce
215 Columbia Street
Seattle, Washington 98104

Dear Mr. Donahue:

Recently my office transmitted to the Seattle Chamber of Commerce Comptroller's File 279625, a petition of Seize Time for Oppressed People (STOP) for establishment of a citizens' review board to review complaints about alleged police misconduct. Due to the sensitive nature of the police discipline issue, it is important that the Chamber of Commerce understand that although I have agreed to introduce the proposal, I personally do not support it. I do, however, support the right of any organization to petition the City Council and be granted a public hearing on an area of concern to the people of Seattle.

I am requesting that the Chamber review and submit written comments and recommendations on STOP's proposal. I would welcome any comments or recommendations you may have on constructive alternatives to improving the current police discipline policy and procedure.

The Public Safety and Health Committee has scheduled a hearing on police discipline policy and procedure for August 20, 1974 at 7:30 p.m. in the City Council Chambers. Please submit your written recommendations to the Committee by no later than Friday, August 16, 1974.

If you have any questions, please contact my office.

Respectfully yours,

RANDY REVELLE, Chairman
Public Safety and Health Committee

RR/yw

August 9, 1974

Mr. Philip Sherburne
Law and Justice Planning Office
600 Arctic Building
Seattle, Washington 98120

Dear Phil:

Recently my office transmitted to the Law and Justice Planning Office Comptroller's File 279026, a petition of Seize Time for Oppressed People (STOP) for establishment of a citizens' review board to review complaints about alleged police misconduct. Due to the sensitive nature of the police discipline issue, it is important that the Law and Justice Planning Office understand that although I have agreed to introduce the proposal, I personally do not support it. I do, however, support the right on any organization to petition the City Council and be granted a public hearing on an area of concern to the people of Seattle.

I am requesting that the Law and Justice Planning Office review and submit written comments and recommendations on STOP's proposal. I would welcome any comments or recommendations you may have on constructive alternatives to improving the current police discipline policy and procedure.

The Public Safety and Health Committee has scheduled a hearing on police discipline policy and procedure for August 20, 1974 at 7:30 p.m. in the City Council Chambers. Please submit your written recommendations to the Committee by no later than Friday, August 16, 1974.

If you have any questions, please contact my office.

Respectfully yours,

RANDY FEEVELLE, Chairman
Public Safety and Health Committee

RR/yw

August 9, 1974

Interim Chief Robert L. Hanson
Seattle Police Department
Public Safety Building
Seattle, Washington 98104

Dear Chief Hanson:

Recently my office transmitted to the Police Department Comptroller's File 279635, a petition of Laine Hine for Oppressed People (STOP) for establishment of a citizens' review board to review complaints about alleged police misconduct. Due to the sensitive nature of the police discipline issue, it is important that the Department understand that although I have agreed to introduce the proposal, I personally do not support it. I do, however, support the right of any organization to petition the City Council and be granted a public hearing on an area of concern to the people of Seattle.

I am requesting that the Department review and submit written comments and recommendations on STOP's proposal. I would welcome any comments or recommendations you may have on constructive alternatives to improving the current police discipline policy and procedure.

The Public Safety and Health Committee has scheduled a hearing on police discipline policy and procedure for August 20, 1974 at 7:30 p.m. in the City Council Chambers. Please submit your written recommendations to the Committee by no later than Friday, August 16, 1974.

Interim Chief Robert L. Hanson
August 9, 1974
Page 2

As we discussed previously, I also request that a representative of the Department open the hearing with a 15 minute presentation explaining the Department's current policy and procedure for handling allegations of police misconduct.

If you have any questions, please contact my office.

Respectfully yours,

RANDY BEVILL, Chairman
Public Safety and Health Committee

RR:y

August 7, 1974

Adriane Ninaud, Chairperson
Seize Time for Oppressed People (STOP)
3724 - 38th Avenue South
Seattle, Washington 98144

Re: Proposed Ordinance Establishing a Civilian Review Board

This letter is to confirm my discussion with you and other members of Seize Time for Oppressed People (STOP) on July 30, 1974. At that time I advised you of the following:

- (1) Although I do not support your proposed ordinance establishing a citizen review board, I agreed to sponsor your proposal for a public hearing before the Council's Public Safety and Health Committee. The public hearing is scheduled for 7:30 p.m., August 20, 1974, in the City Council Chambers, 1106 Seattle Municipal Building.
- (2) During the interim between now and the hearing, your proposed ordinance will be referred to the Seattle Police Department, the City's Law and Justice Planning Office, the Crime Prevention Advisory Commission, and other interested agencies and individuals for their review and comments. A copy of any written comments we receive will be forwarded to you.
- (3) The conduct of the public hearing will be governed generally by Rule 30A of the "Rules of the City Council" as amended by Resolution 24245, which states:

"Persons desiring to speak or present testimony on any subject before the Committee of the Whole or any standing committee in session, will be required to:

- (1) Register their desire to speak by signing the sheet found by the microphone. They will be required to sign their name, address, position on the issue to be discussed, and organization for whom speaking or indicate speaking for themselves.

* * *

- (3) The following rules shall be observed during any Committee of the whole or standing committee in session.

- (a) If background information is needed, no more than 20 minutes will be allowed, unless otherwise authorized by the chairman of the meeting.
- (b)
- (c) Representatives of divergent views shall be alternated.
- (d) Individuals will be allowed three minutes. Organizations will be allowed five minutes. No exchange of time will be permitted between individuals or organizations. (Clerk of the Committee shall be timekeeper).
- (e) Council members should withhold questions until the end of each individual presentation.
- (f) When needed, an additional week will be allowed for written testimony.
- (4) The public hearing before the Public Safety and Health Committee shall not be used as a platform for accusations or charges of misconduct against specific persons. Only adjudicated cases may be cited as examples; even then, however, the Committee discourages irrelevant comments or charges. The public hearing is to be a platform for presenting facts, personal opinions, and other relevant information regarding the general issue of improvements to police discipline policy and procedure.
- (5) If there are cases where complaints have been filed with the Internal Investigations Division of the Seattle Police Department and no response has been received within a reasonable time, you may bring them to my personal attention and I will obtain a response from the Department.
- (6) The August 20, 1974 hearing before the Public Safety and Health Committee will include the following:
 - (a) A 15 minute presentation by the Seattle Police Department on the current police discipline policy and procedure;

Adriane Ninaud, Chairperson
August 7, 1974
Page 3

- (b) A 15 minute presentation by representatives of STOP on its proposed ordinance; and
- (c) Presentations from the general public (three minutes each for individuals and five minutes each for organizations who would like to comment on the issue.)

To the best of my knowledge, the foregoing are the areas we discussed in our July 30, 1974 meeting. If you have any questions please contact Duane Woods, my Assistant, at 283-2359.

Sincerely,

RANDY REVELLE, Chairman
Public Safety and Health Committee

RR/y

cc: All Councilmembers

bcc: Interim Chief of Police Robert Hanson

REMARKS TO THE SEATTLE POLICE OFFICERS MANAGEMENT ASSOCIATION

by

SEATTLE CITY COUNCILMAN RANDY REVELLE

June 27, 1974

Based on my brief tenure as Chairman of the City Council's Public Safety and Health Committee, I would like to share some of my initial thoughts and concerns about the Seattle Police Department. My remarks will focus on four topics: (1) the role of the City Council vis-a-vis the Seattle Police Department; (2) the role of the Council in the selection of a new Police Chief; (3) the Department's discipline process; and (4) law enforcement issues which should be addressed during the coming year by the Mayor, the Council, and the Police Department.

Role of the City Council

The Seattle City Charter provides for a Mayor-Council form of municipal government, based on a system of checks and balances and separation of powers between the Executive Branch and the Legislative Branch. Under this system, the Mayor is primarily responsible for administration of the City Departments; the Mayor and the Council are jointly responsible for policy formulation (with the Council having the final word on legislation and the adoption of a Comprehensive Policy Plan and an Annual Budget); and the Council is primarily responsible for monitoring and auditing the activities of the Executive Branch. By adopting several reforms within the Legislative Department, the City Council is currently moving to play a more effective role in policy formulation and legislative oversight (that is, insuring that the Executive Branch carries out City policy set forth in legislation, the soon-to-be-adopted Comprehensive Policy Plan, and the Annual Budget.)

In order to perform our proper role with respect to law enforcement, the City Council requires accurate, relevant, and timely information upon which to make rational decisions about the Seattle Police Department. There is especially a need for frequent, open, and candid communication between City Council members and police officers. To be effective, Council members cannot confine their research on the Police Department to reading letters, documents, and other materials on the 11th floor of City Hall. We must make every effort to get first-hand information about the policies, programs, and operations of the Seattle Police Department.

To enable the Police Department's leadership to play its proper role in policy making, the City Council must insure that we have the Department's expertise early and throughout the decision-making process on law enforcement issues. As Chairman of the Public Safety and Health Committee, I will make every effort to insure that any law enforcement issue addressed by the Committee is not decided until the Police Department has had ample opportunity to comment and participate in the decision-making process. This does not mean that we will always agree with the Department, but we will give your views careful and thorough consideration before reaching a decision affecting the Department.

City Council's Role in the Selection of a New Police Chief

Article VI, Department of Police, Section 2, of the Seattle City Charter provides in relevant part as follows:

"The chief of police shall be appointed by the mayor, subject to confirmation by a majority vote of all members of the city council. He shall be selected by the mayor from among the three highest ranking candidates in a competitive examination to be conducted under the direction of the mayor."

Section 3 of the same Charter Article provides as follows:

"The competitive examination shall adequately test the qualifications of all candidates for chief of police, and all records of such examinations shall be filed with the city council by the mayor together with his appointment of the chief of police. Such records shall be open to public inspection for at least seven days prior to the city council taking action on said appointment."

Thus, while the Charter indicates that the Mayor should play the primary role in selecting a new Police Chief, the City Council has the duty to confirm (or reject) the Mayor's appointment, and the public is entitled to review the records of the "competitive examination" before the appointment is acted on by the Council.

The City Council has an important responsibility in the confirmation of all appointments, but especially in major appointments such as the Police Chief. This fall, the Council confirmation process will probably be conducted by the Committee of the Whole (all nine Council members), organized and chaired by the Chairman of the Public Safety and Health Committee. While the Mayor is basically responsible for selecting a new Police Chief, it is the Council's responsibility to conduct an independent evaluation of the Mayor's appointee -- probably including a public hearing and review of the records submitted under Charter Article VI, Section 3 -- to determine whether the person appointed by the Mayor is qualified to serve as Seattle's Police Chief.

This does not mean that a Council member should confirm only the person he or she would personally select as Police Chief. Nor, on the other hand, should the Council member merely "rubber stamp" the Mayor's appointee. Briefly stated, it is the Council's duty to assure that the Mayor's appointee is basically qualified to serve as Police Chief.

In my opinion, there are several criteria the Council should use to judge the appointee's qualifications. These criteria include, but probably not limited to, the following:

- (1) The Police Chief must have an impeccable reputation for integrity and be able to maintain the highest standard of integrity within the Police Department.

- (2) The Police Chief should be an effective manager and administrator, capable of establishing the proper balance between centralized control of the Department and delegation of authority and responsibility to subordinates.
- (3) The Police Chief should have demonstrated experience and leadership ability in law enforcement.
- (4) The Police Chief must either already have -- or have the potential for gaining -- the respect of the vast majority of police officers within the Department.
- (5) The Police Chief should be able to work effectively with the Mayor, the City Council, and other elements of the local criminal justice system, so that each may perform its proper role in local law enforcement.
- (6) The Police Chief should be open to innovation, experiment, and new ideas for law enforcement.
- (7) The Police Chief should be able to insure close and cooperative relations between the Department and the general public.
- (8) The Police Chief must be sensitive to the particular needs and problems of various "minorities" such as Blacks, Asians, Chicanos, homosexuals, and women.
- (9) The Police Chief should have common sense and a sense of humor.

It is very unlikely that any person could meet all of the criteria set forth above. I do believe, however, that these criteria will be useful in evaluating the Mayor's appointee, and hopefully Seattle's new Police Chief will meet most, if not all of them.

Police Discipline Process

Several weeks ago I attended the Conference on Police Discipline sponsored in New Orleans by the International Association of Chiefs of Police. The opportunity to meet and mingle with about 100 police officers from throughout the country gave me some interesting insights into the complex and often controversial subject of police discipline.

During the past several months, I have given considerable thought to the subject of police discipline, but time today permits only a few brief comments. First, let me emphasize that anyone considering the police discipline process must be well aware of the sensitive and difficult role the police officer plays in modern urban society. Police officers have to deal with the difficult problems that the rest of local government and society in general cannot (or will not) handle. This puts the officer in a challenging position, requiring a great deal of patience, understanding, and common sense.

In the recently revised "Complaint, Disciplinary, and Punishment Procedures," an excellent statement of Department policy is set forth, as follows:

"Police officers must be free to exercise their best judgment and to initiate law enforcement action in a reasonable, lawful, and impartial manner without fear of reprisal. At the same time, enforcers of the law have a primary obligation to meticulously respect the rights of all people. Therefore, a system of complaint and disciplinary procedures has been established which not only will subject the officer or employee to corrective action when improper conduct becomes evident, but will also protect the individual officer or employee when he or she discharges duties properly. It is the purpose of these procedures to provide a prompt, just, open, and expeditious disposition of complaints from whatever source regarding the conduct of members and employees of this department."

To fully implement this sound policy, my review of current Police Department procedures indicates that some changes are needed to improve the process, and especially to improve public confidence in the process. Not only is it essential that the police discipline process be fair and effective, it is equally important, if not more so, that the general public believes that the process is fair and effective. Currently the level of public confidence in the Seattle Police Department's discipline process appears to be low. If some reasonable reforms to the process do not result from the current contract negotiations and other changes in Department procedures, the City Council may be under severe community pressure to take more drastic action, something I sincerely hope to avoid.

Based on my initial review of the Department's discipline policy and procedures, I think significant improvements can be made without taking drastic steps (such as establishing a civilian review board, which in my opinion is unnecessary and unworkable). Some of the improvements which deserve serious consideration by the Department are:

- (1) While the Police Chief should be ultimately responsible for discipline, subject to reasonable appeal, there is need for some public input into the Department's internal discipline process. One alternative which should be considered, in addition to those being discussed in the current contract negotiations, is the use of an independent civilian hearing examiner as a "fact finder," rather than the current Disciplinary Panel composed solely of police officers.
- (2) The Department should develop an informative manual for the general public which would clearly outline the Department's discipline policy and procedures.
- (3) Whether a disciplinary panel, a hearing examiner, or other fact finding body is used, the Department should develop clear, written guidelines for the conduct of discipline hearings. In developing these guidelines, the Department should consider making public either the hearings or the written findings and conclusions of the fact finding body.

- (4) The Department should do more to let the general public know that it welcomes constructive criticism, rather than taking an overly defensive attitude about complaints.
- (5) Additional steps should be taken to insure that the discipline process does not focus solely on individual complaints, but that lessons from the processing of complaints be used to improve recruitment standards, training, the Department Manual, and the performance of individual officers.
- (6) The Department should explore the possibility of delegating to the line commanders more responsibility for internal investigations and discipline, leaving the Internal Investigations Division to monitor those investigations and to only conduct its own investigations when the more serious allegations of misconduct are involved.

These are only a few of the thoughts I have about the Seattle Police Department's discipline policy and procedures. In closing, let me stress that no discipline policy or process can substitute for the exercise of individual responsibility by each police officer and effective leadership by all members of the Seattle Police Officers Management Association.

Current Issues in Law Enforcement

While there is not enough time to discuss the law enforcement issues that will be facing the Mayor, the City Council, and the new Police Chief, I would like to list some of the issues I believe to be most important:

- (1) In view of current budget constraints, there must be a constant search for cost-effective means of carrying out the Department's law enforcement responsibilities, including better use of patrol manpower, increased use of data processing for crime analysis and information, and the exploration of consolidation with King County of appropriate law enforcement functions.
- (2) The Department's administrative structure should be analyzed to determine whether or not the Department is "top heavy with brass," and we should explore the possibility of delegating more authority and responsibility downward in the chain of command.
- (3) The Department should examine the air patrol to determine whether or not helicopters should be discontinued or replaced in whole or in part with fixed-wing aircraft.
- (4) The Department should investigate the feasibility and benefits of additional employee incentive programs, including increased responsibility for patrol officers, educational incentives, and merit pay.
- (5) We should continue to evaluate the Department to see whether there are functions currently performed by sworn officers that can be performed equally well at less cost by civilians, other City Departments, or other local law enforcement agencies.

- (6) As discussed above, the Department should develop and implement improvements in the current discipline process.
- (7) Finally, we should explore a variety of ways to improve working relations with the community and involve more Seattle citizens in cooperative law enforcement efforts with the Police Department.

Conclusion

I sincerely appreciate the opportunity to discuss my initial thoughts about the Seattle Police Department and law enforcement in the City of Seattle. I look forward to the challenge and responsibility of serving as Chairman of the Public Safety and Health Committee and hopefully to a cooperative relationship with the Police Department. Let me stress, in conclusion, that I will be a strong and vocal supporter of the Department when I think it is right, and hopefully a candid and constructive critic of the Department when it is wrong.

ESTABLISHING A CITIZEN'S REVIEW BOARD, PROVIDING FOR THE APPOINTMENT AND REMOVAL OF MEMBERS THEREOF, AND DEFINING THE OBJECTIVE FUNCTIONS, DUTIES AND POWERS OF SAID BOARD.

THE PEOPLE OF THE CITY OF SEATTLE DO ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE

The general purpose of this ordinance is to provide for community control of an independent Citizen's Review Board that shall conduct prompt, impartial and fair investigation of complaints by individuals against the Seattle Police Department and adjudicate said complaints.

SECTION 2. AUTONOMOUS BOARD

There is hereby established an autonomous Citizen's Review Board of the City of Seattle, and its members shall abide by the rules and procedures established by the Board and those rules and procedures herein described.

SECTION 3. POWERS

The Board established by this ordinance shall have the following powers:

- a.) Shall receive complaints of police brutality against police officers and employees and complaints of illegal or discriminatory procedures of the Seattle Police Department, and expeditiously and completely investigate said complaints and hold public hearings.
- b.) Shall adjudicate said complaints with the full authority to enforce any or all of the following disciplinary action:
 1. reprimand
 2. fine
 3. suspension
 4. termination
- c.) Shall exercise the power of subpoena.
- d.) Shall adopt rules and regulations and develop such procedures for its own activities and investigations as may be necessary (to include the activities of its staff) and to publish and file same with the office of the City Clerk.
- e.) Shall do such other things which are consistent with the broad interpretation of this ordinance and its general purpose.

SECTION 4. COMPOSITION AND QUALIFICATIONS

The Board shall be composed of seven (7) members, with at least three (3) members being women and one Asian, one Black, one Chicano, one Gay, one Native American and one ex-felon. All members shall meet the following qualifications:

- a.) Shall be a resident of the City of Seattle.
- b.) Shall at the time of their appointment, the individual annual income of five (5) members must not be greater than the median income for the City of Seattle. Median income shall be determined by current United States Department of Labor statistics for the City of Seattle. The remaining two (2) members shall not have an individual income greater than \$20,000.
- c.) Shall support the establishment of a Citizen's Review Board as stated in this ordinance.
- d.) Shall not be a police officer or employee of a police department.
- e.) Shall agree to fulfill the necessary time requirements to properly adjudicate complaints.

SECTION 5. APPOINTMENT OF BOARD MEMBERS

Three (3) Board members shall be appointed by the Mayor of the City of Seattle and the remaining four (4) Board members shall be appointed by the City Council from a register of names submitted by community organizations. Community organizations shall meet the following requirements in order to be eligible to place names on the register:

- a.) Shall be a non-profit organization.
- b.) Shall be an advocate for the rights of one or more of the following groups: Women, Racial Minorities, Sexual Minorities, Poor, Felons and ex-felons
- c.) Shall support the establishment of a Citizen's Review Board as stated in this ordinance.

SECTION 6. TERM OF OFFICE

The term of four (4) members shall be two (2) years from the effective date of their appointment. The remaining three (3) members shall serve for three (3) years from the effective date of their appointment, the first term, every member shall serve a term of two years thereafter.

No person shall be appointed for two (2) consecutive terms.

Vacancies on said Board for whatever reason shall be filled for the unexpired term by a new appointee selected from the register by the City Council.

SECTION 7. REMOVAL OF MEMBERS FROM THE BOARD

A motion for removal of a Board member shall be initiated by any Board member or by petition signed by at least fifty (50) citizens of the City of Seattle. Upon receipt of the petition the Board shall take action no later than thirty (30) days.

Upon a two-thirds (2/3) vote of the members of the Board a member may be terminated for one or all of the following reasons:

- a.) Missing three (3) meetings of the Board without legitimate reason.
- b.) Malfeasance.

SECTION 8. SELECTION OF CHAIRPERSON

The Board shall elect one of its members as chairperson who shall hold office for one (1) year and until his or her successor is elected. The chairperson shall not serve more than one term. The chairperson shall be elected at a special meeting immediately after all members have been appointed to the Board.

SECTION 9. BOARD MEMBER'S WAGES AND STAFF RESPONSIBILITIES

In order to compensate Board members for their time and work, each member shall receive seven (7) dollars per hour. However, no Board member shall exceed a eighty (80) hour workload per month. Board member's salaries shall be adjusted according to cost of living increases.

The Board shall hire a staff of investigators, secretaries and an office administrator. The staff will be answerable to the Board and shall be hired according to the City of Seattle's Affirmative Action Program and shall include Sexual Minorities.

SECTION 10. BOARD MEETINGS

The Board shall establish a regular time and place of meeting and shall meet regularly at least once a week or more frequently as the workload requires. The regular place of meeting shall be in an appropriate central location of the City, but no meetings shall be held in a building in which law enforcement agencies are located. At least once every three (3) months meetings will be held in other places and locations throughout the City. The Board shall be responsible for disseminating to all segments of the public, information concerning the time and location of all meetings. All meeting shall be opened to the public unless the Board, in order to protect the rights and privacy of complainants, decides otherwise, and if such closed meeting is not waived by the complainant.

Five (5) Board members shall constitute a quorum for the transaction of business and the affirmative vote of a majority of those present shall be required to take any action.

SECTION 11. PUBLIC INFORMATION

The Board shall keep a proper record of its proceedings and the results of its investigations, and records and files shall be made public.

All records and files shall exist only in written form and copies of records and files shall only be available to Board members and those persons directly involved in the complaint.

SECTION 12. RESPONSIBILITIES OF CITY GOVERNMENT

In carrying out its objectives, the Board shall receive the following prompt and full cooperation and assistance from any office or officer or department of the City Government:

- a.) Written information, documents, materials, tape recordings and photographs as the Board deems necessary in carrying out its responsibilities under this ordinance.
- b.) The attendance at Board meetings of any police department personnel or city official the Board deems appropriate in carrying out its responsibilities under this ordinance.

SECTION 13. ABOLISHMENT OF THE POLICE INTERNAL INVESTIGATION DIVISION

Immediately upon the date that this ordinance becomes law the Internal Investigation Division of the Seattle Police Department is herein abolished and replaced by the Citizen's Review Board.

To assist in an orderly transition between the Seattle Police Internal Investigation Division, herein abolished, and the Citizen's Review Board established by this ordinance, all files, records, publications, tape recordings, photographs and documents of whatever kind of the former Seattle Police Internal Investigation Division shall be immediately deposited in the Office of the Mayor of Seattle for use and benefit of the newly created Citizen's Review Board. Once the Board establishes a permanent office, these files and documents will be transferred to the Board and shall become part of its records.

SECTION 14. REPEAL OF EXISTING ORDINANCES

Any or all ordinances pertaining to the existence and functioning of the Seattle Police Internal Investigation Division are repealed by this ordinance

SECTION 15. INVALID PROVISIONS, SECTIONS OR APPLICATIONS

If any provision of this ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not effect other provisions, sections, or applications of this ordinance which can be given effect without the invalid provisions or applications, and to this end any phrase, section, sentence, or word is declared to be severable.

7/11/74

Sam Smith -

This is stop's ord.
which Randy Revell
said should be submitted
to you. Please have
Randy contact me
a 725-2600 as to
time and date for
meeting w/ him about
ord.

Thank You
Laurie M. W.

Seize Time for Oppressed
People (OP) TIME AND DATE STAMP
Review Police will conduct

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Randy Revue

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: PS & H

Randy Revue
PRESIDENT'S SIGNATURE

September 12, 1973

PETITION

WE THE UNDERSIGNED CITIZENS OF SEATTLE, WASHINGTON, PETITION THE MAYOR AND THE CITY COUNCIL OF SEATTLE TO TAKE ACTION TO STOP THE PHYSICAL AND PSYCHOLOGICAL HARASSMENT, INTIMIDATION AND BRUTALITY OF THE SEATTLE POLICE TOWARD RACIAL AND SEXUAL MINORITIES, WOMEN, POLITICAL ACTIVISTS, THE POOR, AND WORKING PEOPLE.

We demand that Police Chief Tielsch be fired, that the Seattle policeman who raped a woman in January, 1973 be dishonorably dismissed from the police force and that, as recommended by the Seattle Feminist Coordinating Council, an independent unit of women sensitive to the problems of women be created to respond to complaints of rape and other crimes of violence against women.

We further demand the establishment of a citizen's review board chosen by the community, with enforcement powers to investigate complaints against the Police Department and that the Seattle Police uphold the Bill of Rights of the U.S. Constitution as it relates equally to all people in this country.

| <u>NAME</u> | <u>ADDRESS (optional)</u> | <u>ZIP</u> |
|-----------------------|---------------------------|------------|
| Robert Polanski | | |
| William Krasnow | 1723 4th Ave | 98115 |
| Dana Johnson | Bellingham, Wn. | |
| Paul J. Carrao | | 98115 |
| John Conway | Seattle | |
| Robert L. Brown | | |
| Elizabeth L. Stephens | | |
| Louise M. Isaac | | |
| Myra Allen | | |
| Don Horvath | | |
| Anne Hughes | Portland, Ore | |
| Marguerite McCarty | Portland, Ore | |
| Stephen Kennedy | Elva X ME 98120 | |
| John Bouslog | 7143 35th SW Seattle | 98126 |

The following organizations have endorsed the S.T.O.P. (Seize the Time for Oppressed People) campaign against police brutality:

American Indian Student Association, Black Panther Party, Campus Radical Women, Centro De La Raza, Freedom Socialist Party, Gay Community Social Services, Gay Liberation Front, Kinatchetapi, National Welfare Rights Organization of Seattle, Radical Women, Third World Women, United Construction Workers Association, and the Associated Students' of the University of Washington Women's Commission.

Return this petition to:

S.T.O.P., at 3321 37th Ave. S., Seattle, WA. 98144 Ph. PR 5-1224.

September 12, 1973

PETITION

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| <u>NAME</u> | <u>ADDRESS (optional)</u> | <u>ZIP</u> |
|---------------------------------|--------------------------------|--------------|
| <u>Mrs. Mrs. K. P. Peterson</u> | <u>117-19th Pa</u> | <u>98116</u> |
| <u>Steve L. Miller</u> | <u>2300 N. 5th St. Seq.</u> | <u>98103</u> |
| <u>Terry Schmitt</u> | <u>1421 15th Seattle</u> | <u>98122</u> |
| <u>Rever. Valerie Valjean</u> | <u>205 18th E. #2</u> | <u>98112</u> |
| <u>Louise Cleary</u> | <u>4046 NW Ave NE.</u> | <u>98105</u> |
| <u>Mr. M. Miller</u> | <u>" " " "</u> | <u>"</u> |
| <u>Rev. N. S. Hatch</u> | <u>820 Cherry St. #1</u> | <u>98109</u> |
| <u>Linda Moley</u> | <u>820 Cherry St. #8</u> | <u>98109</u> |
| <u>Gay Lind</u> | <u>1116 5th St. #1</u> | <u>"</u> |
| <u>Clara Lunt</u> | <u>404 E. Harrison</u> | <u>98102</u> |
| <u>Just Spradley</u> | <u>1909 Bellevue Ave. #102</u> | <u>98122</u> |
| <u>Pat M. L.</u> | <u>" " " "</u> | <u>"</u> |
| <u>Harold G. G.</u> | <u>554 NE 12th</u> | <u>98125</u> |
| <u>Katherine Haverport</u> | <u>1012 Green Ave. N. #32</u> | <u>98109</u> |

The following organizations have endorsed the S.T.O.P. (Seize the Time for Oppressed People) campaign against police brutality: American Indian Student Association, Black Panther Party, Campus Radical Women, Centro De La Raza, Freedom Socialist Party, Gay Community Social Services, Gay Liberation Front, Kinatchetapi, National Welfare Rights Organization of Seattle, Radical Women, Third World Women, United Construction Workers Association, and the Associated Students' of the University of Washington Women's Commission.

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