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A. C. Germann

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CHANGING THE POLICE—THE IMPOSSIBLE DREAM?

A. C. GERMANN

A. C. Germann, D.P.A. is Professor of Criminology, California State College at Long Beach. Dr. Germann is responsible for the development of the Police Science Program at Long Beach State College. He had served for a number of years as a member of the Los Angeles Police Department and subsequently as a member of the faculty of the School of Public Administration, Michigan State University, prior to coming to Long Beach State College in 1957. He is a coauthor of the well known *Introduction to Law Enforcement*, and a frequent contributor to professional journals. His present paper is adapted from a commentary prepared for the National Conference on Police-Community Relations, Western Center on Law and Poverty, Los Angeles, California, November 1970.

There is, today, intense interest in the American policeman. He is, at once, the darling of the Establishment, the *bete noir* of the Movement, the cause of frustration and violence, the *sine qua non* of ordered liberty, the necessary instrument of social control, the embodiment of fascist oppression, the shame and the pride of the nation.

Even though our people have perused reports of presidential commissions for 176 years (beginning with George Washington's 1794 Whiskey Rebellion commission), only recent commission reports have dealt heavily with criminal justice,¹ and prominently therein with the American policeman. The implementation of commission recommendations has been minimal, and, for the most part, recommendations have been ignored, received as suspect, given lip-service attention, or rejected by both political and police leadership.

Even though legislators, over the years, have compulsively sought to eradicate problems of crime and disorder with punitive and repressive legislation—and failed—the efforts continue. The Omnibus Crime Control Act of 1968 is questioned relative to provisions on confessions and audio-surveillance; the District of Columbia Crime Bill is questioned relative to provisions on "no-knock" entries and preventive detention; and the Organized Crime Control Act of 1970 is questioned relative to provisions for "dangerous special offenders." Most questioning indicates grave fear that the police assault is not really being directed to murderers, rapists, and thieves, but that the police are out to stifle dissent, harass non-conformists, and contain

the militant minorities. There is strong feeling that the police target is not criminality, but social, political, and cultural deviance.

It is becoming almost impossible to describe the current police scene without seeming to impart a derogatory, hostile, anti-police message. It is always difficult to suggest change without imputing some criticism of the status quo, but in the police area such phenomenon is critical, for to many police the mortal sin is for anyone, in or out of the police service, to question or criticize the police. A police-state atmosphere is highly evident within the police establishment, and policeman may question, criticize, or deviate from the police "party-line" only at their peril, with grave jeopardy of assignment, evaluation, and promotion. If Socrates were alive and curious (blue) he would immediately become anathema to most police agencies, particularly the larger ones. Police regard the critical questioner as ignorant, malicious, or subversive—period.

To continue to support the police without question or condition is to pour public monies down a rat-hole, for American communities do not have law and order with equal justice, and police today, using police statistics, are about as ineffective as they were twenty years ago in protecting the community—notwithstanding great technological efficiency and sophisticated gadgetry. Perhaps it is time for the nation to re-evaluate the goals and objectives, policies and procedures, methods and techniques of social control and community policing.

People question whether police are engaged in humanitarian service or in authoritarian iron-rule; whether police are truly organs of the total community or hired guns set by one part of the community against another part. It is high time for all

¹Wickersham, Civil Rights Commission, President's Commission on Law Enforcement and Administration of Justice, National Advisory Commission on Civil Disorders, Commission on Prevention and Control of Violence, Commission on Campus Unrest, Commission on Obscenity and Pornography.

people to observe, experience, and judge policing at close range as it occurs in all enclaves of the community.

There are formidable obstacles to overcome if American police are to undergo necessary and massive changes for policing the 70's. Leadership—whether police or political—needs to be of a new type to draw our people together as brothers and sisters. The nation has had excessive current experience with police and political leadership that nurtures fear, resentment, hatred and violence. Police leadership decisions, today, tend to preserve the status quo and enshrine the archaic. Somehow, in the police establishment, leadership must be developed that is open, willing to listen, willing to question, willing to experiment, and willing to change even the most revered attitude or practice. Most current police leadership does not have the breadth of vision, perspective or motivation to do what must be done: *Work with all of the people to eliminate the police Neanderthal and to develop a sensitive and humane people-oriented protective service.* That is the need, desperate and immediate.

POLICE EDUCATION AND TRAINING

Much police education and training is archaic and inane. A story may illustrate: There once lived a group of Neanderthals who depended upon sloth snaring, mammoth slaying, and saber-tooth scaring for survival. These techniques were so necessary that old Flint Fist started a training program to teach the younger Neanderthals—the teacher was good, the techniques were fun, the students were eager, and the payoff was helpful to the tribe. Eons passed. Conditions changed; sloths, mammoths, and saber-tooths migrated, evolved, became extinct; the tribe became a nation; fire, wheel, lever were innovated; and new dangers developed. But, old Flint Fist and his loyal followers continued the attitudes and actions they were conditioned to and refused to change methods or training, shutting their minds firmly to the fact that the real world had changed. They were able to convince the community that they should be supported over the years, for whenever they were questioned or criticized they told horrifying tales of lurking evils, evoked memories of past brave conquests, and a frightened and grateful people sustained them. Originally, their techniques and training had some rational basis, but it was only time until the techniques and training were outmoded, and their anachronistic commitments be-

came laughable, and obviously ineffective when utilized against the new dangers.

Much of the current police methods and training consist of sloth snaring, mammoth slaying, and saber-tooth scaring. The new social realities and the dynamics of the current scene are ignored.

Education and training for police must serve to humanize the police, enhance democratic values, and develop foundations for mutually supportive police-public partnerships. Many current education and training programs serve only to perpetuate Neanderthal attitudes and practices. Radical revision is needed to change them from isolated, closed rigidities, with uniformed "boot camp" indoctrination of automatons, to integrated, interdisciplinary programs for the preparation of sensitive criminal justice professionals who are creative, innovative, and effective change agents.

POLICE ATTITUDES AND VALUES

As with other vocational groupings, there is much police moralistic self-righteousness and ideological intolerance. But, with police, the problem is hypersensitive, for with their office goes immense authority and power, and immense potential for harm to individual and community. The motion pictures "Z," *Billy Jack*, and *Flap* portray a variety of police attitudes and values. The character of Rafferty in *Flap* is seen by many Americans as highly representative of the police personality. Over the years, in a variety of media presentations, the American social control agent has been presented as a handsome supercop fighting the ugly supercriminal, using a wide variety of gimmickry, proceeding in any fashion he desires, and always getting his man. Thus, our public is conditioned to seeing the criminal as some form of ugly deviant, the policeman as hero, science and technology as powerful magic, attention to due process and civility as immaterial, and order as paramount. *Flap's* Rafferty might signify a genuine change in media approach.

There is no question that police folkways give internal legitimacy to the tactics of harassment and have done so over the years. Recently, at the University of California at Los Angeles, Sociology Professor F. K. Heussenstamm "recruited five black, five white, and five Mexican-American drivers with no traffic violations within a year and asked them to sign pledges that they would obey all the rules of the road as carefully as possible. Each then affixed a Black Panther Party sticker to his car bumper. Strangely, within 17 days all 15

experimental subjects had bad driving records—amounting to 33 summonses handed out by police, with fines totaling \$500.”²

In some absurd conviction that the methods of the past will somehow suffice to solve present problems, the police Neanderthal supports obsolete and self-destructive actions, such as excessively harsh and ferocious response when unpopular groups violate a law.

“Police cities” exist in this nation—communities where, in the *name* of impartial law enforcement, police enforce their own prejudices, or the prejudices of the majority, with impunity, with immunity, with governmental support, and often with smug satisfaction.

Police attitudes, for the most part, indicate no responsibility for unnecessary or illegal police violence, or abuses of police authority. The question arises: Is the individual citizen to be held responsible for his acts, but not the agents of the government? Police often become enraged at citizen questioning of police actions, but it should be considered as an act of highest patriotism and loyalty to American ideals for any citizen to attempt to keep his government on a moral level above that of Adolf Hitler. The voices of American police leadership are strangely silent in this area. A recent issue of *The Police Chief*, official publication of the International Association of Chiefs of Police, carries an editorial relative to the recent attacks upon policemen, and suggests, as “viable preventive measures,” more severe laws, defense instruction, protective equipment, bomb squads, and improvement of intelligence.³ Nothing is said about the possible relationship of abuses of police authority and power to such attacks upon police; nothing is said about the development of a viable police-public partnership in all community enclaves. It is the judgment of this writer that “many chickens are now coming home to roost,” and if police response can only consist of traditional mechanical measures it is evidence of intellectual bankruptcy or blind obstinacy at the highest leadership levels.

Even outsiders to the American police scene can sense some of the attitude and value problems of the police. One British police superintendent, speaking a few months ago about American police, said: “Their role can be likened to Jekyll and Hyde—on the one hand they are furiously promoting community relations programs to woo over

their public—and on the other they are shooting, beating, and bombing their public to keep them in order.”⁴

Perhaps one key to police attitudes and values is in how the policeman views himself. Narrowly, as a muscled crook-catcher? Or broadly, as an ombudsman of the poor, a protector of all the enclaves, as competent in insuring due process as in strangling out a combative drunk? It is interesting to read in the October 30, 1970, *Crime Control Digest* that the Los Angeles Police Department received two L.E.A.A. grants—one was for legal advisors, \$15,000, and the other was for a field stress target range, \$250,000. A cynical observer would opine that people put their money where their hearts lie.

ALTERNATIVES

There are reasons to be discouraged about the American police scene, but there are glimmerings of hope. Currently, the police Neanderthal is in the driver's seat all over the nation, and he is difficult to remove for he has immense power to frighten and damage any detractor. The police “dossier” may not only be used properly in safeguarding the community and nation, but that file may also serve as a most potent lever to neutralize anyone troublesome to the police establishment.

There are some rumblings within the police establishment, and a few of the sensitive professionals of a variety of ages, races, and ranks are engaged in serious conflict with the police Neanderthal who is also of a variety of ages, races, and ranks. These conflicts could provide some areas of possible joint action between the sensitive professional and change oriented member of the community. A benign conspiracy? An urge to needed internal revolution within the police establishment? A suggested split between the sensitive and humane and compassionate police and those who are rigid and mechanical and indifferent? Yes! Citizens can help by encouraging and supporting those police whose attitudes and values are worthy of respect, while at the same time taking issue with any police who misuse authority and power. “Off the Pig” is very expressive, but it is time that “He’s a Friend of the People!” be voiced loud and strong for any American police who so deserve.

Some areas of possible mutual interest that could be explored:

² Forum Newsletter, *PLAYBOY*, January, 1971, pp. 58-59.

³ Tamm, Quinn, Editorial: *Target—The Police*, *THE POLICE CHIEF*, November, 1970.

⁴ Kennard, Superintendent J. P. de B, Warwickshire and Coventry Constabulary, in “The American Scene,” an address to the Conference of the Association of Chief Police Officers of England and Wales on July 1, 1970. mimeo. p. 14.

Commission Recommendations. The recommendations of the recent Presidential commissions are revolutionary, yet consistent with the Constitution. If implemented, people could experience a more safe and just life, and the American dream would become more reality than myth. No audit, community by community, or state by state, has been made to determine the degree of compliance with commission recommendations. Nothing would prevent a blue-ribbon committee in any community undertaking a study of their police vis-a-vis implementation of commission recommendations.

It would be helpful if more cities volunteered to experiment with new fashions of policing and became testing grounds for radical changes in social control. It is wishful thinking to expect the precincts or subdivisions of the larger police agencies to experiment with radical change, unless top leadership is replaced. For the most part, changes of import are pioneered by smaller agencies of police. The larger agencies are mired in the glue of their own omniscience.

Organization and Operations. It would be helpful to experiment with demilitarized police organizations. This would involve elimination of military rank—stripes, bars and stars removed—with stature and respect gained by virtue of competence and integrity. This would allow more flexibility of program oriented operations.

It would be helpful to experiment with much more community involvement in police operations. Not manipulated community involvement which allows selected police buffs to volunteer as community advisors, but involvement that provides for citizen participation in decision making relative to police priorities and enforcement policies for a particular neighborhood in which the involved citizens live. Representatives of all clientele served—including former offenders—should form such advisory boards.

It would be helpful to experiment with a precinct manager who was recruited outside of the police system. While such a manager would be responsible to the chief of police, a background of other than previous police experience would bring new ideas into the oftentimes moribund police institution. Such lateral entry could provide a police leader who would reflect the ethnic and cultural qualities of his community and who would more easily bring citizen-police harmony by setting the example for the people.

Education and Training. It would be helpful to develop a model of police-university cooperation

which could be emulated nationwide. There is now great animosity between the sensitive academician and the police Neanderthal, and between the sensitive police professional and the academic Neanderthal. For example, if the University of California, Irvine, working with the Irvine community, were to develop a police-community partnership, it might involve a four-year social ecology program for all policemen, graduate work in applied behavioral sciences, and continuous participation and audit by the total community. Majors in anthropology, sociology, and psychology could be urged to spend a minimum of three years as policemen—three years in the world's greatest social science laboratory. Like programs could be developed around the ghettos and barrios with police involved in Black Studies, Chicano Studies, and Asian Studies, with peripheral attention to linguistics.

It would be helpful to develop alternatives to existing training centers—F.B.I. National Academy, Southern Police Institute, Northwestern University Traffic Institute—so that totally new approaches to training could be instituted.

It would be helpful if sensitivity training—self-awareness processes—were included in every police training course.

It would be helpful if officers assigned to non-English speaking areas were first fully trained in the language of the community.

It would be helpful if the community being policed were encouraged to design and instruct in a training program for police being assigned to that community.

Personnel Management. It would be helpful to involve citizens of the community policed in the processes of recruitment, screening, and promotion. In time, this would provide for a variety of police personalities and replace the current police-controlled system that develops mirror-image counterparts of existing police.

It would be helpful to have psychiatrists, psychologists, sociologists, anthropologists, and legal experts probing into the police establishment, and reporting to the people in much greater detail than is now the case.

It would be helpful to develop alternative professional organizations, for the current bodies—International Association of Chiefs of Police, Fraternal Order of Police, Police Benevolent Associations, Police Unions—in general, are not change oriented to the needed degree, and are largely committed to the dogmas of a past age.

It would be helpful to experiment with tandem personnel systems. We now operate older manual record systems side by side with an automated system; perhaps we could do likewise with personnel. We might develop a non-civil service group, operating under contract, in order to attract a variety of expertise.

It would be helpful to expand the process of lateral entrance for all levels of service, and make a talent-pool of sensitive professional expertise available to any mayor, city manager, city council, county board, police chief, or neighborhood committee.

It would be helpful to develop new categories of police agent, requiring advanced educational levels, and involving assignments with greater authority, flexibility, and discretion. This could result in dual channels of service so that sensitive, able people could remain in field service while receiving professional compensation. In some agencies, the sharp men are promoted; men in the field may come to be comprised of either young and inexperienced officers, or, older, angry, bitter, cynical disillusioned men who are unable to advance.

Evaluation. It would be helpful to devise new methods to measure and evaluate police activities. Current evaluation processes are often repressively oriented, and the "brownie points" come with crook-catching, not general protection, counseling, referral, and service.

It would be helpful to utilize the computer processes to monitor due process throughout the criminal justice system, from first field contact to final release. This could result in re-evaluation of many police processes.

It would be helpful to allow citizens access to their own dossiers so that any incorrect or inaccurate information could be challenged and expunged. This could result in re-evaluation of the intelligence function.

It would be helpful to involve citizens in the evaluation of deployment policies. Some research,⁵ for example, indicates that a particular East Los Angeles area is very comparable to the West Valley area of Los Angeles. They have about the same populations, major crime rates, and percentage of alcoholics. The West Valley area has a 95% non-Spanish surname population and a median income of about \$8,500. The East L.A. area has a 50-60% Spanish surname population and a median income of about \$5,500. When deployment of

police is studied, it appears that there are about 3 police per square mile in the West Valley area and about 13 police per square mile in the East L.A. area. When arrests for drunk and drunk driving are compared, the West Valley area will have about 1,500 per year, and the East L.A. area about 10,000 per year. If such data are correct, the imbalance of deployment and enforcement is worthy of discussion and evaluation.

It would be helpful to compare data on accident causing traffic violations with data on traffic citations; in such manner the "duck pond" ("easy ticket" location) can be isolated and eliminated.

Police-Community Relations. It would be helpful to eliminate the mislabeling of crime prevention programs, public relations programs, youth programs, and human relations training, as "police-community relations" programs. Police-community relations carries the connotation of conflict resolution, of two-way dialog with all enclaves of the community, of open relationships between police and public—and is very rare.

Complaint Handling. It would be helpful to experiment with new methods of complaint handling. Many people believe that current procedures are long, inconsequential, and that there is no real recourse for the victim of founded police malfeasance. The suspension, dismissal, and prosecution of errant officer, with substantial award of damages for injury to person, property, or reputation, is so rare on the American police scene as to be almost nonexistent. The victim of police inhumanity can be arrested and threatened with heavy prosecutions and thus effectively neutralized and silenced; stipulations of probable cause can be demanded in exchange for dismissal of charges.

The "internal affairs" investigating units can be ferocious with respect to insubordination or violation of departmental orders, and, on the west coast, in cases of theft or bribery, but such units are almost deaf, dumb, and blind when it comes to violations of due process, to invasions of privacy, to degrading and abusive treatment. To suggest that such units can operate as the "world's greatest washing machine—everything that goes in dirty comes out clean!" is understandable. It is obvious to many people that such units fail to vigorously pursue abuses of authority (violations of due process, invasions of privacy, false arrests), abuses of power (unnecessary use of force), and arrogant bullying (harassment of the unpopular). It is very doubtful that review boards or ombudsmen will bring real change or genuine recourse; police malpractice will remain so long as it is tolerated by the

⁵ Morales, Armando, "Theories on Law Enforcement Patrol Personnel Deployment," August, 1970. Xerox.

police; it will be tolerated by the police so long as it is tolerated by the public—period.

It would be very helpful to develop a team, or teams, of blue-ribbon "truth-tellers" who could accompany the police on raids, observe police station house conduct, examine police operations at demonstrations, scrutinize field conduct in all parts of the community, and report to the people. Such "truth-tellers" should be selected from all enclaves and have reputations of unquestioned integrity and independence. Their reports should receive the widest possible readership.

It would be helpful to have more data on community violence that is government sponsored or commissioned. The Los Angeles *Times* editorial, "Support Your Local Police," (November 16, 1970) stated that "One officer of the Los Angeles Police Department has been killed this year (by guns). . . . Five officers of the L.A.P.D. have been wounded by gunfire this year, and 50 shot at." Every decent person is saddened and angry to hear of the death, injury, or assault of a policeman, or of any human being. It should be of interest, also, to know how many people in Los Angeles have been killed by police guns this year, or wounded by police gunfire, or shot at by police. It should be of interest to know, in any metropolitan area, how many people have been killed, injured, or assaulted by police, even though such actions be considered lawful and necessary, and it should be of interest to know their ages, races, and neighborhoods. There may be some relationship between the use of violence by the government and the use of violence by private parties.

Community Involvement. It would be very helpful to experiment with a variety of methods of community involvement, for people should understand their police, support their police, and control their police. Today's police seem to operate independently of civilian control. It may a legitimate consideration for the people policed to participate in decisions relative to police policy.

It would be helpful to involve people of the community in decisions that relate to police weaponry and armaments, for some people believe that police are ever more paramilitary, choosing weapons that are needlessly destructive—saps, weighted gloves, Mace, dum-dum soft-point expanding bullets, high-powered rifles, machine guns—and, therefore, at their own whim, using inhumane means. Charles Reich states, in relation to Mace, that "no procedures known to the public were utilized in the decision to start using this chemical on people, and no procedures exist for challenging or changing the

decision."⁶ Such a sober opinion stands in contrast to the statement of the Los Angeles County Sheriff:

"We are supplying our men with more modern and more sophisticated equipment. I do not intend to publicize where this is stored, nor precisely what the equipment is, but we are better prepared from a standpoint of weaponry to contend with our problem than we have ever been. . . . I have been asked if high-powered rifles, automatic weapons, and tear gas projectiles are available to all Los Angeles County Sheriffs Deputies at this moment. The answer is yes. When needed, they are available at a moments notice."⁷

It is suggested, very often, that only the police are capable of determining what the police should do, or how they should do it. The people are murmuring loudly in some enclaves: "Should we allow a bunch of mean, narrow-minded, bigoted mercenaries to tell free men how the community should be policed? If we have the right to pay for policing, do we not also have the right to change policing?" That crude form of questioning contains the kernal of today's police problem: *Do the people who are being policed have the right to a meaningful voice in that policing?*

The police are an institution of the community and, in theory, should exist to assist the entire community form a safe and just place to live, and, in theory, it should not be up to the police, unilaterally, to decide how this will be achieved. It is correct to say that policing is too important a business to leave to the chiefs.

CONCLUSION

Change in American policing will not occur unless and until large numbers of concerned citizens from all enclaves in the community, socially aware police and criminal justice personnel, sensitive government legislators and administrators begin to address the real issues, rather than dealing with abstractions and procedural minutiae. It is correct to say that "we the people" must sit down as members of one family and hear each other. If we cannot do this, we are doomed to increasing violence in our communities, with police playing a central role.

In a viable democracy, concepts such as "Power to the People!" and "To Protect and to Serve!" must be more than mere rhetoric.

⁶ REICH, CHARLES A., *THE GREENING OF AMERICA*. (1970), p. 334.

⁷ *Los Angeles County Sheriff's Bulletin*, #47, October 9, 1970.