

[→ Scholarships for victims?]

Crime -  
Police  
Misconduct

March [XX], 2000

**Cosponsor the Law Enforcement Trust and Integrity Act  
Help Forge a Partnership Between Police and Civil Rights Groups on Police Misconduct**

Deadline: March [XX] at X:00 P.M.

Dear Colleague:

I am writing to invite you to cosponsor legislation supported by both police and civil rights organizations aimed at curbing outrages like the Los Angeles Rampart Division perjury scandal and tragedies such as the Amadou Diallo shooting. The Law Enforcement Trust and Integrity Act of 2000 takes a comprehensive approach at addressing the issue of police accountability and building trust between police departments and their communities. This bill is the result of nine months of hard work and collaboration between advocacy groups including the NAACP, National Council of La Raza, the ACLU and the National Urban League.

The purpose of the legislation is to build a better relationship between law enforcement entities, officials and the people they serve by providing communities with the tools to hold the police who serve them accountable for their actions. The legislation provides incentives for local police organizations to voluntarily adopt performance-based standards to ensure that incidents of misconduct will be minimized through appropriate management, training and oversight protocols and properly investigated, should they occur. The bill also provides police officers -- the vast majority of whom are decent people, concerned about their communities -- with the tools necessary to work with their communities and to enhance their professional growth and education.

Specifically, this bill makes 11 concrete steps toward improving law enforcement management and misconduct prosecution tools and has the support of a broad range of groups, from the [community-based] to the [list the police groups]:

1. Accreditation of Local Law Enforcement Agencies - The bill authorizes the Department of Justice to work cooperatively with independent accreditation, law enforcement and community-based organizations to further develop and refine the accreditation standards, and authorizes the Attorney General to make grants to law enforcement agencies for the purpose of obtaining accreditation from certified law enforcement accreditation organizations.
2. Law Enforcement Agency Development Programs - The bill authorizes the Attorney General to make grants to States and local governments to develop pilot programs such as civilian review boards, early warning and detection programs which have been proven effective in many jurisdictions
3. Administrative Due Process Procedures - The bill requires the Attorney General to study the prevalence and impact of any law, rule or procedure which interferes with prompt and thorough investigations of abuse.

→ Intro Wed Mar 15<sup>th</sup>

4. Enhanced Funding of Civil Rights Division – The bill authorizes appropriations for expenses for ongoing investigations of pattern-and-practice-of-abuse investigations pursuant to 42 U.S.C. 14141) and authorizes appropriations for expenses related to programs managed by the Community Relations Service.

5. Enhanced Authority in Pattern and Practice Investigations – The bill amends 42 U.S.C. 14141 to provide private cause of actions limited only to declaratory and injunctive relief when there is a pattern and practice of discrimination.

6. Deprivation of Rights Under Color of Law – The bill amends section 242 of Title 18 of the United States Code to expressly define excessive use of force and non-consensual sexual conduct as deprivations of rights under color of law.

7. Study of Deaths in Custody – The bill amends section 20101(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C.A. 13701) to require assurances that States will follow guidelines established by the Attorney General for reporting deaths in custody.

8. National Task Force on Law Enforcement Oversight – The bill requires the Department of Justice to establish a task force to coordinate the investigation, prosecution and enforcement efforts of federal, state and local governments in cases related to law enforcement misconduct.

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9. Immigration Enforcement Review Commission – The bill creates a commission to investigate civil rights complaints against the INS and Customs Services, with authority to make policy and disciplinary recommendations. *(current board is defunct.) Hotline*

10. Federal Data Collection on Racial Profiling – The bill requires the Justice, Treasury and Interior Departments to collect data concerning the personal characteristics (race, ethnicity and gender) of individuals targeted for investigation (e.g., detention, traffic stop or warrantless search) by federal law enforcement agencies and requires the Justice Department to prepare a "master report" analyzing the findings and recommending improved policies and procedures.

*codifying  
POTUS  
E.O.*

11. Whistleblower Protection – The bill establishes civil and criminal penalties for retaliation against law enforcement officers who in good faith disclose, initiate or advocate on behalf of a civilian complainant in actions alleging police misconduct and creates private cause of action for retaliation.

The catalogue of high-profile incidents of police misconduct grows with each passing day. With the Rampart perjury scandal, Amadou Diallo shooting and Abner Louima assault, it should now be clear to all members, and the nation at-large, that police misconduct is an issue that we must address in a bipartisan manner. That's why we have been working with both civil rights and police organizations to develop a proposal that we can all support.

To be an original cosponsor of our legislation, or if you would like additional information, please contact Keenan Keller at the Judiciary Committee (x56906).

Very truly yours,

John Conyers, Jr.

*Crime -  
Police Misconduct*

From: Ben Johnson, Assistant to The President and Date:  
Director of The White House Office On  
The President's Initiative For One America

TO: BRUCE REED

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Prepare reply for President's signature | <input type="checkbox"/> Call me on this                 | <input type="checkbox"/> Please return call       |
| <input type="checkbox"/> Prepare reply for Director's signature  | <input type="checkbox"/> For Your Action                 | <input type="checkbox"/> Please file              |
| <input type="checkbox"/> Prepare reply for my signature          | <input type="checkbox"/> For your approval               | <input type="checkbox"/> Set up meeting on this   |
| <input type="checkbox"/> For your signature                      | <input type="checkbox"/> For your comments               | <input type="checkbox"/> Draft scheduling request |
| <input type="checkbox"/> Reply directly-copy to me               | <input checked="" type="checkbox"/> For Your Information | <input type="checkbox"/> Process special letter   |
|  | <input type="checkbox"/> For your support                | <input type="checkbox"/> Set up tour              |

Remarks:

**Law Enforcement Trust and Integrity Act of 2000**  
**H.R. [XXXX]**  
**Section by Section Description**

**Section 1: Short Title** – This section sets forth the short title of the Act, the “Law Enforcement Trust and Integrity Act of 2000.”

**Title I: Law Enforcement Accreditation** – Requires Attorney General to perform an initial analysis of existing law enforcement accreditation standards and to recommend areas for the development of additional national standards for accreditation of law enforcement agencies in conjunction with law enforcement accreditation organizations, law enforcement associations, labor and community-based organizations; Authorizes the Attorney General to make grants to law enforcement agencies for the purpose of obtaining accreditation from certified professional law enforcement accreditation organizations.

**Title II: Law Enforcement Development Programs** – Authorizes the Attorney General to make grants to States, units of local government, Indian Tribal Governments, or other public and private entities, and multi-jurisdictional or regional consortia to study law enforcement agency operations and to develop pilot programs focused on effective training, recruitment, hiring, management and oversight of law enforcement officers which would provide focused data for the development of additional accreditation standards.

**Title III: Administrative Due Process Procedures** – Requires the Attorney General to study the prevalence and impact of any law, rule or procedure that allows a law enforcement officer to delay for an unreasonable or arbitrary period of time the answer to questions posed by a local internal affairs officer, prosecutor, or review board on the investigative integrity and prosecution of law enforcement misconduct.

**Title IV: Enhanced Funding To Combat Police Misconduct** – Authorizes appropriations for expenses related to criminal and civil enforcement activities by the Civil Rights Division of the Justice Department, specifying the enforcement against pattern and practice discrimination described in section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C.A. 14141); Authorizes appropriations for expenses related to programs managed by the DOJ Community Relations Service.

**Title V: Enhanced Authority in Pattern and Practice Investigations** – Amends section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. A. 14141) to create a private cause of action for declaratory and injunctive relief relating to police pattern and practice discrimination.

**Title VI: Deprivation of Rights Under Color of Law** – Amends section 242 of Title 18 of the United States Code to expressly define excessive use of force and sexual assault as deprivations of rights under color of law; Makes expert witness fees available to the prevailing party in actions brought under section 1983.

**Title VII: Study of Deaths in Custody** – Amends section 20104(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C.A.) to require assurances that States will follow guidelines established by the Attorney General for reporting deaths of persons in custody and medical care given or withheld for persons in custody.

**Title VIII: National Task Force on Law Enforcement Oversight** – Requires Department of Justice to establish a task force to coordinate the investigation, prosecution and enforcement efforts of federal, state and local governments in cases related to law enforcement misconduct; Authorizes appropriations to support task force efforts.

**Title IX: Immigration Enforcement Review Commission** – Creates Commission to investigate civil rights complaints against the INS and Customs Services, with authority to make policy and disciplinary recommendations; Commission is also required to develop outreach office to educate and improve the relationship between the Services and local community groups.

**Title X: Federal Data Collection on Racial Profiling** – Requires Justice, Treasury and Interior Departments to collect data concerning the personal characteristics (race, ethnicity and gender) of individuals targeted for investigation (e.g., detention, traffic stop or warrantless search) by federal law enforcement agencies; requires each department to prepare a report concerning the data collected under this title, with the Justice Department preparing a "master report" analyzing the findings made by the other departments and recommending improved policies and procedures.

**Title XI: Whistleblower Protection** – Prohibits retaliation against law enforcement officers who in good faith disclose, initiate or advocate on behalf of a civilian complainant in actions alleging police misconduct; creates private cause of action for retaliation; establishes civil and criminal penalties for violations of this title.



Jose Cerda III

06/03/99 03:12:57 PM

*Crime -  
Police  
Misconduct*

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP, Elena Kagan/OPD/EOP@EOP  
cc: Leanne A. Shimabukuro/OPD/EOP@EOP, Karin Kullman/OPD/EOP@EOP, Irene Bueno/OPD/EOP@EOP  
Subject: Race/Police conference

BREK:

Attached is an AP story on a DOJ report that provides some good spin for next week. DOJ has also been sitting on a Use of Force study that is pretty positive about citizens contacts w/police. The civil rights folks don't want it to be one of the deliverables because its "off message," but it seems to me that simultaneously putting out this report and signing the directive may actually work pretty well....most cops do the right thing...90% of citizen/police contact involves no use of force...but that's not enough...we need to make sure we take the extra step and get the info/data we need to make sure the system works for everybody...etc.

jc3

#### Local Police Ratings Vary by Race

By Pete Yost  
Associated Press Writer  
Thursday, June 3, 1999; 11:45 a.m. EDT

WASHINGTON (AP) -- Ninety percent of white city residents and 76 percent of blacks expressed satisfaction with their local police in a survey of 12 cities last year, Deputy Attorney General Eric Holder announced today.

The release of the survey conducted by the Bureau of Justice Statistics comes amid controversy that some police departments around the country engage in racial profiling, the practice of stopping or searching motorists based on race.

The Justice Department has investigated racial-profiling allegations against New Jersey's state police. Similar accusations have been made in Florida, Maryland, Connecticut and elsewhere.

Blacks' dissatisfaction with police varied widely according to city.

Law enforcement agencies and communities must work together to break down "the barriers of mistrust," Holder said in a meeting with reporters at the Justice Department.

Holder said there is a perception among some people in the black community "that they are treated differently."

Overall, 85 percent of residents surveyed in the 12 cities said they were satisfied with local police. Three percent said they were very dissatisfied and 12 percent said they were dissatisfied.

Hispanics were included in both white and black categories of the survey based on their individual preference.

In Knoxville, Tenn., 37 percent of blacks said they were dissatisfied with police. In Chicago, the figure was 31 percent. In Washington, D.C., it was 25 percent; in New York, 23 percent; in Los Angeles, 18 percent.

The figures for black dissatisfaction with police in other cities: Springfield, Mass., 24; Spokane, Wash., 21; Savannah, Ga., 19; Kansas City, Mo., 14; San Diego, 11; Tucson, Ariz., 9; and Madison, Wis., 3 percent.

Among whites, the level of dissatisfaction with local police ranged from 3 percent in Madison to 19 percent in Washington. The level of dissatisfaction among whites in other cities surveyed: San Diego, 5 percent; Knoxville, 9 percent; Kansas City and Springfield, 10 percent; Chicago, New York and Los Angeles, 11 percent; Tucson, Savannah and Spokane, 12 percent.

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5-2-99

THE WHITE HOUSE  
WASHINGTON

Bruce / ELENA:

THOUGHT THIS ARTICLE  
COMPARING BOSCONI &  
NYC POLICING MIGHT  
INTEREST YOU.

Joni

CC: LEANNE

A LITTLE HINT:

To print this page, select "Print" from the File menu of your browser

salon.com > News April 27, 1999  
URL: <http://www.salon.com/news/feature/1999/04/27/boston>

## The false trade-off

As New York struggles to rein in its police department, Boston brags about reducing crime and police brutality at the same time.

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BY MICHAEL CROWLEY

Even a journey of a thousand miles must begin with a single step. And so it is a small, if slightly comical, sign of progress that New York police officers will now carry palm cards with pointers for behaving more politely to a populace they have grown accustomed to bullying. "Use terms such as 'sir' and 'ma'am,'" the cards advise. "Say 'hello' and 'thank you,'" and "apologize for any inconvenience."

But apologies won't do much to compensate for the "inconvenience" of Amadou Diallo, the African street vendor who was shot 41 times and killed by police Feb. 4. And forced manners aren't likely to placate the many thousands of New Yorkers who have come to see the city's police force as the enemy.

By now, New York's dilemma is familiar: Under Mayor Rudy Giuliani, the city's crime rate has plunged, with homicides down 70 percent and felonies down by half since 1994. At the same time, police brutality and harassment complaints have risen alarmingly. New York registered about 5,000 complaints about its officers' conduct in 1998, up from about 3,600 in 1993. Racial tension is peaking as minorities feel especially targeted by the department's aggressive tactics -- a concern crystallized in such high-profile incidents as the Diallo shooting and the brutal beating of Haitian immigrant Abner Louima last year. To some, the lesson is that stamping out crime means stomping on civil liberties.

Less publicized, however -- as good news always is -- is a happier story to the north. In Boston, not only has crime dropped even faster than in New York, but complaints about police tactics have fallen as well -- by an astonishing 50 percent. Like New York, Boston has adopted new crime-fighting strategies in the 1990s, but there has been no backlash against its police force -- no street protests, no cries of racism, no expletives hurled at the mayor. As people try to figure out what New York did wrong, they should look first at what Boston has done right.

Crime -  
Police  
Misconduct

Where the New York police have acted like an occupying force in the city's neighborhoods, Boston's police have succeeded through partnerships. Where New York has relied on an aggressive strategy that cultivates fear and intimidation, Boston's police have worked with local clergy and community leaders to identify and target actual criminals, rather than wantonly sweeping neighborhoods. Next to New York's archetypal "NYPD Blue" approach, Boston's strategy might sound wimpy. But don't snicker. President Clinton has called on "communities around the country [to] follow the example of Boston." And New York Sen. Charles Schumer recently proclaimed: "The Boston model will work in New York, and we should move quickly to implement it here."

So what's Boston's secret? "Basically, [Boston] has done it with the community," says Northeastern University criminologist James Alan Fox, "and not to the community."

New Yorkers may think of Boston as a quaint, provincial New England capital. But a decade ago, the city was an urban nightmare, with drugs, guns and gangs terrorizing residents.

Boston's low point came in 1989, with the nationally publicized murder of Carol Stuart, a pregnant white woman who, her new husband said, had been stabbed by a young black man. Stuart's murder led to a citywide manhunt in which Boston police officers shook down dozens of black males who fit her husband's vague description. The cops proudly apprehended their man -- but then released him when Stuart's husband was revealed to be the actual killer. Minority neighborhoods seethed.

The Stuart case touched off deep soul-searching within the city. But it took another horrifying event to bring a revolutionary change to the city's police culture: At the May 1992 funeral of a 20-year-old Boston gang member, a dozen hooded kids from a rival gang rushed into Morning Star Baptist Church in Mattapan, firing on mourners and stabbing a teenager nine times. Days later, 300 local ministers met at the church to come up with a way to address the drug and gang epidemics in the city's minority neighborhoods. (Contrary to its shamrock image, Boston has a minority population of more than 40 percent.)

In the late 1980s, according to one Boston police superintendent, "there was a lack of trust, there was no communication" between the police and the neighborhoods. Now the traditional rivals needed one other. The police wanted to shed their reputation for racism, and the clergy wanted to stop the killing. The result was a partnership between the police department and neighborhood leaders that allowed the cops to crack down on minority offenders without being resented in minority neighborhoods.

"That is the approach of neighborhood policing," says Boston Police Commissioner Paul Evans. "It's the idea that the police cannot solve the problems themselves. They have to work with the communities to solve

problems."

Evans might sound like a social worker, and if his approach hadn't paid off, he might be one now. But neighborhood policing has won converts among cops in Boston because it works.

Ironically, New York and Boston both owe their 1990s police department overhauls to the same man, William Bratton. It was Bratton who changed the Boston police force's mission by placing an emphasis on selective crime prevention over haphazard response. Bratton left Boston for New York, where he served as that city's acclaimed police chief from 1994 to 1996, before ego clashes with Giuliani forced him out.

Since replacing Bratton in Boston, Evans has become hailed as an innovator in his own right. A modest, low-key product of South Boston, a tightly knit Irish neighborhood, Evans has been less of a publicity hound than Bratton. He has been willing to cede his power, for instance, decentralizing the police force by breaking up the department's five jurisdiction zones into 10 smaller districts, and is quick to share credit for his department's successes.

Like Boston, New York also practices neighborhood (or community) policing, which gets officers out of their patrol cars and onto the streets. But Boston police have given a higher priority to building relationships with neighborhood residents than to the "zero tolerance" crime prevention strategy that prevails in New York. Better known as "broken windows" policing, the strategy is to crack down on small offenses like jaywalking or public drinking, which are often used as an excuse to "stop and frisk" thousands of people in a hunt for guns. The result is that thousands of innocents are harassed: More than 27,000 New Yorkers, largely minorities, were frisked by the NYPD's street crimes unit last year; only about 4,600 were arrested.

In Boston, the guiding principle has been integration, not intimidation. Ministers, street workers and community leaders have made an explicit compact with the police: They will identify lawbreakers in their neighborhoods and accept decisive police action against those criminals. In return, however, the police refrain from the kind of sweeping and indiscriminate stop-and-frisk tactics that bred such anger during the 1989 Stuart manhunt.

David Kennedy, a senior researcher at Harvard's Kennedy School of Government who has been intimately involved with Boston's policing efforts, describes the police philosophy this way: "In Boston the logic is, 'We know where the action is and we're going to carefully act in ways that can be very meaningful indeed to those people and places. But if you're in that neighborhood and you're not involved, we're gonna walk right by you.'"

Commissioner Evans cites curfews as an example of this strategy. Although youth curfews are in vogue in troubled cities like Baltimore and New Orleans, Evans says they clash with his department's philosophy. "Instead of those types of enforcement tactics that go across the board and target everyone, we do focused intervention," Evans says. "We put area restrictions and time curfews on young people who earn them instead of every young person in the city."

Evans has also focused on nontraditional crime-prevention tactics. He recalls a 1994 meeting with officers in his department's gang unit at a moment of rising violence in Boston's low-income Roxbury neighborhood. "I asked them what we could do," Evans says. "And I expected them to say, 'More cops, tougher judges and more jail space.' But what they said to a person was, 'We need jobs and alternatives for these people. We need to provide them with hope.'" The result has been a network of programs for youths and young adults, from business-sponsored summer jobs to "midnight basketball" to whitewater rafting trips.

Evans is particularly proud of his department's new practice of using federal block-grant money -- dollars traditionally used for salaries and overtime -- to award its own grants to local community groups who submit specific plans for assisting in crime-prevention. (This year the department will give out \$1 million to 20 local groups.)

Leroy Stoddard, director of community services for Urban Edge, a Roxbury community development corporation that has received grant money, says the work can be as simple as shooing unwanted loiterers off building stoops and moving illegally parked cars -- tasks that are "below the threshold of police attention." As someone who works on the city streets every day, Stoddard can attest to the larger success of Boston's cooperative approach. "It's important to educate people and ready them for police enforcement," he says. "It's better for residents to be aware that the police are coming rather than be surprised by a crackdown."

What does this all amount to? Not just a plunging crime rate -- homicides are down from 152 in 1990 to 34 last year, and all violent crimes and robberies are down more than 80 percent since 1990 -- but also a steady drop in complaints about officer misconduct, by more than 50 percent since 1990.

Arguably, New York was asking for its recent troubles. Police Commissioner Howard Safir has been less enthusiastic about community policing than his predecessor, Bratton. Safir has cut back the number of officers on neighborhood beats, a move criticized by Bratton.

Harvard's Kennedy cautions against oversimplifying the NYPD's tactics, however, saying the department boasts an array of innovative policing efforts. "The actual behavior of NYPD doesn't match the cartoon version that got put on the street," Kennedy says. But he acknowledges that the

department's prevailing attitude has been to clamp down on the streets "until the streets simply cry uncle." It should also be noted that while overall police brutality complaints are way up, killings by police are down 50 percent under Giuliani, high-profile tragedies like the Diallo shooting notwithstanding.

But there is no doubt that under Giuliani, New York police have resisted cooperative efforts with the community. Shortly after the Diallo shooting, according to New York Times columnist Bob Herbert, some 100 clergy members met with the Bronx borough president to discuss response strategies. A Bronx official told Herbert, "The one thing everybody at the meeting said was: 'We could be a resource. But they're not using us. The police don't even know us. They don't come and talk to us.'"

Boston's not perfect either, of course. In February, for instance, the city paid \$900,000 to settle the case of a black plainclothes police officer who was beaten by colleagues who thought he was a criminal. Some critics say that when complaints are registered, the department doesn't deal decisively with its problem officers. And finally, it's not clear whether acts of harassment and brutality have actually decreased, or whether a more trusting community is less likely to report them.

Still, there's a consensus that life on Boston's streets -- and the relationship between Boston's police officers and its neighborhood residents -- is as good as anyone can remember.

"Ten years ago you wouldn't see young kids -- 5, 6, 7 years old -- out playing, riding bikes, in the parks. The parents wouldn't let them out of the house. There was a lot of fear," says Lt. Gary French, who runs the Boston police's anti-gang unit. "Now we have a very good relationship with a lot of the inner-city neighborhoods. The community leaders know they can call us if there's a problem." Instead of alienating whole neighborhoods, he says, "we're ticking off the right people."

Community leaders mostly agree. "I can remember how, in the late '80s and early '90s, it was an us-against-them mentality between the community against the police," says Tracy Litthcut, a Boston community worker who has been a key liaison between the police department and the neighborhoods. "The police had no credibility. It was 'stop-and-frisk,' and that didn't go over well."

Litthcut says "there's no doubt" that it's better police behavior, and not just a happier relationship with the neighborhoods, that explains the city's drop in harassment and brutality complaints. "Those complaints sometimes come through youth workers" -- like himself -- "because people might not feel comfortable passing them on through law enforcement." But Litthcut says the mood on the street is good. "People in the community are very pleased with the work law enforcement is doing. Not only are the police doing the enforcement piece, but there's

also a social work component."

Just as it took a pair of watershed tragedies to awaken Boston's police and community leaders to the need to cooperate, perhaps some good can come of the Diallo shooting and the Louima beating. If only to soften his image for a Senate showdown with Hillary Rodham Clinton, perhaps Giuliani will heed the exhortations and try harder to adopt Boston's cooperative model. "That's basically the choice we've got at this moment in policing," says Kennedy. "There's one big banner out there that says, 'zero tolerance,' and there's another that says, 'exercise judgment.' The challenge is clearly to figure out how to exercise judgment well."

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**U.S. Department of Justice**

**Office of Intergovernmental Affairs**

Office of the Director

Washington, D.C. 20530

April 26, 1999

*Crime -  
Police Misconduct*

**MEMORANDUM FOR:** All State Attorneys General  
All Chief Prosecutors

**FROM:** Charles Simon  
Acting Director

**SUBJECT:** Attorney General's Remarks on Police Integrity and Trust-Building

I am pleased to enclose a copy of the remarks recently delivered by the Attorney General at the National Press Club on the topic of how "police officers do their jobs, how they handle deadly confrontations and how they protect and respect the people they serve."

I hope that you find this information helpful. At the Department, we look forward to working together with you on these crucial issues.

Enclosure

**NATIONAL PRESS CLUB LUNCHEON SPEAKER:****JANET RENO, ATTORNEY GENERAL OF THE UNITED STATES****NATIONAL PRESS CLUB BALLROOM 1:01 P.M. EDT THURSDAY,****APRIL 15, 1999**

Good afternoon, and thank you for having me.

Across the country communities are considering the ways in which police officers do their jobs, how they handle deadly confrontations and how they protect and respect the people they serve.

Police officers have one of the hardest jobs there is. A police officer is charged with ensuring public safety, but she or he is also empowered to use force and, if necessary, to take a life to protect others from death or great bodily harm. The police are there to protect us from crime, but they must protect our rights at the same time. And to do their work effectively, the police must have the trust and confidence of the communities they serve. They must develop a partnership and a relationship with the citizens they protect.

Professional, sensitive, and dedicated police officers have done so much across this country to make their community a far better place to live. In many communities police and citizens are working together to prevent crime and to build understanding and to bring people together.

The crime rate has fallen every year for the past six years in virtually every category. Policing has contributed to that drop. The thousands of community-oriented police officers who are on the streets, due to the president's COPS initiative, have made a difference. All across America neighborhoods are safer.

But some people, especially those in minority communities, are wondering whether our success in reducing crime has been due in part to overly aggressive police officers who ignore the civil liberties of Americans. That concern has escalated and shown a more public face following the tragic shooting death of Amadou Diallo in New York two months ago.

This nation's heart goes out to the family and friends of Mr. Diallo for their terrible loss. The case is now with the courts to decide, and it would be inappropriate for me to comment.

But the issue is not just one city. The issue is national in scope and reaches people all across this country. For too many people, especially in minority communities, the trust that is so essential to effective policing does not exist because residents believe that police have used excessive force, that law enforcement is too aggressive, that law enforcement is biased, disrespectful, and unfair.

Too often I have heard stories similar to the following account. A black man is driving down

the road. He is coming back from the store, or returning home from work. A siren sounds, the lights start to flash. And in his rearview mirror he sees a police car. He pulls over. The officer comes up besides the car and asks for identification. He hands it over. The police officer asks questions, and then hands the license back, telling him without further explanation to drive on. The driver is left with unspoken questions. Why did he pull me over? Is because I am black? Is it because I am driving a nice car? Is it because people like me aren't often found in this part of town? The driver may never learn the answers. But he is left with a clear perception, the perception that he was being pulled over for being black.

But, indeed, the officer may have had a good reason to make that stop. Perhaps the vehicle was speeding. Perhaps the officer was searching for a man who was driving a car identical to the one belonging to the driver. The driver's perception may be completely wrong. But if the driver is never told why he was pulled over, he has no reason to change that perception. And as he drives away, it is not just his time he will have lost, but his confidence in law enforcement as well.

Whether these feelings are based on individual experiences or based on the stories and the perceptions of others, what matters most is that these feelings are very real on the part of too many Americans. When even a U.S. attorney who is African American feels he has to instruct his son to be cautious of the police when he drives, we have a problem.

When minority communities, in the wake of a shooting, immediately assume the police officer, not the suspect, is at fault, we have a problem. And the tensions that arise between the police and minority residents have serious consequences both in terms of effective policing and community unrest.

When citizens do not trust their local police officer, they are less willing to report crime and less willing to be witnesses in criminal cases. When there is a breach of trust, it means people are more distrustful of the police, more tense when there is an encounter, and less likely to cooperate. As a result, police officers are more tense, and they may be more likely to react with more force than necessary. Suddenly, a routine encounter can become a deadly clash.

Since I became Attorney General, I have tried to get all parts of our communities to work together to deal with the problem of crime in this country -- state and local law enforcement working together with the federal government identifying a problem and working together to solve it. I've tried to get businesses and clergy, schools and social agencies to come together to the table. Crime is a problem that all of us must work together to solve because no one of us can solve it alone. It is now time for all of us to come together in our communities, with citizens from all parts of the community, to build the trust and confidence of all Americans in law enforcement.

Over the past several weeks, I have met with police chiefs, union representatives, community leaders, with young people at risk, and offenders on probation, listening as they have described

the problem and made suggestions -- good, positive, constructive proposals -- that would generate trust and build a solid relationship. Both law enforcement and community leaders understand that we are and that we must continue to be together if we are to solve this problem. There is probably no task more important to safe neighborhoods and civil rights than improving relationships and building greater trust between minority communities and law enforcement.

And every police chief I have talked to and every community leader I have met shares this commitment.

Effective policing does not mean abusive policing. Effective policing does not ignore the constitutional rights and the civil liberties that police officers are sworn to uphold. On the Ninth Street side of the Justice Department building, inscribed across the top, are the words describing the law that we live under. "The common law is derived from the will of mankind, issuing from the life of the people, framed through mutual confidence, sanctioned by the light of reason." For police officers to be effective, their enforcement of the law must be framed in mutual confidence between the people served and the people who serve them. Every American must respect the law, but the law must respect every American.

Across the country, there are nearly 700,000 law enforcement officers, and the overwhelming majority are hard-working public servants who do a dangerous job justly, fairly, with excellence and with honor. They put their lives on the line every day in the pursuit of justice and public safety, and they do that because they care about the people they are committed to serving.

I support and salute these dedicated officers. We owe them a great debt of gratitude. But we as a society cannot tolerate officers who cross the line and abuse their position by mistreating law-abiding citizens or who bring their own racial bias to the job of policing. No person should be subject to unreasonable force. No person should be targeted by law enforcement based on the color of his or her skin. Equal justice under law must mean the same thing to minority communities as it means to the nation as a whole.

Police chiefs and rank and file officers alike agree. They tell me that if we want to maintain the trust and confidence of the community, we must take decisive action against those few officers who violate their oaths and deny citizens their constitutional rights by the use of excessive force or harassment. Police organizations, such as the International Association of Chiefs of Police, and then the Police Executive Research Forum, have stated very clearly that police activity that is race or ethnic-based is neither legal, consistent with democratic ideals and principles of American policing, nor in any way legitimate and defensible as a strategy for public protection. Indeed, last Friday, representatives of Oregon and Washington state law enforcement agencies and police unions signed an unprecedented resolution condemning race-based profiling, that was facilitated by the Community Relations Service of the Justice Department.

Today I am announcing that I will be convening law enforcement leaders, community representatives, including young people, who must be heard from, civil rights advocates and

experts in police practices to identify and share strategies that are working and to understand suggestions that can be implemented to address this issue.

I will also be reviewing the suggestions that I have been provided by civil rights leaders and law enforcement officials with whom I have met.

Last week the Police Executive Research Forum brought 20 police chiefs from around the country to Washington. The chiefs were asked to bring one or two community leaders from their cities, so they could discuss the issues surrounding police misconduct. That was an excellent discussion, and very constructive.

Today I would like to focus on five areas that I think will form the foundation of our efforts to foster police integrity and eliminate police misconduct.

The first step is to expand and to promote the kind of partnership and dialogue which develops the mutual trust and confidence between police and the people they serve.

The concept of community policing can teach us a great deal, for it seeks to improve public safety by involving the community itself and the people themselves in establishing police priorities and involving police officers in the communities they serve. It involves partnerships between the police and institutions, such as the school and the clergy. In cities across this country, officers organize and participate in community activities and develop ways for the community to participate in police decision-making.

By breaking down suspicions, building up the trust, the community-oriented police officer becomes the peacemaker and the problem-solver without relinquishing his or her enforcement duties.

Sometimes it just boils down to taking the time to learn how to talk to each other. In Winston-Salem, the police department has housed its basic law enforcement training program at a school for at-risk youth. As part of that basic law enforcement training, these police trainees were working as mentors with young people in the school. I was there last week, and I talked to trainees and youth together.

One teenager was very eloquent. "I didn't like the police. I didn't trust them. I used to walk away from them when I saw them coming. When they first came to the school and started talking to me, I didn't listen to them. They kept talking to me, and I started hearing and started listening, and they really had something to say."

Those trainees and those young people, sitting together, were learning how to talk to each other, and in the limited time they had had, they were each learning from the other. It was one of the best experiences I have seen in terms of seeing police and young people relate together.

In Baltimore, police officers are working together with community service officers and parents and community volunteers to build trust and mutual respect between young people and adult authority figures. The Police Athletic League operates 27 centers around Baltimore, serving the needs of more than 7,000 youths by creating safe havens that are open after school until 10:00 p.m. at night. Unsurprisingly, in neighborhoods where Police Athletic League centers are located, crime involving young people has dropped dramatically.

And police departments can also find valuable partners in the faith community. In Boston, a group of ministers, the 10 Point Coalition, has played a vital role in the city's recent and remarkably successful fight against violent crime. The coalition's outreach and work with at-risk youth was vital. Even more critical, however, was the coalition's effort to change the way the police in Boston's inner-city community relate to each other. The coalition created a balance between the community's desire for safe streets and the community's reluctance to see their children put in jail. In this way, the coalition served as a bridge of trust and reconciliation between the community and the police.

Last month President Clinton announced that we will expand the creation of Citizen Police Academies. These academies, in intensive discussion over many weeks, explain clearly and honestly just what the police do and how they operate. These center demystify the police and enable citizens to better understand the challenges that police officers face day in and day out.

Our second undertaking is this: We must insist on police accountability. And I begin with the Department of Justice. We are conducting a self-assessment of our own use of force and civil rights processes, coordinated by the Inspector General, to ensure that we have procedures in place which hold us accountable to the American people, to all of the American people.

All law enforcement agencies -- federal, state and local -- from the director, chief or sheriff on down, must send a clear message that misconduct will not be tolerated, rude or unfair treatment will not be countenanced. But this is not a responsibility of management alone, rank and file officers must join together to promote a climate of integrity, civility, accountability and responsibility.

They must be intolerant of misconduct by fellow officers, and they must make it unacceptable to keep silent about other officers' misconduct.

Every law-enforcement agency should have a complaint process so people can file complaints without fear. If individuals fear retaliation, then they won't file complaints, and the agency will never know that it has a problem on its hands. Some police departments have moved their Internal Affairs unit to a separate building so that individuals do not have to worry about coming face to face with the officer they are complaining about. Other departments have set up a phone-in reporting process or distribute brochures on how to file a complaint.

Every police department should make sure that it has in place a vigorous system for

investigating allegations of misconduct thoroughly and fairly. A fair system ensures due process both for the officer and for those filing complaints. Departments must ensure that there is sufficient funding and staffing to pursue each complaint so citizens see that they have not been ignored. Agencies must have the will to swiftly discipline officers or agents when a complaint has been sustained. If they do not, some will think that they can cross the line with impunity.

Police departments should also know when officers use force, why the force was used and whether it was appropriate. Police agencies can implement what are known as early-warning systems to help identify officers who may need more training or reassignment, if necessary.

Finally, police departments need ways to get an independent view of their performance. In Washington, the police chief asked the Justice Department to come in and review its use of force. The Los Angeles Police Department, as a result of the Christopher Commission reforms, created an inspector general for the department. As a result of a similar commission, the L.A. Sheriff's Office now has an outside monitor.

Third, we need to ensure that police departments recruit officers who reflect the communities they serve, who have high standards and who are then properly trained to deal with the stresses and the dangers of police work. In years past, too many departments had few, if any, minority officers. That has improved significantly. We now have, not just men in blue, but women in blue; not just whites, but people of all colors.

When someone who grows up in the neighborhood becomes an officer there, they understand the people, and they know the languages spoken.

They are men and women our youth can look up to as role models. Old stereotypes and prejudices are not as likely to be passed on to the next generation of police departments if those departments represent a diverse mix of society.

I'm proud of this progress, but we need to do more. The San Antonio police department cadet program targets neighborhoods for recruits where they receive citizen complaints about the police. They attend community meetings and ask community leaders to identify candidates for the cadet program. The department works with those candidates by providing them mentors to help them prepare for the selection process.

We must also emphasize fairness and integrity in our recruitment. As Tom Frazier (sp), the chief of Baltimore's police department puts it, "we must recruit those who come to policing in the spirit of service, not in the spirit of adventure." Having recruited the right officers, we must then do a better job of training them. They must know when it is appropriate to use force and when other non-forceful means will do. They must know how to serve all the people.

The job of a police officer is very difficult. Try for a moment to picture it from the officer's perspective: You've just received a call about a drugstore that was robbed. The suspects are two

teenagers. You happen to be in the area. You see two youths walking briskly down the street. You yell out to them and suddenly they start to run. You give chase, they split up, you focus on one of the two, letting the other go. You follow him into an alley in a high-crime neighborhood.

All of a sudden, you realize he's trapped. You yell out that you're police and you order him to put his hands in the air. But instead, the panicked youth suddenly swirls around holding a tiny, shiny object that appears to be a gun. Equally panicked, you pull out your gun and without time to reflect, pull the trigger.

Was it a gun? Why did the suspect run? Did your shots hit the youth? Was he, in fact, the robber? Were you right to pursue him in the first place? We don't know the answers to such questions about this hypothetical, but the most relevant question may be whether you were trained for such an encounter and whether you did everything possible to avoid the use of force.

It is also important that residents realize that police officers in situations like I described are fearful of their own lives. They, too, fear the unpredictable nature of crime and violence on the street. We need to deal with these fears in trying to prevent excessive force incidents.

Over the last decade, 688 law enforcement officers were killed in the line of duty, 633 with firearms. We need to develop strategies to address these fears and deal with some of the stress of police work.

What we cannot do is allow officers' fears to become exaggerated and develop into mistrust of an entire community and suspicions based on stereotypes. In a recent speech, Washington D.C.'s police chief Charles Ramsey noted that those fears are brought on by a narrow view of the world. He says for many police officers, especially those working in high crime areas, their lives have become a good versus a bad guy drama played out in the communities they serve. And these officers see so many of the latter that they lose sight of the former: the good, law-abiding people who make up the vast majority of residents, even in the most crime-infested communities.

This fear among both police officers and community members tends to breed mistrust, which in turn fosters stereotypes, which in turn leads to an exaggerated sense of the differences between our two groups.

Thus our training must prepare officers for violent confrontations, but it also must deal with non-deadly confrontations. Officers must know how to interact with citizens, how to use alternatives to force, and that it is wrong to assume that the race or ethnicity of a person determines on which side of the law that person falls.

And most of all, we've got to look at teenagers and understand that the great, great, great majority, even those who get in trouble, are good kids who want to be somebody and want to make a difference. We've got to learn how to talk to them, learn how to encourage them, and work together to give them a strong and positive future.

Fourth, we must increase our civil rights enforcement. The steps I have outlined so far are things we can do to prevent incidents of police misconduct in the first place. But when they do occur, we must take swift, sure action, and that means prosecution when appropriate.

Most cases of police excessive use of force are prosecuted by state and local authorities. But the Justice Department has a very important role to play. At any given time, the Civil Rights Division and the FBI are investigating several hundred allegations of criminal police misconduct around the country. During the past five years the Justice Department has criminally prosecuted over 200 law enforcement officers for excessive force. We pursue these cases vigorously. But we recognize that the law sets a very high standard of proof. To prove a federal crime, we must prove beyond a reasonable doubt that the officers had the specific intent to use more force than was reasonably necessary under the circumstances, given their training, experience and perceptions.

We need to be successful in another way, too.

We need to do a better job in the Department of Justice of explaining to the public why we are bringing a case or why we can't bring a case, so that both police officers and the members of the community know what to expect from the Department while at the same time not doing anything that would affect a pending investigation or pending prosecution. I am resolved to pursuing that effort.

In addition to prosecuting individual officers, we also have the authority to sue police departments when we believe there is a pattern of misconduct. Under this authority, known as our "pattern and practice" authority, we can go to a court to force a police department to change the way it does business. Using this authority, we are currently investigating several law enforcement agencies across the country. In two instances, we have negotiated agreements with police departments that contain many of the good practices I outlined previously. But as we pursue our pattern and practice investigations, we also will be working with departments on preventative measures so that we can address police integrity issues without litigation, where possible.

Fifth and last, we must take steps to gather the data that will help define the scope of the problem and measure our efforts to solve it. Right now we have only anecdotes and allegations. We need more. For the past several years, pursuant to the requirements of the 1994 Crime Control Act, the Department of Justice has tried to develop ways of measuring the level of excessive force incidents. Because police departments often don't keep such records, and because they are not required to report to the federal government statistics on the use of force by officers, we have had only limited success in developing the information.

That's why we're trying a new tack. Every year we conduct a survey of households across the country, asking whether residents have been victims of a crime. The Crime Victimization Survey is perhaps one of the most accurate reflections of law enforcement trends. This year we're going

to update the survey to include questions on police misconduct -- questions like, "During the last year, have you had an encounter with the police in which physical force was used?" By doing this, we can get a better sense of the relationship people have with law enforcement and we will know whether the efforts police departments make are succeeding.

I believe data collection in the area of police stops is also very important. By keeping track, by race, of who is pulled over, why they were stopped, which motorists are subjected to searches and the outcomes of the stops, we can see where the problems exist and how extensive they are. If the numbers show that there is not a problem, then minority communities will have a better outlook on law enforcement and if the numbers are, in fact, disproportionate, then police departments will be able to study the issue and set out ways to reduce the discrepancy.

Just last month I traveled to San Diego, where I met Police Chief Sanders who is developing a program requiring officers on the beat who make stops to put those stops into the computers that they have with them. I watched it in action and it's easily done. It takes very little time and I don't think its disruptive of the officers' day. I think that speaks volumes for what the police can do to identify the scope of the problem and to take steps to correct it.

There is a problem. America is beginning to face it. We must come together and face it as one.

We also know that there are many examples of great policing in the field that can renew the level of trust and confidence in police, among young people, and the community they serve. Both sides must continue to reach out, talking to each other.

Together we can and will solve the problem so that police can serve their community with dedication, compassion, understanding and courage. And young people and people who feel like they have been treated unfairly can become a player in the community, a participant in the community and contribute the tremendous energy, the wonderful qualities they have that are oftentimes unnoticed and too often lost for the whole community.

I have been to so many communities in this country, seeing people come together, work together to make a difference. I am convinced that with the resolve we have used in other situations, we can successfully and quickly address this situation. It is a situation that must be solved. (Applause.)

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# Leadership Conference on Civil Rights

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Crime -  
Police Misconduct

April 2, 1999

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President William J. Clinton  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Mr. President:

The problem of law enforcement abuse in our communities is a national issue of longstanding concern. This letter is a follow-up to the recent meeting with Attorney General Janet Reno and several of the undersigned individuals and organizations regarding steps that the Department of Justice, with the assistance of other federal agencies and White House efforts, might undertake to begin addressing, expeditiously, the growing national problem of police brutality and unlawful racial profiling.

Recent accounts of deadly police action in New York, Riverside, Pittsburgh and Houston highlight the harm that excessive force does to individuals, families, and entire communities. Unfortunately, these instances of excessive use of force by police officers are not isolated events.<sup>1</sup> Police misconduct and abuse – ranging from verbal harassment and racial profiling to excessive and deadly use of force and fatal encounters – takes place daily across our nation. This unwarranted and often illegal conduct erodes the trust of our citizenry and the safety of our communities. We support the majority of law enforcement officers in this country who serve our citizens well, often under difficult and dangerous conditions. However, we ask that those who engage in misconduct, or whose leadership permits it, be held accountable.

We applaud your March 13, radio address -- "Strengthening Police Integrity" -- as an important beginning. We encourage you to continue to speak on these issues; to bring about a fuller discourse at all levels of government; and to bring to bear the resources of the federal government in finding constructive solutions. We believe it is especially important to place the discussion of police abuse - a problem which

<sup>1</sup>See Appendix I: Recent Cases Involving Excessive Use of Force in Law Enforcement. See also, *United States of America: Rights for All*. Amnesty International, USA (1998).

"Equality In a Free, Plural, Democratic Society"

(\*Deceased)

President William J. Clinton  
April 2, 1999  
Page two

is frequently and disproportionately directed at members of racial and ethnic minority communities - in a larger context which discusses openly the questions of race, ethnicity, law enforcement, and the administration of justice. One must also understand this problem in the context of immigration enforcement - an area where Hispanic Americans and Asian Americans are particularly targeted. We are alarmed that local and federal law enforcement agents have engaged in unlawful use of force and illegal applications of racial profiling for immigration purposes. We reiterate, this problem must be understood in a context much broader than it has traditionally been presented.

We urge you to develop a national agenda to encourage the highest level of law enforcement service, both to protect all persons in our society and to hold police departments and federal law enforcement agencies accountable for their officers' conduct. We believe the following steps are essential elements of any national agenda to begin to address the problem of law enforcement abuse and misconduct:

**1) We urge you and Attorney General Reno to continue your efforts by making major public addresses on the problems of abuse and misconduct by law enforcement officers, as well as the need for accountability.** We believe that the use of the "bully pulpit" by both the President and Attorney General is an important ingredient in educating both the public and the law enforcement community about the depth of our national concern over these issues.

**2) The Administration should seek, and Congress should provide, adequate funding to enable the Department of Justice (DOJ) to fulfill its obligation under the Police Accountability Act provisions of the Violent Crime Control and Law Enforcement Act of 1994. The Department of Justice should compile and annually publish detailed national data on police excessive use of force (including all fatal police shootings and deaths in custody), with analysis of patterns of concerns and policy recommendations.** Unfortunately, reliance on voluntary reporting from police departments has resulted in extremely limited and misleading accounts of the use of excessive force. Many police departments do not have adequate systems or mechanisms for collecting and analyzing data on the use of force; for tracking individual officers reported to have used excessive force; or for identifying officers who failed to report excessive force by fellow officers. Similarly, reports that rely only on the numbers or outcomes of citizen complaints officially filed with a police department do not reliably reflect the use of excessive use of force in this country.<sup>2</sup>

Joe -  
Are we  
doing  
this?

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<sup>2</sup>See, *Beyond the Rodney King Story, An Investigation of Police Conduct in Minority Communities* (1995). The report, based on national hearings on police abuse conducted by the NAACP, found that many citizens are afraid to file complaints about police misconduct, that procedures for filing complaints are not widely publicized or known, and that citizens are

**3) The DOJ Special Litigation Section should be provided adequate resources to enable it to fulfill its task of pursuing "pattern and practice" lawsuits against police agencies nationwide that commit widespread abuses.** The Special Litigation Section continues to be severely underfunded. While you have said you want to "... ensure that prosecutors have all the resources they need to enforce our laws in these cases," the allocation of only \$1 million in new spending to the Civil Rights Division's work in this area is inadequate. Federal agencies such as the Immigration and Naturalization Service (INS) and U.S. Customs Agency must also be held accountable for "pattern and practice" violations. Federal prosecution of acts and practices of police abuse will send a strong message that such conduct will not be condoned.

**4) The federal government should increase its use of Title VI of the Civil Rights Act of 1964 to seek to eliminate racially discriminatory treatment by law enforcement agencies.** Far too often police departments and law enforcement agencies are not held accountable for their failure to appropriately protect the civil rights of members of racial and ethnic communities. These communities continue to live under the authority of agencies and agents who repeatedly fail to administer justice. The DOJ must send a clear sign that such unjust practices will not be tolerated.

**5) Federal funding to law enforcement agencies should require agencies to institute systems of accountability within each department. Funding should be contingent upon agencies which engage in discriminatory practices, taking effective steps to eliminate them.** Necessary features of accountability systems include early warning systems to identify, monitor, and discipline officers reported to engage in misconduct; clearly defined requirements for reporting misconduct at every level of command; clearly defined standards for evaluating reports or findings of misconduct in considering officers for promotions or assignments within the department; and auditing systems to discern patterns of abuse among specific officers, units, stations and departments. Agencies that fail to adopt and operate such systems should understand they risk the loss of all federal funding.

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actively discouraged from filing complaints. See also *Shielded from Justice: Police Brutality and Accountability in the United States* (1998) by Human Rights Watch in the United States which among other things, found that most victims of abuse correctly perceive that criminal prosecution, either locally or federally, is rarely an option and as a result, resentment and frustration exacerbate the original abusive treatment and violent officers remain on the job.

President William J. Clinton  
April 2, 1999  
Page four

6) Each of the ninety-four (94) United States Attorneys' Offices should create Civil Rights units whose sole responsibility is the enforcement of civil rights laws. While we acknowledge that these offices currently assign attorneys to do civil rights work, that level of commitment is inadequate. U.S. Attorney offices should create Civil Rights Divisions or units to handle civil rights cases. These units should be prominent within the Offices. Federal prosecutors, if funded and supported as we propose, will have the resources and the greater independence from local police departments to investigate and bring actions against both local and federal law enforcement agencies. In addition, we note that state and federal authorities have successfully cooperated in recent years in the investigation and prosecution of what had previously been considered local offenses, such as crimes involving guns and drugs. Such successful cooperation in efforts to prosecute offenders could provide a model for similar cooperation in the area of civil rights abuses. \*

7) We urge the Administration's vigorous support of the Traffic Stops Statistics Act of 1999, recently introduced by Rep. John Conyers (D-MI). The Act, which would require the collection of existing data, would provide a crucial tool in evaluating the extent of racial and ethnic profiling in motor vehicle stops.<sup>3</sup> While there have been many individual accounts of stops that can only be explained by the race or ethnicity of the motorist, the absence of reliable and comprehensive national statistics has allowed the problem of racial and ethnic profiling to evade systematic review. (?)

8) Federal funding to police departments should require that adequate portions of the funds be earmarked for the purchase and deployment of video-cameras on each patrol car. Mounted video-cameras, already in use in some police departments, provide protection to both the officers on the scene and the civilians stopped by the police. Videotapes of police encounters would provide reliable evidence as to who is being stopped and on what basis, as well as hard evidence of wrongdoing. The Christopher Commission concluded that were it not for the Rodney King videotape, it was doubtful that any police investigation of the incident would have resulted in sanctions against the officers. However, any such measure must be limited to assure that cameras do not become instruments of surveillance against the very communities they are designed to protect. \*

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<sup>3</sup>An abundance of anecdotal evidence from citizens, community groups, lawyers, judges, and law enforcement officers from across the country indicates that many traffic stops are motivated by improper considerations of race. For example, in Maryland, a U.S. District Court judge found credible evidence that Maryland troopers on I-95 engaged in a pattern and practice of racial discrimination; and in Boston, a U.S. District court judge recently noted that an African American defendant's record of motor vehicle offenses raised "deep concerns" about racial disparity and that because of these concerns, a downward departure from the sentencing guidelines was justified because the defendant's record was skewed by the cumulative effect of his minor convictions.

President William J. Clinton

April 2, 1999

Page five

9) **Federal, state, local, and tribal authorities should be encouraged to establish independent and effective oversight bodies for their respective law enforcement agencies.** There is strong preference for civilian and independent review authority. Such authority should have the power to investigate or review complaints of civil rights violations against law enforcement agents. Such authority should also have subpoena power to require witnesses to appear and to insist on cooperation from police departments, law enforcement agencies, and individual officers. Establishment of such independent oversight bodies should be a necessary condition for receiving federal law enforcement monies.

10) **The DOJ must severely restrict collaboration between the INS and state & local law enforcement agencies in enforcing federal immigration laws. Cooperative agreements between the INS and local police and sheriff departments should be terminated.** These type of agreements enhance an atmosphere of intimidation in which those fearing harassment or deportation in the Hispanic and Asian communities are apprehensive to report crimes. Likewise, collaboration between the INS and other federal government agencies, including the Drug Enforcement Agency, should be re-examined. In this case, immigration enforcement operations carried out under the guise of drug enforcement operations are not acceptable, and far too often lead to the violation of individuals' constitutional rights. Instead, INS should be given the resources to hire sufficient federal agents to adequately and efficiently respond to police requests for assistance in determining the immigration status of criminals already in police custody for criminal offenses. The Department of Justice lacks the resources to prosecute the current level of civil rights violations, and thus, delegation would only increase the likelihood of improper police activity, without a concurrent increase in resources for civil rights enforcement. ?

11) **Law enforcement conduct and accountability in our communities should be included in the follow-up to the President's One America Initiative. The White House should sponsor a summit meeting later this year on the issues of law enforcement conduct and accountability.** The issues of law enforcement are inextricably linked in this country to issues of race and ethnicity. The President's One America Initiative provides an appropriate venue and framework to bring together representatives from the Department of Justice, Immigration and Naturalization Service, other federal agencies, local and tribal law enforcement, academicians, and community-based organizations to discuss the overall direction of law enforcement in America and its impact on all Americans. Such a meeting should examine the connections between the falling crime rate and the methods employed by police and federal law enforcement agencies to aggressively combat crime. It should also address the tensions between respect for civil rights, civil liberties, and effective crime control. And similar to ideas expressed in Hugh Price's (President and Chief Executive Officer of the National Urban League) March 29, 1999 letter to you, the summit should be expected to commit your Administration to a timetable for implementing a corrective agenda.

President William J. Clinton  
April 2, 1999  
Page six

We strongly believe that these proposals will serve the nation's interests as law enforcement moves into the twenty-first century. As a nation, we have the resources to increase the safety of our citizens and their trust in those charged with enforcing the law. We have the opportunity to marshal our resources to address claims of misconduct reported in significant numbers across the country. We urge you to commit the federal government to achieving these goals.

Sincerely,

**Dorothy I. Height**  
Chairperson  
Leadership Conference on Civil Rights

**W. Ron Allen**  
President  
National Congress of American Indians

**Barbara Arnwine**  
Executive Director  
Lawyers' Committee for Civil Rights  
Under Law

**Abraham H. Foxman**  
National Director  
Anti-Defamation League

**Margaret Fung**  
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**Ira Glasser**  
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American Civil Liberties Union

**Wade Henderson**  
Executive Director  
Leadership Conference on Civil Rights

**Antonia Hernandez**  
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Mexican American Legal Defense  
and Educational Fund

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Amnesty International-USA

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Founder and President  
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**Arthur Kinoy**  
Co-President  
Center for Constitutional Rights

**Joe Lucero**  
Executive Director  
Asian Law Caucus

**Gay McDougall**  
Executive Director  
International Human Rights Law Group

President William J. Clinton  
April 2, 1999  
Page seven

**Kweisi Mfume**  
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**Karen Narasaki**  
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President and Chief Executive Officer  
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**Rev. Dr. W. Franklyn Richardson**  
Pastor  
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c/o National Action Movement

**Yvonne Scruggs-Leftwich**  
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# Leadership Conference on Civil Rights

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## APPENDIX I<sup>1</sup>

This appendix lists recent instances of excessive force by police officers. While this list is by no means exhaustive, it provides representative examples of problems associated with the use of excessive force by a variety of police officers and other law enforcement officials across the country.

### CALIFORNIA:

- 1999, Fullerton. A federal case was brought by the family of a Hispanic man who died from positional asphyxia as a result of being hogtied by police officers. The police department concealed the cause of death from the district attorney and coroner and did not tell the widow what had happened for nearly two years. At trial, the judge instructed the jury that a plaintiffs' verdict was permissible only if it found that the officers intended to kill the victim. The defense verdict is now on appeal.  
See Garcia v. Fullerton, U.S. District Court, Fullerton.
- 1998, Riverside. Tyisha Miller, a 19-year-old African-American woman, was shot 12 times as she sat in her aunt's car at a gas station. A friend and relative of Miller's found her unresponsive in a locked, idling car with a flat tire, with a gun in her lap, and called 911 for help. Four officers responded to the call and found Miller to be unresponsive. One of the officers broke the driver's side window to get the gun. Police opened fire with 24 shots, killing Miller instantly, after they say Miller moved towards the gun. A cousin who arrived at the scene before the shooting has said that she told the officers another relative was on the way with a spare key and that had the officers waited, they could have entered the car without startling Miller from her stupor. See The Press Enterprise (February 21, 26, and March 25, 1999); see also Los Angeles Times (February 17, 1999); USA Today, January 12, 1999.
- July 5, 1997, Riverside. In testimony before a grand jury, a Riverside police officer said he and two other officers picked up Jose Hilario Martinez, a 48-year-old construction worker, because he appeared to be drunk while walking along the street. According to the officer's testimony, the three officers then took Martinez to a local city park, beat him, and threw him into the park lake when Martinez refused to cooperate with their

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<sup>1</sup>This Appendix is affixed to an April 2, 1999 Letter to President William J. Clinton from the Leadership Conference on Civil Rights regarding Police Accountability and Racial Profiling.

demands. See "FBI Probes Possible Civil Rights Violations," The Press Enterprise (February 25, 1998).

- April 1997, Sonoma. Kuan Chung Kao, a Taiwanese man who was drunk and wielding a pole, was shot dead less than one minute after police arrived on the scene. See United States of America Rights for All (New York: Amnesty International USA, 1998), at 30.
- June 1996, Fairfield. James Parkinson, an unarmed mentally ill man seen running naked around a swimming pool, died after police sprayed him repeatedly with pepper spray, hit him several times with an electronic taser gun, and shackled him face-down. See United States of America Rights for All (New York: Amnesty International USA, 1998), at 30.
- April 1996, Riverside County. Two Riverside County sheriff's deputies pulled two unarmed Mexicans suspected of being undocumented immigrants out of a car and proceeded to prod and brutally beat them with their batons, also slamming them against the car. Both victims required hospitalization for severe injuries. A TV news crew captured the gruesome beating on videotape. See "The California Beating: The Rest of the Story," New York Post (May 1, 1996).
- March 1996, Santa Clara County. Gustavo Sota Mesa, 33-years-old and unarmed, was shot in the back of the head by a Santa Clara County Sheriff's officer. The Sheriff's Office claimed that while they knew that Mesa was unarmed, he was violently resisting arrest. Shortly thereafter, the officer was cleared of all charges. See "Grand Jury Clears Deputy in Fatal Shooting: Gustavo Soto Mesa and San Jose's 27-Year Fight," Policing by Consent (August 1996).
- February 1996, Orange City. An unarmed Korean man, Hong Il Kim, died after a chase that started over a minor traffic violation. Two police officers fired 20 shots into his car after it had been cornered and forced into a parking space. Five national experts in police use of deadly force who reviewed the videotape all stated that it was avoidable and that the officers had committed a series of tactical errors that cost Kim his life. However, an internal investigation by the City of Orange Police Department cleared the two officers of wrong-doing or violating departmental policy. See United States of America Rights for All (New York: Amnesty International USA, 1998), at 28.
- 1995, Los Angeles. Class action lawsuit involving two of the deputy gangs in the LA Sheriff's Department: the "Vikings" (Caucasians only, carrying serially numbered tatoos with Viking helmets on their inner ankles) and "Original Gangster Chango Fighters" (Chicano only). This lead case emanated from the beating of a black man who had been falsely arrested after the funeral of a friend. After Thomas won at trial, the County settled the cases (approximating about 100) for \$7.5 million. See Thomas v. Los Angeles County, U.S. District Court, Los Angeles.

## COLORADO:

- March 1997, Denver. A 17-year-old African-American named Gil F. Webb had his neck broken and suffered other severe injuries after being involved in a car crash in Denver in which an officer was killed. A videotape showed him being kicked by a police officer, and also grabbed by the arms, legs, and hair and slammed twice onto a wooden board after he had been removed, injured, from his car. One paramedic was fired and another suspended. The officer was cleared of criminal wrongdoing but disciplined by losing five days of holiday time. See The Denver Post (February 21, March 17, and June 30, 1998); see also Denver Westward (May 7, 1998); The Denver Rocky Mountain News (March 17, 1998).
- 1996, Denver. A police officer shot and killed an unarmed African-American man who had left a house after a domestic incident (not involving any crime). The man had previously filed a complaint against the officer who killed him. The case is pending after the original dismissal was overturned on appeal. See Podboy v. Blake, U.S. District Court, Denver.

## FLORIDA:

- October 1996, St. Petersburg. An African-American teenager named Tyrone Lewis was shot dead by two white police officers after he had been stopped for speeding and allegedly refused to roll down his window. His death caused two days of protest among the town's black community. Tyrone Lewis was the sixth person in the town to be fatally shot by police that year. See United States of America Rights for All (New York: Amnesty International USA, 1998), at 41.

## ILLINOIS:

- March 1999, Chicago. An internal police investigation is being conducted into whether officers used excessive force when they searched for a suspect in a police shooting. Television footage appeared to show officers forcing young black men off a bus, slamming two men to the ground, and pushing a handcuffed man against a fence and then yanking apart his legs, causing him to fall. See "Officer Shot; Conduct of Investigators Draws Probe," The Chicago-Sun Times (March 26, 1999).
- November 1998, Chicago. Vadie McGee, a 67-year-old woman, was walking home from the grocery store around 8:00 p.m. when she stopped to talk to teenagers sitting on the stoop of her apartment building. The police drove by and told McGee to "get up against the fence." When she asked who they were talking to, the police yelled that they were talking to her, and from that, McGee was handcuffed and thrown into the car. The police also yelled racial and gender epithets at McGee, who is a stroke victim. See "Woman,

67, Charges Brutality, Lawyer Says Police Roughed Up Activist," The Chicago Tribune (November 25, 1998).

- September 26, 1997, Chicago. Jeremiah Mearday, an 18-year-old African-American man, was stopped by police and beaten on the head with flashlights, breaking his jaw. See "Mearday Files Lawsuit in Police-Beating Case," The Chicago Tribune (September 23, 1998).

#### IOWA:

- March 16, 1999, Des Moines. Des Moines officials settled a wrongful death lawsuit with the parents and brother of a 27-year-old African-American man who was killed by police officers in June of 1997. Charles Dudley, Jr., whom family members described as being mentally retarded and hearing-impaired, was shot to death by police after pointing a pellet gun at them during a 4:00 a.m. confrontation in a thunderstorm. Three officers fired 27 shots at Dudley, hitting him four times. See "Dudley's Kin Want Apology, Federal Charges," The Des Moines Register (March 17, 1999).

#### MARYLAND:

- 1993, Prince George's County. Archie Elliott III, a 24-year-old African-American, was stopped by Prince George's County police for operating under the influence, searched and handcuffed behind his back, then placed in a police cruiser. After police claim to have observed a gun behind his back, police fired and hit Elliott fourteen times. Elliott died from his wounds. Police discovered the gun was unloaded, and the internal affairs investigation blamed the shooting on an improper search of Elliott, who was clad only in shorts. See The Washington Times (June 19, 1995).

#### MASSACHUSETTS:

- January 25, 1995, Boston. Michael Cox, an African-American police officer and a 1990 Boston Police Department Medal of Honor winner, was on duty and acting in an undercover capacity. As Cox pursued one of several suspects in what was believed to be the shooting of a police officer, Cox was mistaken as a suspect and was badly beaten by other police officers. When one of the more than twenty officers at the scene recognized Cox as a police officer, they left Cox lying in the street. The local grand jury failed to return any indictments because it was stymied by uncooperative witnesses, but Cox recently won a federal civil judgment against three officers. See "One Disgrace After Another," The Boston Globe (January 12, 1999).
- 1993, Worcester. Chris Hernandez died ten days after being arrested by two police officers. Hernandez was in a coma until his death. The police claim Hernandez fell during a struggle and resisted arrest, while a video captured the officers beating him

during the arrest. The autopsy showed he died from strangulation. See USA Today (July 15, 1993); WBZ News 4 at 6:00 (September 15, 1994); WHDH News Seven at 5:30, Boston (December 23, 1993); WBZ Eyewitness News at 6:00, Boston (November 8, 1993); WBZ Eyewitness News at 12:00 p.m., Boston (July 19, 1993); WBZ Eyewitness News at 6:00, Boston (July 14, 1993).

#### NEBRASKA:

- October 1994, Lincoln. Francisco Renteria was escorting his mother home, by foot, from the laundromat when he was suddenly set upon by University of Nebraska police officers who mistook him for a drunken suspect being sought for another crime. He was fatally beaten. The only match between the dispatcher's description was that the suspect was "a Hispanic male." See "Immigrant Killed While Lincoln's 'Proud Citizens' Watch," Pacific News Service (July 1996).

#### NEW JERSEY:

- April 17, 1998, Passaic. Federal immigration officials, in conjunction with Passaic County Sheriff's officer and state police, conducted a raid at three outdoor recreation areas frequented by Latino youth. Officials claimed that the raid was meant to pick up Mexican gang members who were wanted on arrest warrants. However, of the 19 people arrested, all were Latinos; 12 were U.S. citizens and most had no gang connections. Children were forced to get on their knees and put their hands on their heads during questioning. Hugo Alvarez, 14-years-old, was head-butted by a police officer in Pulaski Park because he could not remember his social security number. "If you tell me, 'I don't know it,' I'm going to hurt you," the officer told him. When the boy's father complained, he was ordered to show his green card and driver's license. See "Critics Blast Passaic Raid," The Record (April 22, 1998).

#### NEW YORK:

- February 4, 1999, Bronx. Four plainclothes officers from the Street Crimes Unit killed Guinean immigrant Amadou Diallo in the vestibule of his Bronx apartment building. Diallo was a street peddler who sold an assortment of CDs and videotapes. He had come home from work around midnight and, according to his roommates, was heading out again to get something to eat when the police arrived. The police fired a total of 41 bullets at Diallo, nineteen of which penetrated his body. At the time of the shooting, the officers could not have been standing more than twenty feet away from him. See The New Yorker (March 22, 1999), at 50-57.
- November 6, 1997, Queens. Andre Burgess, a 17-year-old high school soccer star, was shot by a federal marshal as he walked to a friend's house. The officers were on a stakeout looking for a federal fugitive on a drug warrant and were parked in an unmarked

car when they spotted Burgess walking with a silver object in his hand, which one officer later told investigators looked like a pistol. When the officers jumped out of their car and yelled for Burgess to put up his hands, the youth turned toward the officers and was consequently shot in the thigh. The object in Burgess' hand turned out to be a Three Musketeers candy bar. See "Deputy Marshal is Cleared in Shooting of Queens Teenager," The New York Times (March 5, 1998).

- August 9, 1997, Brooklyn. Haitian immigrant Abner Louima was tortured, beaten, and sodomized by police officers in the 70<sup>th</sup> precinct station in Brooklyn. Four officers are alleged to have participated at various points, one of them using a wooden stick to sodomize Louima, thereby puncturing his intestines. Louima had no previous criminal record and had reportedly been trying to break up a brawl when the police arrived outside a scuffle at a Brooklyn night club and picked him up. See The New Yorker (March 22, 1999), at 50-51.
- December 22, 1994, New York City. Anthony Baez, aged 29, of Puerto Rican origin, died of injuries sustained during his arrest by officers from the 46<sup>th</sup> Precinct in the Bronx. He had been visiting his family from Florida and was kicking a football around with his brothers outside the family home when the ball accidentally hit two parked police patrol cars. According to family members who witnessed the incident, one officer lost his temper and arrested Anthony Baez's brother, placing him in handcuffs. When Anthony questioned the officer's arrest and treatment of his younger brother, the officer reportedly grabbed him, placing him in a choke hold. He and other officers present then allegedly knelt on Anthony's back while handcuffing him behind his back as he lay face-down to the ground. Anthony's father and other family members reportedly warned the officers to be careful as he suffered from chronic asthma. According to the civil action filed by the family in the case, Anthony was left face-down on the ground in a prone position for about 10-15 minutes before being dragged into a police car, with no attempt made to resuscitate him. He was taken face-down in a police car to a hospital where he was pronounced dead approximately one hour later. The Medical Examiner concluded that Anthony's death was caused by asphyxia due to compression of the neck and chest as well as acute asthma, and classified the death as a homicide. The officer who allegedly applied the choke hold on Anthony had fourteen prior complaints of brutality filed against him, eight for excessive force and four for using a choke hold. See United States of America: Police Brutality and Excessive Force in the New York City Police Department (New York: Amnesty International, June 1996).

#### NORTH CAROLINA:

- April 1997, West Charlotte. Caroline Sue Botticher, an unarmed African-American woman, died in April 1997 after police fired at the car in which she was a passenger when it failed to stop at a checkpoint. See United States of America Rights for All (New York: Amnesty International USA, 1998), at 28.

## OHIO:

- January 17, 1998, Cleveland. A Puerto Rican family was terrorized and viciously beaten by Cleveland police when police rushed into their home to arrest a man accused of a traffic violation. A 53-year-old man was knocked out and had one of his ribs broken. A 25-year-old pregnant woman was pushed against the wall and taken to the hospital for treatment. One of the children caught some of the incident on tape. The case is under investigation. See "Family Accuses Police of Brutality: Officers Say Arrested Men Threatened Them," Plain Dealer Reporter (January 17, 1998).
- 1996-Present, Ohio Highways. After a permanent injunction was ordered by a Michigan court against the Border Patrol to prohibit them from making traffic stops in both Michigan and Ohio, the Border Patrol began utilizing the Ohio Highway Patrol's drug enforcement task force for this purpose. In depositions of task force officers and in a response filed by the Ohio Highway Patrol to the original complaint in a lawsuit filed in 1996 by the Equal Justice Foundation, the Highway Patrol admitted that they make routine stops of Hispanics on behalf of the Border Patrol. These stops occur whether or not there has been a traffic violation. They also admitted that they routinely confiscate "green cards" from legal immigrants and weekly turn them over to the Border Patrol for verification. A statistical analysis shows that some officers in the task force have stopped a higher proportion of Hispanic than other drivers. Fifteen percent of one officer's stops are of Hispanics, despite the much lower percentage of Hispanics overall in the population of the region. During one deposition, an attorney for the Equal Justice Foundation asked whether the officer would ask him for his "green card" if he was pulled over for a traffic stop in Ohio. The response was "you being you, or you being Hispanic?" See "Judge to Patrol: Stop Questioning Motorists About Immigration Status," Akron Beacon-Journal (December 9, 1997).

## PENNSYLVANIA:

- 1997, Philadelphia. Police used official blackjacks to beat an African-American family, including the father, mother, and two daughters, who had parked their car in a driveway pursuant to permission from a local police commander. The police investigation concluded that the officers did not use blackjacks, even though the officers themselves testified that they did. See Russell v. Philadelphia, U.S. District Court, Philadelphia.
- 1995, Pittsburgh. Jonny Gammage was driving a Jaguar owned by his cousin, pro-football star Ray Seals, through the white Pittsburgh suburb of Brentwood, when he was stopped by police for tapping his brakes late at night. Although Gammage was unarmed, a fight ensued. Five white police officers struck Gammage up to 20 times with nightsticks, a heavy metal flashlight, and a leather blackjack. Gammage was then killed by asphyxiation when officers forced him to the pavement, his hands cuffed behind him,

and pressed knees to his back with such force that he could not breathe. See The Post-Standard (March 23 and February 23, 1999); Newsday (March 14, 1999).

#### TEXAS:

- July 12, 1998, Houston. Pedro Oregon Navarro, a 22-year-old Hispanic man and father of two, was shot to death by six Houston police officers when they burst into Oregon's bedroom while chasing an informant's tip that drugs were being sold in the apartment. Out of the 21 bullets fired by Houston policed officers, Oregon had nine gunshot wounds in the back, two shots entered his head from above, and another round hit his body and went through his left hand. The grand jury dismissed charges against most of the officers involved in the incident and charged one officer with a misdemeanor charge for criminal trespass. The case is currently being investigated by the U.S. Department of Justice for any possible civil rights violations. See "Houston Police Face Civil Rights Probe," Washington Post (November 11, 1998).
- May 1994, Katy. The Katy Police Department and the INS conducted a joint operation in which vehicles driven by individuals of Hispanic appearance were stopped and detained. Searches in homes, trailers, and apartment complexes where Latinos resided were also conducted. In addition, "street sweeps" in which Latinos were the only individuals stopped and questioned about their immigration status were also part of the operation. Katy City Police officers acted out of their jurisdiction and wrongfully questioned, detained, and arrested individuals based on their immigration status. See Mauro Cedillo-Perez, et. al. v. Pat Adams, et. al., U.S. District Court, Southern District of Texas Houston Division.

#### UTAH:

- April 25, 1997, Salt Lake City. A group of 75 heavily armed police officers and federal agents burst through the metal door of Rafael Gomez's tortilla factory and Mexican food store. Wearing scarves over their faces, with bulletproof vests and brandishing rifles and pistols, the law enforcement agents ordered some 80 employees down on the floor. Gomez, who was standing near the door when the police arrived, was struck in the face with what appears to have been the butt of a rifle. As he fell to the ground, he struck his head against the concrete floor and was later handcuffed by police. When he tried to lift himself to see what was happening, he was kicked in the back of the head and was ordered to stay down. Gomez says that police later pointed a rifle at the head of his 6-year-old son. His secretary was dragged by her hair across the floor. According to the police, they had been tipped off by an anonymous source that the tortilla factory was being used as a distribution center for drugs and illegal weapons. No street drugs or weapons were found. So far, the police have made no apologies for the raid. See "Immigrant Business Owner Harassed by Law Enforcement," The Salt Lake City Tribune (May 18, 1997).

**DRAFT**

Date: March 24, 1999  
Time: 8:00 p.m.

**BRIEFING FOR THE ATTORNEY GENERAL, THE DEPUTY ATTORNEY GENERAL  
AND THE ASSOCIATE ATTORNEY GENERAL  
Meeting with Law Enforcement Groups on Police Misconduct  
The Department of Justice  
March 25, 1999**

Prepared by: Charles Simon, 514-3465

Reviewed by: Ray Fisher  
Brian Jackson  
Ricki Seidman  
Steve Rosenbaum  
Dave Walchak  
Nancy Scott-Finan  
Rose Ochi  
Loretta King

**I. PURPOSE**

The purpose of the meeting is to brief the law enforcement groups on the Department's efforts on police misconduct and on the initiatives the President announced in his March 14, 1999, radio address, and to provide them with an opportunity to tell us their ideas and recommendations for further actions. We view this meeting mostly as a listening session rather than a forum to announce future DOJ plans. This meeting serves as the law enforcement counterpart to your meeting with civil rights groups, held on March 22.

**II. BACKGROUND**

1. In the wake of the shooting death of Amadou Diallo by four officers of the New York Police Department, the closing of the federal civil rights investigation into the death of Johnny Gammage in Pittsburgh, and the Riverside, California fatal shooting of an African American woman in her car, Hugh Price, Jesse Jackson and other community leaders organized a press conference in D.C. to call on the President and the Justice Department to take strong action on police misconduct.

2. At the press conference, and in a subsequent meeting with Hugh Price and Eric Holder, the groups called upon the President to draw national attention to the problem of police excessive use of force in a radio address and by convening a White House summit on the issue. They also highlighted the issue of racial profiling, which they see as a part of the larger police misconduct issue.

3. Subsequently, the President focused on this topic in a Saturday morning radio address. At that time, he announced several aspects of his 21st Century Policing Initiative aimed at preventing police misconduct, including increased funding for training, minority recruitment, stepped-up enforcement and police-citizen academies. The address and a description of these proposals are attached at TAB 2. In addition, the President asked you to convene a series of meetings with law enforcement and community leaders to discuss the issues.

4. In addition to the steps described in the President's speech (several of which will need further definition by the Department), the Department is developing several proposals for addressing police excessive use of force. One recommendation will be to hold a ❖problem-solving meeting❖ on this issue similar to the one held in December on law enforcement stops and searches. (In your meeting with the civil rights groups, you indicated that we would attempt to organize this meeting by the end of May.) While this proposal likely will not satisfy the civil rights groups' desire for a White House ❖summit,❖ we think it may be more productive, and will certainly be viewed more constructively by the law enforcement community.

5. While the civil rights groups generally have been supportive of our police misconduct efforts -- especially of our pattern and practice investigations -- they believe that the Administration and the Department need to do more. As you heard in your meeting on March 22 with the civil rights groups, they have a number of requests:

- A. More resources for civil rights enforcement and community relations
- B. Better data collection on excessive force and racial profiling
- C. Better identification and distribution of ❖Best Practices❖
- D. Creation of a federal/regional civilian review board
- E. Establishment of a national code of police conduct
- F. Better minority recruitment
- G. Organization of a White House summit on the topic
- H. A fundamental analysis of how African Americans and other minorities are treated by the judicial system in this country, for purposes of designing a comprehensive response

While the civil rights groups were pleased that the President did his radio address, and have held back their criticism, the steps announced do not go far enough in their eyes.

6. The law enforcement groups have indicated that they want to be constructive and to work with the Department, but they are wary of efforts to demagogue the issue. They do not want to lump racial profiling, excessive force, and integrity issues into a larger picture of police departments run amok. There is great sensitivity (and there will likely be resistance) to many of the ideas floated by the civil rights groups, especially a federal/regional civilian review board, more data collection, a national code of conduct and a White House summit.

7. Several of the groups that will be represented at the meeting (NAPO, the Police Foundation and IACP) have made proposals to the COPS office that relate to this issue, and COPS is in the process of working with them. PERF has made preliminary plans to bring together a group of 10 major city chiefs with community leaders for a discussion in early April, and Commissioner Frasier may mention this at the meeting.

**I. CONGRESSIONAL AND PUBLIC OFFICIALS**

N/A

**IV. AUDIENCE**

N/A

**V. PARTICIPANTS**

**Law Enforcement Groups:**

**Stephen McSpadden** - General Counsel, *National Association of Police Organizations*

**Richard Roberts** - Director of Media Relations, *International Union of Police Associations*

**Chris Donnellan**, Director of Legislation, *International Brotherhood of Police Officers*

**Bob Stewart** - Executive Director, *National Organization of Black Law Enforcement Executives*

**Chester White** - Communications Director, *National Organization of Black Law Enforcement Executives*

**Tom Sing** - President, *National Association of Asian American Law Enforcement Commanders* and Assistant Sheriff, County of Santa Clara

**Commissioner Tom Frazier** - President, *Police Executive Research Forum* and Police Commissioner for Baltimore City

**Ron Hampton** - President, *National Black Police Association*

**James Burack** - Legal Council, *Police Executive Research Forum*

**John Farrell** - Member, *International Association of Chiefs of Police* and Chief of Police for PG County  
**Dan Rosenblatt** - Executive Director, *International Association of Chiefs of Police*  
**LeRon Howland** - Chair of State and Provincial Police Division, *International Association of Chiefs of Police* and Superintendent of the Oregon State Police  
**Jim Pasco** - Executive Director, *Fraternal Order of Police*  
**Bob Baker** - Project Director, *National Sheriffs Association*  
**Steve Simpson** - *National Sheriff's Association* and Sheriff for Loudon County, VA  
**Mark Spurrier** - Director, *Major Cities Chiefs/Mid-Atlantic Community Policing Institute*  
**Jim Rhinebarger** - Chairman, *National Troopers Coalition*  
**Pamela Jones Harbour** - Member, NAAG and First Assistant Deputy Attorney General, NY  
**Hubert Williams** - Executive Director, *Policē Foundation*  
**John Justice** - President, NDAA and Solicitor in Chester, SC  
**Newman Flanagan** - Executive Director, NDAA  
**James Polley** - Director of Governmental Affairs, NDAA  
**Eddie Gonzalez** - Director, USMS  
**Errol Chavez** - National President, HAPCOA and Special Agent in Charge, San Diego DEA  
**Nelson Borrero** - Washington, DC Chapter President, HAPCOA and FBI Agent

DOJ: Eric Holder, Ray Fisher, Bill Lee, Rose Ochi, Dennis Burke, Brian Jackson, Ricki Seidman, Julie Fernandes, Charles Simon, Nancy Scott Finan, Loretta King, Candace Kelly, Joe Brann, Ellen Scrivener

White House: Bruce Reed and Jose Cerda

#### VI. SEQUENCE OF EVENTS

You should start the meeting with a general statement along the lines of the talking points. We will then have Joe Brann discuss the COPS integrity training program and development of training materials in conjunction with the law enforcement groups. You should then open it up to the groups.

#### VII. PRESS PLAN

The event is not open to the press.

#### VIII. REMARKS

Talking points are attached at TAB 1

**IX. ATTACHMENTS**

- TAB 1 Talking points
- TAB 2 President's radio address and press background paper
- TAB 3 Description of current DOJ efforts on police misconduct
- TAB 4 Questions and answers

## ATTORNEY GENERAL TALKING POINTS

### INTRODUCTION

- I'd like to thank all of you for coming to share your thoughts with me today. I am proud of the way in which we have all worked together so closely during my time here at the Department. And I value you as essential partners in our fight to reduce crime in this country. Together, we have been remarkably successful. I want to thank you for all that you've done.
- I also want to ask for your help. Eric, Ray and I have asked you to join us today to continue an ongoing conversation we've had about several very sensitive issues – how and when force should be used by law enforcement, and how and when law enforcement should decide to stop people -- whether they're in their cars or on the street. The underlying issue is how we make sure that law enforcement makes the right decisions in all of its dealings with all Americans.
- As you know, I met with a number of civil rights leaders on Monday. Although I know there was a bit of confusion, it was always my intention to meet separately with you, so that we could have a completely open, frank discussion.
- We all know that the vast majority of the law enforcement officers in this country put their lives on the line every day and make the right decisions, even under the most difficult circumstances. These officers make policing one of the most honorable, noble professions.
- But when officers cross the line, they tarnish the image of the hundreds of thousands of honest officers across the country. That's why we want to do everything we can, so that law enforcement officers will make the right decisions all the time. We want to work closely together with you on this, just as we work closely with you on a broad range of other issues.

### CIVIL RIGHTS GROUPS' PROPOSALS

- The civil rights leaders with whom I met on Monday offered up a number of suggestions. I value their input and I committed to consider their proposals. I want to reiterate, however, that I've made no decisions. Today I look forward to hearing your suggestions and commit to giving them equally serious consideration. I'm keeping an open mind and hope that you are, too.

## PRESIDENT'S PROPOSALS/DOJ ROLE

- **The President announced several targeted, constructive steps to prevent police misconduct. These include (1) expanding training on police integrity and use of force at the Regional Community Policing Institutes; (2) funding increased minority recruitment; (3) adding \$1 million to the Civil Rights Division for prosecutors and resources for additional pattern and practice investigations; and (4) funding citizen-police academies to build stronger ties between the community and the police.**
- **At DOJ, we look forward to working on the President's proposals. I believe that one of the most important roles we can play is to help facilitate a dialogue among all of the parties who feel so strongly about this vital issue. We believe that a "problem-solving meeting" along the lines of the law enforcement stop and search meeting held this past December is a very positive model. We would like to help organize this type of meeting by the end of May.**
- **We also believe that one very constructive approach would be to focus on "best practices." We would like to work closely with you on the development and dissemination of such guidance.**
- **Beyond that, as I've mentioned, we're keeping a very open mind.**

## HERE TO LISTEN

- **I would be happy to describe in more detail the Department's current efforts and the President's proposals. However, to my mind the purpose of today's meeting is to give you an opportunity to tell us what you are doing, what you think we should be doing, and what we can do together. And while I hope you feel free to say what's on your mind, I think it will be less constructive if we spend too much time focused on things we shouldn't do.**

**[ CALL ON JOE BRANN TO DISCUSS THE COPS INTEGRITY TRAINING PROGRAM. HE WILL ALSO MENTION THAT COPS WILL BE DEVELOPING ADDITIONAL TRAINING MATERIALS IN CONJUNCTION WITH LAW ENFORCEMENT GROUPS]**

---

**[ANNOUNCE AT THE END OF THE MEETING]**

## FOLLOW UP

- **Both Eric Holder and Ray Fisher have a great deal of expertise on these issues. I have asked them to head up this matter and keep in contact with you. At the staff**

**level, Brian Jackson in Eric's office and Richard Jerome and Ricki Seidman in Ray's office will be the points of contact.**

**The United States Department of Justice: Combating Police Misconduct**  
**February 24, 1999**

Criminal Civil Rights Enforcement

- At any given time, the Justice Department is investigating several hundred allegations of criminal police misconduct around the country. Since 1993, the Justice Department has criminally prosecuted more than 300 law enforcement officers who have engaged in misconduct -- resulting in over 200 convictions.
- During FY 1998, a total of 74 law enforcement officers were charged with federal criminal civil rights violations — the most law enforcement defendants charged in a single year.
- In order to prove a violation of the federal criminal civil rights statute that applies to alleged police brutality, we must prove beyond a reasonable doubt that the subject officers had the specific intent to use more force than was reasonably necessary under the circumstances, given their training, experience, and perceptions. Even with this high standard of proof, last year we had a 89 percent conviction rate.

Civil Pattern or Practice Investigations

- Under the 1994 Crime Act, the Justice Department has the authority to file civil suits against police departments that engage in a pattern of police misconduct. Using that authority, we are currently investigating a handful of law enforcement agencies across the country. Those investigations may result in court orders or settlements requiring police departments to change the way they operate -- so the problems of the past are not the problems of the future.
- For example, two years ago the Justice Department entered into a consent agreement with the Pittsburgh that established a set of guidelines for the training, supervision, discipline and complaint procedures of the Pittsburgh Bureau of Police. The agreement resolved an investigation by the Department into allegations that the Pittsburgh police engaged in a pattern of misconduct. The Department has also used this authority to investigate and enter into a consent decree with the police department in Steubenville, Ohio.
- We have also been involved in several investigations concerning traffic stops and searches by law enforcement officers. Examples include investigations in Orange County, Florida and Eastpointe, Michigan.
- The Civil Rights Division is also involved in several ongoing civil investigations or reviews of police departments regarding issues of excessive use of force. These include an investigation of the New Orleans Police Department, a review recently begun of the

Metropolitan Police Department here in D.C., and a preliminary review of the New York City Police Department, undertaken in conjunction with the U.S. Attorney in Brooklyn.

### Education and Training

- Last December, the Department of Justice — including the Civil Rights Division, the Office of Justice Programs, and the COPS Office — sponsored a problem-solving meeting on law enforcement stops and searches. The meeting discussed the nature and scope of concerns about racial profiling, and preventive measures that the Department and state and local law enforcement agencies may undertake or promote, particularly with regard to training. Attendees included police chiefs, state police directors, civil rights leaders, police reformers, representatives of national police organizations, theoreticians, and federal law enforcement.
- The Civil Rights Division has been working with the Civil Rights Unit at the FBI headquarters to enhance the civil rights training provided to local law enforcement officers attending the FBI's National Academy at Quantico.
- Efforts are underway for the NAACP and NAPO to initiate public meetings in several cities to discuss issues of police-community relations.

### Reconciliation

- CRS has been very active in assessing community tensions and mediating among various community groups and law enforcement in the wake of police shootings and other incidents of alleged police misconduct.

**Questions and Answers for the Attorney General's 3/25/99 Meeting  
on Police Integrity and Police Misconduct**

Pattern or Practice

Q: Is the Department in danger of adopting an adversarial approach toward law enforcement as a result of its ~~pattern~~ or ~~practice~~ investigations as well as its criminal investigations and prosecutions?

A: No. We recognize that the vast majority of law enforcement officers are performing their difficult jobs in a professional manner, fully consistent with constitutional requirements. Promoting police integrity and preventing misconduct is a goal that we all share. Where necessary and appropriate, the Department will use the enforcement authority provided by Congress to address individual acts of misconduct through the criminal process and address patterns and practices of misconduct through civil litigation. These enforcement efforts, however, are only a part of the Department's overall police integrity effort. We are working together with law enforcement in the areas of community policing, training, management techniques, and research to develop means to promote police integrity and prevent misconduct from occurring.

Q: We in the labor movement are troubled by how the Civil Rights Division has conducted itself in pursuing its ~~pattern or practice~~ cases. We are concerned that labor representatives have not been properly included in settlement discussions and that the settlement agreements seek to override provisions of our labor agreements. Would you be willing to act to remedy this situation?

A: I am aware and the Civil Rights Division is aware of these concerns. We agree that in conducting our investigations and resolving matters through settlements it is important to obtain the insights of police labor representatives. Recently, the Civil Rights Division met with representatives of the FOP in D.C. to discuss our review of the MPD and we intend in the near future to meet with police labor representatives in New York City. We would be happy to discuss any ways in which our efforts in this regard may be improved. Lastly, the Department's ~~pattern or practice~~ settlements have not overridden the provisions of any labor agreements.

- Q: Is the Department conducting a pattern or practice investigation of the New York City Police Department?
- A: Yes. Immediately following the Louima incident, we began an investigation to determine whether incidents of excessive force by New York City police officers are the product of systemic deficiencies in the New York City Police Department. As a result of the shooting death of Amadou Diallo, the Department has expanded its investigation to examine the practices of the NYPD's Street Crimes Unit. The investigation is focusing on issues of excessive force and discrimination. The NYPD has been cooperating fully with our investigation.
- Q: What is the status of the Department's negotiations with the City of Columbus regarding the proposed pattern or practice lawsuit? Is the Department including the local FOP chapter in these negotiations?
- A: We are continuing to move forward in our Columbus negotiations in a positive fashion. As part of our discussions, we have met on several occasions with representatives of the FOP and anticipate further meetings with them. It would not be appropriate, however, for me to comment on the particulars of the negotiations.

#### Traffic Stops

- Q: We in law enforcement are concerned that the Department is sending out a contradictory message about traffic stops. On the one hand, the DEA encourages law enforcement to use stops to interdict drugs and other contraband, and on the other hand it seems that the Civil Rights Division is seeking to prevent law enforcement from using traffic stops to fight crime.
- A: I do not agree that the Department is doing what you have described. It is the position of the DEA, the Civil Rights Division, and the entire Department that traffic stops, conducted in a nondiscriminatory manner, are a vital tool for effective law enforcement and traffic safety. They play a critical role in our efforts to interdict drugs and other contraband, arrest fugitives, and enforce firearms statutes. However, we must ensure that traffic stops are not abused by officers targeting a particular racial or national origin group.
- Q: Will the Department support legislation to require that law enforcement agencies maintain racial data on traffic stops?
- A: Last year, the Department supported Congressman Conyers' legislation that passed the House and which would have

required that the Department conduct a study of traffic stop data, including data on the race of motorists who are stopped. We understand that similar legislation will be introduced this year and we will continue to support this approach to addressing the profiling issue. The Department agrees that gathering such data can be an important means by which law enforcement may monitor the way in which officers are performing their duties and has commented on the proposed legislation.

Q: Does the Department have a position on whether race ever may be used by law enforcement in targeting a person for a traffic stop or other action?

A: As I have stated before, reliance on racial stereotypes is as wrong in law enforcement as it is in other endeavors. Accordingly, in the absence of information about a specific suspect or other special circumstances, the Department believes it wrong for an officer to use race in targeting individuals for a traffic stop, a pedestrian stop, or a request for consent to search.

#### Civil Rights Leaders' Proposals

Q. What were the proposals made by the civil rights leaders when you met with them on Monday

A. They made a number of requests, including:

- A. More resources for civil rights enforcement and community relations
- B. Better data collection on excessive force and racial profiling
- C. Better identification and distribution of Best Practices
- D. Creation of a federal/regional civilian review board
- E. Establishment of a national code of police conduct
- F. Better minority recruitment
- G. Organization of a White House summit on the topic
- H. A fundamental analysis of how African Americans and other minorities are treated by the judicial system in this country, for purposes of designing a comprehensive response

#### Best Practices

Q: Would the Department consider promulgating a set of best practices so as to work together with law enforcement agencies to address concerns about police integrity?

A: As you know, what I have emphasized since my first day here is that the way to solve problems is for all involved to meet and work out mutually agreed-upon solutions. This fully applies to the issue of police integrity. There are many ways in which the Justice Department has done this, including the work of the COPS Office on community policing, the many conferences and symposia that the Department has sponsored, training provided by the Department's law enforcement agencies, and the settlements entered into by the Civil Rights Division. We are continuing to study whether the Department also could set forth a statement of best practices, and I would like to hear more from you as to how this might be done.

### Training

Q: Would the Department be willing to expand the training it provides to state and local law enforcement?

A: As the President emphasized in his radio address, training and better education lead to better policing. At the President's direction, we are moving forward with developing plans to expand police integrity and ethics training to all 30 regional community policing institutes. The President also proposed a \$40 million increase in funding to improve police training nationwide.

Q: As part of the Department's new training initiatives, would the Department be willing to enter into joint efforts with police labor unions or law enforcement groups?

A: That is an idea that we will be happy to explore with you. The Department intends to seek input from the field to determine the police integrity training needs, and we will be exploring training initiatives that focus both on skills for individual officers as well as on the organizational practices and leadership issues that enhance police integrity. I know the COPS office has heard from several of the organizations here today and I'm delighted that you are interested to work with us on this.

### Citizen Review Boards

Q: What is the Department's position on citizen review boards?

A: Our concern is that when a citizen files a complaint alleging police misconduct, that complaint is investigated in a fair, objective, and thorough manner. We recognize that there are a number of systems that may be used to

accomplish this, one of which may be citizen review boards. In our two consent decrees with the cities of Pittsburgh and Steubenville, we focused on improving the procedures by which complaints are investigated, and established a court-appointed auditor to review complaint investigations, but did not require that any citizen review board be established. [Note: In Pittsburgh, after the settlement was approved by the district court, the voters of the city approved a referendum establishing a citizen review board. We played no role in this action.]

In addition to the Civil Rights Division efforts, we also are looking at the issue from the context of community policing and the related police integrity initiatives. Police departments are creating more community partnerships and accessing the community policing training and technical assistance that has been designed to strengthen relationships with the community. We are pleased with the progress that many law enforcement agencies throughout the country have made in responding to police integrity issues.

#### Early Warning Systems

Q: What is the Department's position on the use of computerized early warning data systems?

A: Our goal in all our efforts, including our pattern or practice consent decrees, is to develop techniques to assist law enforcement agencies in taking proactive measures to promote police integrity and prevent misconduct from occurring. We believe that early warning data systems are one of the tools that law enforcement agencies can use in identifying potential problems. For this reason, our consent decrees in Pittsburgh and Steubenville require that early warning systems be established, the COPS Office provided a grant to the Los Angeles Police Department to assist in developing an early warning system there, and NIJ is funding a national evaluation of existing early warning systems. At the same time, we recognize the potential for abuse in these systems. For that reason, both the Pittsburgh and Steubenville decrees require that the police departments adopt protocols to govern the manner in which those police departments use the early warning data.

#### Minority Recruitment

Q. What does the Justice Department intend to do to get more minorities into law enforcement?

- A. From an enforcement perspective, the department will continue to pursue the non-discriminatory employment enforcement efforts (Title VII).

We are also involved in supporting minority recruiting programs. This year, the COPS Office funded projects in three communities to assist them in developing programs to recruit and retain minority applicants for police officer positions.

Most recently, through the 21<sup>st</sup> Century Policing Initiative, the President proposed that an additional \$2M be designated to fund minority recruitment programs.

#### Withholding Funds

- Q: Does the Department withhold federal funds from law enforcement agencies that have a record of misconduct?
- A: To a large extent, the ability of the Department to deny or suspend funding is dictated by the provisions of Title VI of the Civil Rights Act of 1964 and related statutes. These statutes set forth procedural due process protections to prospective and current grantees. Thus far, we have found that we have been able to enter into consent decrees with law enforcement agencies we determined were engaged in a ~~pattern or practice~~ of misconduct, and so have not needed to consider whether to deny or suspend funding to these departments.

#### White House Summit

- Q: Will the Department recommend to the President that he convene a summit on police misconduct as minority leaders have recommended?
- A: We agree that it is important to carry on the public discussion of this issue, as described by the President in his radio address. There are no current plans for a summit, but the model of the ~~problem-solving meeting~~ used in December on the topic of stops and searches is very attractive.

#### Louima/Diallo/Miller

- Q: What is the status of the Louima case?
- A: Trial in federal court is scheduled to begin on March 29.

Q: Is the Justice Department conducting a criminal investigation of the shooting death of Amadou Diallo in New York?

A: The Department is working closely with the Bronx District Attorney's Office in conducting an investigation.

Q: Is the Justice Department conducting a criminal investigation of the shooting death of Tyisha Miller in Riverside, California?

A: The Department is closely monitoring three local investigations that are being conducted of this incident.

#### Data Collection

Q. The 1994 Crime Control Act requires the Attorney General to collect nationwide data on police use of excessive force. What is the Department's position?

A. We have tried to implement it in the best manner possible. We have published two reports so far (in 1996 and 1997) on our efforts and we are currently drafting the third. Trying to figure out the best way to collect this data has been very challenging, especially because defining when the use of force is excessive and measuring the extent of these incidents is difficult.

Here is what we will be doing: beginning in July 1999, we will be adding use of force questions to National Crime Victimization Survey, which will entail over 200,000 interviews (with members of the public, not police). For future reports, we will be combining the results of this survey with research we are conducting on use of force in individual police agencies, and data we are collecting from several civilian complaint review boards.

THE WHITE HOUSE  
WASHINGTON

March 1, 1999

TO: Bruce Reed  
Elena Kagan  
Maria Echaveste  
Chuck Ruff  
Minyon Moore  
Ben Johnson  
Jose Cerda

FR: Phil Caplan *PC*

I received the attached letter from Mary Frances Berry today.

The Correspondence office will work with DPC on a reply.

cc: Dan Burkhardt



UNITED STATES  
COMMISSION ON  
CIVIL RIGHTS

624 Ninth Street, N.W.  
Washington, D.C. 20425

99 MAR 1 AM 9:29

February 23, 1999

The Honorable William J. Clinton  
President of the United States  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500-2000

Dear Mr. President:

I have had conversations in the last few days with Reverend Jesse Jackson and some other human rights leaders about the recent rash of killings of African Americans by white police officers and individuals. They include the lynching of James Byrd in Jasper, Texas; the shooting by police of the young black woman in her car in Riverside, California; and the shooting of Amadou Diallo in New York. The killings that have come at the hands of the police are of particular concern. While everyone wants police officers to act as guardians, no one wants the police to kill innocent unoffending people seemingly because of the color of their skin.

When the killings appear to be racially-motivated they reveal that still lying underneath the surface in our nation are some very dangerous stereotypical attitudes. We all make immediate decisions based on what we see and hear; seeing black, or brown or red, male or female, hearing a different language. We all do it. But exercising the power to kill is an extreme reaction. The perpetrators of these incidents may be encouraged to believe that other Americans, eager to contain crime or caught in the web of their own biased attitudes, will condone their behavior. Perhaps, such matters as the demons unleashed by the anti-affirmative action campaigns, and the disclosure of the association of certain members of Congress with a racist organization, has helped to make bigotry appear acceptable again to some people.

In addition to everything else you are doing, I believe you should take the opportunity to address these issues -not in terms of any particular incident- by trying once again to clear the atmosphere of the underlying bigoted assumptions that appear to have taken on new strength in our land. I also hope that the Attorney General would personally become involved in the investigations of the latest incidents. Although she is decidedly burdened with other matters, leaving any appearance that these investigations are left at the Assistant A.G. level or as the concern of African Americans alone is precisely the wrong signal to send the nation.

Respectfully,

A handwritten signature in black ink, appearing to read "Mary Frances Berry". The signature is stylized and cursive.

Mary Frances Berry  
Chairperson

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*Crime -  
Police  
Misconduct*

February 28, 1999, Sunday, Late Edition - Final

SECTION: Section 4; Page 19; Column 1; Editorial Desk

LENGTH: 1037 words

HEADLINE: Dispelling New York's Latest Fear

BYLINE: By William J. Bratton; William J. Bratton was New York City Police Commissioner from 1994 to 1996.

BODY:

There was a crisis of fear in New York City in the early 1990's, and for good reason. Annual totals of 2,000 homicides, 6,000 shootings and 100,000 robberies are enough to frighten anyone. Residents had little confidence in the ability of the police to control and reduce violence, especially in minority neighborhoods.

But from 1994 on, the Police Department changed the reality and the perception. The department replaced what had been an uncoordinated, scattershot enforcement effort with focused strategic plans. In the 1990's, felony crimes have been cut in half, homicides reduced by nearly 70 percent, and order has been largely restored. The crisis of fear about crime is over.

But now we know that New York is facing a different crisis of fear. Though minority communities have benefited enormously from reduced crime, they now see themselves as under attack by the police. The tragic shooting of Amadou Diallo has become a rallying point for general resentment about aggressive police stops and searches.

People are worried that they themselves -- and particularly their teen-age sons -- are at risk, but from cops. They are not feeling the benefit of safer streets.

Although we can't know for certain until all the facts are in, the Diallo shooting appears to have been an error committed by fallible human beings. It is beyond imagining that these officers gunned down an innocent man intentionally. The New York Police Department shows more restraint in the use of force than do Federal enforcement agencies and most other big-city police departments.

But all that is irrelevant to the current crisis of fear. People are often afraid of crime out of proportion to its reality, so it should not be surprising that they fear police abuse out of proportion to its reality.

The challenge for the city government and the Police Department is not to prove frightened people wrong. It is to make visible and effective changes that ease their fears and restore their confidence in the police. The department can combine several strategies to find a way out of this crisis of fear.

The first strategy is openness. A police organization that willfully shuts itself off from scrutiny and public exposure can lose public trust. The role

The New York Times, February 28, 1999

of police power in a democracy should be the expression of social consensus. But how can a consensus be reached if the Police Department, responding to orders from above, routinely withholds information from the state comptroller and the public advocate as well as from the press and public?

When I was New York City's Police Commissioner from 1994 to the spring of 1996, I tried to run an open department. But Mayor Rudolph Giuliani closed down this effort. He forbade "ride alongs," in which the public or press accompany patrolling police officers. He also dismantled the department's public information staff because its officials were too free with information, and he questioned the loyalty of anyone who didn't speak from a prepared script.

Things have gotten even worse. The concrete barriers around City Hall and Police Plaza that were erected last year send the wrong message. If you don't want your Police Department to appear as an occupying army, you shouldn't run the city from a fort.

The second strategy is outreach and recruitment in minority communities, so that the police will look more like the city they serve. It was one of my continuing frustrations as Police Commissioner that I could never get the money to start a youth career program that would have significantly increased the college-educated minority representation in the department.

I was drawn to policing at a very early age, and I believe that many minority youths could be, too, if the effort were made to interest them during their high school and post-high school years. The program would have begun with our existing summer youth academy for 12-to-14-year-olds and continued on through a proposed public safety high school and all the way to the City College system.

This would have fostered friendlier relationships between young people and the police. It would also have provided focus, direction and mentoring to teen-agers, while simultaneously giving the Police Department a stronger field of potential candidates to choose from. Unfortunately, the idea was not allowed to go forward. Even an expansion of existing cadet programs, which were 70 percent minority, was stopped, despite the recommendations of the department and of experts at John Jay College.

The third strategy is imaginative police training. I believe that expanding the department at this time would be a mistake. Instead, resources should be used more wisely to raise the pay of the officers we have, to attract the best qualified new candidates and to create a "learning organization" that continuously and tirelessly trains them throughout their careers for the challenges and complexities they face on the streets.

The Police Academy must be given the resources to establish itself as a center of leading-edge ideas and reality-based training. It should put into practice many of the recommendations made by the panel on police-community relations appointed by the Mayor in 1997.

There is no more difficult challenge in a free society than the legitimate exercise of force. There are thousands of police officers in the department who meet that challenge every day with extraordinary discretion, judgment and intelligence. It's up to the department and the city to support them with open lines of communication to the public, a genuine commitment to minority recruitment and the best and most sophisticated training.

The New York Times, February 28, 1999

New York City should not waste this opportunity -- and, yes, the current crisis should be viewed as an opportunity -- to face up to and resolve the issue of relations between the police and minority residents. With crime down so dramatically, we have a chance to forge a lasting alliance in the communities that need the police the most. Not only would such an alliance heal racial divisions in our city, it would also give New Yorkers more of what they want: continued success in reducing crime and a police force that is better woven into the fabric of city life.

LANGUAGE: ENGLISH

LOAD-DATE: February 28, 1999

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## Giuliani Sees Politics Behind Probes

By Donna De La Cruz  
Associated Press Writer  
Friday, March 19, 1999; 12:04 p.m. EST

*Crime -  
Police  
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NEW YORK (AP) -- Federal and state officials are separately investigating the New York Police Department after a congressman asked them to focus on "stop and frisk" practices by a unit that includes four officers who fatally shot an unarmed immigrant.

Colleen Roche, a spokeswoman for Mayor Rudolph Giuliani, said the investigations appeared to have more to do with Hillary Rodham Clinton's desire to run for Sen. Daniel Patrick Moynihan's seat than wrongdoing by the NYPD. Giuliani, a Republican, is also a potential candidate.

"The timing of this is very curious," Ms. Roche said in The New York Times. "We just hope that all of the Clinton administration officials and Democratic Attorney General (Eliot) Spitzer don't bump into each other as they rush to conduct their investigations."

The mayor said Thursday he welcomed Spitzer's investigation, and Deputy Police Commissioner Marilyn Mode said the NYPD would cooperate with the federal probe.

"If this investigation is conducted fairly, it will demonstrate that the NYPD is truly one of the most restrained police forces in the country," she said.

Spitzer, elected as state attorney general last year, said the inquiry is not in response to any one incident -- not even the shooting of Amadou Diallo by four officers Feb. 4.

Federal investigators will look into police training "and the lack of sensitivity to the diverse cultures, languages and needs of the city's immigrant groups," Rep. Jose Serrano said Thursday.

Serrano asked federal prosecutors, who already are working with the U.S. attorney in Brooklyn probing police tactics, to look into the Street Crime Unit's "stop and frisk" practices.

The NYPD's patrol guide states that a police officer can stop someone if he reasonably suspects the person has committed or is about to commit a crime. The officer can frisk a person if he reasonably suspects he is in danger of being physically hurt.

The guide lists several factors that could constitute reasonable suspicion, such as a person's demeanor; any knowledge the officer has about a person's background or character; any bulges in his

clothing; the time of day; the particular streets involved; and the proximity to a crime scene.

Improper searches are a common complaint made to the Civilian Complaint Review Board, which investigates alleged police misconduct. Last year, there were 565 such complaints, a 6 percent increase over 1997, when there were 531 complaints.

Also on Thursday, Kweisi Mfume, the president of the National Association for the Advancement of Colored People, and 58 other demonstrators were arrested and charged with disorderly conduct in a protest over Diallo's death.

It was the eighth day this month of such protests at police headquarters. A total of 148 people have been arrested at the Diallo protests, including former Mayor David Dinkins and Reps. Charles Rangel and Gregory Meeks.

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## \$17.5B GOP Anti-Crime Bill Unveiled

By Laurie Kellman  
Associated Press Writer  
Friday, March 19, 1999; 1:36 p.m. EST

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WASHINGTON (AP) -- Senate Republicans unveiled a \$17.5 billion anti-crime agenda today that would protect programs the Clinton administration wants to eliminate and impose harsher sentences on illegal drug users.

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"It is based on what we know reduces crime," said Sen. Orrin Hatch, R-Utah, chairman of the Judiciary Committee.

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Hatch clashed with Attorney General Janet Reno last week on her proposal to cut several anti-crime grants from her budget. Reno said crime was down significantly nationwide, and she wanted to shift money to other priorities.

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But Hatch said today that crime in the United States is still "significantly high by historical standards," and violent crime rates here remain the highest of any industrialized nation.

Senate GOP leadership sources who demanded anonymity said the GOP bill marks a new willingness among some senior Republicans to take on legislative initiatives that approach the gun-control issue. Republicans, many of whom have opposed such legislation in recent years, feared they would lose such a battle after nationally publicized firearms tragedies at schools and elsewhere.

Hatch's agenda, however, faces little risk of igniting a gun battle, GOP sources said. It would expand a Richmond, Va., program in which the U.S. attorney prosecutes as many local gun-related crimes in federal court as possible and seeks federal mandatory minimum sentences. Hatch said homicides in Richmond dropped 50 percent in that city after that program took effect. It also includes a media campaign to spread the message that "an illegal gun will get you five years in federal prison."

Aides close to Hatch said they anticipate the bill moving through the committee this spring and to the Senate floor during the summer.

Much of the bill's funding has already been set aside for federal grants Reno proposes cutting, but which Hatch would protect:

--A grant used for equipment and technology for state and local law enforcement crime-fighting.

--Federal assistance to states for prison-building and incarceration of violent and repeat offenders for at least 85 percent of their sentences.

--Juvenile crime block grants for youth detention centers, drug testing and improved record-keeping.

Hatch and other Republican senators also are proposing increasing penalties for the most serious drugs, including powder cocaine and methamphetamines.

The GOP senators also are calling for the ratification of a constitutional amendment that would improve restitution laws and steer federal money toward efforts to fight violence against women and children.

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*Crisis - Police Brutality*

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Fax number: 456-2577  
Phone number: 395-1010  
From: Bob Ellison

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On Thursday, February 25, at 9:30 a.m., the National Urban League will hold a press conference at the National Press Club to demand national action on police abuse and misconduct. In a letter to President Clinton, dated February 17, 1999, National Urban League President, Hugh B. Price stated that police brutality has reached the crisis stage and that there are, "recurring instances of improper use of deadly force, excessive use of force, racial profiling, abuse of basic civil liberties, and routine harassment of minorities who have done little or nothing wrong." With regard to the President's Office on One America, Mr. Price stated, "There cannot be One America if law enforcement officials have license to split America apart."

Participants: Hugh B. Price, President, National Urban League; Jesse L. Jackson, President, Rainbow/Push Coalition; Kweisi Mfume, President and CEO, NAACP; Johnnie L. Cochran, Jr., attorney; Reverend Al Sharpton, President, National Action Network; Raul Yzaguirre, President, National Council of La Raza; Ira Glasser, Executive Director, ACLU; Joseph Lowery, Chairman, Black Leadership Forum; Representative John Conyers, D-MI; Wade Henderson, Executive Director, Leadership Conference on Civil Rights; Representative Danny Davis, D-IL; Robert Stewart, President, National Organization of Black Law Enforcers; and Edward Lewis, President, Essence Communications.

The press conference will be broadcast live on ISS, Information Super Station, Channel 28 which is available on the White House cable system.

<sup>10/1</sup>  
~~CONFIDENTIAL DRAFT~~  
(NOT FOR DISTRIBUTION)

**Police Abuse and Misconduct  
Policy Announcements**

**1. Increase funding for police integrity and ethics training.** Currently, the federal government invests only a limited amount of funds on the issue of police integrity and ethics -- an issue that is central to community policing and the changing nature of policing in America. For instance, of the approximately 25 regional training centers funded by the Justice Department's COPS Office, only 2 specialize in this discipline. By increasing the percentage of funds in the President's COPS program that can be used for training, we can make police integrity and ethics a priority in all 25 of our regional training centers.

**2. Develop early warning systems to detect abuse and misconduct.** Studies show that many of the police officers who engage in serious misconduct and abuse tend to have had a disproportionate number of complaints filed against them. Local police departments can and should do much more to implement early warning systems that allow them to identify and discipline problem police officers -- before its too late. Funds should be authorized to help police departments put such systems into place.

**3. Develop a national system to track serious misconduct and abuse.** The federal government should establish a national database that tracks police officers who are found guilty of serious misconduct or abuse. State, local and federal law enforcement agencies could then consult this database as they screen new officers, helping to prevent against the re-hiring of abusive or corrupt police officers.

**4. Enhance police recruitment of minorities.** Former New York Police Commissioner William Bratton has recommended that police department diversify and improve their workforce by aggressively recruiting and educating minority candidates. He has proposed offering 12-to-14 year-olds summer jobs and training, establishing public safety high schools, and continuing to pay for the education of police cadets in the City College system. Our Police Corps and/or COPS program could be amended to support such long-term minority recruitment efforts.

**5. Raise police force education levels.** A fundamental reform in policing that is supported by both police management and labor is an overall increase in the education level of America's police. Our budget this year already includes \$20 million for such scholarships.

**6. Establish citizen police academies.** In some cities, police departments offer a version of their police academy training to citizens and community advocates. The goal of this training is two-fold: (1) for police to better understand the concerns of its citizens; and (2) for citizens to better understand and experience the training received by police and how they make decisions, such as when to use deadly force. Our COPS program could help more communities to establish these citizen academies.

Crime -  
Police Brutality

**Talking Points**  
**Police Misconduct**  
**February 24, 1999**

Criminal Prosecutions

- Law enforcement officers have one of the hardest jobs in America — they must enforce the laws and protect our communities in a way that is both vigorous and fair. The vast majority of police officers in this country do just that. However, we have a responsibility to ensure that we do not hesitate to prosecute law enforcement officers who cross the line.
- By rooting out misconduct, we preserve and protect the integrity of most law enforcement officers who perform the important duty of being on the front line of enforcing our nation's laws.
- We take the matter of police misconduct very seriously. At any given time, the Department is investigating several hundred allegations of criminal police misconduct around the country. Since 1993, the Justice Department has criminally prosecuted more than 300 law enforcement officers who have engaged in misconduct -- resulting in over 200 convictions.
- In order to prove a violation of the federal criminal civil rights statute that applies to alleged police brutality, we must prove beyond a reasonable doubt that the subject officers had the specific intent to use more force than was reasonably necessary under the circumstances, given their training, experience, and perceptions. This is a very difficult standard to meet. Even with this high standard of proof, last year we had a 89 percent conviction rate.
- During FY 1998, a total of 74 law enforcement officers were charged with federal criminal civil rights violations — the most law enforcement defendants charged in a single year. In addition, 48 defendants, including some defendants charged during prior fiscal years, were successfully prosecuted either by conviction or guilty plea — an 89 percent success rate.
- Specific examples of successful federal prosecutions of law enforcement officers include: (1) a chief deputy with the DeSoto County, Mississippi Sheriff's Department was convicted for kicking an arrestee (a teenage girl) in the head during a street arrest while the victim was handcuffed; (2) a corporal with the Prince George's County, Maryland Police Department pled guilty to beating the victim, who was handcuffed, with a nightstick after being summoned to a dispute between neighbors. As a result of the beating, the victim received several nightstick shaped bruises on his arms and legs; (3) six former U.S. Marine M.P.'s were successfully prosecuted in connection with the beating of undocumented migrant farmworkers living near the Marine base at Camp Pendleton, California, and for conspiring to commit false statements to coverup the beating; and (4) a Boston police officer was convicted of perjury and obstruction of justice in conjunction

with the investigation into the beating of a plain clothes Boston police officer by other officers who mistook him for a shooting suspect they had been chasing. The defendant was sentenced to 34 months in prison.

- In investigating allegations against law enforcement officers and in bringing prosecutions, we have sought to pay particular attention to officers engaged in a pattern of criminal misconduct and problem departments.

#### Civil Pattern or Practice Investigations

- Under the 1994 Crime Act, the Justice Department has the authority to file civil suits against police departments that engage in a pattern of police misconduct. Using that authority, we are currently investigating a handful of law enforcement agencies across the country. Those investigations may result in court orders or settlements requiring police departments to change the way they operate -- so the problems of the past are not the problems of the future.
- For example, on February 26, 1997, the Justice Department entered into a consent agreement with the city of Pittsburgh that provided new and enhanced measures for operating and managing the city's police force. The agreement, approved by the district court in April 1997, established a set of guidelines for the training, supervision, discipline and complaint procedures of the Pittsburgh Bureau of Police. The agreement resolved an investigation by the Department into allegations that the Pittsburgh police engaged in a pattern of misconduct. The Department has also used this authority to investigate and enter into a consent decree with the police department in Steubenville, Ohio.
- We have also been involved in several investigations concerning traffic stops and searches by law enforcement officers. Examples include investigations in Orange County, Florida and Eastpointe, Michigan, as well as reviewing the practices of the New Jersey State Police.
- The Civil Rights Division is involved in several ongoing civil investigations or reviews of police departments regarding issues of excessive use of force. These include an investigation of the New Orleans Police Department, a review recently begun of the Metropolitan Police Department here in D.C., and a preliminary review of the New York City Police Department undertaken in conjunction with the U.S. Attorney for the Eastern District of New York.

#### Education and Training

- Last December, the Department of Justice — including the Civil Rights Division, the Office of Justice Programs, and the COPS Office — sponsored a problem-solving meeting on law enforcement stops and searches. The meeting discussed the nature and scope of concerns about racial profiling, and preventive measures that the Department and state and local law enforcement agencies may undertake or promote, particularly with

regard to training. Attendees included police chiefs, state police directors, civil rights leaders, police reformers, representatives of national police organizations, theoreticians, and federal law enforcement.

- The Civil Rights Division has been working with the Civil Rights Unit at the FBI headquarters to enhance the civil rights training provided to local law enforcement officers attending the FBI's National Academy at Quantico.
- Efforts are underway for the NAACP and NAPO to initiate public meetings in several cities to discuss issues of police-community relations. In addition, the Civil Rights Division and the COPS office are discussing a NAPO proposal to provide training for police officers on civil rights violations.


**NATIONAL URBAN LEAGUE**

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ROBERT C. LARSON

February 17, 1999

President William J. Clinton  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. President:

We of the National Urban League movement were pleased to learn recently that you intend to carry on your commitment to improve race relations in this country. The establishment of the White House Office on One America serves to keep the spotlight on this challenge and to ensure that the federal government does all that it can to ameliorate racial strife and promote harmonious race relations.

I am writing this open letter to implore you to exert every means of leadership at your disposal to address the festering issue of police abuse of minorities that is undermining the very goals you espouse. As you know from previous discussions that we've had on this subject, I speak of the recurring instances of improper use of deadly force, excessive use of force, racial profiling, abuse of basic civil liberties, and routine harassment of minorities who have done little or nothing wrong.

While these outbreaks may appear to be isolated, they create a clear pattern of police abuse that destroys the credibility of our criminal justice system by stoking racial tension and undermining the legitimacy of civil authority in communities from New York City to Riverside, CA. The situation cries out for systematic attention and concerted leadership by you and your administration. This nation cannot possibly fulfill your dream to evolve toward One America if the crisis of police misconduct continues to fuel mistrust and fear along ethnic lines.

Recent incidents provide abundant evidence that this crisis is not abating. Just this week, there was the heart-wrenching funeral service in Guinea for the African immigrant named Amadou Diallo. He was slain in the vestibule of an apartment building at 1157

**President William J. Clinton**  
**February 17, 1999**  
**Page Two**

Wheeler Avenue in the Bronx. The assailants were four police officers who fired forty-one shots at him in a matter of seconds, hitting him with nineteen of the bullets.

Amadou Diallo wasn't armed with a Uzi machine gun. All he had on him was a beeper and some house keys. He wasn't a violent criminal. In fact, he'd never been arrested. Amadou wasn't a drug dealer. He was a street vendor, struggling gamely to earn a decent living.

Amadou Diallo lived scrupulously by America's rules. Yet he died at the hands of our law enforcement officers and has now returned to his homeland in a coffin. He is the latest on a list of black victims who in recent years have met senseless violence or death at the hands of police officers.

Last week, Pittsburgh took its place, again, in the hall of shame. A white police officer was arrested for shooting a black motorist named Deron Grimmer to death last December. Evidently the driver had slowed down to peer through the side window at the policeman who was making a drug arrest. This is probably the first case on record in which so-called "rubbernecking" is considered a capital offense.

Horrific cases like these capture headline coverage. But day in and day out, there are lower profile encounters that undermine trust and foment tension as well. In a column published in *The New York Times* on February 10th, David Gonzalez recounted the experience of Floyd Coleman, a 27-year-old youth worker with an agency called Youth Ministries for Peace and Justice. A few weeks ago, he and four teenaged friends were stopped and frisked by the police. What triggered the encounter? Evidently it was the fact that they were walking home from the movies after dark.

The encounter further embittered Mr. Coleman toward the police. As he said:

"It makes me want to cry. Here I am, steering young people in the right direction and doing things for them. And we have cops approaching us for no reason. I feel like we're in prison.

**President William J. Clinton**  
**February 17, 1999**  
**Page Three**

There are no bars, but the cops are like corrections officers standing around and watching you."

In his column in last Sunday's *Times*, Bob Herbert shared the stories of other young people who'd had similarly frightening encounters with police officers. The very next day, the newspaper ran a front-page story on the elite street crimes unit established by New York City to reign in violent crime and gun-related offenses. In their gung-ho aggressiveness, though, this unit has instituted a rein of terror in the city's neighborhoods which is trampling on the civil liberties of civilians and fueling widespread racial tension.

The notorious practice of racial profiling is another source of suspicion and tension. Though law enforcement agencies steadfastly deny it, the practice has been documented by the ACLU and others in several lawsuits. These profile stops often anger innocent civilians and can escalate into dangerous confrontations.

These snapshots of police misconduct were taken just in recent weeks. Yet the patterns of abuse have plagued the nation's cities for years. At first blush, they seem to be unconnected incidents that are isolated to this community or that. But the cumulative impact on constructive race relations all across the country is devastating. Black and Latino people read newspapers, watch television and tune into radio like everybody else. The word of these senseless encounters and systemic abuses spreads like wildfire throughout our communities. They claim victims all across the socioeconomic spectrum.

Nor can these acts be taken out of America's historical context. The bitter memory of lynchings and of beatings by the likes of Bull Connor is still too real. These sores have not healed, and cannot, when acts of instant injustice are meted out on America's streets against innocent people of color. Silence will not provide a salve to those who think their pain is unanswered. Inaction allows the sore to fester longer.

Mr. President – State and municipal politicians and criminal justice officials who revel in crime reduction statistics have no incentive whatsoever to tackle this issue forthrightly. They lack the

**President William J. Clinton**  
**February 17, 1999**  
**Page Four**

language and the context to address such a delicate issue. They must continue to support police who are charged with doing an extraordinarily difficult job, often in admittedly impossible situations. Other insistent voices must be heard and new national venues for addressing these issues honestly must be created – and soon – in order for the unjustified abuse to abate.

Mr. President – It is morally wrong to expect the victims of police abuse to seek justice through protest in the streets and prosecution in the courts – always after the damage has been done. How much longer will young people listen to community leaders who preach tolerance, patience and understanding when, as these news accounts illustrate, these same youngsters are routinely subjected to harassment and abuse – or worse – by overzealous police officers? As citizens and taxpayers, we are entitled to proactive protection of life and limb, not to mention our civil liberties.

As the all-too-frequent victims of crime, we African Americans want to rid our communities of crime. But surely we also have the right not to be preyed upon by our protectors.

That is why the National Urban League implores you to exert leadership right away to address this divisive and increasingly explosive issue. Having presided over a welcome decline in national crime statistics and having spearheaded an increase in federal assistance for local law enforcement, you have the credibility to force this needed dialogue and forge a balanced solution. More specifically, we urge to take the following steps:

- Show the nation unequivocally you care. If, perish the thought, there's another unjustified fatality at the hands of police some day, you or the First Lady could attend the funeral of the victim.
- Utilize your bully pulpit to draw national attention to this crisis and urge that elected officials, law enforcement officials and community leaders work together to devise genuinely effective solutions.

**President William J. Clinton**  
**February 17, 1999**  
**Page Five**

- Convene a White House summit this spring to place the national spotlight on this problem and to press the key stakeholders – mayors, police chiefs, civil rights and community groups, young people, and others – to find constructive answers.
- Instruct the Attorney General to prosecute vigorously all egregious abuses of civil rights, such as the wanton slaying of Amadou Diallo in New York City and Deron Grimmitt in Pittsburgh, and to investigate any practices of racial profiling and harassment.
- Instruct the Justice Department to conduct public hearings around the country to ferret out evidence about the patterns of police misconduct, excessive use of force and abuse of civil liberties.
- Direct the Justice Department to convene a task force to devise guidelines for state and local law enforcement agencies that employ tactics like New York's elite street crimes unit. The guidelines could cover such issues as the need for careful training and psychological screening and mandated use of in-car police video cameras to monitor, record and thus influence police behavior. The point of the guidelines is to prevent the offensive practices and protect civil liberties without undermining effective law enforcement.
- Instruct the Justice Department to be aggressively supportive of language to track racial disparities in the juvenile crime legislation.
- Request that the U.S. Commission on Civil Rights conduct its own inquiry into the recurring patterns of police/community tension around the country and to identify the law enforcement practices contributing to those conflicts.

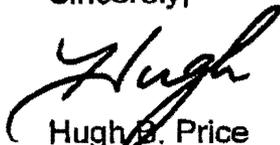
**President William J. Clinton**  
**February 17, 1999**  
**Page Six**

Mr. President – I know that you do not view your Initiative for One America as an empty gesture. I know that you see improved race relations as a centerpiece of your legacy. And I know that you are profoundly committed to eliminating the gaps in life circumstances that separate the American people.

But in order for your Initiative to be taken with the full measure of seriousness that you rightly seek, there is no way to sidestep the searing issue of police misconduct and abuse. There simply cannot be One America if law enforcement officials have license to split America apart.

Mr. President – We await your leadership with great hope and anticipation.

Sincerely,



Hugh B. Price  
President

# Boston's Police Solution

By Orlando Patterson  
and Christopher Winship

**A**s the current furor over New York City policing has shown, African-Americans today face few dilemmas more painful than the tension between the need to safeguard their neighborhoods and the need to safeguard their rights.

All too often, however, both critics and defenders of the police have portrayed this tension as a stark choice, in which lowering urban crime rates necessarily requires the kind of policing that makes civil rights advocates and community leaders cry foul. Not so. Consider the case of Boston, where the homicide rate has fallen 77 percent since 1990 — 5 percentage points more than in New York.

Boston began its successful attack on crime, in the late 1980's and early 1990's, by employing the tactics adopted later in New York City under Mayor Rudolph Giuliani. And as in New York, while crime went down, relations between the police and African-Americans worsened.

In 1989, the high-profile murder of Carol Stuart — a pregnant white woman — created a wave of terror, as the Boston police descended on inner-city neighborhoods in their search for a "young black male" suspect. Mrs. Stuart turned out to have been murdered by her own husband, who had fabricated the description. The police tactics in the Stuart investigation, along with the stop-and-frisk policies of the Citywide Anti-Crime Unit here, provoked such outrage among African-Americans that the city was forced to disband the unit and change its strategy.

Boston's new approach to law enforcement has involved collaboration between the police and probation de-

*Orlando Patterson, a professor of sociology at Harvard, is the author of "Rituals of Blood: Consequences of Slavery in Two American Centuries." Christopher Winship, chairman of the Harvard sociology department, is co-author of a forthcoming work on youth violence in Boston.*

partments, a focus on getting guns off the streets and, most important, a close partnership with community leaders, especially a group of black clergymen known as the Ten-Point Coalition. This partnership is key in explaining why Boston has reduced crime even more than New York, and with much less ethnic friction.

The partnership rests on four principles. First, inner-city violence should be dealt with primarily as a crime problem, rather than as a symptom of poverty, poor schools, broken families and the like. Second, there is agreement that only a small percentage of youths are at the core of the problem and that the community can help to identify them. Third, the community leadership should have an informal say in the decision

## How New York might defuse current tensions.

to arrest certain teen-agers (for instance, in cases of first offenses or when there are extenuating circumstances). Finally, if the police behave badly, they bear the full brunt of responsibility.

These principles were tested after the murder of Paul McLaughlin, a white state prosecutor, in May 1995. Mr. McLaughlin had vigorously prosecuted gang members, and a young African-American man was seen fleeing the murder scene.

But the Boston police made it clear that they would not repeat the rights violations that had followed the Stuart murder. And the Ten-Point ministers and other community leaders made it clear that they, in turn, would fully support an aggressive but fair investigation. As one minister stated, "This is a time for the city of Boston to come together and make it clear that we will not be held hostage to either perpetrators of violence or by those who would exploit the fear of violence to promote more racial division."

Early last year, after a carefully focused investigation, a gang member, Jeffrey Bly, was arrested and indicted in Mr. McLaughlin's murder. African-American leaders joined in praising the police.

By focusing their efforts, the Boston police have found it unnecessary to undertake the huge increase in the size of the force that New York did, yet they have achieved even better results. For a remarkable 29-month period, until January 1998, Boston had not a single teen-age homicide victim. (Since then there have been only four.)

There have still been occasional police excesses, to be sure. But there are fewer of them each year, and there has been no incident to compare with the Amadou Diallo or Abner Louima cases. The Boston officers responsible for violations have been promptly and severely punished.

Given Boston's history of less-than-perfect race relations — and the deep distrust rooted in the school desegregation battles of the 1970's — its recent success is especially telling.

Boston's story demonstrates that trust between the police and the African-American community can be restored and enhanced — even in the wake of a crisis. It shows that this cooperation between police and community leaders can advance the shared goal of crime reduction. And most important, it helps prove that there is no inherent conflict between effective police work and respect for the freedom and dignity of citizens.

Maureen Dowd is on vacation.

### Note to Readers

The Op-Ed page welcomes unsolicited manuscripts. Because of the volume of submissions, however, we regret that we cannot acknowledge an article or return it. If manuscripts are accepted for publication, authors will be notified within two weeks. For further information, call (212) 556-1831.

The New York Times

WEDNESDAY, MARCH 3, 1999

Crim-  
Police  
Misconduct  
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# The Fight in George Bush's Future

Since so many Republicans have proclaimed Gov. George W. Bush of Texas as their choice for President, it came as no surprise yesterday when Mr. Bush announced that he would form an exploratory committee. But moving from someone widely mentioned to someone actively running for the job is a huge leap in American politics, especially with a party in such disarray. A clear sign of the troubles Mr. Bush would be stepping into also came yesterday, as Patrick Buchanan announced his candidacy. Mr. Buchanan's full-throated opposition to free trade and immigration is certain to be challenged by Mr. Bush if he runs.

The incipient conflict highlights the challenge awaiting the Texan. He is a political figure who is both famous and unknown. To lead a party that is fractured and hungry for victory, he has to move quickly to define himself before others do the job for him. At this stage, the Republican contest consists mostly of second-tier candidates scrambling for attention while both Mr. Bush and Elizabeth Dole float above in the polls. Their popularity is hardly surprising. There has, after all, been someone named Bush or Dole on the Republican ticket of every Presidential election since 1976. But Republicans are divided today as they have not been since the era before Ronald Reagan.

Besides trade, the Republican candidates are split on income-distribution issues, with Mr. Buchanan and Dan Quayle appealing to blue-collar conservatives. They are also split on tax cuts, with Steve Forbes and John Kasich demanding across-the-board reductions. Many Republicans are wary of a grand assault on the tax system or on the

Government's role in Social Security and the environment. Mr. Bush is vague on domestic issues. On foreign policy, he has begun surrounding himself with some of his father's advisers. But Republican elders are at odds over whether to allow American troops in the Balkans, push China on human rights or contain Russia in its newest incarnation.

The abortion issue also remains to be addressed. Mr. Bush has sent signals to the right-to-life movement that he opposes abortion. But he is also telling moderates that while certain limits on abortion can be enacted now, abortion itself cannot be outlawed until there is a change of heart by the American voters. Whether the Governor tries to reposition the party on this issue to accommodate pro-choice suburban Republicans is one of the things to watch in his campaign. Both Mr. Bush's father and Bob Dole stumbled on the abortion issue. Many Republican leaders do not want to see it trip up their next candidate.

In Texas, Mr. Bush has been an unusually effective Governor with a record of spending money on education and showing tolerance toward minority groups, homosexuals and immigrants. He could bring a great deal to his party if he stands up for inclusiveness and defends some form of affirmative action. But he will not be given a free ride by Mr. Buchanan or other conservative opponents if they sense that he is trying to redefine the G.O.P. in the kinder, gentler direction given lip service by his father. It was a good idea for Mr. Bush to make his move now, so that the process of debating the Republican future can unfold even before the primary season begins.

## Unexplained Strategies on Iraq

Without ever saying as much, the White House seems to have shifted its military strategy in Iraq to advance the goal of toppling Saddam Hussein. The change has become clear in recent days as Washington escalated its air strikes against Iraq. The bombing raids appear designed to punish the Iraqi military in hopes that disgruntled officers will lead a rebellion against Mr. Hussein rather than suffer further losses of men and equipment.

If this is the new American strategy, President Clinton or Defense Secretary William Cohen should let the American people and Congress know. The air raids are no secret in Iraq, and the potential threat to Mr. Hussein is no doubt well understood in Baghdad. Many Americans might support an effort to unseat Mr. Hussein. But the application of American force overseas should never be a matter of mystery and speculation at home or exempt from Congressional consultation. One of these days an American or British pilot may be captured or killed, and the reasons for placing him in danger ought to be explained before that day arrives.

It no longer seems plausible to suggest, as the

Pentagon does, that the daily air attacks are merely a response to Iraqi efforts to shoot down American and British planes. Iraq has challenged the flights, but the expanding American rules of engagement give pilots greater latitude to strike an assortment of air defense, communications and other military targets.

The White House also needs to answer reports that American spies manipulated the United Nations weapons inspection program in Iraq. The latest account was provided yesterday by The Washington Post, which reported that Americans had secretly wired a U.N. microwave transmission system to allow Washington to monitor a wide range of secret Iraqi military communications without the knowledge of U.N. officials. Washington's desire to collect information on Iraq's military is understandable, but data should not be gathered in a way that compromises the U.N.'s independence. That will only make it harder to carry out disarmament under international authority in the future, and will hinder American efforts to counter the spread of prohibited weapons worldwide.

**The New York Times**

WEDNESDAY, MARCH 3, 1999

# Policing Under Fire

Crime -  
Police Misconduct

By GEORGE L. KELLING

The New York City Police Department is under fire in the wake of last month's killing of Amadou Diallo, an unarmed immigrant from Guinea, whom officers shot 41 times. Both the Justice Department and the state attorney general have launched investigations of alleged police abuse, and the U.S. Commission on Civil Rights will hold hearings in the city in May. Even President Clinton used his national radio address a week ago to denounce police abuse, and this week New York Gov. George Pataki joined the fray, criticizing the NYPD and Mayor Rudolph Giuliani.

Diallo's killing was a horrible tragedy. But the offensive against the NYPD should be seen for what it is: an ideological attack on a successful philosophy of policing. The astonishing crime reductions in New York during the 1990s came about because the city administration rejected the reigning doctrine that if crime was to be reduced, its "root causes"—poverty, racism and social injustice—had to be abolished. Mr. Giuliani and his first police commissioner, William Bratton, stunned the "experts" by predicting they would cut crime, telling how and then doing it.

## Root-Cause Liberals

Now, the root-cause liberals are mounting a second assault. Perhaps police can reduce crime, they concede, but only at the cost of abusing citizens, especially the poor and minorities. They link Diallo's shooting with the 1997 police attack on Haitian immigrant Abner Louima, claiming to prove that the NYPD's crime-reduction activities rest upon violating civil rights.

The Louima and Diallo incidents were in fact quite different. Mr. Louima was brutally assaulted and tortured in a precinct station-house. The attack was inexcusable, and few doubt that it was motivated by racial bigotry. The officers involved are, properly, being prosecuted. Obviously, a police department should do all it can to combat such virulent racism, should recruit minorities and should improve training and supervision. But corruption and depravity are facts of life, and any system designed to control them will sometimes fail. When they do, the community and police department must rally together to condemn and contain such evil conduct.

The Diallo case, by contrast, was a street encounter gone awry. Four officers were searching for a serial rapist of black and Hispanic women, in a high-crime area where edgy youths carry heavy-duty weapons. We don't know for certain what happened, but the hypothesis of racist police seems far-fetched. A more likely scenario is that in the chaos of a shooting that lasted only a few seconds, a stumbling officer, ricocheting bullets or reflected gunfire flashes disoriented officers, confirming the misperception that Diallo was shooting at them and leading them to keep firing. Street contacts between police and citizens in such situations are complex; police are understandably frightened; interactions take place in an instant and may result from inaccurate perceptions. Under such

circumstances, police are bound to make occasional mistakes, some of which will prove deadly.

Remember that cops are not soldiers; they rarely draw their weapons and even more rarely fire them. Clearly, police should improve weapons training and reconsider how special units are deployed and used. But accidental shootings by police are a tragic fact of life. Even so, there's no evidence that such shootings are made

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*In 1992, when David Dinkins was mayor, more than 2,200 people were murdered in New York City. Sixteen hundred more New Yorkers would have died last year alone had crime remained at Dinkins-era levels.*

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more likely by the philosophy of policing the NYPD has adopted—in which police do not wait for crime to occur and then respond, but instead take action to prevent crime.

In fact, last year New York had 0.48 fatal shootings per 1,000 officers, the lowest figure since 1985 and the second-lowest since 1973, when data collection began. This rate puts New York below Philadelphia (0.72), Dallas (1.05), Miami (2.01) and Washington (3.12). (These numbers, however, are not directly comparable and thus paint only a rough picture.) It's true that the number of complaints against police has risen, but this must be understood within the context of an increasing number of officers on the street, their widening activity and growing antipolice activism.

In 1992, when David Dinkins was mayor, more than 2,200 people were murdered in New York City—a high proportion of them minorities. In 1998, the city had just 600 murders—fewer than in Chicago, whose population is barely one-third of New York's. Sixteen hundred more New Yorkers would have died last year alone had crime remained at Dinkins-era levels. Calculate the number of lives saved, families spared grief, youths not imprisoned, and we are talking about thousands of New Yorkers whose lives have been immeasurably improved thanks to the Giuliani administration's crime-fighting efforts.

These dramatic changes did not result from "business as usual" in the NYPD. Readied with a theory of action, leadership, sophisticated planning and crime analysis, and an accountability structure that riveted precinct commanders' attention on neighborhood problems, the NYPD revolutionized itself and made clear just how much police can accomplish. The wholesale attacks on the NYPD are especially worrisome because policing's gains are reversible. The continuity provided through Mr. Giuliani's five years in office, and through Commissioner Howard Safir's continued focus on order maintenance, can create a false confidence that the NYPD will never revert to the "stay out of trou-

ble" mentality that ruled for the previous 20 years. In fact, if a new commissioner backtracked on maintaining order and on the careful precinct-by-precinct analysis of problems that characterizes the department today, control of public spaces could easily and quickly be lost.

Politics certainly plays a role here: Mayor Giuliani's political foes can be expected to do their best to discredit him and the police department and to neutralize his greatest achievement—crime reduction. But more is on the line than a mayor's political future.

The root-cause liberals are outraged; no longer can they hold crime-control policy hostage to an agenda of massive social change. So now, making political hay of the Louima and Diallo tragedies, they falsely accuse police of systematic abuse. And they wanted to have it both ways: When complaints against police go up, critics like Norman Siegel of the New York Civil Liberties Union argue that police brutality is increasing; when complaints decline, it means that citizens do not trust the complaint process.

Attacks on order maintenance and indiscriminate charges of racism are not limited to the current discussion over New York; they appear in court, in elite law journals, in other cities. For example, in Seattle, City Attorney Mark Sidran has been called a racist because of his attempts to close a "nightclub" owned by an African-American couple. Never mind that it is a drug dealing center threatening the entire community.

## Delicate Matter

Public policy dealing with race and crime is a delicate matter. But if charges of racism and threats of riot follow every disagreement, conflict or tragedy, as we are seeing in New York now, we are in a hopeless situation. In addition to minority recruitment, improved supervision and better weapons training, other issues need sober and thorough discussion. One example is the tendency of police departments to rely on large special units that have few links to neighborhoods. And we must remember that there are no panaceas: Washington, D.C., has a large percentage of minority officers, yet has had such a serious problem with police violence that the new chief there, Charles Ramsey, has asked for an outside investigation.

No matter how successful police are, mistakes inevitably will be fair game for political opponents in a democracy. That makes it all the more important that police seek the high moral ground. In the hurly-burly of urban politics, operating within the law and being successful are necessary but not sufficient; police must aggressively and constantly pursue the consent, cooperation and collaboration of citizens, never taking their support for granted. Only such an approach can provide the cushion of good faith that will allow citizens to tolerate and learn from mistakes, move forward and not retreat.

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*Mr. Kelling is a professor at Rutgers University, a research fellow at Harvard, a senior fellow at the Manhattan Institute and co-author with Catherine M. Coles of "Firing Broken Windows: Restoring Order and Reducing Crime in Our Communities" (Free Press). He has worked as a consultant to the NYPD.*



Rudolph Giuliani

# If Only We Could Turn Back the Clock

Thorough, patient, methodical analysis is a key to success. I was always taught. But who has time anymore? The Internet can disseminate breaking news around the

## Manager's Journal

By Andy Kessler

world in milliseconds, and your phone rings almost simultaneously with a "What should we do?" The luxury of days to study an issue is long gone. Even instant analysis is too slow. To succeed, you'll have to cheat time, almost work on negative time, anticipating rather than analyzing or reacting to sudden events.

It's 1993, I'm a technology analyst at Morgan Stanley and I'm on my way to lunch. "Intel on the tape," I hear. Here we go again. The phone instantly is ringing. "Dickey on 40," my secretary yells. Oh no, the head of sales smells blood. Think fast. AMD's new chip doesn't cut it; Cyrix is late; no way will Intel miss the quarter.

"Kiniry on 40." That's the trader. I pick up. "Kurlak's whacking numbers, says pricing stinks, Intel will glitch, stock's down \$6." Then my secretary again: "London on 42, Miller from SF on..." I sprint to the trading floor, think up three bullet points on the way, hit the floor, am crushed by a dozen salesman and traders and a few friends laughing. I grab the microphone, blast my bullets, ending with "Back up the truck, Mabel, and load up on this stock!"

I make my way to the over-the-counter trading desk. Intel's stock is now down only \$2. I hear a lot of chatter as my call goes out to investors and trading desks around the world. Intel is now down an eighth, now it's up a buck. Crisis avoided. Elapsed time: three minutes, 15 seconds. Time for lunch.

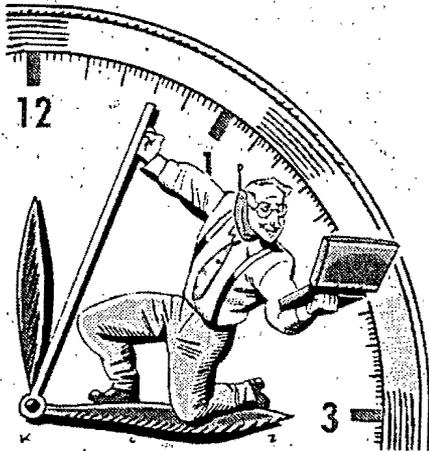
On Wall Street, in the six years since this scene, instant analysis has become the norm. It didn't use to be. First the ticker tape and then phones and then quote machines connected traders and investors with information, rumors and lies, but the pace was glacial. News would come out, and analysts would have a day, or at least hours, to figure out what was happening and communicate their assessment to clients.

Cheating time for fun and profit has a long history. Consider the legend of Nathan Rothschild shorting the French market upon hearing almost a week ahead of time that Napoleon was defeated at Waterloo. Reuters got its start in 1849 transmitting stock prices by carrier pigeon between Aachen and Brussels until the telegraph provided faster transmission. Even

Hollywood, in the 1983 movie "Trading Places," had Eddie Murphy stealing crop reports to get positioned right in orange juice futures.

By the mid-'80's, fax machines were common, as was Federal Express, but still the pace was slow. I found that if I could cheat time, I could be the first to get information to clients, who then might remember my spin and analysis. By the time everyone else called them, it would be old news.

I used to tackle the FedEx guy when he arrived on my floor, so as to get a package



Marin Krolowich

of monthly industry order numbers. Eventually I started hanging around the FedEx office in midtown Manhattan at 9:30 a.m. and asking nicely if I could pick up my package myself. I scooped the street by an hour before everyone caught on and started using CompuServe to release the numbers the night before.

The next trick to cheat time was to chew up others' time. Before conference calls, companies would talk to analysts on a first-come, first-serve basis. On the appointed day, I would sit by my Quotron waiting to see Intel's earnings release on the tape, speed-dial to be the first call in, then chat for a good 45 minutes, knowing full well that others were stewing waiting for their calls to be returned. Meanwhile, I'd pass a handwritten note for someone to read over the open mike to salesmen and brokers. We had the first call indeed. Alas, conference calls and detailed faxes ended that game within a few years.

Round-the-clock trading means that instant news any time of the day and night is here to stay. I've had the strangest stuff blasted at me: jury verdicts, competitive product announcements, plant explosions, earthquakes, price cuts in Japan, other analysts making stuff up. I never knew what was going to hit, but I needed a great response no matter what. More than once I awoke to my wife saying, "There's a Yamamoto on the phone. Who the hell is he?"

E-mail has your competitors getting news the same time you do, so the only way to have a lead is by creating "negative time"—doing my homework in advance and anticipating news. Speed kills, unless you are prepared and understand all the possible scenarios. If you work hard enough, you can know tomorrow's headlines today, or at least not be surprised by anything and be positioned to react.

Is the culture of instant analysis unique to Wall Street analysts or hedge-fund investors? I doubt it. The knowledge economy insists on speed. As technology and communication speed up the flow of information in every business, instant analysis becomes critical. Just figuring how to cope is an interesting exercise. Figuring out how to excel will separate the winners from the losers.

*Mr. Kessler is a partner in Velocity Capital Management LLC, based in Palo Alto, Calif.*

# More law enforcers becoming lawbreakers

Number of police in federal prison for crimes such as corruption and drug dealing has jumped sixfold since '94

By Richard Willing and Kevin Johnson  
USA TODAY

Through his highly touted COPS program, President Clinton has helped put more new police officers on the nation's streets than any of his predecessors.

His top law enforcement official, Janet Reno, has achieved a much different distinction: She has sent more cops to prison than any other attorney general.

Reno's Justice Department has convicted a record 756 former law enforcement officers on federal corruption, brutality and other charges in the past five years, according to a USA TODAY review of department data.

The crackdown has caused the number of law enforcement officials serving time in federal prison to jump more than 500%, from 107 in 1994 to 655 last month. During that time period, the federal prison population has grown about 55%.

The number of law enforcement officers behind bars remains small when compared to the 600,000 police on duty in America's cities and towns. But the rise comes amid escalating public concern about the behavior of the nation's police.

The problem was highlighted earlier this year by the federal conviction of two New York City cops in the sexual assault of a male prisoner with a broom handle.

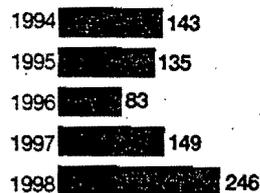
Despite the high-profile nature of the New York assault, federal prosecutors say brutality cases remain rare. Most of their attention has focused on rooting out corruption, much of it drug-related. Their efforts have created a fast-growing rogues' gallery in federal prisons: former officers who are despised both by the prisoners they once pursued and by the guards who believe they disgraced the badge.

Chuck Wexler, director of the Police Executive Research Forum, a Washington, D.C.-based group that helps local departments recruit police chiefs, says the problem is both troubling and hard to explain.

"There are all kinds of questions, self-analysis, that can come from it," Wexler says. "It's just a hard thing to analyze."

## Convictions of cops

The number of law enforcement officers convicted over the past five years in Justice Department cases.



Source: FBI

By Alejandro Gonzalez, USA TODAY

Justice racked up 143 convictions in 1994, and averaged 128 convictions of law enforcement officials annually through 1997. That total jumped to 246 last year.

Federal agents, state and federal prison guards and local elected officials were all included in the crackdown, but it hit big city police forces especially hard.

► In Chicago, the FBI and Justice Department lawyers won 52 corruption convictions from 1994 through 1997, including 10 police officers who were robbing drug dealers and/or selling narcotics.

► In Cleveland, 49 police officers and jail guards were convicted last year of accepting money to protect drug shipments. The drug dealers turned out to be federal agents who were running a sting operation.

► In Detroit, 29 law enforcement officials were convicted of corruption last year. The number was 21 in Charlotte, N.C.; 21 in San Antonio; 20 in New Orleans; and 16 in Tampa.

Corruption also was found in smaller places.

Federal investigators targeted police in Hallandale, Fla.; West New York, N.J.; Nogales, Ariz.; and Royal Oak, Mich.

And in Ford Heights, Ill., a small Chicago suburb, seven of the department's 20 officers, including Police Chief Jack Davis, were sent to federal prison for taking payoffs from drug dealers.



1997 AP photo by J. Scott Applewhite

**Holder:** Law enforcers 'must be held to a high ethical standard.'

ter they were acquitted by a local jury.

► The trial of five New York City officers charged in the beating and torture of assault suspect Abner Louima. When it was over, two officers were convicted and three others were acquitted.

The Justice Department's civil rights division, which usually handles those cases, filed charges against 74 officers last year, a 12-year high. Highlighting the importance of such prosecutions, the Clinton administration has asked for money in next year's budget to pay for 16 additional Justice Department attorneys to work solely on police cases.

"Almost anything is a federal case, or can be made to be," says Jim Pasco, director of the Washington, D.C.-based Fraternal Order of Police. With 270,000 members nationwide, it is the nation's largest professional police organization.

The rapid increase in cops behind bars has presented the federal system with an unusual challenge: ensuring the safety of former officers who are despised by fellow prisoners and by prison officials.

"Cops have it particularly rough (in prison)," says Joel Rudin, lawyer for a New York City police detective who was beaten by fellow prisoners while he was in custody awaiting trial. "The worst part may be the isolation, the feeling that nobody is on his side — not the other prisoners, not the institution."

Former Customs inspector Victor Lopez knows that feeling firsthand.

Lopez was convicted of taking bribes to protect drug shipments. He spent most of his three years in prison in solitary confinement because of concerns for his safety.

When he was placed in the general population at a prison in El Spring, Texas, Lopez was challenged by a fellow prisoner who demanded to know whether he was "former law enforcement." Lopez told the truth and prepared to take a beating. But it turned out that his inquisitor was an ex-cop, too.

"A lot of people in there were either cops or other public offi-

cials," Lopez says. "I guess I was lucky."

For their own protection, some former cops are housed away from the general population in "administrative detention" units built for informants and other endangered prisoners. Others are sent to minimum-security prisons, where fellow inmates might pose less of a threat.

Officials with the Federal Bureau of Prisons stress that assaults against former cops, although not unheard of, have not increased significantly as the number of cops behind bars has multiplied.

Police professionals struggle to ex-

plain the rise in corruption convictions. Some say the fast-paced hiring program begun by the Clinton administration in 1994 — designed to put 100,000 more police officers on the nation's streets by 2002 — might be to blame.

But Tron Brekke, an FBI agent who investigated corrupt cops before becoming a spokesman for the bureau, says the explanation is much simpler.

"There has been a general decay in the ethics and morality of society as a whole," Brekke says. "Cops are a reflection of that."

Crime -  
Police Misconduct

# White House: Clark not being forced out

## NATO commander to leave 3 months early

By Steven Komarow  
USA TODAY

WASHINGTON — The White House said Wednesday that the decision to replace U.S. Army Gen. Wesley Clark as NATO supreme commander before the end of his normal tour of duty did not reflect any lack of confidence by President Clinton in Clark's performance.

Clark, 54, will end his term in April 2000 to make way for an Air Force general whose career was nearly ended in a sex scandal.

Clark commanded the NATO air campaign against Serbia and is overseeing the Kosovo peace plan. Clark had irritated the administration and Defense Secretary William Cohen by suggesting the 78-day air campaign might have been shorter without political interference in choosing targets.

Normally, Clark's term would extend through July 2000. But the Clinton administration informed Clark on Tuesday that he will be replaced three months early.

"Gen. Clark is a superb commander. The president has the highest degree of confidence in him," said Samuel Berger, the president's national security adviser, at a news conference.

"He did a superb job in the prosecution of the campaign in Kosovo. Witness the fact that we won."

Berger left open the possibility that Clark might continue to serve in "other ways" after leaving the NATO post. Administration officials suggested he might be offered an ambassadorship.

White House spokesman Joe Lockhart also emphasized that "no one is being forced out."

In Lithuania, Clark called the decision a "more or less routine personnel action. When a soldier's tour of duty is over, it's over," he said.

His early departure would clear the way for Air Force Gen. Joseph

Ralston, vice chairman of the Joint Chiefs of Staff, to take over as top U.S. military officer in Europe and NATO's supreme commander.

Ralston, 55, a Cohen confidant who is in his second term as vice chairman of the Joint Chiefs, was the administration's top pick to become chairman two years ago. But the nomination was withheld after it became known that Ralston had had an adulterous relationship while separated from his wife and had not been punished by the Air Force.

The issue arose amid charges of a double standard for women and men in the way the military handles cases involving adultery.

Lockhart said Wednesday he believes that Ralston's service over the past few years "will put him in good standing" for congressional approval for the new post.

By law, if Clark's post did not become open until next July, Ralston would have been forced to accept another position or retire.

Likewise, Clark must be given another four-star assignment within 60 days of leaving his current post or he, too, will be forced to step down.

# Civil liberties groups question computer plan

From staff and wire reports

WASHINGTON — Clinton administration plans to create a government-wide network for guarding the USA's most important computer systems are alarming civil liberties groups.

A 148-page proposal, released Wednesday, outlines plans to build a network of electronic obstacles, monitors and analyzers to watch for intrusion attempts on federal computer systems.

"Where once our opponents relied exclusively on bombs and bullets, hostile powers and terrorists can now turn a laptop computer into a potent weapon capable of doing enormous damage," President Clinton wrote in his introduction to the plan.

Under the proposal, the first 500 intrusion monitors would be installed on nonmilitary computers next year. Computer security operations centers would receive warnings from the monitors, analyze the attacks and assist targets in defeating the electronic assaults.

Nonmilitary government computer centers would be similar to those developed for the Defense Department. Called FIDNET, for Federal Intrusion Detection Network, they would be under the control of the General Services Administration (GSA), counterterrorism chief Richard Clarke said in an interview with USA TODAY. Clarke said the Department of Energy would be the first department to have this monitoring oversight of computers, by which a "sniffer" or other automated device would be put in place to log peculiar or suspicious activity within computer systems, such as unknown people accessing the system.

But civil liberties groups are wary.

"The government has been able to go after criminals and criminal behaviors without creating new database systems, without swapping information between agencies, without harming civil liberties, and we think they can continue on that path," said Ari Schwartz of the Center for Democracy and Technology.

Clarke says: "I'd love to have a civil liberties watchdog agency working with us on this."

Members of civil liberties groups say that the security tools would make unprecedented electronic monitoring possible. This is especially so because of the government's increasingly widespread use of computers in almost every aspect of its citizens' daily lives.

The proposal was described within the report as "Version 1.0," and it pledged that no proposal would "infringe on civil liberties, privacy rights or proprietary information."

"We are very concerned about protecting privacy rights," Clinton's national security adviser, Samuel Berger, said. "But there is also a privacy right in not having hostile entities attack systems. We're not only talking about 17-year-old kids in their basement. We're talking about governments that we know are developing systems to get access to our computer systems."

# Customs Service Will Review Drug-Search Process for Bias

By DAVID STOUT

WASHINGTON, April 8 — Faced with complaints that black and Hispanic people are unfairly singled out for searches at airports and border crossings, the United States Customs Service created an independent panel today to study how customs inspectors look for drug smugglers.

"If a bias exists, whether perceived or real, it is paramount that we find its cause and eliminate it," Customs Commissioner Raymond W. Kelly said. While insisting that it is not his agency's policy to single out people based on race, Mr. Kelly said, "we want to see if, in fact, maybe it's developed into a practice that we want to stop."

Mr. Kelly said the panel would be made up of officials from other Government agencies and would have

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**'We're taking the problem head on,' an official says.**

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"unfettered access" to Customs Service records and employees during its three-month inquiry. The panel will be led by Constance Newman, under secretary of the Smithsonian Institution.

"We're taking the problem head on; we're dealing with it," Mr. Kelly said. "The people on the panel are enthusiastic."

Representative John Lewis, a Georgia Democrat who called last month for an investigation into complaints of racial bias by customs inspectors at Hartsfield International Airport in Atlanta, said today that the formation of the panel was "an important first step."

"Something is happening, not just in Atlanta, but in New York and Chicago and other parts of the country," said Mr. Lewis, who appeared at a news conference with Mr. Kelly. "We need to determine why so many of our citizens — African Americans, Hispanics and others — are complaining."

Mr. Lewis's press secretary, Jack Pannell, said today that while the Congressman was very pleased with Mr. Kelly's response, he considered racial-profiling by law enforcement so serious that he wants Congressional hearings on the issue.

Of the 71.5 million air travelers who passed through United States customs in 1998, about 51,000 were subjected to body searches, the Customs Service said. Most searches were simple "pat-downs," but inspectors sometimes resort to strip searches, body-cavity searches and X-rays to detect drugs that have been concealed in clothing or swallowed.

The Customs Service faces numerous lawsuits over body searches. About 100 black women are hoping to file a class-action suit in Chicago alleging that they were singled out because of their race and gender.

The service's statistics seem to indicate that while black and Hispanic people are more likely to be searched, they are not more likely to be caught smuggling drugs. Nationally, 43.3 percent of those people subjected to body searches or X-rays in 1998 were black or Hispanic. Drugs were found on 6.3 percent of the black people searched, 6.7 percent of the white people searched and only 2.8 percent of the Hispanic people searched.

"The vast majority of searches are not random," Mr. Kelly said. "We do target certain countries and certain flights. You don't get a true picture if you just concentrate on the ethnicity." Flights from Jamaica, Colombia and other Latin American countries get extra scrutiny from customs inspectors, as do some from West African nations, Mr. Kelly said.

The Commissioner said about 18 percent of the 7,000 customs inspectors are Hispanic, 11 percent black and the rest white or Asian. Roughly the same percentages apply to the service's 20,000 employees, he said.

Besides Ms. Newman, who is black, members of the panel are Robin Renee Sanders, the National Security Council's director for Africa, and Ana Marie Salazar, deputy assistant secretary of defense for drug enforcement policy and support. Sanford Cloud Jr., president of the National Conference for Community and Justice, was named the panel's adviser. Ms. Sanders and Mr. Cloud are black and Ms. Salazar is Hispanic.

Mr. Kelly said he hoped to find ways to make searches less of an ordeal, even when they are deemed necessary.

"Nobody wants to be searched; it's an unpleasant experience," Mr. Kelly acknowledged, adding that conducting searches is unpleasant for the inspectors as well.

Crime -  
Police Misconduct

The New York Times

FRIDAY, APRIL 9, 1999

# A New Strain On the Cost Of Health Care

## Latest Medical Devices Bring Bigger Bills

By MILT FREUDENHEIM

Managed health care plans and the Medicare program have had some success slowing growth in spending for doctors, hospitals and home care agencies. But managed care has been much less successful reining in spending on new life-enhancing medical devices and procedures.

Advances in technology — from laser treatments to the latest surgical procedures with miniature instruments — are one of the main reasons for the reacceleration in the overall costs of health insurance, after several years of slow or zero growth. Sales of new medical devices in the United States rose 30 percent over the last five years, outpacing the 22 percent rise over all in health care spending and all other categories except prescription drug sales, which were up 50 percent.

"About half the growth in real per-capita health costs is associated with medical technology" including advances in procedures and drugs, said Mark Freeland, deputy director of the National Health Statistics Group in the Health Care Financing Administration.

Increased medical costs were cited yesterday by Humana Inc., a managed care company with 6.2 million members, as it announced that its first-quarter earnings would fall below Wall Street's expectations.

Paradoxically, many of the new procedures are promoted as reducing costs: a \$3 million laser device that provides an alternative to brain surgery can pay for itself by reducing the costs that surgical procedures and lengthy hospital recoveries would have previously required. But health plans are finding that over all, technology costs are surging, in large part because the new procedures are more available or more attractive to more people — fostering a demand that insurers cannot stem.

Patients who are hesitant about traditional open surgery, for example, will eagerly agree to minimally

invasive procedures with miniature instruments to repair heart valves or remove defective gallbladders.

The pattern was clear at Health Partners, a big, nonprofit Minnesota health maintenance organization. In only two years, from 1996 to 1998, the H.M.O. counted double-digit growth in the number of procedures for every thousand members in eight categories, including some of the most expensive: brain and nervous system procedures, heart and artery surgery, orthopedics like hip and knee replacements and organ transplants. Premature infants were another big-ticket item.

At Children's Hospital in Minneapolis, where many patients are tiny premature babies, "there has been a technological explosion and a tremendous increase in survival rates and the good news is, we did not have an increase in extremely damaged children," Dr. Ronald Hoekstra said. But with the advances, he added, costs are bound to go up.

One of Dr. Hoekstra's patients, Simon Hagman, a strapping 30-pounder who celebrated his third birthday late last month, has already made a personal contribution to the economics of high-technology health care. Health Partners, his family's plan, spent \$1.2 million on lifesaving care for Simon, whose birth only 22.5 weeks after conception was dangerously premature.

Simon, born weighing 1 pound, 4 ounces and only 12 inches in height, lived for 14 months in the neonatal unit at Children's Hospital. With the help of sophisticated procedures and technology, he overcame three heart attacks, several bouts of pneumonia and a threat of blindness. He went home, with 24-hour nursing, still dependent for a time on an oxygen system that augmented his miniature lung power.

"Miraculously, Simon survived without brain damage," said his mother, Tracey Hagman.

A dozen years ago, there would have been small hope for an infant with Simon's precarious medical profile. For premature babies with severe problems who did qualify for the less-advanced treatments available then, the medical charges were about \$250,000.

The new drugs and procedures were welcomed as essential to excellent care. "It's the right thing to do, but it's very expensive," said George Halvorson, chief executive of Health Partners.

"As a result, our premiums are going to go up, and people are going to have to pay more for care," he added. There were 345 cases in 1998 on which Health Partners spent \$50,000 or more. That was more than double the number in 1996.

While some experts say the spread of managed care will slow the introduction of advanced devices, that is clearly not the case at many H.M.O.'s.

The New York Times

FRIDAY, APRIL 9, 1999

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# The Racial Issue in the Rear-View Mirror

## Activists Seek Data On Police 'Profiling'

By EDWARD WALSH  
Washington Post Staff Writer

Kevin Murray is 39, a successful Los Angeles lawyer who drives a black Corvette. One night last June, Murray was stopped by police in affluent Beverly Hills.

Later, the officer would claim she had stopped him because his car lacked a front license tag. But Murray said the officer never mentioned the front tag when she pulled him over and did not issue him a traffic citation. Murray concluded that he was stopped only because he is black.

That might have been the end of it except that Murray was also a member of the California Assembly, and on the night he was stopped had just won the Democratic primary for a seat in the state Senate, where he now serves. Within weeks of the stop, he introduced legislation requiring California law enforcement agencies to collect and make public records on the race, ethnicity, gender and age of everyone they stop. The bill breezed through the legislature, only to be vetoed by then-Gov. Pete Wilson (R).

But Murray is back with a similar bill this year and he is not alone. From the Justice Department and Capitol Hill to Sacramento and other state capitals, there is a growing assault on "racial profiling" by police, the practice of stopping black and other minority motorists for questioning, and sometimes a search, because of their race or ethnic background.

The American Civil Liberties Union renewed its criticism of racial profiling yesterday in a lawsuit filed in federal district court in Oklahoma City. The suit alleges that Army Sgt. Rossano V. Gerald, 37, who is black, and his then 12-year-old son, Gregory, were stopped by Oklahoma state troopers and subjected to more than two hours of questioning last August. Searching Gerald's car without his permission, the troopers did more than \$1,000 in damage to the vehicle, according to the suit. They found nothing illegal.

Attorney General Janet Reno has condemned racial profiling and endorsed the concept of data collection to learn how extensive the practice is. Rep. John Conyers Jr. (D-Mich.) has introduced legislation that would require the

Justice Department to collect racial and ethnic data about police stops from law enforcement agencies across the country. Bills similar to Murray's are being considered in other states.

Meanwhile, many leaders of police organizations wonder what all the fuss is about. Many deny that racial profiling is a widespread police practice and maintain that when it has occurred it has been an exception.

Skeptics include Robert T. Scully, president of the National Association of Police Organizations, an umbrella group for 4,000 police unions. "I really don't believe racial profiling happens," said Scully. "Police are not stopping people because of the car they drive or the color of their skin. They stop people because of probable cause. If [profiling] is going on, it is the exception to the rule."

San Jose Police Chief William Lansdowne is another skeptic. He said that of 100,000 police stops a year, about 10 result in profiling allegations filed with the department. "I don't believe it is occurring in our police department, but the complaint is consistent from senior citizens, youths and people of color," Lansdowne said. "I don't think we do a good enough job explaining the reason for a car stop."

Lansdowne is not waiting for any legislative mandate. Later this month, his department will begin collecting race and other data about every traffic stop. "Our feeling is quite simple," said Jim Tomaino, president of the San Jose

Police Officers Association. "If you have nothing to hide, you have nothing to hide. [Racial profiling] is a perception. But there's a big difference between perception and fact and we said we'll show you the facts."

Perceptions, whether or not grounded in reality, have an impact on how people act and think, which is why Lansdowne ordered the additional data collection. "It's all about trust," he said. "I think we have a responsibility to work closely together with community leaders. It's not going to go away. We have an obligation to address it."

Perceptions matter in part because there is relatively little hard data on racial profiling. "We don't know how prevalent it is," said Chuck Wexler, executive director of the Police Executive Research Forum. "But I'll tell you one thing: police chiefs are looking at it."

David Cole, a Georgetown University Law School professor, agreed there is a lack of verifiable information. But Cole, the author of "No Equal Justice: Race and Class in the American Criminal Justice System," said what information is available suggests profiling is taking place. "There is no data that shows a police department *doesn't* engage in racial profiling," he said.

In 1992, the Orlando Sentinel obtained police videotapes of traffic stops of more than 1,000 motorists by officers in a special drug unit of the Volusia County, Fla., Sheriff's Department. They showed almost 70 percent of

traffic traffic stops and 80 percent of vehicle searches were of black and Hispanic motorists. Although a Florida Supreme Court decision requires that deputies stop motorists only for legitimate traffic violations, only nine of the 1,084 drivers who were stopped were given a traffic citation.

As part of a settlement of a lawsuit brought by the ACLU, the Maryland State Police agreed in the mid-1990s to collect data on traffic stops. The results stunned even the ACLU. On a stretch of Interstate 95 northeast of Baltimore, a focal point in police drug interdiction efforts, black drivers accounted for 17 percent of the traffic but 70 percent of those who were stopped.

The most recent case involved an investigation of the New Jersey State Police by that state's attorney general's office, the outgrowth of lawsuits alleging racial profiling. In a report issued last month, the investigators said that motorists stopped by troopers stationed at two state police barracks along the New Jersey Turnpike were about 25 percent black and 40 percent minority. But black drivers accounted for more than half and black and Hispanic drivers more than three-quarters of the cars that were searched by police.

In what it described as "this insidious cycle," the New Jersey report said, "police officers may be subjecting minority citizens to heightened scrutiny and more probing investigative tactics that lead to more arrests that are then used to justify those same tactics."

In the April edition of its newsletter, "Vital Stats," the Statistical Assessment Service said that while crime patterns may make it "rational" for police to focus more on blacks and males than on whites and women, "most individual blacks, like most males, never commit serious crime. The unpleasant truth is that profiling can be statistically valid and yet have discriminatory real world results since most blacks who are stopped on suspicion [like most males] will be innocent people."

"One reason this problem is so widespread is that the stereotype the police are relying on is not entirely irrational," said Cole. "It is more likely that a young black man will commit crimes than an elderly white woman. Minorities commit more crimes than whites. I don't think all these police officers are bigoted in the traditional sense."

But "if you start using race as a proxy for suspicion you are going to

sweep in a whole lot of innocent people. You also create a great deal of enmity and it undermines law enforcement when people see the police as their enemy," he said.

Whether they believe the allegations of widespread racial profiling, police executives around the country know that this perception by many blacks and other minorities cannot be ignored. Last fall, the International

Association of Chiefs of Police held a forum on "professional traffic stops" that emphasized the importance of training and supervision to prevent "biased traffic stops."

The organization opposes legislation mandating the collection of racial data at traffic stops, arguing that it would be burdensome and could make what is often a difficult and sometimes dangerous moment in police work even more so. The organization also argues that the resources that would be applied to data collection could be better used improving police training and paying for video cameras in all police cruisers. But it does not deny that racial profiling happens.

"It clearly does happen," said Dan Rosenblatt, executive director of the chiefs' association. "And where it does happen, it is a problem. New Jersey found it. We're still not convinced that the problems are systemic or widespread. . . . But to say it is not a problem when it is denying reality."

The Police Executive Research Forum recently held a meeting on the subject with about 20 police chiefs and community leaders from their cities and is trying to craft a model policy on traffic stops. Wexler, the group's executive director, said the community leaders made clear that while they object to some police tactics, they want a continuation of the aggressive policing that has helped produce a dramatic decline in the crime rate in many cities.

"Police departments are as effective as the community allows them to be and that's critical," Wexler said. "The days of what James Baldwin called an occupying army are over. It's not that people just want more police. They want more and better police. They don't want an invading army, but they also don't want the police to back off."

Crime -  
Police  
Misdemeanor

The Washington Post  
WEDNESDAY, MAY 19, 1999

# Man Pleads Guilty to Taking Knife Into Capitol

By BILL MILLER  
Washington Post Staff Writer

Walter Wilson Johnson, the former television news anchor arrested while trying to bring a machete into the Senate impeachment trial, pleaded guilty yesterday to carrying a dangerous weapon into the Capitol.

Johnson, who has a history of mental illness, told a judge that he "was exercising my right to personal protection" when he brought an 18-inch knife into the Capitol on Jan. 20, a day that President Clinton's attorneys were arguing against impeachment on the Senate floor.

U.S. Capitol Police discovered the knife when Johnson's knapsack was checked at an X-ray machine.

Police said the bag also contained two smoke bombs, a "terrorist handbook," an article on the Oklahoma City bombing and a copy of *Soldier of Fortune* magazine. Johnson likened the smoke bombs to firecrackers and said he purchased them long ago for a harmless Fourth of July celebration.

Johnson, 36, has been in custody since his arrest, spending part of that time under psychiatric evaluation. Doctors determined that Johnson has suffered for years from a bipolar disorder, which leads to delusions, but they concluded that he understood the charges and was competent to stand trial.

Yesterday's guilty plea nearly fell apart because Johnson repeatedly attempted to play down the

significance of his actions. He told U.S. District Judge Emmet G. Sullivan that the knife was locked in a sheath. As for the explosive devices, he said, "There were no matches in the backpack."

Sullivan was on the verge of scheduling the case for trial when Johnson declared, "I take responsibility, sir." He could face a six-month prison term when sentenced. Sentencing is scheduled for June 17.

Sullivan turned down a defense request to release Johnson pending sentencing, saying he believed Johnson was too dangerous.

Johnson told police that he went into depression in 1994 after losing a television job in Hattiesburg, Miss., where he was an anchor and news director. Co-workers, however, said

Johnson lost his job after he came to believe that Satan was in control of the television station. He was unemployed, under a psychiatrist's care and living with relatives in Capitol Heights when he got tickets to the impeachment trial.

Defense attorney L. Barrett Boss said Johnson carried the knife because he was a "scared man" who feared that terrorists would harm him. According to Boss, Johnson had no intention of harming anyone at the impeachment trial.

After Johnson was arrested, authorities searched his home and turned up a loaded rifle, a gas mask and other items. Boss said Johnson's relatives are determined to keep careful watch on him and ensure that he takes his medication.

The Washington Post  
WEDNESDAY, MAY 19, 1999

# Clinton supported racial profiling in Arkansas

By Jerry Seper  
THE WASHINGTON TIMES

AT

Now calls practice 'morally indefensible'

President Clinton last week criticized racial profiling by police as a "morally indefensible, deeply corrosive practice," but he strongly defended such profiling when he was governor of Arkansas.

He approved the profiling of Hispanics by Arkansas State Police as part of a drug interdiction program in 1988.

The Arkansas plan gave state

troopers the authority to stop and search vehicles based on a drug-courier profile of Hispanics, particularly those driving cars with Texas license plates. A federal judge later ruled the program unconstitutional.

A lawsuit and a federal consent decree ended the practice — known as the "criminal apprehension program" — the next year,

and Gov. Clinton criticized the court's decision and, at one point, threatened to reinstate the program despite the court's ruling.

Mr. Clinton said then that he considered the searches as he did airport metal detectors and that drugs were a bigger problem than airplane safety. He told the Arkansas Gazette he wished a way could be found to expand the searches again.

"The state's position was to give away a ... program that we're now trying to get back," he said.

In the decree, U.S. District Judge G. Thomas Eisele of Little Rock said the searches were unconstitutional because they were based on the driver's meeting a certain ethnic profile — which has since been defined as racial profiling.

The decree, signed by the state attorney general, allowed troopers to continue to stop cars on the highway but prohibited them from using an Hispanic profile as a basis for the stops. The modified program resumed in 1991.

During the course of discovery in the suit, information was deduced that the criminal apprehension program included instructions on how to spot the "drug courier profile," how to develop probable cause for a search through a "roadside encounter," how to "search with a fabricated probable cause" and how to ask for consent to search a vehicle even though when there was no reasonable suspicion of criminal activity.

White House spokesman James Kennedy did not respond to questions on the lawsuit or on Mr. Clinton's response to it, saying only that the president's "record on civil rights is strong and his views of racial profiling are clear."

"He shares with law enforcement officers a desire to build trust between them and the communities they serve," he said.

Roberto Garcia de Posada, executive director of the Hispanic Business Roundtable, noted that while his organization supports statements made this month by the president against racial profiling, Mr. Clinton "has been a strong supporter of racial profiling against Hispanics in the past."

"While we agree with President Clinton that this practice is morally indefensible and deeply corrosive, we want to remind him of his record in support of racial profiling in the past," Mr. de Posada said. "As governor of Arkansas, Mr. Clinton publicly defended a police program that used racial profiling against Hispanics."

"He does not have the moral authority to lead a national campaign on this issue. If President Clinton truly meant what he said ... he should apologize to all those Hispanics who suffered this 'morally indefensible' practice, which he publicly supported."

Mr. de Posada, whose organization includes about 7,000 Hispanic businessmen nationwide, said he was concerned the issue of racial profiling had become a political one for the president because of accusations of police

wrongdoing in New York, where first lady Hillary Rodham Clinton is considering a race for the U.S. Senate.

"The only way to clear this up would be by issuing an apology for his past conduct," he said.

Earlier this month, Mr. Clinton ordered federal law enforcement authorities to collect data on the race and sex of motorists they stop.

"While public confidence in the police has been growing steadily overall, people of color continue to have less confidence and less trust, and believe they are targeted for action," Mr. Clinton said. "We must stop the morally indefensible, deeply corrosive practice of racial profiling. We all have an obligation to move beyond anecdotes to find out exactly who is being stopped and why."

Mr. Clinton, in a recent radio address, he said he was "deeply disturbed" by accusations of racial profiling and — in a departure from his traditional reluctance to criticize police — said the practice had to stop.

"I have done my best to support and to honor [the police], but I have been deeply disturbed by recent allegations of serious police misconduct and continued reports of racial profiling that have shaken some communities' faith in the police, who are there to protect them."

The 1988 suit in Arkansas challenging racial profiling was brought by Mark W. McElrath of Delta, Ohio, against Arkansas State Police for compensatory and punitive damages after he was stopped and \$16,000 seized as part of a search. He was stopped near Little Rock as he was driving from his home to visit a brother in Texas. The suit said he was carrying the cash because he intended to sell his car and buy a new one in Texas.

The suit said a trooper said his car matched the description a car used in an armed robbery earlier that day in Memphis, and he would have to search the car and did, finding the money in the trunk. He accused Mr. McElrath of carrying it to buy drugs in Texas.

Three other troopers arrived and searched the car, finding what they said were marijuana seeds in the trunk and under the front seat. The money and car were seized. The suit said Mr. McElrath later discovered there was no armed robbery as described by the trooper and, as a result, the officer did not have probable cause.

Crim -  
Race A. Rodham  
Police Misconduct

# Bush gets high marks across GOP spectrum

## Centrist stands don't put off conservatives

By Ralph Z. Hallow  
THE WASHINGTON TIMES

**A1**

Gov. George W. Bush is getting surprisingly good reviews from some staunch conservatives after his first campaign outings in Iowa and New Hampshire last week.

While some conservatives long for the straightforward answers that Ronald Reagan gave, others recognize the times are different and that Mr. Bush seems prepared to beat the Democrats at their own game — centrist posturing to maximize party unity.

On hand to greet Mr. Bush in Iowa were Kayne Robinson, the conservative state GOP chairman, and Rep. Jim Leach, the veteran

liberal Republican House member. Both men were impressed with the young candidate with a fresh face and with the unexpected polish of his mostly young campaign staff and organization.

"This event is phenomenal, the way the Bush campaign people in this state put it together, and the crowds and the enthusiasm George W. is drawing," Mr. Robinson said.

Days later, Mr. Robinson, a neutral in the nomination wars, was almost effusive. Mr. Bush's "tour of Iowa was an outstanding and astounding success because his speeches had substance and the events were very well attended and expertly choreographed," he said.

Mr. Robinson added: "[Mr. Bush] was trying to show above all he could connect with people here in Iowa and that they would find him interesting and exciting. He certainly did that."

"He also got off the stage at times and was in a sea of people, so he broke the ice that way. He showed he could do the kind of campaigning you have to do here. He could [give] both the formal speech and get out in a sea of people and talk one-on-one."

In New Hampshire, GOP state Chairman Steve Duprey checked his own observations with those of other party officials and with rank-and-file Republicans and concluded that Mr. Bush had "done fine."

Mr. Duprey pointed out that Mr. Bush is backed by former Rep. Chuck Douglas, who in 1992 was Chairman of Pat Buchanan's New Hampshire campaign against Mr. Bush's father, then president.

"We had a meeting of [state GOP] executive committee of the Republican Party last night," he said after the Bush visit last week.

"The officers stay neutral, of course, but we discussed what is going on and Bush was the topic of conversation."

"Most of those committee members are pro-life, but I didn't hear anything but mostly enthusiastic and positive reviews, even though some will support one or another of 10 other [GOP] candidates," he said.

"The other thing I've noticed — it seems to be a phenomenon this year — the overriding thing Republicans want is to win the White House back and that is causing some Republican activists and voters to be willing to compromise their ideology to look for a candidate who can win, even if they might not agree with him on every issue," Mr. Duprey said.

Leroy Corey, a conservative activist who has never hesitated to confront the party establishment, concluded that "everything G.W. says so far is fine" on his Iowa swing.

"As conservatives, we'd like to have all the candidates be conservative and basically they are," Mr. Corey said. "Nobody's kidding anybody. Bush has the most money and support. At least, it sure looks that way."

"I preferred Ronald Reagan's straightforward answers," Mr. Corey said. "I think a serious risk is that he won't excite people. People are used to being lied to."

However, he added, "I think GOP activists will understand what [Mr. Bush] means — that he may be being careful for political reasons."

It's not the GOP activists Mr. Corey worries about, the ones who stayed away in the last elections.

"Republican activists can accept that he may speak in moderate language," Mr. Corey said, "but the general public may conclude, well, fine, he doesn't scare us but he doesn't excite us either."

"So far he is doing very well, but I'm one of those who is cautiously optimistic about him," he said.

Stan Mullaney, a county GOP chairman who headed the Conservative Political Victory Fund to raise money for conservative state senate candidates, said of Mr. Bush: "Both his parents are very well respected. There is a little concern, not disappointment, about the tendency to come up with approaches like 'kinder, gentler nation' [the senior Bush's slogan in 1996] and now 'compassionate conservatism.'"

He complained that "it includes an implication that conservatives have a lack of the compassionate end, which I object to."

Still, he said, Mr. Bush "is obviously a man of substance . . . He definitely has the inside track. The thing is, will he keep that up? I think he'll be all right."

The Washington Times

MONDAY, JUNE 21, 1999

Justice Department officials said that they saw the survey results as a solid endorsement of the benefits of community policing, an idea that has been a favorite of Attorney General Janet Reno in pushing for police to become more connected to the neighborhoods they serve.

Many residents in the 12 surveyed cities said they have noticed more of a presence by police in their communities through officers working with youth, attending community meetings or conducting more visible patrols.

### Agency Urged to Invest in Computers for Biomedical Research

By Marlene Cimonis  
Los Angeles Times

WASHINGTON A federal advisory panel recommended Thursday that the National Institutes of Health invest heavily in computer technology and training for government-supported biomedical researchers, saying the coming rush of scientific data and competition from private industry requires this enhanced expertise.

"We're not keeping up," said Dr. David Botstein, chairman of the the department of genetics at Stanford University Medical School and the head of the panel. "It's not enough to teach computer scientists biology, we must teach biologists computer science."

Pharmaceutical and biotechnology companies already have turned to computers to analyze information on new treatments, and to better understand the flood of information emerging from current efforts to decipher the human body's genetic make-up.

The recommendations stressed that federally funded efforts must now do the same, and that they should encompass virtually all aspects of medicine especially biology and genetics or risk losing an important edge in scientific advances.

The recommendations will almost certainly be embraced by NIH director Harold Varmus, who already has indicated his support for beefing up biomedical computing.

He and others have said that many of today's established scientists lack this technical knowledge, which many experts believe will be essential in the coming years. While many researchers, particularly younger ones, are becoming computer savvy, "it is in the interest of the NIH to accelerate the process," the panel's report said.

The centerpiece of the group's recommendations called for the institutes to establish up to 20 training centers to teach computer-based medicine.

With these centers, "The best opportunities can be created for doing and learning at the interfaces among biology, mathematics and computation," the report said. "With such new and innovative programs in place, scientists will absorb biomedical computing in due course ..."

In other action, a second working group recommended that the institutes' Office of Protection from Research Risks which monitors federally-funded research nationwide to ensure that research subjects are protected from harm be removed from the institutes and elevated to the Department of Health and Human Services, reporting to the secretary.

The office has been very aggressive in recent months, cracking down on research hospitals in Los Angeles run by the Department of Veterans Affairs and on Duke University Medical Center. But some critics have raised past concerns about the office's ability to function independently while a part of NIH, an agency it is charged with scrutinizing.

Jonathan Moreno, director of the University of Virginia's biomedical ethics center and co-author of an article last year in the Journal of the American Medical Association which, among other things, called for the office's removal from the NIH, praised the recommendation.

"I think (this recommendation) sends the right message to the general public about the importance of human subjects' protection, as well as to other federal

agencies that sponsor research," he said. This office "should not be situated within an agency that it is itself reviewing. It should have more visibility and be closer to the secretary."

### Gambling Panel's Inquiry a Study in Politics, Insider Clout

By Richard T. Cooper  
Los Angeles Times

WASHINGTON Three years ago, critics of legal gambling's rapid spread across the country persuaded President Clinton and the Republican Congress to launch a blue-ribbon inquiry into its social and economic consequences.

Now, the National Gambling Impact Study Commission, which wrapped up its deliberations in San Francisco Thursday, is preparing to submit its final report June 18. There will be calls to end state lottery advertising that targets the poor, tighten supervision of Indian casinos, curb political contributions by gaming enterprises and devote some gaming revenues to helping pathological bettors.

The commission will also call for curbing the spread of video poker and other so-called "convenience gambling" into neighborhood stores, as well as raising the minimum gambling age to 21 in states where it is now 18.

But none of the recommendations will be binding. And from the beginning, the commission has been so divided and so buffeted by lobbyists and industry advocates that reformers' efforts to achieve more far-reaching reforms or brake gambling's proliferation became exercises in frustration.

The story of what happened to a commission born because of calls to take a long look at legal gambling before it becomes universal is a tale of politics and inside maneuvering. It is also a tale of changing American attitudes and appetities.

Even commission member James C. Dobson, the prominent Christian conservative leader who has said that he receives thousands of messages a month from people ruined by gambling, has bowed to the inevitable.

"The American people want gambling," he said in a recent interview. "As long as they do, it would be foolish for this commission to tell them they can't have it."

Since the last big government study, state and local jurisdictions across the land have become dependent on the \$18 billion annual cornucopia of "free" money from gambling.

And even before commissioners began their work, industry lobbyists were using their insider skills to smother the drive for change. They shaped the inquiry to assure attention to the benefits of legal gaming. Then they marshalled dozens of witnesses and research papers to spotlight the jobs and economic growth gambling can bring, especially to poor areas, and to play down the problem of pathological gambling.

With the commission so evenly divided between friends and foes of gaming, the search for consensus led to continual compromises.

In the end, Frank Fahrenkopf Jr., the former Republican National Committee chairman who heads the American Gaming Association, no longer views the commission with concern.

"I want a report," he said recently, "because I think the research that's been done (under the commission's auspices) supports what we've been saying."

Fahrenkopf has argued that gambling brings harmless entertainment to most customers and jobs to unskilled workers. Where problems exist among what they see as the relatively small number of compulsive gamblers, industry leaders say they should be helped but not by restricting the industry.

What triggered the original demand for a national commission was the explosive spread of legal gambling. In 1976, when the last national commission studied the issue, only 13 states had lotteries, there was no legal casino gambling outside Nevada and only Nevada and New York permitted off-track betting.

Since then, the gaming industry has grown tenfold. Thirty-seven states have lotteries, 21 states have casinos and slightly more have off-track betting. Wagering of some sort takes place in every state except Utah, Tennessee and Hawaii.

Between 1976 and 1997, revenues from legal wagering increased 1,600 percent. Last year, bettors lost an estimated \$50.9 billion, five times the amount lost in 1980.

In addition, two profound changes occurred in the nature of gambling.

First, reversing half a century of public policy, government went from regulating and often suppressing gambling to operating, promoting and benefiting from it.

Second, the technology of gambling has changed. Previously, slot machines, roulette wheels and other gaming devices were expensive and highly specialized. Today, these and other forms of gaming can be offered on the equivalent of small computers.

Proliferation has become easier, policing tougher and given the flexibility of computer programs the distinctions between different forms of gambling harder to maintain.

With its lottery, card rooms, American Indian casinos, more than 30,000 video poker games and uncounted thousands of unauthorized slot machines, California is a potential competitor for Nevada as a gambling mecca. And the 1998 legal battle over California's Proposition 5, which permits the tribes to operate their casinos with little state supervision, as well as Gov. Gray Davis' negotiations with them, reflect issues that also beset many other states.

It was against this background that the national commission was created.

As recently as last month, commissioner Richard C. Leone, a former New Jersey state treasurer and critic of rapid expansion of gaming, told his fellow-commissioners: "The reason we exist as a commission is because some people are troubled by the vast increase in legalized gambling."

Yet commercial gaming got three seats on the commission: J. Terrence Lanni, chief executive of MGM Grand, the huge hotel and casino corporation headquartered in Las Vegas; John W. Wilhelm, president of the Hotel Employees and Restaurant Employees International Union, which represents 75,000 casino employees; and William A. Bible, a former chairman of the Nevada Gaming Control Board and long-time state official.

Robert W. Loesch, a Juneau businessman and leader of the Tlingit/Haida Indian tribe, also served on the panel. He defended tribal gambling and opposed most restrictions. Four other seats reflected the loose alliance between liberals and religious conservatives: Leone, now head of the 20th Century Fund; Dobson, president of the Focus on the Family organization in Colorado Springs; commission chair Kay C. James, a conservative activist and former dean at Pat Robertson's Regent University; and former California Lt. Gov. Leo McCarthy, a Democrat.

Frequently allied with them was Paul H. Moore, a Mississippi radiologist with close ties to Senate Majority Leader Trent Lott, R-Miss.

Tellingly, many of the commission's strongest proposals are aimed at groups that were not represented on the panel. State lotteries, which had no direct representative on the commission, will be chided for allegedly targeting low-income gamblers and for advertising that entices customers without adequate warning of the long odds against winning.

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#### **NYSE to Delay Start of After-Hours Trading** By Walter Hamilton Los Angeles Times

The New York Stock Exchange decided Thursday to postpone extending its daily trading hours until at least the second half of next year, despite plans by competitors to roll out after-hours trading as early as this summer.

Backpedaling from earlier indications that it would introduce late trading this year, chief executive Richard Grasso said the Big Board would first focus on Year-2000 computer upgrades and the implementation of a new system to quote stock prices in decimals rather than fractions.

"At this juncture, it is clearly inconsistent with protecting the public to launch an off-hours session," Grasso said.

The after-hours saga in which the NYSE and Nasdaq both promised late sessions this summer but later backed off to differing degrees demonstrates the tremendous unease felt by the established marketplaces.

The NYSE and Nasdaq had shown little interest in late trading until upstarts Eclipse Trading Inc. and Wit Capital Corp. unveiled proposals for individuals to trade stocks after the close of regular market hours, which are 9:30 a.m. to 4 p.m. Eastern time. These companies now run separate markets used by institutional investors and day traders.

The NYSE and Nasdaq, perceiving unprecedented threats to their business, rushed to say they would match their rivals even though neither had specific plans in place.

The National Association of Securities Dealers, which operates Nasdaq, voted last week to add a second daily trading session from 5:30 p.m. Eastern time to either 9 p.m. or 10 p.m. But after saying earlier that it could start late trading by September, it backed off that timetable last week and refused to specify a start date.

Unlike the NYSE, the Nasdaq is thought to face a more immediate threat to its business. That stems in part from Nasdaq's electronic system, as well as from the fact that it lists many hot high-technology and Internet stocks.

In the first quarter, so-called electronic communication networks accounted for at least 20 percent of the trading volume in Nasdaq-listed stocks, said Bill Burnham, an analyst at Credit Suisse First Boston.

For that reason, Burnham and others think Nasdaq might feel compelled to launch after-hours trading this year.

Eclipse reaffirmed its intent Thursday to offer after-hours trading no later than August.

"We do plan to go ahead this summer," said Michael Sanderson, Eclipse chief executive.

Eclipse and Wit Capital may benefit initially if the NYSE and Nasdaq are absent from after hours, but the private companies would eventually falter once the more powerful players get involved, said Dan Weaver, a finance professor at Baruch College in New York.

Nasdaq and the NYSE would both need approval from the Securities and Exchange Commission to initiate late trading sessions. SEC Chairman Arthur Levitt, while supporting after-hours trading, has emphasized that Y2K and decimal pricing are high priorities.

Opposition from brokerage firms and technological obstacles likely forced the NYSE to put off late trading, experts said.

"The policymakers like Grasso and (NASD chief executive Frank) Zarb make decisions without checking with the technology people," Weaver said. "They say they're going to do it and then they find they can't do it as quickly as they thought they could."

Wall Street firms fear the costs of adding new staff for late trading.

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#### **16 Temps at Microsoft Seek Union Representation** By Leslie Helm Los Angeles Times

SEATTLE In a groundbreaking move that could help shape labor relations in the rapidly growing high-tech sector, a group of 16 temporary employees at Microsoft have organized themselves as a bargaining unit and signed a petition asking a local union to represent them.

Ickes' comments set off a flurry of speculation, rumor and response in Washington and New York, because it seemed to be the announcement that hordes of journalists have been waiting weeks to report. Late in the day, however, Ickes contacted several news organizations, including the Los Angeles Times, and told them that his comments had been misinterpreted by an Associated Press reporter.

"Mrs. Clinton is going to press forward as she has in the past," said Ickes, who almost never makes on-the-record statements about Clinton's potential campaign. "There has been discussion about but no decision made about an exploratory committee, and if I said what I said to the AP reporter, I overstated it."

The first lady on Thursday met with political guru James Carville, spoke at a high school graduation in Washington and posed for an upcoming story in *Talk* magazine, the latest project of Tina Brown, the former editor of *The New Yorker*.

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### Fed Vice Chairman Rivlin to Step Down

By Peter G. Gosselin

Los Angeles Times

WASHINGTON Federal Reserve Vice Chairman Alice M. Rivlin, a staunch supporter of the central bank's strategy of letting the U.S. economy race forward even at some risk of inflation, unexpectedly announced Thursday that she will resign, saying that she wants to devote more time to untangling the finances of the city of Washington.

Rivlin's departure in mid-July is not likely to make much difference to Fed policy, but will give President Clinton the chance to appoint another member to the central bank, which has effectively become the most powerful government manager of the economy in recent decades.

And while her voice on policy was muted, others said that she will be missed as a conciliatory presence.

"She was the glue that held the consensus together," said David M. Jones, a veteran Fed-watcher and chief economist of Aubey G. Lanston & Co. in New York.

For the 68-year-old Rivlin, the departure will mean the end of a string of high-profile, high-pressure assignments in recent years. Before arriving at the Fed in June 1996, she was director of the White House Office of Management and Budget during the height of the budget battles between Clinton and the Republican-controlled Congress that resulted in a government shutdown.

"She's had a role in just about every policy battle that has occupied Washington in recent decades," said Robert D. Reischauer, a veteran economist with the Brookings Institution, the Washington think tank that Rivlin will rejoin when she leaves the Fed. "She's had a remarkably varied and productive career in policy-making in Washington."

Originally, Rivlin was not expected to wield much influence at the Fed, in part because she was replacing Princeton economist Alan S. Blinder who clashed with Fed Chairman Alan Greenspan and in part because her specialty was the nuts and bolts of government budgets, not monetary policy.

But analysts said she made a name for herself by tackling arcane technical issues faced by the Fed and settled in as a staunch ally of Greenspan in his struggle to maintain low interest rates even in the face of trends that seemingly could spark inflation.

Besides her policy role, she is widely credited with improving the internal management of the Fed, which appeared at times sleepy, and with advancing the careers of women at the male-dominated institution.

Friends said one factor in her decision to resign was that her husband, economist Sidney G. Winter, recently was treated for prostate cancer.

Rivlin used the occasion of her resignation letter to praise Clinton and Greenspan.

She called the Greenspan-era Fed "a strong bulwark of U.S. economic policy," and said: "I believe we have contributed to keeping the American economy growing and reducing strains in the international financial system."

She said that it had been "an enormous privilege to serve the president and help put together the policies that turned that huge budget deficit into a surplus."

"We did the right thing and it worked!" she wrote.

Rivlin loves the intricacies of government policy, a fact that she demonstrated most recently by accepting the apparently thankless job of heading the District of Columbia Financial Assistance Authority, which is trying to help Washington's municipal government dig out of decades of mismanagement.

Besides serving on the Fed, in the executive branch and in city government, Rivlin also has done a stint in the legislative branch. She was the founding director of the influential Congressional Budget Office from 1975 to 1983.

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### Many Blacks in L.A. Are Satisfied With Police, Survey Says

By Eric Lichtblau and Matt Lait

Los Angeles Times

WASHINGTON Despite a rash of racially explosive episodes in recent years, blacks in Los Angeles voice overwhelming satisfaction in their local police, according to a survey released Thursday by the U.S. Justice Department.

In fact, while the survey of a dozen cities around the country found that blacks nationwide are less likely than whites to be satisfied with the police, the racial divide is smaller in Los Angeles than in the average for the other cities.

The federal survey the first of its kind in 20 years found that 82 percent of blacks polled in the city of Los Angeles last year said they were satisfied with police serving their neighborhoods, compared to 89 percent of whites and 86 percent citywide. Nationwide, the overall satisfaction rate was 85 percent.

The findings surprised experts and community activists in a city where minorities have clashed repeatedly with police over such controversies as the Rodney King beating, the 1992 riots, the O.J. Simpson murder trials, allegations of racial profiling and, in the most recent imbroglio, last month's fatal shooting by police of a homeless black woman.

"That's an impressive percentage," John Mack, president of the Los Angeles Urban League, said of the satisfaction level among blacks, "frankly, higher than I would have expected."

The findings are more perplexing still because the survey also found that Los Angeles' blacks, for all their positive attitudes toward police, said they were victims of violence nearly twice as often as whites.

The rate of violent crimes reported in Los Angeles was slightly lower than the national average, with 65 reports per 1,000 residents. For blacks, however, there were 114 reports of violence per 1,000 residents.

Civic leaders said the survey's high levels of police satisfaction across racial lines may reflect the continuing decline in crime, better civilian police oversight, progress in community policing and improved leadership at the Los Angeles Police Department.

The Justice Department does an annual survey on crime victimization nationwide, but Thursday's report was the first in 20 years to do a more detailed analysis of selected cities, including Los Angeles and 11 others. Nearly 14,000 people were surveyed over a four-month period in 1998. The poll, which had an overall margin of error of plus or minus 5 percent, broke down the results for blacks and whites, but not for other racial groups.

Deputy Attorney General Eric H. Holder Jr., releasing the survey in Washington, said that although he was encouraged by the positive attitudes toward police he was troubled by the fact that 24 percent of blacks nationwide said they were dissatisfied with their local departments. For whites, the figure was 10 percent.

Police officials should recognize that "there is still too great a gulf between the views of the minority community and white residents," he said.

*Crime -  
Police  
Misconduct*

Los Angeles Times

WASHINGTON: There were no triumphant grins in NATO capitals Thursday, no cheers or church bells, and the word "victory" was spoken not at all.

On paper, Yugoslavia's acceptance of the alliance's demands for peace after a grinding 72-day air war should qualify as a remarkable success for NATO arms and big-power diplomacy.

But the grim realities of the Balkans got in the way of any temptation to celebrate.

"There were no smiles, no high-fives," a White House aide said of the moment President Clinton got word that the Serbian parliament had approved the peace terms. "It was, 'This is good, but we've got to be cautious.'"

First, Clinton and his NATO colleagues don't dare claim success until Yugoslav President Slobodan Milosevic actually withdraws his troops from the province of Kosovo. "We've been fooled by this guy too many times before," a senior State Department official said.

Second, making the agreement work entails a long list of headaches: monitoring the withdrawal of Serbian forces; returning well in excess of a million refugees to their homes, and disarming the rebel guerrillas of the Kosovo Liberation Army. "There's an incredible amount of work to be done," Secretary of State Madeleine Albright said.

And third, even if the Kosovo agreement holds, the United States and its allies still face a host of long-term problems in the Balkans. Milosevic backed down, but he remains in power, indicted on war-crimes charges and still a potentially disruptive force in the region.

The United States and its allies waged a deliberately limited war against Yugoslavia in pursuit of limited objectives and that's what they achieved: a limited success.

NATO succeeded most clearly in keeping its own costs down: The alliance stayed together, the nightmare of a ground war was averted, and only two Americans died.

But in its original goal, the protection of Kosovo's ethnic Albanians, the alliance failed completely. Much of the population was driven out. Thousands of people, Albanian and Serb, died. Serbia and with it, Kosovo suffered immense economic damage.

The agreement struck Thursday doesn't solve the Balkans problem; far from it. After eight years of blocking Milosevic's ambitions to create a greater Serbia, NATO governments are discovering that they have now acquired the mission of protecting five vulnerable places

not only Kosovo, but Albania, Macedonia, Montenegro the smaller Yugoslav republic, one dominated by Serbia and Bosnia-Herzegovina as well.

"It may be that this is a victory, but we won't know that for a while," said Michael Mandelbaum, a foreign policy scholar at the Council on Foreign Relations. "It leaves everything important to the implementation phase. It will take a long time and cost a great deal. We may have to patrol this agreement forever."

"Milosevic may calculate that he has some advantages," he added. "He's there, we're not. He has a vital interest in the outcome, we don't. And he's willing to take casualties, we're not. The devil really is in the details."

"The test will be: How many refugees come back? They will be the ones to ratify this outcome with their feet."

When Clinton and his allies announced their decision to launch airstrikes against Milosevic, they said their first aim was to deter him from expelling the ethnic Albanians from Kosovo, where they made up 90 percent of the population.

The NATO airstrikes didn't cause "ethnic cleansing" in Kosovo the process had already begun but it appeared to accelerate it. And it was painfully incapable of deterring it.

"This has to be counted as a mixed outcome more than a limited victory," said Richard Haass, a former

official in the Bush administration now at the centrist Brookings Institution.

"The basic purpose of this humanitarian intervention was not met. The humans we intended to help got hurt instead," he said. "The bombing had a lot of costs: direct costs to us, humanitarian costs on the ground, diplomatic costs in our relations with Russia and China. But the biggest cost was that 95 percent of the people we set out to protect became vulnerable."

"This was not a victory for coercive air power. Air power turns out not to be a useful tool in humanitarian interventions. It worked, eventually but it worked only after it failed."

Part of the problem, Haass said, is that the Clinton administration and NATO designed their war strategy by first deciding what kind of casualties they were willing to bear and then adjusted their goals accordingly.

"We got it backwards," he said. "We started out by stating what we wouldn't do; we wouldn't launch a ground war. These arbitrary limits on means drove our ends, rather than the other way around. The avoidance of casualties seemed to be the highest consideration."

Mandelbaum agreed. "It is certainly true that the bottom line of this war was: 'No casualties.' And if this settlement holds, Clinton can legitimately claim that he won this war with no casualties," he said.

That has become the standard for U.S. military intervention abroad since 1993, when a humanitarian mission in Somalia turned into a political debacle at home after a battle in which 18 U.S. soldiers died.

"From Somalia onward, the lesson we have learned is that the American public is willing to support these acts of international social work as long as there are no casualties," he said. "The public attitude is: You can station our armed forces anywhere you want, in New Jersey or Germany or Bosnia; just make sure nobody gets killed."

On Thursday, Albright and other U.S. officials turned aside questions about the long-term lessons of the Kosovo campaign; it's too early to know, they said.

But Mandelbaum and Haass said the lessons need to be considered

because the Balkans and other reasons will produce more crises that raise the question of military intervention.

One lesson of Kosovo, Haass said, is "how difficult it is to do these things."

"This will have a sobering effect on Clinton's successors," he said. "It will discourage them from sending troops too easily. My hunch is this will raise the bar. And that's probably a good thing."

## New York Congresswoman Won't Run for Senate By Josh Getlin

Los Angeles Times

NEW YORK In a move that clears the way for Hillary Rodham Clinton to run for the U.S. Senate, Rep. Nita Lowey, D-N.Y., announced Thursday that she is dropping out of the race. Lowey informed Clinton of her decision in a telephone call and offered her support to the first lady.

"Nita called the first lady, told the first lady that it was clear to her that (she) was going to run for the Senate and that therefore Nita was going to run for the House," said the congresswoman's spokesman, Howard Wolfson. In a brief statement issued at the White House, Clinton thanked the congresswoman for her support.

The story was briefly overshadowed, however, by what seemed to be a dramatic announcement that Clinton would be forming an exploratory committee next month to run for the seat being vacated next year by Sen. Daniel Patrick Moynihan.

According to an afternoon Associated Press story, Harold Ickes, a top adviser to the first lady, had said she "will be forming" an exploratory committee early next month. Later, he told the wire service she had "every intention" of forming such a committee.