

The Misuse
Of
Police Authority
In Chicago

**A Report and Recommendations based on hearings before the Blue Ribbon Panel
convened by the Honorable Ralph H. Metcalfe, Representative, First Congressional
District of Illinois, on June 26, July 17, July 24, and July 31, 1972.**

"Mr. Superintendent, you will be hard pressed to go into any home in the black ghetto and not find at least one member of that household who either feels that they have been abused verbally and physically by some member of the police force, or has first-hand information of such an incident."

United State Representative,
Ralph H. Metcalfe to Superintendent
of Chicago Police, James B. Conlisk,
Jr., at a meeting held on March 20,
1972, attended by community leaders.

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THE BLUE RIBBON PANEL

Chairman

Honorable Ralph H. Metcalfe, Representative
First Congressional District of Illinois

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Attorney Kermit B. Coleman

Members

Mr. Felipe Ayala, Co-Convenor of the Concerned Citizens for
Police Reform and the Illinois Chapter of the Midwest
Council of LaRaza.

Mr. Andrew Barrett, Executive Director of the Chicago Chapter
of the NAACP.

Mr. Edwin C. Berry, Assistant to the President, Johnson
Products.

Mr. Eriberto Campos, Joint Civic Committee for Mexican Affairs.

Mrs. Lenora Cartwright, Assistant Professor of Urban Studies,
University of Illinois, Circle Campus.

Atty. James Clement, law firm of Dressler, Goldsmith, Clement
and Gordon.

Mr. James Compton, Executive Director of the Chicago Urban
League.

Rev. Clay Evans, Pastor of the Fellowship Baptist Church and
Chairman of the Board of Operation PUSH.

Mrs. Nancy Jefferson, Executive Director of the Midwest
Community Council and Vice-President of the League of
Black Women.

Mr. John McDermott, Associate Director, Community Renewal
Society.

Mr. John McKnight, Professor and Assistant Director of the
Center for Urban Affairs, Northwestern University.

Atty. E. Duke McNail, President of The Woodlawn Organization.

Mr. Russell Meeks, President, Search for Truth, Inc.

Rev. Jack Mendelsohn, Pastor of the First Unitarian Universalist Church.

Father Terry Niebrugger, Pastor of the Corpus Christi Catholic Church.

Dr. Maceo Pembroke, Pastor of the St. Mark Methodist Church.

Mrs. Mary Price, President of the Building Council of Robert Taylor Homes.

Mr. Noah Robinson, Executive Director of Breadbasket Commercial Association and Consultant to SCLC.

Mr. Jon Waltz, Professor of Evidence from the Northwestern University Law School.

Mrs. Ozzie Watson, a member of the Tenant's Council of Robert Taylor Homes.

Staff

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Mr. Ralph H. Metcalfe, Jr., Hearing Coordinator.

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INTRODUCTORY STATEMENT OF THE CHAIRMAN

This report of the Blue Ribbon Panel is based on testimony from four days of public hearings held in Chicago in June and July, 1972.

While abusive police treatment of citizens has been a major issue for years, the community outcry against abuse of authority by Chicago policemen increased sharply in 1972.⁽¹⁾

Numerous complaints of mistreatment by police were received from citizens across the city, and community groups sought, without success, to obtain a meaningful response concerning abusive police conduct from the responsible public officials. Further, there was a growing concern about the high crime rate in inner city communities; the community was gravely distressed at the possibility that some of the policemen responsible for protecting the rights of citizens appeared to be mistreating them instead.

Accordingly, the Blue Ribbon Panel was convened: a group of private citizens representing a cross-section of the professional and ethnic communities of Chicago, to hear testimony concerning the occurrence of abusive police conduct, its causes, and its possible remedies.

(1) For a detailed description of the events leading up to the hearings before the Blue Ribbon Panel, see the Appendix.

The purpose of the hearings was to allow private citizens, concerned organizations, police officials and appropriate experts the opportunity to make their views known through public testimony. Included in the testimony, which is synopsized in Section I of this report, are accounts by private citizens having firsthand knowledge of abusive police conduct, representatives of several major police and civic organizations, and recognized experts from the fields of social psychology and law. Police officials declined invitations to testify.

In Section II, the findings of the Blue Ribbon Panel are stated. These are founded upon the testimony from last summer's hearings, but also draw at appropriate points upon other significant studies and developments that have occurred in the interim.

A primary purpose of the Panel's hearings was to formulate recommendations for steps that should be taken to eliminate abusive police conduct and improve police performance in Chicago. The Panel's recommendations are set forth in Section III.

This Report addresses itself to a crisis in police-community relations in Chicago; the misuse of police authority, at all levels of the Police Department and related agencies. That crisis has not diminished in the months since the Blue Ribbon Panel's hearings, but rather grown, as documentation of police misconduct and misadministration has grown, and the inaction of the responsible public officials has continued.

The time for action, for police reform, has come. The Blue Ribbon Panel has served the community well by its careful Report and Recommendations; now the members of the Panel will work for the prompt implementation of those Recommendations, and we trust the community will join us in that effort.

Honorable Ralph H. Metcalfe
Chairman, Blue Ribbon Panel

Part I

SYNOPSIS OF TESTIMONY
BEFORE THE BLUE RIBBON PANEL

The hearings of the Blue Ribbon Panel into the misuse of police authority in Chicago were held in the Everett Dirksen Building on June 26, July 17, July 24 and July 31, 1972. The first two days were devoted to hearing testimony from persons who charged that they had been victims of police abuse and brutality or had been witnesses to such acts. The third day involved persons knowledgeable about police administration. And on the fourth day testimony was taken from experts on psychological and legal aspects of police problems.

THE FIRST TWO DAYS: THE COMPLAINANTS

Dr. Herbert Odom, Black and a practicing dentist, told of being stopped by two White policemen on March 13, 1972, for not having a light over his rear license plate, a minor traffic violation. When Dr. Odom protested being searched in the street, the officers used excessive force, he said, by throwing him onto the hood of his car and applying handcuffs. He said that the handcuffs were secured so tightly that they injured his wrists. Despite repeated requests, the policemen refused to loosen the handcuffs. Dr. Odom was forced to cancel a surgical operation scheduled for the next morning. Throughout the conversation, the policemen addressed Dr. Odom as "Herbert." He characterized his treatment by the two officers as abusive. He filed a complaint with the Internal Affairs Division (the "IAD"). Dr. Odom was asked to take a lie detector test. His counsel, knowing that the Police Department always sends complainants to Reid & Associates, which has the reputation of supporting the police, sent him to an independent firm first.

Test results from the independent firm indicated that Dr. Odom was truthful while the results from Reid & Associates indicated that he was not truthful on some occasions and that a determination could not be made on other occasions. Dr. Odom was not notified as to what disciplinary action, if any, was taken against the policemen.

Mrs. Ardale Calvin, Black, a mother and nurse, was stopped by two officers on August 2, 1972, who said that she has "bad fumes" coming from her car. When she offered to accompany the officers to the station to verify her contention that no improper fumes were coming from her car, Mrs. Calvin said that they refused to let her drive her car to the police station, telling her to come to their car. When she asked why she couldn't drive her own car, the officer grabbed her arm, trying to pull her out of the car.

Frightened, she jumped out the other side, whereupon the officer whirled her around by her shoulder and punched her in her mouth. Mrs. Calvin said that the blow knocked out a tooth, caused great bleeding and unconsciousness. Her lip required six stitches. She complained of tight handcuffs, but the officers would not loosen them.

Seven charges were lodged against Mrs. Calvin. She said that she was offered a deal in court wherein if she would "admit" that she hit the officer, all charges would be dropped, but she refused to cooperate. Including charges for police towing of her car, medical care, and fines levied by the courts, Mrs. Calvin spent a total of \$217 as a result of this encounter. Mrs. Calvin filed a complaint with IAD with the names of witnesses but she was never contacted or informed of the results of the investigation.

Mrs. Roxie Fitzpatrick, Black, a mother who has held the same employment for 28 years, told of events surrounding the killing of her son, Cornell, by an off-duty policemen at Kenwood High School on February 15, 1971.

A Blue Ribbon Coroner's Jury recommended that the police officer be charged with involuntary manslaughter. At this hearing, the police officer who killed Cornell, the fireman who was a part-time security officer at the school and another Chicago policeman testified that they saw a gun in the hands of Cornell Fitzpatrick. Several teachers and students testified that they did not see a gun in his hands. The policeman who shot Cornell testified that he picked up the gun from the floor and put it in his pocket. Then he pulled it out of his pocket and put it back on the floor. He then picked it up again and put it in his pocket.

The Cook County Grand Jury refused to indict the officer who shot Cornell.

Mr. Luther Hughes, Black, a father who has worked for International Harvester for 25 years, was apprehended on March 2, 1972, by two White policemen for "weaving" his car in traffic. The officers confiscated an open bottle of whiskey from the car and let Mr. Hughes go. He then noticed that his wallet, containing about \$250 (he had just cashed his paycheck) was missing. The last time he saw it was when he left it on the front seat of his car when the officers asked him to step outside. He asked them

about it, and they told him to report the incident to the 75th Street Station. Mr. Hughes was not charged with any law violations.

Mr. Hughes filed a complaint with the Internal Affairs Division of the department, and soon thereafter received an anonymous phone call telling him to meet an unidentified person at a gas station at three a.m. and he would get his money back. Afraid, he did not keep the appointment and has not yet recovered his money. Mr. Hughes was never informed of the results of the IAD investigation.

Mrs. Mildred Isom, Black, a mother and housewife, alleged brutal treatment by a Black police officer who had been called to investigate a burglary at a neighboring convent on May 13, 1972. The officer came to her door and asked if she had called the police. Mrs. Isom said that she had not. The officer asked her again if she was sure that she didn't place the call. When she informed the officer that if she had called him she would tell him so, he became belligerent, calling her an "ADC slut." When she asked him to identify his superior, the officer pulled her out into the street, handcuffing her. When the officer tried to prevent Mrs. Isom from talking to her daughter, who had become hysterical, she told him that the only way that he could stop her was by shooting her. She said he replied that shooting her "would not be hard to do." Mrs. Isom was not allowed to put on clothes over the nightgown she was wearing and was taken to a police station, her children left unattended. No charges were pressed.

Mr. Richard Leftridge, a Black self-employed Chicagoan, described an encounter with Chicago policemen on February 25, 1972, in which he lost an eye. He became involved in an altercation between a lady friend and her landlady, during which police were summoned. When Mr. Leftridge's friend cursed one of the officer's in the midst of a heated discussion, the officer struck her on the head with a black-jack. When he told the officer that the physical violence wasn't necessary, Leftridge was attacked by seven policemen. One hit him in his eye with a black-jack. Then they handcuffed him and pushed him out the door with such force that he nearly fell over the banister. They slammed the door of the police car on his foot as they put him in. Three days later, Leftridge's left eye was removed. While there was one Black policeman on the scene, he did not take part in the altercation. Mr. Leftridge did not file a report with the IAD because he felt it to be useless. Mr. Leftridge was charged with interfering with police duties, disorderly conduct and assault.

Mr. Willie Dees, A Black cab-driver and father of eleven, rendered an account of June 22, 1971, when the police ransacked his home and brutalized his four teen-aged sons. The youngest son, age 13, had broken a neighbor's window and she called the police. They came into Mr. Dees apartment and apprehended the youngest son. In the process they wrecked the house and beat the three oldest sons. Mr. Dees said that his neighbors estimated that "70 or 80" police officers were on the scene.

Mr. Johnny Dees, 19-year-old son of Willie Dees, said that an officer pointed a .357 magnum at his head during the above incident and profanely threatened to "blow his brains out" if he made a move. About twelve policemen took him into a bedroom and kicked and beat him. His fiancée was pushed down and the 13 month old baby in her arms hit his head on the floor. Mr. Dees was highly critical of the behavior of the policeman, particularly since the woman whose window was broken told them that she wanted to drop all charges. He recounted being shackled with handcuffs on both wrists and ankles and literally being thrown into a police wagon.

Mrs. Bennye Moon, Black, widow and mother, described an incident in August of 1968 involving herself and her then pregnant daughter. When neighbors called police to quell an argument between Mrs. Moon's son and daughter-in-law, the officers became abusive of her son. Mrs. Moon said that when she protested, a policeman pistol whipped her, breaking two ribs and dislocating her shoulder. Mrs. Moon's seventeen-year-old daughter, then with child, told the policeman not to hit her mother. The officer then hit the young lady in her stomach. She suffered blackouts until her baby's premature birth. Her son was born with a blind, sunken eye and a dislocated, perforated heart. Mrs. Moon filed a complaint with IAD and was told that the policeman acted improperly but was not informed whether the policeman was punished.

Mr. Flemon Pullens, Black, father and postal employee, was approached in the alley behind his home by two police officers as he was garaging his car on April 22, 1972. Asked what he was doing there, Mr. Pullens replied that he was parking his car and

that he lived there. The identification cards which he produced when asked, were never examined by the officer, who asked Mr. Pullens to step out of his car. Standing next to the door, Mr. Pullens offered to take the officers to his home, to prove that he lived there.

At that time, an officer snatched him away from his car by the arm. When Mr. Pullens began shouting for help another officer grabbed his neck and choked him against his car. The officer covered Mr. Pullens' mouth with his hand, attempting to muffle his shouts. When another officer hit Mr. Pullens on his head, he winced in pain, biting off the fingertip of the officer who held his hand over his mouth. The officer then beat and kicked him. One white officer said "you dirty Black nigger s-- of a B----" and repeatedly called him "nigger." The witness displayed scars on his face and head from the beating.

Mr. Michael Perry, White, age 23 and without sight since birth, told the panel how he was beaten by a police officer for no apparent reason on April 26, 1971. A man stopped him on his way to his apartment and asked to talk with him regarding a complaint from a neighbor. When Mr. Perry informed the man that he did not wish to speak with him, the man asked "You can't see I am a police officer?" Mr. Perry told him that he couldn't because he was blind. The officer then struck him about ten times in his head with a billy club, handcuffed him, and pushed him down the stairs. Mr. Perry filed a report with IAD and was informed that it was not sustained. Later, an officer on the street said "aren't you the blind bastard that goes down to the

IAD and reports us?"

Mrs. Laura Gonzalez, Puerto Rican, an import-export traffic manager, was returning home on February 14, 1969, after taking some friends to their house, and stopped for a stop sign at an intersection. As she started into the intersection, a rapidly approaching police car stopped. An officer asked her for her driver's license, and Mrs. Gonzalez found that she had left it at home which was a half block away. The officer agreed to accompany Mrs. Gonzalez to her house. After she produced her license, the officer told her to get back in her car. She refused, and he began to curse her loudly, drawing the attention of her neighbors.

She got into her car and followed him to the intersection where he first stopped her. The officer gave a hand signal which Mrs. Gonzalez interpreted to mean that she was free to go and she turned right. The officer turned left. Within a very few minutes, about ten police cars surrounded the home of Mrs. Gonzalez. She was dragged from her car and taken to the station, where she was called a "dirty Puerto Rican." The officer dumped the contents of Mrs. Gonzalez's purse on the floor, explaining that he was looking for weapons. After she picked up her belongings on hands and knees, she was placed in a paddy wagon and taken to the police headquarters. Mrs. Gonzalez was not allowed to park her car. She was locked in a room, crying, for seven hours. When Mrs. Gonzalez was finally released, she went to get her car. It had been towed to the car pound, the lights had been left on, and the battery was dead. She had to have it towed from the pound. Mrs. Gonzalez did not file a complaint

with IAD because she was afraid.

Mr. Charles R. Thornhill, Black, husband, father and gym teacher, recounted being stopped on June 29, 1969, by two policemen who snatched his driver's license out of his hand and would not tell him why they stopped him. The officers' response to Mr. Thornhill's repeated inquiries as to why he was being detained was that Black people always try to give the police a hard time. They asked him, a middle-aged man, if he belonged to the Blackstone Rangers or the Black Panther Party. The officers intimated that they did not believe him on this matter. Mr. Thornhill, angry, snatched his license and returned to his car. An officer whirled him around by his shoulder, knocked him down, and beat him. Attacking him with black-jacks, fists and feet in the groin and elsewhere, one officer said, "let's kill this Black m----- f-----."

By this time, from twelve to fifteen White officers had joined in the beating. He was taken to the police station in a wagon in which he waited more than half an hour. One officer had sprayed Mace in the wagon and shut the door, leaving Mr. Thornhill locked in a wagon full of the irritant. He posted \$3,000 bond on charges of resisting arrest, failure to produce a driver's license, assault, aggravated battery, and making an illegal U-Turn. He says that he was offered a deal by the judge for a two-year probation in return for a plea of guilty. Mr. Thornhill refused. He is currently appealing a sentence of two to five years in the state penitentiary. Mr. Thornhill filed a complaint with the IAD and witnesses who saw the incident called the IAD to give infor-

mation. The IAD never informed him of the results of their investigation.

Mr. John Lewis, medical technologist and father of five, told of events surrounding a parent-principal conflict at Whistler Elementary School in February, 1972. He and several other parents whose children attend Whistler were arrested and abused following a demonstration outside the school, in which they were demanding the resignation of the principal. One morning some of the Black parents, mainly women, gathered near the school while waiting for their fellow demonstrators to arrive. A white officer "moon-lighting" as a security guard at the school kicked a door out onto the backs of some of the mothers, knocking one to the ground. He then began kicking and shoving the mothers. A young man rushed to aid the women and he was hit and handcuffed.

Mr. Lewis said that when he and other men arrived, the officer and another policeman who had joined him, hesitated. They then announced that all the parents were under arrest. The parents went peacefully to the station where all were charged with three or four offenses including aggravated battery, resisting arrest, and mob action. An ex-police officer, whose wife was arrested, heard her cry out as he entered the station. When he asked the two arresting officers what they were doing to his wife, they knocked him down and charged him with aggravated battery and resisting arrest. Others who were arrested were present at the hearing and concurred with Mr. Lewis' representation of the incident. A complaint was filed with the IAD but no results of the investigation were given to Mr. Lewis.

He said that the group has no faith in the IAD because complaints from the Black community have traditionally been tossed into a "dead letter basket."

Mr. Edward Dolberry, was killed by two Chicago policemen on June 26, 1972, the date of the first Blue Ribbon Panel hearing into Misuse of Police Authority. At that time, General Counsel Kermit B. Coleman informed the panel in his closing statement that there had been a police killing of a Black man, and noted the irony that such an occurrence would take place on the day of the first hearing. Mr. Coleman read from an eye-witness account of the murder at the second hearing. The witness stated that Mr. Dolberry was walking on Madison Avenue, throwing a butcher knife up in the air and catching it, as a child might. The witness saw a police car make a U-turn and accost Mr. Dolberry. Three White policemen approached him with drawn guns. They surrounded him, and holding their .44 Magnums with both hands, began to shoot Mr. Dolberry; firing several volleys at close range even after they had shot the knife from his hands. The witness stated that Mr. Dolberry's body was fragmented from the shooting, and that the officers seemed to enjoy killing him.

Mr. David Aguina, Latino, husband and father of four children, informed the panel of the circumstances surrounding the death of his brother, Bruce, at the hands of a Chicago policeman, on February 4, 1972. Nineteen-year-old Bruce met his death in the men's washroom of a drug store in the heart of Chicago's loop. Through the police officer who killed Bruce claimed that his gun went off accidentally when he hit Bruce on the head following

an alleged attack, the coroner's inquest failed to show any bruises or powder burns on Bruce's head. The lone eyewitness to the killing was in a toilet booth. He said that he heard no unusual noises or conversation until he heard what he thought was a door slamming. Then, hearing someone stumble to the floor, he got up to investigate and saw Bruce lying on the floor. The witness, according to Mr. David Aguina, said that the officer then put his gun to the witness's head. Mr. Aguina said that when a member of a Mexican-American organization interviewed the officer, he stated that he thought Bruce was Negro, and that he feared Negro youths because he had been jumped once before. The witness was charged with aggravated battery, but was subsequently acquitted. The IAD investigated but the results are unknown.

Mr. Lester Jackson, husband, father, contractor, has been active in the West Side community organization for years. One April 7, 1968, Mr. Jackson was host to a meeting at his home of people who were concerned about the death of Dr. Martin Luther King, Jr. After the meeting adjourned the wife of one of the men attending the gathering returned to the house, informing Mr. Jackson that her husband was being arrested. Jackson investigated, and was kned in the groin and maced by a White officer. He was charged with resisting arrest and interfering with a police officer and held incommunicado for sixteen hours. When his case came up in "Riot Court," he was sentenced to twenty days and a year's probation. Mr. Jackson, a leader in the community for years said that he never heard of

a complainant receiving a favorable response from the IAD.

Miss Gail Dodd, a seventeen-year-old college student, testified to being brutalized by a Chicago policeman when she was sixteen. On October 5, 1971, a Black officer drove up as Miss Dodd was conversing with a friend in front of a drugstore in her neighborhood. Her girlfriend started walking at a rapid rate, warning her to get away from that officer, who was notorious in the community for mistreating young Blacks. Pointing to the two young ladies, the officer said he wanted to talk with them. Miss Dodd remained silent and the officer told her that she must not have known who he was. She replied that he didn't know her either, and he informed her that she was under arrest. He told her to get in the car and she complied. He said that he was going to first write down a charge of resisting arrest, then he was going to slap the s--- out of her. She told him that he was not going to slap her and a tussle ensued.

The officer summoned his colleagues over his radio, and several squads soon appeared. Seven or eight officers knocked her girlfriend to the ground and beat her. They then handcuffed Miss Dodd, threw her on the ice cream counter of the drugstore, lifted up her dress, and beat her about the head until she began to bleed. At the station, she and her friend were referred to as "bitches" by the sergeant who had supervised the beatings. They were detained for six hours before they were taken to the hospital. Miss Dodd spent the night in the Audy Home, a reformatory.

Charged with disorderly conduct, resisting arrest and two counts of assault and battery, she was released to the custody of her parents by a judge who commented that if two police officers were beaten up by two little girls, they deserved it. Miss Dodd said that she has been harassed at school since the incident by the same officers, and testified that they broke up a surprise birthday party, telling all her friends that they were under arrest. Miss Dodd said that she did not file a complaint with the IAD "because we were told anything we told them, they only relay it back to the police officers and they could use it against us, and they would know what we were planning to do."

Mr Edward Maydon, Latino, a machinist for fourteen years, alleged that he was brutalized because of his race on March 13, 1971. An Anglo police sergeant whom Mr. Maydon had known for some time stopped him on his way into a restaurant. The officer pushed and shoved him across the street in a provocative manner. Mr. Maydon described the officer as 'wild.' The officer snatched Mr. Maydon's beret off his head and began to pistol-whip him, striking the back of his neck five or six times. Referring to him and his companions as "wetbacks." the officer placed them in a patrol wagon. At the station, a sergeant told him that 10th Ward Alderman and Committeeman, Edward Vrdolyak had told him to help keep Blacks and Browns out of the East Side. Mr. Maydon and his friends were released, never having been charged with a crime.

Rev. Calvin Turner, president of the National Association for the Advancement of All People, related a frightening experience

on June 2, 1972, in which he was followed by a car with no license plates and no city sticker. Rev. Turner is active in the anti-narcotics movement, and feels that he was being intimidated in connection with those activities. He stopped his car, got out, and went back to the licenseless car asking why he was being followed. The driver pulled his gun and said: "Nigger, I'll kill you." Rev. Turner finally got the driver to show his police badge and identification. Rev. Turner was charged with assault and battery. He filed a complaint with the IAD but was not informed of the results of their investigation.

Fr. Dennis Kendrick, a Roman Catholic Priest, recounted an instance of police brutality and insensitivity at a teenage dance in the Cabrini-Green housing project on December 26, 1970. A police officer had been shot some six blocks away, and Fr. Kendrick heard frantic pleas for help over the radio of a policeman who was with him. Two police cars and a squadrol with lights flashing pulled up in front of the school. Fr. Kendrick turned to see an officer beating two youths who were leaving the dance. Police officers with drawn guns and patrol sticks began running at other young adults who were leaving the dance. He saw a young man pushed to the ground, his head injured. When he tried to stop the beating of the injured youth's cousin, who had asked the officers what his cousin had done, Fr. Kendrick was threatened with billy clubs and dragged from the scene. The watch commander pushed him up against the car and held his arm across his throat. A Black police officer, Robert Irvin, came to his aid and calmed his fellow officers. Fr. Kendrick

filed a complaint with IAD. He took a lie detector test from John Reid & Associates which indicated he was telling the truth except as to one question which was indefinite. He was not informed of the results of the IAD investigation. Fr. Kendrick had told a police captain that he would be satisfied if a particular officer was transferred from the district.

Officer Robert Irvin, a Chicago policeman, took the stand and testified that after he intervened in the dispute between Fr. Kendrick and the police officers, he returned to the district station, where some of his fellow policemen called him a "Black Panther militant," a Black m----- f-----," and a "prejudiced s.o.b." He stated that the acting watch commander and the commander's son engaged in the jeering. He testified that he has been the victim of constant harassment on his job in the two years since the incident happened. Officer Irvin did not know the results of the IAD investigation of the above incident.

Mrs. Catherine Shafford, a wife and mother of five, sent her 20 year old son to a neighbor's home on June 23, 1972, to bring back a motorbike that her younger son had been working on during the day. She went out to the alley as her son approached their garage and saw two policemen tell her son that they had been chasing him. The young man explained that he was walking the bike home and that they must have been chasing someone else. As he was putting the bike in the garage, his sixteen year old brother went to pull the door down. One officer grabbed the younger brother and drew his revolver. When Mrs. Shafford protested this action, she was knocked down by a blow to her

back. She estimates that 15 officers were then on the scene. Protests from her husband did not stop the policeman from abusing two of her sons.

These young men and their 17 year old sister were all taken to the station, where they were refused medical attention for several hours. When they returned to the station from the hospital, a sympathetic white officer suggested that Mrs. Shafford contact Congressman Metcalfe to report her experience. The younger son and his sister were released without being charged with any crime. The older son was charged with resisting arrest, fleeing and eluding the police, no license on the bike, no state sticker and disorderly conduct. A complaint was filed with the IAD. Letters were received requesting the younger brother, sister and father to come down to the IAD office and make a statement.

THE THIRD DAY: POLICE PERSONNEL²

Officer Howard Saffold, a policeman for 8 years and President of the Afro-American Patrolmen's League testified that the respect and confidence of Black citizens towards the police was constantly declining. He attributed this condition to the (1) numerous complaints of police brutality of which less than 2% are sustained; (2) the poor police service in Black and other minority communities; and (3) the open and notorious police corruption, none of which the police department themselves have attempted to eradicate.

Officer Saffold also pointed out the serious friction that exist between white and black officers. He attributed this to the type of treatment by supervising personnel toward black officers when they complain about unfair treatment of citizens by some of their white counterparts. When a black officer registers this type of complaint he is automatically labeled a trouble maker, and on many occasions will then become the victim of numerous disciplinary actions. Officer Saffold further stated that the percentage of Black policemen (15.9%) was inadequate and should reflect more closely, the number of blacks in the city (35-40%).

²Several high-ranking public officials were invited by the Blue Ribbon Panel to give testimony. All refused. Superintendent of Police James B. Conlisk, Jr., said that he would be out of the city; former State's Attorney Edward B. Hanrahan flatly refused the invitation; Mr. Marlin Johnson, chairman of the Chicago Police Board, informed the panel that any public statement from him at that time might hinder the progress of a study he was making on his own. Others who were invited and did not appear were Mr. William E. Cahill, president of the Chicago Civil Service Commission; and Mr. Peter Fitzpatrick, chairman of the Chicago Commission on Human Relations.

This officer concluded his testimony describing the Chicago Police Department's IAD and its inability (gave several examples) to root out corrupt police practices and expressed the need for an independent, outside agency to receive, investigate and prosecute cases of police corruption and/or criminal acts committed by policemen.

Officer Saffold states this type of agency could very well begin the process of restoring public confidence in an institution that is sorely needed in our society today.

Chicago's black communities are the most overpatrolled and underprotected in the city. When a white officer becomes so intolerant in his community that complaints are coming regularly, he is sent to the Black community. An armed confrontation between black and white officers, he thinks, is possible.

Officer Arthur Lindsay, a police sergeant and Vice-President of the Guardians, a police organization, has been in the department for twenty years. He testified that the Guardians came together to fight polarization within the department, seeing the possibility of armed confrontation between white and black officers. Most of the members are black but there are some white and Spanish-speaking members. He agreed with Mr. Saffold's description of conditions within the department. Mr. Lindsay sees community solidarity as the key to solving the police brutality problem. He noted a marked decline in the quality of investigation by the Internal Affairs Division since former Superintendent Orlando W. Wilson left the department. While

having reservations about civilians investigating complaints of police brutality he feels that since the Police Department has failed, there is no other alternative. As to policemen, who are racist or sadistic, they should be screened out by an initial psychological examination.

Officer Herman Herrick, a sergeant in the police department and President of the Chicago Police Crimefighters, acknowledged the presence of several racist and sadistic officers on the force. He voiced the opinion that most policemen do not fall into that category. He considers present police channels for citizens complaints to be efficient in handling the cases with which they are presented. He opposed civilian review of police on the grounds that only policemen are sensitive enough to a policeman's situation to judge them.

THE FOURTH DAY: PSYCHOLOGICAL AND LEGAL ASPECTS OF LAW ENFORCEMENT

Dr. Avrum Mendelsohn, a psychologist, was formerly employed by the Chicago Police Department from 1965 to 1968 and now works with the Elmhurst Psychological Center. He presently specializes in selection and promotional testing and evaluation of law enforcement officers for police department. The first step in the selection procedure of the Chicago Police Department is a civil service test. It is a "verbal mental ability" test for police applicants which is "of questionable value" in predicting police performance on the street and has implications concerning bias in terms of minority group discrimination.

The second step is physical examinations by both the Civil Service Commission and the Chicago Police Department. A background investigation is the third step.

If the above steps are successfully completed, the applicant is admitted to the Police Academy. After entrance into the academy, probationary policemen are tested for emotional stability and other pertinent personality factors.

Dr. Mendelsohn testified that in his experience with the Chicago Police Department, when emotional and personality defects are discovered in a probationary policeman, the person is not removed from duty, but assigned to a "stress area" -- an area which has a high crime rate and where the policeman gets a lot of street experience very fast. The purpose, he said, is "to make them or break them during their probationary period on the street." Such policemen are classified as "calculated risks," Dr. Mendelsohn stated, and although research has produced several

factors which could be used in predicting effective performance of policemen on the street, they have not been adopted. The Civil Service Commission, according to the witness, is the proper body for administration of psychological testing of police candidates as part of its initial hiring process. He stated that there is a definite correlation between the number of complaints against policeman and the emotional characteristics of the officers.

Dr. Mendelsohn said his organization has compiled information for the City of Chicago which points out what personality factors are involved in successful police work. This information includes expertise in examining an individual in terms of his ability to relate effectively to people, his aggressiveness, his motivation, his maturity, his alertness and many other specific job-related areas. He stated that the information has been published and is available to the Chicago Police Department, but is not being used.

Dr. Arnold Abrams, a professor of psychology at Chicago City College and previously a consultant for the Skokie and Chicago police departments, studied the emotional stability of applicants³ to the Chicago Police Force over a three-year period. During this period, 963 candidates were examined psychologically. Of this number, 244 or roughly 20%³ were found to have disturbances that were sufficiently severe as to recommend that they not be

³"Psychological Assessment of Police Candidates, "International Criminal Police Review, August-September 1968,

taken into the Police Department." "When sociologists and psychologists go out into the community and sample a community, they find that roughly 8% of any given community has within it a population that is suffering from some kind of disturbance that requires attention." From this it was concluded that "police work offers a perfect umbrella to legitimize pathology."

By assigning patrolman candidates with psychological problems to stress areas instead of rejecting them as candidates, you increase problems in those areas: This, I think, goes along with the philosophy if you want to teach a child how to swim throw him in the water. He will either swim or drown. I am sure that some of them come out of it and manage to somehow cope and do it; but I would imagine that for most it is an extremely stressful situation and also makes it very difficult on the neighborhood that they are working in.

He agreed with Mr. Todd's analysis (see below) of the psychological effect of Mayor Daley's "shoot to kill" order, adding that an atmosphere of approval or encouragement of brutality can lead to the development of the most negative pathologies within a paramilitary group such as the police.

Mr. Thomas Todd, is Assistant Professor of Law, Northwestern University Law School; Assistant Director of the Center for Urban Affairs at Northwestern, and Executive Vice-President of Operation PUSH. Mr. Todd, who was Assistant United States Attorney for the Northern District of Illinois from 1967 to 1970, stated that at that time he found no activity whatsoever on the part of the United States Attorney's Office in the

prosecution of police officers or other officials for deprivation of civil rights of citizens.

After a change of the United States Attorney, the death of Dr. Martin Luther King, Jr., and some other factors, there was a move to prosecute policemen alleged to have deprived persons of their civil rights. An old statute,⁴ passed in 1866, was the basic authority for federal prosecution of policemen accused of unlawful acts under color of law. During the disturbances surrounding the 1968 Democratic National Convention in Chicago, Mr. Todd took advantage of the national indignation to argue that if policemen were to be prosecuted for brutality against white students, they should also be prosecuted for similar acts against Blacks.

He described the torturous maze of technicalities which inhibited his attempts to get an indictment against a white policeman who had slain a Black resident. He succeeded in getting the indictment after presenting his case to authorities at high levels in the Department of Justice in Washington, Todd did not prosecute the case in court, and concurred in the decision not to do so because of racial implications. The white jury

⁴Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if death results shall be subject to imprisonment for any term of years or for life.

deliberated 45 minutes before acquitting the policeman, but a precedent had been set -- for the first time in Chicago, a white policeman had been brought to trial under the 1866 statute for the slaying of a Black person.

Attorney Todd also told of finding that one of the policemen involved in the case had spent three months in a mental hospital prior to the time that he was accepted on the police force. This was brought to the attention of the Chicago Police Department, and it was subsequently learned that the policeman had falsified his application for appointment to the force by denying that he had ever had a mental illness or been consulted by a psychiatrist. He testified that the Police Department responded by stating that this was the first case of such a nature to come to its attention, and that to fire the officer would destroy the morale of the police force.

The witness cited the need for additional federal legislation and offered the panel an amendment to existing federal laws against misuse of police authority, closing some of the loopholes which allow policemen to escape punishment for their wrongs against citizens.

Attorney Todd said that a change of attitude is needed at the highest levels of law enforcement agencies, federal and local, and cited several cases in which racism was an open factor in the handling of charges of brutality against white policemen accused of brutality by a Black citizen. Mr. Todd felt that Mayor Daley's

order to "shoot to kill and aim to maim"⁵ created an atmosphere wherein sadistic, racist officers feel that they will be protected by the Department and the City administration against justified charges of brutality. The IAD is totally ineffective because it seeks "to protect the police officer as opposed to getting at the truth."

Mr. Marshall Patner, attorney and Chairman of the Chicago Law Enforcement Study Group, shared with the Panel the findings of that group on police use of fatal force in Chicago during 1969-70.⁶ The findings were:

(1) The Chicago civilian death rate was three times that of New York, Los Angeles and Detroit and one and one-half times that of Philadelphia.

(2) Seventy-five percent of the persons killed were Black. A Black person living in Chicago was over six times as likely to be killed by the police as was a white person.

(3) Of the 79 deaths, there is substantial evidence that the police violated administrative standards of conduct or criminal statutes in 28 of the cases.

(4) In ten particular cases, there is substantial evidence that the policemen involved should have been held criminally liable in connection with the deaths.

⁵Mayor Richard J. Daley issued this order to his Police Department in 1968 during riots following the assassination of Dr. Martin Luther King, on April 4, 1968.

⁶The Police and Their Use of Fatal Force in Chicago, Law Enforcement Study Group, 1972.

(5) Of the ten serious cases, the State's Attorney presented evidence to the Grand Jury in only three. One policeman was indicted and brought to trial but was acquitted.

(6) The Coroner's Inquest exonerated the police in all but two cases, the same two cases where the Police Department decided to press charges but in which there was no indictment.

(7) The Internal Affairs Division does not reveal what action, if any, is taken in cases it reviews. "The limited information available from non-police sources indicates that administrative discipline in cases of police use of fatal force has been extremely rare."

(8) It is apparent that there is a double standard when a policeman violates the law and when another citizen does. This double standard exists in both the police department and in the office of the State's Attorney.

(9) The system for reviewing civilian deaths suffers from two serious defects. First, the reviewing agencies -- The Chicago Police Department itself, the State's Attorney, the Coroner and the IAD - have a close working relationship that precludes independent review within the system. Second, the review proceedings, with the exception of the Coroners' Inquest, are conducted almost entirely out of view of the public, an arrangement that precludes review from outside the system.

PART II

FINDINGS OF THE BLUE RIBBON PANEL:

THE PROBLEMS OF ABUSIVE POLICE CONDUCT IN CHICAGO

I said, "Oh, my God, I am his mother,"
He said, "Get out of here, you bitch."
I said, "Do you understand I am his mother?"
He (the policeman) took his pisco and he
pistol-whipped me, dislocated my shoulder,
breaking ribs in two places and messed with
my side of which I have two scars.....
She (my daughter) was 17 years old. He hit
her in the stomach and the baby was born
prematurely and deformed.

(Testimony of a witness before the
Blue Ribbon Panel hearings.)

Abusive Police Conduct

The testimony in the first two days of hearings before the Blue Ribbon Panel revealed many instances of grossly abusive conduct on the part of Chicago policemen. Such conduct -- particularly the use of excessive force -- violates the constitutional rights of its victims and the criminal laws of the State of Illinois, and poisons police-community relations.

There can be no dispute that police mistreatment of citizens occurs. Even Superintendent James B. Conlisk, Jr., has agreed that the use of excessive force is a reality.⁽⁷⁾

(7) Report of the Board of Managers of the Chicago Bar Assoc. on Police-Community Relations, December 6, 1972, press conference statement. (This Report is hereinafter referred to as the "CBA Report.")

How often does it occur? There are only rough measures: more than twelve hundred (1200) citizen complaints of abusive police conduct each year to the Police Department: and yet other complaints that are never compiled and counted.

Comparative information is available as to the frequency of the ultimate form of abusive police conduct: civilian deaths at the hands of police officers. According to a report by the Chicago Law Enforcement Study Group, the use of fatal force by police is far more frequent in Chicago than in other major urban centers. "Chicago's civilian death rate (at the hands of law enforcement officers) was nearly one and one-half times the Philadelphia rate and more than three times the rate for New York, Los Angeles and Detroit." (8) Significantly, 75% of the civilians killed in Chicago were Black.

But such statistics on the number of deaths or complaints made reflect only the iceberg tip of the problem of abusive police conduct. They say nothing of the many instances in which victims do not complain at all, because they are convinced it would be futile. Nor do such statistics reflect

(8) The Police and Their Use of Fatal Force in Chicago, a report of the Chicago Law Enforcement Study Group, Chicago Illinois, 1972.

the false arrests, the illegal searches or the more common kind of psychological violence that occurs daily, especially in exchanges between police and minorities or young people. (9) Very few young Blacks and Browns have been spared the experience of having to swallow their pride and take a bullying insult from a police officer.

In serious instances of abusive police conduct, the police consistently place criminal charges to justify their conduct and put the citizen-victim on the defensive. The use of the same three criminal charges -- disorderly conduct, resisting arrest and battery against a police officer -- is so constant that lawyers and community workers familiar with such cases refer to this group of criminal charges as the "holy trinity."

Sometimes these charges are dropped in court. But if the citizen shows any sign of seeking redress for the treatment he has received -- such as making a complaint or filing a civil suit -- the policemen vigorously prosecute the criminal charges to secure official ratification of their conduct.

That official ratification is not hard to obtain because aggressive conduct toward citizens is the approved method of police behavior in Chicago. This is indicated by the tactics

(9) Members of the Brown community, in addition to their minority status, frequently suffer harassment over their citizenship or residency status.

of the Special Operations Group (formerly the Task Force). The duties of the Task Force officer require that he aggressively seek out "suspicious" conduct and engage in stop and frisk operations and other preventive procedures. These tactics -- criticized and cautiously described as "possible unconstitutional" by the Report ⁽¹⁰⁾ -- reflect the manner in which aggressive conduct toward citizens is institutionalized by the Chicago Police Department.

Police Department Response to Citizen Complaints:
The Police Discipline System

Abusive police conduct could be eliminated, or at least minimized, if the public officials responsible for police conduct -- the Superintendent and the Police Board members -- rigorously enforced among their subordinates proper standards of conduct toward civilians.

But it is overwhelmingly clear that they do not do so. Instead, complaints from citizens of abusive conduct by police are almost universally rejected by the Police Department's self-investigation system.

That police discipline system in which the Superintendent and his Internal Affairs Division have the major responsibilities, performed in the following manner in 1971: ⁽¹¹⁾

⁽¹⁰⁾ CBA Report, page 29

⁽¹¹⁾ Five Year Statistical Study prepared by the Internal Affairs Division of the Chicago Police Department, 1973.

	Excessive Force and Other Violations of Civil Rights	Other Types of Complaints
Investigations Completed	1156	3938
Complaints Sustained	16	1073
Per Cent (%)	1.4%	27.0%

These statistics show that complaints of abusive conduct were refected 98.6% of the time by the Police Department. The responsibility for these decisions is clear because Police Department regulations provide that every disposition of such a complaint is to be reviewed by the Superintendent. (12)

The statistics also show that the Department is almost twenty times as likely to sustain a complaint against an officer if the complaint involves some other type of misconduct.

This demonstrates that the police discipline system is far more lenient about abusive conduct toward citizens than it is about transgressions against its internal command authority.

It has become clear that there are four basic reasons for the failure of the police discipline system to punish abusive conduct:

(12) Police Department General Order 67-21 (IV) (L).

1. Police attitudes. It is the basic law enforcement policy of the Police Department that aggressive police conduct toward citizens is desirable and legitimate. Abusive treatment of a citizen is viewed as merely over-zealous conduct within the scope of accepted police behavior.

2. Self-investigation. The entire investigation and decision on a civilian's complaint of abusive police conduct is carried out by other policemen. Inevitably this self-investigation system resolves doubts and conflicts of evidence in the accused policeman's favor. The Watergate scandal and investigation in Washington has emphasized on a national scale that self-investigation results in cover-ups and that only independent investigation is reliable and credible. (13)

3. Secrecy. The entire handling of citizens' complaints against policemen is secret. Not only is the public completely excluded from any access to information, but the complainant himself receives no information whatsoever about the evidence obtained in an investigation, the manner in which it is evaluated, the reasons for a decision, or (in the rare case where a complaint is sustained) the penalty imposed. Until very recently, a complainant was not even informed of whether his complaint had been sustained or not. This practice of secrecy conceals any deficiencies in an investigation and precludes criticism or assistance from the complainant or the public.

(13) The standard police argument is that only a policeman has the experience and understanding required for investigations of police misconduct. Is it not equally true that a citizen-victim of abusive police conduct has a unique and necessary perspective on abusive police treatment of citizens?

4. Procedural defects. There are many severe deficiencies in the procedures by which citizen complaints of police misconduct are investigated and decided. Following are some of the defects documented by the Chicago Bar Association in its recent report (after a CBA committee was given access to the discipline system's operations): (14)

(a) There are no guidelines for the thoroughness of an investigation, with the result that only cursory investigations are made in many cases. For example, there are usually no efforts made to interview witnesses at their homes; instead, registered letters are sent telling them to come to Police Headquarters, and if they do not appear, there are no further efforts to contact them. (15)

(b) There are no written guidelines for the evaluation of evidence, except the general direction to find "the truth." This standard of proof has no precedent in other fact-finding processes, such as "beyond a reasonable doubt" in criminal cases or by "preponderance or greater weight of the evidence" in civil cases. Moreover, there is no attempt to evaluate the credibility of witnesses along traditional lines. The result of these deficiencies is that:

(14) CBA Report, pages 12-17. The CBA recommended reforms in police discipline procedures with respect to these and several other defects, but there has been no response from the Police Department.

(15) Fear of the police, arising from the long-standing pattern of aggressive and abusive police treatment of citizens, obviously produces a great deal of wariness about responding to such a letter.

"often, conflicting stories are resolved in favor of the police officer, although in some instances apparently disinterested and otherwise reliable witnesses supported the complainant. The investigators support such determination by saying that it is not possible to determine who is telling the truth and, therefore, the charge is not sustained."

(c) The prior behavior record of the police officer is not considered during the investigation, while any prior record of the complainant is considered. A policeman may accumulate a series of complaints which never affect him because each one is inadequately investigated, prejudicially decided, and then filed away and never considered again.

(d) There is no separation of the investigative and decision-making functions. IAD investigators conduct the investigation, evaluate the evidence and recommend the decision and the penalty, if any. "The Committee believes that this combination of functions conflicts with traditional and well-recognized fact-finding procedures, and that this total involvement in a complaint may impair an investigator's ability to investigate impartially."

Another serious and revealing procedural defect, not discussed by the CBA, is that the Internal Affairs Division

has a dual function -- to investigate policemen and to defend them. "The IAD has a two-fold function. One function is to investigate all complaints of citizens regarding officers The second function is to prepare in accordance with arrangements made between the Corporation Counsel and the Superintendent of Police all the necessary investigative work for the preparation of the defense of a police officer where there is an alleged violation of an individual's civil rights." (16)

The Corporation Counsel has a similar conflict of roles: his office prosecutes disorderly conduct and resisting arrest charges made by policemen and defends policemen in civil actions brought by citizens -- but then has the duty of prosecuting serious disciplinary proceedings against some of the same policemen before the Police Board.

These conflicting roles of the police discipline system and the Corporation Counsel inevitably must be accommodated somehow, and it seems obvious that the accommodation is to favor policemen accused of abusive conduct and to disfavor complaining citizens.

(16) Brief of the Corporation Counsel in Burke v. Nelligan, case No. 68 C 227 in the United States District Court.

The police discipline system in its present form is thus seriously inadequate in at least five respects:

- police attitudes that legitimize abusive conduct:
- a self-investigation system that breeds bias:
- complete secrecy that conceals deficiencies:
- severe procedural defects in investigation procedures: and
- serious conflicts of interest on the part of agencies with major responsibilities in the system.

The immediate result of these inadequacies is that the police discipline system virtually never sustains complaints of abusive conduct by policemen -- as shown in the statistics set forth at the beginning of this section.

The long-term result of structural inadequacies and ineffective performance is a total lack of public confidence in the police discipline system as presently constituted. Thus, a poisonous cycle is set in motion: complaints of abusive police conduct are ignored, citizens become fearful and distrustful of the police, police-citizen attitudes and cooperation deteriorate. Ultimately, the greatest loss is in the effectiveness of everyday law enforcement -- in the desire and ability of the police to "serve and protect" the citizenry.

These findings of the Blue Ribbon Panel are consistent with a long history of investigations and studies that have repeatedly found the police discipline system to be deficient. Among them are the following. (17)

- "In spite of the elaborate procedures established for disciplinary and internal investigation, records of the department indicate there are continuing breaches of discipline, ethical compromise and misconduct on the part of Chicago police officers. We recognize that any large department will always have disciplinary problems to contend with. However, we are concerned about the shortcomings of the disciplinary system at the level of execution."

A Survey of the Chicago Police Department,
International Association of Chiefs of Police,
June 1970, page 340.

- "The performance of this branch of the Chicago Police Department -- the branch dedicated to impartial and objective investigations of police conduct -- was so seriously deficient that it suggests purposeful malfeasance.:

Report of the Special Federal Grand Jury
Investigating the deaths of Fred Hampton
and Mark Clark, May 1970.

- "It has also become clearly evident that there is a lack of confidence in the handling of complaints concerning verbal abuse and the use of excessive force."

CBA Report, page 4.

(17) Studies critical of the performance of the police discipline system date back as far as 1965, when the American Civil Liberties Union found significant disparities between the results of IAD investigations and its own investigations of abusive police conduct.

While the major focus of the Blue Ribbon Panel's hearings were on the problem of abusive police conduct toward citizens, we also note that investigations by the federal government have resulted in over 70 indictments of Chicago police officers in the past year for corruption and other criminal activity. This series of indictments shows a pattern of police corruption parallel to the pattern of abusive conduct -- and the same failure of the police discipline system to discover and punish improper and unlawful police conduct.

This pattern of proven ineffectiveness of the police discipline system has produced virtually no response on the part of police department executives and other responsible public officials.⁽¹⁸⁾ The police discipline system has been changed only in the most minor respects, and as often as not to make discipline of policemen even less likely.

There has been only one significant step taken to reform police discipline: the assignment of the Chicago Commission

(18) A major federal court lawsuit, based on the patterns of abusive police conduct and non-discipline, has been brought by community organizations and has been upheld by the federal court as legally correct. The case is Calvin v. Conlisk (No. 72 C 3230 in U.S. District Court); the primary plaintiffs are Concerned Citizens for Police Reform, the Afro-American Patrolmen's League and the Chicago Urban League, and the primary defendants are Superintendent Conlisk, the members of the Police Board and the City of Chicago. The federal court has held that those defendants have the constitutional duty to prevent recurring abusive conduct by policemen. This holding means that if the plaintiffs prove at trial that the defendants have failed to act effectively to prevent police misconduct, the court will grant injunctive relief to force appropriate reforms.

On Human Relations in June 1972 to review IAD excessive force files. In principle, CCHR's review function has great significance because it appears to represent acceptance by the City and the Police Department of the principle of independent investigation in a large majority of the cases it reviews.

But it is clear that the CCHR review function is circumscribed in so many ways that its impact on the problems of abusive police conduct and disciplinary failure is very limited.

1. CCHR merely reviews at one point in the process, the individual investigation files prepared by the IAD. CCHR has no part in the basic investigation or in decision-making, and the system of police self-investigation continues basically unchanged.

2. CCHR has no role in systematically reviewing or reforming IAD procedures.

3. CCHR continues the practice of operating in virtual total secrecy from complainants and the public.

4. CCHR has neither adequate staff nor the expertise required to deal with the problem of investigation and evaluation of abusive police conduct.

5. CCHR is regarded by the community as lacking independence from the City administration and the Police Department. For example, the Chairman of CCHR, while a respected attorney, has been specially hired on many occasions by the City to defend major civil cases seeking damages for police misconduct.

The net result is that the Human Relations Commission review function, while important as an acceptance of the principle of civilian investigation, is a wholly inadequate solution to the problems of abusive police conduct and non-discipline. (19)

The conclusion of the Blue Ribbon Panel is that an entirely new independent investigating agency, reporting its factual findings to the Police Board for imposition of discipline by them should be created. This proposal is set forth in detail in our Recommendations. We emphasize here, however, three important aspects of the proposal.

1. It is based on the two vital principles of (a) independent investigation and fact-finding, and (b) public access to the results of investigations.

(19) The Chicago Bar Association Report came to the same conclusion: "The Commission should not be involved in police discipline." CBA Report, page 22.

2. The proposal would delegate to the independent agency the handling of only those types of complaints that the police discipline system has shown itself incapable of handling effectively: complaints of excessive force, other violations of civil rights, and corruption or criminal activity of any kind by policemen. All other types of police misconduct would continue to be investigated by the present police discipline system (though we propose several important reforms in its procedures.)

3. The proposal is not a civilian review board. Civilian review boards historically have had the responsibility for imposing discipline, but not the authority for conducting their own investigations. The independent investigating agency we propose is the opposite: it has the function of investigation and fact-finding, but the imposition of penalties will continue to be the responsibility of the Police Board and the Superintendent.

Police Personnel Practices: Racial Discrimination
and the Absence of Psychological Testing

The Blue Ribbon Panel heard testimony from several witnesses about major defects in the personnel practices of the Chicago Police Department. That testimony focused on two particular aspects of improper personnel practices --

racial discrimination and the absence of psychological testing.

Obviously both of these matters are intimately related to the problem of abusive police conduct. Under-representation of minorities in the police force undermines the effectiveness of police work in the minority communities. And the absence of psychological testing means that there is no assurance that the persons entrusted with badges and guns have the basic emotional maturity and ability to tolerate stress that will enable them to deal effectively and cooperatively with citizens.

Unfortunately, the record of the Chicago Police Department in both of these respects shows not only the long-term existence of these defects, but a persistent refusal to do anything about them even in the face of authoritative documentation and requests for change.

A. Racial Discrimination in Employment Practices

As noted above, the Blue Ribbon Panel heard evidence on this question from several witnesses, particularly representatives of Black policemen's organizations. Shortly after the hearings, their descriptions of racial discrimination in the employment practices of the Chicago Police Department were authoritatively confirmed by a Justice Department study.

That study, entitled "The Chicago Police Department: An Evaluation of Personnel Practices", was carried out by the Law Enforcement Assistance Administration (an agency of the U. S. Department of Justice) in response to a complaint filed by the Afro-American Patrolmen's League. It was a comprehensive examination of the racial impact of all personnel practices, including recruitment, hiring, promotion and internal assignments and discipline.

The basic conclusion of the LEAA Study was that:

In key areas, the hard data showed that Blacks and other minority group members were being adversely affected by the present personnel system. Current procedures and practices do tend to have adverse impact on minority group members, both as entry candidates and as departmental personnel. (20)

This conclusion was based on the following findings as to racial discrimination in various stages in the personnel system: (21)

"Baseline Data Blacks represent approximately 33% of the population of Chicago but only 16% of the sworn officers on the Police Department. Spanish-Americans represent about 7% of the population but only 1% of sworn officers on the Department.

" Recruitment and Selection. Blacks and Spanish-Americans apply for entry onto the Police Department in numbers that approximate their percentages in Chicago's general population,

(20) LEAA Report, pp. 1.11-1.12.

(21) LEAA Report, pp. 2.1-2.4.

but both the written test and the medical examinations given to police candidates by the Civil Service Commission disqualify minority group members at about twice the rate that non-minority group members are disqualified. Since there is, at present, no adequate evidence that the written test actually measures what is required for becoming an effective police officer, the study recommends that the present test be discontinued until such time as the test (or a newly-developed different type of test) can be shown to be a valid predictor of job performance on a basis that is fair to all minority group members. Recommendations are also made for improvements in the medical examination program.

"Training and Education. A review of the Police Department's recruit training, in-service training and promotional training programs showed that the Department has basically good programs in each of these areas but that adequate attention is not yet being given to subjects and instructional techniques designed to improve understanding and working relationships among members of all racial, ethnic and cultural groups. Recommendations are made for improving the training.

"Police Department policies and government financial assistance encourage higher education for personnel of the Department. Blacks in particular are taking advantage of this opportunity. There is some evidence, however, that the departmental policy for adjusting shifts and assignments (consistent with operational requirements) to permit attendance at college classes is not fully effective. It is recommended that the

Department give corrective attention to this matter.

"The instructional staff of the Police Training Academy does not contain enough minority group officers to demonstrate to recruits and to in-service officers a positive and constructive policy for accepting and utilizing minority group officers. It is recommended that more minority group officers be used in training at all levels.

"Promotion. Black officers are inadequately represented in the Sergeant, Lieutenant and Captain ranks, in the top level management and command ranks (positions exempt from civil service) and, to a lesser extent, in the specialized patrolman assignments that carry premium pay. The factors causing this situation are discussed. Recommendations are made that civil service promotional procedures be reviewed and validated, that appointments of Blacks to high level command and policy-making positions by the Superintendent be increased and that the procedures for selecting patrolmen for specialized assignments be further improved.

"Assignments. Any review of equity in assignments within the Police Department is complicated by the relatively low percentage of Blacks on the Department and by the lack of firm definition of what constitutes the more desirable or "preferred" assignments. However, a review of assignments to positions and units reported during interviews as being the preferred ones did not reveal any clear pattern of differential treatment

except in relation to the Traffic Division and the Vice Control Division. Recommendations are made that the Department extensively review the assignment of Black patrolmen, particularly in the areas mentioned, and that the assignments of the relatively few Black supervisory and command officers be given careful attention to assure their most effective use. To establish a better basis for determining the extent to which minority group and non-minority group members receive assignments of their preference, a revised system of transfer requests is recommended.

"Discipline. The study found a higher rate of serious complaints (Complaint Register cases) against Black officers than against non-minority group officers in the Department, and also found that a higher percentage of such charges against Blacks were found to be sustained by Departmental investigations. The study found an even greater disparity in the rate at which Blacks were given Summary Punishment for infractions of departmental rules. The study did not find any significant differences in the amount or type of penalties given to Black and non-Blacks for commission of the same type of offenses in either Complaint Register cases or Summary Punishment cases. The study recommends that the Department establish a monitoring system to systematically detect any racial imbalances in its disciplinary charges and findings, and to provide for administrative review to determine the reasons for imbalance and to provide corrective action where needed. The study also recommends a procedure for better command officer control over summary punishment cases."

These findings of the Law Enforcement Assistance Administration confirm the racial discrimination in police employment that community groups and Black police organizations have long complained of. The findings show that the major steps in the existing process do not identify those who are qualified to become Chicago policemen or to be promoted as well as they serve to screen out minority group candidates.

However, the complaints and efforts to secure reform by local organizations have been uniformly rejected by Police Department, Civil Service and other public officials. (22)

The public might hope that in response to specific documentation and recommendations by the Justice Department, the public officials responsible for police personnel practices in Chicago would cooperate in instituting appropriate reforms. Indeed, for a period of eight months following the presentation of its Report, LEAA did attempt to obtain voluntary action by those officials.

(22) A Federal court lawsuit seeking reform of racially discriminatory police personnel practices has recently been filed by community organizations and a number of individuals. (Camacho V. City of Chicago, No. 73 C 1252 in the U. S. District Court.)

But the federal government, like local organizations before it, has had no success in securing an end to racial discrimination in police employment in Chicago. On May 22, 1973, the Director of LEAA's Office of Civil Rights Compliance informed the original complainant, the Afro-American Patrolmen's League:

"Discussions and correspondence with the officials of the City of Chicago have not resulted in a commitment by these officials to undertake significant steps to achieve what this agency believes to be voluntary compliance with the civil rights laws and regulations affecting the Chicago Police Department as a recipient of funds from the Law Enforcement Assistance Administration.

Accordingly, this letter is to advise you that LEAA has referred this matter to the Civil Rights Division of the Department of Justice for such action as it deems appropriate." ²³

With respect to the foregoing findings of the Blue Ribbon Panel, our recommendations are in two areas:

1. For immediate action by the Civil Service Commission and the Police Department to correct the racially discriminatory practices in their personnel systems; and

2. In view of the consistent refusal of the responsible public officials to take such action, for the adoption of a specific affirmative action program and for the appointment of a committee of independent citizens to monitor implementation of that program.

B. The Absence of Psychological Testing

The Blue Ribbon panel heard testimony from two psychologists formerly affiliated with the Chicago Police Department in connection

23. See Exhibit 1 at the end of this Report.

With testing the emotional qualifications of recruits. The testimony of both witnesses underscored the need for psychological testing in the selection process for police officers in a large urban environment. Dr. Arnold Abrams headed a panel of psychiatrists and psychologists who screened applicants for police employment in the early 1960's. He testified that 20% to 30% of those interviewed by the panel were recommended for rejection because of "grossly incapacitating illness."²⁴

Both Witnesses indicated that there is at present little or no testing for psychological qualifications of recruits. This finding was confirmed by the LEAA Report, which noted that practically all major police departments in the country have some means of screening out applicants who are emotionally unsuited for police work," but that "the present patrolman selection process (in Chicago) includes no method for screening out persons with serious emotional problems."²⁵

Dr. Avrum Mendelsohn, formerly a psychologist with the Personnel Division of the Police Department, indicated that recruits are not weeded out on the basis of evidence of psychological deficiencies brought to the attention of the

²⁴ Abrams noted that the incidence of psychological problems was approximately three times as great in the population of police applicants as in the population at large. He attributed this to the fact that police work is a "perfect umbrella to legitimize pathology,"

²⁵ LEAA Report at 3.28. It should be noted that this criticism is applicable to the Chicago Civil Service Commission as well as the Chicago Police Department, since the Commission has primary responsibility for the hiring and selection of Chicago policemen.

Police Department. Rather, these recruits are labeled "calculated risks" by the Department and are assigned to high-crime areas. Thus, many who are not psychologically qualified to serve as Chicago Police officers not only become members of the force, but are assigned to areas where the demands on them are greatest and the consequences of their mistakes are likely to be most serious.

This testimony indicates two major failings in the policies for hiring and employing Chicago Police officers. The absence of psychological testing results in the hiring of police officers who are likely to abuse their authority. In addition, even when a recruit or officer manifests psychological difficulties, no intelligent attempt is made the individual in question in an environment in which his performance can be carefully monitored until it is determined wheather the difficulties warrant a discharge.

It is the recommendation of the Blue Ribbon Panel that psychological testing take place as part of the initial selection process at the Civil Service Commission, and that emotional or psychological problems should result in exclusion from police employment, rather than merely some form of non-sensitive assignment.

26

Dr. Mendelsohn described the purpose of this policy as follows: "The basis theoretical orientation has been to make them or break them during their probationary period on the street."

Secrecy in Police Administration and Operations

It is clear that in the long run the ability of community groups and of public generally to analyze and affect the performance of their police department depends on the availability of information concerning police administration and operations.

It is equally clear that the history of police-community relations in Chicago is marked by a long-standing pattern of police secrecy. We have noted above our findings concerning the virtually total secrecy in which the police discipline function has been carried on, and this is an excellent example of the relationship of official secrecy to official malfeasance. If police discipline statistics and procedures had been public information over the year, would the police discipline system have been able to maintain an operation marked by severe procedural defects and an infinitesimal percentage of sustained complaints? When a system that performs so badly shrouds itself in such secrecy, it seems obvious that the secrecy has the purpose of precluding public scrutiny and reform.

There are many other examples of the secrecy that surrounds police operations in Chicago.

--The LEAA Report notes that the Civil Service Commission refused to grant access to records on a recently completed promotional exam, for purposes of checking actual scores against rankings on the promotion list. Although assurances were given by LEAA that no candidates' names would be divulged, the Commission still insisted that "confidentiality" requirements precluded federal government analysis of the information requested. (27)

--The Law Enforcement Study Group, in the preparation of its report on the use of fatal force and on many other occasions in the course of its research, has requested information from the Police Department. These requests have been ignored or refused, and on the most recent occasion, the Superintendent's Office made clear that the main reason for the refusal was that the Study Group was not regarded as having a sufficiently favorable perspective toward the Department

--In its function of preparing the annual budget of the Police Department, the Police Board refused to hold public hearings although it is apparently required to do so under the Illinois open meetings law.

(27) LEAA Report, page 1.0 -1.11.

--The Police Department and Civil Service Commission have consistently refused to provide any specific information to community groups concerning those agencies' actions in response to the LEAA Report on police personnel practices. (Here again we see clearly the relationship between secrecy and malfeasance --the LEAA letter concerning those agencies' non-compliance with civil rights laws shows that the purpose of the secrecy was to conceal inaction.)

--After the Police Department spent hundreds of thousands of dollars in 1969-70 for a comprehensive survey of police administration by the International Association of Chiefs of Police, the resulting four-volume study was withheld from the public.

In sharp contrast to the long pattern of police secrecy in Chicago is the program adopted by the New York City Police Department in September 1971. At that time, the files, records and men" of the New York Police on "the whole range of police activities" were opened to academic research and student field work and internship programs. Commissioner Patrick Murphy acknowledged that there would have to be some confidentiality limitations but that "we want the least possible restrictions." (29)

(28)

See footnote (23), supra.

(29)

New York Times, September 17, 1971 (see Exhibit 2).

In establishing the program of public access to information, Murphy appointed eight top-level college and university officials as an advisory group to oversee the program.

We believe, and recommend in the following section, that a similar program of public access to information concerning Chicago police operations is essential. It should be carried out through a general duty on the part of the Police Board to make comprehensive data available to the public and through a specific program of access to information for researches, an advisory committee of academic leaders should be appointed to formulate details of the program and oversee its administration.

Only through a new posture of openness on the part of the Police Department can public awareness of police operations be achieved and public confidence in the police rebuilt. In those areas of police performance that need reform, public access to information will enable the public to participate intelligently in the reform process. In those areas where police performance is adequate, public access to information will help to dispel the public's lack of confidence.

In summary, police openness would give rise to a constructive dialogue between citizens and their police department and lay the groundwork for improved police-community relations.

Governance of the Chicago Police Department

In the preceding sections of these findings, the Blue Ribbon Panel has discussed the particular problems of abusive police conduct, discriminatory and inadequate personnel practices, and police secrecy. We strongly believe that these serious problems reflect a general isolation of the Chicago Police Department from the citizenry it is supposed to serve and protect.

We hardly need say again that public confidence in the police is essential to the proper performance of all aspects of the police function --the fight against crime as well as disciplinary and personnel administration. But public confidence can only be generated through public participation; it cannot be obtained in a police-public relationship based on the premise that Police Department executives know what is right and what should be done.

In Chicago, the agency that constitutes the ultimate link between the public and their police department is the Chicago Police Board. The Board was created in 1960 with apparently broad powers to nominate candidates for the position of Superintendent, set Police Department policy, prepare the Department budget and decide serious disciplinary cases.

Yet, for a period of 13 years: since its creation, the Police Board has functioned as nothing more than a rubber stamp for the decisions of the Police Department Administrators. The members of the Board have largely been business and labor executives, closely associated with the City administration; some of the members are not even residents of the City of Chicago.

The passive nature of the Police Board is best demonstrated by the manner in which it has exercised its power to establish Police Department policy. All general orders and other Department directives are submitted to the Board for its vote of approval -- but only after they have already been put into effect by the Superintendent. Not once in 13 years has the Board ever failed to give its after-the-fact approval to an action taken by the Superintendent; in fact, it appears from Police Board minutes that there has never been any debate nor a single dissenting vote.

We believe that if there were genuine, representative public participation on the Police Board, the isolation of the Police Department from the public would be ended. A dialogue of reality between Police Department administrators and credible representatives of the public would be created. It would not be routine; there would be disagreement and dissenting votes; Police Department administrators might have to justify their policies and might not always get exactly what they wanted.

But in the long run, such a dialogue would lead to a far healthier relationship between the public and the police, a relationship in which public participation and knowledge would make possible genuine public confidence in the police and the support and cooperation of all citizens of Chicago in the law enforcement function.

To achieve a genuine representative character in the composition of the Police Board, it is the first recommendation of the Blue Ribbon Panel that the size of the Police Board be increased and the method of selection of its members modified. The implementation of that first recommendation will make positive police-community relationships and necessary police reforms a continuous, self-generating and self-enforcing process.

Part III

RECOMMENDATIONS OF THE BLUE RIBBON PANEL

Based upon the foregoing findings, the Recommendations of the Blue Ribbon Panel for essential reforms in the operation of the Chicago Police Department are presented below. These Recommendations fall into five basic categories:

1. Modification of the membership and duties of the Chicago Police Board, to insure greater accountability of the Police Department to the public;
2. Creation of an independent investigating agency to handle the most serious allegations of misconduct by police toward the public -- those involving excessive force, violations of civil rights and criminal activity of any kind. The proposed investigating agency would be a fact-finding body; the imposition of penalties would continue to rest with the Police Board and the Superintendent. All other allegations of police misconduct would continue to be handled

- by the present police discipline system;
3. Thorough reform of the criteria for selection and promotion of policemen, to insure an end to racial discrimination and to insure the selection of highly qualified policemen;
 4. Modification of certain operating policies detrimental to the minority communities;
 5. Establishment of a policy of full public access to information concerning all police department operations.

RECOMMENDATIONS

I. The Chicago Police Board

A. Selection of Police Board Members.

1. The membership of the Chicago Police Board should be increased from the present five to fifteen members;
2. Six members of the Police Board should be appointed from a list of names submitted by organizations that have been active on behalf of the Black and Brown communities of Chicago in seeking police reform, including but not limited to Concerned Citizens for Police Reform, the Chicago Urban League, the National Association for the Advancement of Colored People, the Afro-American Patrolmen's League, and the Guardians.

B. Powers and Duties of the Police Board.

Since the Police Board should be accountable to the public for all operations of the Department, the Board should have broad authority to initiate,

amend or terminate policies and procedures in all areas of the Department. Its management and control responsibilities should include the following:

1. Appointment and dismissal of the Superintendent;
2. Initiation, or review and approval before implementation, of policies and procedures in all aspects of Department operation;
3. Imposition of disciplinary penalties, upon the findings of the proposed independent investigating agency (Recommendation II (A) in disciplinary cases involving allegations of excessive force, other violations of civil rights and criminal activity of any kind.

(This responsibility is in addition to the Board's present duties of hearing and deciding major disciplinary cases upon the filing of charges by the Superintendent.)

4. Preparation of, public hearings on and submission to the City of the annual budget of the Department;
5. Establishment of a system through which comprehensive data on Department operations is made available to the public and to researchers;
6. Maintenance of a staff sufficient to provide the Board with independent analysis of questions coming before it.

II. The Police Discipline System

A. An Independent Investigating Agency.

1. An independent investigating agency should be established to carry out the functions of receipt, investigation and factual determination on all complaints of excessive force, other violations of civil rights and criminal activity of any kind by policemen;
2. No staff member of the independent investigating agency shall be a present or former member of the Chicago Police Department;
3. The agency should have the subpoena power in carrying out investigations and hearings;
4. After completing its investigation of an allegation, the agency should have the option of (a) forwarding the case to an impartial hearing examiner for a public fact-finding hearing, or (b) forwarding the case to the Superintendent for disciplinary action by him up to thirty days suspension. (The action of the Superintendent on such cases should be made public.

5. Hearing examiners should be attorneys selected from among names recommended by bar associations;
6. When a hearing examiner sustains an allegation of police misconduct, the case should be forwarded to the Police Board for imposition of penalty, in accordance with Recommendation I (B) (3). At the same time, the factual findings and reasons for decision should be made public;
7. The independent investigating agency should also have the authority to refer cases at any time to appropriate authorities for consideration of possible criminal prosecution;
8. This independent investigating agency is not a civilian review board. Civilian review boards have historically had the authority to impose discipline, but not to investigate. This proposed agency is the opposite: it has the function of investigation and fact-finding, but the imposition of penalties will continue to be the responsibility of the Police Board and the Superintendent.

B. Internal Reform of the Police Discipline System.

1. The present police discipline system should retain responsibility for investigation and imposition of penalties on all disciplinary matters other than the specific categories delegated to the independent investigating agency;
2. Deficiencies in the procedures of the present police discipline system should be corrected, including:
 - (a) The standard of proof in police discipline cases should be the same as in civil lawsuits: Proof of the misconduct by "a preponderance or greater weight of the evidence;"
 - (b) Written criteria governing the thoroughness of investigations should be established to insure that all possible evidence is obtained. Coordination of the disciplinary proceeding with related criminal or civil proceedings should be maintained.

- (c) Equitable procedures for polygraph tests in police discipline investigations should be established. Citizens and policemen who are to take polygraph tests should be given a list of several polygraph companies to choose from. Submission to polygraph tests should be entirely optional in disciplinary cases;
- (d) The entire prior record of complaints against an officer should be considered in disciplinary investigations to enable identification of officers who engage in a pattern of misconduct;
- (e) The investigation and fact-finding functions should be performed by different persons;
- (f) A record of all disciplinary penalties should be maintained to insure similar penalties for similar acts of misconduct;
- (g) The composition of the Department's Complaint Review Panel, which has recently been changed to include a policeman of the same rank as the accused, should also include an independent civilian. The complainant should have the same opportunity

as the accused policeman to appear before
the Panel;

- (h) All of the other procedural deficiencies
in the police discipline system, identified
in the Chicago Bar Association Report and
in other studies, should be corrected.

III. Selection and Promotion of Policemen

A. Steps to be Taken by the Civil Service Commission.

1. All of the steps in the selection and promotion procedure for which the Civil Service Commission is responsible should be rigorously validated as being related to job performance and not racially discriminatory. Special attention should be given to:
 - (a) Written examinations;
 - (b) Physical examination standards and procedures;
 - (c) Background investigations;
2. The height standard should be reduced to 5'6" to minimize discrimination against Brown and Oriental candidates for police employment;
3. A comprehensive program should be instituted to screen out undesirable police candidates on the basis of psychological and emotional evaluations;

4. Physicians and psychologists involved in the selection process should be independent professionals recommended by academic institutions or professional associations;
5. Such professionals, and other selection-system personnel, such as background investigators, should be representative in composition of the Black and Brown populations of the city;
6. Disqualification on the physical examination should be confirmed by all appropriate medical procedures and reviewed by other members of the group of examining physicians.

B. Steps to be Taken by the Police Department.

1. The Department should use the probationary period as an additional phase in the selection process, discharging any probationary patrolman whose performance on intelligence and psychological tests, classroom curriculum or field training indicates he is not highly qualified to become a policeman;

2. All steps in the selection and promotion process for which the Department is responsible should be rigorously validated as being related to job performance and not racially discriminatory;
3. All procedures involved in duty assignments, performance ratings and discipline should be rigorously evaluated, and modified as necessary, to insure that they are not racially discriminatory.

C. Public Accountability for Police Personnel Practices.

Despite recommendations by numerous consultants and government agencies, the foregoing essential reforms in police personnel practices have been rejected by the Civil Service Commission and the Police Department. To insure that the necessary changes are promptly implemented and that the demonstrated racially discriminatory effects of past and current practices are remedied, two steps should be taken jointly by the Civil Service Commission and the Police Department:

1. Both agencies should publicly adopt the goal of representation of the Black and Brown communities at all levels of the

Department in proportion to their numbers in the population. A detailed affirmative action program, covering all steps from recruitment to exempt appointments and including timetables for achieving the above goal, should be formulated and made public;

2. To insure prompt action and to render the Commission and the Department accountable to the public with respect to selection and promotion practices, a special citizen's committee should be established to monitor and make recommendations concerning those practices. The composition of the committee should include persons with appropriate expertise and representatives of organizations that have been active on behalf of the community in seeking police reform. The committee should report to the Commission, the Department and the public.

IV. Operating Policies Detrimental to Minority Communities.

A. Aggressive Patrol Tactics.

The aggressive patrol tactics of the Special Operations Group (formerly the Task Force), which result in many unconstitutional searches and arrests, should be terminated immediately.

B. Policies Affecting the Brown Community.

1. There should be immediate cessation of harassment of Brown persons who are stopped on the streets by policemen for the sole purpose of investigating residency status. This is the function of federal agencies, not the Chicago Police Department.
2. Bi-lingual translators should be present at all hours at Police Headquarters in district stations in Spanish-speaking communities.
3. In cooperation with organizations in the Brown community, the Department should implement appropriate orders and in-service training programs to improve the policeman's

understanding of the bi-culturality of the
Brown community.

V.

Public Access to Information Concerning Police
Department Operations.

A. The Department Should Follow the Example of
the New York Police by Opening the Entire
Range of Police Activities to Public Inquiry
and Research.

1. The basic policy of the Department with respect to public access to information should be that all aspects of the Department's files, records and personnel should be available to qualified researchers;
2. Exceptions to this policy, specified in advance, should be created only where necessary to protect the confidentiality of pending criminal investigations and the names of informants;
3. No person should be denied access to information because the Department disagrees with his research purpose or perspective or because of lack of academic credentials or affiliation. The sole criterion for responding to research proposals should be whether the proposal is orderly and coherent;
4. Sufficient Department personnel should be assigned to comply with all requests for

research data;

5. The policy of permitting qualified researchers full access to information should be supplemented by a comprehensive Department program of reporting to the public on Department policies and operations and their results.

B. Advisory Committee on Public Access to Information.

The Police Board and the Superintendent should appoint an advisory committee to oversee the foregoing program of public access to information. The committee should be composed of the deans of all law schools located in Chicago and the chairmen of the social science departments of major universities located in the city. The members of the advisory committee should select a chairman from among themselves.

Part IV

APPENDIX

THE EVENTS LEADING UP TO THE
BLUE RIBBON PANEL HEARINGS

Abusive police conduct toward citizens is obviously a problem as old as the police institution itself. Even in terms of the current era of police history in Chicago, which began in 1960 with the appointment of Orlando W. Wilson as Superintendent and his commencement of a reform program which yielded impressive short-term results, community protest against abusive police conduct arose in the early 1960's.

It is not the purpose of this Appendix to recount the community's experience in the past ten years in seeking police reform, but rather to trace the events that occurred in one community in the months before the Blue Ribbon Panel hearings and contributed to the convening of those hearings.

Third Ward Committee on Crime Prevention

During the latter part of 1971, residents of the Third Ward, located within the Second Police District, decided they must act against the two problems of escalating crime and repeated incidents of police abuse.

In accordance with his responsibilities as an elected representative of the people, U. S. Representative Ralph H. Metcalfe convened a group designated as the Third Ward Committee on Crime Prevention, composed of clergymen, representatives of civil rights organizations, community businessmen, and citizens of all ages.

TWCCP's initial efforts included a plea to all community residents to report any crime of which they were aware, provide information to investigators and testify if called upon. The organization held public meetings to discuss the dual menace and to devise methods of ridding the community of crime and abusive police conduct.

Realizing that reform could not work without the complete and willing cooperation of the police, Congressman Metcalfe and Third Ward Alderman Tyrone T. Kenner, with delegations from TWCCP, conferred with top personnel of the Second Police District and invited them to meetings of TWCCP to hear complaints and offer suggestions and full support to the effort.

In cooperation with the Dr. Martin Luther King, Jr., Urban Progress Center, a system was devised to recruit men from the community and tutor them for the examinations leading to an appointment to the city police force. It was hoped that some of the successful candidates would be assigned to the

community where their knowledge of the area would be used to help reduce the crime experience.

On Sunday, October 3, 1971, Representative Metcalfe, Illinois State Representative Harold Washington, and Alderman Kenner visited some 40 churches in the community, appeared at local meetings and on radio programs, explaining the need for an organization like TWCCP and urging citizens support. Ministers associated with the crime prevention committee appealed to their congregations, many of whose members had, in one way or another, been directly involved in cases of criminal actions or police abuse.

Each church in the Third Ward was sent information packets consisting of placards listing telephone numbers through which crimes could be reported, a directory of governmental services, and application forms for membership in TWCCP. On that day, more than 3,200 persons applied for membership. Additional applications by mail and from forms left at churches raised the total membership to 6,190 residents.

Another stirring manifestation of community support occurred on Sunday, March 5, when some 3,000 persons joined together in prayer "against crime and fear." The massive prayer meeting was held at Bethel AME Church (Exhibit 3) and involved ministers and choirs from churches throughout the area.

It was a twist of irony that during this period of recruitment the crime rate in the Second Police District rose from second to first place among all police districts in the city, according to police statistics.

The Case of Dr. Odom

On March 13, 1972, Dr. Herbert Odom, a prominent Black dentist and chairman of the First Congressional District Citizens Committee, had an encounter with two police officers for a minor traffic violation (light out over license plate), during which, he alleged, he was physically abused. The affair received intensive coverage in the Chicago Daily Defender and created a public outcry against abusive police conduct.

The following week, on March 20, Police Superintendent James B. Conlisk, Jr., met with Congressman Metcalfe, community leaders of TWCCP, and Dr. Odom to discuss the incident and other concerns of the community in regard to police protection.

The TWCCP representatives cited numerous cases of police abuse of which they had documented knowledge, and explained to the city's top police official the conditions which existed in the Third Ward and other communities with a large concentration of Black residents.

They made several requests of Superintendent Conlisk, including 1) that he direct his staff to apprise him of all instances of alleged police brutality against Black people, and 2) that he give serious attention to eliminating the Special Operations Group, formerly known as the Task Force,

declaring that members of this group were intimidating citizens and failing to reduce crime.

Representative Metcalfe personally recommended that Supt. Conlisk issue a general order to all police personnel that his office intended to put an end to police brutality. He also urged that the officers in the Odom case not be given the customary punishment of two or three days deducted from accumulated vacation time.

Instead, he urged that the offenders be suspended without pay for 29 days or that charges be preferred against them with the Police Board, recommending dismissal from the force. It was felt that this would lend convincing support to the Superintendent's written order that new policies and procedures would be instituted to eliminate police brutality.

Two days later, on March 22, Supt. Conlisk issued General Order 72-6 (See Exhibit 4) which informed all personnel of the Police Department of constitutional, state, and city provisions and laws guaranteeing the rights of all citizens to equal protection of the law. There was no criticism of the order from any source. Only one problem arose -- the order was not implemented.

The Claiborne Tragedy

Another meeting was scheduled with the police superintendent for a few weeks later, but in the interim a shocking case of police neglect took place on the South Side.

The victim was another dentist, Dr. Daniel Claiborne, who suffered a stroke on April 15, while driving his automobile.

The stricken driver lost control of the vehicle, which crashed into a parked car. The investigating officer dragged Dr. Claiborne from his car, reporting later that the dentist seems "incapable of being examined for drunkenness."

The officer arbitrarily diagnosed that the gravely ill dentist was drunk. At 7:20 p.m., the victim was arrested, charged with drunkenness and placed in a cell without test or examination. Nearly six hours elapsed before police informed Mrs. Claiborne of her husband's condition. The call was made at 1:05 a.m., after the dentist had been in a cell in a coma throughout that length of time.

Dr. Claiborne subsequently died as a result of the delay in receiving medical attention. The action of the arresting officer and other officers who had contact with the victim constituted a violation of a departmental regulation (General Order 67-9) which specified that "under no circumstances will an incoherent or unconscious prisoner be placed or allowed to remain, in a cell without medical treatment."³⁰

³⁰ Consequent to this needless tragedy, Supt. Conlisk, on April 26, 1972, reacted to public indignation by issuing General Order 72-11 to replace General Order 67-9. The new order, "lockup Keepers," simply adds to the duties of the lockup keepers the responsibility of reporting "any extraordinary or unusual occurrences in regard to his prisoners to his commanding officer immediately," and to "familiarize himself with all aspects of the lockup 'Emergency Plan.'" All instructions regarding procedures to be followed when a prisoner is sick or injured were contained in the previous general order. (See Exhibit 5).

TWCCP's Six-Point Request

A second meeting was held between Supt. Conlisk and the TWCCP delegation on Monday, April 17. The police official was informed that his general order against brutality was not being complied with or enforced, and was presented with four unsolicited cases of abuse of police authority reported to TWCCP since the first meeting. Included was the Claiborne matter. TWCCP also presented to the superintendent a list of six recommendations:

1. Termination of all activities of the Special Operations Group (Task Force) and an immediate end to all tactics and procedures employed by the special force.
2. Establishment of a Citizens Board in each police district in order to insure the protection of citizens and restore public confidence in the Police Department. Members of the Board should be acceptable to the community.
3. Immediate steps should be taken to rectify the situation within the organizational structure of the Police Department which left it without a single Black in a policy-making position.
4. The immediate recruitment of Black personnel so that the ethnic composition of the Police Department would reflect the proportionate ratio of Black residents of the city.

5. The obvious failure to upgrade Blacks in every category of the Police Department should be corrected.

6. The above requests and recommendations should be inaugurated and functioning by May 31, 1972.

At that meeting, the police superintendent stated that he could not respond to the requests at that time, and agreed to meet with the group for a third time on April 21.

However, on April 18, Supt. Conlisk advised TWCCP that he would be unable to keep the appointment, and it was re-scheduled for Monday, April 24. Then, on Saturday, April 22, Representative Metcalfe received a telegram from the superintendent informing him that he could not honor his agreement for the April 24 meeting, and expressing no desire for a future meeting with the group.

Meanwhile, Supt. Conlisk had referred the four cases of abuse of police authority to the department's Internal Affairs Division. The resulting actions and reports were considered inadequate investigations of the incidents.

The Impact of TWCCP

The Third Ward Committee for Crime Prevention had put forth a strenuous effort in the interest of law, order, and justice. It had listened to the people and heard their complaints; it had taken its evidence to the proper authorities; it had offered community cooperation in the task of reform; and it had organized the community so that the citizens were capable of performing what might be asked of them.

Although the official reaction was cool, community response was enthusiastic. Citizens were aware that they had the support of elected leaders, businessmen, community organizations, and ministers. They came forth to volunteer their services and their testimony.

Gathering of Forces

Indeed, the actions of TWCCP had resounded throughout the city, and produced a response of astounding and gratifying proportions.

Officials of organizations such as the League of Black Women, Urban League, SCLC, NAACP, PUSH, Search for Truth, Inc., The Afro-American Patrolmen's League, The Guardians, The Woodlawn Organization, Black Panther Party, various churches and community organizations, elected officials and Latin American community leaders came forth voluntarily and voiced their support, noting that the conditions that existed in the Third Ward also existed in their communities.

When Police Supt. Conlisk cancelled the April 24 meeting with TWCCP, the group assembled at the appointed time to develop alternative strategies for attaining its goal. Considerable feeling still surrounded the death of Dr. Claiborne, and as a result of this and other factors, a groundswell of support for TWCCP and its program evidenced itself at this meeting.

The interest of other communities, especially the Latin American groups, make it apparent that the problem existed in city-wide proportions and that a larger organizational base

was necessary. For that purpose the "Concerned Citizens for Police Reform" was created. Representative Metcalfe accepted a unanimous request to serve as convener and spokesman.

The stated purpose of CCPR is "to seek reforms in the administration and conduct of the Chicago Police Department and its employees." Such reforms include an end to police misconduct toward civilians and the improvement of police service to the community.

Although the new organization maintained an awareness of other forms of police misconduct, it stressed the fact that its main focus and principal activities would be directed toward abusive police conduct against citizens, discrimination against Black and Brown members of the police force, and all-out war against crime in the community.

The stage had been set for action in a different direction. Mayor Richard J. Daley was invited to attend a meeting of CCPR on May 2, to discuss the police problem in the community where it existed. Apparently finding the issue of insufficient importance to merit his response or attendance, the Mayor instead scheduled a meeting at City Hall for May 3, to "examine" police practices.

Members of the Concerned Citizens for Police Reform and other invited Blacks (except those who were employed by the city government) decided to boycott the City Hall meeting, which was seen as another attempt to avoid the problem.

A New Course

When Superintendent Conlisk failed to schedule another meeting with CCPR; when Mayor Daley refused to come to the Black community to discuss police problems; when the original six recommendations of TWCCP were not met, a new course of action was pursued.

In an effort to strike harder and deeper at the problem of the misuse of police authority, the community and its leaders appealed to U. S. Representative Ralph H. Metcalfe, urging him to use his stature as an elected representative of the people for the purpose of convening hearings into the matter of abusive police conduct and deficient administrative practices.

In response to that appeal, Congressman Metcalfe convened the Blue Ribbon Panel Hearings.

It is appropriate to comment here on the continuing role of Concerned Citizens for Police Reform. In response to the wide recognition that the essential task of police reform in Chicago will be lengthy and time-consuming, CCPR was brought together as a special interest organization whose sole program is reform of the Chicago Police Department. In pursuit of that program, CCPR helped organize the hearings of the Blue Ribbon Panel and aided in the preparation of this Report of the Panel.

CCPR will now devote its energies to aiding in the effort of implementing the Panel's Recommendations. It is the intention of CCPR to support, assist and work in concert with all organizations interested in police reform. CCPR has no wish to replace any existing organization working in this area but rather to strengthen the overall effort.

Part V

EXHIBITS

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

WASHINGTON, D.C. 20530



May 22, 1973

Mr. Renault A. Robinson
Executive Director
Afro-American Patrolmen's League
7126 South Jeffery
Chicago, IL 60649

Dear Mr. Robinson:

Re: Complaint of Discrimination
of the Afro-American Patrol-
men's League against the
Chicago Police Department

This will acknowledge receipt of your letter to me dated May 11, 1973, and copies of that same letter to the Attorney General-designate, and Donald E. Santarelli, Administrator of LEAA.

Discussions and correspondence with the officials of the City of Chicago have not resulted in a commitment by these officials to undertake significant steps to achieve what this agency believes to be voluntary compliance with the civil rights laws and regulations affecting the Chicago Police Department as a recipient of funds from the Law Enforcement Assistance Administration.

Accordingly, this letter is to advise you that LEAA has referred this matter to the Civil Rights Division of the Department of Justice for such action as it deems appropriate.

Sincerely,

Herbert C. Rice, Director
Office of Civil Rights Compliance

EXHIBIT 1

Police Move to Open 'Mills and Men' to Academic Research

By LARRY FORDMAN
Police, Commissioner John J. Casper said today, are going to have the first of a series of "open houses" for the public to see the work of the police in the future. The move is part of a new program to open the police to academic research and to the public. The program is called "Mills and Men" and is named after the police's new slogan, "Mills and Men, the police are with you."

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POLICE HERE TO OPEN 'FILES AND MEN' TO ACADEMIC RESEARCHERS

The New York Times, Friday, September 17, 1971

By Lacey Fosburgh

Police Commissioner Patrick V. Murphy told a group of eight leading local educators yesterday that for the first time in its history the department was ready to open its "files, records and men" to academic investigations.

The Commissioner urged the group--comprising eight top-level college and university officials--to "spread the word" among their faculty members and students quickly, saying he envisaged making the department available not only for research projects, but also for all kinds of field work and internship programs--for law students and young social workers, for example.

"I want these scholars to investigate us as far as they can," he said.

Mr. Murphy acknowledged that his move was highly unusual in police circles.

Questioned by the educators, he agreed that the program's ultimate success would depend on how those involved both police and the scholars, got around the mutually suspicious relationship that sometimes exists between the police and the public.

MUCH TO GAIN

"Traditionally, the police, both here and throughout the country, have been quite closed and secretive," Mr. Murphy said, "but I want to get away from this. I want your help. There's no question we have much to gain by opening our doors and getting your insights on many of our problems."

"Do you mean on the whole range of police activities?" Dr. Robert McKay, dean of the New York University Law School, asked.

"Yes," the Commissioner answered.

"Good," said Dr. McKay.

Earlier, in an interview, Mr. Murphy said:

"We are going to have to overcome their reservation about how far we mean to go in letting them investigate us. But I can think of no area where they would not be allowed to go, except for certain practical limitations involving confidential information and investigations."

The eight educators here agreed to serve as the Commissioner's new academic advisory cabinet and, meeting once a month, to oversee the program.

Noting that as recently as last year the New York City Rand Institute received "vigorous opposition from the highest levels of the department" while it was working on two police studies, he said: "But I've changed these highest commands and now I expect a new attitude."

The meeting yesterday, which followed almost eight months of discussion and planning, was also attended by the following:

Dr. Timothy Healy, vice-chancellor of the City University; Prof. Arnold Goren, assistant chancellor of New York University; Dr. Ruth Weintraub, dean of social sciences at Hunter College; Dr. Donald Riddle and Dr. Claude Hawley, president and vice president of the City University's John Jay College of Criminal Justice; Dr. Joseph McLaughlin, dean of the Fordham Law School, and Prof. Michael Sovern, dean of the Columbia Law School.

Yesterday, over coffee and cinnamon buns, the educators expressed enthusiasm for Mr. Murphy's broad invitation.

Dr. Healy said: "This is quite extraordinary. Most scholars feel the Police Department is a closed world, but if you, Commissioner, really are opening it up, there are going to be serious scholars who will be very interested."

Professor Goren noted, as did others, that the younger generation today was generally so "turned off" the police, and "see them only as hitting heads," that such a new channel for contact between the two groups could have ramifications far beyond the success of a single project.

He cautioned, however, as did the others, that any restriction about the use of police materials--whether individuals' names or intelligence files--would have to be set up in advance. No scholar, he said, would ever accept censorship.

"I know," Mr. Murphy said. "And we want the least possible restrictions."

As to possible projects, the ideas included using law internes to study police performance in the courts and the placing of social-work students in the precincts to work with patrolmen and community groups.

Dean McKay, noting that two-thirds of all third-year law students at N.Y.U. had some kind of field training, said: "Five of my professors already have a long list of ideas and my only question is, When can we begin? Tomorrow?"

"Yes," the Commissioner answered.

PRAYING TOGETHER AS A WAY AGAINST CRIME & FEAR

*You Join The People of Our
Community Praying Together to
STOP CRIME and FEAR?*

Sunday, March 5, 1972 - 2:30 P.M.

AT

CHURCH A.M.E. CHURCH - 4440 So. Michigan

ATTENDING PARTICIPATING:

★ WOMEN BIBLE AND THE VOICES OF TRUTH

★ BRUCE WOODS AND THE GIBBS LANE TABERNACLE CONCERT CHOIR

★ SOUTH PARK BAPTIST CHURCH

★ DETROIT AREA SINGERS CHOIR

★ SOLOIST BETA CALINGTON TODD

★ GREATER TRINITY CHOIR

★ WOMEN BIBLE

★ SOUTH PARK BIBLE CHOIR

★ FIRST CHURCH OF DELIVERANCE

Organized by Minister of Social and Community Service on Crime "Project"

GENERAL ORDER		DATE OF ISSUE	EFFECTIVE DATE	NO.
		22 March 1972	22 March 1972	72-6
SUBJECT		DISTRIBUTION	AMENDS	
CIVIL RIGHTS		B		
U. S. Constitution, Amendment XIV; 18 USC, 1 and 242; Illinois Constitution, Article II; Illinois Revised Statutes, Arts. 7-5, 13, and 105; Municipal Code of Chicago, Ch. 199A		RECORDING		
		General Order 66-9		

Orders:

- A. states the policy of the Chicago Police Department on civil rights.
- B. reaffirms the Department's determination to observe, uphold, and enforce all laws pertaining to individual rights without regard to race, religion, color, national ancestry, or economic status.

I. INDIVIDUAL RIGHTS AND THE LAW

- A. All inhabitants of this country are guaranteed protection by the Constitution of the United States from unlawful arrest and unreasonable search and seizure.
- B. The Congress of the United States has made it a crime to deprive a person of his civil rights. "Whoever under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges or immunities secured or protected by the Constitution or law of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if death results shall be subject to imprisonment for any term of years or for life."
- C. The State of Illinois has enacted civil rights laws. Illinois law makes it a mandatory duty of officers to protect the rights of an accused person.
- D. Both city and state laws make it an offense to deny another the use and benefit of any public place of amusement or accommodation.
- E. In accordance with state law, when making a lawful arrest or authorized search and seizure, Department personnel will use physical force only when the exercise of persuasion, advice, and warning is found to be insufficient to obtain cooperation and use only the minimum degree of such physical force necessary on any occasion.

II. INDIVIDUAL COURTESIES AND DEPARTMENT POLICY

- A. In addition to respect for those civil rights imposed by law, the Department as a matter of policy demands its officers to treat the public at all times with courtesy and civility.
- B. Department personnel will:
 1. never show any bias or prejudice against any individual or group because of race, religion, color, national ancestry, or economic status.
 2. act, speak, and conduct themselves as gentlemen. Treat all persons with complete courtesy and with the dignity due to every person as a human being.
 3. never take a condescending attitude towards members of the public or employ the use of derogatory terms.
 4. recognize that it is their duty to provide service to the public and therefore will always courteously approach a person or vehicle and will not require a person to come to them.

III. RESPONSIBILITY

Every officer will:

- A. respect and protect each person's civil rights, and
- B. comply with all laws and Department policy relating to civil rights.


Superintendent of Police

EXHIBIT 4

LOCKUP KEEPERS

DISTRICT
DIVISION
B

AMEND

RECEIVED

RECEIVED

General Order 70-19

Department Special Order 71-43

General Order 67-9

PURPOSE

This order

defines certain functions and duties of a lockup keeper.

defines the responsibilities of a lockup keeper in the event of a prisoner's illness.

GENERAL DUTIES

A lockup keeper will be in charge of all prisoners delivered into his custody. He will:

- A. report any extraordinary or unusual occurrences in regard to prisoners to his commanding officer immediately.
- B. familiarize himself with all aspects of the lockup "Emergency Plan."
- C. maintain an accurate record of all prisoners on the Prisoner Roster sheet (CPD-11.515).
- D. maintain an accurate record of prisoners fed on the Lockup Keepers Monthly Food Record (CPD-34.613).
- E. check all prisoners regularly during his tour of duty. He will turn all prisoners and records over to the lockup keeper who relieves him.
- F. search each prisoner carefully in his lockup and confiscate anything which could be used in effecting an escape or inflicting self-injury to others.
- G. not carry any weapon on his person, not keep any weapon within the lockup, and not permit any unnecessary entry of weapons into the lockup by others.
- H. take all monies, valuables, and smoking materials (including matches) for safe-keeping and promptly issue an itemized receipt to the prisoner.
- I. see that all cells are kept clean and in a sanitary condition.
- J. not allow any person, including any member of the Department not on necessary police duties, to enter the lockup without the written authorization of the watch commander. Under no circumstances shall any prisoner be interrogated, questioned, or interviewed in his cell.

SICK PRISONERS

- A. When a prisoner is found to be sick or injured, a lockup keeper will notify the sergeant on desk duty or his commanding officer immediately, even if the prisoner's condition appears to have been caused by intoxication.
- B. If a prisoner is taken out of the lockup for medical treatment, this will be noted on the Arrest Report (CPD-11.515). It will also be recorded on the back of the Court Sergeant/Permanent Record Copy, and the District Court Copy of these reports.
- C. Under no circumstances will an incoherent or unconscious prisoner be placed, or be allowed to remain, in a cell without medical treatment.

change from previous order.


 Superintendent of Police

19-72 JST

EXHIBIT 5