

# Police misconduct exemplified in a case study

[Government](#), [Military](#)



## **Police Department Consent Decree/Agreement**

The case presented by Cruz-Rosas (2011) is of four police officers known as 'Riders' in which four rough police officers were accused of planting evidence, using excessive force and also filing false reports. The case, as reported was a shock to the people of Oakland and encourage civil lawsuit against the city (Cruz-Rosas, 2011). These practices were considered unethical and the department was required to establish grounding rules for police conduct.

Police misconduct involves unethical behaviors such as using excessive force and even planting of evidence. Based on this case, the Oakland officials were expected to come up with rules and procedures for dealing with police brutality. The image of the police has since suffered as a result of the "the Riders" scandal with one fleeing to Mexico before a controversial trial in which the other defendants were cleared of eight charges while the jury delivered a hung verdict.

Angry protests followed as the Riders walked. This scandal and similar issues have raised concern to spur reform in Oakland's underfunded and understaffed police department. Hence the increase of tension between the police and the public on the street should not come as a surprise. The Oakland Police Department (OPD) as a law enforcing agency in Oakland, California is responsible for establishing constitutional law in an effective way.

With this in mind, this text highlights the issues associated with the responsibility of ensuring the rights of citizens in the city of Oakland are

ensured through the OPD based on the constitution and in regards to statutory. In addition, treating people fairly and with dignity, promoting the safety of the public in a fiscal responsive and also responsible way to the expectations of the people which they swore they would serve.

The issue related to misconduct of the police was considered unlawful and unconstitutional particularly in regards to applying excess force is the issue that requires attention and one which will be addressed. The traditional focus on police misconduct, especially using excessive force, and issues of its control traditionally dominated the public and police administrators' views. Such approach focuses on some police officers who carry out this misconduct. Applying a lot of force violates a person's constitutional rights. The OPD is obligated to provide protection for the community and in a transparent way, clearly, indicate its process to the community with a functional voice.

This arrangement focuses on establishing a working relationship with the community where the community trusts the officers to do their job without any misconduct, to collect and analyze data in regards to specific activities as well as the imposition of necessary discipline in terms of the misconduct, in an efficient way while enhancing policies accompany law enforcement. Without means of implementation, the system involving federal, state, municipal and common law would be deemed meaningless and empty. Remember the law involves not simply the rule but also implementation of that rule.

All society forms tend to depend on the authority and rule. Authority involves the right of directing and commanding. Police power describes the federal, the state and the civic government ability to implement the laws they pass through conceding government agents at every stage the authority of using force against individuals who do not act in accordance with with the laws.

Notwithstanding various strategies already implemented, OPD has been on the frontline in making sure that there are policies in place that enhance necessities that ensures that the community outreach is obtained in a visible way. Despite their progress, technological advances have become a limitation. Furthermore, it is important to note that conditions at which law enforcement officers work under, has risks in terms of their safety and wellbeing and also the safety of the people.

The Justice Department provided a report on January 2012 in regards to U. S. C. § 14141 (“ Report”). The report documented the places that the US was placed in a position where OPD conducted a violation of the Constitution and federal law, especially in regards to using excessive force and fake evidence.

The report had a comprehensive exhibition of how the concerns against OPD challenge their legal activities as law enforcement officers. The practices and patterns of using excessive force violate the Fourth Amendment to the United States Constitution. The other statutory provision that censures using excessive force is the Law Enforcement Act of 1994 and the Violent Crime Control.

While implementing this act, an agreement was passed that the OPD is obligated to initiate, and also to put in place policies and procedures. The other aspect that was considered was the need to have documentation as well as an evaluation system that determined the advent and the need to use force (Smith, & Holmes, 2014).

The other consensus was the need to implement a system that helped in tracking complaints that the people raised with the intention of ensuring there are prompt investigative responses to problems they experienced. The final agreement involves establishing a training method that focused on enlightening law enforcement officers on the methods involved in conducting effective constitutional policing.

Implementing different strategies and procedures are meant to make certain that there is a sufficient technical platform that the law enforcement officers follow when they execute an arrest especially when arresting someone involved in violent criminals. The duty to provide protection for the people is paramount and is needed in making sure that there are policies and procedures that help in ensuring excessive use of force against a person is prevented.

Implementing mechanisms that promote proper documentation and evaluation in the structure is effective methods in which law enforcement officers who are intentionally engaged in using excessive force, or conducting other misconducts can be accounted for the accusation. In most cases, the use of excessive force involves direct application of force against

a suspect. In these cases, an officer intentionally uses force in controlling, detaining or seizing a suspect.

The classic case of excessive use of force in which a law enforcement officers uses direct application of force, normally through a firearm, to a citizen.

There are, however, situations where law enforcement officers may use direct force in bringing about a seizure. Dealing with a weapon, frisking a suspect, or keeping a suspect in a frisk spot for a a long time are behaviours that can place officers at risk of liability for excess use of force, particularly when the force is directed to a child, or someone who is vulnerable, suspects who are dangerous to the officers, or arrests who have been controlled and not aggressively resisting (Micucci, & Gomme, 2005).

Behaviour not designed to cause an arrest are brought under the Fourteenth Amendment's due process section, which has a high level of responsibility associated with it. Understanding the cause of using excessive force gives space for an effective way in which the officer explains his or her actions. Looking keenly at a complaint that a person brings up in a specific circumstance allows the candid to elaborately determine the reason why the officer used excessive force in a specific circumstance.

Taking into consideration the circumstance that leads to certain event enables the OPD to understand the reason why excess force was used by a specific officer towards a specific person. This initiative will give chance for transparency and also acts in the representation of an avenue that the public trusts on the law enforcement officer which will gain developed positive insight and confidence.

As a final scheme, there is the need to inform the law enforcement officer in the legitimate provision in regards to the rights of an individual especially in regards to using unnecessary force against the individual despite being in the police's custody. The move will proceed to ensure that there is a flexible method through which officers are well up to date of the possible consequences of the advent of illegitimately arresting someone. The police will practice their role in a friendly approach despite their power without using it unnecessarily to detriment the person they are meant to serve.

There are different procedures that the police are expected to follow in order to prevent being subjected to DOK oversight in regards to using excessive force. The OPD should first encourage incident resolution without applying excessive force even when it is necessary. This step will be critical in reducing incident reports that are filed against the law enforcement officer.

The other essential aspect that the OPD should consider is using de-escalation methods and tactics that would reduce the need to apply force. This process will be important in encouraging the move onto the possibility of voluntarily complying with the law and legitimate orders. OPD is expected to encourage police officers to use methods that do not escalate a situation in a dangerous way.

Importantly, however, is the need to assess the situation and changing circumstances in order to have an appropriate modulation in regards to using excessive force. In case there is a legitimate reason for using force, OPD needs to make sure that the law enforcement officer is well informed of

the cause of action in a way that does not lead to harming the victim or the police officer.

OPD department is responsible for establishing methods that can be easily be reorganized by the offender that the officer is likely to apply excess force and guarantee that there is a procedure that focuses on the possible move that the law enforcement officer makes. As a department, it is important to introduce a comprehensive report that has various aspects of reportable compel used in observing a specific situation.

Police officers who use excessive force unreasonably tend to violate the laws and policies implemented and as a result, should be held accountable for the actions they take. The step involved in implementing policies that affect the way police officers operate requires measures that reduce resorting to applying excess force. An effective method is using verbal persuasion, having warning and de-escalation methods such as slowing down the advent of a situation, creating distance and requesting for further resources such as negotiators.

Police officers are responsible for making a decision and using their critical thinking skills to analyze and to respond to a situation. In case force is to be applied, the officer should be well aware of the extent to which the force should be used and only for purposes of controlling the situation and having the situation in control. The other responsibility of the department is to make sure that unnecessary force is not used when a person is under detention or arrest.



The First Amendment, in such cases, should be observed because it prohibits against using retaliation force. The department should advise the officers against using force in punishing people who resist, flee or assault officers. Unless the situation is extenuated, a law enforcement officer is expected to use weapons that are allowed under the policy and force methods.

Furthermore, the OPD does not need to use neck hold or chokehold unless authorized and this should be done when there is no any other alternative way of preventing the situation from escalating. Such circumstances should be observed under OPD policies. An officer is expected to be in a position of taking into consideration possible corrective action, prosecution of the criminal, discipline and civil liabilities owing to wrongfully applying excessive force.

In regards to the weapon, the officer is expected to have undergone proper training and is certified to use the weapon. The officer is expected to only apply his or her skills on the ground for arresting or detaining someone and that using force was necessary and a way of safeguarding the subject, officer, or other victims from any sort of physical harm. Firearms are prohibited unless the situation escalates and needs an extreme method of dealing with it such as cases where the victim has a firearm and shoots back at the officer.

When a firearm is discharged, it is incumbent on the OPD to establish a report that explains why the firearm was discharged and modulation of appropriately using force when it is not necessary. The implemented policies in OPD should ensure that the officer does not fire shots as a sign of warning

or fire towards a moving car unless an imminent threat is on another victim or on the officer. The department, therefore, is responsible and is expected to ensure law enforcement officers have proper training on how to deal with situations that involve firearms. This alone puts a responsibility on the department to implement proper training methods based on critical thinking and decision making.

The steps involve collecting relevant statistics of a criminal case, assessing the threat, and the situation. In addition, it is necessary to consider the police power under OPD policy, identify the alternatives and come up with the most appropriate course of action (Chemerinsky, 2000). Then, it is important to review, act and reassess a specific circumstance. Law enforcement officers in the OPD department should have skills that help them avoid situations that require using excess force, planting evidence, and filing a false report and instead exercise their power in a proper way and have essential intervention programs.

As expected, police officers should be in the public interest of the requirement of the Fourth Amendment and law associated with it. Because officers tend to exercise their powers more often, they should be trained in ways of handling suspects who tend to refuse to comply or those who have mental conditions, physical impairments, language barriers, and other limitations that affect proper communication.

Police are simply allowed to use reasonable and necessary force in making an arrest, that is in case the arrest is warranted. When officers use violence in punishing a victim, intimidating and coercing someone into confession

they violate the Fourth Amendment (Turvey & Savino, 2018). The Oakland Law collaborative generally files police misconduct lawsuits in federal court, which gives people the chance of suing the police who act in ways that violate constitutional rights.