

Effects of police misconduct



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What is police misconduct and how does it affect police and community relations?

Police misconduct includes a comprehensive range, reflecting the high standards we expect of police officers. Police misconduct can apply to off-duty behavior as well as conduct on the job. Any conduct that is disgraceful, improper or unbecoming a police officer, or shows unfitness to be or continue as a police officer, or does not meet the requirements the community reasonably expects of a police officer. Examples of on-the-job police misconduct would be:

- Failure to provide medical treatment to a detainee.
- Assaulting another individual in a night club would be an example of off-duty police misconduct.
- The violation of state and federal laws or the violation of individuals' constitutional rights by police officers; also when police commit crimes for personal gain.

Police misconduct terms refer to a wide range of procedural, criminal, and civil violations. Misconduct is the broadest category. Misconduct is “procedural” when it refers to police who go against police department rules and regulations; “criminal” when it refers to police who defy state and federal laws; “unconstitutional” when it refers to police who abuse a citizen’s Civil Rights; or any combination thereof. Common forms of misconduct are:

- Excessive use of physical or deadly force,
- Discriminatory arrest,
- Physical or verbal harassment

- Selective enforcement of the law.

Profit or another type of material benefit gained illegally as a result of the officer's authority is considered misconduct. Forms of police misconduct include bribery, extortion, receiving or fencing stolen goods, and selling drugs. The term also refers to patterns of misconduct within a given police department or special unit, particularly where offenses are repeated with the consent of superiors. Police departments establish codes of conduct, train new recruits, and investigate and discipline officers, sometimes in cooperation with civilian complaint review boards which are intended to provide independent evaluative and remedial advice. Protections are also found in state law, which permits victims to sue police for damages in civil actions. Excessive force- police brutality, false arrest and imprisonment, malicious prosecution, and wrongful death are examples of actions brought for claims. State actions may be brought at the same time with additional claims for constitutional violations.

Federal law specifically targets police misconduct through both criminal and civil statutes, Federal law is applicable to all state, county, and local officers, including those who work in correctional facilities. The key federal criminal statute makes it unlawful for anyone acting with police authority to deprive another person of any right protected by the Constitution or laws of the United States (Section 18 U. S. C. § 241 [2000]). Another statute, commonly referred to as the police misconduct provision, makes it unlawful for state or local police to engage in a pattern or practice of conduct that deprives persons of their rights (42 U. S. C. A. 14141 [2000]). Federal law prohibits discrimination in police work. police departments receiving federal funding is

covered by Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d) and the Office of Justice Programs statute (42 U. S. C. § 3789d[c]), which prohibit discrimination on the basis of race, color, national origin, sex, and religion. These laws prohibit conduct from racial slurs and unjustified arrests to the refusal of departments to respond to discrimination complaints.

In the 1990s, the New York City Police Department began a “community policing” approach to crime fighting. Some major cities in which community policing and other community relations strategies have been used report increased public confidence in police, a reduction in crime, and the easing of racial tensions. The goal of community policing is for community residents and police to work together addressing crime in the neighborhood. Effective police-community relations initiate’s community members learn about policing and how to prevent crime, and a police department can learn about neighborhood members and their policing needs. Community policing allows neighborhood residents and police departments to come together to fight crime. Community policing effort can ruin the relations between the police and the community that it is designed to protect. As the NYPD has recognized, if the price is the trust and respect of the community we serve whatever gains we have achieved in fighting crime is minimized. If members of the community are reluctant to approach police for fear of a negative encounter, then we have not met our obligations to the public even if crime levels decline.

Abner Louima was assaulted and sodomized by officers inside Brooklyn’s 70th Police Precinct; Mayor Giuliani created the Task Force on Police/Community Relations on August 19, 1997, 10 days after Haitian

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immigrant was assaulted. The goal was to give better communication among members of the police department and residents of the City of New York.

The New York City Police Department began to put in place a program in June 1996, called the Courtesy, Professionalism and Respect (CPR) program. The CPR program encourages professionalism within the department, including the constant display of courtesy and respect toward the citizens of New York City. The NYPD initiated the program in response to a rise in the number of complaints against the NYPD. The mayor believes there is a problem in the relationship between the New York Police Department and the communities of color in New York, which must be addressed from both sides of the problem. Many of the complaints concerned discourteous conduct by members of the NYPD. To improve the situation it is critical that officers understand the need for respectful treatment of the people of New York. We train them to refer to people as Mr. and Ms, to try to explain to people why they're doing what they do and to go out of their way to be respectful.

According to the NYPD, the ultimate goals of the CPR program include:

1. A more productive relationship between the NYPD and residents
2. Improved officer safety through increased public support
3. More success for all crime strategies
4. An image of members of the NYPD as law enforcement professionals.

To accomplish these goals, the NYPD provides its officers with in-service training as well as training at the Police Academy.

The twentieth century saw multiple legal, administrative, and scholarly approaches to the problem. The passage of the Civil Rights Act of 1964, gave new protections to citizens who had long suffered discriminatory policing. A string of landmark Supreme Court decisions highly influenced cases resulting in the strengthening of Fourth Amendment rights against unreasonable Search and Seizure, evidentiary rules forbidding the use at trial of evidence tainted by unconstitutional police actions, and the establishment of the so-called Miranda Warning requiring officers to advise detained suspects of their constitutional rights.

Traditional views were based on the assumption that police abuse reflected the moral failings of individual officers-the so-called “ bad cop.” The Knapp Commission was organized to hold hearings on the extent of corruption in the city’s police department. Testimony against fellow officers not only revealed systemic corruption but highlighted an obstacle to investigate these abuses: the understanding among police officers known variously as “ the Code of Silence” and “ the Blue Curtain” under which officers regard testimony against a fellow officer as betrayal.

The work of criminologists and others, police departments sought to improve organizational rules, training, and prevention and control mechanisms. The publication of a code of police conduct by the International Association of Chiefs of Police, reflect more hard training for officers, and experimented with so-called community policing programs to improve relationships between officers and the community. Several cities established joint police and civilian complaint review boards to give citizens a larger role in what traditionally had been a closed, internal process by police departments.

Among the most dramatic examples of system-wide reform is New York City's response to long-standing brutality, discrimination, and corruption within the New York City Police Department. After reviewing civilian complaints against police in the 1960s, the city committed to it after public outcry over the videotaping of officers beating citizens who violated curfew in 1988. The Civilian Complaint Review Board, which became an all-civilian agency in 1993. In 1992, responding to new complaints, the Mayor appointed the Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department, known as the Mollen Commission. Two years later, the commission concluded that the city had alternated between cycles of corruption and reform. The full-time Commission to Combat Police Corruption (CCPC) as an entity independent from the police department was created. The CCPC monitors the NYPD anti-corruption policies and procedures, conducts audits, and issues public reports.

Misconduct complaints can be quantified on a city-by-city basis, but these data are often subjective, and far more complaints are filed than ever are evaluated at trial. Corruption is even harder to measure. As the National Institute of Justice acknowledged in its May 2000 report, *The Measurement of Police Integrity*, most corruption incidents go unreported, and data that do exist “ are best regarded as measures of a police agency's anticorruption activity, not the actual level of corruption.”

Prosecution of the officers was less conclusive. Officer Justin Volpe pleaded guilty to leading the Sodomy assault and was sentenced to 30 years in prison. However, in 1999, his fellow three officers were acquitted on charges

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of assault in the police cruiser; one of them, Officer Charles Schwarz, was convicted of violating Louima's civil rights for holding him down during the bathroom assault. In 2000, all three were convicted of obstructing justice for their actions in covering up evidence of the attack, but these convictions were later overturned in *United States v. Schwarz*, 283 F. 3d 76 (2d Cir. 2002). Ordered a new trial on the civil rights charge, Schwarz reached a plea bargain in September 2002, agreeing to be sentenced to a 5-year prison term.

Misconduct by police officers has occasionally led to rioting. The Los Angeles riots in 1992 followed the acquittal of white police officers charged with the videotaped beating of black motorist Rodney King. In April 2001, three days of rioting in Cincinnati followed the acquittal of a white police officer on charges of shooting Timothy Thomas, a 19-year old unarmed black man.

Cities continue to examine ways to bring meaningful reform to police departments. Some critics have argued that misconduct and corruption are age-old problems that resist all efforts at eradication; the best society can do, in this view, is monitor and correct. Others trace recent problems to public policy that emphasizes aggressive policing of drug, gang, and street crimes. Until more effective remedies are found, some citizens will still require protection from the very people appointed to protect and serve them.