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# Watt Riots

- The Watts Riot, which raged for six days and resulted in more than forty million dollars worth of property damage, was both the largest and costliest urban rebellion of the Civil Rights era.
- August 11, 1965, Marquette Frye, a young African American motorist, was pulled over and arrested by Lee W. Minikus, a white California Highway Patrolman, for suspicion of driving while intoxicated.
- As a crowd of onlookers gathered at the scene of Frye's arrest, strained tensions between police officers and the crowd erupted in a violent exchange.
- The outbreak of violence that followed Frye's arrest immediately touched off a large-scale riot centered in the commercial section of Watts, a deeply impoverished African American neighborhood in South Central Los Angeles.
- Over the course of the six-day riot, over 14,000 California National Guard troops were mobilized in South Los Angeles and a curfew zone encompassing over forty-five miles was established in an attempt to restore public order.

# Watt Riots, cont'd

- Rioting claimed the lives of thirty-four people, resulted in more than one thousand reported injuries, and almost four thousand arrests before order was restored on August 17.
- Throughout the crisis, public officials advanced the argument that the riot was the work outside agitators; however, an official investigation, prompted by Governor Pat Brown, found that the riot was a result of the Watts community's longstanding grievances and growing discontentment with high unemployment rates, substandard housing, and inadequate schools.
- Despite the reported findings of the gubernatorial commission, following the riot, city leaders and state officials failed to implement measures to improve the social and economic conditions of African Americans living in the Watts neighborhood.

# 1992 LA Riots (Rodney King)

- <https://www.youtube.com/watch?v=eEed-GIAoU8>

# Rodney King beating

- <https://www.cbsnews.com/news/march-3rd-1991-rodney-king-lapd-beating-caught-on-video/>

# Christopher Commission (Warren Christopher was later Sec'y of State under Clinton)

- Charged with "a full and fair examination of the structure and operation of the LAPD," including its recruitment and training practices, internal disciplinary system, and citizen complaint system.
- Its investigation and report was unprecedented, reviewing a five-year period of internal use of force reports, Mobile Digital Terminal (MDT) transmissions between squad cars and police stations, and eighty-three civil damages cases involving excessive force settled by the City Attorney for more than \$15,000.
- The commission also held hearings and interviewed scores of officials and residents.

# Findings

- “There is a significant number of officers in the LAPD who repetitively use excessive force against the public and persistently ignore the written guidelines of the department regarding force.”
- “The failure to control these officers is a management issue that is at the heart of the problem. The documents and data that we have analyzed have all been available to the department; indeed, most of this information came from that source.”
- “The LAPD's failure to analyze and act upon these revealing data evidences a significant breakdown in the management and leadership of the Department. The Police Commission, lacking investigators or other resources, failed in its duty to monitor the Department in this sensitive use of force area. The Department not only failed to deal with the problem group of officers, but it often rewarded them with positive evaluations and promotions.”

- “We recommend a new standard of accountability....Ugly incidents will not diminish until ranking officers know they will be held responsible for what happens in their sector, whether or not they personally participate.“
- The commission highlighted the problem of "repeat offenders" on the force, finding that of approximately 1,800 officers against whom an allegation of excessive force or improper tactics was made from 1986 to 1990, more than 1,400 had only one or two allegations.



# Problem Officers

- But 183 officers had four or more allegations, forty-four had six or more, sixteen had eight or more, and one had sixteen such allegations.
- Generally, the forty-four officers with six complaints or more had received positive performance evaluations that failed to record "sustained" complaints or to discuss their significance.
- After report was published, some police officers left LAPD. Houston actively recruited LA officers as lateral transfers.

# Amadou Diallo

- Amadou Diallo came to New York from West Africa to live the American Dream. The 23-year-old wanted to earn a computer science degree, but that all ended in a burst of police gunfire just after midnight on February 4, 1999.
- Four plainclothes NYPD officers from what was known as the Street Crimes Unit at the time said they thought Diallo was a rape suspect, and that when they approached, they thought he was firing a gun at them.
- The four officers fired 41 shots, hitting Diallo 19 times as he stood in the doorway of his own home on Wheeler Avenue in the Soundview neighborhood of the Bronx.
- The 23-year-old's body was riddled with bullets. He even had a bullet hole in the bottom of his foot. Diallo didn't have a weapon, only a wallet.

# Eric Garner (2014)

- <https://abcnews.go.com/US/nypd-officer-put-eric-garner-lethal-chokehold-loses/story?id=76683871>
- Staten Island DA's office and federal government refused to prosecute Daniel Panteleo. He was eventually fired (2019) and sued to get his job back. Judge ruled against him (2021).
- Officer Daniel Pantaleo was the subject of seven misconduct complaints prior to Garner's death were provided to the Associated Press by the Civilian Complaint Review Board in response to a request under a new state law making police disciplinary files public.

# Derek Chauvin, Minneapolis PD

- 18 complaints
- 2 were sustained, with reprimands
- Chauvin and his wife were indicted for tax fraud – failure to report \$400K in income. Used FL as home state while living in MN
- <https://minnesotareformer.com/2020/07/22/derek-chauvin-charged-with-tax-fraud-in-washington-county/>

# Virginia soldier pepper sprayed

- <https://www.cnn.com/2021/04/12/us/caron-nazario-officer-fired/index.html>

# Officer Anthony Sperl – Stanton, CA (1983)

- <https://ladailymirror.com/2013/03/21/millennial-moment-officer-kills-boy-5-holding-toy-gun/>

# Internal Affairs

- <https://www.youtube.com/watch?v=7Lp08QYLrUw>
- Scandal at San Antonio PD

# Trump

- <https://www.youtube.com/watch?v=9nl00N6I5Ak>



# Citizen Complaints

- How many complaints does the average cop get?
- This total figure resulted in overall rates of 33 complaints per agency and 6.6 complaints per 100 full-time sworn officers. Overall rates were higher among large municipal police departments, with 45 complaints per agency, and 9.5 complaints per 100 full-time sworn officers.

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[www.bjs.gov › content › pub › pdf › ccpuf](http://www.bjs.gov/content/pub/pdf/ccpuf)

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# Complaint Data – Bureau of Justice Statistics

- Large state and local law enforcement agencies with 59 percent of the nation's sworn officers received 26,556 citizen complaints about the police use of force during 2002.
- The rate was 6.6 complaints per 100 full-time sworn officers. Eighty-four percent were made against large municipal departments
- About eight percent of the complaints were officially sustained, that is, there was sufficient evidence to justify disciplinary action against the officer or officers;
  - 34 percent were not sustained;
  - 25 percent were unfounded, meaning the complaint was not supported by facts or the alleged incident did not occur;
  - 23 percent ended in exonerations because the police actions were lawful and proper and nine percent ended in other dispositions, such as complaint withdrawal, etc.

# Filing a complaint at Nashville Metro PD

- <https://www.nashville.gov/departments/police/chief-police/professional-standards-division/how-make-complaint>

# Department Hopping

- Sometimes officers fired by departments (or facing poor evaluations, disciplinary actions or dismissal) find jobs at other departments
- Some departments do not conduct thorough background checks
  - The case of Agent Rick Parker, CA Bureau of Narcotic Enforcement

# 1970 – President Nixon’s War on Drugs

- Congress turned the federal civil asset forfeiture law into a weapon against the illegal drug trade, allowing for the seizure of aircraft, boats and vehicles used to transport drugs.
- The federal law was eventually expanded to include cash tied to drug trafficking and to allow the money to be shared with local and state police, who could keep up to 80 percent of the seized assets.
- When police make a seizure, a federal agency must approve or “adopt” it for inclusion in Justice’s Equitable Sharing Program.

# Asset Forfeiture

- Allows for civil seizure of real property, money, personal property, cars, etc. used in the furtherance of criminal activities or gained as a result of criminal activities.
- Federal asset forfeiture requires federal involvement or “adoption”
- State asset forfeiture is subject to each state’s laws.

# Why is it a potential problem?

- Civil procedure that only requires preponderance of the evidence (not reasonable doubt).
  - Property is seized and you must fight to get it back
  - The median forfeiture (cash) averaged \$1,276 across the 21 states where usable data was obtainable. In most of those states, half of cash seizures fell below \$1,000. In Michigan, for example, half of all civil forfeitures of currency were worth less than \$423, and in Pennsylvania, that median value was \$369.
  - Ripe for abuse
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- ["Police Say Seizing Property Without Trial Helps Keep Crime Down. A New Study Shows They're Wrong". \*ProPublica\*](#)

# Forfeiture Laws by State

- <https://ij.org/activism/legislation/civil-forfeiture-legislative-highlights/>
- <https://endforfeiture.com/>



- 15 states require a criminal conviction to permanently confiscate property with civil forfeiture—but only in limited circumstances.
- These reforms are **not** the same as criminal forfeiture. Nebraska and New Mexico have ended civil forfeiture outright and exclusively use criminal forfeiture. Similarly, North Carolina only permits civil forfeiture for racketeering cases.

# Civil Litigation – Insurance Companies

- Some cities are self-insured (pay their own claims – taxpayer \$)
- Some cities are insured
- Small departments may group together as consortium to lower premiums
- Article for further reading:
- <https://static1.squarespace.com/static/55ad38b1e4b0185f0285195f/t/5da6b0f84632e628b7231dc2/1571205372171/SSRN-id2635673+%281%29.pdf>

# Three Steps

- Police department commits the act
- Law department defends it
- Treasurer writes the check

# Role of Insurance Companies

- Can require cities to make changes to reduce liability
- Can drop cities completely

# Police Unions – Associations, Fraternal Orders of Police

- 1960s won the right to bargain collectively
- Their job is to bargain for pay, benefits, hours, provide legal representation
- A 2018 University of Oxford study of the hundred largest American cities found that the extent of protections in police contracts was directly and positively correlated with police violence and other abuses against citizens.
- A 2019 University of Chicago study found that extended collective-bargaining rights to Florida sheriffs' deputies led to a forty per cent statewide increase in cases of violent misconduct—translating to nearly twelve additional such incidents annually.

- <https://www.newyorker.com/news/news-desk/how-police-union-power-helped-increase-abuses/amp>

- WBEZ, a Chicago radio station, found that, between 2007 and 2015, Chicago's Independent Police Review Authority investigated four hundred shootings by police and deemed the officers justified in all but two incidents.
- Since 2012, when Minneapolis replaced its civilian review board with an Office of Police Conduct Review, the public has filed more than twenty-six hundred misconduct complaints, yet only twelve resulted in a police officer being punished. The most severe penalty: a forty-hour suspension.
- When the St. Paul *Pioneer Press* reviewed appeals involving terminations from 2014 to 2019, it discovered that arbitrators ruled in favor of the discharged police and corrections officers and ordered them reinstated forty-six per cent of the time.

## Qualified Immunity (Civil)

Qualified immunity extends to police officers who are performing duties of a discretionary nature.

Duties that require deliberation or judgment. To protect “all but the plainly incompetent or those who knowingly violate the law”

Determined by a two-part analysis.

# Determining Qualified Immunity

In determining whether an officer is entitled to qualified immunity, we consider

(1) whether there has been a violation of a constitutional right; and

(2) whether that right was clearly established at the time of the officer's alleged misconduct.



# What is a Consent Decree

- [https://www.youtube.com/watch?v=OJ7JC\\_3n4uc](https://www.youtube.com/watch?v=OJ7JC_3n4uc)

# CONSENT DECREES

- Consent Decrees were first observed in the American criminal justice system in the 1994 Violent Crime Control and Law Enforcement Act.
- A portion of The 1994 Violent Crime Control Act bestows power upon the U.S. Department of Justice-Civil Rights Division to scrutinize state & local law enforcement deemed to have unconstitutional procedures or if they participate in a pattern of unconstitutional law enforcement behavior.
- This Act was ratified in the aftermath of 1992 Los Angeles riots

- Consent decrees and the right to bring suit, under the law, lies solely with the U.S. Department of Justice on the federal level.
- The federal government can impose civil litigation to compel local governments to make modifications to police practices & improve future policing plans.
- Mostly, consent decrees are dispensed when police departments engage in some type of systemic discriminatory behavior, often involving- use of force, unlawful stops & seizures, and biased-based policing. •
- As the federal government is the sole authority to level a decree, Oakland, CA broke this trend in 2003 where over one hundred citizens petitioned the federal government to intervene with OPD over injustices with the use of force...The U.S. DOJ answered with a consent decree

# Memoranda of Agreement

- Consent decrees are also termed Memorandums of Agreement and oftentimes they take years to be settled •
- Reforms become mandated which force the law enforcement agency to cure a faulty law enforcement practice, which may have been in place for decades •
- A “Federal Monitor” is selected to oversee the process of change and arbitrate problems that may arise within the changing organization. •
- The Federal Monitor assists to accomplish efficient, operational conclusions to repair deficiencies in general policy and practical police procedure

# New Jersey State Police

- In 1998, the New Jersey State Police was brought under inquiry for “system” racial profiling.
- During this year, a widely-covered police-citizen incident brought attention to the NJSP when Troopers shot four unarmed minority males on the New Jersey Turnpike.
- A Study completed by Fagan & Geller (2010), reported minority motorists are more likely to be searched than white drivers, regardless of the race of the police officer.
- The Federal government and the NJSP entered into a consent decree to address past practices concerning motor vehicle stops.

# Data Collection

- Data must be collected regarding motor vehicle stops to include:  
Name & badge of the trooper, other troopers on scene,
- Date, time, & location of the stop, (the length of the stop)
- Description of the vehicle (plate #, state, etc ) Gender, race, ethnicity of the driver/ passengers & whether they were requested to exit the vehicle, frisked, searched, consent search, or arrested
- Whether the driver was issued a summons or warning and category of violation (moving vs. non-moving)

# Oakland PD

- Allen et al. v, the City of Oakland and the “Riders”
- Charges & civil rights violations were reported asserting the “Riders” as engineers of bogus evidence, planted contraband, and repeated use of brutal force.
- Early Warning Systems
- Taking Citizen & Anonymous complaints against police
- Supervision & an acceptable “Span of Control”

- The New Orleans Police Department (NOPD) has a troubled history regarding police incidents of use of force.
- The Danziger Bridge- September 4, 2005- Post Hurricane Katrina Examiners from the Federal government concluded the NOPD had a “pattern of unconstitutional conduct” notably in excessive force, among others...
- Use of force- warnings/verbal persuasion, de-escalate when resistance decreases, allow time to submit to arrest, prohibition of force used against handcuffed subjects, constructive authority, supervisor notifications, obtaining necessary medical care, etc.



# Albuquerque

- In April 2014, the U.S. DOJ established systemic, organizational, and unlawful repetition of excessive force in the Albuquerque Police Department •
- New to the language frequently seen in consent decrees involving use of force, the APD agreement included dealing with subjects suffering from mental illnesses. •
- Additionally, new to this practice of consent decrees, technological advances & current law enforcement/citizen encounters bring forth the advent of body-worn cameras to chronicle contacts with the public •
- James Boyd and the Sandia Mountains in New Mexico in March 2014

# APD Requirements under Consent Decree

- Behavioral Health Training & Crisis Prevention
- State-mandated behavioral health training (40 hours to cadets & current officers)
- To include: field assessment & identification, suicide intervention, crisis de-escalation, scenario-based exercises, & knowledge of community health resources
- Clear guidance when a law enforcement officer may detain an individual who is in crisis where further services are needed
- Creation of a Crisis Intervention Unit (CIU) composed of specially trained detectives whose primary responsibility is to respond to mental health crisis calls.

# Seattle

- <https://www.youtube.com/watch?v=5WCro8iF2Oc>