

Deflecting Blame

The Dissenting Report of Mayor Rudolph W. Giuliani's Task Force on Police/Community Relations

Introduction

On Friday, August 8, 1997, after a nine-hour shift, at the end of a long week, working as the security guard at the Spring Creek water and sewage treatment plant in eastern Brooklyn, Abner Louima just wanted to relax. He started with a long shower. Then he asked his younger brother, Jonas, to call some of their friends. "Let's hang out. It's a nice Friday night," Abner told Jonas. After a quick round of telephone calls, the Louimas arranged to meet some of their friends at Club Rendez-Vous nearby.

Their evening would not turn out exactly as planned. It would, however, become a night the Louimas would never forget; nor would anyone else in the city, the nation, or even some parts of the globe. For at the darkest and deepest hour of the night, after the music had ended, and the moon had disappeared from the sky, Abner Louima's night to kick back and relax with his friends was allegedly transformed into the worst sadomasochistic nightmare imaginable.

That night, Abner Louima was allegedly subjected to the kind of cruel, brutal beating, and torture, which he thought he had forever avoided when he and his family left Haiti for the United States in 1990. It was the kind of incident which most Americans believed could not happen in this country. Abner Louima was allegedly beaten and sodomized with the wooden handle of a toilet plunger by the law enforcement officers of the government he trusted: some uniform members of the New York City Police Department (NYPD). Even more disturbing was that this alleged atrocity was not committed in the shadows of a back alley, but in a brightly-lit police precinct station house in the middle of their neighborhood in Brooklyn. And, some of what allegedly happened that night may have been witnessed by some of the police officers of the 70th Precinct who were on duty.

Then it got worse. A supervisor at the 70th Precinct allegedly attempted to make false statements against Louima, and a second man, Patrick Antoine, who also was arrested that night. Then, the Police Department's Internal Affairs Bureau, which is supposed to be the first line of defense against corrupt and brutal police officers, ignored at least one caller reporting the incident.

Even after the alleged cover-up began to unravel, a police officer attempted to block Louima's access to a reporter. But the story got out, because Mr. Louima lived to tell it. The officers' lawyers say that their clients are innocent of the charges against them. A Federal jury will be determining who is telling the truth.

The next day, Flatbush, Brooklyn residents' rage at what allegedly happened to Abner Louima at the hands of the police, and their perceived mistreatment by the police officers of the 70th Precinct in general, was unleashed. They expressed their anger with the hoards of reporters from across the country who descended on Flatbush to investigate the story. By afternoon, everyone, from seniors to teens, was talking about demonstrating against the police.

That weekend, thousands of people descended on the 70th Precinct Station House on Lawrence Avenue for a protest demonstration. On Friday of Labor Day weekend, over 10,000 people marched from Grand Army Plaza in Brooklyn to lower Manhattan. They packed City Hall Park and the surrounding streets for a daylong protest rally.

Sadly, allegations of police misconduct are not new, nor unique, in New York City history. From July 1993 through June 1997, approximately 20,535 complaints were filed with the Civilian Complaint Review Board against individual police officers. Additionally, last year the city paid out \$27.3 million to people who say the police violated their rights.

Moreover, corruption scandals involving the NYPD have erupted with alarming regularity about every 20 years since the force was organized in 1844. As early as the beginning of the century, the officers of the NYPD were charged with abusing their authority and using excessive force against New Yorkers. Among other injustices, they strapped a prisoner into a chair and had a dentist drill deep into a rear molar until he struck a nerve. Such scandals when uncovered, led to the impaneling of committees and commissions, from the Lexow Committee of 1894 to the Mollen Commission of 1994, to investigate and come up with solutions. Except in the case of the alleged beating and torture of Abner Louima.

When Louima's story of such brutality hit the news, the city was shocked, and the national and international media descended on the city. In response, Mayor Rudolph W. Giuliani, who was up for re-election, but who had never demonstrated any serious commitment to confronting or overcoming the problem of police brutality, came up with what proved to be a highly successful public relations strategy that defused the situation, deflected blame, and ultimately led to a deceptive sense of purpose and resolve.

The mid-summer crisis, coming precariously late in the mayoral race, could have negatively affected Mayor Giuliani's re-election bid: like Yusef Hawkins murder in Bensonhurst in August 1989 for Ed Koch, and the Crown Heights riots in August 1991 for David Dinkins. The mayor had managed to avoid blame for an administration that had opposed and aggressively blocked the adoption and implementation of proposals to root out and prevent police misconduct, including blocking the creation of a Police Monitor and Audit Board. Yet, the public was deceived by bold promises, press releases, well-placed leaks, and a seemingly determined attitude into believing that the mayor was prepared to make real and systemic changes, when in reality he was not. Apparently, Mayor Giuliani did not think that taking responsibility for his failure to confront the problem of police brutality and trying to develop a solution were viable options.

Mayor Giuliani has always been closely identified with the police. He first caught the public's attention as a law-and-order figure when he was a federal prosecutor; then, he very publicly allied himself with the rank-and-file members of the NYPD when he spoke at an August 1992 City Hall police rally opposing initiatives to create an independent CCRB, which turned into a major police riot in lower Manhattan. Mayor Giuliani also takes full responsibility for managing the police department, and has claimed credit for nearly all of the recent crime fighting accomplishments.

Unfortunately, to the city's detriment, Mayor Giuliani also has repeatedly ignored the many symptoms, and numerous warnings, that police brutality is a serious problem within the NYPD. Besides opposing all-civilian complaint review boards and rejecting other City Council proposals to uncover and control police misconduct, the Mayor and

Police Commissioner have minimized and discounted recent reports and studies of non-governmental bodies concerning police brutality.

When the Abner Louima incident became public, Mayor Giuliani seemingly acknowledged a problem in need of solution.

Dramatically, Mayor Giuliani and Commissioner Safir acted against the individual officers charged in the Abner Louima incident and some of the officers on duty at the 70th Precinct that night -- which we praised. The problem rests with the remainder of his plan. The Mayor carefully developed the perception that he was seriously considering changing his position on how to manage police misconduct. He appointed the three of us -- long time critics of his administration's policies on this issue -- to his Task Force, a news article appeared claiming that the Mayor was considering strengthening the independent CCRB.. Later, he made a mid-year budget allocation to the CCRB.

Today, seven months later, Mayor Giuliani still opposes an independent police monitor, and he still opposes, in principle, an independent civilian complaint review board; he has criticized some of his appointees to the Task Force as "small-minded," "silly," and "cop bashers;" and he has sought budget cuts at the CCRB. Last year, the Giuliani administration underreported the number of complaints filed at the CCRB against individual police officers n a fact which came out after the November election. However, complaints filed with the CCRB increased 36 percent for the first two months of 1998.

Our focus in this report is the key component of this ploy: the Task Force on Police/Community Relations -- organized last August. Instead of confronting the issue, Mayor Giuliani redefined the problem, from police brutality, to a matter of poor communications between the police and the communities they serve.

Instead of urging us to investigate how police officers who have abused citizens were able to become cops in the first place; what kind of training they received; why officers who are accused of excessive force are rarely disciplined, and what can be done to break the blue wall of silence, Mayor Giuliani gave his Task Force the assignment of developing a curriculum for establishing a structured dialogue between the police and the community.

When the civil rights activists on the panel balked at the narrow agenda, Mayor Giuliani, at first, obliged us by signaling his willingness to have the panel investigate patterns and practices, and related issues, if we could persuade a majority of the Task Force to do so. We did. The Task Force, by a unanimous vote, adopted a comprehensive mission statement, which included those issues we have long been concerned about.

Subsequently, we spent hundreds of hours working on this endeavor. One of us attended every single Task Force meeting and public hearing; another attended almost every meeting and public hearing, and the other attended most of the meetings and public hearings.

But the Mayor never fulfilled his promises to us. He promised we would have a full-time staff. He promised we would have a \$12 to \$15 million budget, but the panel never got a dedicated budget. He promised to be involved but between September 16, 1997 and January 20, 1998, he failed to attend any Task Force functions, including our five town hall-style public hearings. He and the police commissioner

also promised that they would have NYPD answer all our questions but they did not. We thought we would have a year for this work, but on January 20, 1998, he told us we had 60 days to finish. At this meeting, he also reprimanded us and said we should have a "more respectful attitude" towards the police. Additionally, he had the audacity to argue that cop bashing was analogous to racism and anti-Semitism, since it is all "group blame," to him.

Besides reneging on all his promises, the Mayor put numerous obstacles in the path of accomplishing our job n from adding new members to an already unwieldy group, thereby solidifying a majority of members unwilling to be critical of him and his administration, to naming a conflicted interim executive director, accountable only to him. Mayor Giuliani, it appears, was intent on control.

Despite the overall success of Mayor Giuliani's damage control efforts, we felt that we were able to do some good. Indeed, if the Task Force had not been effectively, terminated on January 20, we believe we could have done considerably more.

The Task Force listened to both residents and police officers as to their feelings about each other. In our public hearings we heard about additional allegations of police misconduct that had not previously been made public. Through the fact finding we were able to accomplish, we gleaned some information on police headquarters, the NYPD Training Academy and its programs, and race relations within the NYPD that helped us to understand both the bonds and fissures within police culture.

We were able to inform and give focus to the majority's final report and influence several of their recommendations. We persuaded a majority of the Task Force to recommend to the Mayor:

- 🇺🇸 elimination of the 48-hour rule;
- 🇺🇸 adoption of an NYPD affirmative action plan;
- 🇺🇸 development of a comprehensive NYPD employment plan which includes a prospective residency requirement for police officers;
- 🇺🇸 development of a Police-Community Relations Training program, increasing the NYPD Academy training program from six months to a year;
- 🇺🇸 the creation of web sites to provide the public access to data collected by the NYPD and the CCRB.

We were also helpful in advocating and passing a recommendation for a significant pay increase for police officers.

At the same time, however, the majority rejected or did not consider several recommendations which are critical to fundamental changes in NYPD -- proposals which would have established significant accountability over the NYPD. The majority refused to:

- 🇺🇸 recommend the establishment of a permanent special state prosecutor for police corruption and brutality;
- 🇺🇸 the creation of a temporary independent commission to execute a top-to-bottom investigation of the practices of the NYPD Training Academy;
- 🇺🇸 the creation of elected Police Advisory Boards;
- 🇺🇸 increased communication and greater cooperation between the police brass and the Guardians and Latino Officers Association;
- 🇺🇸 recognition that police brutality and corruption are linked.

Moreover, the majority refused to adequately comment or make findings on:

- 🇺🇸 NYPD's crackdown on so-called "Quality of Life" offenses as to its impact on civil rights and civil liberties;
- 🇺🇸 the unmitigated failure of CPR -- Courtesy, Professionalism and Respect -- to control aberrant police behavior;
- 🇺🇸 the management crisis at CCRB and the public's lack of confidence in CCRB.

Most significantly, the Majority Report refused to pinpoint the principal responsibility for fixing CCRB and bringing accountability where it belongs n on the Mayor.

Furthermore, they approved recommendations that raise serious and substantial civil liberties concerns. For example, one of the majority's recommendation called for a Community Affairs Response Team (CART) within the NYPD, which would be comprised of specially-trained police officers and "strategically deployed community members." During periods of "community unrest and larger scale incidents of civil disorder," these community members would provide the NYPD's Disorder Control Staff with information about the situation. We were only successful at eliminating that section of the proposal which would have engaged these community members in "identifying eyewitnesses/protesters, gathering information and forwarding information to the police commander on the scene." However, we are still alarmed by the potential civil liberties violations of CART intelligence gathering activities.

For these reasons, we present our dissent.

In this dissenting report, we tell it the way it was, and the way it is. We also include 27 recommendations in 17 areas; some now advocated by the majority report, for improving police-community relations. We offer this report as a blueprint for an effort to achieve serious accountability of the NYPD.

As long as Mayor Giuliani's public relations strategy is successful, it will mask the pervasive lawlessness among a significant percentage of police officers. New Yorkers will be in danger from those sworn to serve and protect them from crime and from those who are obliged to uphold their constitutional liberties. That is the specter of uncontrolled police misconduct. The cost to a democratic and free society is too high for wayward cops to go undetected and unpunished. It is a cost borne by the honest and hardworking members of the NYPD, whose morale and effectiveness are diminished every time there is no accountability or punishment of those officers who disgrace their badges and dishonor their oath of office.

Allegations of Torture at the 70th Precinct

The Victim

Abner Louima grew up in Port-au-Prince, Haiti, where his father was a fashion designer and tailor. In 1990, after earning a degree in electrical engineering from the Ecole National des Arts Metiers, Mr. Louima and his family joined the exodus that had been fleeing the island's oppressive political regime since the late 1980s.

The Louimas first landed in Brooklyn, where Mr. Louima's uncle, Rev. Philius Nicolas 2d, is the pastor at the Evangelical Crusade Church in Flatbush. In 1994, Mr. Louima met his future wife, Micheline, at a friend's birthday party. They got married two years later and soon after moved to Jamaica, Queens, where they were raising their one-year-old son, Abner Louima Jr.. Mr. Louima has held several jobs since coming to New York, including positions at a leather bag manufacturer and a car dealership. In 1997, he was working as a security guard at the Spring Creek water and sewage treatment plant in eastern Brooklyn. He worked from 2 p.m. to 11 p.m. on weekdays, and from 2 p.m. to 9 p.m. on Saturdays.

After his shift on Friday, August 8, 1997, Mr. Louima went to his parents' apartment on East 48th Street in East Flatbush. After a shower, Mr. Louima asked his younger brother, Jonas, to call some of their friends. "Let's hang out. It's a nice Friday night," he told Jonas. His brother made a round of telephone calls, and the Louimas and their friends decided to go to Club Rendez-Vous. The Phantoms, a popular Haitian band, performs at the club on Friday nights.

Last Dance

At Club Rendez-Vous, the Louimas and their friends listened and danced to compas, the Haitian dance music played by the Phantoms, through the early morning. About 4 a.m. Saturday, the band played its last song and the club's customers, including Louima's party, made their way towards the front door.

Outside, just beyond Club Rendez-Vous' blue awning, a crowd formed around two women who were fighting. Several men, including Mr. Louima, tried to separate them. Jonas headed down the street away from the crowd and towards his car. "I knew when you see people fighting, pretty soon there would be shooting, so I walked back and watched it from a distance," he said.

Soon, police from the 70th Precinct began arriving on the scene in their squad cars. Allegedly, among the 12 to 15 cops were Officers Charles Schwarz, Thomas Wiese, Justin Volpe, Thomas Bruder, and Eric Turetsky.

The events following that arrival at the club are the backdrop of the tragedy that ensued.

First Punch

Mr. Louima decided to leave the crowd when he saw the police. As he did, Officer Volpe allegedly threw a punch at a club patron, Patrick Antoine, and a fight broke out between the club's customers and the police.

"They started fighting like people on the street," said Kerwing Sanon, a salesman who works with the band. He said the officer was pushing a man, who protested.

Sanon said the officer took off his holster and handed it to another policeman and began to fight.

The Phantom's manager, Lionel Lamarre, corroborated Sanon's story. "One guy took off his belt and handed it to another guy, and then I saw an exchange of punches between this cop and some civilian. The other guy was definitely fighting back," he said.

Other officers shortly joined the effort. In the chaos, Officers Schwarz and Wiese allegedly handcuffed Mr. Louima and placed him in the back of their squad car. "I saw my brother laying on the floor, handcuffed, no bruises, no blood," Jonas said. "He told me to call his lawyer."

Nightmare

Officers Schwarz and Wiese allegedly drove off with Mr. Louima. Officers Volpe and Bruder allegedly followed in another car. At the intersection of Nostrand Avenue and Glenwood Road, both squad cars pulled over. Then the four officers allegedly pulled Louima from the car and beat him savagely with their fists while his hands were handcuffed behind his back.

After a short time, the cops reportedly threw Mr. Louima back in Officers Wiese and Schwarz's squad car to continue their trip to the station house. Officers Volpe and Bruder presumably went ahead. On the way to the precinct, Officers Wiese and Schwarz supposedly stopped again, this time at Bedford Avenue and Glenwood Road, where they allegedly pulled Mr. Louima out of the car and beat him with their fists and a police radio for a second time.

Station House of Horrors

At 4:30 a.m., Officers Wiese and Schwartz reportedly arrived with a bloodied Mr. Louima at the 70th Precinct station house on Lawrence Avenue. On the front steps they were greeted by Officer Volpe, who allegedly was holding a toilet plunger handle. "He hit me. This collar is mine," Volpe allegedly said.

During the next half-hour, Mr. Louima was allegedly strip-searched before the precinct's front desk, where Sgt. Jeffrey Fallon was assigned. Sgt. Fallon said that he noticed cuts and bruises on Mr. Louima's face and called for an ambulance.

Officer Schwarz then allegedly took Mr. Louima to the station house bathroom 20 feet away. Officer Volpe borrowed a pair of leather gloves from Officer Mark Schofield before catching up with them in the bathroom, Schofield told investigators.

Once in the bathroom, the two police officers allegedly dragged Mr. Louima into a toilet stall and pulled down his pants. While Officer Schwarz allegedly held Louima down, Officer Volpe allegedly shoved the plunger deep into Louima's rectum, tearing a hole through his lower intestine and bruising his bladder.

"Why are you doing this to me? Why? Why," Mr. Louima said he screamed. He later told his lawyers he thought that they were going to kill him.

When Officer Volpe allegedly withdrew the plunger from Mr. Louima's rectum, he allegedly rammed it down his throat, knocking out his dentures and cracking his teeth. After about an hour, Officers Volpe and Schwarz allegedly dragged Mr. Louima from the bathroom to the station house holding cell. Mr. Louima was charged with

disorderly conduct, obstructing government administration, and resisting arrest. Within minutes, the other people detained in the holding cell were screaming that Louima was bleeding profusely.

Sgt. Fallon said that by this time he had called the Fire Department's Emergency Medical Service two more times, at 5:20 and six a.m. The Fire Department and the Emergency Medical Service said that they received only one "low priority" call involving "minor lacerations" from the 70th Precinct, at 6:01 a.m. The ambulance arrived at the station house at 6:25 a.m., but did not leave until more than 90 minutes later, at 7:58 a.m. The ambulance could not leave without a police escort. (The question of why the police escort was not given has not been satisfactorily answered.)

Alleged Cover Up

Minutes after EMS took Mr. Louima away, his brother Jonas showed up at the station house. "The guy behind the desk told us, eYour brother got into a fight. He got a little hurt, so he walked out of the precinct, and we took him to the hospital," Jonas said.

At noon, police allegedly showed up at the Club Rendez-Vous and gave the owner a summons for disorderly premise signed by Sgt. Michael Bellomo, but reportedly dated and time for 4:07 a.m. that morning.

Louima Critical

Meanwhile, doctors at Coney Island Hospital listed Mr. Louima in critical condition when they found a tear in his colon, a laceration to his bladder, and abrasions to his mouth. Doctors said that a blunt instrument was shoved up Mr. Louima's rectum and that it would take months for him to recover. Mr. Louima would not leave the hospital until mid-October. When he did, it was with a colostomy bag. The police officers that brought him in allegedly told hospital personnel that Mr. Louima was injured at a gay club.

Truth

Later in the day, when Mr. Louima finally found himself alone with a nurse in the hospital, he revealed to her what happened. That nurse immediately told another nurse, Magalie Laurent, and advised her to notify the family, the police, and the news media. "I know you are Haitian. You should know what happened. You must not keep it a secret. We must let everybody know," the first nurse told Laurent.

Breakdown at Internal Affairs

Laurent said she immediately called Louima's family, the NYPD's Internal Affairs Bureau (IAB), and New York 1, the local 24-hour cable news channel. IAB dismissed Laurent's call. "It seemed like he didn't care. I knew that they hadn't taken my call seriously. And it was proved to me. They could have gone to that precinct and secured the crime scene," she recounted.

Mr. Louima's family called IAB again on Sunday afternoon. This time, the officer on duty logged in the call. That day, IAB reported, they also received a call from an anonymous officer who said that they should investigate the Louima arrest. "We

responded immediately," said Marilyn Mode, deputy police commissioner for public information.

"Immediately" meant interviewing Mr. Louima the next afternoon, on Monday. Initially, the investigators reportedly found the details so vicious that they had serious doubts it could have happened. The IAB and the Brooklyn District Attorney opened an investigation into the alleged torture at the 70th Precinct..

That evening, at 8:14 p.m., Police Commissioner Howard Safir placed Officers Volpe and Bruder on modified assignment. He took their guns and assigned them to desk duty.

The next day, at the Brooklyn Hospital Center Intensive Care Unit, where Mr. Louima had been transferred from Coney Island Hospital, a police officer standing guard prohibited his uncle, Rev. Nicolas, from bringing a *New York Times* reporter into his room.

The Story Breaks

On Tuesday evening, August 12th, NY-1 reporter Aram Roston broke the story. The next morning, David Kocieniewski of the *New York Times* and Mike McAlary at *The Daily News* reported the story about the alleged torture at the 70th Precinct for their respective newspapers.

Flatbush Erupts

New Yorkers were outraged, and in Flatbush they freely shared their feelings of anger and betrayal with the hordes of television, radio, and newspaper reporters trawling Nostrand Avenue for comments on the news of the reported beating and torture of Abner Louima. They told reporters that relations with the 70th Precinct had always been tense. They said the police discriminated against them. And some complained that the police gave them more parking tickets than anyone else, while doing little to protect their neighborhood. Some charged Mayor Rudolph Giuliani with responsibility for the incident. Some said that his obstinacy in refusing to recognize the pervasive problem of police brutality within the NYPD was to blame for an atmosphere where police officers could torture a prisoner in a station house in front of their colleagues and supervisors.

The telephone lines at Radio Soleil DiHaiti, a cable radio station that broadcasts from a Brooklyn storefront, were inundated. Station Manager Ricot Dupuy told the *Times*, "The reaction is huge. The station has been flooded with calls all day and all the callers are outraged. Most people are saying that this is not some isolated incident involving one or two bad cops. They are saying that they feel it is the entire New York City Police Department."

At a Nostrand Avenue barbershop, customer Franz Milfort told a *Times* reporter, "You've got Timothy McVeigh, who blew up the federal building in Oklahoma and killed all these people, but did the police do this kind of thing to McVeigh. Of course not."

Complaints about the behavior of the officers of the 70th Precinct were not limited to the neighborhood's Haitian residents. A Polish immigrant told the *New York Times* that a year earlier he had been beaten up by the cops in the same bathroom as Mr. Louima. Councilman Noach Dear said that Jewish residents also had been roughed up by cops from the 70th Precinct. Josh Friedman, an Orthodox Jew, said that while he felt that the officers at the 70th did a good job, there were problems. "For some reason, there is more egotism here than in other precincts. Why? Why is the bee attracted to honey? Probably there is something wrong with the management," he said.

Talk of Protests

By afternoon, everyone was talking about the need for communal action, for protest. "I'm sure there will be one. There has to be one. We need to protest now. And it has got to be bigger than anything we have done before," said travel agency manager Jean Tropnasse. "The thought of something like this happening to someone, it is outrageous. This left me stuttering and upset," she said.

Over the next couple of days, a massive neighborhood demonstration was organized. On Saturday, thousands traveled to Flatbush to demonstrate against the police. They started at Club Rendez-Vous and marched to the 70th Precinct station house on Lawrence Avenue. Along the way, spectators cheered them. Many of them even joined the protesters' chants of, "Sodomites, sodomites," and "Seven-oh, shut it down." In interviews, protesters compared the NYPD to the Ton Ton Macoutes who had terrorized them in Haiti. "We're trying to send a message to officials in City Hall,

to recognize the problem and fix it," said Ronald Aubourg of the Haitian Center Council.

Before the weekend was over, the Haitian American Alliance and Haitian Enforcement Against Racism were organizing a massive protest on City Hall. The response to their calls was awesome. Within days, they had gotten pledges of support from the Haitian clergy, West Indians, fraternities, sororities, unions, and Masons. By Friday, August 29th, they had amassed support from thousands of people. More than 10,000 protestors, many waving toilet plungers, marched from central Brooklyn to City Hall, for a daylong protest rally. At the rally, speaker after speaker demanded Mayor Giuliani recognize and confront the problem of police brutality. Mayor Giuliani did not show.

Giuliani Reacts

August Crises

Mayor Giuliani had been having a good summer. He was coasting toward re-election for a second term. Public opinion polls had shown that his declared challengers had little chance of defeating him in November. Mayor Giuliani's political handlers, however, were on alert. The political careers of both of Giuliani's immediate predecessors in City Hall, Edward I. Koch and David N. Dinkins, were critically damaged by similar crises that happened in Brooklyn in August. The turmoil that followed the killing of sixteen year old Yusef Hawkins by a white teen in the Bensonhurst section of Brooklyn on August 27, 1989 contributed to Mayor Koch's losing his bid for a fourth term; while the Crown Heights riots in Brooklyn in the summer of 1991 and the subsequent recriminations, investigations, and editorial criticism haunted the remainder of Mayor Dinkins first term and contributed to wrecking his chances at a second.

The First Week

When the story of the Abner Louima beating and torture began to dominate the front pages of the city's newspapers, and television and radio broadcasts, it became immediately clear that Mayor Giuliani would not be spared the "August crisis" -- with the potential of ending his mayoralty. The Louima beating and torture allegations spotlighted the problem of police brutality long complained about by the city's minorities.

To say that Mayor Giuliani is closely identified with law enforcement is an understatement. Initially, he came to the public's attention as a Federal prosecutor. Then, in August 1992, Giuliani gave an expletive-laced speech at a Patrolmen's Benevolent Association rally down the street from City Hall in downtown Manhattan, that turned into a police riot, where off-duty cops jumped on cars, heaved garbage cans, stormed the iron gates of City Hall, and blocked traffic on the Brooklyn Bridge. Since taking office, the Mayor has publicly taken full responsibility for managing the police department, including taking credit for most of its accomplishments fighting crime. Additionally, whenever charges of misconduct are raised against the NYPD, or individual police officers, he reflexively jumps to their defense.

However, Mayor Giuliani has never taken personal responsibility for NYPD's failure. He has repeatedly ignored the abundant evidence that police misconduct is a serious problem within the NYPD. The Mayor and his police commissioner, Howard Safir, routinely dismiss reports and studies concerning police brutality. This includes nearly ten years of studies documenting the problem, from the NYCLU reports on the Tompkins Square Riot of 1989, to our September 1997 analysis of the Civilian Complaint Review Board; to the Mollen Commission report of 1994, which made the definitive connection between corruption and brutality; to the Amnesty International report of 1996, which concluded that there was an undeniable pattern of police brutality in the NYPD, and which encouraged an investigation into "the extent to which police officers resort to excessive force amounting to torture or other cruel, inhuman and degrading treatment." Giuliani lambasted the Amnesty International report, which drew international attention to a real problem, as a "scattershot report, not a real analysis."

In August of 1997, however, it was readily apparent that Mayor Giuliani had keenly understood the political lessons of indecisiveness in responding to racially-charged incidents such as those experienced by the City in Bensonhurst in 1989 and in Crown Heights in 1991.

At his first public appearance the morning the story broke, Mayor Giuliani, who generally gives police charged with misconduct the benefit of any doubt, said: "These charges are shocking to any decent human being. These charges, if substantiated, should result in the severest penalties, including substantial terms of imprisonment and dismissal from the force."

Mayor Giuliani and Police Commissioner Howard Safir then organized an emergency meeting of Haitian community leaders, civic organizations, clergy, and elected officials in a predictable but necessary first step in defusing the crisis. They assured them that arrests would be made and punishment would be swift. "We're going to look at the management of the entire seven-oh to see how this took place, if there was negligence involved or not and if it did we'll take the proper action," said Safir.

Some longtime activists responded that this was too little too late. "Some of us have been complaining about this mentality of the police department, that they are like an invading army," said Patrick L. Synmoie, an attorney at the Caribbean American Legal Defense Fund. "This was a little like putting up a stop light or a school guard at a dangerous intersection, but after the school child has already been killed."

Over the next week, the Mayor took decisive actions through the shake-up of the 70th Precinct.

Changes at the 70th

That night, Officer Volpe surrendered himself to the Internal Affairs Bureau and Commissioner Safir transferred Officer Bruder to desk duty. Volpe was later charged with aggravated sexual abuse and first-degree assault.

The next day, Commissioner Safir shook up the 70th Precinct. He reassigned the two top supervisors at the station house; suspended Desk Sgt. Fallon; and placed on desk duty another ten officers, who had been in the 70th on the night of the alleged torture. He said he did not want them in "enforcement operations" until each officer's actions had been reviewed.

The Mayor and the Commissioner also made a plea to the cops assigned to the 70th Precinct to break the traditional "blue wall of silence" which blocks police officers from telling on their colleagues who they witnessed breaking NYPD rules or the law. They urged, repeatedly, that the officers at the 70th step forward and provide any information they had regarding the beating and torture of Louima. "If you really are a police officer of the City of New York, if you really understand what it means to be a police officer, if you really understand what it means to protect the lives of other people, then you will be among the most revolted and repulsed by what happened here. If you don't understand that, then you really should leave the police department," said Giuliani.

That very day, Officer Eric Turetsky allegedly gave a Brooklyn grand jury evidence that assisted in the indictments of Officers Volpe and Schwarz.

Giuliani Praised

For taking the lead at hammering the "blue wall" and punishing everyone connected with the incident, Mayor Giuliani drew praise from even his harshest critics. The Mayor "is right on target," Ruth Messinger, his chief challenger, told CNN. NYCLU Executive Director Norman Siegel told *USA Today*, "Heis had his best 48 hours as Mayor of the City, and even us critics have to say, whether it's politically motivated or not, he's done the right thing."

Evidence Cleaned Up

Despite the immediate reactions of the Mayor and the police commissioner, the police culture of denial and cover-up still flourished. An investigator for the Brooklyn district attorney told reporters that there was still a lot of pressure from colleagues and union officials on officers in the 70th Precinct not to provide any information about what happened. He added that there were indications of an attempt to "cover tracks and clean things up," such as the toilet plunger. "We're not going to find it. It was gotten rid of quickly." The toilet plunger was never found.

Giuliani: 'Isolated Incident'

Within days, the Mayor, who had raised hopes of taking a new, aggressive position against police brutality, began to regress. When community activists announced their plans for a march through Flatbush to end with a rally in front of the 70th Precinct, the Mayor warned them not to inflame the situation. "The communities of the city have to also not fall into the excessive anti-police rhetoric that some people would lead them to, because that drives the police further away," he said. The same day the Mayor began his retreat to his long-standing position on police brutality and, despite the massive amount of evidence to the contrary, he told reporters that the Louima beating and torture was an isolated incident.

Another Brick Falls from the Wall

Thursday, Officer Thomas Wiese, a representative of the Patrolmen's Benevolent Association at the 70th, allegedly told IAB that he went into the station house bathroom in pursuit of a lost puppy and that he saw Mr. Louima bent over in a toilet stall with his pants around his ankles, as Officer Volpe allegedly stood behind him holding a large stick covered with excrement. When he asked Volpe what happened, Volpe allegedly responded that Mr. Louima was incontinent.

More Officers Charged

The next day, Friday, Officers Wiese and Bruder were charged with pummeling Mr. Louima with their fists and a portable radio after arresting him outside the club.

Brooklyn U.S. Attorney

As more and more details about what happened at the 70th Precinct on Saturday were revealed by the media, U.S. Attorney Zachary Carter indicated that he was considering an investigation into police brutality across the city. He said the alleged attack was "an act of almost incomprehensible depravity. The boldness of the action suggests a mind-set that they could possibly get away with this extraordinarily heinous offense."

Public Relations Campaign

After having successfully managed the first week of turmoil, Mayor Giuliani's public relations strategy to defuse the crisis atmosphere was put into full gear. On Monday morning August 18th at about 10:45 a.m., Deputy Mayor Randy Levine called NYCLU Executive Director Norman Siegel. He wanted to know whether Siegel would take a telephone call from the Mayor. They were considering setting up a Task Force. Siegel agreed to take the call.

Just after noon, Mayor Giuliani called the NYCLU. He told Siegel he was thinking about putting together a curriculum for discussions between the community and the police. He wanted to name a Task Force to develop that curriculum and he wanted Siegel to serve on it. Siegel responded that that would not be an adequate response to the Louima incident. He said that the Task Force needed to deal with the problems of police misconduct, including problems with the Civilian Complaint Review Board, which they had been debating since Mayor Giuliani's first year in office. Mayor Giuliani replied that that would be fine if Siegel could persuade a majority of the Task Force members to agree to a broader agenda.

During that Monday, Siegel and Levine talked several times. During one of those conversations, Siegel asked Levine who else would be serving on the Task Force, and gave him a list of half a dozen civil rights activists Mayor Giuliani could consider appointing. Of those half-dozen names, Levine later informed Siegel that Michael Meyers, executive director of the New York Civil Rights Coalition, had already had been identified as a candidate to serve on the Task Force. Levine also said that the Mayor would ask Margaret Fung, executive director of the Asian American American Legal Defense and Education Fund, to serve. Siegel agreed to the appointment.

The Mayor's counsel, Denny Young, called Meyers. He told Meyers about the Mayor's plan for a Task Force that would develop a dialogue between the police and the community. Meyers wasn't inclined to serve. Young pressed Meyers, saying to him: "I want you to join this, Michael." It was not until a second telephone call the next morning from Young to Meyers that Meyers agreed to join.

First Deputy Mayor Randy Mastro called Fung. When she asked him what the scope of the Task Force was going to be, Mastro told her that it would be wide open. She agreed to serve.

Within hours of accepting the Mayor's invitation to serve on the Task Force, Siegel spoke with Colleen Roche, the Mayor's press secretary, who informed him that they planned to leak his appointment to the press. Later he got a call from New York Times City Hall Bureau Chief David Firestone confirming his appointment to the task force.

When the Mayor announced the formation of the Task Force, it became clear that his plan was to deflect responsibility for police brutality by the NYPD by redefining the problem at the core of the crisis brought on by the alleged beating and torture of Mr. Louima. The Mayor essentially grouped criminals like the police officers at the 70th Precinct with community activists complaining about police brutality. "The police and the communities of this city are suffering because of the same notion of group blame. The reality is that the overwhelming majority of police officers and an overwhelming majority of New Yorkers are good people," he said.

This plan managed to deflect attention from the Mayor and police commissioner's opposition to recognizing and confronting and overcoming the problem of police misconduct. Instead of focusing on the criminal behavior being carried out by some

of the city employees paid to protect and serve city residents, the Mayor and his police commissioner had reduced the problem to poor communications.

"I believe it is crucial that the members of this Department and the residents of every community work together to ensure that the lines of communication and understanding remain open...I hope that all New Yorkers will work with us in the weeks and months ahead to forge a greater understanding, mutual respect and trust," said Safir.

Spin too Hard to Swallow

Not everyone accepted the Mayor's spin. At the press conference in City Hall's Blue Room announcing the formation of the Task Force, in response to questions from the press, Siegel warned the Mayor that the NYCLU would quit the group if his effort proved to be merely a public relations ploy. "We believe that the Task Force is potentially a positive step in the right direction. Yet, as I told the Mayor, the scope of the Task Force needs to be broadened. It needs to address the dynamics of police brutality, including the myths surrounding police brutality, and it needs to develop a comprehensive program to ameliorate police brutality," said Siegel. (See attachment B)

"The opportunity now exists for all of us, together, to do something meaningful and fundamental about the issue of police accountability. If the Mayor is serious and committed to confronting the issue of police accountability, the NYCLU will support that effort. Conversely, if the Task Force is a public relations ploy and meaningless, then we will quit participating in this endeavor and attempt to create an alternative process to bring about real police accountability."

At that same press conference, Meyers released a statement, saying that if the Task Force were to help ameliorate community/police tensions, "meaningful discussions" would have to instill "in our police officers a code of honorable conduct towards poor, powerless, young and minority people." Only then would "government and citizens be able to do more than merely cross our fingers hoping that yet another horrific or garden - variety incident of police abuse will not occur." The goal, he added, was to "insure that effective law enforcement in the pursuit of a safe city honors civil liberties and civil rights" (See Attachment C)

Over the next month, the Mayor continued to build on the perception that he was taking a fresh look at his views about police management. During an August 26th Task Force discussion on the Civilian Complaint Review Board, the Mayor listened to criticism and engaged members about their views of civilian complaint review boards, which he had long opposed. The next day, the headlines in the newspapers prominently featured his ruminations.

Unfortunately, the natural life of a news story is short unless there are significant new developments. A bigger news story broke over the weekend. Diana, Princess of Wales was tragically killed in a car accident in Paris.

Most media attention shifted and focused on the events from England. Except for coverage of the August 29th march from Brooklyn to lower Manhattan, and the day long protest rally in front of City Hall, coverage of the Louima incident faded.

Still, a determined group of Task Force members pressed the Mayor to focus on strengthening the City's Civilian Complaint Review Board. Eventually, Mayor Giuliani

acknowledged the validity of the argument advanced by Meyers that as the city's chief law enforcement officer, the Mayor should suspend his public statements in opposition to CCRB. Mayor Giuliani agreed that the CCRB should be given a chance to work. On September 16, after a tense session with a subcommittee of the Task Force, the Mayor announced he was increasing staffing at the Civilian Complaint Review Board by 20 people, adding \$1.5 million to its budget to hire senior investigators and a research and analysis staff.

"I continue to believe that the most effective and efficient way to investigate police misconduct is from within the Police Department by police investigators. However, since the law mandates a Civilian Complaint Review Board, it should have the resources necessary to accomplish its legislative mission in an efficient and effective manner," he said.

Meyers and Siegel publicly broke with the Mayor's insufficient budget allocation, and charged the Mayor with ducking the serious management crisis at the CCRB. The Mayor thereafter stopped communicating directly with the Task Force. From September 16, 1997 to January 20, 1998 the Mayor did not attend one single Task Force meeting, including any of the five public hearings.

Moreover, during this period, the Mayor informed the CCRB that along with other city agencies, it would have to figure out how to cut ten percent of its budget. He also vetoed a City Council bill for an independent Police Audit and Monitoring Board. He pledged to take the Council to court if they voted to override his veto.

Mayor Giuliani said that the decreasing number of complaints filed at the CCRB over the summer indicated to him that the situation had drastically improved. By January, however, it would be revealed that the police department and CCRB had undercounted the number of complaints in its last report released before the election. Like the failure of the IAB to log the first call about the alleged Louima assault, the error was explained as an innocuous administrative foul-up. In the first two months of 1998, compared to the first two months of 1997, the complaints at the CCRB had risen by 36 percent.

Task Force Tug of War

Immediately upon joining the Task Force, we realized that it would be a non-stop tug-of-war. Despite his promises to us, it became clearer and clearer that Mayor Giuliani wanted primarily to defuse the crisis atmosphere and avoid blame for his continued failure to recognize and act on the problem of police misconduct. On the other hand, we were seeking to conduct a comprehensive review of the status quo with the objective of developing substantial recommendations that we then expected the Mayor to seriously consider and implement. To achieve his objectives, and to thwart ours, Mayor Giuliani put numerous obstacles in our path.

Unwieldy

Among the biggest obstacles to the Task Force was its size. It was too big and unwieldy, and Mayor Giuliani planned it that way. The Task Force, he said at a meeting, "Probably can't do anything because it is so diverse."

Conflicted

Additionally, the Task Force was far from the independent body Mayor Giuliani suggested it would be when he told us that we could expand its agenda if the other members of the Task Force agreed. A majority of the Task Force members have some connection with the Mayor. Some endorsed his re-election; some are his appointees to city agencies and commissions, such as the Human Rights Commission; others have strong ties to the police department; and more than a couple head or work for organizations that receive city funding. One of those Task Force members whose organization is a recipient of city funding admitted to us concerns about the survival of that person's organization which depends on city funding.

One of the many examples of how this dynamic affected the Task Force occurred in December. When a police officer mistakenly identified an unarmed Brooklyn man as the suspect in a shooting, pursued him, and shot him dead, one of the members suggested the Task Force hold a public hearing in Canarsie, where the incident occurred. That member then volunteered to arrange a meeting place -- until the Mayor let it be known that he did not want us to go to Canarsie. This member then failed to attend the hearing. Later, he told us, "We have to listen to the chief."

Some Task Force members were just too timid to tackle the task at hand. They commented at meetings that they were worried that our work "might send a harmful message to the NYPD." At our very last meeting on Monday, March 16th, on a vote to recommend the establishment of a temporary independent commission to perform a top-to-bottom investigation of the NYPD Training Academy, five members voted in favor, five against, but nine, almost half the members present, voted to abstain. Those Task Force members did not have the courage to cast a vote either for or against an important proposal that would have gone a long way towards improving police-community relations in New York City. Still others were never more than administration representatives, mouthing the Mayor's arguments in meetings and on television news shows. One member even tried to reduce our involvement in the development of recommendations by arguing that one of us should limit his comments at a subcommittee meeting to draft recommendations because he was not

a member of the particular subcommittee. And a few were never more than apparitions -- phantoms who rarely showed at meetings.

No Accountability

One of the most critical structural problems with the Task Force was that Mayor Giuliani never named a chairperson. A chair would have been obliged to take responsibility. A chairperson would have given the Task Force some direction. Perhaps, the Mayor did not want to name a chair so that the Task Force would never assume its own independent identity in the name and character of the chair, like the Mollen Commission or the Knapp Commission. As there was no chair, the Task Force would always be the Mayor's Task Force.

A Compromised Staff

Exacerbating the leadership problems of the Task Force, Mayor Giuliani, with no consultation with the panel, named his criminal justice coordinator, Katherine Lapp, as interim executive director. Ms. Lapp was the Dinkins administration official who was responsible for implementing the setting up of the new Civilian Complaint Review Board. In so doing, she effectively institutionalized the problems of the old CCRB when approximately half of its staff continued to work at the new board organized in 1993. Moreover, as Mayor Giuliani's criminal justice coordinator, Lapp shares responsibility for the administration's failure to confront the issue of police misconduct and the dismal performance of the CCRB.

From the very organization of the Task Force, Lapp's interest was serving the Mayor and insuring that his point of view was expressed at meetings and that it guided the Task Force's work. This agenda came through in memoranda she wrote, in the assignments she defined for each Task Force subcommittee, the "talking points" she prepared for community meetings, and the responses to our letters which she wrote for the Mayor.

Ms. Lapp was asked to prepare research memos covering the newsworthy police and community problems or incidents that occurred over the last five years in each of the neighborhoods where we were to hold meetings. She never did. Instead she passed on police department data on the precincts we were visiting. Moreover, the "talking points" Ms. Lapp prepared for our meeting with police officers and community residents were innocuous, if not inane: "How would you describe the current relationship between police and the community in this precinct?" "From your perspective what realistic efforts could be made to develop a positive, pro-active working relationship between the community and the police?" "Describe the difficulties officers face on a daily basis and the support services available for police; Are these services utilized and how could they be improved?"

Replacement with No Authority

Initially, Lapp was supposed to serve as the interim Task Force director, but when she announced she was leaving in January to accept a position with Governor Pataki, a permanent director was not on the horizon. Instead, Mayor Giuliani, while naming Fred Patrick as his new deputy criminal justice coordinator, also appointed him as the Task Force's Executive Director without consulting with the Task Force. As Ms. Lapp's replacement Mr. Patrick had less authority than Ms. Lapp and considerably more distance from the Mayor.

Within a very short time, Patrick likewise failed at fulfilling requests for information. In January, Norman Siegel sent Patrick a series of questions about the police department (see attachment S). We are still waiting for a written response, although Michael Meyers sent a follow-up letter in February asking for the same information and the status of the response to the original request (see attachment U).

Worked in Secret

One of the most disturbing decisions by the Task Force was its adoption of rules that allowed for most of its work to proceed behind closed doors. Although these same rules provided for open meetings, whenever the opportunity arose, the majority of members voted to keep the Task Force meetings closed. Some members argued that they were concerned about offending the PBA if their discussions became public.

No Decent Records

Even more distressing was some of the members' concern that the public or the press might see meeting agendas and minutes. Not that the minutes that were kept had any real value. Despite the numerous kinds of recording equipment available in the 1990s: audio, video, analog, and digital, the executive director failed to create a detailed permanent record of the Task Force's work.

The minutes of meetings Lapp did maintain were shoddy at best. They do not identify the people who raised important concerns at meetings and they do not break down the Task Force's votes.

Mission Statement

We understood that if we were to achieve anything with the Task Force, we were going to have to put Mayor Giuliani's promises and our goals in writing.

In the atmosphere of optimism that prevailed at our first meetings, and with the understanding that the Mayor had a need to create the perception of action, we convinced a majority of the Task Force members to sign on to a mission statement that incorporated the administration's promises to us and which enumerated our goals.

"With the cooperation of the Police Commissioner, the Task Force will have full access to the NYPD in order to review all pertinent operations of the Department, and talk directly with police department personnel of all uniformed ranks with the objectives of improving police/community relations, raising NYPD standards and morale, and helping to ensure that the police are functioning in ways that respect, serve, and protect the public. In fulfilling its mission, the Mayor charged the Task Force with the responsibility of conducting discussion forums throughout the City involving the police officers and community residents to focus on how they are mutually perceived, how they should relate to each other, how they should support each other.

"The Task Force will consult widely with members of the public and the Police Department to ascertain their views and concerns about policing practices and problems associated with complaints of abuse and authority by police, including, but not limited to, discriminatory and excessive use of force; discourteous, unprofessional, improper conduct; the governmental machinery to investigate and

punish police misconduct, and to detect any patterns or practices that impact on equal protection and application of the law or that otherwise jeopardize community support for the NYPD's legitimate efforts in ensuring public safety.

"Specific areas of inquiry for the Task Force shall include police hiring standards and recruitment efforts; police training; police support services/accountability; and police/community involvement. In examining these policies and practices, the Task Force shall be cognizant of previous panels and their reports which have focused on the problems associated with police/community relations. The Task Force will develop recommendations for the Mayor for an action agenda dealing with, among others (sic) issues, the following areas;

i Civilian Review and oversight of the Police Department;

i Psychological testing programs and support services available to members of the NYPD;

i Employment patterns and affirmative action adopted at all levels of the NYPD;

i Remedies to negative police attitudes and/or practices toward racial, language and sexual minorities and toward immigrant communities;

i Contractual restriction (e.g. the "48-hour rule") and any other policies that may impede effective and prompt investigation into allegations of police brutality;

i Strategies to improve police morale and working conditions, and to provide more effective training and supervision so as to ensure that there is a comprehensive and fair system of evaluation and accountability for their performance as police officers, including provisions for incentives, reinforcement, and promotional opportunities in conjunction with their achievement of desired human relations objectives.

Fact-Finding

With these goals in writing, we now had a ruler by which the public would be able to measure the Task Force's success or failure. We proceeded apace. We started asking for information from police headquarters and organizing hearings around the city. The flow of information from One Police Plaza never turned into much more than a trickle. The public hearings, however, were more successful. The Task Force conducted hearings in each of the five boroughs. They produced hundreds wanting to testify about police-community issues.

Focus Tightens

As time passed, to our satisfaction and, we suspect, the Mayor's dismay, an increasingly significant percentage of the Task Force was slowly and methodically beginning to focus on systematic problems within the NYPD.

As the Task Force was focusing, the Mayor turned his attention to baseball. Consequently, when the Mayor failed to attend a special Task Force youth forum scheduled in City Hall for his convenience, Meyers and Siegel asked him for an explanation in a letter. They were told:

"The meeting was a powerful, thought-provoking event. It was our understanding that the location, date, and time of the forum had been moved to accommodate your schedule. We strongly supported that change because we very much wanted you to

hear from these young people as their daily interactions with police officers are central to the work and mission of the Task Force.

"OeAlthough, we share the City's enthusiasm for the Yankees and believe that their return to the Playoffs does a great deal for the morale and overall good of New Yor, the same could be said about last night's meeting. Since the meeting began in the Blue Room at 6 p.m. and the game did not start until 8:13 p.m., it would appear that you could have attended at least part of the forum. Given the change in location, date, and time of the event to meet your needs, we certainly expected that you would attend the session with the youth. Indeed we were strongly disappointed."

The Mayor's response was quick -- from his press secretary, Colleen Roche. She issued a statement that said, "Everyone knows that this Mayor works endless hours. It's a shame that these small-minded people would begrudge him a couple of hours at a Yankee gameOe"

Meyers and Siegel wote to the Mayor, again.

"We take strong exception to such calumny. It is unconscionable for you to permit a spokesperson for you to demean members of a Task Force you have appointed to advise you on police-community relationsOeMoreover, we are chagrined and disgusted by Ms. Roche's attempt to change the subject by distorting and mangling that which we actually wrote to you. A fair and proper reading of our letter would not indicate that we suggested that you foego going to the Yankee game. Rather, we said that you owed it to the young people -- who traveled some distance to City Hall -- to have been present at part of the meeting." (The letter in its entirety is included in the appendix.)

Mayor Giuliani never responded.

Abandoned

Two months later, Siegel and Meyers charged the Mayor with abandoning the Task Force.

"Today, four months later, we are now less convinced of your commitment...While you did add \$1.5 million to the budget of the CCRB, per our suggestion, to add senior level investigators, and to create a research/analys's unit, you did not address directly the various concerns about the management of the CCRB except to issue a rather innocuous Executive Order that required parties at CCRB and NYPD to shore up procedures for the more efficient handling of civiliansi complaints or police misconduct. To our knowledge, those systems and procedures are still not in place. In fact, recent reports of misplaced or strayed CCRB complaints are extremely disturbing."

Instead of becoming the vehicle by which he could deflect blame for his inaction, we were now tightening the focus of blame on his administration. Furthermore, we served to show that the Mayor's original promises to us were hollow. In the same letter, we wrote:

"The purported \$12 - 15 million Task Force budget never materialized. We found out from the media - not from you or your Criminal Justice Coordinator, Katie Lapp - that those monies were intended for paying police overtime to participate in dialogues with civilians. We also found out from the media - not from you or the Police

Commissioner - that those dialogues, which we were asked to structure and coordinate, were taking place without our knowledge."

Meyers and Siegel also exposed the boorish attitude of this Mayor who now proposes to set the standards for civility for the city.

"You, and members of your administration, have, by and large, engaged in bully-like tactics of assailing some members of your Task Force, calling us esmall-minded,i esilly,i and eengaging in negative fantasies.

Enough

By the end of the month, the Mayor and his staff were repudiating the Task Force mission which they had agreed to in September.

When an unarmed man was mistaken for a suspect and fatally gunned down in a candy store in the Canarsie section of Brooklyn on Christmas Eve, several of us organized a public forum to listen to the community's concerns. That same week, eleven Task Force members wrote to the Mayor pointing out the urgency for a budget, staff, and timeline for the Task Force. If we were to function effectively, we needed: the information from the police department that he had promised in August; briefings regarding IAB and CCRB patterns and practices; and the status of his CCRB initiatives. (See attachment O)

By the beginning of the new year, the Mayor must have realized he no longer had control over the Task Force. The public relations campaign to sweep under the rug systemic problems of police misconduct was now spotlighting those very problems. He would not allow us to continue.

End is Near

Regarding our plans for a meeting in Canarsie, Lapp wrote to us on the Mayor's behalf:

"I had spoken with the Mayor and the Police Commissioner and they concluded that it would be inappropriate for the Task Force to proceed with this public forum," wrote Lapp."

At the Mayor's direction, Lapp also ordered the press office to instruct the media that the Canarsie hearing was not an official function of the Task Force.

She also wrote us a separate letter responding to our complaint that the Mayor had abandoned the Task Force.

"Mayor Giuliani has asked me to respond to your December 30th letter on his behalf. Having read your letter, the Mayor believes that each of you has misunderstood the role of the Task Force on Police/Community Relations...the Task Force had no investigative authority...As such, your letter suggests a lack of balance in your approach to the work of the Task Force which has as its equal mission the need to encourage community leaders to foster better understanding of the difficult and dangerous job the police perform on a daily basis. The Mayor believes that over the next several months, the Task Force should focus more of its time on improving respect for the police within the City's communities..."

She added that the Mayor himself would be choosing Lappis successor, again, without input from this independent Task Force. (See attachment Q)

Despite the Mayor's orders, we continued with our mission. As individuals, and not as Task Force members, we held the public forum in Canarsie. We continued to ask the police department for the information we needed to carry out our objectives as outlined in the mission statement. And we further debated issues that we had identified could improve police/community relations.

Showdown

Then came the showdown. On January 20, 1998 during a substantial debate on a residency requirement that was part of a comprehensive affirmative action plan for police officers, unannounced the Mayor came into the meeting and told us our work was over. He ordered us to get our recommendations to him in "60 days."

We had barely begun to tackle the task outlined in our mission statement, or even Mayor Giuliani's limited agenda to develop a curriculum for police-community hearings, but it seemed we were no longer serving the Mayor's purposes. Our consolation is that we have raised the visibility of these issues.

Findings

When City Hall called to invite us to serve on the Mayor's Task Force, we joined because we had confidence that we could accomplish some good. Through our respective organizations, and as individuals, we have long been dedicated to the protection and defense of New Yorkers' civil rights. We regarded our membership on the Task Force as a natural extension of our public service. The New York Civil Liberties Union (NYCLU), the New York Civil Rights Coalition (NYCRC), and the Asian American Legal Defense and Education Fund (AALDEF), together, have spent nearly three-quarters of a century dealing with the issue of police misconduct.

Initially, Mayor Giuliani told us that he would open the police department for our inspection if we determined that was necessary to restore the confidence in the NYPD that had been severely damaged by the growing problem of police misconduct, and, specifically, the Louima incident. "Opening up the police department to the Task Force, which has never been done before, would allow the members to get a better understanding of what cops go through in an extremely difficult job," the Mayor said.

With these assurances, the Task Force developed a plan of inquiry and action. We were to tackle our mission to improve police-community relations by conducting a top to bottom review of the NYPD, from recruitment to leadership. Simultaneously, we would seek a thorough airing of community concerns through an extensive series of public hearings.

Within a very short time, however, we realized that Mayor Giuliani's promises were empty. He never gave us the access he promised; we were merely window dressing to provide the appearance that serious scrutiny of the NYPD was underway, and that change was coming. Then, in the middle of January, just at the point where we thought we might possibly make some headway, the Mayor told us our time was up.

He made clear through Katie Lapp that as far as he was concerned, we had overstepped our boundaries. Instead of asking so many questions about police behavior, the Mayor urged us to give equal consideration to how New York City's communities treated the police. Three weeks later, probably exasperated that we were continuing on our deliberate course, we were, in effect, fired.

Consequently, our review was far from comprehensive. We saw few documents and heard from some, but not nearly enough, people. But from what we did learn, we understand why there are so many problems with the police department and why the Giuliani Administration is so reluctant to comply with even the simplest requests for information from the public, the press, and even other governmental agencies, as they are required to under the law. For if the few documents we did review, and the complaints and concerns we heard from the public and some members of the police department are indicative, we have only seen the tip of the iceberg. For what we learned was quite an indictment, and probably, at least in part, the reason the Mayor pulled the plug on our fact-finding mission.

Race

Our review of the NYPD found that current representation of African-Americans, Latinos, Asian-Americans, and women is neither impressive nor adequate, especially when viewed in relation to the city's racial, ethnic and gender composition. Since the

adoption of Title VII of the 1964 Civil Rights Act, as amended in 1972, which prohibits discrimination on the basis of race, color, religion, sex, or national origin, minorities have made some gains in employment in law enforcement agencies.

As of September 1997, the NYPD is 17 percent Latino. However, a fourth of New Yorkers are Latino, so the NYPD is still short of its goals. African Americans on the other hand, are not doing quite as well. They constitute nearly a third of the city's population, yet represent only 13.6 percent of the police force. Asian-Americans comprise approximately seven percent of the city's residents, but only 1.4 percent of police officers.

The supervisory ranks of the NYPD are even more lopsided. Of 228 police officers ranked higher than captain, only 3.5 percent are Latino, 4.4 percent are African American, 0.9 percent are Asian-American, and 4.4 percent are women.

NYPD Breakdown by Gender and Ethnicity

| Rank | Total | Male | Female | White | Black | Hispanic | Asian/PI |
|-------------------------|--------|-----------------|----------------|-----------------|----------------|----------------|-------------|
| Police Officers | 26,181 | 21,900 83.6% | 4,281 16.4% | 16,973 64.8% | 3,789 14.5% | 5,001 19.1% | 376 1.4% |
| Detectives | 4,864 | 4,058 83.4% | 806 16.6% | 2,995 61.6% | 893 18.3% | 904 18.6% | 68 1.4% |
| Sergeants | 4,313 | 3,898 90.4% | 415 9.6% | 3,646 84.5% | 282 6.5% | 331 7.7% | 51 1.2% |
| Lieutenants | 1,422 | 1,333 93.7% | 89 6.3 % | 1,230 86.5% | 91 6.4% | 91 6.4% | 10 0.7% |
| Captains | 371 | 359 96.8% | 12 3.2% | 354 95.4% | 10 2.7% | 6 1.6% | 1 0.3% |
| All Ranks Above Captain | 228 | 218 95.6% | 10 4.4% | 208 91.2% | 10 4.4% | 8 3.5% | 2 0.9 % |
| TOTAL | 37,379 | 31,766 85% | 5,613 15% | 25,406 68% | 5,074 13.6% | 6,341 17% | 508 1.4% |

As of September 30, 1997. Figures provided by the NYPD.

We also learned that of the 19 psychologists on the NYPD psychological staff, 16 are Caucasian, two are black, and one is Asian-American.

The Guardians and the Latino Officers Association

One of our most disturbing findings was that the leadership of the NYPD, including the Police Commissioner, has a contentious relationship with the Guardians Association and the Latino Officers Association (LOA). We believe this is a mistake. It is counter-productive and a contributing factor to racial tensions in the city when the police brass and the minorities on the police force are at logger heads.

The Guardians and LOA, in our judgment, represent the finest ideals of public service. We are impressed with their commitment to improve police-community relations, as well as with the courage of their respective leaders. They clearly have an enormous amount of experience and perspectives that should not be ignored but should be sought out by the NYPD leadership. This dynamic demonstrates a major

weakness of the NYPD: its failure to accept constructive criticism within its own ranks.

NYPD Training Academy

We found a multitude of problems at the Police Academy. From its leadership, to its faculty, to the course curriculum, and even in its course materials, the Academy's shortcomings were distressing. The Academy is not meeting its educational and training mission adequately. Instead, it is perpetuating and reinforcing ideas and stereotypes that are partly to blame for the kinds of problems the Task Force was created to investigate.

Faculty Not Reflective of City

Of the 127 faculty at the Academy, 85 are white, 30 are black, seven are Hispanic, and five belong to other ethnic groups. Only 25 of the 127 instructors are women. When asked why the faculty was so skewed and not more representative of the city's population, the response was that the faculty was reflective of the membership of the NYPD.

When we raised concerns about the quality of the education offered at the academy, the response was, "We don't educate the recruits, we train them." This indifference was further reflected in the few materials given to the Task Force.

Training Manual: Cultural Diversity for Law Enforcement Personnel

The *Police Academy Training Manual* chapter on *Cultural Diversity for Law Enforcement Personnel* is one of the most disturbing documents reviewed by us. The purpose of this chapter is to provide cadets with basic information about the city's government, its residents, and the police. What it does is convey false information and insidious characterizations that reinforce some negative cultural stereotypes.

Among the most glaring problems in this chapter is the description of the birth of the black identity movement.

"For example, the black identity movement among college students in the late 1960s did not begin on black campuses. Rather, it started when predominantly white colleges recruited large numbers of black students. When these African-American student (sic) found themselves literally surrounded by white people, they didn't become white. They simply became more aware of what it means to be black. The value and importance of their racial identities didn't diminish; they increased."

Disturbing Characterizations

This chapter advances ideas that would cultivate hostility among cadets towards their employers, the residents of New York City, the exact opposite of what a cultural sensitivity course would want to achieve. For example, in the section reviewing the city's financial problems, this chapter makes use of a Congressional Budget Office Report that attributes the number one cause of the city's fiscal crisis to new immigrants. It also attributes the City's 1970s financial problems to: the welfare

cost, the City University, the municipal hospital system, publicly-funded low and middle-income housing, and the mass transit system.

As for where the city's African American residents live, this chapter focuses solely on Harlem.

"It is the capital of African-America, much as New York is the unofficial capital of America. Harlem is big. It is brassy. It is historic. It is where Marcus Garvey established the center of his empire, where Joe Lewis(sic) was Knighted(sic) for his ring exploits, and where Fidel Castro stayed.

"It was the center of New York's night festival of Jazz, Soul and rhythm at such hot spots as the Cotton Club and the Apollo Theater. And on the hard pavement outside the Polo Grounds, youngsters played stickball with a local hero - Willie Mays of the New York Giants."

Likewise, the city's Puerto Rican population is centered in El Barrio in East Harlem.

Among the most bizarre sections of the chapter is the description of what happens when a cop pulls over a Nigerian immigrant who runs a red light.

"A recent immigrant runs a red light. An officer pulls him over in the next block, stopping the patrol car at least three car lengths behind the car. Before the police officer can exit the patrol car, the person gets out of his vehicle and approaches the officer. Talking rapidly in a high-pitched voice and making wild gestures, the operator appears to be out of control, so the officer believes.

"As the officer steps from his car, he yells for the male driver to stop, but the person continues to walk toward the officer. The driver continues to babble and advance toward the officer. He does not make eye contact and appears to be talking to the ground.

"Finally the officer commands the person to place his hands on the patrol vehicle and spread his feet. What began as a routine stop for a traffic violation culminates in charges of disorderly conduct and resisting arrest.

"This scene typifies many of the encounters that take place daily in the United States between law enforcement and people of other cultures. A simple traffic violation escalates out of control and becomes more than a matter of communication and common sense. It represents two icebergs - different cultures - colliding with devastating results."

While this example acknowledges cultural misunderstandings, the premise that the reasonable response to failed communications with a non-threatening immigrant is to arrest him and falsify charges against him is unquestioned.

This chapter needs to be rewritten and edited by people who know what they are doing. Right now it is just a scrapbook of newspaper clips, book chapters, academic journals, and outdated census information - sometimes as much as 30 years old - and it is full of mistakes, both factual and grammatical. It also is erratically formatted.

Executive Development Program

The continuing education curriculum for high-ranking officers of the NYPD was equally deficient as the cadet-training program. According to the *Executive Development Program Course Catalog* there are full day seminars on running an effective meeting, but only half-day classes on dealing with ethnic groups or managing stress. Meanwhile, there are no classes on handling police misconduct or excessive force or how to identify potential problems among the police officers they supervise.

Police Culture

Systematic patterns of police misconduct are a substantial part of the police culture, and the Internal Affairs Bureau is unable to break the "blue wall of silence" that allows this to continue. Also at fault is the NYPD's ineffective system of discipline and accountability, and a succession of police commissioners who have failed to defeat the police culture that permits police misconduct towards New Yorkers.

CPR

There is no credible evidence to conclude that CPR has worked to reduce police-community conflict; indeed, the concept of CPR is undermined so long as it is not tied to a system of discipline and accountability.

CCRB

The Civilian Complaint Review Board has lost the public's confidence, and there is no evidence that that confidence will be forthcoming anytime soon. Inasmuch as this is a failed mayoral agency, the Mayor bears individual responsibility for fixing it. Shockingly, when many of CCRB's problems were pointed out to the Mayor, he displayed an appalling lack of knowledge about CCRB operations, as well as about its shortcomings and the public criticisms that have been directed at the agency for years. As long as CCRB remains a distrusted mayoral agency, the public will have good cause to question the Mayor's commitment to civilian review of the police. The CCRB's failings are not attributable to a flaw in the concept of civilian oversight. The City Charter gives the CCRB sufficient authority to perform its mission. The present failings of CCRB are symptomatic of an abdication of responsibility and leadership by the Mayor, City Council, CCRB Board, and the Executive and Supervisory staff.

Increased Tensions

There are increased tensions in police community relations, especially in minority communities because of a long chain of incidents between police and minority youth, usually resulting in the latter's injury and/or death.

Cop Bashing in Minority Communities

Despite the history of police conflict with minorities, "cop-bashing" is not a pastime of minority populations. Minority populations support the police, but such support is not blind. They want police protection, but will not abide by the violation of their civil rights or any denial of equal treatment by those sworn to serve and protect the public.

Quality of Life Crackdown

Citizens complained that NYPD's crackdown on quality-of-life offenses is having a discriminatory impact on minority youths' civil liberties, and on the gay and lesbian community, and their enjoyment of life free of governmental surveillance, intrusiveness, and harassment. In this regard, we find that tensions between police and minority populations are likely to increase, notwithstanding better training and official "explanations" as to why police officers are stopping youths on the streets, demanding identification, moving them on; and surveilling them through undercover activities.

Blue Wall of Silence

The Internal Affairs Bureau has been unable to break the Blue Wall of Silence.

Hostility By Mayor

The Mayor turned a deaf ear towards citizens who wanted to talk with him directly, in the public and private meetings, about their perceptions of police behavior by not attending the meetings. Especially offensive and unacceptable was the open contempt the Mayor exhibited toward the weeping mothers who had lost children to police violence. The Mayor neglected to take the minimum steps required to comfort them in their grief, which was possible without jeopardizing any police officers' civil rights or due process rights.

Myths About Police Misconduct

Myth #1: "It's an isolated incident."

With stunning predictability, mayors and police commissioners have insisted that police brutality is a rare occurrence. But facts belie this assertion. In 1994, the Mollen Commission and in 1996 Amnesty International documented the serious pattern of police brutality in New York. New Yorkers have as well; between 1994 and 1996, this city's citizens filed almost 10,000 allegations of excessive force against New York City police officers. Police brutality is no aberration.

Myth #2: "Police Brutality is not a race issue."

The sooner we acknowledge the painful reality that there are racial overtones to police brutality, the sooner we can begin to overcome the shameful and persistent facts. For example, in 1996 African-Americans, who represent twenty-nine percent of New York City's population, filed fifty-three percent of the 5,600 complaints received that year by the Civilian Complaint Review Board. And three of every four complainants to the CCRB are African-American or Latino. Race is a factor in the patterns of police brutality.

Myth #3: "The problem is a few bad apples."

This metaphor distorts and dismisses the need for systemic change. The overwhelming majority of New York City police officers do their job without abusing the people they are sworn to serve. But historically there has always been a

significant enough number of hostile, abusive and bigoted officers who taint the entire force by sustaining an atmosphere of abuse and tolerance for brutality. Law enforcement is undermined and good police officers as well as citizens are demeaned and endangered by our unwillingness to confront this reality. This is a pervasive problem, not the result of a few "bad apples."

Public Hearings

To learn what we could about the state of police-community relations in New York City we aggressively sought to hold a series of hearings around the city to collect input directly from the people we were concerned about: police and community residents. At first, some members of the Task Force did not want to hold public hearings. They said they wanted to come up with recommendations, then find out what the cops and the public wanted. We felt that it was imperative to investigate police and community concerns first. We had to identify the problems before we could begin devising solutions. In the end, we prevailed in sort of.

We were seeking to spend the year listening to police and community testimony in many of the city's police precincts. Instead, the Task Force agreed to hold two series of public hearings. The first series would run until January, when we would meet and decide whether the hearings had any value. If we agreed that they did, we would continue with another 15 to 20 hearings. Unfortunately, after the Mayor came to the January 20th meeting and told us we had 60 days to finish up, Task Force members refused even to hold a meeting to discuss whether or not we should go on with the second series of hearings.

Another problem with the public hearings concerned the Task Force staff. In order to be prepared for these hearings, the Task Force directed the executive director to prepare detailed background memos on police-community relations in each of the neighborhoods we were visiting. She never did it. Instead, we were provided with only the most basic crime statistics from the NYPD. Additionally, these hearings were not adequately advertised.

Despite these obstacles to our mission, approximately 725 people attended, and approximately 150 gave testimony. At two of the meetings, so many people signed up to speak that, unfortunately, we were not able to hear from all of them.

Among the people we heard from were police officers. Some of the cops who testified were upset about the Mayor's Quality of Life campaign. They said the campaign essentially turned them into full-time ticket writers. The cops also explained that their morale is so low because they felt betrayed by a Mayor who will not give them a pay hike in recognition of their effectiveness in reducing crime.

The overwhelming majority of the people who testified before the Task Force were community residents. Their voices criticized the CCRB as ineffective and they said they want a truly independent board. They also said they want disciplinary actions published regularly.

Neighborhood residents also said that police officers should be required to live in the city so that the NYPD could better reflect New York's racial diversity. Additionally, the city must raise the qualifications for police officers, including raising the level of education and providing incentives for police to speak additional languages besides English. Speakers also questioned the efficacy of psychological testing of recruits.

The Police Commissioner's Community, Professionalism, Respect (CPR) program also came up at the hearings. Many speakers said that CPR ignored one of the biggest problems with the NYPD -- racism. They said the police must learn to respect New York City's minority residents. Police act as if all African-Americans were criminals. For these reasons, they said, many of the city's minorities fear the police.

At the precinct level, speakers said that there should be video cameras in the station houses and in squad cars. They also said there needed to be high ranking officers, lieutenants and above, in station houses after nine p.m. Additionally, they called for improving the city's station houses. They said it is difficult for the police to have any self-respect when they have to work in such dilapidated facilities. They also said that the police community councils should be run by community residents and not by the police.

Despite all the problems identified by the public at these hearings, community residents said they want more police working the streets of their neighborhoods, either walking or biking a beat. And they wanted those officers who perform well and who do not generate complaints to be rewarded.

Recommendations

While many of our questions about the NYPD went unanswered, and our public hearings were limited, from what information we did gather, combined with the expertise we have developed over the years, we strongly urge the Mayor, the City Council, the Governor, and the State Legislature, to seriously consider the following recommendations if they have any desire to resolve the problems of police misconduct which plague the NYPD.

We are pleased that the majority of the Task Force has adopted several of these recommendations, but we are extremely disappointed that, overall, the majority of the Task Force, and the Giuliani administration, effectively continue to protect the NYPD from any substantial, but desperately needed, change. Accountability is still a long way off.

Civilian Complaint Review Board

Inherent in the concept of democracy is the idea that civilians should have oversight and controls over those we pay and empower to use deadly physical force. Unfortunately, this principle has not been achieved satisfactorily in New York City.

An essential and much needed reform is the strengthening of the CCRB. The CCRB has largely failed in its mission. The CCRB's failings are not attributable to a flaw in the concept of civilian oversight. The City Charter gives the CCRB sufficient authority to perform its mission. The present failings of the CCRB are symptomatic of an abdication of responsibility and failure of leadership; by the Mayor, the City Council, the CCRB's Board, and the agency's executive and supervisory staff. The CCRB is not, yet, a Mayoral agency where complainants generally receive a fair expeditious hearing on their complaints. We still have not achieved a CCRB in which citizens and police officers alike place their confidence and trust.

We recommend the following principles and steps to support and strengthen the CCRB:

- 1.** The CCRB must act on complaints within four months of receiving them.
- 2.** The Police Commissioner must act on CCRB complaints within 30 days from when he receives them.
- 3.** The Police Commissioner must act on the Administrative Law Judge's decision within 30 days from when he receives it.
- 4.** The CCRB must hold public town-hall meetings at least once a month. At these meetings, the community would be invited and the police management would be required to attend.
- 5.** The CCRB must issue its (New York City Charter required) six-month report within 30 days of the closing period.
- 6.** The CCRB should hold hearings and investigations and issue reports on patterns and practices of police abuse. Beyond making recommendations about disciplining individual cases of police brutality and abuse of authority, the CCRB should track

systemic patterns of abuse and hold departments and commissioners accountable for their actions and non-actions.

7. A CCRB legal unit should be created to prosecute those cases against police officers who had charges filed against them as a result of a CCRB complaint. Currently, the NYPD Police Advocate Group prosecutes the cases for the NYPD. We strongly believe that police lawyers should not be prosecuting these cases. Independent attorneys, not associated with the NYPD, should be bringing these cases. The percentage of cases resulting in a police officer actually being disciplined is extremely low. We estimate this legal unit consisting of a legal director, supervising attorney, 10 staff attorneys, five paralegals, 2 investigators, and five secretaries would cost approximately \$1.5 million dollars.

8. Change the statute of limitations regarding charges against a police officer as a result of a CCRB complaint. Currently, the statute of limitations is eighteen months. We propose a three-year statute of limitations. (In 1995 and 1996, 63 cases were not pursued because of the eighteen month statute of limitations.)

9. The budget of the CCRB must be increased by 1.3 million dollars. Although the Mayor recently added an additional 1.5 million dollars to the CCRB, the agency is still not adequately funded. The police department's CCRB-CCIB, when it went out of existence on July 4, 1993, had a budget of approximately six million dollars (\$6,000,000) and a staff of about 129. At that time, the NYPD employed approximately 30,000 police personnel. The current police force numbers 38,000 and is projected to reach 40,000 by budget year 98-99. In order to maintain the same staff capability as the former police department unit, the present CCRB would require a budget of approximately eight million dollars (\$8,000,000) and a staff of about 172 (reflecting a 33 percent increase in NYPD). The current budget is approximately 6.7 million dollars and a staff of about 152.

10. The Mayor's Executive Order issued on October 21, 1997 requiring the NYPD and CCRB to work more cooperatively and specifically to develop procedures to better inform complainants about the status of their complaint must be implemented. (We believe this Executive Order has not been adequately implemented.)

48-Hour Rule

The police department regulation and the collective bargaining agreement section that prohibits the interrogation of police officers suspected of criminal activity for 48 hours must be eliminated. Police officers, like all citizens, are protected by the Fifth Amendment against self-incrimination. They do not need special rules to protect them in criminal cases especially, rules that give the appearance of special privileges for a select few.

To increase the chances of a successful conclusion in a criminal investigation, it is imperative that all available evidence be gathered as quickly as possible following the execution of a crime. For that reason, the police interview suspects and witnesses as soon as they are identified, except in cases where police officers are involved. Police officers in criminal cases are not required to speak to ranking officers for 48 hours following the time they are identified as suspects, according to the NYPD Patrol Guide, Section 118-9. Additionally, cops who are potential witnesses in a criminal case are not required to submit to an interview until four hours after they have been

identified as witnesses. If, at any time during the investigation of an offense, an officer acting as a witness becomes a suspect, the 48-hour rule goes into effect.

This came about, partly, because, in civil matters, government employees do not have a right against self-incrimination. Indeed, government employees can be examined and required to respond to inquiries about their public duties. They also can be punished or even terminated for not answering questions or lying. Section 118-9 of the NYPD Patrol Guide states that officers who are suspects in an alleged offense must answer questions "specifically directed and narrowly related to official duties" or face suspension. To balance this requirement, the 48-hour rule was established to give police officers an opportunity to consult with an attorney before submitting to questioning. Then it became a collective bargaining issue when it was included in the Policemenis Benevolent Associationis contract with the City of New York for 1991 n 1995. Article XIX, the "Bill of Rights" section of the contract, states: "The Guidelines for Interrogation of Members of the Department, in force at the execution date of this Agreement, will not be altered during the term of this Agreement, except to reflect subsequent changes in the law or final decisions of the Supreme Court of the United States and the Court of Appeals of the State of New York regarding the procedures and conditions to be followed in the interrogation of a member of the Department."

However, the so-called protections of the 48-hour rule are redundant. Section 118-9 of the Patrol Guide also provides that the state cannot use any statements obtained in a departmental inquiry to pursue a criminal investigation. This immunity is tied into the Fifth Amendment privilege and cannot be superseded by department investigation procedures. The NYPD can only use a police officeris statements in department administrative proceedings. Thus, the 48-hour rule is not necessary. Instead, an officer should be given a reasonable period of time depending on the circumstances of the inquiry to consult with an attorney before he is questioned.

On the other hand, the 48-hour rule leads investigators to lose their intensity and focus as time passes and as they begin to work on other items. The longer investigators must wait to question a suspect, the greater the possibility vital evidence may disappear or may be lost. Also, the longer the investigator must wait before conducting an interrogation, the greater the possibility that the matter will be "swept under the rug" or forgotten.

This rule also fuels the publicis perception that police officers get favored treatment. Forty-eight hours provide police officers ample time to get their stories straight. Add to this the fact that a low percentage of officers are held accountable for violating New Yorkersi rights. This in turn results in increased cynicism about investigations of police officers and deteriorating police community relations.

We do not have to allow this unnecessary and unfortunate situation to continue. We need to send a strong, viable message to all New Yorkers that when incidents alleging police misconduct occur, investigations of police officers will be conducted in the same way as they would for civilians. There should be no special rules or privileges for NYPD personnel when it comes to investigating possible misconduct.

Elimination of this rule does not mean that the NYPD would immediately begin questioning officers in criminal investigations. In many instances, prosecutors will not question a suspect, or want the police to do so, because of Fifth Amendment concerns and a desire to avoid immunizing the officer.

Residency Requirement

A residency requirement tied to an affirmative action plan for police officers as a condition of employment is strongly recommended to improve police community relations and increase the effectiveness of the NYPD. Current members of the NYPD would be exempt from this requirement.

Approximately 60 percent of New York City's population is composed of racial minorities: 26 percent is African-American, 26 percent is Latino, and seven percent is Asian-American. Yet, the NYPD is 68 percent white. This is partly because residents of Nassau, Suffolk, Putnam, Westchester, and Rockland counties are eligible to be members of the NYPD. The only preference offered to candidates from New York City is five points on the written exam. We propose making residency in the five boroughs of New York City a non-negotiable condition of employment. A residency requirement would make the NYPD more representative of the communities it serves by increasing the number of African-Americans, Latinos, and Asian-Americans in the eligibility pool.

A more representative police force would likely have fewer problems communicating with the people they serve. A residency requirement also might have the added benefit of stemming white flight from the city. Additionally, it would encourage young white men and women seeking careers in law enforcement to move to the city. Consequently, a residency requirement would have the additional benefit of improving the racial diversity in the city's middle income neighborhoods. Moreover, living in the city, police officers, would have a personal stake in safe, stable neighborhoods.

For these reasons, we recommend that the Mayor develop a comprehensive affirmative action employment policy that would include a continuing residency requirement for all NYPD employees hired after the effective date of the plan. We recognize that a residency law must be approved by the New York State Legislature and that might not be possible. Yet, we believe the campaign for a residency law would not only be the right thing to do but it also would gain the Giuliani administration and the NYPD enormous good will throughout the city.

Special Prosecutor

A Special Prosecutor for police corruption and brutality must be created for New York City to replace the Special Prosecutor that Governor Cuomo shortsightedly eliminated in 1990. We urge Governor Pataki to reinstate an office of special prosecutor for criminal justice.

When Mr. Louima charged that he was brutalized by police officers of the 70th Precinct, the city and the nation were shocked by the allegations. However, charges of misconduct by members of the NYPD are not new. Scandals involving the department have erupted about every 20 years with alarming regularity since it was organized in 1844.

In just the first six months of 1854, there were 239 complaints lodged against members of the 1,116-man police force. The complaints ranged from insubordination and drunkenness to rudeness to citizens. In 1887, the number of clubbings by police officers was so high that the city's daily newspapers called it an epidemic. In 1898,

when there were only 10,000 officers in the police department, there were 3,700 complaints of excessive force.

Some of the worst complaints in NYPD history were reported in the late 1920s and early 1930s. Journalist Emanuel Lavin reported that city prisoners would be bludgeoned "with everything but the foundation of a building," and gangsters who would not provide evidence about their colleagues were often beaten senseless with rubber hoses, or tied into dental chairs for unnecessary tooth drillings.

In response to many of these scandals, commissions and committees were impaneled to investigate. In 1894, the Lexow Committee of the State Senate found police corruption was a major problem. The Curran Committee of 1911, the Seabury Commission of 1932, and the Kefauver Committee of 1956, all drew similar conclusions. But it was the Knapp Commission of 1972 that came up with a long-term solution to dealing with the problem.

The Knapp Commission concluded in its final report that it was impractical for local district attorneys to deal with police misconduct.

"The District Attorneys in the five counties and the Department of Investigation, although they have a few non-police investigators, depend primarily upon policemen to conduct investigations. In the case of the District Attorneys there is the additional problem that they work so closely with policemen that the public tends to look upon them and indeed they tend to look upon themselves as allies of the Department," wrote the Commission.

As an alternative to the city's district attorneys, the Knapp Commission recommended the establishment of a special prosecutor to investigate police corruption.

Governor Nelson Rockefeller enacted their recommendation. With Executive Order No. 55, he created the New York State Office of the Special Prosecutor for law enforcement and administration of criminal justice in New York City. This office had broad prosecutorial authority to "inquire into matters concerning the public peace, public safety, and public justice" with respect to corruption in any way related to law enforcement or the administration of criminal justice in New York City.

Executive Order No. 55 granted the State Attorney General the authority to appoint a special prosecutor and to supersede the powers of New York City's five district attorneys in regard to police corruption. The order contained no expiration date. The Special Prosecutor's office was to remain in existence for an indefinite period at the governor's discretion.

Over time, the effect on the NYPD was highly salutary. The police department "changed dramatically...turning over information to the Special Prosecutor's Office turned out to be the best thing that ever happened to the department," said one-time Police Commissioner Richard Condon.

But despite the findings of the Knapp Commission and the success of the Special Prosecutor in combating police corruption, Governor Cuomo abolished the post in 1990. He said the state could no longer afford funding the special prosecutor. Cuomo also held the uninformed belief that the district attorneys could perform the functions of the special prosecutor.

There is persuasive evidence, both statistical and anecdotal, that Cuomo's decision was a mistake. Within a short time after eliminating the special prosecutor, a new corruption scandal was discovered, along the lines forewarned by the Knapp Commission twenty years earlier. Officers from the 30th, 9th, 46th, 75th and 73rd police precincts were discovered selling drugs and beating suspects.

To investigate these allegations, Mayor David Dinkins appointed a commission, headed by his former deputy Mayor for criminal justice, Milton Mollen. In their hearings, police officers testified that they had formed a vigilante squad for the sole purpose of lining their pockets.

What most distinguished the Mollen Commission from the various investigatory committees formed over the last century were some of its conclusions. For the first time, a government body connected the dots between corruption and brutality and recommended a plan to combat both problems.

"Brutality, regardless of the motive, sometimes serves as a rite of passage to other forms of corruption and misconduct. Some officers told us that brutality was how they first crossed the line toward abandoning their integrity. Once the line was crossed without consequences, it was easier to abuse their authority in other ways, including corruption."

To test the relationship between thuggery and thievery, the Commission studied 234 problem officers the Department had selected as the most likely to be corrupt. The commission found "that the corruption-prone officers were more than five times as likely to have five or more unnecessary force allegations filed against them than the officers from the random sample group."

Equally as momentous, the commission found, "As important as the possible extent of brutality, is the extent of brutality tolerance we found throughout the Department ... [T]his tolerance, or willful blindness, extends to supervisors as well. This is because many supervisors share the perception that nothing is really wrong with a bit of unnecessary force and because they believe that this is the only way to fight crime today."

But victims of police abuse in New York City already suspected that it was difficult to obtain accountability over the police. Reports differ, but at most, only between two and four city officers have been convicted of a crime for on-duty killings since 1977, while brutality lawsuits against the city have increased 25 percent over the past four years.

People who claim the police brutalized them often feel compelled to sue for civil damages to force the city to take their claims seriously. In recent years the city has routinely paid out tens of thousands of dollars to people who say the police abused them -- \$27.3 million in the last year, up from \$19.5 million in the previous year.

But the system does not offer genuine resolution to those looking for more than compensatory damages. Victims of police misconduct typically want to see the officer punished, or, at least, reprimanded. However, the Police Department rarely formally investigates these allegations, and officers named in lawsuits almost always continue working without scrutiny or punishment.

A large percentage of civilian complaints against police officers are deemed "unsubstantiated," meaning the investigators are unable to determine whether the

alleged offense occurred. But even in those rare cases "substantiated" by the Civilian Complaint Review Board, the Police Department does not do much.

From July 1993 to December 1996, the police department refused to discipline 55 percent of the police officers that had complaints against them substantiated. During this period, the CCRB received 18,336 complaints against police officers, yet only one officer has been dismissed as a result of a CCRB investigation.

Clearly, all of the factors that necessitate a special prosecutor for corruption also exist in the area of police brutality. The underlying problem is police illegality, whether it manifests itself in assaulting a suspect, giving perjured testimony, or taking a bribe.

The establishment of a special prosecutor would go a long way towards restoring confidence in the NYPD. A poll conducted in September 1997 found that since Mr. Louima claimed cops from the 70th Precinct tortured him, only 48 percent of respondents said they approved of the way the city's police officers were doing their jobs. This was a sharp decline from a 61 percent approval rating eight months earlier.

"The Louima case and the focus on it are certainly significant in the erosion of the belief that the police are doing a good job," said Maurice Carroll, director of the Quinnipiac College Polling Institute. The alleged police brutality in the Louima case is "largely, if not totally, responsible" for the low approval ratings, he said.

Eighty percent of the respondents in the Quinnipiac poll said police brutality is a serious problem. A majority of those polled, 62 percent, said cops are tougher on blacks. Just under a third said cops treat all races the same.

It is truly unfortunate that the Special Prosecutor's office was dissolved. It is quite probable that the office's demise sent precisely the wrong message to law enforcement personnel. Reinstatement of an office of special prosecutor of police brutality and corruption can be justified because it bears a reasonable relationship to the executive duty to "take care that the laws are faithfully executed."

We recommend that the special prosecutor and local prosecutors have concurrent jurisdiction. Protocols can be worked out between the offices to facilitate speedy determination of which office will handle which type of case.

Police Community Advisory Boards

To effectively develop a comprehensive approach to combating police misconduct there must be a mechanism for precinct level monitoring of police activity. We recommend the creation of elected Police Community Advisory Boards in each of the city's police precincts. By monitoring and reporting on local police activity, this body would make precinct commanders accountable to neighborhood concerns and provide local residents and community organizations with a channel for addressing problems.

Each board would have five members elected from the general population living within precinct boundaries. The election of board members would be held concurrent with local school board elections with the same rules with respect to candidate qualifications, voter eligibility, and campaigning, applying to both.

Police Community Advisory Boards would be substantially different than the Precinct Community Councils in place today. Some members of these precinct councils testified at Task Force hearings about their role and effectiveness. While most of them praised the work of their councils in maintaining a positive relationship between the police and the neighborhoods they serve, few said that their councils were involved in monitoring police activity. Fewer still had any information about patrol officers assigned to their precincts who might have a history of violence or brutality.

The objective behind these councils since they were created over 50 years ago is community relations. Under the director of the NYPD Deputy Commissioner for Community Affairs, the councils encourage community involvement in public safety issues and quality of life conditions. They promote awareness of law enforcement efforts and enhance community relations between the local police and the people they serve. Some also initiate programs to deal with the needs and interests of each community.

Police officers can address neighborhood crime more effectively if they establish a close relationship with community residents and neighborhood groups, but we envision boards which will do considerably more than develop positive police community relations. Police officers are city employees who need to understand that local residents, in effect, are their employers and that they will be monitoring their activities.

Several municipalities have had similar structures in place for a long time. Fairfax, Virginia, for example, has had Citizens Advisory Committees for almost twenty years. Members of these committees represent a wide cross-section of neighborhoods in Fairfax County. They provide a forum for obtaining citizen input about the delivery of police services and a formal process that facilitates community cooperation with the police. They also identify specific and potential problem areas concerning service.

Our proposal would have a comparable mission. The boards we propose would work in partnership with local police to promote mutual respect and support officers who provide positive role models, but their main concern would be to evaluate crime-fighting initiatives and police activity.

Given the climate of distrust in our neighborhoods, the NYPD needs to make a concerted effort to forge bonds of understanding and cooperation with the communities it serves. The establishment of Police Community Advisory Boards would be an important step in building trust in the integrity of the Police Department and its personnel. They also would demonstrate the commitment of local residents to effective policing of their neighborhoods.

Affirmative Action

We believe that the continued under representation of African-Americans, Latinos, Asian-Americans, and women in the NYPD diminishes the ability of the department to function effectively in predominantly minority neighborhoods. This increases the probability of continuing tension and violence.

We believe that the NYPD must demonstrate in tangible ways its commitment to nondiscriminatory employment practices and a commitment to act affirmatively to

increase the number of women and minorities on the force. We recommend that the NYPD implement an aggressive affirmative action plan designed to create a police force more reflective of the city's population.

Gains made by minority group members in law enforcement have not been without controversy and resistance, nor has the debate ended over the role of affirmative action in achieving equity. Nevertheless, racial diversity on a police force is an important governmental interest, especially when the community being policed has a significant minority population. Many persons of color resent the presence of any overwhelmingly white police force.

Some of the state advisory boards of The United States Commission on Civil Rights have investigated several cities that have experienced racial unrest and found that a significant presence of minority officers improved public confidence in the force for each city.

After the civil disturbance in Los Angeles after the first Rodney King trial, the under representation of minorities on the Los Angeles police force was widely blamed for fueling the riot. In hearings conducted after the riot, the police chiefs of several major cities, including Indianapolis, St. Louis, and Houston, testified that the visible presence of African-American and Latino officers improved relations with the community.

Largely because of the continuing problem of tense relations between local police and various ethnic communities, the Commission on Accreditation for Law Enforcement and the National Advisory Commission on Civil Disorders have maintained that the composition of police departments specifically should reflect the ethnic makeup of their communities.

Police Community Relations Training

One of the most serious problems regarding police-community relations is the misinformation and stereotyping that goes on between the police and the community. A police officer who lives outside the city is heard saying, "I've got to go to the zoo to deal with the f-----g animals." This statement is unacceptable. This statement unfortunately is reflective of the stereotyping that exists among some and maybe many of the members of the NYPD about some and maybe many members of the community.

Added to this tense and fragile relationship is the always-radioactive ingredient called race. Mix it up, and no wonder we have a substantial problem. To ignore this painful reality is to put on blinders and do nothing about the real problem. Instead, we must develop a bold comprehensive plan to confront and overcome the stereotyping and distrust that currently exist.

In September 1989, shortly after the murder of Yusuf Hawkins (a sixteen-year old African-American) Norman Siegel and Galen Kirkland, when he was director of the New York Civil Rights Coalition, developed a course entitled "Civil Rights and Race Relations" at New Utrecht High School in Bensonhurst, Brooklyn. The school was one-half mile away from where the shooting occurred and half of the young men indicted in the shooting had gone to New Utrecht. The course was intended to create a climate in the classroom where the students would openly discuss issues regarding race relations.

Using the Socratic method, the course encouraged the students to talk about each other and to each other about many of the issues that they were hungry to discuss but could not in their schools and communities. The course enabled the students to learn about stereotyping and how to ameliorate its use. The weekly course was deemed by the students to be an overwhelming success and very effective.

This same approach needs to be employed in the police precinct.

We propose creating a six-month weekly class that would be given to approximately thirty police officers in every one of the 97 precincts. The course would attempt to create a climate where police officers would be able to discuss, openly, issues affecting police-community relations, especially civil rights and race relations. A selected, well-trained NYPD officer and community member would co-teach the class. This team would, hopefully, be bi-racial and, whenever possible, male and female.

The 194 "teachers" hopefully, would be racially mixed, including men and women with an aim of selecting future NYPD and community leaders. It is further hoped that every six months the course would be expanded in each precinct, with new "teachers" coming from the very NYPD officers who participated in the course. It is envisioned a private foundation would provide a small but symbolic stipend for all of the "teachers."

There is much that needs to be discussed as to the reasons why some police officers view some members of the public, especially young men of color, with disdain and hostility. We need to talk about these volatile issues. We cannot, and must not, ignore or minimize or trivialize them. We must also recognize as we heard from many community members and some police officers that the current Courtesy, Professionalism, Respect (CPR) training program is both ineffective and not respected. By confronting these difficult issues we can ultimately improve police-community relations and develop future police leaders who will be better prepared to work more effectively with the community. (We are also confident that if the process for Task Force recommendations was not aborted as it was on January 20th, we could have developed the curriculum for this proposal.)

NYPD Training Academy: Establishment of Commission

The Mayor and the City Council should establish an independent commission which would have investigative powers to perform a top to bottom review of the NYPD Training Academy. With just a perfunctory review of the situation at the Academy, we found numerous serious problems regarding the curriculum, the faculty, and the leadership. Very simply, the Academy is not meeting its mission to educate and train NYPD recruits adequately. The curriculum reinforces negative stereotypes and some information that is as much as 30 years old; most of the faculty is not trained in the areas they teach; and the leadership is not sensitive enough to the problems at the Academy and the NYPD.

For example, the Academy text on *Cultural Diversity for Law Enforcement Personnel* states that the Black identity movement started on white college campuses in the late 1960s. It also authoritatively claims that Harlem, home to African-American sports and entertainment figures, is the capital of the nation's African-American society, while the city's Puerto Ricans make their home in El Barrio in East Harlem, where the sounds of Salsa music fill the streets.

Increase Academy Training From Six Months to One Year

The job of a police officer has been and continues to be a very demanding and stressful one. To be a good cop requires enormous skills, knowledge of the law, and sensitivity to the community. We do not believe the education and training that is necessary to be a good cop can be accomplished in six months. Consequently, we recommend that the training period for recruits be increased from six months to one year.

The cost involved in the additional education and training will be made up by having better prepared officers, less costly lawsuits, and improved police-community relations.

Police Precinct Station Houses

Our experience in visiting Police Precinct Station Houses was eye-opening. Too many of the precincts are simply outdated. We agree with the majority report that a vigorous, comprehensive plan to improve the police precincts must be immediately undertaken. A uniform code for police precinct station houses should be developed within the year. Telephone, computer, copying, and fax systems, and lighting and furniture improvements must be developed and implemented as soon as possible. Without these essentials the police department cannot possibly reach its maximum potential and effectiveness.

As part of this effort, the NYPD must undertake a serious effort to make Police Precinct Station Houses client friendly. Some of the city's station houses today are no different than liquor stores with their small bulletproof plastic vestibules. With minimal costs, station houses can be transformed into places where neighborhood residents would be welcome to ask for assistance or just some basic information about city services. Removing physical barriers to the front desk and employing bilingual receptionists fluent in those languages spoken in the neighborhood would go a long way towards improving police community relations.

Police Pay

One of the strongest criticisms raised by police officers is that they are not getting paid enough. Some community members agreed with this criticism. We also agree. It is simply wrong not to have rewarded the NYPD officers who had a hand in dramatically reducing the crime rate in the last few years.

We, of course, do not have expertise in the collective bargaining process between the City and the PBA. So we cannot and will not make any specific recommendations regarding what the appropriate raise should be. However, we strongly recommend that the Giuliani administration and the NYPD give every NYPD officer, at a minimum, a one-time two thousand dollar merit raise for their past performance in assisting the dramatic decline in crime in New York City. This recommendation will, we believe, have a positive effect in improving police morale and, ultimately, improving police-community relations.

Firearms Training

We recommend that the NYPD purchase at least a dozen Firearms Training Systems (FATS) before the year is over. Currently, the system is used at the Academy and Rodmanis Neck, but there should be more systems installed so more cadets and officers can improve their skills.

The use of firearms is one of the most important skills a police officer must develop. The most controversial type of police brutality is when a police officer unjustifiably shoots and kills a citizen. Even when the shooting is deemed justified by a grand jury, people in the affected community are skeptical. Police officers need the most comprehensive and up-to-date technology to develop their firearms skills.

The current firearm training systems installed need to be reconfigured for New York City. The scenarios currently employed by FATS are not New York City based. When one of us tried the system, we were surprised to discover that the scenarios were all developed for the Toronto Police Department. Consequently, most of them are irrelevant to police work in New York City. For example, every person in the computer scenarios was Caucasian. There were no blacks or Latinos. All the locations were suburban one and two family houses; there were no housing projects, no city dwellings, or streets. Also, we were told officers had little time to work on the FATS system. This must be changed.

The equipment used by the NYPD to teach firearms skills must be first class and the most technologically advanced, and there must be installed so that officers have adequate access.

Greater Cooperation Needed Between NYPD and the Guardians, the Latino Officers Association and the Supreme Council of Asians in Law Enforcement

The climate surrounding the relationship between the NYPD and the Guardians and the LOA needs to dramatically improve. We recommend that the Police Commissioner meet at least annually with the heads of the Guardians, the LOA, and the Supreme Council of Asians in Law Enforcement (SCALE). After all, we must never lose sight of the fact that the members of the Guardians, LOA, and the SCALE are also members of the NYPD and can make a positive contribution to improving the NYPD and improving police-community relations. We need to guarantee a climate that allows that to happen. It does not exist today.

Recognizing Brutality and Corruption are Linked

Police brutality and police corruption should no longer be bifurcated when discussing police misconduct. Since the 1970s, following the Knapp Commission Report, the NYPD has made some positive systemic changes confronting the culture of police corruption. Yet, too often, in both discussions and in reform proposals to deal with police misconduct, brutality and corruption are separated out. The same focus, intensity and resources have not been devoted to confront the culture of police brutality. For example, the CCRB has jurisdiction over complaints of excessive force, abuse of authority, discourtesy, and racial and ethnic slurs, while the Mayor's Commission on Police Corruption and the City Council's Audit and Monitoring Board both have mandates limited to corruption. This is a mistake. The Mollen Commission definitively made this argument:

"...we found that cops did not simply become corrupt; they sometimes became corrupt and violent. Until now there has always been a distinction drawn between corruption and brutality. Corruption was about money; brutality was about unnecessary force and abuse of authority. That distinction has in some cases blurred. The corruption we found sometimes involved abuse of authority and unnecessary force, and the violence we found sometimes occurred to facilitate thefts of drugs and money. This is critical to recognize to effectively investigate corruption and brutality, and develop prevention and detection strategies. Until recently, these efforts typically have been dealt with separately both in the New York City Police Department and other police departments throughout the country. This should not continue.

There are other important links between corruption and brutality that we uncovered. First, we found that officers who are corrupt are more likely to be brutal -- both in connection with carrying out acts of corruption and otherwise... This can be further explored by the Department, academics or sociologists, but the point for our purposes is that such a link appears to exist -- and should now be recognized in the fight against corruption and brutality."

"...Cops themselves have told us that corrupt cops appear to be more violent than other -- even in situations unrelated to corruption. We also asked the Department to ask officers about this correlation in a recent focus group it conducted on the topic of brutality. Those officers too confirmed that based on their experiences, corrupt officers are more likely to be brutal."

The problem must be defined as both brutality and corruption and one agency should be created to study, monitor, investigate, recommend changes and bring charges. This is the only realistic way we can begin to ameliorate the problem of police misconduct.

Psychological Testing

One of the most important areas that needed to be studied, and which was identified by our mission statement, was psychological testing by NYPD; both initial screening of candidates and periodic testing of officers. Yet, the Task Force barely did any work on this issue.

We did learn that of the 19 psychologists on the NYPD psychological staff, 16 are Caucasian, two are black and one is Asian-American. We recommend the development of an affirmative action plan with a short timetable to actually integrate this department.

We also found to our surprise that once individuals pass the psychological screening required to become an officer, they are not required to undergo any periodic psychological testing. This must be changed. Officers must undergo regular firearms evaluations, but there is no regular psychological testing even though everyone recognizes how stressful the job is.

Minority police officers and community members repeatedly alleged that psychological testing disproportionately discriminates against blacks and Latinos. The statistics for the candidates for appointment who were disqualified during the psychological interview in 1997 did not support this allegation. However, we recommend that the NYPD take a hard look at these serious allegations.

Many community people also questioned whether psychological testing weeded out potentially abusive and psychopathic personalities. This, naturally, is of the utmost importance. We had thought the Task Force was looking at this issue, but it appears very little investigative or analytical work was done. This was a major error. This is one of the most important areas affecting police community relations, yet no work was done. We recommend that the Mayor set up a three person committee whose sole responsibility would be to file a report addressing the adequacy of the current psychological testing by September 1, 1998. To not address this issue is to ignore one of the problem areas affecting police-community relations.

Serving Language Minority Communities and Incentives for Bilingualism

The NYPD should pay bonuses to police officers who are fluent in the foreign languages spoken in New York City's minority communities. The NYPD also should reimburse the tuition costs for police officers who successfully complete courses in these foreign languages at accredited institutions. If one of the biggest problems with the department, as defined by the Mayor, is poor communications between the police and the communities they serve, the NYPD should adopt incentives for hiring, promotion, and retention of police officers who are fluent in those languages used in the neighborhoods where they work.

In addition, clear written guidelines and procedures should be established by the NYPD for the handling of police encounters and incidents in which non-English speaking individuals are involved.

Human Rights Commission

New York City's Human Rights Commission should develop workshops and materials for distribution directed towards young people to inform them of their rights and responsibilities in their interactions with the police. African-American, Latino, and Asian-American teenagers' relations with the police are frequently strained. We believe the best method for improving this relationship is through education. Teaching young people how to interact with the police and informing them of their civil rights, may possibly ameliorate some of the problems and tensions that currently exist.

Web Sites

The NYPD and the CCRB compile a broad range of statistics, from the number and type of arrests made, to complaints filed, to the number of bullets discharged, on a daily, weekly, monthly, and annual basis. We strongly suggest that as soon as this information is collected that it be posted on the NYPD's and CCRB's Web sites for the widest available dissemination. Regular access to statistics on crime fighting and police misconduct would compel a form of accountability that does not currently exist.

Conclusions

The Kerner Commission Report some thirty years ago noted that "in nearly every city [it] surveyed, the Commission heard complaints of harassment ... of social street gatherings, and the stopping of [blacks] on foot or in cars without obvious basis. These, together with contemptuous and degrading abuse, have great impact in the ghetto ... Some conduct --breaking up of street groups, indiscriminate stops and searches n is frequently directed at youths, creating special tensions" in areas where youths "spend much time on the street..."

The testimony we heard from residents of various communities echoed the same themes -- protesting lawless, unbridled, aggressive policing of the kind that constitutes harassment of law-abiding citizens. They wanted more police protection, but they didn't think it fair that young people should be fearful of the police -- or that people should be harassed in their social gatherings by law enforcement personnel. We would have heard directly from representatives of the city's growing Asian American communities, the gay and lesbian community, and many others about their own concerns in connection with NYPD's "quality of life" offensives and its impact on civil rights and civil liberties; however, time ran out on us before we could schedule such hearings. In any event, we have enough anecdotal evidence for us to flag this issue as a concern, and for us to conclude that a vast number of New Yorkers feel that such police misconduct is not isolated, trivial or episodic.

Moreover, many residents of New York feel that police abuse (in the form of discourtesy, ethnic/racial slurs, homophobia, abuse of authority, and excessive use of force) is all too commonplace. Whether perception or fact -- it is a problem in urgent need of a solution.

Unfortunately, we have concluded that Mayor Giuliani has not provided the leadership required for overcoming minorities' and others' fears and hostility toward the police. We do not believe that Mayor Giuliani or Police Commissioner Safir yet grasp the nature and size of the problem underlying police/community tensions and conflicts. Consequently, changing the police culture that breeds and reinforces discourtesy, disrespect, and distrust between the police and community, will be a daunting task.

Cops do not police cops very effectively, notwithstanding Mayor Giuliani's belief that they do. Moreover, NYPD offered no such proof. Therefore, as critical as we have been in this report of the Civilian Complaint Review Board, we believe that it is the best chance New Yorkers have for independent investigations of police misconduct allegations. To work, however, CCRB must be well-led, and equally well-managed and well-resourced. Accordingly, it is incumbent upon the Mayor and the City Council to fix the problems at CCRB. So long as the CCRB and the related mechanisms to discipline brutal, abusive cops are suspect the status quo will hold, to the detriment of the public's confidence.

The public must be protected from cops who engage in racial/ethnic and homophobic slurs, or who use excessive force against individuals because of their race or minority status. Cops who have been socialized into prejudicial behavior will have to be identified and punished by the retaliatory use of stiff penalties -- including separation from the department. We believe that the Police Department's policy should be zero tolerance for unprofessional conduct by police officers. Ironically, Mayor Giuliani started off his mayoralty with a pledge to hold police supervisors accountable for

patterns and practices of police misconduct under their command. That was more than four years ago.

We wanted to examine the research and any available evaluations of the efficacy of currently-used curriculum, academy training, and psychological testing. That research was never produced. We do know that some bigots pass their psychologicals, and other tests, and that some other cops undergo on-the-job stress and feel stigmatized if they seek out psychological services. It is a dilemma that we needed more time and help to study and address.

We also asked for the racial impact data of shootings by cops of other (i.e. undercover) cops, and about the department's processes for better training and prevention of such incidents. We were never provided that information. Commissioner Safir told us that he has dismissed as many if not more cops than have other commissioners. We asked for the specific data on those dismissals -- particularly in terms of the number of cops dismissed on account of misconduct toward citizens. We were not given that data. Hence, we were prevented from examining important issues because of a lack of full cooperation, as promised, and because the Mayor pulled the plug on the Task Force.

Today, we are not as hopeful as we were at the beginning of this process about the willingness of the Mayor and NYPD to change the status quo. Everywhere and everytime we looked for the Mayor to advise with us we were told the Mayor never intended to be involved in Task Force meetings. Rather than working with us and removing the impediments to our inquiry, the Mayor erected walls n blocking communication between him and us.

He has already rejected our modest prospective residency proposal, tied as it is to a comprehensive employment program to achieve better racial diversity in NYPD. He has done so not on the grounds that residency does not provide for better, more effective community policing or because it would not help diversify the NYPD -- but because he does not think advocating residency is politically expedient in Albany.

Where do we go from here?

Ultimately, it is up to community residents and neighborhood groups to demand police accountability and calling for real institutional reforms. Others, including the City Council, other elected officials, civic organizations, and the editorial pages of our newspapers will also have a critical role in in changing police culture and for helping to put in place policies and practices that will improve police/community relations.

However, Mayor Giuliani also must take the lead in reducing police misconduct and instituting changes in NYPD practices.

The racial healing and improving of police/community relations can begin by seriously considering and implementing the recommendations we have presented in this report.

We hope that this report -- its findings and recommendations n will offer a blueprint for achieving these important goals.