

LAW ENFORCEMENT AND THE SOCIAL REVOLUTION

VINCENT W. PIERSANTE

CHIEF OF DETECTIVES

DETROIT POLICE DEPARTMENT

before the

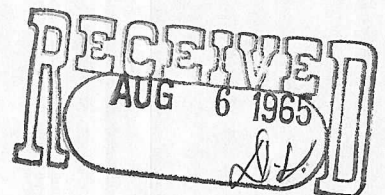
MICHIGAN ASSOCIATION OF CHIEFS OF POLICE

at

CADILLAC, MICHIGAN

on

JUNE 29, 1965



LAW ENFORCEMENT AND THE SOCIAL REVOLUTION

When we speak of LAW ENFORCEMENT and REVOLUTION in one and the same breath, we must necessarily conjure a picture of conflict. LAW ENFORCEMENT, which has the traditional role and responsibility of enforcing the existing laws, and insuring the peace and tranquility of the community - and REVOLUTION, which means a radical change in governmental, social or other conditions, or the means by which these changes are accomplished-- These two must necessarily clash, because enforcement represents the STATUS QUO - or the EXISTING ORDER. And these are the elements of the conflict in the United States of America in the 1960's - THE SOCIAL REVOLUTION and the STATUS QUO (LAW ENFORCEMENT).

Another basic conflict in our system of Government is that we attempt to balance ORDER and INDIVIDUAL FREEDOM. ORDER which is most concerned with the RIGHTS OF THE COMMUNITY, and INDIVIDUAL FREEDOM, with its VIGILANCE to insure man's RIGHT TO DO AS HE PLEASURES.

In the center of this conflict are the minions of law enforcement, and the social revolution has emphasized the fact that this most vital function is in the front ranks of government throughout the nation.

The effect of the SOCIAL REVOLUTION on SOCIETY is influenced mightily by the fact that we are actually in the midst of NOT ONE, but FOUR REVOLUTIONS. We have--

1. The REVOLUTION OF AUTOMATION & TECHNOLOGY which has spirited us into space and created the need for new and different jobs.
2. The POPULATION EXPLOSION which demands answers that may change beliefs.
3. The REVOLUTION OF URBANIZATION which will result in giant metropolises.
4. AND - The SOCIAL REVOLUTION with its demands for equality and status NOW.

ALL are exerting pressures which at the same time are making this the most prosperous and tumultuous period in the history of our country.

These MAJOR REVOLUTIONS in our SOCIETY are changing the mores of our communities and the thinking of the entire world.

Law enforcement HAS NOT REMAINED UNTOUCHED by these vast changes. We are in the midst of a REVOLUTION OF OUR OWN, which is being prodded largely by the decision of our judiciary, and is causing us to take long, hard looks at our procedures and beliefs.

Much has been written and said about what has sometimes been categorized as the "JUDICIAL TAKE-OVER" of our system of government. However, we must understand that these decisions are part and parcel of the SOCIAL REVOLUTION. I believe that most of us in enforcement realize that the Supreme Court decisions which have caused the greatest discussion - the Mallory - the Mapp - the Escobedo decisions - are truly a refining influence on law enforcement, forcing us to take giant steps toward professionalization of the police service. Who can argue against strict observance of the law - certainly not those of us in the profession.

Our traditional role of maintaining the peace and tranquility of the Community WITHOUT MUCH CHALLENGE has drastically changed - to that of MANNING THE POWER and AUTHORITY and MAJESTY of a nation under law, in the front lines of government, in a turbulent society.

The complexities of this mission are further enhanced by the fact that we appear to be the only segment of society that is required to PLAY THE GAME BY ALL OF THE RULES - and we are a function of Government that is expected to assume a UNITY OF PURPOSE that transcends all personal considerations, opinions, ideas, beliefs & prejudices. We must enforce the law when such enforcement is diametrically opposed to our own beliefs, and our personal opinions MUST GIVE WAY to the opinions handed down by the Judiciary, or directed by the people, through their elected representatives.

These conditions MAY SOUND UNFAIR, but the ranks of law enforcement in the United States of America, I know, are filled with men who believe NOT ONLY IN THE GREATNESS OF OUR COUNTRY - but in OUR WAY OF LIFE. Law enforcement is capable of maintaining the peace and tranquility of our individual communities, and of the nation, and of doing so WITHIN THE LAW. As a group, we firmly believe this - for we are more closely associated with the raw facts in the conflict between the rule of law and the rule of force.

We know that only WITH LAW can we INSURE FREEDOM for every citizen of this country, and we know that it is our responsibility as enforcement officials to ENFORCE ALL OF THE LAW without regard for POLITICAL, SOCIAL, ECONOMIC, RACIAL or RELIGIOUS conditions of the persons involved.

The problems that beset law enforcement in these turbulent days can only be met by establishing firm, common ground from which to work, with the various competing elements of our community.

Establishing this COMMON GROUND is the most crucial facet of our problem. As representatives of the STATUS QUO, we must overcome a long history, REAL and IMAGINED, of suppression of minority groups, especially the Negroes, and of UNEQUAL ENFORCEMENT of the laws of our communities.

As a nation, we have the highest standard of living in the world, and our citizenry as a whole has higher expectations than those of any other nation in the world. Thus, it is little wonder that the SOCIAL REVOLUTION, which directly involves 11% of our people, is turbulently attempting to throw off the effects of slavery, segregation and degredation, in which they have lived in our country for 300 years.

The police role in all this is a most crucial one, and whenever a police force which should always be the representatives of the law, is used to defy the Constitution of the United States and the Courts - anywhere in this nation - it makes our mission that much more difficult.

The COMMON GROUND we are all looking for is not too difficult to find - first we must realize that the great majority of citizens in our community, regardless of which ethnic group they belong to, which racial group, or which religious group, WANT GOOD ENFORCEMENT - they want VIGOROUS LAW ENFORCEMENT - they want EQUAL PROTECTION OF THE LAW - and EQUAL ENFORCEMENT OF THE LAW against all violators - AND IF THEY CAN BE ASSURED OF THIS, they are ready and willing to support law enforcement.

How do we PROVIDE EQUAL LAW ENFORCEMENT and end this hostility, and conflict, and fear, and distress, which affects a good portion of the people in our American cities. FIRST, we must find the facts and face them - we cannot delude ourselves in this matter, because we know this has not always been the practice.

An all too familiar CRITICISM leveled at Police Departments is that the POLICE OFFICER IS ALWAYS FOUND TO BE RIGHT when he is accused of improper conduct. The temptation to defend improper conduct, regardless of the facts, is one to which many police officers succumb, because of the pressure from within their own ranks.

I am not overlooking the fact that most complaints against a police officer are DELIBERATE MIS-STATEMENTS or GROSS EXAGGERATIONS of the facts. It should surprise no one that a CRIMINAL DEFENDANT would like to embarrass or neutralize the action of a police officer, in the hopes of either preventing or at least mitigating any prosecution which is contemplated.

Our job in these situations is to DETERMINE THE HARD FACTS, and there are ways of finding facts--THERE ARE NO SECRETS about things that happen on big city streets. We use this knowledge to solve most of our crimes. We are always able to find witnesses and participants - if we look hard enough.

We must do the same thing in relation to an action involving a police officer, and the chances are good if this is done, that you can come out with a pretty accurate picture as to what occurred.

There are things that we may not be able to figure out - such as, HOW MUCH FORCE should a police officer have used in effecting a legal arrest. There is a basic discretion vested in a police officer when he is dealing with a violent situation, and afterwards, no one can fairly judge whether the POUNDS OF PRESSURE exerted by his fist or billy club were scientifically calculated to be the least amount of physical force needed to subdue this person.

And in dealing with violent crime, the police officer, who knows that his own life or the life of a citizen is in jeopardy, has legal discretion to take any reasonable means to protect it. - AND in taking such measures, he deserves the support of his Department and the Community. (But these are not the type of incidents that cause us our greatest concern.)

COMMUNITY GROUPS have demonstrated their willingness to shoulder their responsibilities with reasonable understanding when they are apprised of all the facts in a given situation, and we in law enforcement MUST DEMONSTRATE OUR WILLINGNESS AND ABILITY TO TAKE PROPER ACTION AGAINST MEMBERS OF OUR FORCE, when they VIOLATE the RULES and REGULATIONS, or THE LAW.

This does not mean that every infraction made by a police officer is a hanging offense, or requires discharge. We deal with difficult and complicated problems - our men must take decisions in the heat of combat, and based on their beliefs at the time of the action. AND, if the officer's judgment, though poor, was not motivated by greed or prejudice, the correction could be merely further instruction or a reprimand. The correction, in any case, should be commensurate with the infraction. (Disciplinary action, if any, must be based on the

just determination of the facts, and enforcement officials must have the courage to withstand internal and external pressures, and DO WHAT IS JUST.)

If the officer deserves correction, he should have it--as we would expect it in any other function of government, or any other walk of life.

Any situation, where the TRUTH is allowed to be COVERED UP by official reports, is productive to the greatest amount of HOSTILITY and DISREGARD FOR LAW. A belief that the TRUTH IS BEING GLOSSED OVER is a major source of problems in the area of which we are speaking.

COMMUNITY GROUPS, in many instances, conduct their own investigations and make their own determinations, independent of any enforcement agency or official. This stimulates even greater hostility and disrespect for the police establishment - AND CAN ONLY BE ALLEVIATED by direct communication with these groups, and - an exchange of information - and in some cases, a mutual determination of the facts.

This may sound like a pre-emption of our function as police officials - but we must remember that we are now in the process of attempting to overcome the SINS of COMMISSION and OMISSION of enforcement that, for decades, have been accepted as a way of life by a minority segment of our population.

Important complaints should be investigated by police personnel - responsible only to the top command. In Detroit, we have a Citizens Complaint Bureau, which reports directly to the Commissioner of Police. This type of police service must be staffed by officers who have the COURAGE to face HOSTILITY inside and outside the Department. Because - if it is functioning effectively, this Unit can be a MAJOR VEHICLE for better police-community relations.

As police officials, we must also fight the concept of "ALLEY COURT". We must face up to the fact that there are some police officers, who are sincerely convinced that they cannot maintain peace and order unless they are allowed to bolster their authority on the street, by administering punishment when they feel it is necessary. This is outside the law, and we know that PUNISHMENT IS NOT THE FUNCTION OF THE POLICE.

Our mission is to PREVENT CRIME or to DETECT and APPREHEND, and BRING INTO COURT, the perpetrators of crime - for PUNISHMENT AFTER A PROPER JUDICIAL DETERMINATION.

"Alley Court" is most often used against the minority groups, and where it is used, it inflames the attitude of that group, and any decent law-abiding citizen in the community who hears about it. It causes DISRESPECT for the Police Department, and a loss of support from the law-abiding citizens who reside in these high-crime areas, where cooperation is MOST NEEDED for effective enforcement. The concept of "ALLEY COURT" and the officers who believe in it cannot be tolerated in a modern-day police department.

Another concept that is prevalent in the thinking of some police officers is that CRIME IS RACE-ORIENTED, and this is a difficult idea to combat - because of the day-in, day-out, experiences of most police officers who work in the core areas. Dispelling this idea will take education.

Pointing out the Department's own statistics may be helpful in this particular case, for instance, in Detroit in 1964, a total of 83,135 arrests were made by our police officers--of this number, 58,389 were Negroes.

Now the total Negro population as of July 1, 1964, in the City of Detroit according to the Regional Planning Commission, was estimated 526,500, or 32.5% of the total. And discounting the fact that every arrest that we count does not really involve a different person in our total figure, because of the great number of repeat arrests--we find that only 11% of the Negro population was involved with the police.

This means that about 89% of the Negro population WERE NOT INVOLVED with the police, and should be considered law-abiding citizens. Thus we are talking about 468,111 law-abiding human beings who comprise this 89% of their group.

If we can disregard these figures, which we compile ourselves, and continue to regard crime as Negro-oriented--then we are not making a proper evaluation of our own situation, or considering our time in history.

These figures I have given you do not ignore the disproportionate rate of Negro involvement with police--but, at the very least, they should serve to illustrate the fact that crime is not purely a racial or ethnic matter.

We must find COMMON CAUSES with which we can establish a basis for eliminating the fear and hostility for the police establishment that exists in our minority groups.

A couple that I am certain we can agree on are the "IMPARTIAL ADMINISTRATION OF THE LAW" and "JUSTICE." We should always work toward JUSTICE as this is BASIC FAIRNESS--we should make this our aim - our policy.

JUSTICE includes the thought of equal opportunity - JUSTICE requires that every man be given his due, and no man can deny this without being dishonorable.

I'd like to quote to you a few remarks regarding JUSTICE, which ST. THOMAS AQUINAS recorded in his SUMMA THEOLOGICA.

He described JUSTICE AS A "HABIT BY WHICH MAN, BY A PERPETUAL AND CONSTANT WILL, GIVES TO EACH ONE WHAT IS DUE TO HIM," and remarked that, "THE VALUE OF JUSTICE CAN BE MEASURED ALSO BY THE EVIL OF INJUSTICE. THE UNJUST MAN DESPISES THE RIGHTS AND THE PERSONS OF HIS FELLOW MAN, AND BECOMES AN EVIL FORCE DESTROYING THE UNITY OF SOCIETY. EVERY UNJUST MAN IS A THREAT to the PEACE AND ORDER OF HUMAN SOCIAL LIVING." And concluded that, "INJUSTICE IS THE CAUSE OF TENSION AND UNREST IN HUMAN SOCIETY. It causes EITHER ANGER or CYNICISM in the CITIZENS, and ANGER CAN LEAD TO SEDITION OR REVOLT."

What can we do to insure the IMPARTIAL ADMINISTRATION OF THE LAW and JUSTICE. Some time ago, our Department prepared a check list of specific efforts we had made, or were making, in our Detroit Police Department. I would like to list them for you --

1. Direct Staff investigation of civilian complaints.
2. End "ALLEY COURT."
3. Identify police trouble makers, and transfer to non-critical jobs.
4. Ban "trigger words" in police action.
5. Enforce politeness in the giving of traffic tickets.
6. End investigative arrests.
7. Increase law enforcement in high-crime precincts.
8. Drive out organized crime.
9. Actively seek the cooperation of all citizens for law enforcement, particularly in high-crime areas.
10. Make certain that equal opportunity exists for all in Department recruitment, assignments and promotions.
11. Seek more police officers.
12. Seek better training for police officers.
13. Seek better pay for police officers.

I do not suggest that we, in Detroit, have achieved all of these goals - nor do I mean to infer that they can be easily accomplished with little or no effort - but I do suggest that if these are sincerely held objectives, and every effort is bent toward their attainment - then significant progress can be made on each. And in some items, we in Detroit have made significant progress.

In looking for solutions, as I stated earlier, we must continue to look for COMMON GROUND as a launching pad for better understanding, which will inevitably result in better enforcement and a more peaceful and tranquil community.

The BASIC NON-VIOLENCE of the SOCIAL REVOLUTION must make us at least realize that this is a project worthy of our most serious consideration. Our late-President, JOHN F. KENNEDY, stated it very well when he said, "THOSE WHO MAKE PEACEFUL REVOLUTION IMPOSSIBLE - MAKE VIOLENT REVOLUTION INEVITABLE."

Instead of thinking along the lines of MY RIGHTS and HIS RESPONSIBILITIES, we should concentrate on OUR RIGHTS and OUR RESPONSIBILITIES.

We must consider that human relations are as important in our training as the most technical aspects of police work. We can no longer consider human relations as "do-gooder hogwash." With more training in this area, by outside experts if needed, we can better understand and cope with the complex problems of tension in today's metropolitan areas.

The alternative is to ignore the fact that we are in the midst of a social revolution, and judge the phenomena of this trying period with the harsh standards of inflexibility that ignores the conditions out of which these problems spring--And the result will be constant turmoil which will eventually destroy the peace and tranquility, and productivity of our nation.

We must stop asking the question, "WHAT IS THE NEGRO DOING TO IMPROVE HIMSELF?" Because, the mere asking of this question implies a lack of communication between the police and the Negro community - and a lack of knowledge of what is going on insofar as the increased growth of the Negro middle-class.

We must remember that the police establishment has been the uniformed symbol of society that has HISTORICALLY used its POWER and AUTHORITY AGAINST, RATHER THAN FOR, minorities. And we must be ever-mindful of the fact that excellent performance now can sometimes be washed out by one unfortunate incident, that re-enforces the old suspicions and fears.

We, in Detroit, believe that the CIVIL RIGHTS COMMISSION, established by the new Constitution of the State of Michigan, affords a tremendous opportunity for civilian and police to work together to provide a medium of communication and interpretation, through which confidence of minority elements in the community can be gained.

And it is only by generating confidence in the community that we can gain the law-abiding citizens' support for law enforcement, which is basic in a democratic society.

Without this support, we will be considered as an ARMY OF OCCUPATION in our own communities - when, in fact, we are really an integral part of the society in which we live, and an extension of the will of the people.

LAW ENFORCEMENT is EVERYBODY'S BUSINESS, and we in the police establishment cannot pre-empt the responsibility of each law-abiding citizen in the community to interest himself and participate in this MOST VITAL FUNCTION OF GOVERNMENT - (LAW ENFORCEMENT).

VINCENT W. PIERSANTE
Chief of Detectives

VWP/bya