

October 2, 1971

MEMORANDUM TO: Commission on Community Relations

FROM: Police-Community Relations Committee and Staff

SUBJECT: Detroit Police Department's STRESS program

Operation of the STRESS program:

The Detroit Police Department initiated its STRESS (Stop The Robberies, Enjoy Safe Streets) program in January, 1971, as an attempt to reduce the number of street robberies. The program involves one police officer acting as a decoy, often disguised as a woman, a drunk or some other likely robbery victim, while 2 or 3 other officers conceal themselves nearby to protect the decoy officer and to help with the apprehension of criminals. The number of officers assigned to the unit is not certain but is reported by some in the Department to be between 20 and 35. Although exact areas of operation have been kept secret, the unit has operated in about half of the City's precincts.

The Department feels that the program can have a deterrent impact on street crime due to the increased likelihood that perpetrators of crimes will be caught in the act. Including the month of September, the unit has made nearly 1,400 arrests (about 45% of which resulted in felony and misdemeanor warrants) and the number of street robberies has decreased about 4% over the same months last year. Officers in the unit have been responsible for the deaths of 10 suspects. Nine of the 10 suspects killed were black. One officer (black) assigned to STRESS has been killed.

Community Response:

Following the shooting of two teenagers, Ricardo Buck and Craig Mitchell, by STRESS officer Richard Worobec on September 17, 1971, community groups--largely black--organized to express their opposition to the STRESS program, in general, and to the killing of black people by the STRESS officers, in particular. The opposition led to a march and a rally on September 23, 1971 which attracted about 5,000 people.

Support for the program has largely centered around the necessity of taking drastic measures to fight criminals and the empirical results shown by the decrease in robberies. Many of the supporters seem to feel that the killing of a few suspects is completely justifiable.

Opponents of the STRESS force have coalesced into a relatively unified group, but the areas of opposition vary with each individual's perception of the unit's function and weaknesses. Some of these criticisms include:

- (1) The use of decoys to attract the commission of crimes is an unjustifiable tactic.
- (2) The program itself is sound but the volunteers who were finally selected were often officers known to use excessive force. (CCR records indicate that three of the known STRESS officers have been involved in a number of violent contacts with citizens.)

- (3) Officers, however good their intentions, are put into situations which preclude a constructive response; that is, that the necessary elements of disguise and surprise will cause many of the suspects to panic and either flee or attack the officer, leaving the officers little choice but to shoot or let them escape.
- (4) The Michigan statute and the Police Department regulations, which allow an officer to shoot a fleeing robber who presents no immediate danger to the officer or any citizen, allow too much discretion and too often result in death to suspects who would only receive short jail sentences, if convicted.
- (5) The entire program is an attempt to use terror as a deterrent to crime and inherently involves the racist perception that the crime problem is predominately a problem with black people, and, as a result, few resources are committed toward attempting to deter crimes committed largely by whites against blacks.
- (6) The program is not in fact designed to fight crime but allows officers to get into positions where they can kill black people without fear of retribution, or even worse, that it is designed to provoke a retaliation against the police by citizens in the black community, thereby giving the police a needed excuse for massive retaliation.

CCR staff takes no position on which, if any, of these criticisms are correct, but is concerned that they indicate that a portion of the community has serious doubts about the truth or the validity of the stated premises which underlie STRESS.

Selection Procedure:

The Department states that all officers in STRESS are volunteers although the command has not indicated the approach used to attract volunteers and the screening mechanism utilized. CCR records show instances of serious injury or complaints from citizens for four of the officers in STRESS. Five of the eight officers who were responsible for the shootings had three years or less experience with the Department; however the two (of three) officers involved in more than one fatality had been on the force five and ten years. It should be important to the Department to have the most reliable officers assigned to such a dangerous and sensitive operation, and it does not appear that the Department's procedures have accomplished this.

Firearms Policy:

For the period through September, 1971, a total of 36 citizens were killed by Detroit police officers and a total of 6 police officers were killed. Of these totals, 10 citizens and 1 officer were killed as part of STRESS activity. Nine of the 10 citizen deaths involved decoy activity and an analysis of these nine discloses that in eight of the cases the suspect was armed with a pipe or a knife and in eight of the nine cases the suspect was running away from the officers when he was fired upon. Records indicate that one of the STRESS officers was involved in three of the ten shootings and four other officers were each involved in two of the shootings. Although STRESS is said to be operating in Precincts 1, 5, 7, 10, 13, 14; all but one of the fatal shootings have occurred in the 1st and the 13th Precincts; eight have occurred within 1 block of Woodward Avenue.

In the case of the two youths killed at John R and Belmont which aroused the community response, the shooting occurred after the two young men had allegedly attempted to rob the decoy officer of a watch, threatening the officer with a pipe. The decoy officer states that he identified himself and ordered the boys to halt as one ran across John R and the other across Belmont. The decoy officer fired at the youths killing them both. Staff reviewed witnesses' statements and police reports on this case. It would appear that the youth running on John R was heading in the direction of a cover officer.

None of the officers involved in any of the fatal shootings has been charged with any criminal offense as a result. Michigan law allows a police officer to use his weapon to protect himself, a citizen, a prisoner, or another officer and when it is the only means of apprehending a fleeing felon whose identity is not known to the officer personally. The Detroit Police Manual limits the number of felonies which justify the use of deadly force to murder, rape, arson, burglary, and robbery. (The Detroit Police rule does not narrow the application of the state law to an officer's criminal liability, but might leave him liable to departmental actions for using deadly force against lesser felons.) Since most of the STRESS encounters involve danger to the officer or a robbery (taking of property by force) the shooting of the suspect is usually legally acceptable.

Whether or not shooting is allowable under the Detroit Police regulations is a harder question. In addition to the narrowing of the number of felonies which justify the use of force, the Department also admonishes its officers to gauge the seriousness of the crime before deciding to shoot. The regulations state:

Just as the law recognizes degrees of severity in crimes by providing a minimum and maximum sentence for a particular crime, the officer about to fire his revolver should carefully plan this action, recognizing its severity and possible consequences particularly in those cases where the crime committed did not result in personal injury.

Although this does not set a firm standard and leaves a good deal to the officer's discretion, it indicates the Department's feeling that deadly force should not be used unless the suspect has caused some personal injury to the victim. The Department has also issued a bulletin cautioning against shooting at persons involved in unlawfully driving away automobiles and purse snatching on the basis that a significant number of such crimes are committed by juveniles. Since a significant number of robberies and larcenies are committed by persons under 18, it would not be inconsistent for similar restrictions to be placed on the shooting of perpetrators of minor street crimes that do not result in personal injuries.

Recommendations:

For the benefit of the total community as well as the officers assigned to STRESS and the other units of the Police Department, it is recommended that greater limits be placed on the officers' discretionary use of firearms, particularly with regard to his authorization to shoot at fleeing felons. In a recent letter to the CCR Police-Community Relations Committee, Commissioner John Nichols stated the use of firearms is permitted to "prevent the escape of an unknown dangerous felon when other means fail." This statement

from the Commissioner goes beyond the current provisions in the Police Manual which do not require that an officer employ other means of apprehending a suspect before resorting to shooting at him.

The Manual provision reads:

Firing the revolver to prevent the escape of persons known to have committed the crime of murder, rape, robbery, burglary and arson is justified when, in the sound discretion of the officer, it appears to be the only means of preventing the felon's escape.

It is recommended that this section be changed to read:

Firing the revolver to prevent the escape of persons known to have committed the crime or murder, rape, robbery, burglary, and arson is justified only after the officer has exhausted other reasonable means of apprehending the suspect.

Responsibility for enforcing this revised Manual provision should be placed directly on the supervisory officers. The patrolmen as well as the supervisory officers should be subjected to disciplinary action commensurate with the offense should they violate this policy.

The Police Department has indicated that a new policy statement on the use of firearms is being prepared and it is of urgent importance that these proposed limitations on use of firearms be included.

Furthermore, the record of the STRESS unit since its introduction has led sizeable segments of the community to have serious doubts about the justification of such a program. Although perhaps the program can be restructured in such a way as to become acceptable to that part of the community, mistrust of it (and as a result a general mistrust of the whole Police Department) has become so widespread that drastic changes would have to be made in order to regain the confidence of the total community. As a result, it is our recommendation that the Police Department suspend the use of the STRESS program until such time as it can be modified sufficiently in both form and image to be resumed.

We feel that it should not be reinstated until firm steps have been taken in the following areas.

- (1) The program's selection procedures should be fundamentally restructured. The selection of the men who participate in the program is crucial. Officers who have a large number of injury contacts, citizen complaints (both records are kept regularly by the Department) or any other relevant problems should not be allowed to volunteer for the program. Those officers already in the program should be screened on the same basis and some of them transferred to less sensitive duties. Men with only a few years' seniority in the Department should be considered too inexperienced to be allowed in the STRESS unit.

- (2) Tactics should be developed and non-lethal weapons secured which would facilitate apprehension of suspects without the use of firearms. Changes should be made in the overall strategy whether it means using larger teams, better communications, a few uniformed officers, or merely more careful planning. More black officers should be selected in order that all teams could be integrated. If it is necessary, for some reason, to use inexperienced men, they should be used in back-up positions rather than as decoys. Finally, sources of funding and information should be explored in the Federal government and elsewhere in order to secure sufficient non-lethal weapons for use in the program.
- (3) The Police Department should support and participate directly in the efforts of City Departments and other agencies which seek to reduce crime through methods which attack its causes, such as narcotics control and rehabilitation and more jobs and job training.

In the interim, the Committee recommends that the manpower and resources of STRESS be diverted into programs which would build on community cooperation in law enforcement. We have, in the past, strongly endorsed the Beat Command concept as being a potentially strong anti-crime factor in addition to having a favorable image in the community. We feel that if the energies which have gone into STRESS had gone into expanding the Beat Command a reduction in crime could have been effected without the corresponding loss of confidence in the police.

We also agree that the people of the community should have a voice in the allocation of crime fighting resources and should have a concomitant responsibility to assist the Police Department in its efforts. Resources should be made available for the Department to help in the creation and maintenance of community patrol groups which would contribute to the prevention and detection of crime. We feel that the utilization of such groups would materially aid the police, both directly and by increasing community confidence in and willingness to assist crime deterrent efforts.