

Early Identification of Police Brutality and Misconduct: The Metro-Dade Police Department Model

Bernard Charette

Abstract

The identification and management of police misconduct is a top priority in law enforcement today. The Metro-Dade Police Department, in 1981, instituted a formalized tracking system to identify police misconduct and incidents of excessive force involving its personnel. The Early Identification System (EIS) gives management the opportunity to review records to find officers who have used force enough times to show a pattern and then to take action to determine the cause and offer assistance or specialized training to prevent future incidents. Research on the Early Identification System of the Metro-Dade Police Department found the program had a significant impact on the frequency of incidents involving use of force, complaint ratios and departmental growth from 1981-1992. The research showed a dramatic decrease occurred in the personnel identified per reporting quarter after the initial first four reporting quarters. This trend continued for the next 11 years while the department grew 96 percent in sworn personnel strength during the same period. The creation of an Early Identification System within the Metro-Dade Police Department has acted as a deterrent on police misconduct.

Introduction

The use of force by law enforcement personnel to accomplish lawful duties is, unfortunately, an everyday occurrence in the United States. This use of force may range from a loud vocal command to deadly force, depending on the circumstances. Occasionally, an officer uses more force than required to effect a lawful, or in some instances, an unlawful order (U.S. Department of Justice 1991). Some of these cases receive little, if any, public attention, while a limited few receive intense media and community coverage.

The application of unauthorized use of force and/or serious misconduct will occur at some time in every sizeable police agency. If the community realizes that such behavior contradicts the police agency's organizational values, will not be condoned or accepted, and will be identified and appropriate corrective sanctions imposed, such incidents will not damage the relationship between the public and the police agency. If that confidence does not exist such incidents will do great harm to that fragile relationship and trigger volatile tensions and reactions within the community.

Law enforcement leaders have an obligation to control unauthorized force, no matter how frustrating or costly the task. The problem of misconduct must not be viewed as unmentionable but rather as a challenge to the profession's ability to police itself.

The goal of identifying misconduct and imposition of administrative sanctions should not be portrayed as a closed system that responds to the immediate incident. The process should have a more lasting goal. The entire process should focus on remedial measures to correct illegal and unprofessional conduct and to identify contributing factors within the organization.

The law enforcement community has been challenged to formulate innovative systems and procedures to help guide an agency to accomplish its mission with minimal use-of-force and misconduct incidents. Implementation of proactive measures to identify and control these incidents will help chief executives to tactfully and diplomatically handle controversial uses of force as they occur.

Research Review

Misconduct: A Definition. The identification and management of police misconduct must initially draw a distinction between corruption and misconduct. Traditionally, corruption is defined as the sale of official authority for personal gain or reward (Hale, 1989). Misconduct, on the other hand, involves wrongful acts committed without personal gain or reward. In 1982, the term "police occupational deviance" incorporated police corruption and misconduct into a broad category (Barker & Wells, 1982). This new definition included all deviant acts which occur during the course of occupational activity and are related to employment as a police officer. A broader, more recent classification identified "police deviance" to include brutality, discrimination, sexual harassment, intimidation, and illicit use of weapons (Barker and Carter, 1986). Other researchers define police misconduct as police officers' violations of: (1) formally written normative rules; (2) traditional operating procedures; (3) regulations and procedures of both the police and other public service agencies; and (4) the criminal and civil laws (Linch and Diamond, 1983). This specific breakdown lends itself to a more contemporary application by police managers. A majority of police organizations have formalized specific departmental policies, rules of conduct, and standard operating procedures. This sets a foundation for development of methods to identify and deal with employees who may display "deviant" organizational behavior.

Historical Perspective. In the late nineteenth and early part of the twentieth century, most police misconduct was either ignored or dealt with informally within the police department (Jolin and Gibbons, 1984). The gradual public concern and demand for agency accountability reached a pinnacle during the 1960s. The emergence of federal civil rights legislation and resultant civil disobedience, pushed the issues of police brutality and excessive force incidents to the forefront. Various congressional committees held hearings and made recommendations for improved police community relations. This led to the establishment of "Internal Affairs" units to investigate allegations of misconduct. Brutality incidents reached a breaking point nationally as a result of the Miami racial disturbances that occurred in the 1980s. These disturbances moved the public into demanding full accountability and review of internal investigations of police misconduct.

Evolution of Early Identification Models. In an attempt to retain control of an agency's ability to police itself, innovative methods and procedures were created to assure public confidence and integrity within the criminal justice community. When a pattern of unauthorized force was identified, police executives often proceeded against the guilty and took steps to deal with the exposed practice (U.S. Department of Justice, 1991). This action usually resulted in a "band-aid" approach and did not address causative factors or initiate preventative measures.

The increased public scrutiny of police misconduct has led to the emergence of "early identification systems" to point out patterns that may be developing and seek to identify causative factors that lead to deviant police behavior. In addition, such systems provide command level personnel with information about incidents that are not normally investigated as complaints. The review of use-of-force application and its formalized reporting put agency personnel on notice that their actions are subject to critique.

Published information about early identification systems within the law enforcement field is virtually nonexistent. Progressive law enforcement agencies have instituted early identification systems across the nation, but few have published results of these systems and their impact on police behavior. A functional operating model has been developed within the Metro-Dade Police Department, Miami, Florida, since 1981. This early identification system has had an important impact on use-of-force incidents, unauthorized force, and complaint frequency within the organization.

The Metro-Dade Early Identification System

The Metro-Dade Police Department, formerly the Dade County Public Safety Department, dealt with several racial disturbances that rocked Miami, Florida, in May and July 1980. These disturbances were primarily precipitated by two incidents involving significant excessive force. The first incident was the police brutality charge leveled by a black school teacher. The second was the fatal beating of a black insurance executive. Both occurred in 1979. The fatal beating incident was investigated and several members of the Metro-Dade Police Department were indicted in the murder of Arthur Lee McDuffie. Racial and ethnic tensions peaked on May 17, 1980, when the indicted officers were acquitted by an all-white jury in Tampa, Florida. The community erupted with lethal violence, primarily within the black inner-city areas of Dade County. The ensuing three days of violence left numerous innocent civilians dead and caused millions of dollars in property damage. The disturbance was, at that time, the costliest racial incident in United States history.

As a result of these incidents, the Metro-Dade Board of County Commissioners enacted on January 22, 1980, local legislation mandating public access to internal investigations conducted by the Metro-Dade Police Department. In addition to access to investigative files, an Employee Profile System was adopted. The Employee Profile System tracked complaints, use of force incidents, commendations, discipline, and dispositions of all internal investigations. This local mandate was based on Florida's Public Records Law adopted in 1979 under Florida State Statute 119.07. In essence, the mandate opened any and all public records to review, and, upon their completion, investigations relating to excessive force, police brutality, and misconduct.

The Metro-Dade Police Department implemented the Early Identification System in 1981. The responsibility for tracking use-of-force incidents and complaints was under the purview of the Metro-Dade Police Department's Internal Review Bureau. The Early Identification System produces quarterly and annual reports for command level review and response.

The Early Identification System (E.I.S.) is a tracking system implemented to identify employees who meet established reporting criteria regarding complaints and use-of-force incidents, defined as follows:

Complaint. A minor personnel complaint or an internal affairs complaint of a more serious nature which may include criminal misconduct.

Use of force incident. Any application of force that may result in injury, complaint of injury, or complaint that unnecessary force was utilized.

Using the E.I.S. assists the Department in addressing the concerns of management and the community. The E.I.S. generates three reports for command staff review:

1. Monthly Early Identification Report (Created 1992): lists employees who have received two or more formal complaints during the previous 60-day reporting period.
2. Quarterly Early Identification Report (Created 1981): lists employees who have received two or more complaints that have been investigated and closed or who have been involved in three or more use-of-force incidents during a three-month reporting period.
3. Annual Early Identification System Report (Created 1981): lists employees who have been identified in two or more quarterly reports.

The Early Identification Reports are disseminated to the involved employee's supervisory chain of command. These reports are used by supervisors as a resource to determine if job stress or performance problems exist. They are designed as a resource in evaluating and guiding an employee's job performance and conduct.

The command review of the Quarterly and Annual Reports requires a summary of findings and administrative recommendations to be filed and retained within the Professional Compliance Bureau, Internal Affairs Section.

The Early Identification System supervisory review and response can activate individual referral to the following departmental programs: Psychological Services Programs; Stress Abatement Programs; and Specialized Training Programs.

The Early Identification System formally began tracking and reporting statistics in June 1981. These statistics show an dramatic decrease in the number of employees identified after this program was initiated in 1981:

- The Department received 101 unauthorized force complaints in 1980 as compared to 16 in 1992, an 85% decrease.
- The number of employees identified for review decreased 70% in the 18 months between June 1981 and December 1982.
- 150 employees were identified in the initial two reporting quarters of 1981, but only 46 employees were identified in all of 1982.

- An average of 7.6 employees were identified each quarter during 1982-1992, as compared to an average of 37.5 per quarter in 1981.

These figures are particularly significant considering that in ten years since E.I.S. was implemented, the Department's sworn personnel strength grew a total of 96% (from 1466 to 2614 sworn officers), or 9.6% per year.

Conclusions

The implementation of a formal process to track incidents involving force and monitor complaints of misconduct has had an impact on the frequency of such incidents. Since 1981 when the Metro-Dade Police Department initiated the Early Identification System, statistical records show a decrease in the number of incidents involving use of force and/or misconduct complaints.

Other factors that may have affected the decrease were not analyzed in this research. Such extenuating factors as rank, seniority, employee job assignment, and geographic work location were not available for this review. Future research into these qualifying factors, could shed more light on external causes that impact on incidents of misconduct and the use of force.

Overall, the Metro-Dade Police Department's Early Identification System has had a significant impact on complaint ratios and personnel identified by the process. The E.I.S. is an innovative and proactive administrative tool that can be utilized to manage a serious issue confronting law enforcement executives throughout the nation. A department's ability to monitor and control its employees conduct with a formalized tracking system instills confidence in the employees, the organization and the public it serves.

Captain Charette began his law enforcement career with the Metro-Dade Police Department in 1978. Currently he is a Captain in the Special Investigations Division, North Narcotics Section. Previously he was the Bureau Captain in the Internal Affairs and Staff Inspections area. Through his many promotions he has served in Communications, Administration and General Investigations.

Captain Charette's educational background includes an A.A. degree in education from Miami Dade Community College, and A.S. in criminal justice from Broward Community College, and a B.S. in criminal justice from Florida International University.

References

Barker, T., & Wells, R. (1982). Police administrators attitudes toward the definition and control of police deviance. FBI Law Enforcement Bulletin, 51, pp. 8-16.

Barker, T., & Carter, D. (1986). Police deviance. Cincinnati: Pilgrimage.

Hale, D.C. (1989). Ideology of police misbehavior: Analysis and recommendations. Quarterly Journal and Ideology, 13, 2, p. 63.

Jolin, A., & Gibbons, D. (1984) Policing the police: The Portland experience. Journal of Police Science and Administration, 12, 3, p. 316.

Linch, G., & Diamond, E. (1983). Police misconduct. In Kadis, S. (Ed.). Encyclopedia of Crime and Justice. New York: The Free Press.

U.S. Department of Justice (1991). Use of unauthorized force by law enforcement personnel: Problems and solutions (Major City Chief Administrators National Executive Institute Associates). Quantico, Virginia: FBI Academy.