

## **SWORN TO PROTECT WHOM ???**

-- A Statement prepared by the Indiana Advisory Committee to the U.S. Commission on Civil Rights

December 1982

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LETTER OF TRANSMITTAL

Indiana Advisory Committee to the  
U.S. Commission on Civil Rights  
December 1982

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Dear Commissioners:

The Indiana Advisory Committee to the U.S. Commission on Civil Rights submits this statement, Sworn To Protect Whom ???, as a part of its responsibility to advise the Commission about civil rights problems within the state.

The Committee initiated this project after receiving a request from a coalition of organizations in Northwest Indiana regarding alleged police brutality in the City of Hammond. The leaders of the coalition expressed concern about a pattern of police abuse not only in Hammond but in several cities in Lake County. The Committee also noted that Hammond had a history of police-community relations problems.

The Committee decided that information in the following areas would be collected and analyzed:

- status of police-community relations in Hammond, Indiana;
- citizens' complaint policy and procedures of the Hammond Police Department; and
- employment practices of the Hammond Police Department and police officer training.

Following the completion of field interviews with citizens, community leaders, local city officials and police administrators, as well as police officers, the Committee agreed to release a statement describing its findings and recommendations.

Based on our findings, recommendations were made for improving communication between citizens and the Hammond police through the creation of a citywide citizens advisory council and a full-time Internal Affairs Unit. The Committee recommended that the Hammond Police Department increase its representation of minorities and women by establishing definite affirmative

action goals and an equitable merit system for the promotion and hiring of police officers. The Committee also recommended that each officer in the Hammond Police Department not only receive ongoing training in new law enforcement developments but also in human relations issues so they can better serve minorities in particular and all citizens in general.

The Committee has made public its findings and is distributing copies of its statement to the public and to policymakers. The Committee does not request action by the Commission, but submits this statement as part of its obligation to advise you of civil rights developments in Indiana.

Respectfully,

Joseph J. Russell, Chair  
Indiana Advisory Committee

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The project was carried out under the overall supervision of Clark G. Roberts, Regional Director.

## Introduction

The two irreconcilable stories below describe the same incident involving the police and the Garcia family in Hammond, Indiana.

On January 1, 1982 at approximately 3:50 a.m. three police officers from the Hammond police department were dispatched to respond to a family disturbance at 1029 May Street. (Officers R. Litevec, John Cory and Jay Duncan). Mr. Edward Berg (white male, age 23) from 2439 169th Street met the officers when they arrived. Berg told the officers that he and his wife were visiting his in-laws for a New Year's party. In the course of the New Year's party Berg and his father-in-law (Oscar Garcia) were involved in a fight. Thereafter, Garcia began to beat his wife and Berg tried to stop Garcia and in the process was pushed and punched in the mouth. It was then that Berg decided to dress his children and leave with his wife. Officers Litevec and Cory decided to go up the stairs and find out if everything was in fact settled and they were told that they were not needed anymore. The officers returned to their squad cars and while in front of the house they observed Berg running up the stairs and attempting to break down the front door of the house. Then as they were leaving the door opened and a woman came out screaming. Officer Duncan, who was at the scene, decided to run up the stairs to find out what the problem was and was met by Mr. Garcia standing by the door. Officer Duncan inquired immediately as to what was the problem and Garcia told him to get the.....(expletive) out of here and pushed the officer down the stairs. Garcia also fell and began to fight with the officer. All three officers became embroiled in a struggle to subdue Garcia and in the process were struck in the face and head, forcing the officers to defend themselves. Both Berg and Garcia were now involved in the struggle with the officers. At this time Mrs. Garcia came out of the house screaming and pushed Officer Litevec

off Mr. Garcia while trying to gouge Officer Litevec in the eye. Mrs. Garcia was finally restrained, at which time the officers decided to call for help. But before the other units arrived Mrs. Berg, who was sitting in the car in front of the house, started fighting with the officers. Officer White who arrived at the scene at that point subdued Mrs. Berg. All of them were arrested and taken to the station. On the way to the station all subjects were violent and attempted to kick officers in the head. While at the station Mrs. Garcia kicked Officer Litevec in the leg and the groin....

The Garcia arrest as described in the Hammond Police report.<sup>1</sup>

On New Year's Eve, about 3:00 a.m. Oscar Garcia and James Berg began to argue about petty family matters. Both had been drinking (although not intoxicated), and were loud and violent. Mrs. Garcia became concerned and called the police. By the time the police arrived at the premises the arguing had stopped and the police were told they were not needed anymore. However, the police stayed in front of the driveway on the side of the house. In order to avoid more arguing with the father-in-law the Bergs decided to dress their two children (2 and 3 years old) and leave. On the way to their car Mr. Berg stopped by the patrol car and told the officers that there was no problem and that he and his family were leaving. However, while on the way home and not too far from the Garcia's home, the Bergs decided to return to the house to ask if one or both of the Garcia's teen daughters wanted to babysit for them the next day. As Mr. Berg walked up the stairs to the porch and Mr. Garcia opened the door, two police officers were in front of the door who immediately grabbed Mr. Garcia demanding to know "What the hell is going on." They dragged him down the cement stairs hitting his knees badly. While the

police began to beat Mr. Garcia, Mr. Berg tried to get the police to stop and instead was hit by the officers as well. By this time the Garcia's 15-year old daughter tried to intervene. She was grabbed by the hair and had her arm twisted by an officer. Berg at this time tried to tell the officers that she was a juvenile. All this time Mrs. Garcia stood by the cement steps trying to get the police to stop beating her husband and family. She finally felt compelled to pull one of the officers off her husband. It was at this point that 5 other units arrived at the scene and converged on all of them. They were all handcuffed and placed under arrest. While at the police station Mrs. Garcia, who suffers from epileptic attacks, tried to get the police to take them to the hospital because she had a number of cuts and bleeding lacerations and her husband had a badly swollen knee. She was instead maced by one of the officers and could not see for several hours as a result. Mrs. Garcia suffered an epileptic attack while at the station but was not given any medical treatment until the next day. Mr. Garcia was taken to surgery the next day and the knee was placed in a cast because it was fractured....

The Garcia arrest as described by the Garcias.<sup>2</sup>

The Garcia incident is the type of confrontation that occurs all too often between police and civilians in this country's communities including Hammond, Indiana. The Garcia incident is also an example of the frequent discrepancy between a police description and a civilian description of the same event.

The Indiana Advisory Committee to the U.S. Commission on Civil Rights received a request from several representatives of the Frente Unido Organization of Lake



County, Indiana to conduct an investigation of police-community relations in the city of Hammond.

Preliminary interviews with members of the Hammond community indicated that civilians were questioning the actions of police officers in a number of incidents. For example, the Committee learned that the Community Relations Service of the U.S. Department of Justice on January, 1979 had been called to ameliorate tensions between the black community and the Hammond Police Department after the shooting of a black youth by a police officer. The black community had demanded action when they learned that the youth was not involved in a robbery as had been alleged by the police.

Based on their preliminary investigation, the Committee decided to examine several issues, including:

- The status of police-community relations in Hammond, Indiana;
- The citizens complaint policy and procedure of the Hammond Police Department;
- Police complaint mechanism;
- Employment practices of the Hammond Police Department; and,
- Police officer training.

### Background

During its early days the city of Hammond, Indiana was considered one of the greatest industrial centers of the world because of its close proximity to Chicago, Illinois, the large number of railway companies operating in and out of the city, and the huge steel plants and oil refineries nearby.<sup>3</sup> After G.H. Hammond opened a meat-packing plant in 1869, and the city received its charter in 1870, Hammond grew rapidly.<sup>4</sup> Until a fire destroyed the Hammond meat-packing company in 1901, the city was known as a major meat-packing center. In addition, Hammond boasted over 200 companies producing goods, including railway cars, soap, corn products, books, steel chains, and a number of other companies. In recent years Hammond has lost much of its industry which has contributed to its declining population and tax base.<sup>5</sup>

The city of Hammond is governed by a Mayor and a nine-member council. They are elected for a term of four years. The Mayor and a Board of Works control all operations in the city while the City Council decides on the budget. The primary source of funds for the city comes from the local property tax and the Federal government.<sup>6</sup>

Hammond is one of four cities comprising the Calumet Region which also includes East Chicago, Gary and Whiting, Indiana. Gary and East Chicago have large minority populations. Whiting and Hammond have fewer minority residents although in recent years Hammond has increased significantly its population of minority residents. The 1980 Census indicates that Hammond has a total population of 93,714. Of that total, 83,853 (89.5 percent) are white, 7,777 (8.3 percent) are Hispanic, 5,999 (6.4 percent) are black, 407 (0.4 percent) are Asian, and 849 (0.9 percent) are recorded as "others".

While Hammond's total population declined by 13 percent between 1970 and 1980, the minority population has grown significantly (see Table 1). The Hispanic population which has increased 134 percent since 1970 now represents 8.0 percent of Hammond.<sup>7</sup>

Table -1  
City of Hammond  
Population growth by Race Between  
1970 and 1980

	Numbers		Percent Distribution	
	1970	1980	1970	1980
Total	107,790	93,714	100.0	100.0
White	102,784	83,853	95.4	89.0
Black	4,677	5,896	4.3	6.0
Hispanic	3,316	7,777	3.1	8.0
Asian	141	407	0.1	0.1
Others	130	849	0.1	0.1
Total	107,790	93,714	100.0	100.0

Source: U.S. Bureau Census 1980.

The sum of each of the first two columns does not equal the total and the sum of each of the second two columns does not equal 100 percent because Hispanics were not reported as a separate race. That is, Hispanics were included in the other categories based on their race as well as in the Hispanic category.

### Employment

Historical notes and old momentos relating to the beginnings of the Hammond, Indiana Police Department (HPD) indicate that a man called Allison A. Walker was elected the first city Marshall. In 1887, Marshall Walker was paid a salary of \$52.00 a month. In return, he was expected to clean and repair the box sewers along Homan Street. He must have done a good job because in 1888 he was also appointed Street Commissioner.<sup>8</sup>

The City Marshal system continued until 1901 when a Metropolitan Police Force was established with Police Commissioners appointed by the Governor. Under the new system, the Mayor of Hammond lost his power over the selection and administration of the police force.<sup>9</sup> The Police Commission had the power to appoint the police chief who was responsible to the Governor. The Metropolitan Police Force system continued until 1909 when Mayor Beker of Hammond and his supporters mustered enough support to persuade the legislature to return control of local police matters to the mayors of the larger Indiana cities.<sup>10</sup>

Except for the nine-year period when the Hammond police chief was selected by the Police Commission, the Hammond Chief of Police has served at the pleasure of the Mayor, as approved by the City Council. The Chief of Police now is appointed by the Board of Works and Safety.<sup>11</sup>

Although some entrance qualifications and written procedures for selecting police officers have been established, Donald Smulski, Councilman 2nd District and former Hammond Police Lieutenant, told staff that politics is still very much a part of the process.<sup>12</sup> State law encourages politicalizing of police departments in Indiana, including Hammond.<sup>13</sup>

According to a March 1982 survey the HPD has an authorized strength of 200 police officers. The actual strength is 186 sworn officers and 32 civilian personnel.<sup>14</sup> Of the 186 sworn officers, 172 are white (90 percent), 5 are black (3 percent), and 9 are Hispanic (5 percent). (See Table 2). Four females are sworn officers of whom 3 are white and 1 is black.<sup>15</sup> There are no minorities above the rank of Sergeant. Of the female officers, none are above the entry-level rank. The 1980 population of Hammond is 14 percent minority while total minority employment among sworn personnel in the HPD is only 7 percent. Females comprise just two percent of the HPD. Of the 32 persons employed as civilians, 27 are white, 4 are black and 1 is Hispanic.

TABLE 2

## RACIAL COMPOSITION OF THE HAMMOND POLICE DEPARTMENT

March 1982

	White			Black			Hispanic			Total Minority (Black/Hispanic)		
	M	F	T	M	F	T	M	F	T	M	F	T
Sworn Officers												
Chief of Police	1		1									
Inspector of Police	1		1									
Captains	3		3									
Lieutenants	11		11									
Sergeants	25		25	1		1				1		
Detective Sergeants/Corp.	29		29	1		1	1		1	2		
Corporals	54		54	1		1				1		
Police Officers	44	3	47	1	1	2	8		8	9	1	
Matron		1	1									
TOTALS	168	4	172	4	1	5	9	0	9	13	1	14
(%) of Total Sworn Officers	(90%)	(2%)	(92%)	(2%)	*	(3%)	(5%)	*	(5%)			(8%)
Civilian Personnel												
Radio Dispatch	6	3	9									
Secretaries		8	8		1	1		1	1		2	
Clerks		8	8									
Maintenance				3		3				3		
Mechanics	2		2									
TOTALS	8	19	27	3	1	4	0	1	1	3	2	5
(%) of Total Civilian Personnel	(25%)	(59%)	(84%)	(9%)	(3%)	(12%)	*	(3%)	(3%)			(15%)
Total Sworn Personnel	186											
Total Civilian	32											
Grand Total	219											

\* less than one percent

Source: Hammond Police Department.

Indiana Civil Service Laws

By statute, Indiana authorizes its cities to establish police departments.<sup>16</sup> Indiana law permits, but does not require, the application of merit principles to city employees, including police officers.

Hammond has not established a merit system for its police department because its police officers have, on three occasions, voted against this innovation.<sup>17</sup> Instead, Hammond police officers are bound by provisions of state law that control those police and fire departments that have not instituted a merit system.<sup>18</sup>

State law inadvertently permits and encourages the politicalizing of police departments, including the Hammond police department, by requiring that the department must be politically balanced.<sup>19</sup> Political affiliation might, therefore, be a legitimate consideration in hiring persons for the police department. Further, Indiana recently reversed its position on police involvement in partisan politics. As a result, police officers may now be candidates for elective office as long as they do not solicit votes or funds while in uniform and on duty.<sup>20</sup> On the other hand, Indiana law attempts to keep partisan politics out of employment decision-making to the extent that a police officer's political affiliation or his or her



willingness to support a political party or candidate may not constitute "cause" for disciplinary action.<sup>21</sup>

The Hammond Board of Public Safety has the power to punish an offending police officer with a reprimand, forfeiture, suspension, dismissal, or reduction in grade and pay.<sup>22</sup> An officer punished for misconduct beyond a 10-day suspension may appeal to the circuit court.<sup>23</sup> The decision of the Board must be accepted by the circuit court as correct unless the appellant-police officer can meet the heavy evidentiary burden of convincing the court that the Board's decision was wrong.<sup>24</sup>

Indiana does not require that its city police officers reside within the city limits of their employing departments. Instead, officers are required to live within the county and within 15 miles of the corporate units of the city in which their departments are located.<sup>25</sup> Hammond police officers, therefore, may live anywhere in Lake County that is within 15 miles of the Hammond city limits.

#### Recruitment, Hiring and Promotion

Most police departments in the United States have entrance requirements similar to those of the Hammond Police Department. These requirements include an aptitude test, agility test, psychological test and a physical examination. Applicants must be between the ages of 21 and 35 and must

pass a polygraph test to insure that information given about health and background is true. In addition to a polygraph examination, an applicant must pass a background check conducted by the department.<sup>26</sup> According to David Saks, Legal Advisory to the Hammond Police Department, State law requires that all mid-size cities like Hammond appoint a Pension Board from the police ranks of the department to administer the physical and psychological tests. This Pension Board has complete control of administering both of these test which include an I.Q. examination that must be passed with an above average score.<sup>27</sup>

According to Sergeant Ron Hill, the HPD has not hired any new officers in the last year because of a hiring freeze imposed by the Board of Works. Hill added that as of September 1982, 75 current applications are awaiting processing although no action can be taken until the department begins hiring again.<sup>28</sup> The test that will be used when HPD again begins the selection process has been validated by the International Personnel Association.

According to Donald M. Smulski, minorities and women were given different entrance tests than white males. Smulski has alleged that black applicants are given a more difficult version of the entrance test than white males.<sup>29</sup> Smulski told staff that getting a high score on the test depends on

who corrects the test.<sup>30</sup> Sergeant Ron Hill told the staff that getting into the HPD as a police officer depends on "who you know and not what you know".<sup>31</sup>

Officer Linda Lawson was the first female officer to be hired by the HPD. According to Lawson she was given three eye examinations, an agility test, and was told to gain 60 pounds and grow three inches. It took two years of negotiations and the threat of a pending lawsuit to bring the Mayor and the HPD administrators to agree to her employment.<sup>32</sup>

When police officers in the HPD want to be considered for promotion, they need only write a letter to the Chief of Police requesting that they be considered for a particular vacancy. No examination is required for any kind of promotion within the department, only length of service.<sup>33</sup> Before an officer may be promoted to the rank of Corporal, an officer must have 8 years of service. For Sergeant and Detective Sergeant an additional 6 years is required.<sup>34</sup> Only the Chief of the HPD, Captains, and Inspectors are political appointments and can be demoted at the will of the Mayor.<sup>35</sup> Despite this clear policy, Donald Smulski while a Lieutenant in the HPD, was demoted to Corporal on November 18, 1976. Thereafter he filed a lawsuit to challenge this illegal demotion and as a result, was restored to his position of Lieutenant. Even though years-of-service

requirements for promotions have been established, some officers have been promoted without meeting these requirements.<sup>36</sup> For example, Councilman Donald Smulski told staff that Mayor Edward Raskosky's son was promoted to Sergeant without having the necessary years of service to qualify for the rank.<sup>37</sup> Smulski charged that the HPD was promoting nepotism and that 50 police officers were passed over for promotion in favor of the underqualified Raskosky.<sup>38</sup> Chief of the HPD, Frank Dupey, told a local newspaper that length of service was irrelevant to the promotion of Raskosky's son and that according to the city ordinance he had exclusive power over the assignments at all ranks.<sup>39</sup> Mayor Raskosky was quoted as saying:

"I don't apologize about my son. He was just a fraction, two months, short of the six-year requirement. So what's the big deal",<sup>40</sup>

Mayor Raskosky added that the service requirement, which has been part of the city ordinance since 1959, had been violated by both former Mayors Joseph Klen and Edward Dowling.<sup>41</sup> "But I don't want to get into naming specific police officers. Dowling promoted his son to Police Chief and no one said anything".<sup>42</sup>

The issue of an equitable promotion system for the HPD has been the center of controversy for many years. Most officers, however, appear happy with the present system.

Use of Force:

An Indiana law enforcement officer, such as a city police officer, may use reasonable force that the officer believes is necessary to arrest someone.<sup>43</sup> However, an officer may use deadly force against a person only if the officer believes such force is necessary 1) to prevent serious bodily injury to the officer or a third person, 2) to prevent the commission of a forcible felony, or 3) to arrest someone who has committed or attempted to commit a felony.<sup>44</sup> Indiana use of force policy which governs the conduct of all its state, county, and municipal law enforcement personnel, grants far greater discretion than the Federal Bureau of Investigation (FBI) affords its agents. Since 1972, FBI policy has provided that an FBI agent may use deadly force only in self-defense, i.e., when the agent reasonably believes that he or she or another person is in danger of death or great bodily harm.<sup>45</sup> No state has enacted legislation as restrictive as this FBI policy.

The Hammond police must adhere to state "Use of Force" provisions. In addition, officers are cautioned not to create a situation where an innocent person may be injured. Therefore "warning shots" are prohibited and instead officers are encouraged to give verbal warnings such as "Stop or I'll Shoot."<sup>46</sup> They are also expected to use every possible means to affect apprehension before resorting to the use of firearms.<sup>47</sup>

Each time a police officer fires his firearm, whether intentional or otherwise, he must file a report. Each incident is investigated by Internal Affairs of the HPD.<sup>48</sup>

#### Police-Community Relations in Hammond

"If you're young, black or have long hair you can expect the police to hassle you in Hammond."<sup>49</sup>

Recently Gilbert G. Pompa, Director of the Community Relations Service (CRS), U.S. Department of Justice, said that charges of police use of excessive or deadly force have replaced other issues like desegregation which formerly dominated the CRS caseload.<sup>50</sup> "Not even the Ku Klux Klan provokes more community resentment or minority/white hostilities or have more potential for sparking open community violence than allegations that the police use force excessively against minorities."<sup>51</sup>

The HPD is not exempt from allegations that its police officers use excessive force in affecting arrests.

Rev. John Parrish, Councilman of the Third District in the City of Hammond told staff that the black community was still concerned about the results of a 1979 incident involving the death of an 18-year old black youth that many people believe was murder.<sup>52</sup> According to newspaper accounts, Officer Kenneth Malia believed that the black youth, James Oner, had just robbed a gas station because Oner was driving a car identical to the one used in the robbery which had been described by the radio dispatcher. Officer Malia reported that he had fired two warning shots when Oner ran from his car.<sup>53</sup> At that moment, Malia slipped and fell on the ice. As he fell, his gun discharged, hitting Oner fatally in the back.<sup>54</sup> It was later reported that two white men, not Oner, were involved in the robbery.<sup>55</sup> The State Police, who conducted an investigation of the incident, concluded that Malia was innocent of the offense.<sup>56</sup> The report criticized Officer Malia for firing the warning shot.<sup>57</sup> At the time of the incident, Parrish tried without success to get the council to conduct its own investigation of the incident.<sup>58</sup>

The Garcia incident cited at the beginning of this statement also stirred much public indignation. According to some representatives of the Frente Unido Organization,

there was no need for so many squad cars and for the physical force used in the apprehension of the Garcias. The Garcias have retained an attorney who has filed a lawsuit on their behalf against the five Hammond police officers.<sup>59</sup>

#### Citizens Complaint Procedures

Tensions between the black community and the police in Hammond reached an all time high after the James Oner shooting incident. During this period, the CRS of the Justice Department became involved in attempts to ameliorate the situation. CRS found then that the HPD had established no procedure for the investigation of citizens' complaints against the police. If a citizen had a grievance against an officer, all he or she could do was go to the police department and complain to a desk officer.<sup>60</sup> In 1979, CRS recommended that the HPD establish a procedure for citizen complaints and provided the department with guidelines. Subsequently, CRS submitted more elaborate policies and procedures to the HPD to use as a guide. These guidelines cover Internal Affairs, disciplinary procedures, data collection, code of conduct, adjudication, and public awareness.



The HPD gave staff a copy of that policy, "Police Agency Handling of Officer Misconduct: A Model Police Statement" and were told that the HPD was working to implement the standards described in the model.<sup>61</sup> The standards are very similar to the standards outlined in the report on "Police," one of six reports written by the National Advisory Commission on Criminal Standards and Goals.<sup>62</sup> As described in this report, the reasons for investigating complaints of misconduct are:

- to maintain police agency integrity;
- to protect the public from police misconduct;
- to retain and correct employees guilty of misconduct and remove those whose transgressions make them unacceptable for further police service; and
- to protect innocent police employees.

The National Advisory Commission recommended that "every agency immediately should insure that internal discipline-complaint investigations are performed with the greatest possible skills. These investigations require the same skills as criminal investigations in addition to other more complex skills."<sup>63</sup> Sergeant John Novasel explained that under the current HPD procedures for handling citizen complaints, the complainant must come to the Uniform Bureau

and fill out a complaint form. The complaint is then taken to the inspector's office where it is assigned to Internal Affairs. Novasel believes that the HPD has an adequate system for investigating citizens' complaints. On a number of occasions he has described the procedures on radio and television programs as part of an education program for the community.<sup>64</sup> Novasel is assigned to Internal Affairs on a part-time basis. When asked how he could do an adequate job on a part-time basis, Novasal responded that there were not many complaints to investigate.<sup>65</sup>

To date, the HPD has not implemented the recommendations of the CRS. Officer Lawson, a seven-year veteran officer, told staff that the citizen complaint procedure with which she was familiar was one which provided that a citizen could lodge a complaint with the desk officer who would give it to the shift lieutenant. As far as she knew, no one was assigned to follow up on complaints.<sup>66</sup> Sergeant Ron Rowe, of the HPD Youth Division said that he was never told about Internal Affairs procedures.<sup>67</sup> John Beckman, Executive Director of the Hammond Community Center, Rev. John Parrish of the City Council, and Perline Jenkins from the NAACP, all stated they did not know of any citizens' complaint procedure or that any officer was assigned to conduct investigations.<sup>68</sup> None of the officials and community leaders interviewed knew how many complaints

had been lodged against the department or whether any investigations had been conducted. On several occasions allegations of questionable police actions have been turned over to the state police for investigation by the HPD. The cynicism of a significant part of the community regarding the HPD internal investigation process was expressed by Councilman John Parrish, when he said, "ten years ago if I had a complaint against a police officer in Hammond, I would not go to the police with my complaint; today as a councilman, I can call the police directly."<sup>69</sup>

### Training

"Keep them uneducated, keep them stupid and you can manipulate them".<sup>70</sup>

Many police departments team up a recruit with an experienced officer hoping that the older officer's street wisdom will rub off on the recruit.<sup>71</sup> For a long time police departments did not provide formal training for their recruits. Most modern experts believe that for police officers to do their jobs intelligently and efficiently, they need to become aware of the diversity of their society, not just through personal experience but also through formal academic training.<sup>72</sup> Professionals in the field of law enforcement support the idea that policy and training

must be coordinated if there is going to be success in improving police community relations. Too often such training has been inadequate, leading to police isolation from the community.<sup>73</sup>

The Governor's Committee on Law Enforcement and Justice for the Commonwealth of Massachusetts identified three general areas of police training: 1) attitude training which tries to mold the attitudes of police officers in terms of making them more accepting of cultural differences; 2) field procedures training which tries to prepare an officer to respond properly in volatile situations; 3) and environmental training which provides an officer with an understanding of the social system.<sup>74</sup>

The state of Indiana operates a Law Enforcement Academy in Plainfield, Indiana. All prospective law enforcement officers must go through the Academy's ten-week course.<sup>75</sup> The course is conducted in six blocks of time, each segment dealing with a different topic in law enforcement.<sup>76</sup> Three of the 85 courses address police-community relations: Race Relations, Conflict Management, and Domestic Violence.

Officer Lawson, the first woman on the HPD, told staff that she has not received any meaningful academic training. Most of her training was on-the-job.<sup>77</sup> In-service training is virtually non-existent in the HPD.<sup>78</sup> Councilman Smulski said that he received some in-service training back in 1957

and was also sent to FBI Bomb, Riot Control and Firearm School. He added though that the HPD tried to do the least amount with the least effort.<sup>79</sup>

According to Sue Ireland, former Director of the Human Relations Commission in Hammond (HRC), the HRC developed a human relations training program for the police department but it was never implemented because the department could not agree on the curriculum.<sup>80</sup>

A police officer in Hammond, Indiana receives 10 weeks of an intensive formal training course in law enforcement. Thereafter, academic training or in-service training is sporadic. Human relations programs are not a routine part of the training program. Sergeant Ron Rowe said that minority police officers are often subject to insulting racial remarks by fellow officers. He added that it seems reasonable to conclude that Hammond police officers also subject civilians to offensive racial slurs.

### Conclusion

The results of the investigation of the HPD by the Indiana Advisory Committee to the U.S. Commission on Civil Rights has identified problems particularly in police-community relations, merit hiring and promotion, the citizen complaint process, and training. The seriousness of

these system-wide problems leaves the Committee incapable of reconciling the two versions of the Garcia incident reported at the beginning of this report. The Hammond police are sworn to protect the rights of all persons without regard to political persuasion, race, economic status, or ethnic background. They appear to be doing less than a first-rate job in living up to this oath.

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<sup>1</sup>Corporal Richard Litavec, Officer John Cory, and Officer Jay Duncan offense report to the Chief of Police of the Hammond, Police Department on January 1, 1982.

<sup>2</sup>Arthur A. Daronatsy, Transcription of Garcia family report of the incident with Hammond Police Department on January 1, 1982.

<sup>3</sup>World Book Encyclopedia No. p.34.

<sup>4</sup>Ibid.

<sup>5</sup>Community analysis of Hammond, Indiana, Northern Indiana Public Service Co., September 1981 (hereafter cited NIPSCO analysis).

<sup>6</sup>NIPSCO analysis.

<sup>7</sup>U.S. Department of Commerce, Bureau of the Census, General Population Characteristics, PC80-B16 Indiana, 1980 Table

31. General characteristics of persons by type of Spanish origin and race for areas and places (hereafter cited as Census Bureau).

<sup>8</sup>1965 Yearbook, Hammond Police Department, Historical Highlights 1884-1965, by Fraternal Order of Police, Hammond Lodge No.5, October 3, 1965.

<sup>9</sup>Ibid.

<sup>10</sup>Ibid.

<sup>11</sup>Chief Frank J. Dupey to Indiana Advisory Committee to the United States Commission on Civil Rights, Administration of Justice, City Police Department, response to questionnaire submitted to the Hammond Police Department on March 26, 1982 (hereafter cited as Hammond Police Survey).

<sup>12</sup>Donald Smulski, Councilman 2nd District and former Lieutenant in Hammond, Indiana Police Department, interview in Chicago, Illinois by staff at the Midwestern Regional Office of the U.S. Commission on Civil Rights, April 19, 1982. Linda Lawson, Hammond Police Officer, in a telephone interview with staff on December 17, 1982, suggested that politics was part of the hiring but more so in the promotion. David Saks, Legal Advisor for the Hammond Police Department, in a December 10, 1982 letter to Clark G. Roberts, agrees that promotions were political rather than the hiring process.

<sup>13</sup>Ind. Code 18-1-11-9 (1971), as amended by 1977 Ind. Acts, Pub. L. No. 202.

<sup>14</sup>Hammond Police Survey.

<sup>15</sup>Ibid.

<sup>16</sup>1980 Ind. Acts, Pub. L. No. 211, Sec. 3, Art. 8, Ch. 1, Secs. 2 and 3; 1980 Ind. Acts, Pub. L. No. 211, Sec. 1, Art. 1, Ch. 1, Sec. 14.

<sup>17</sup>Ron Hill, Sergeant, Public Information Officer, Personnel Planning, Training, interview Hammond Police Department, April 15, 1982, (hereafter cited as Hill interview).

<sup>18</sup>Ind. Code 18-1-11-1 (1971); Ind. Code 18-1-11-3 (1971), as amended by 1977 Ind. Acts, Pub. L. No. 201, 1978 Ind. Acts, Pub. L. No. 2, 1980 Ind. Acts, Pub. L. No. 128.

- 19Ind. Code 18-1-11-2 (1971).
- 20Ind. Code 18-1-11-9 (1971), as amended by 1977 Ind. Acts, Pub. L. No. 202.
- 21Id.
- 22Id.
- 23Ind. Code 18-1-11-3(b) (1971), as amended by 1977 Ind. Acts, Pub. L. No. 201, 1978 Ind. Acts, Pub. L. No. 2, 1980 Ind. Acts, Pub. L. No. 128.
- 24Ind. Code 18-1-11-3(c) (1971), as amended by 1977 Ind. Acts, Pub. L. No. 201, 1978 Ind. Acts, Pub. L. No. 2, 1980 Ind. Acts, Pub. L. No. 128.
- 25Ind. Code 19-1-2-1 (1971), as amended by 1975 Ind. Acts, Pub. L. No. 199.
- 26"A career in Law Enforcement", Hammond Police Department, Personnel and Training Division, January, 1980 (hereafter cited Hammond Police Career pamphlet).
- 27David Saks, Legal Adviser for the Hammond Police Department, letter to Clark G. Roberts, Regional Director, U.S. Commission on Civil Rights, December 10, 1982 (hereafter cited as Saks letter).
- 28Hill telephone interview, September 1982.
- 29Smulski interview. Saks letter. Saks stated that Smulski's conclusions are inaccurate and that he has never been involved in policy-making for the Hammond Police Department nor has he been privy to testing procedures although he has conducted numerous investigations of the Department and serves as a member of the Council Committee on Fire and Police.
- 30Smulski interview. In reference to testing, David Saks provided the Midwestern Regional Office on Dec. 12, 1982 with affidavits from Cpl. James Bobowski and Sgt. William R. Hill which stated that during their tenure of correcting police department examinations, they have not witnessed different entrance tests being given to minorities, women and/or whites and that none of the scores have ever been falsified.
- 31Hill telephone interview, September 1982.
- 32Linda Lawson, Hammond Police Officer, telephone interview, December 17, 1982.
- 33Frank Dupey, Chief of Police, interview in Hammond, Indiana, April 15, 1982 (hereafter cited as Dupey interview).
- 34Smulski interview.
- 35Saks letter.
- 36Ibid.
- 37Smulski interview.
- 38Lori Olszewski, "Councilman Charges Politics, Nepotism," The Times, February 23, 1982.
- 39"Raskosky's Son's Promotion Rapped" The Times, February 25, 1982.
- 40Ibid.
- 41Ibid.
- 42Ibid.



<sup>43</sup>Ind.Code 35-41-3-3 (b) (1971), as added by 1976 Ind. Acts, Pub. L. No. 148, 1977 Ind. Acts, Pub. L. No. 340, and 1979 Ind. Acts, Pub. L. No. 297.

<sup>44</sup>Id. at (b) (1) and (2). A forcible felony is "a felony that involves the use or threat of force against a human being, or in which there is imminent danger of bodily injury to a human being". Ind. Code 35-41-1-2. Other felonies include such conduct as bigamy, promoting prostitution, and perjury. Ind. Code 350 46-1-2, 35-45-4-4, 35-44-2-1 as added by 1976 Ind. Act. Pub. L. No. 148, and 1977 Ind. Acts, Pub. L. No. 340, and 1978 Ind. Acts, Pub. L. No. 148.

<sup>45</sup>Kenneth E. Joseph, Assistant Director, Federal Bureau of Investigation, FBI Academy, letter to Clark Roberts, Regional Director, MWRO, U.S. Commission on Civil Rights, with attachment "Re: Use of firearms By FBI Agents." This FBI policy on the use of force has not changed since its inception in 1972.

<sup>46</sup>Hammond Police Cover Pamphlet.

<sup>47</sup>Ibid.

<sup>48</sup>Ibid.

<sup>49</sup>John Beckman, Director of Hammond Community Center, interview in Hammond April 14, 1982 (hereafter cited as Beckman Interview).

<sup>50</sup>Gilbert Pompa, "Police Use of Force: How citizens think it should be dealt with" (speech delivered at the League of United Latin American Citizens 1980 National Convention, Washington, D.C., June 27, 1980) p.1.

<sup>51</sup>Ibid.

<sup>52</sup>Rev. John Parrish, Councilman Third District, interview in Hammond April 24, 1982 (hereafter cited as Parrish interview).

<sup>53</sup>Consistent with the law in other states, Indiana considers armed robbery a felony. Therefore, a police officer is allowed to use reasonable force to apprehend a fleeing armed robber.

<sup>54</sup>The Times, February 15, 1979.

<sup>55</sup>Ibid.

<sup>56</sup>Ibid.

<sup>57</sup>Ibid.

<sup>58</sup>Ibid.

<sup>59</sup>Post Tribune, Gary, October 6, 1982.

<sup>60</sup>Lawson interview.

<sup>61</sup>Dupez interview

<sup>62</sup>Task Force on The Police "Complaint Reception Procedure", National Advisory Commission on Criminal Standards and Goals, p. 477.

<sup>63</sup>Ibid.

<sup>64</sup>Sergeant John Novasel Internal Affairs and Auto Unit, interview in Hammond, April 15, 1982.

<sup>65</sup>Ibid.

<sup>66</sup>Lawson interview.

<sup>67</sup>Sergeant Ron Rowe, Youth Division HPD, interview in Hammond,

April 24, 1982.

68 Beckman interview and Parrish interview.

69 Parrish interview. Dec. 17, 1982, telephone interview.

70 Smulski interview.

71 Jesse Rubin, "Police Identity and the Police Role", and Robert F. Steadman, (Ed.) The Police and the Community (Baltimore: The Johns Hopkins University Press, 1972).

72 Ibid.

73 Harold K. Becker, Issues in Police Administration, (New Jersey: The Scarecrow Press, Inc., 1970).

74 Robert Wasserman, Michael Paul Gardner, Alana S. Cohen, Improving Police/Community Relations, for the Governors Committee on Law Enforcement and Criminal Justice Commonwealth of Massachusetts, June 1973.

75 Dupey interview.

76 Arthur R. Raney, Jr. to Frank Alford, May 3, 1982, Law Enforcement Training Board, Indiana Law Enforcement Academy.

77 Ibid.

78 Lawson interview.

79 Smulski interview.

80 Sue Ireland, former Director of Hammond Human Relations Commission, telephone interview, September 1982.

## FINDINGS AND RECOMMENDATIONS

Police officers in Hammond have frequently demonstrated an insensitivity to the city's minority communities. Minorities are seriously underutilized in the Hammond Police Department, in part because political affiliation rather than merit often determines hiring and promotion decisions. While many citizens have voiced grievances against police practices, there is no adequate mechanism in the department to resolve citizen complaints. By providing police officers with comprehensive human relations training, creating a merit-based personnel system, and establishing an effective internal affairs department, city officials could successfully resolve many of the problems that have plagued the Hammond Police Department in recent years.

Findings

1. Minorities and whites alike express distrust of the Hammond police and believe that the police often increase tension when responding to a call. Many minority citizens would rather solve their problems on their own than call the police.

2. The Hammond Police Department has not established an adequate mechanism for investigating police abuse of citizens or misconduct of police officers. Citizens as well as police officers do not know what the Internal Affairs procedures are with respect to filing, investigating and resolving complaints. Police officers assigned to Internal Affairs are not adequately trained in investigative procedures and only work on a part-time basis.
3. A serious underutilization of minorities and women exists in the Hammond Police Department. Specifically there are no minorities above the rank of sergeant and no women above the entry level of officer.
4. Political affiliation is a legally permissible criteria for hiring and promotion decisions in the Hammond Police Department.
5. Hammond police officers receive sporadic training and have received no training in developing human relations skills.

Recommendations

1. The Hammond Police Department should establish a citywide citizens council for the purpose of establishing law enforcement priorities and reviewing the effect of current practices. The council should establish channels of communication between the citizens of Hammond and the police in order to develop better citizen-police community relations.
2. The Hammond Police Department should create an Internal Affairs Unit. Its policies and procedures should be implemented by a full-time Internal Affairs staff; that staff should be given training in investigative procedures. All officers in the department should be informed of the procedures as they would affect officers and citizens. A public education effort should be made to inform citizens of the complaint procedures from the filing to resolution of the investigation which should be made available to the general public.
3. City officials including the Mayor, City Council members, police officers, and the Board of Works should establish a merit system-for hiring, promotion, separation and all other aspects of employment as they pertain to police officers; and also establish an

affirmative action program specifically for the Hammond Police Department with specific goals to correct the serious underrepresentation of minorities and women in entry and upper level ranks of the department.

4. The Hammond Police Department should establish an ongoing in-service training program for police officers and for supervisors in the areas that would enhance their ability to be law enforcement officers. A crucial part of the training should be a course on human relations so that the police can better serve minorities in particular and all citizens in general.