

Event 2469: Adriane Ninaud, Seize Time for Oppressed People (STOP)
Transcript of testimony at a public hearing of the Seattle City Council's Public Safety & Health
Committee
August 20, 1974

ADRIANE NINAUD:

Hi, I'm Adriane Nihaund. In your packets, we have included the STOP's statement this evening to the Council members, a STOP factsheet, a Civilian Review Board factsheet, sample cases that had been previously submitted to the Internal Investigations Division, and have not been satisfactorily resolved of, according to the complaints, by the way, their names are not on, of course, you know, not on on the written testimony, for their protection, but we do have their names and, of course, you can always check this out with us. And also a list of sponsoring organizations, and you will later have our petitions with approximately 1,500 signatures in support of a Civilian Review Board. I have a cold, by the way, so let me know if you can't hear me. The people in attendance at this hearing tonight are for the most part, the poor. We represent the working mother, the welfare recipient, the communities, a racial and sexual minorities, the ex-con, the elderly on fixed incomes, and working people in general. The list is long. We are the people who best understand and are most sensitive to the role of institutions and police in our communities. We have been made cognizant of the fact throughout our history of struggle that police are the enforcing arm the system in its effort to maintain its power. It only stands to reason that racism and sexism for example, must continually feed the fires of police violence. For these reasons, we are here to address ourselves to the issue of police brutality, to the violence and harassment that play an arrogant and very definite role in our daily lives. Based upon our long but unsolved standing as the principal victims of abuse at the hands of the Seattle Police Department, we consider the following demands to be the most logical and working towards the solution of one of the most serious problems facing our communities today. One, we demand that the Seattle Police Department's Internal Investigations Division be totally abolished. And through that a Citizens Review Board be empowered to process and adjudicate all complaints of police misconduct brought to its attention by the citizenry. And speaking to the abolishment of the internal investigations division, we are in truth acknowledging that the police have not been and are not today responsible to any form of governmental control. Neither are they subjected to any type of supervision or monitoring of their policies and practices, except that which comes from within the policing structure itself, to please remain above the law. But those citizens who commit even the most petty and innocuous of crimes are subjected to the criminal justice system in its entirety by the police, the courts and the prisons. Tightening up procedures, for example, is beside the point when the IID is, by its very nature, anomalous in a democratic system of checks and balances. This kind of isolationism and aloofness will continue to militate against fairness and impartiality, rather than providing the environment for their growth. The issue of police controls and their necessity is nothing new, as presidential commissions through the years have attested. As early as 1931, the Wickersham report stated that police departments throughout the United States fail consistently to follow their own rules and regulations. The Kerner Study after the rise to the 60s reiterated this point, and further advised the creation of external agencies to regulate police and other government agencies. The Presidential Commission on law enforcement and administration of justice repeated this in 1967. And again, the National Advisory Commission on Criminal Justice Standards and Goals in 1971. In Washington State just this past year, the Asian American Advisory Council in the hearing held here in Seattle, listed the need for an external regulatory agency over the police. The position of the police department in general is that of a closed structure; autonomous and untouchable

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from the outside. Despite all the verbiage regarding the effects of court decisions of the last decade, their procedures and rules have not substantially changed. The police have great stories of experience in circumventing legal strictures to perform what they conceive as their function. Essentially, they involve collusion and perjury, whereby any of their declared actions as distinct from their true actions, receive as many substantiating witnesses as there are available credible officers in the vicinity. To control the daily misuse of police power, more is needed than the ability to appoint or dismiss a police chief. The citizenry must be able to monitor and adjust the activity of its police force, both individually through the punishment of particular acts of illegality and misuse of power collectively, through examination and establishment of police policies, procedures and rules. As it now stands, the IID can be compared with a professional society's board of ethics, or a trade unions industrial disciplinary committee. Questions such as absenteeism, inefficiency, or insubordination may be proper to such a board, but hardly complaints which are criminal in nature. Yet the police guild would have us believe that assault, manslaughter, rape and murder for example, are within their province and their province only. Even with the most thorough going internal investigatory and regulatory bodies, the only absolute control is over the machinations of the lower echelon of police officials. The high echelon officials, as controllers and directors of the internal agencies must be taken on face. The face that their commitment to justice outweighs their loyalty to the police force. Nowhere else in our system of criminal justice, do we take people on faith, even to the presidency. Why should we here? The people of this country...

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The people of this country have been awakened to the realities of power gone wild and uncontrolled. They no longer put on unquestioning trust in their public officials on a national or a local basis. The people of the state of Washington are now at the forefront of instigating some more democratic controls, witnessed Initiative 276. In Seattle, citizens are organizing to address themselves to issues such as entrapment, rape, the plight of our senior citizens in the International District, to unfair housing practices and discrimination or foster child care legislation, not the least of which is the formation of a civilian review board over the police. What are the alternatives presently open to a person wronged by the police; beaten, harassed or otherwise abused since many acts of police violence upon such a person are usually covered by an arrest, the office of the District Attorney could well aid that individual by refusing to prosecute the often barely credible cases brought to it for this purpose. However, the District Attorney seldom goes against the police in this fashion because he needs them for his job. And the number of DAs that function in the face of police dislike is infinitesimal. Again, the trial judge is similarly able to see false arrest if he is at all competent, but to impugn the word of a police officer, who often appears before him would lay that officer open to impeachment whenever he took the stand, making the judge's job that much more difficult. This, of course, is aside from any political pressures, an attempt at a civil suit would not profit the victims either. Since this is normal in agreements signed with police associations, that the department, not the individual policeman, is liable for all damages, or that the wages of the policeman are unattachable. The inability to get a judgment against the government body is proverbial and what lawyer would take the case? What redress is possible via the Office of Ombudsman? First of all, the Office of Ombudsman cannot produce change, and can only assume the role of arbiter. Secondly, this office cannot enforce decisions. And lastly, even if given indefinite power,

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we would have an unhealthy concentration of that power in one individual. The victim's only recourse in Seattle is to make a complaint to the Seattle Police Department's Internal Investigations Division. However, the IID in Seattle has shown itself repeatedly to be an ineffective agency, unable through its control by the police department to adequately and fairly handle civilian complaints. In 1972, for example, out of 89 charges concerning the use of brutality or excessive force, the IID sustained none. In 1973, from a total of 117 charges of excessive force, the IID again found none of the charges sustainable. Also in 1973, only 17 charges of police harassment were brought forth, a ridiculously small number when one is witness to the general systematic harassment of the racial and sexual minority communities. Of the 17 harassment charges that were brought forth, again, none were sustained. Are we to believe that there were no instances of the use of excessive force or harassment by police officers? Those of us who are a part of the poor minority communities know better, we've seen different, and the IID's clean statistics only say to us that they are adept at covering up their dirty work. When people do complain to the IID, they're often ignored. Charges are seldom acted upon, and many times, the people filing the complaints are not contacted as to the disposition of the charges. At STOP's last meeting with Mr. Revelle. He agreed to press for the consideration of an individual complaint instead to turn over to him personally, other cases that have been ignored by the IID. Although, this kind of political pressure can force consideration of one or two individual cases, it is no answer to the problem facing us. The only method of guaranteeing fair handling of complaints is objective consideration by an impartial board, independent of the police department and therefore immune to police pressure.

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We know that the concept of a Civilian Review Board is a controversial subject and as much maligned by many persons and organizations, especially organizations of police, but in general, their criticisms are based upon error. The most frequent and seemingly devastating criticism of civilian review boards, and one would expect you will hear again tonight, is that they have not been successful. This is a perversion of the reality is civilian review board as an entity capable of controlling the actions of the police individually and capable of changing police discrimination, brutality and harassment has never existed anywhere in the United States. Let's get that straight. To defame the idea of review boards on the basis, for example, the New York City Civilian Complaint Review Board, is like defaming the reasoning power of humanity on the basis of a lobotomy victim. [laughter] There have been no boards with power to enforce their determinations. There have been no boards except for Berkeley's with sufficient legality to withstand political manipulations. No boards have been independently and adequately staffed, and no boards have been controlled by the community. Those that have been brought into existence have been sold out by mealy-mouthed compromise, dropping the substance of accountability for the phantasm of name. However, these boards have not been a total loss. Besides injecting the idea of citizen control into the police apparatus, they have taught us much of what we should avoid in the structure and composition of a board. If you study the factsheets on civilian review boards, is research - excuse me - as researched by the STOP membership, you too can see the obvious pitfalls that must be avoided. If we are truly concerned with making the police accountable to the public, there are guidelines we must follow.

1: the board must be totally independent of the police force, and legally secure in the structure of government. Time and again, we see in the history of past boards, how they were either unable to function adequately, because they were internal to the police department, or because they were vulnerable to political pressure and changes of administrations.

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2: they must be composed entirely and strictly of civilians. In each case, we researched, the presence of police or ex-police on the board tended to make the board a whitewash for police crimes. There have been a number of studies of police officers done in the United States, the most extensive being the supplemental studies to the National Advisory Committee on Civil Disorders, commonly called the Kerner report. But in these studies, we have called a typical characterization of the police officer, which is at odds with both the general populace and with the requirements of justice. Particularly germane is a survey made in 1953. On the reasons for use of force with "disrespect for the police", quote unquote, being by far, the main reason cited by the police surveyed. 37% of the respondents cited this reason, as opposed to 23% citing the need of force to make an arrest. An additional 19% considered force justifiable and - get this - to obtain information, and another 10% (and this is even worse) if they knew the suspect was guilty. It is no wonder that Jessica Mitford in her recent book "Kind and Usual Punishment" questions who in reality should populate our prisons if we insist on having them: the poor who fill them to overflowing because of their poverty or their jailers?

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3: The board must have an adequate and independent investigative force with the sufficient power to obtain all pertinent information from all agencies of government. Without such a staff, the board will be greatly hampered in its attempts to fully and fairly adjudicate the complaints brought before it. And unless the investigators be independent, the board will only know that with those in control of the investigators with them to know.

4: The board must have direct access to all complaints of wrongful conduct by the police. To this end, the review board must be open to the people both to gain their confidence and to inform as many as possible of their existence. By dissolving the internal investigative system and taking control of its sources of complaints, the board may play an important role in reducing the city of police abuse. In New York City, the Citizens Complaint Board by virtue of widespread political campaigning, and its position as the internal investigative division of the NYPD was able in the four months of its existence, to obtain half as many complaints as the poorly informed employee publicized Philadelphia Police Advisory Board garnered in 11 years.

5: The board must be adequately funded--an obvious point but one often overlooked in the past.

6: But perhaps most important, the membership of the board must be comprised of those who feel the brunt of police lawlessness. Not only is it a refreshing change, that a governmental agency be

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comprised of the people rather than for the people. It is only those who are confronted by the reality of police violence, who can adequately judge cases of police abuse. The citizens review board as proposed by STOP follows these guidelines. Let's understand that police brutality does exist. It exists in every city in the United States. It exists in Seattle. If we are ever to be rid of brutality, we must take control of our police forces. [applause]