Policing the Police

Overview

In this lesson, students focus on issues of police discipline. First, in a reading and discussion, students learn about the processes many police departments use to investigate citizen complaints about misconduct and for disciplining officers. Then, in a simulation activity, students take the role of members of a Police Board of Rights to make decisions about a hypothetical case.

Teacher Tips

Many citizens and young people alike have little knowledge about the processes used to handle complaints about Police Officer conduct or internal methods used for conducting Police Officer discipline. With the widespread use of camera phones and police body cameras, as well, more people are aware of confrontations between police and ordinary citizens. As a result, some believe that police have a free reign on the streets there are few options for citizens who believe that they are subject to police misconduct. This lesson is designed to demonstrate the options open to citizens and the consequences faced by officers who are found responsible for misconduct.

Objectives

Students will be able to:

- Identify various options open to citizens to initiate investigations into incidents of police misconduct.
- Describe key processes in the police internal disciplinary system.
- State and support opinions about the disposition of discipline in a given hypothetical situation.

Materials and Preparation

- Handout: **Policing the Police**—1 per student
- Handout: **The Board of Rights**—1 per each group (Keane, Valeo, and Dell)
- Handout: **The Case of Officer Keane**—1 per student in Keane group
- Handout **The Case of Officer Valeo**—1 per student in Valeo group
- Handout: **The Case of Officer Dell**—1 per student in Dell group

Procedure

1. Focus Discussion—Police Misconduct

A. Lead a brief class discussion using the following questions:

- From watching the news, can anyone think of an example of the police being accused of doing something wrong? What was it? (Students should be encouraged to provide examples.)
- What happens to police officers who break the law or do something wrong? (Students might say that they can be investigated, arrested, lose their jobs, experience shame on social media, etc.)

B. Explain to students that in this lesson they will find out about the options for citizens who have complaints about the police and what happens to officers who are accused of wrongdoing.

2. Reading and Discussion—Policing the Police

A. Distribute and have students read **Handout: Policing the Police**.

B. Lead a class discussion of the reading using the following questions:

1. What is the Division of Internal Affairs? What does it do? (It is a group of police supervisors assigned to investigate cases of police misconduct.)
2. What is the Board of Rights? What does it do? (A Board of Rights is made up of senior police managers with the task of determining whether an Officer is guilty of misconduct and what penalties to impose.)
3. What can happen to an Officer found guilty of serious misconduct? (On an internal level, officers face warnings, suspension without pay, demotion, and removal from the force. Criminal charges can also be filed and, if convicted, officers can face fines or prison time.)
4. What can citizens do if they believe police officers have committed misconduct? (File complaints with the police department's Internal Affairs Division, refer the matter to the District Attorney or file lawsuits in civil court.)

3. Simulation—Board of Rights

A. Explain to students that in this activity they are going to take the role of members of a Police Department's Board of Rights to make a decision about an issue of police misconduct. (*Simulation Tip:* Just tell students they *are* members of a Police Department's Board of Rights to start the role-play, in order to immerse them into the simulation and give them ownership of their roles.) Remind students about the examples given in the *Policing the Police* reading about the homeowner, the motorist, and the young person in the prone search. Explain that now they will find out what the Internal Affairs investigations revealed about these complaints against the police.

B. Divide students into groups of five. Each group will examine one of three cases: Officers **Keane**, **Valeo**, and **Dell**. Distribute and have students read the appropriate handout for their case. Use the following question to check student comprehension.

- Who can summarize the Internal Affairs report for your group? (Continue questioning until students recall the important facts. If you have more than one group for any or all of the cases, just get one example for each.)

C. Distribute and have students discuss and complete the **Board of Rights** handout for their group and review the tasks it describes. Each group should appoint a recorder to mark the group's responses on the Board of Rights handout. Each group should also appoint a spokesperson for the group.

D. As students complete the assignment, write *three* of following charts on the board, each labeled for one of the cases: Keane, Valeo, and Dell.

E. Referring to the **Board of Rights** handout, call on the groups to answer the questions, starting with **The Case of Officer Keane**. Record their responses to the Yes/No and A, B, C items using hash marks. Call on representative groups to provide reasons, and continue the same procedure with the remaining two cases: Officers Valeo and Dell.

	YES	NO	Reasons	A.	B.	C.
1.						
2.						
3.						
4.						

F. Conclude the activity by asking the following questions:
- Is the Board of Right's process a good way to make decisions about police misconduct? What would make the process better?
- If you were a Police Officer accused of misconduct, do you think your rights would be protected using this method?
- What did you learn about the importance of *communication* between police and members of the community from this lesson?

STANDARDS ADDRESSED

National Civics Standards

Standard 3: Understands the sources, purposes, and functions of law, and the importance of the rule of law for the protection of individual rights and the common good. **Middle School Benchmark 1:** Understands the difference between the "rule of law" and the "rule of men" (e.g., government decisions and actions made according to established laws vs. arbitrary action or decree). **High School Benchmark 2:** Knows alternative ideas about the purposes and functions of law (e.g., regulating relationships among people and between people and their government; providing order, predictability, security, and established procedures for the management of conflict . . . .).

California History-Social Science Standards

12.7. Students analyze and compare the powers and procedures of the national, state, tribal, and local governments. (1) Explain how conflicts between levels and branches of government are resolved.

12.10. Students formulate questions about and defend their analyses of tensions within our constitutional democracy and the importance of maintaining a balance between the following concepts: . . . liberty and equality . . . and the rule of law . . . .

Common Core State Standards (ELA-Literacy)

Speaking and Listening Standards

SL.6-8.1: Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 6-8 topics, texts, and issues, building on others' ideas and expressing their own clearly.
SL.6-8.3: Delineate a speaker's argument and specific claims, evaluating the soundness of the reasoning and the relevance and sufficiency of the evidence.
SL.11-12.1: Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.
SL.11-12.3: Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis, and tone used.

Reading in History /Social Studies

RH.6-8.1: Cite specific textual evidence to support analysis of primary and secondary sources.
RH.6-8.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.
RH.6-8.4: Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.
RH.11-12.1: Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.
RH.11-12.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.
RH.11-12.4: Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines *faction* in *Federalist* No. 10).

Writing in History/Social Studies

WHST.6-8/11-12.9: Draw evidence from informational texts to support analysis, reflection, and research.

Standards reprinted with permission:

Policing the Police

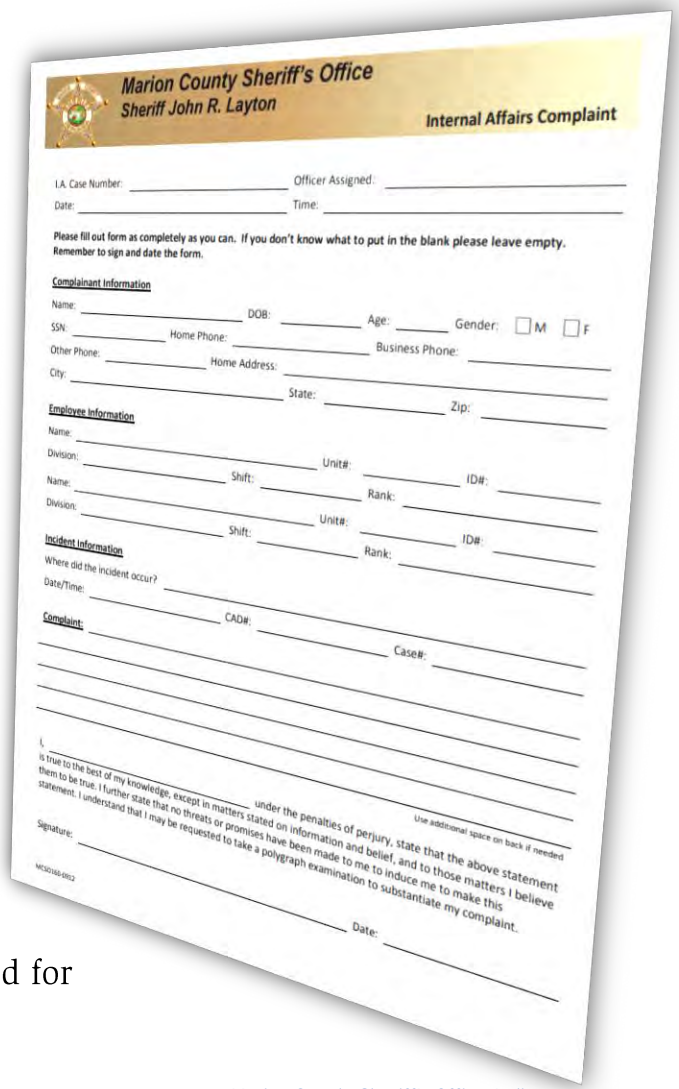
Have you ever wondered what happens to a police officer if he or she breaks the law? For example, what happens if a police officer uses too much force, steals a suspect's property, or takes money to let somebody off?

Every police department has a code of ethical and professional standards for officers to follow in all aspects of their work, but officers are sometimes accused of and found guilty of wrongdoing. Imagine these three scenarios:

1. Officer Joe Keane was conducting a search of a house looking for stolen goods. No stolen goods were found, but the homeowner, Mrs. Utley, claims that the officer broke a valuable vase and shoved her against the wall causing her a head injury.

2. Officer Mort Valeo stopped Mr. Haddock's vehicle for driving through an intersection after a pedestrian had stepped into the crosswalk. Haddock claims the officer angrily yelled at him but did not issue a ticket. Haddock feels harassed by the officer.

3. Officer Terese Dell responded to a call that three young people in front of a store at night were loud and bothered customers. When Officer Dell arrived, she had the young people lie prone on the sidewalk with their arms spread out to search for weapons. No weapons were found. One young person, Ms. French, suffered an asthma attack during the search. All three were arrested for disturbing the peace.



Marion County Sheriff's Office
Sheriff John R. Layton

Internal Affairs Complaint

I.A. Case Number: _____ Officer Assigned: _____

Date: _____ Time: _____

Please fill out form as completely as you can. If you don't know what to put in the blank please leave empty. Remember to sign and date the form.

Complainant Information

Name: _____ DOB: _____ Age: _____ Gender: ☐ M ☐ F

SSN: _____ Home Phone: _____ Business Phone: _____

Other Phone: _____ Home Address: _____

City: _____ State: _____ Zip: _____

Employee Information

Name: _____

Division: _____ Shift: _____ Unit#: _____ ID#: _____

Name: _____ Rank: _____

Division: _____ Shift: _____ Unit#: _____ ID#: _____

Rank: _____

Incident Information

Where did the incident occur? _____

Date/Time: _____ CAD#: _____ Case#: _____

Complaint:

Use additional space on back if needed

I, _____ under the penalties of perjury, state that the above statement is true to the best of my knowledge, except in matters stated on information and belief, and to those matters I believe them to be true. I further state that no threats or promises have been made to me to induce me to make this statement. I understand that I may be requested to take a polygraph examination to substantiate my complaint.

Signature: _____ Date: _____

Marion County Sheriff's Office, Indiana

How are such cases handled?

First, Mrs. Utley, Mr. Haddock, or Ms. French would file a complaint with the police department. Complaint forms can be found at each police station. Once the complaint is filed, it is given to a special group of police officers that investigates citizen complaints. This group is often called the **Division of Internal Affairs**. Its job is to talk to witnesses and gather evidence to decide whether charges of police misconduct will be filed.

The misconduct investigated by the Division of Internal Affairs includes instances when an officer is accused of:

- Committing a crime.
- Neglecting a duty.
- Violating a department policy, rule, or procedure.
- Conducting himself or herself in a way that may reflect badly on the officer or the police department.

The work of internal affairs is reviewed by the office of the **Inspector General**. This group keeps track of all complaints filed against police officers. It also checks to make sure that Internal Affairs is doing a good job.

After the investigation, Internal Affairs must decide whether to file charges against the officer. If it does, the officer must appear before a **Board of Rights**. It is the job of this group of senior police officers to decide whether the charges are true. If the board of rights decides the charges are true, it must also decide what penalty to impose. Penalties include demotion in rank, suspension, and loss of pay. In some cases, the officer can be fired. The findings of the board of rights are sent to the chief of police. It is the chief's job to review the final decision.

In serious cases, an officer can also face criminal charges. This is decided by the district attorney. If charges are filed, an officer must stand criminal trial. If found guilty, the officer could be fined or be sent to prison.

The person injured by police misconduct can also decide to file a lawsuit against the officer and the city. In such a case, there is often a civil trial to find out if the city must pay money to the victim. Every year, cities around the country pay damages to victims of police misconduct.

Over 140 local governments in the United States have instituted **civilian review boards** comprised of local citizens who are usually appointed by a mayor or other local government officials. They review allegations of police misconduct and can make recommendations to the police chief or police commission whether or not an officer committed wrongdoing.

Finally, the U.S. Department of Justice (DOJ) can investigate cases in which officers, as well as law enforcement officials, are accused of violating the U.S. Constitution. Where an investigation turns up sufficient evidence, the DOJ can then prosecute the officers.

Writing & Discussion

1. What is the Division of Internal Affairs? What does it do?
2. What is the board of rights? What does it do?
3. What can happen to an officer found guilty of serious misconduct?
4. What can citizens do if they believe police officers have done something wrong?

The Board of Rights

As a senior police officer, you have been appointed as a member of the Board of Rights. It is your job to decide the case against Officer Keane.

You have read the *Police Officer's Oath*, *Use of Force Guidelines*, and the *Internal Affairs Report*. You have also conducted a hearing on the matter. At the hearing, Officer Keane denied any misconduct. Officer Keane also had an advocate, a person who takes his side at the hearing. The advocate said that, based on the record, there was no misconduct. And even if Officer Keane broke the vase, Officer Keane should not be penalized because he did not do it on purpose.

According to department rules, Officer Keane will not be guilty of misconduct unless he broke the vase on purpose or was very careless.

To make your decision, follow these steps:

Step 1. Reread the *Internal Affairs Report.*

Step 2. As a Board, fill out the following findings report. Discuss each of its questions. Then take a vote on each one, majority wins. Write down one reason for each of your findings. Be prepared to discuss your findings with the class.

Board of Rights Report
Findings

1. Did the officer shove Mrs. Utley against the wall causing injuries? YES NO

Reason for your finding

_____

_____

_____

2. If you find misconduct, decide on which penalty is fair (Circle one):

A. Warning to be put in Officer's file;

B. Suspension without pay for ___ days;

C. Discharge from department.

3. Did the officer break the vase on purpose or as a result of being very careless? YES NO

Reason for your finding

_____

_____

_____

4. If you find misconduct, decide on which penalty is fair (Circle one):

A. Warning to be put in the officer's file;

B. Suspension without pay for ___ days;

C. Discharge from department.

The Board of Rights

As a senior police officer, you have been appointed as a member of the Board of Rights. It is your job to decide the case against Officer Valeo.

You have read both the *Guidelines on Conduct Unbecoming an Officer* and the *Internal Affairs Report.* You have also conducted a hearing on the matter. At the hearing, Officer Valeo denied any misconduct. Officer Valeo also had an advocate, a person who takes his side at the hearing. The advocate said that, based on the record, there was no misconduct. And even if Officer Valeo yelled at the motorist, Officer Valeo should not be penalized because he did not do it excessively.

According to department rules, Officer Valeo will not be guilty of misconduct unless his angry behavior was excessive or unwarranted, and unless he neglected a duty to give the motorist a ticket.

To make your decision, follow these steps:

Step 1. Reread the *Internal Affairs Report.*

Step 2. As a Board, fill out the following findings report. Discuss each of its questions. Then take a vote on each one, majority wins. Write down one reason for each of your findings. Be prepared to discuss your findings with the class.

Board of Rights Report
Findings

1. Did the officer yell at the motorist excessively or in an unwarranted way? YES NO

Reason for your finding

_____

_____

_____

2. If you find misconduct, decide on which penalty is fair (Circle one):

A. Warning to be put in the officer's file;
B. Suspension without pay for ___ days;
C. Discharge from department.

3. Did the officer neglect a duty by giving the motorist a warning instead of a ticket? YES NO

Reason for your finding

_____

_____

_____

4. If you find misconduct, decide on which penalty is fair (Circle one):

A. Warning to be put in the officer's file;
B. Suspension without pay for ___ days;
C. Discharge from department.

The Board of Rights

As a senior police officer, you have been appointed as a member of the Board of Rights. It is your job to decide the case against Officer Dell.

You have read both the *Guidelines for a High-Risk Prone Search* and the *Internal Affairs Report.* You have also conducted a hearing on the matter. At the hearing, Officer Dell denied any misconduct. Officer Dell also had an advoc*ate, a person who takes his side at the hearing. The advocate said that, based on the record, there* was no misconduct. And even if Officer Dell was not at risk based on Ms. French's demeanor or activity, Officer Dell should not be penalized. The totality of the circumstances (all of the circumstances) justified the use of the high-risk prone search.

According to department rules, Officer Dell will not be guilty of misconduct unless she did not follow the guidelines for use of the high-risk prone search.

To make your decision, follow these steps:

Step 1. Reread the *Internal Affairs Report.*

Step 2. As a Board, fill out the following findings report. Discuss each of its questions. Then take a vote on each one, majority wins. Write down one reason for each of your findings. Be prepared to discuss your findings with the class.

Board of Rights Report
Findings

1. Did the officer have reasonable suspicion to conduct a high-risk prone search of Ms. French?
YES NO
Reason for your finding

_____

_____

_____

2. If you find misconduct, decide on which penalty is fair (Circle one):
A. Warning to be put in the officer's file;
B. Suspension without pay for ___ days;
C. Discharge from department.

3. Did the officer neglect to follow proper search procedures? YES NO
Reason for your finding

_____

_____

_____

4. If you find misconduct, decide on which penalty is fair (Circle one):
A. Warning to be put in the officer's file;
B. Suspension without pay for ___ days;
C. Removal from department.

The Case of Officer Keane

In your group, use the following oath and guidelines to evaluate the behavior of Officer Keane as described in the reading and in the Internal Affairs Report below. Then, record your group's findings on The Board of Rights handout.

The Police Officer's Oath

As a police officer, my duty is to serve people, to make lives and property safe, to protect the innocent, and to respect everyone's constitutional rights to liberty, equality, and justice.

Use of Force Guidelines

The following are department guidelines for the use of force in the field. Your job is to study the rules and be prepared to use them.

The Department allows four levels of force.

1. **Arrest and Handcuffing:** To be used in most situations when the suspect follows verbal commands and gives in to arrest.
2. **Physical Restraint**: A martial arts hold to be used when the suspect resists arrest, but is not armed.
3. **Non-Deadly Force:** Chemical spray or electronic weapons for use if physical restraint does not work or is impossible.
4. **Deadly Force:** Use of firearms or blows from baton above the shoulders. May only be used if the suspect poses an immediate threat of death or great bodily injury to an officer or bystander.

Rules:

- Officers must start with the least amount of force necessary.
- More force may be used only if the situation reasonably appears to require it.

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Internal Affairs Report

TO: Police Department Board of Rights
FROM: Division of Internal Affairs
SUBJECT: Officer Joe Keane Investigation--Case # IA 20954

The following is the report of our investigation into the complaint filed against Officer Joe Keane. In conducting our investigation we talked to the officer. We also talked to Mrs. Utley, the homeowner. Finally, we also talked to two other people who lived in the house and two neighbors.

We found no additional evidence to support Mrs. Utley's claim that the officer shoved her. The officer touched Utley, but the contact was appropriate in the circumstances. This conclusion was based on the statements of two occupants of the house who were present in the house at all times during the search. Both said that the homeowner was very upset and screamed at the officer. They said that Mrs. Utley approached very close to the officer, at which point the officer raised his hand and touched her shoulder, telling her, "Stop! Back away!" One of the neighbors overheard Mrs. Utley claim that she was "going to get" the officer for searching her house.

We did find evidence that Officer Keane broke a vase. The officer claims he accidentally knocked it off a table as he was leaving. One of the occupants supports the officer's account. One of the occupants and Mrs. Utley said he was angry and knocked the vase to the ground on purpose. The neighbors did not see the incident. We were also able to find out the value of the vase. It cost about six dollars.

The Case of Officer Valeo

In your group, use the following guidelines to evaluate the behavior of Officer Valeo as described in the reading and in the Internal Affairs Report below. Then, record your group's findings on The Board of Rights handout.

Guidelines on Conduct Unbecoming an Officer

The following are department guidelines for how an officer is to conduct himself or herself in the field:

A police officer is the most noticeable representative of city government. The officer is a symbol of stability for the community.

An officer's actions *cannot* be
- excessive (more than needed),
- unwarranted (based on personal feeling or bias), or
- unjustified (without good reason).

The above-listed behaviors are unbecoming, or unworthy, of an officer. The conduct of officers, on- or off-duty, may reflect directly upon the police department. Officers must always act in a way that does not discredit themselves, the department, or the city.

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Internal Affairs Report

TO: Police Department Board of Rights
FROM: Division of Internal Affairs
SUBJECT: Officer Mort Valeo Investigation--Case # IA 20955

The following is the report of our investigation into the complaint filed against Officer Mort Valeo. In conducting our investigation we talked to the officer. We also talked to Mr. Haddock, the motorist. Finally, we also talked to two other people who were passengers in Mr. Haddock's vehicle and one pedestrian.

We found insufficient evidence to support the claim that Officer Valeo's treatment of Mr. Haddock was excessive or unwarranted. The officer claims that just prior to his contact with the motorist, he had been yelled at by a person he had ticketed for jaywalking. The temperature that day also exceeded 90 degrees Fahrenheit. The officer admits to being irritable when reacting to Haddock's unsafe action. But the officer denies behaving abusively. The passengers support Mr. Haddock's account that Officer Valeo yelled, "Dummy, get your head out of the clouds!" The pedestrian says that Mr. Haddock appeared nervous.

We found no evidence to support the claim that Officer Valeo neglected a duty to issue a citation to Mr. Haddock. The law states that whenever a pedestrian enters a crosswalk, all vehicles must stop and yield to the pedestrian. Officer Valeo decided in this case to give Mr. Haddock a safety warning instead of a ticket. Haddock says, "If I really did something wrong, why didn't he give me a ticket?"

The Case of Officer Dell

In your group, use the following guidelines to evaluate the behavior of Officer Dell as described in the reading and in the Internal Affairs Report below. Then, record your group's findings on on The Board of Rights handout.

Guidelines for a High-Risk Prone Search

The police department allows the use of the high-risk prone search to ensure the safety of both officers and suspects. Officers may only use the high-risk prone search tactic when they have reasonable suspicion there is risk for serious injury to the officer and/or to others.

Reasonable suspicion includes:

- an officer's observations of the suspect's activity,
- the suspect's demeanor during the stop, and
- any other factor that clearly shows a risk for serious injury.

The officer's decision to use this tactic is based on a totality of the circumstances. This means the officer may base his or her decision to the tactic on use any or all of the above-listed factors.

The high-risk prone search shall not be used as a routine or as a method of intimidation. The officer has the responsibility to explain to the involved parties the reason for use of the tactic. If the officer cannot, the officer must call a supervisor to come to the scene.

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Internal Affairs Report

TO: Police Department Board of Rights
FROM: Division of Internal Affairs
SUBJECT: Officer Terese Dell Investigation--Case # IA 20956

The following is the report of our investigation into the complaint filed against Officer Terese Dell. In conducting our investigation we talked to the officer. We also talked to Ms. French, a young adult female, and a storeowner who called to complain about the young people making noise and bothering customers in front of the store. Finally, we talked to two other young adults who were searched by Officer Dell.

We found sufficient, or enough, evidence to support the officer's claim that the officer had reasonable suspicion for the search. This conclusion was based on the statements of the officer, the storeowner, and the store's security camera video (no audio). The officer was familiar with recent armed robberies in the area. The officer had no partner at the time. The security video shows Ms. French waving her arms in the air and pacing back and forth in front of the officer. The officer claims that Ms. French then ignored two commands to lie prone before finally complying on the third command. The storeowner and one other young adult saw Ms. French become agitated trying to tell the officer she needed her asthma inhaler. The other young adult did not hear what Ms. French said to the officer.

We found evidence that Officer Dell violated department policy by not informing Ms. French about her reasons to use the high-risk prone search. Officer Dell claims that she tried to explain it to Ms. French, but that Ms. French continually interrupted the officer. No weapons were found in the search.