Idea of citizens panel to review complaints gets mixed response

By GREG GARLAND
Advocate staff writer

In Baton Rouge, citizens who believe a police officer has used excessive force against them don't have a lot of options. They can make a formal complaint at the Police Department's headquarters. They can file a civil suit, if they can find a lawyer to take their case. Or they can just quietly accept what happened and get on with their lives.

Some - like Baton Rouge NAACP Chapter President G. Washington Eames - say that choice isn't fair. They say citizens need another mechanism, such as a citizen review board, to deal with their complaints.

Eames said many people, particularly black citizens, feel taking a complaint to the Police Department's Internal Affairs division won't do any good. As a result, Eames said, many don't file complaints.

"They don't want to go back to a police environment to testify against a police officer," Eames said. "Why go through an exercise in futility? It ought to be abolished. There's no justice done there."

Eames said police officers have so many protective mechanisms surrounding them that they feel they can act almost with impunity. The chances of police officers being held accountable for their actions are slim, he said.

"That's the reason why we advocate that people in high crime areas should arm themselves with video cameras, to come up with evidence of abuse by police officers," Eames said.

Police Chief Wayne Rogillio questioned whether an independent citizen review board would have the qualifications to fairly assess a police officer's performance on the job.

"I would be opposed to a citizen review panel," Rogillio said. "Unless you've walked in a cop's shoes, you don't know what it's like to be a cop. Unless you've been there, it's difficult to judge."

Robert Williams, general counsel for the local NAACP chapter, said he doesn't buy that argument. Other communities around the country have had success with citizen review boards, he noted.

"You don't arm somebody, put them on the street, not check on them and expect them to police themselves," Williams said. "That's asinine. That's why there is civilian control of the military. What we have with the police is a paramilitary group with no civilian control."

Williams said Internal Affairs is fine for dealing with internal disciplinary matters and minor complaints, but he said a citizen review panel should review more serious complaints about the use of excessive force.

A victim can pursue a civil suit against a police officer, Williams said, but that can be expensive, time consuming and impractical. He and other lawyers who have handled police brutality cases say it is hard to get justice through the civil courts.

"It's the second worst kind of case I know that exists, second only to job discrimination suits," Williams said. "People believe police officers. But for the videotape of (Los Angeles motorist) Rodney King's beating, there would be no case there."

Baton Rouge attorney Joe Durio said a citizen review panel should investigate complaints against police. Durio represents an Anacoco, La., man who said his jaw was broken by a Baton Rouge police officer.

"I think we should do something," Durio said. "What we have now is a joke. There's nobody from the outside looking over the Police Department's shoulder."

Keith Nordyke, a Baton Rouge attorney who handles many civil rights cases, said he has mixed feelings about the idea of a citizen review panel handling complaints against police officers.

"I guess I worry as a citizen that we need a cohesive police force," Nordyke said. "If they've always got someone looking over their shoulders, trying to second guess them, it may cause divisiveness we don't need."

"By the same token, police officers are supposed to be very well trained and their job is to react to split-second situations. I guess it's the basic tension we in a free society have - how much authority do we give police versus how much do we retain."
Officer mentioned in story dies

A story in the Sunday Advocate said Baton Rouge Police Officer Warren Kemp was hospitalized and unavailable for comment about a case of brutality involving another officer.

An Advocate reporter spoke with Kemp’s father last Tuesday, who said that Kemp was not able to comment about the incident.

On Monday, a family member reported that Kemp died late Wednesday of cancer.

Dipaola and Redd said there are other ways to improve the Police Department’s performance.

“If anything, we need to be able to find more training time,” Redd said. “The key to that is more manpower. That would be more valuable than a dozen citizen review panels.”

Dipaola agreed. “I’m for strengthening every chance we get to educate and train our officers,” she said.

Dipaola said the Police Department also needs to develop a policy and procedures manual so officers have clear guidelines to follow.

Dipaola said it isn’t fair to blame officers for things that go wrong when administrators have not set clear guidelines. She said that is one reason the police union is pushing for accreditation for the department.

The Commission on Accreditation for Law Enforcement Agencies sets standards by which all police agencies can govern themselves, Dipaola said. One requirement is that there be a set of written policies and procedures.

“It puts things in writing,” Dipaola said. “It makes management manage and it makes the officer’s job easier. Our department doesn’t have policies and procedures. I’m not going to blame an individual unless he has some guidelines.”

Redd said a procedures manual is being drafted, but said it will be some time before it is completed. Redd said guidelines on the use of force, by necessity, will have to be general in nature.

“We can not possibly conceive of all the scenarios in which they might possibly use non-deadly force,” Redd said. “There are way too many situations they can get into.”

Redd said officers get specific training at the police academy in the proper use of their firearms and their PR 24 nightsticks.

Dipaola and Redd voiced concerns that a citizen review panel would be too intrusive in the administration of the Police Department.

“You can certainly find somebody with an ax to grind and a lot of free time who would try to run the Police Department from a citizen review board,” Redd said. Finding fair-minded citizens willing to put in the kind of time and effort required is another matter, he said.

Redd said the system that the Police Department has established to handle citizen complaints works satisfactorily already.

“Internal Affairs does investigations and I don’t hear anybody criticizing that they don’t get the facts that are there to be had,” Redd said. “They present the facts to the chief and he takes disciplinary action where warranted. I believe in the saying, ‘If it’s not broke, don’t fix it.’ Here, we don’t have a problem that needs great repair.”

Baton Rouge Police Union President Joan Dipaola said she feels police officers should be accountable for their actions, but said she has mixed feelings about a citizen review board examining complaints against officers.

“I don’t think citizen review boards bring about the harmony and justice between citizens and police that they advocate,” Dipaola said. “I’m torn about it, but I just don’t believe they are the answer.”

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