

HARVARD UNIVERSITY

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THE POLICE CHALLENGES AND CHANGES IN ATLANTA

by

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Since the beginning of modern day local government, as we know it, the

police power has been the vehicle that enforces the wishes

of local officials.

The police power is a two-edge sword and when it is misused, it causes

local governments to fail to furnish the service that it was

designed to furnish all of its citizens.

Originally police services were furnished by volunteers and local citizens

under the supervision of a Justice of the Peace.

This was known as the "hue and cry" system that depended upon the friends

and relatives of the victims of crime, to apprehend and

prosecute the perpetrators.

In 1829 Sir Robert Peale organized the Metropolitan London Police

Department and laid the foundation on what is based

all metropolitan police systems of the free world today.

This was the first time that a local government employed a full time uniform

police force and accepted all of the responsibility to

prevent crime and to arrest and prosecute all law

violators.

This system provided for a division of uniform officers, or constables

as they were called at that time, to patrol and to furnish

a day watch and a night watch, also a plain clothes or

detective division.

The duties and responsibilities of the police has changed very little since

that time and are designed to maintain the peace and good

order, to prevent crime, to protect life and property, to

enforce the law and to guarantee the freedom of the individual.

The American cop that you see working his beat today, gets his nickname
from the abbreviation of "Constable of Police".

This system has been changed and expanded continuously by adding
specialized sections, such as police training, traffic
control, fingerprinting, crime laboratories, community
relations, crime commissions and many others.

The greatest deterrent to crime and the most effective crime prevention
program remains the Night Watch and the Day Watch
by qualified uniform police officers.

The most important function of a police department to successfully meet
changing conditions today, are police recruitment and
police training.

Theodore Roosevelt recognized this in 1895 when he was Police Commissioner
of New York City and organized the first police academy,
or the first police training program for a local city police
department.

The police department that has been most successful in meeting the challenge of today, are those departments that have the best training program, and are best prepared to meet changing conditions from day to day.

The Atlanta Police Department has not been up to full authorized strength for many years, for the simple reason that a young man, who is qualified to meet the high standards of the police department is not willing to subject himself to the dangers and the hazards of the job, or subjecting himself and his family constantly to investigations, ridicule and criticism.

He can earn a better living for he and his family and enjoy a better and more pleasant life by following some other vocation.

To fill these vacancies and to provide the necessary coverage and patrol, the Atlanta Police Department has adopted one-man patrol cars.

This is a highly controversial subject and has brought great criticism to the chief of police.

This is a subject that is quite often misunderstood and often emotionally controlled.

When a police officer is injured or killed in line of duty, it gets lots of publicity and there are those who sincerely believe the incident would have been prevented by two-man patrol cars, but the facts do not support this belief.

We adopted the one-man patrol cars for the following reasons:

1. The records, both locally and nationally, will show that more police officers are killed in two-man patrol cars than in one-man patrol cars.
2. A majority of the calls answered by the police, do not require any action by the police, only require counseling and giving of advice.

3. When a police officer needs to call for assistance, he has twice the number of units to call on, and he can get more help quicker than he could otherwise.

4. It is good sound police management that requires an officer to do his own thinking, to use his initiative and imagination, and to develop a higher degree of performance.

5. For the Atlanta Police Department to arbitrarily adopt the two-man patrol, would cause the number of patrol units and the police service to be cut in half, or it would require all police personnel to work seven days per week, instead of five days.

To overcome these and other handicaps, the city is constantly striving to increase police compensation and fringe benefits, which make police services extremely expensive for the taxpayer.

This requires complete cooperation and understanding between the business community and the city officials.

The needs and increased demands for additional city services has confronted our city with a large financial problem.

This is complicated by the refusal of the state government to allow the city to broaden its tax base.

The main source of income for the city is from ad valorem taxes.

It is believed by most tax experts that real estate and personal property is already being taxed to its limit.

A recent survey by the National League of Cities predicted that American cities will experience a revenue deficiency of 262 billion dollars in the next ten years.

Crime against property and crime against the person continues to increase year by year, while the protection of life and property becomes more complicated and expensive.

There is no common cause for crime, therefore there is no common cure,
but a combination of many things.

The records will show that most crimes are committed by repeaters,
persons who have already been tried and convicted
of a similar crime.

They have escaped or they are out on bond, or they are on probation or
parole.

I had an opportunity recently to testify before a Congressional Committee
that was holding hearings on "The Safe Street and
Crime Control Act".

The City of Atlanta supported this act 100%, but I went even further.

I looked forward to the day when the U. S. Justice Department and the
U. S. Congress will say to every city police department,
regardless of its size -

If your department meets all the professional standards in police recruitment, police pay, police training, and police supervision, the Federal Government will contribute a percentage of your annual budget -- it should be about 50%.

The greatest objections to this is the fear of central or federal control.

I was asked recently in Washington if I was advocating a national police force.

Well, I am not advocating a national police force, but the thought of it does not frighten me any more.

The Atlanta Police Department devotes most of its time and effort in enforcing state and federal laws, rather than city ordinances.

To enforce federal laws, it is necessary to accept a certain amount of federal control and to follow federal procedures.

We have no choice in these matters now, and personally I have no objections.

The time has come when the best efforts and resources of the federal, state and local government are required to meet the high cost of law enforcement and to check and reverse the trend of increasing crime that we have been experiencing in recent years.

We read and hear a lot of criticism directed to the courts, especially to the U. S. Supreme Court.

I am not one of those who join in this criticism.

Personally I have no criticism of the courts or any of their decisions,

for the simple reason that the objectives and the ultimate

goals of the courts, and the police, are identical --

which is -

To maintain the peace and good order --

To prevent crime --

To protect life and property --

To enforce the law--

And, to guarantee the freedom of the individual.

This we can all agree on.

Then, the only disagreement between the courts and the police are --

how we achieve these goals.

When the courts and the police disagree, this is an indication to me, that

the police are in error and must change their actions

accordingly.

It is not, however, possible to furnish 100% security and 100% freedom

to all citizens of this nation at the same time.

Judge Thurgood Marshall recently replied to a question from Senator John

McClellan that the crime rate in this nation was critical,

but it must be fought within the framework of the
Constitution, and it must not be reduced at the
expense of the freedom of the individual.

It appears to me that the courts in some cases might have given freedom
of the individual regardless of his conduct, top priority
over all other rights and considerations.

I would respectfully suggest that we might take another look at this
proposition.

The cases that are most frequently discussed are -

The Mallory case

The Escobedo case

The Mapp case

and, the Miranda case.

There have been many documents and articles written on these cases
and a great many speeches made, both pro and con,
but briefly this is what happened in these cases.

MALLORY VERSUS UNITED STATES

Mallory was arrested in Washington, D. C. on April 7, 1954.

He was detained in Washington jail and charged with rape.

After considerable questioning, he admitted the charge.

He was later tried and convicted.

In 1957, the U. S. Supreme Court reversed the conviction and stated that

"A suspect must be taken before a Magistrate without
delay.

"Any unnecessary delay will invalidate a confession obtained from the
accused person prior to his appearance before a
Magistrate."

ESCOBEDO VERSUS ILLINOIS

Escobedo was arrested in Chicago, Illinois, on January 19, 1960, and
was charged with murder.

He asked for an attorney and his attorney asked to see him.

Both were denied.

Later he confessed and was tried and convicted.

In 1964, the U. S. Supreme Court reversed the conviction and stated

"A person has a right to an attorney and the right to remain silent."

MAPP VERSUS OHIO

Mrs. Mapp was arrested in Cleveland, Ohio, on May 23, 1957, after

officers forced their way into her home without a warrant, and found obscene material.

The officers denied her attorney entry during the search, nor would

they permit Mrs. Mapp to see him.

She was later tried and convicted.

In 1961, the U. S. Supreme Court reversed the conviction and stated
that evidence cannot be used in any court if collected
in a search and seizure that is unreasonable or illegal.

MIRANDA VERSUS ARIZONA

Miranda was arrested in Phoenix, Arizona, on March 3, 1963.

He was detained in the Phoenix jail and charged with kidnapping and rape.

After considerable questioning, he admitted the charge.

He was tried and convicted.

In 1966, the U. S. Supreme Court reversed the conviction on the grounds
that he was not advised of his right to counsel, and the
right to remain silent.

I cannot agree that these cases have legally handicapped the police in any way.

But, I believe we can agree that the changes that these cases required

in police procedure has made police work more complicated
and much more expensive, because they put severe restrictions
on custodial interrogation.

To completely investigate a case and determine all of the facts prior to the arrest of the suspect, requires more investigators and a great deal more time and effort, but this is legal and necessary to protect the rights of the individual, and in these cases the perpetrator is the individual.

The question that disturbs me, and has not been answered up to this point, is, "what about the rights of the victim?"

They also are entitled to protection under the law.

It is very easy to forget a victim after the first "splash" of publicity, and after the perpetrator has been identified and taken into custody.

All of these are routine police problems that address themselves to good police management.

The greatest challenge that has faced a city or a police department

especially in the South, has been the social and racial

revolution that we have experienced in the last twenty years.....

where custom and tradition versus the law, and in most

cases where the federal law and the state law were in

conflict or contradicted each other.

For many years the American Negro was segregated and discriminated

against because of the color of his skin, and kept in

a position of secondary citizenship.

Segregation was never designed to separate the races, but to keep the Negro

in his inferior place.

It was written in the law, and it was the law.

During these years the principle function of the police was to keep the

Negro in his place.

The President of the United States, the Mayor of the City of Atlanta, Ralph McGill, Editor of the Atlanta Constitution, and many others said this was wrong and must be changed.

The U. S. Supreme Court held in many cases that this was unconstitutional and the American Negro was entitled to all the rights and privileges that goes with first class citizenship.

In 1945 the courts gave the Negroes the ballot.

This was the first time that the American Negro could actually participate in the management of his government.

In 1954 the courts held segregated schools to be unlawful and unconstitutional.

Perhaps these two decisions effected more people, brought about a greater change in attitude, habits, customs and action, than any other decisions.

Between the years of 1958 and 1963 the City of Atlanta received court orders to desegregate --

buses

golf courses

schools

air terminals

swimming pools

and other public facilities

The City of Atlanta never hesitated or discontinued any public facility in an effort to avoid these changes.

Former Mayor William B. Hartsfield and Mayor Ivan Allen, Jr.

provided superior leadership with fine cooperation and assistance from both the white community leaders and the Negro community leaders.

All of these changes were accomplished with a minimum of disturbances.

The City of Atlanta began employing Negro police in 1948 and today 14% of our total personnel is Negro.

During the desegregation of public facilities, public officials were under great pressure to desegregate private property and private facilities, over which they had no control.

One of the most effective civil rights organizations in these activities was the Student Non-violent Coordinating Committee known as SNCC.

Originally SNCC was composed of respectable and decent law abiding students from the universities, that was committed to and practiced non-violence.

We enjoyed fine communications and cooperation from them.

They were just against segregation, otherwise they were good law abiding citizens.

By 1964 SNCC had fallen into the hands of irresponsible leaders, and their followers included criminals of all kind.

After our experience with SNCC is and around some Atlanta restaurants
in 1964, I made the statement that SNCC had become a
Non-student Violent Committee and time has proven
that statement to be true.

The U. S. Congress had been extremely slow in accepting changes and
in helping the courts and the cities with their problems.

But the U. S. Congress gave the Civil Rights Movement its greatest
assistance in adopting the Civil Rights Act of 1964
and 1965.

These Acts in my opinion, satisfy all the legitimate complaints of the
Civil Rights Movement in the field of public accommodations
and voting rights.

There were many other things that needed attention, like employment,
housing, recreation and law enforcement.

And, again the City of Atlanta never hesitated.

They moved right into these activities with all the vigor and resources available.

In 1965 Mayor Ivan Allen, Jr. appointed the Atlanta Commission on Crime and Juvenile Delinquency.

U. S. Judge Griffin Bell was appointed Chairman, along with 26 other very distinguished and able citizens.

Judge Bell appointed a very able attorney, Francis Shackelford, as general counsel, and eight other young attorneys, to act as staff for the Commission.

Judge Bell then divided the Commission into six sub-committees -

Juvenile Delinquency

Rehabilitation

Crime and Health

Crime and Poverty

Law and Order

Organized Crime.

The committee members were selected and appointed on the basis of
their interest and abilities in their specialized field.

The Commission made an in-depth study of all the causes and cures
of crime in Atlanta.

Judge Bell held weekly meetings with the Commission and prepared
their report under the Title of "Opportunity for
Urban Excellence".

Among other things the Commission found that crime and poverty were
twins that could not be separated.

One could not be improved without improving both.

They recommended that the Atlanta Police Department employ police-
community counsellors to work in high poverty and high
crime communities, to help improve living conditions
and to also improve the police image.

This was a completely new approach to crime prevention and law enforcement.

In the past the police have made every effort to keep the line between social welfare service and police service separated.

But, under these recommendations, the services would be combined and put additional duties and responsibilities on the police.

There were two courses we could have followed at that point:

1. To accept the change immediately and activate the program with present employees and equipment, or
2. To oppose the change with delayed tactics and wait for additional appropriations and personnel before taking any action.

Because of the great admiration and respect that we had for the ability and integrity of the Crime Commission, we accepted the recommendations immediately.

I was personally prepared to yield to their judgment.

We recognized that there was a need for such services because when a

social worker was confronted with hostility and
resistance, they simply backed off and called the police
for assistance.

We also recognized that to provide this service that the police must be

especially selected and trained to wear two hats.

First to act and serve as a social worker --

And, second, when conditions require it, to arrest and prosecute law

violators.

In January, 1966, we organized a Crime Prevention Bureau as part of the

Detective Division and detailed sixteen police personnel,
that included both Negro and white uniform officers and
detectives.

These officers were assigned to Economic Opportunity Centers in poverty communities with special instructions to act as guides and counsellors in getting jobs, in getting drop-outs back in school, and furnishing other welfare services.

To act as advisors on good citizenship and to make friends and supporters for the police department.

Vehicles used by the Crime Prevention officers had special equipment, such as loud speakers, record players and sprinkler heads.

They could close a street to vehicular traffic and hold street meetings with some entertainment, or if it was a hot sunny afternoon, they could hook up the sprinkler heads to a fire plug, and turn on a shower.

On Many occasions they have had all the children from a housing project playing under the sprinkler in one block.

The Crime prevention officers handle all of the following complaints in

their district -

Malicious mischief

Petty larceny

Missing persons

Stolen bicycles

and, all juvenile cases.

Their job is to find a solution to these problems without making an

arrest if possible.

We have tried to adopt a page from the Juvenile Court's manual by making

this a correctional organization, rather than a punitive one.

The Crime Prevention officers have earned the respect of most of the people

living in their district.

They have also earned the respect of other members of the department.

We have some requests from other members of the department to be

transferred to the Crime Prevention Bureau.

The patrol officers are quick to call the bureau for assistance when they see problems developing.

We believe that we are moving in the right direction.

We expect to see the bureau grow and expand, and certainly that will be expensive.

We now have 29 police personnel assigned to the bureau, which includes a captain and three lieutenants.

The Crime Prevention Bureau officers must always wear two hats, and when they find a group that cannot be persuaded with their help and counselling, to obey the law, they must be arrested and prosecuted.

The highest value of the law is the keeping of the peace.

In March of this year we organized a Task Force of about thirty specially trained and equipped officers, who can be moved into any community on short notice, to use whatever force that is necessary to enforce the law and maintain the peace.

We are convinced that the action of the Crime Prevention Bureau has prevented the crime record from rising as rapidly as it might have.

We are also convinced that when street fighting does occur, the bureau's action kept it from being as severe as it might have been otherwise.

We have had more than our share of street fighting or riots as they are sometimes called.

On September 6, 1966, two detectives attempted to arrest Harold Prather for auto larceny at Capitol Avenue and Ormond Street.

Prather resisted and was shot by the detectives.

This caused a large and angry crowd to gather in the street.

Mayor Ivan Allen, Jr. elbowed his way to the center of the crowd and

did a great job in talking to and quieting the crowd

until SNCC arrived on the scene and incited the crowd to

start throwing bricks and bottles.

The police moved in, in force, and cleared the streets.

It was necessary to call in off-duty police and to put the department on

twelve hour per day duty.

73 persons were arrested; several of which were indicted by the Grand

Jury for inciting to riot, including Stokely Carmichael.

On September 10, 1966, a white motorist, while driving through a Negro

community on North Boulevard, shot and killed a

Negro youth.

Again an angry mob gathered in the street and again Mayor Allen moved

right into their midst to urge peace and quiet.

This was a great demonstration of "Come and let us reason together".

But, the mob was in no mood to listen to the voice of reason.

They on ly shouted threats of insults and violence, and started throwing

bricks and fire bombs.

Ten store windows were broken and several buildings were set on fire.

But, the police were there in force.

The fires were promptly extinguished and there was no looting.

The streets were cleared, and 65 persons were arrested on the first night,

and 14 adults and 15 juveniles arrested on the second night.

In reporting this to the Chief's convention in Philadelphia last October,

I suggested that perhaps the best way for the police to handle

a situation after it reached this point, was for the police

to always speak very kindly,

walk very slowly,

and carry a sawed off shot gun.

Bricks and bottles can be a deadly weapon and must be recognized as such.

The City of Atlanta did not wait until there was street disturbances to

improve living conditions in the low income communities.

The City of Atlanta, in cooperation with the Federal Government, has spent

millions of dollars in the last five years to improve job

opportunities, housing conditions and educational

facilities for the citizens of these communities.

All city departments, especially the Planning and Inspection Department --

the Construction Department -- the Sanitary Department --

the Parks Department -- and all other departments have

put forth their best efforts in the last five years, under

the personal direction of Mayor Ivan Allen, Jr., to make

life more liveable for the citizens of high crime and

poverty communities in our city.

On June 19th of this year, a private uniform guard for a merchant in

Dixie Hills, attempted to arrest a young boy for larceny.

His sister interfered and resisted.

The police were called to assist the guard.

A crowd gathered and started throwing bricks and bottles, as more police

cars arrived, they were met with a shower of bricks.

Several police officers were injured.

Eight police cars were damaged, and five windshields were broken in

police cars.

Three persons were injured and one died from gun shot wounds.

After two nights of disturbances, 33 persons were arrested, including

Stokely Carmichael.

Mayor Ivan Allen, Jr. issued an Emergency Proclamation that placed

a curfew on the community.

But, it was never necessary to enforce it.

The Community Relations Commission, Alderman Q. V. Williamson,

Senator Leroy Johnson and other Negro leaders

started holding community meetings, giving assurance

that every complaint would be investigated and acted upon.

Dixie Hills is not slums.

It is a comparatively new housing project, with good streets, good

equipment and good apartment houses occupied by

middle class Negroes.

Three weeks later about 200 residents appeared before the Police Committee

of the Aldermanic Board at Police Headquarters and

demanding an immediate public hearing of their grievances

and complaints.

After the committee had completed its regular agenda, they very patiently

and understandingly listened to everything they had to

say, for about three hours.

Their complaints against Negro police officers were just as strong, or stronger, than the complaints against the white officers.

One witness stated that the real problem in Dixie Hills was residents moving further out in the suburbs and their apartments being occupied by families from the slum communities.

The Committee assured them their reports would be given every consideration.

I suggested that they help me find two qualified applicants in their community for the police department -- and we would assign them to patrol their neighborhood.

On the 3rd of July of this year, a Negro man walked into a shirt shop on Broad Street, operated by a white woman.

They got involved in an argument about the use of a rest room.

The man returned to the street and threw a bottle through the front plate glass window.

Again SNCC leaders were present and quite a few bottles were thrown,
injuring several police officers.

Nine persons were arrested, including some of SNCC's leaders and
organizers.

I am reporting these incidents briefly, but it is not my intention to deal
with them lightly, for this is a real serious challenge.

At times it is almost a case of life and death.

On July 6th, Mayor Ivan Allen, Jr. stated in very clear and firm language
the goals, the policies and the responsibilities of the
City of Atlanta and the Atlanta Police Department.

I am in complete agreement with that statement -- I repeat and expand it.

The City of Atlanta will not slow down in providing equal services for all
citizens.

There are opportunities for dissent and demonstration by dissatisfied citizens.

The city welcomes this, but it must be within the confines of the law, and
there can be no exceptions.

The city will not be intimidated by the threat of violence, and lawlessness
will not be tolerated.

The burning and looting of property will not be tolerated.

There will be no hesitancy whatsoever, to use necessary efforts to enforce
law and order in a law abiding community.

The Atlanta Police have been drilled and trained to avoid what has been
termed police brutality, and to provide equal
protection and service for all citizens and visitors.

The police have the authority, under the law, to protect themselves while
enforcing the law.

The police will not be subjected to being shot at, having bottles and bricks thrown at them, and being spit upon, without taking appropriate action.

The Atlanta Police Department has furnished a very fine service and they have operated under great restraint.

The Atlanta police do not push anyone around, nor will they be pushed around, and will not hesitate to request the assistance of the National Guard if events indicate it necessary to provide the protection and services that law abiding citizens of our city have every right to expect.