

WORKING PAPER ON COMMUNITY CONTROL OF THE POLICE

I: IN CAPITALIST SOCIETY, WHO ARE POLICE RESPONSIBLE TO?

1. Theoretically, with bourgeois democracy's theory of division of powers of government, the police are responsible to the executive branch of government: that is, they enforce the laws as they are administered by the executive branch, which have been legislated by the legislative branch. Theoretically, their powers are also limited by the judicial branch, which has the responsibility for mediating and arbitrating between the needs of the state (as represented by the legislative and executive, and thru them the police force) and the needs of the people.

2. This theory, of course, does not take into consideration an economic analysis of the state, which would say that the arms of the state as represented by the legislative, executive and judicial are all in fact, representative of the interests of, and functionally implement the interests of, the economic ruling class, the monopoly capitalists and the institutions they set up to perpetuate monopoly capitalism.

Therefore, from a Marxian analysis of the state, the police represent and enforce the interests of the ruling class.

3. However, in 20th century U°S° capitalism, the ruling class is divided strategically about how best to implement its interests. The reactionary sectors of the ruling class emphasize the stick over the carrot: that is, keep the population under control more by the power of the gun than by the power of granting minimal concessions to people's demands. The liberal sectors of the ruling class emphasize carrots over sticks: that is, grant as many concessions as is possible to diffuse discontent without changing the structure of power relationships, and only use force when people really attack power relationships.

4. The police, both thru their military organization (their monopoly on weapons that they can use legally without impunity) and their own political organizations (such as Police Officers Associations) generally represent the extreme of the reactionary sector. Therefore, they sometimes appear to come in conflict with a "liberal" executive branch (such as represented by the present Mayor of Detroit) or with a "liberal" judicial branch, or more exactly, individual "liberal" judges. But it should always be remembered that these conflicts are actually strategy disputes between interests of the ruling class. Therefore, they are non-antagonistic. They do not represent conflicts between the interests of the ruling class and the working classes, which are fundamentally antagonistic contradictions.

5. It should also be understood that the police are NOT the ruling class; they are the mercenaries, i.e., paid workers of that class. So that if, hypothetically, the ruling class interests say, in one city, were totally united around a "liberal" strategy, the apparent conflicts between that ruling class's interests as represented through the executive and judicial branches, and the interests of the reactionary sectors as represented by the police, would be much stronger. The reason that the police have so much apparent power is that the ruling class is strategically divided, therefore divided about its strategy about use of the police; and also, the police have the power of the gun, and that power affects the working class on a daily and immediate level. Whereas, the strategy conflicts among the ruling class have both a long term effect on the ruling class, which is felt gradually rather than immediately; a contradictory effect on the working class (simultaneous use of carrot programs and stick programs); and also, effect different sectors of the working class (racial, skilled/unskilled, sexual, white collar/blue collar, organized/unorganized) in different, sometimes contradictory ways, at different times.

6. The results of the contradictory policies among the ruling class are that the contradictions among the working class are made sharper. So that, from the perspective ultimately of the ruling class, their conflicting strategies are of greater benefit to them than would be a united strategy. They keep us divided so we cant fight back in a unified force, until we understand our own contradictions first, and struggle to unite; so then we can unite against the ruling class.

7. On the other hand, the unified strategy of the police forces, as representing the reactionary sector of the ruling class tend to unify the working class against them, WHEN AND ONLY WHEN the police make their power known directly on all sectors of that class. (For example, a Wallaceite might be all for law n order used against blacks, until STRESS mows down his family member. Then his perspective on police force and law n order tends to undergo some fundamental changes.)

However, because the police have the power of the gun, and the legal right to use it whenever they see fit, they are at the same time potentially the easiest aspect of the state to unify people against; while they are probably the most difficult to defeat. To defeat them means to defeat them militarily; while to unify against them, means to unify politically.

II: IF THIS ANALYSIS OF THE POLICE IS FUNDAMENTALLY CORRECT, WHAT STRATEGIC POSSIBILITIES ARE AVAILABLE TO US?

A. Liberal strategy: Establish agencies for complaining against police

1. Police complaint unit within police department:

This strategy is totally useless, as most citizens have already found out. Every police department has a "blue curtain of secrecy" whereby it protects its members from any kind of discipline or control from outside the department. You call the department, complain about the behavior of a cop; the complaint wither gets immediately squashed as "groundless;" or gets brought up within the police hierarchy for minor discipline (like a call-down.) Rarely, if ever, is there a suspension or firing due to police misconduct against a citizens. At the most, if the case gets publicity (and usually only then), a cop will be transferred to a nother district. This is more for the cop's protection from an agry angry citizenry, than for the peoples protection.

2. Civilian review board

This strategy is also totally useless. Due to composition (the Mayor appoints some ruling class "liberals" with a few token working class people who are manipulatable or else out-voted) and lack of power (they can only hear complaints, but cant enforce discipline against offending cops), the most a civilian review board can do is to diffuse discontent by letting people assume they have some power when in fact they dont. Even if a conscientious board were to publicize police misbehavior, if they got too militant theyd get disbanded. An executive power is not about to set up one regulatory agency to effectively control the activities of another aspect of the executive.

3. Community organization police complaint units such as ACLU

These may have limited utility, but generally confined to the legal arena. If the complaint is instituted into a lawsuit against an individual cop, it will probably be put on the court docket three years hence and then forgotten. If it is gathered with other complaints for a class action suit against the police, the defense lawyer will opt for a judge trial and the case be dismissed. (We cant assume our judge will hear police complaint suits.) Occasionally, false arrest and brutality suits get monetary damages, but these are real rare.

The greatest utility such a complaint unit has is in gathering information on the past practices of certain cops, which when brought up in court in the criminal case of someone charged with assaulting a cop or resisting arrest, if the case is tried in front of a jury, may persuade that jury that because of the cop's past behavior, well documented, it is likely that the cop, and not

the defendant committed the assault. So it might help an individual defendant get a not guilty verdict in a jury trial.

Another legal use of such information is to squash an assault on a cop charge before it ever gets to trial. If a defense lawyer threatens a brutality suit, and can document the evidence to a judge, often the prosecuting attorney will lower or dismiss the charges to avoid such a suit being instituted, or the evidence being brought out in the trial.

Also, an independent organization has more possibility of doing publicity around police brutality than does a government agency. However, such publicity is getting to be such old news that, if it is covered, it gets little attention from readers.

B. Ultra-left, objectively reactionary strategy: guerilla warfare against police

This strategy may appeal to arm-chair radicals who imagine they're living in the mountains of Bolivia rather than the flatlands of an urban, highly mechanized and computerized American city. Its only positive effect is that it shows people that some other people are fighting back, but it projects the wrong kind of struggle. It is objectively reactionary because, given the low level of organized political support for such activity, it brings down the military power of the state even harder on other people besides the guerillas. People who aren't yet prepared to organize their communities for self-defense.

Its effect among the lumpen, particularly third world people, may be even more damaging. It encourages individual acts of retaliation against the police which, while these acts may give momentary satisfaction to the individual performing them, makes it harder to organize these folks for the long haul of political struggle which must precede the military.

It also has a politically contradictory effect on working people who have not directly experienced police brutality. When they hear of individual police being offed, they come down harder on the side of more police power both in their own communities (playing on racial fears when black people off white cops) and in black communities, to keep down the crime wave.

All this is not to deny that military organization against the police will be necessary in the revolutionary struggle. What it does say is at the present time, given the low level of political struggle and political organization especially, such advocacy of military struggle is really premature. It rests on an incorrect analysis of the strength of revolutionary organizations (it overestimates their strength) and of ruling class organizations (it overestimates their long range strategic effectiveness and underestimates their short range tactical effectiveness, both political and military).

C. Transitional Demand Strategy: Community Control of the Police

The demand for community control of the police is a transitional demand because it fundamentally effects the power relationships in a city: it places the power of enforcing (or not enforcing) the laws in the hands of the people, who are overwhelmingly working class, rather than in the hands of the ruling class.

Community control of the police should not be confused with a ruling class strategy for simply diffusing administrative power in the police department, that is, decentralization of the police force in a city. This is simply an internal structural change in police administration which would give local police authorities in a particular geographical area, more power over police policy than they have now. From the ruling class perspective, decentralization, except on minimal levels is unfeasible because of centralized computerized information, budget, training, etc. From our perspective, it doesn't deal with the issue of control by the people at all.

III. HOW, UNDER CAPITALISM, CAN COMMUNITY CONTROL OF THE POLICE BE EVEN PARTIALLY IMPLEMENTED?

A. Preconditions for implementation

1. There must be a race, class and age analysis of what is meant by "community." A community controlled police force in Grosse Point would look and act differently from one in a predominantly wallaceite community; which would in turn look and act different from one in a bi-racial, transitional community; or from one in a predominantly black working class and lumpen community.

2. There must be a sufficiently large, radicalized electoral base in each of these communities, in order that such a demand could be even partially implemented. At the present time, the electoral process is the only way community control can be implemented, and be expected to last. (Which brings out all the contradictory aspects of "winning elections" as a means to political power.

3. There must be sufficient radical organization in each of these communities to ensure that the local police force wont come out looking even more reactionary than it presently is; and the radical organization must be cohesive enough to be able to stay together and exercise power between elections.

B. Implementation of Community Control of Police

(The following program is general; it needs to be adapted to local conditions.)

1. City must be divided up into geographical areas that are basically homogeneous along at least class and race lines. Probably our sub-communities are best guide for this.

2. People in each sub-community elect, on the basis of program and politics, a community police-control board of non-police citizens.

3. Police control board would have responsibility for establishing guidelines and for recruiting police out of residents of that community; of developing policy guidelines for police behavior in that community; for hearing and acting on complaints from citizens in that community about police behavior; and for disciplining, suspending or firing such police if necessary.

4. Police in each community would have contracts with the police community control board. The contract would be temporary when they are first hired, lasting no more than one year. It would remain provisional, that is, up for renewal each year, if a complaint is lodged against the cop and its accuracy verified -- regardless of its seriousness or action taken against the cop. (For serious action, the cop could be suspended, disciplined or fired before the contract expires.) If there are no complaints against the cop after the first provisional year, the next contract would be for two years. If there are no complaints within the next 2 year period, the contract next would be for three years. Three years would be the maximum length of any contract.

5. The community control board would be un-paid, and would function after regular working hours, but would probably have to hire one full time paid administrator, under strict supervision, to carry out its policies.

6. All community control board meetings, as well as all personnel records of cops, all policies and budget data, would be open to public scrutiny at all times.

7. Each community control board would elect one representative to city wide control board. Functions of the city-wide board are as follows:
 - a. determine overall budget requirements for total police departments.
 - b. determine allocation of budget and of police personnel to each community.
 - c. determine budget and personnel allocations to whatever centralized police functions: city wide investigation, crime labs, research data, etc. overall administration, is absolutely necessary.
 - d. determine uniform guides for cops salaries, regardless of community, dependent on responsibilities.
 - e. responsible for general training of cops: laws on arrests and weapons, use and abuse of weapons, concept of community control, general police investigation, etc.
 - f. accept and act on complaints by citizens which citizens dont feel are satisfactorily dealt with at community level. But community police complaints would stay at community level; i.e., the final arbitor over discipline of police is in the hands of the local community board.
8. Community board members would be up for re-election once every two years. A maximum amount to be spent for election propaganda would be set, probably no more than \$200 tops. If individuals wanting to run for election, didnt have the money, it would come out of local police community funds (if in a low income community, lots of folks didnt have the bread, the overall maximum would be much lower.) Anyway, basic propaganda would be verbal: community meetings, etc. General idea: candidates should not be individuals, but come from organized power blocs, on whatever level, from within each community.

IV° GIVEN THAT THE TRANSITIONAL DEMAND FOR COMMUNITY CONTROL IS NOT IMMEDIATELY REALIZABLE, WHAT REFORMS ARE POSSIBLE TO BRING SOME RELIEF FROM EXCESSIVE POLICE MISCONDUCT?

1. Every member of DPD must actually live, rather than simply maintain phony address, in the city of Detroit. Local addresses of cops should be matters of public record; if they aint doing wrong by the people, they got nothing to fear from folks knowing where they live.
2. Street and community patrol units should live in general geographical area where they patrol. If its a "high crime" area, especially with lots of heroin trade, this could work hardship on their families, but until the police stop busting users and small pushers and go after the wholesalers and financiers, their wives may have to share part of the responsibility for their husband's actions. (This may seem to be a anti-womens liberation position, but theres been too much bullshit about the poor widow of the shot down cop.) If a cop is concerned about his family, he'll make sure his actions serve to organize the community to protect his family rather than go after them in revenge.
3. STRESS should be completely abolished. So should use of plainclothes cops to entrap small pushers, homosexuals, or to act as agitators at rallies, or to entrap prostitutes.
4. Investigation, surveillance and wiretapping should be used only to go after top people in organized crime -- specially around heroin trade.
5. Police should stop enforcing "victimless crime" laws.
6. Cops should be required to wear badges or name tags on external clothes. Badge numbers or name tags should be visible from 6 feet away.
7. Off duty cops should not be armed under any circumstances.
8. Michigan laws and police manuals should be changed to make it illegal for cop to use gun in apprehending suspected felon. His gun should only be used if person draws gun, and then only to disarm person, but not wound his body. If person flees, let him get a warrant. No more street executions at any price.
9. Police manuals and practice should be changed to include right of any citizen, so long as he doesnt bodily interfere with an arrest, to observe bust, get cops badge number, and get name of person being busted, without any fear of arrest of the observer.
10. All police personnel files, policy statements, budgets should be public documents. They should be kept at agency other than the police department so folks can read and copy them without fear of reprisal.