The Beating of Rodney King

In many, but not all, Southern communities, Negroes complain indignantly about police brutality. It is part of the policeman's philosophy that Negro criminals or suspects, or any Negro who shows signs of insubordination, should be punished bodily, and that this is a device for keeping the "Negro in his place" generally.

—Gunnar Myrdal, *An American Dilemma*, 1941

I'm glad you asked that question [about allegations of police brutality toward minorities], but before I get into it, I might point out that in a study I once made of the factors that militate against public understanding of the police service I said that two of the factors were the criticism of the police by certain minority groups in order to distract attention from the high incidence of criminal activity within those groups and the practice of the press in magnifying police failures and in minimizing their successes or accomplishments.

—William H. Parker, Los Angeles Police Chief, interviewed by Donald McDonald, 1962

It all started when George Holliday brought home a camcorder, a Sony CCD-F77, on Valentine's Day, 1991. The thirty-three-year-old, recently married former rugby player, general manager of a local office of Rescue Rooter, a national plumbing company, hadn't had time to load it until March 2, the day before one of his employees was scheduled to run in the Los Angeles marathon. After setting his alarm for 6 A.M. so as to arrive in time for the race, Holliday went to bed early and was awakened at 12:50 A.M. by a blast of siren noise and screeching rubber. The racket was coming from Foothill Boulevard, the main thoroughfare of a middle-class, ethnically mixed Los Angeles exurb with a population about 60 percent Latino,
10 percent black, and the rest Asian and white. When Holliday, who is white, pulled the window shade aside, he could scarcely believe what he saw. The powerful spotlight of a police helicopter was shining on a white Hyundai surrounded by a half-dozen police cars. His first thought was, “Hey, let’s get the camera!”

The videotape Holliday shot showed a large black man down on hands and knees, struggling on the ground, twice impaled with wires from an electronic TASER gun, rising and falling while being repeatedly beaten, blow after blow after blow—dozens of blows, fifty-six in all, about the head, neck, back, kidneys, ankles, legs, feet—by two police officers wielding their 2-foot black metal truncheons like baseball bats. Also visible was a third officer, who was stomping King, and about ten police officers watching the beating along with a number of Holliday’s neighbors.

Actually, twenty-three LAPD officers responded to the scene (an interesting number in light of the later claim that the Department is severely understaffed to respond to emergencies). Four officers were directly involved in the use of force; two hovered overhead in a helicopter; ten were on the ground and witnessed some portion of the beating; seven others checked out the scene and left. Four uniformed officers from two other law enforcement agencies—the Highway Patrol and the Los Angeles Unified School District—were also there.

Both Holliday and Paul King, Rodney’s brother, tried to report the police abuse. Neither succeeded. When, on Monday morning, Paul King went to the Foothill station to report that his brother had been beaten, the officer at the front desk told him to wait. After waiting and growing impatient, Paul King returned to the desk. Finally, a sergeant came out of the back of the station and proceeded to give Paul King a bureaucratic hard time. The sergeant then left the room for about thirty minutes while Paul King, who had asked about procedures for making a complaint and had told the sergeant about the possibility of a videotape, waited impatiently.

When the sergeant returned, instead of addressing Paul’s complaint, he asked whether Paul had ever been in trouble. He told Paul that an investigation was ongoing, and that Rodney was in “big trouble,” since he had been caught in a high-speed chase and had put someone’s life in danger, possibly a police officer’s. The sergeant told Paul King to try to find the video, but at no time did the sergeant fill out a personnel complaint form. Paul King testified to the Christopher Commission that when he left Foothill Station, “I knew I hadn’t made a complaint.”

Holliday was busy on Sunday, the day he videotaped the beating. As he had planned, he took his videocam to the LA marathon, then to a wedding. On Monday, March 4, he telephoned the Foothill station, intending to offer his videotape to the police. He told the desk officer that he had witnessed the beating of a motorist by LAPD officers and asked about the motorist’s condition. The desk officer told him that “we [the LAPD] do not release information like that.” He neither asked questions about what Holliday had seen nor recorded a personnel complaint form as a result of Holliday’s call. The officer seemed so uninterested in Holliday’s information that Holliday decided to try another tack and called Channel 5 (KTLA) in Los Angeles. The station made arrangements with Holliday to bring the tape in, and it was broadcast Monday evening. CNN gave it national and international exposure, playing it repeatedly until it was seen everywhere in the world, from Tokyo to London to Zaire. The beating of Rodney King became the lead story for several days on the major networks as well, the most explicit and shocking news footage of police brutality ever to be seen on television.

In the ninety-second tape, viewers saw with their own eyes how a group of Los Angeles police officers could act out their anger, frustration, fears, and prejudices on the body of a black man who had led them on a high-speed chase. Like films of the police dogs in Selma or the clubs and tear gas of the 1968 Chicago Democratic Convention, the dramatic videotape gave new credibility to allegations of a sort that many people—including police officers—formerly dismissed as unbelievable. The tape was instantly etched in the memory of every American police chief who watched it and who knew that he or she could scarcely disregard its implications.

Shortly after the King beating occurred, Los Angeles Police Chief Daryl Gates condemned it as an “aberration.” Actually, the King incident was simply the most visible in a lengthy series of police atrocities involving a police agency that had itself become aberrational. Between 1987 and 1990, 4,400 misconduct complaints were filed against the LAPD. Of these, 41 percent were filed by blacks, who make up only 13 percent of the population. In 1989 Los Angeles paid out $9.1 million to settle lawsuits alleging police misconduct. In 1990 that figure had risen to $11.3 million for suits alleging excessive force, wrongful deaths, false arrests, negligence, misconduct, and civil rights violations. The Christopher Commission found that a significant number of LAPD officers “repetitively use excessive force against the public and persistently ignore the written guidelines of the Department regarding force” and that “the failure to control these officers is a management issue that is at the heart of the problem.” What made the King beating different from those earlier events was not the conduct of the police, but the presence of George Holliday’s video camera.

Most of those who lived in the south central sections of Los Angeles, like Watts, Inglewood, and Compton, knew this. Although the dam-
Above the Law

The Beating of Rodney King

age and the looting following the verdict could scarcely be justified by horrified viewers, many of whom were black, the origins of the riots could be traced to the history of tension and trouble between the police and black and Hispanic residents. "For many," New York Times reporter Seth Mydans wrote, "the riot was a simple message to the authorities and larger society. Treat us right. We've been pushed too close to the edge." Ervin Mitchell, a design engineer interviewed by Mr. Mydans, explained: "Young blacks and Hispanics have been persecuted, beaten and pulled out of cars because of stereotypes. We're tired of being treated like garbage. We're tired of living in a society that denies us the right to be considered as a human being."

No one felt this oppression more powerfully than Jessie Larez and his family. Their name may be unfamiliar to those who focused on the King verdict and its aftermath, but their experience perfectly illustrates why so many south central residents bore such hostility to the authorities.

In 1986 Los Angeles police obtained a warrant that authorized them to search the Larez home for a gun. The judge who issued the warrant had not included in it a "no-knock" authorization that would have allowed the police to make an announced forcible entry. Instead, the Larez warrant required the police to knock and announce their presence and, presumably, prohibited them from forcing their way in unless they were denied admission or waited fruitlessly at the door for a response of any kind. According to a unanimous panel of the United States Court of Appeals for the Ninth Circuit, however, officers from the LAPD's appropriately named "CRASH unit" conducted a 'crisis entry' which involved breaking the back windows of the house to create a diversion ostensibly aimed at making a front entry safer." The police did this at 7:00 A.M. on June 13, 1986, while Larez, his wife, and their seven children and grandchildren slept, some in beds and cribs directly beneath those windows. Once inside, according to the Court of Appeals' September 27, 1991 opinion, CRASH officers hurled Jessie across the room, grabbed him by the hair, forced him to lie down on the floor with his knee on Jessie's neck and handcuffed him. Police kicked him and smashed his face into the floor. The officers laughed and sneered: they told him they had him where they wanted him. At one point Officer Holcomb pointed his service revolver at Jessie's head and said to him, "I could blow your fucking head off right here and nobody can prove you did not try to do something." Officer Keller told Jessie, "we finally got you motherfucker." Jessie sustained a broken nose during the incident. His knees required arthroscopic surgery, and neck surgery was recommended to alleviate the headaches which have persisted since the incident.

Police yelled to [Larez's daughter] Diane to "get up here with that fuck-

ing baby." Upon approaching, she was seized by her waist-long hair and arm and thrown face first to the floor where she, too, was handcuffed. Upon lifting her head to instruct a family member to take her baby away, Officer Keller grabbed Diane's hair and banged her head to the floor, demanding that she "put [her] fucking face on the floor."

[Larez's son] Katsumi, who was sleeping in his room attached to the garage at the time of the search, was woken [sic] when his door was kicked in by police. An officer pointed his gun at Katsumi and shouted, "I'll blow your fucking head off." He was taken to the living room where he and his brother Frank, like Jessie and Diane, were also prone out on the floor and handcuffed. Katsumi was kicked in the head and side by Officer Holcomb.

The police left the Larez home "turned upside down." Pots, pans, and dishes had been taken from their cabinets and thrown to the floor, and various objects kept on the bar, as well as the VCR, had been thrown on the TV room floor. Katsumi's room looked as if a "hurricane [had] whipped through it." [Son] Albertdee saw beds turned over, clothing in heaps on the floor, broken crockery in the kitchen, and broken windows. His bedroom posters had been ripped from the walls, his punching bag had been cut open, and his plants had been dislodged from their pots. Jessie's prized Japanese albums, obtained while he was stationed in Japan [more than thirty years before], were broken by the [police]. Other broken items included a pitcher, a crockpot, a figurine, a dish, a vase, a music box, a lamp, a rice cooker, a coffee pot, wall paneling, a clock, a sliding glass door, picture frames, and a camera lens.

Despite the rigor of their search, the CRASH officers found no gun in the Larez home. No member of the family was charged with any offense related to the gun CRASH allegedly believed was in the house. Still, the police did not leave empty-handed: Jessie was arrested for battery on a police officer, a charge that was dismissed after trial. The police arrest report notes that Jessie, a fifty-five-year-old disabled veteran, was wearing "no shs, blu pajamas," and that he "received M.T. [medical treatment] at Jail Division for a small cut on the bridge of his nose and on the corner of his rt eyebrow, no stitches required." The report includes no mention of other injuries or damage. Jessie's son Eddie also was arrested on unspecified grounds for violating the terms of his parole. According to the Ninth Circuit:

Jessie lodged a complaint with the LAPD. The department's Internal Affairs division assigned a CRASH detective not involved in the Larez search to investigate the complaint. In a letter signed by Chief Gates, Jessie ultimately was notified that none of the many allegations in his complaint could be sustained.
Outraged, Larez then filed suit against the six CRASH officers, the LAPD, and Chief Gates. When his case came to trial in 1988, one of us gave expert testimony on Larez’s behalf. The LAPD investigation of Jessie Larez’s complaint, Fyfe testified, was riddled with “a lot of holes,” as were two years’ worth of citizens’ complaint investigations reviewed in connection with an earlier civil rights suit against LAPD. In these LAPD cases, Fyfe said on the witness stand, whitewashes were so frequent that, regardless of the seriousness or nature of complainants’ injuries, “something has to be done on film for the department to buy the citizen’s story.”

The King incident was, of course, electronically memorialized by the amateur cameraman George Holliday and precipitated a national investigation by the Department of Justice and by the U.S. Congress of complaints against police. Within the city of Los Angeles, at least three major investigations were initiated—an internal investigation by the Los Angeles Police Department, another by the Police Commission, and a third by an independent commission formed by the merger of two groups appointed by the mayor and the police chiefs. This last, headed by a Los Angeles attorney and former State Department official, Warren Christopher, wrote of the difference made by the taping of the King incident:

Our Commission owes its existence to the George Holliday videotape of the Rodney King incident. Whether there even would have been a Los Angeles Police Department investigation without the video is doubtful, since the efforts of King’s brother, Paul, to file a complaint were frustrated, and the report of the involved officers was falsified. Even if there had been an investigation, our case-by-case review of the handling of 700 complaints indicates that without the Holliday videotape the complaint might have been adjudged to be “not sustained,” because the officers’ version conflicted with the account by King and his two passengers, who typically would have been viewed as not “independent.”

As information accumulated about the Rodney King episode, testimony about what happened became wildly contradictory. Both the Christopher Report and portions of a 314-page LAPD Internal Affairs report show wide differences of opinion about how King acted during the pursuit and after he stepped out of his car. The California Highway Patrol officers who first attempted to stop King for a traffic violation reported that King fled from them at “110 to 115 m.p.h.” The Christopher Commission and others have suggested, however, that such speeds are about 20 miles per hour faster than can be squeezed out of a Hyundai like King’s.

Some of the officers said that King, who suffered multiple injuries and bone fractures after repeated blows, displayed “superhuman strength” and resisted arrest when he first got out of the car. Sergeant Koon said that King had not responded to a torrential number of blows, leading Koon to fear that he would have to shoot or choke King. That was when he instructed his officers: “Hit his joints, hit his wrists, hit his elbows, hit his knees, hit his ankles,” and, Koon told investigators, “that’s what they did do, they did exactly as I told them to do and exactly as they’re trained.”

Several of the officers reported that they had undergone baton training that night before going out on patrol. One of them, rookie officer Timothy Wind, according to Officer Rick Distefano, “demonstrated excellent technique and made contact in all the right places on the practice board.”

Yet at least two of the bystanding officers saw no need for the vicious beating. Officer Melanie Singer of the California Highway Patrol, for instance, said she believed King was trying to comply with the officer’s commands when he was beaten. “King did not aggressively kick or punch the officers,” she said. “He was merely trying to get away from the officers.” Similarly, Officer Ingrid Larson, who had been out of the Police Academy only five days, said that “King did not appear to be combative, but merely used his arms to block the baton strikes.” Paramedics who arrived on the scene also testified that King appeared to be coherent and was not acting violently.

On May 12, 1991, a guest editorial in the Los Angeles Times called for the resignation of Chief Daryl Gates. Published more than two months after the incident, this was not the first op-ed piece to call on Gates to resign. What was surprising was the identity of its author, the same Sergeant Stacey C. Koon who had been in charge at the Rodney King beating. Indicted and suspended without pay, Koon said he wrote the commentary to protest Chief Daryl Gates’s handling of the incident, in particular his firing of rookie officer Timothy Wind, one of the indicted four. The editorial suggests that the Chief let the officers down, that he felt “justified to abuse the foundations of the organization to save the organization.” Koon’s essay became national news. Patrick Thistle, attorney for one of the indicted officers, was asked by CBS Evening News (May 12, 1991) to comment on Koon’s call for Gates’s dismissal. “The LAPD has always stressed that they are a loving, caring family,” said Thistle. “I think these officers believe that the family has treated them like they are not a member of the group.”

The cops on the scene were responding to a code they believed in and considered to be moral. The code decrees that cops protect other cops, no matter what, and that cops of higher rank back up working street cops—no matter what. From the perspective of the indicted cops, Daryl Gates betrayed the code. Sergeant Koon was, in effect, alleging that Chief Gates
was changing the unwritten rules, and consequently undermining the tradition of the organization.

Police department traditions and the norms police live by are sustained by street incidents. When cops brutally beat prisoners and others who challenge their authority, they must have learned from their fellow officers that such conduct is acceptable and will be protected from the top down; when they do so in public, they must understand that their immunity is virtually ironclad.

Mike Rothmiller, a former LAPD detective, recently told the story of his life in the department to writer Ivan G. Goldman. He describes a department where racism and spying were accepted and often even encouraged. So was lying on police reports:

Again and again Rothmiller watched cops decide for themselves who was guilty, and then weave a spell over the arrest report to make it match their perceptions. Most of the arrest reports he encountered were doctored in some way—facts deleted or invented. It wasn’t exactly the frontier justice of a lynch mob, but it wasn’t justice either. It was just the way things worked.¹¹

Police chiefs know about these unwritten messages. Brutality is an occupational risk of a profession that rides with danger and is trained and authorized to use force, even deadly force. Chiefs know this, and they know they cannot absolutely control their officers’ behavior. Yet the best chiefs avoid any signal that excessive force is excusable or that any group of people is a legitimate target.

When brutality is alleged, good chiefs investigate thoroughly and objectively. When brutality is found, examples are made of those who committed it, those who failed to stop it, and those who covered it up. When brutality remains undiscovered in a well-run police department, it is because a few officers have managed to keep the incident a deep, dark secret. But there is no secretiveness in the Rodney G. King videotape. Officers and citizens alike could and did watch the beating. Officers—including a supervisor and, apparently, a watch commander—could joke about it in computer conversations they knew were being recorded. For these officers, the threat of review and censure by higher authority was nonexistent: after all, their comments memorialized their actions only on their department’s electronic records, rather than on a citizen’s videotape. In Los Angeles, the indictments and suspensions came as a shock to the involved officers. They expected the Chief to back them up, as he doubtless had done in the past. But the tape made that impossible, and they were grievously disappointed.

The four Los Angeles cops who beat King were indicted by a grand jury on serious felony charges, and appeared to face a bleak future of imprison-
POLICE AND FORCE

Long before the riot probes and trials and the political conflicts within the city of Los Angeles are ended, police chiefs all over the country, however complacent they may have been about such abuses in the past, will have warned their rank and file that such conduct will not be tolerated. After the King beating, New York’s Police Commissioner Lee P. Brown, then also President of the International Association of Chiefs of Police, in concert with a dozen other police chiefs, called on the federal government to develop a system for gathering information on the use of excessive police force. “The problem of excessive force in American policing is real,” Commissioner Brown said. “It is, in part, related to the nature of the difficult challenges faced by the police in our urban centers. Regardless of its cause, it cannot be condoned and must be actively countered by concerned professionals.”

Clearly, more and deeper questions need to be raised about the nature of police violence, its centrality to the role of the police, and its prevalence. Obviously, it is nothing new. Part of the paradox of policing is that police are supposed to use necessary force. As anybody who has ever called a cop knows, police intervention is grounded in a round-the-clock capacity to take decisive action in handling all kinds of emergencies and to employ force where it is needed.

One leading police scholar, Egon Bittner, has even proposed that it makes sense to think of the police “as a mechanism for the distribution of non-negotiable coercive force employed in accordance with the dictates of an intuitive grasp of situational exigencies.” The question remains, however, as to how much force is justified and in what situations. Certainly, force is sometimes appropriate—that’s why cops carry batons and guns. Police should not be labeled “brutal” simply because they employ forceful measures. Taken alone, a charge of brutality should not be regarded as evidence of guilt. After the Los Angeles riots, such a false charge was made by an ex-convict in Berkeley. The officer who was charged could prove that he was issuing a traffic violation ticket in another part of the city at the time the purported “victim” claimed to have been beaten. Yet the charge set off a protest march by indignant citizens who believed the allegations without hearing all the evidence.

Still, well-founded allegations of brutality following police vehicle pursuits are all too familiar. Florida’s terrible Liberty City riot in 1980 had its roots in a fatal police beating at the end of a police chase and subsequent cover-up attempt. Indeed, long before the King incident, one veteran Los Angeles officer told Fyfe that he had never seen a police chase that did not end with at least a black eye delivered to the subject of the chase. What is it about these events that seem to generate such police rage?

Both authors have had long experience with police. During our years in police cars, we have been at the cop’s end of more than thirty high-speed chases. Younger cops, hotshot cops, aggressive cops, relish the exhilaration of these pursuits. People who haven’t ridden in patrol cars for a full shift cannot appreciate how tedious policing can be even in the world’s most crime-ridden cities. Patrol policing, like military combat and the lives of cowboys, consists mostly of periods of boredom, broken up by interludes of excitement and even of terror. For police, a chase is among the most exciting of all work experiences: the sudden start of a chase is a jolt not unlike that experienced by the dozing fisherman who finds suddenly that he has a big and dangerous fish on the other end of his line.

More than representing excitement, the high-speed chase dramatizes two crucial elements of the policing enterprise: capturing daring criminals and meeting challenges to police authority. Anyone who speeds on a highway or, even worse, on city streets imperils other drivers and pedestrians. Those who speed with the intention of eluding police are, by definition, audacious and dangerous. The escaping driver is often believed to be a felon and—on rare occasions—may turn out to be a person who either has a cache of drugs in his car or has committed a serious crime. When the driver has passengers, as Rodney King had, he is thought to be even more dangerous. Such a driver, when captured, is rarely treated with consideration. He may be pushed, shoved, verbally assaulted, and tightly cuffed.

By now, however, police have learned from both experience and scholarly studies that most motorists who flee from them are not, in fact, threatening offenders. Instead, like King, fleeing motorists typically are troubled young men with bad driving records whose ability to reason has been altered by drugs or alcohol. But regardless of how relatively minor the violations that lead to their flight, fleeing motorists commit a cardinal sin against the police: instead of submitting immediately, they challenge the police and attempt to escape their pursuer’s authority. In so doing, in the eyes of police officers accustomed to motorists and other citizens who not only submit immediately to police authority but even check their speedometers in the mere presence of police cars, fleeing motorists become prime candidates for painful lessons at the ends of police nightsticks.

Still, taking all that into account, everyone who watched the LA cops beat and kick Rodney King knew (intuitively, one might say) that the force used was not justified even as a reflexive striking out, that it went far beyond this. As the classical sociologist Emile Durkheim taught, we live in a society of shared moral norms, and we are presumed to know their bound-
aries. Two officers are seen beating a downed suspect with their nightsticks, even though he has already been hit with an electronic stun gun, has been subdued, and is no longer dangerous. Another officer joins in to kick the fallen man.

Los Angeles Mayor Tom Bradley, a former police officer, said he found the beating “shocking and outrageous.” Chief Daryl Gates reviewed the videotape and said that he was “sickened” when he saw it. So did the President of the United States.

After the Simi Valley verdict of acquittal, in a prime-time speech to the nation on May 2, 1992, President Bush said, “What you saw and I saw on the TV video [of the King beating] was revolting. I felt anger. I felt pain. I thought, ‘How can I explain this to my grandchildren?’”

“Viewed from the outside,” he continued, “it is hard to understand how the verdict could possibly square with the video.” In a USA Today poll, 86 percent of white Americans and 100 percent of black Americans answered that the King verdict was “wrong.” Decidedly few voices were raised praising the conduct of the LA police in the King incident—in contrast to some of the responses to the flagrantly violent Chicago police conduct during the 1968 Democratic Convention, where the police conduct was said by some to have been provoked.

“The LAPD Mentality”

But if the brutality of Rodney King’s beating was self-evident to everyone who watched it, why weren’t the cops who beat and kicked him sickened? Were they as individuals beyond the pale of the moral understandings expressed by the Mayor, by the President, eventually by Chief Gates himself, and by virtually everyone else who saw the incident? Had they gone berserk? How about the cops who watched? Did they have defective personalities? Hardly. Two or three cops can go berserk. Maybe the cops who administered the beating were especially aggressive and insensitive. But when twenty-three others are watching and not interfering, the incident cannot be considered “aberrant,” as Chief Gates initially suggested.

The incident and its cover-up must be seen in light of the overall philosophy of aggressive policing that began to dominate the LAPD when William Parker became its chief more than forty years earlier. In testimony before the Christopher Commission, Assistant Chief David Dotson said that LAPD clung to a 1950s version of tough policing:

We reward our people—our field people, the people that got us here to this [Commission] meeting—we reward them for what we call hardnosed, proactive police work. We want them to go out and identify criminal activity and stop it, either before it occurs, or certainly, after it occurs, we want to go out and determine who the criminals were who perpetrated this particular act and get them into jail.

... We expect people to go out and aggressively identify people, and investigate them, and that puts these police officers in the middle between what we evaluate them on and what they are able to do legally.16

The dominance of this philosophy—in Chief Gates’s terms, the “LAPD mentality”17—suggests that King’s beating could scarcely have been an isolated incident. More than twenty LAPD officers witnessed King’s beating, which continued for nearly two minutes. Those who administered it assumed that their fellow officers would not report the misconduct and were prepared to lie on their behalf. In this respect, police brutality is like police corruption—there may be some rotten apples, but usually the barrel itself is rotten. Two cops can go berserk, but twenty cops embody a subculture of policing.

The written rule is clear: cops are to use no more force than is necessary to subdue a suspect. Where a departmental subculture condoning brutality prevails, the unwritten rule is: “Teach them a lesson.” Santa Ana’s former police chief, Raymond Davis, who, unlike his successor Paul Walters, was appalled by the King beating, told us that he had once visited the Ramparts Station of the Los Angeles Police Department and saw a sign on the wall that read: “Burglars Beware! Make Sure Your I.D. is Valid So We Will Know Where to Notify Your Next of Kin.” Such expressions of cop humor, he said, send a transparent message about a police department’s values, especially to rookie cops.

The King videotape confirms how these values play out on the street. More important than the beating was the passive witnessing by the other cops and the semi-jocular conversations on the police computer network. Sergeant Stacey C. Koon, who was the supervising officer on the scene of the King beating, reported by computer to the commander of his watch that “U (patrol unit) just had a big time use of force . . . tased and beat the suspect of CHP pursuit, Big Time.” The response from the police station was, “Oh well . . . I’m sure the lizard didn’t deserve it . . . HAHA I’ll let them know OK.”18 All the officers involved—those who beat, those who watched, and those who talked afterward—had to be confident that their colleagues would remain silent or lie about what really happened and, further, that the Department would believe the officers and reject any citizen’s description.

Four days after the incident, Daryl Gates held a press conference in a stuffy, overheated conference room jammed with seventeen television cameras and more than seventy members of the news media. It was here
that he began his defense of his department and his record as chief by announcing that four officers would face criminal charges, and that the others who watched and did nothing could face administrative punishment.

"I preach—I mean I really preach—to every single person who graduates from the Police Academy about the law and their need for a reverence for the law," Gates said. "What they should have done, if they really loved their brother officers [was to] have stepped in and grabbed them and hauled them back and said, 'Knock it off!' That's what the sergeant should have done [and] that's what every officer there should have done."20

The news conference was contentious. Many of those present indicated by their questions that they did not believe Gates. Over the years he had made a number of highly publicized remarks, famous among Los Angeles reporters, suggestive of racial insensitivity, if not bias. A few months after Gates became police chief in 1978, he had offended Latinos by saying that some Latino officers were not promoted because they were "lazy." About two years later he drew complaints from women after he described a local television anchor woman as an "Aryan broad." Many Jews were angered when, in 1982, the press obtained an in-house report suggesting that the Soviets were sending criminals disguised as Jewish immigrants to disrupt the 1984 Olympics. Gates again angered Latinos by referring to the killer of a policewoman as a "drunken Salvadoran."21 Nine years earlier, in his most widely publicized intemperate remark, he had said that "some blacks" may be more susceptible than "normal people" to police officers' use of a potentially fatal chokehold (which has since been banned). For this remark, the Police Commission publicly reprimanded Gates, and Esquire magazine honored him with one of its "Annual Dubious Achievement" Awards. In 1991 he won a second Dubious Achievement Award for appointing a panel to study reinstating the chokehold in the wake of criticism about the use of batons and the TASER in the King incident. After the King beating, Gates declared that, "in spite of the fact that he's on parole and a convicted robber, I'd be glad to apologize."22

Given this background, besides raising questions about the King beating, reporters challenged the Chief about a number of incidents involving officers and blacks over the years—even about the 1979 shooting of Eulia Love, a black woman who was killed by officers after she was said to have been ready to throw a knife at them. Officers had gone to the Love home after she was reported to have struck a gas company employee who was shutting off her service because of an unpaid $22.09 gas bill.

More recent incidents were also raised. One involved Hall of Fame baseball player Joe Morgan; another, former Lakers basketball star Jamaal

Wilkes. Morgan collected $540,000 in damages after he complained in federal court that he was roughed up by a police officer who mistook Morgan for a drug courier. Wilkes was pulled over on his way home from work, ordered out of his car, and handcuffed by officers who gave conflicting reasons for having stopped him.

**MISTRUST OF THE LOS ANGELES POLICE**

The questions at the press conference reflected a broad mistrust of the Los Angeles Police Department and other Southern California law enforcement agencies on the part of minority citizens and their representatives. Gregory J. Boyle, a Jesuit priest and Pastor of Dolores Mission Church in Boyle Heights, wrote in the Los Angeles Times that while most citizens were "stunned and uncomprehending" after viewing the tape of Rodney King being beaten by police officers, the members of his parish, a mostly black and Hispanic working-poor community east of downtown Los Angeles, experienced "grim memories of common and unchecked police brutality." Father Boyle criticized Chief Gates and others who interpreted the incident as an isolated event. "Most people of color," he wrote, "can recall such an incident happening to them or to a family member or neighbor."22 That kind of recollection helped precipitate the riots after the Simi Valley acquittal.

But by the time of the trial, everybody who read newspapers and watched television should have known about the racism of the LAPD. The Christopher Commission's investigation affirmed Father Boyle's criticism, and was widely reported. Even within the LAPD, a survey of 960 officers found that about one-quarter of the 650 responding officers agreed that "racial bias (prejudice) on the part of officers toward minority citizens currently exists and contributes to a negative interaction between police and community."23 Shortly before Officers Laurence M. Powell and Wind beat Rodney King, they had, it was reported, responded to a domestic disturbance call involving an African-American family. Using their in-car computer terminal, the officers subsequently informed their radio dispatcher that the call was "right out of Gorillas in the Mist." The message was returned with a remark that mimicked African-American dialect: "hahaha... let me guess who be the parties."

A Los Angeles Times poll of March 10, 1991, found that most Los Angeles residents maintained confidence in the department's crime control capacities but distrusted the police. Eighty-six percent said they had seen the oft-televisioned videotape showing King being beaten and clubbed by uniformed officers. King said that when he pulled his car over, he cooperated
with police instructions, but the cops said he acted menacingly. A majority of those polled believed King. Among black respondents, 78 percent declared belief in King’s version, while only 2 percent said they believed the police. Still, and regardless of whether they believed King, 92 percent of all respondents thought the arresting officers had used too much force against King.

Of more interest is the public perception of whether the beating of King was an isolated incident. Sixty-three percent of those surveyed said that brutality was common; 28 percent answered “very common” and 35 percent “fairly common.” When broken down by ethnicity, however, the responses did vary considerably. Among Anglos, only 19 percent said it was very common and 39 percent fairly common. Among Latinos, 33 percent said it was very common, while 27 percent regarded it as fairly common. Among blacks, the breakdown was 44 and 36 percent, confirming Father Boyle’s report of the perceptions held within the African-American community.

Those perceptions were likely shared as much by the Los Angeles Sheriff’s Department as by the LAPD. In December 1991, the Board of Supervisors of Los Angeles County appointed sixty-seven-year-old, retired Superior Court judge James G. Kolts, a Reagan appointee with a reputation as a law-and-order judge, to review “the policies, practices and procedures of the Sheriff’s Department [especially] as they relate to allegations of excessive force, the community sensitivity of deputies and the Department’s citizen complaint procedure.” The Kolts Report to the Supervisors was released in July 1992, and its findings shone a harsh new light on law enforcement throughout Los Angeles County. “My staff and I,” Kolts wrote in the introduction, “found deeply disturbing evidence of excessive force and lax discipline. The LASD has not been able to solve its own problems of excessive force in the past and has not reformed itself with adequate thoroughness and speed.” Samuel Pillsbury, a professor at Loyola Law School, suggested in a Los Angeles Times Op-Ed column (July 22, 1992) that maybe the “loudest and wildest critics of criminal justice in Los Angeles have been right—or at least more right than we ever imagined.”

The practices and communications employed in the so-called war on drugs have reinforced such mistrust. The drug war in Los Angeles focuses on paramilitary operations—sweeps, roundups, and battering rams. As Anthony Bouza, the former Minneapolis Police Chief, noted in a speech following the beating of Rodney King, such measures are “sure to lead to abuses and repression.” Mistrust and hostility predictably follow upon abuse and repression.

THE BRUTALITY BAR

The aggressive policies of Los Angeles’s law enforcement agencies have been accompanied by a rise in complaints. Karol Heppe, executive director of the Los Angeles Police Misconduct Lawyers Referral Service, reported that of the 2,624 complaints she received in 1990, 616 were against Los Angeles police officers, eight of whom were assigned to the Foothill Division, where those who beat King were stationed. In the first two months of 1991, the Lawyers Referral Service received 531 complaints, of which, according to Heppe, 127 were against Los Angeles police officers, seven of whom were assigned to the Foothill Division. The nearly $21 million in settlements and court awards in excessive force cases filed against the Los Angeles Police Department from 1986 through 1990 does not include interest and attorneys’ fees, which can be “staggering,” according to Gail Diane Cox, who interviewed members of the “brutality bar” for Los Angeles Magazine.

Unlike personal injury cases, where lawyers receive 30 to 40 percent of any award, most brutality cases are filed under the federal Civil Rights Act, which provides that reasonable attorney’s fees be awarded to victorious lawyers, regardless of the size of the award to the client. Given this incentive, lawyers have annually filed some 200 to 300 lawsuits against the LAPD since 1986. In 1990, fifty-eight of those went to trial (many were settled out of court), and the city attorney reports winning all but seventeen. Bruntality litigation is costly both to the city and to the involved lawyers. When the lawyers lose, they and their firms must absorb the cost. But when they win, they win big, or at least big enough to sustain a practicing “brutality bar.”

The Rodney King videotape encouraged brutality bar lawyers to think big. Indeed, Stephen Yagman, the Larez family attorney, welcomed the Ninth Circuit’s reversal of the $175,000 verdict he won against Chief Gates in that case. Noting that the judgment had been reversed on a technicality, Yagman said that he relished the chance to retry the case in this post-King era: “Gates got what he wanted,” Yagman said, “He won a reversal because the trial judge let into evidence a damaging newspaper article without allowing the city’s lawyer to examine the reporters on what Gates said. Now we get to retry the case with exactly the same evidence—plus the reporters’ testimony. Gates got ‘The Monkey’s Paw.’ He won his appeal and made this a million dollar case.”

John Burton, another member of the Los Angeles brutality bar, gained prominence in 1988. As the lead counsel of a team of ten Referral Service lawyers, Burton sued over an incident in which dozens of LAPD officers
ran wild and trashed four apartments in a drug raid. So totally were the apartments damaged, and so extensive the injuries, that the Red Cross had to send aid. In February 1990 Burton and his team won a $3.4 million judgment, giving his fifty-five clients awards that averaged $60,000 each. In 1992 Yagman won a settlement in the $600,000 range for the landlord. Burton is involved in the King case, representing Bryant Allen, one of the two passengers in King’s car. Like Yagman and other brutality bar lawyers, Burton has recently been thinking very big about legal fees. According to him, those who run police departments are going to have to make some major changes, “or else we are going to get very rich.”

IS BRUTALITY ON THE RISE?

Despite the current publicity given to police brutality, we believe that it has diminished in the past fifty years, even in the past twenty. We need to recall how much worse, how routine, police brutality used to be. Most Americans, even those of middle age, have grown up in an era in which Warren Supreme Court decisions, such as Miranda v. Arizona, are taken for granted. But Miranda was decided in 1966, not so very long ago.

A number of the cases decided by the U.S. Supreme Court have involved actual or threatened physical brutality or deprivation at the hands of the police. Suspects have been whipped, slapped, threatened, and deprived of food or water. Others have been subjected to extended periods of police interrogation. Psychological coercion used to be common. In one case a police psychiatrist posed as a general practitioner brought in to relieve an acutely painful sinus condition. In another, a policeman who was a close friend of the defendant told him that unless he confessed the policeman would be in deep trouble—would be fired—and that his wife and family would suffer.

Robert Fogelson, a leading historian of American police, observes that the Los Angeles police in the 1930s joined forces with the American Legion to prevent various left-wing and liberal groups, from the John Reed Club to the ACLU, from holding meetings in and around Los Angeles. Similarly, a few years later, when a large and orderly crowd gathered in Harlem to demonstrate against the trial of the Scottsboro Boys, New York City detectives tossed several tear gas canisters to break up the crowd. Still later in the 1930s, a vast but peaceful crowd tried to organize a picket line around a Republic Steel factory. Chicago cops, armed with revolvers, clubs, and tear gas, killed ten and wounded nearly a hundred of the picketers. “Although far from conclusive,” Fogelson writes, “the evidence seems to indicate that the big-city police were probably less repressive in the mid-1960s than in the late 1920s and early 1930s.”

Nevertheless, the commissions investigating the riots and civil disorders of the 1960s found that police routinely used excessive force, especially against blacks. “Negroes firmly believe,” the National Advisory Commission on Civil Disorders wrote in March 1968, “that police brutality and harassment occur repeatedly in Negro neighborhoods. This belief is unquestionably one of the major reasons for intense Negro resentment against the police.”

Yet significant change has occurred in a number of police forces in the past twenty years. Those who work in organizations—whether IBM, McDonald’s, or the FBI—reflect the values of their organization’s leadership. This is especially true of police departments, because of their paramilitary character. Indeed, Gerald Uelman, a legal scholar, found that rates of police shootings in Los Angeles area police departments had more to do with individual police chiefs’ personal philosophies and policies than with rates of crime and violence. The chief who is interested in reducing use of force to a minimum must therefore make it absolutely clear that excessive use of force is not acceptable. Beating a prisoner should be a firing offense, and the best police chiefs make sure it is.

One impediment to police progress in controlling use of force is that even the police and some of their most sophisticated critics frequently fail to distinguish between brutality and unnecessary force. Brutenal is a conscious and venal act committed by officers who usually take great pains to conceal their misconduct. Usually, as in the case of the King beating, it is directed against persons of marginal status and credibility. And in an era notable for its high fear of crime, juries, who understand that cops routinely undertake risky and protective work, are reluctant to convict police without compelling evidence. Consequently, in the absence of videotapes or other objective recording of gratuitous violence, brutality rarely causes public controversy and is extremely difficult to prove.

Except for the immediate family and some friends and associates, nobody was much concerned about the Larez incident, for example, until the jury hit Chief Gates in his pocketbook. Even then, Los Angeles Mayor Tom Bradley and the City Council expressed no distress about what had happened in the Larez house, uttered no apology to the family, and took no action to discipline the officers involved. Instead, Bradley complained that the verdict against Gates would have a chilling effect on law enforcement and asked the Council to indemnify Gates for his liability. The Council agreed to pay it.

When brutality is the isolated act of individual officers or small groups
of officers, it must be rooted out harshly. When, as apparently occurred in Los Angeles, it is committed with impunity in the presence of an audience of police officers, it reveals a deviant organizational culture that must be changed.

Unnecessary force, by contrast, is usually a training problem, the result of ineptitude or insensitivity, as, for instance, when well-meaning officers unwisely charge into situations from which they can then extricate themselves only by using force. Hasty cops who force confrontations with emotionally disturbed persons and who consequently must shoot them to escape uninjured have used unnecessary force. Because such officers typically neither plan nor intend to hurt anybody, their acts usually are quite public and sometimes are quite controversial. But however tragic the outcomes of their misconduct, their actions and motivations—and the cures for them—differ from those that apply to the beating of Rodney King. Unnecessary force may be a good-faith police mistake. Good faith plays no part in brutality.

**POLICE AND THE PUBLIC**

Perhaps the most significant explanation of the probable decline in police brutality is the increasing political power of minorities in many of the cities that experienced riots in the 1960s. This power has helped to elect a new cast of politicians and has led to the appointment of police chiefs who project a set of values more sensitive to the needs and wishes of inner-city communities. Such chiefs send a clear message that brutality will not be tolerated. San Jose, California, had a reputation for police brutality until Joseph McNamara was brought in from Kansas City as police chief and restored the community's confidence in the department. Santa Ana had a "kick ass and take names" policing stance until Raymond Davis became chief and cemented relations with the growing Spanish-speaking community. Houston had a notorious reputation as a gunslinger-speaking community. Houston had a notorious reputation as a gunslinger-police force until Lee P. Brown, later to be appointed New York's police commissioner, was recruited by a woman mayor to be police chief. Brown turned the Houston department into one of the nation's most professional and innovative, and the Houston cops began to respect themselves. Despite Brown's competence and best efforts, however, even he could not eliminate brutality. One of his last official acts as he left office in Houston was to fire four officers who had shot and killed two citizens in separate events that began as minor traffic incidents.33

Until June 3, 1992, Los Angeles was politically unique as the only major police department in the United States to retain civil service protection for its chief. The voters, who had overwhelmingly lost confidence in Daryl Gates and his police department, supported a charter amendment to make the chief and other civil servants accountable to the Mayor. Charter Amendment F, which passed by a two-to-one margin, gives City Hall more power to remove the chief of police and limits the chief's tenure to two five-year terms. Even more important, the department's complex officer accountability system will change profoundly under Charter Amendment F. Officers will be subject to demotion as a possible punishment; the time period during which misconduct complaints can be made and investigated will be extended; and disciplinary boards will be allowed to consider patterns of old complaints against officers, even if the complaints could not individually be substantiated. While this last provision may appear draconian, it is not. In the absence of an objective recording—such as the King tape—the evidence in most citizens' complaints against officers consists only of the contradictory statements of the parties involved, so that the complaints cannot be resolved. In the LAPD, as in most other large agencies, a small number of officers account for a disproportionately large number of such "Yes, you did! No, I didn't!" swearing contests. Until the referendum, those patterns of past alleged misconduct could not be taken into account in determining what to do with officers found in more recent investigations to have engaged in abusive conduct. In short, the LAPD will now be authorized to use smoke in its search for the fire of excessive police force.

Even more significant than this new authority will be the addition of a civilian to the department panels, called "Boards of Rights." Hearings before them are usually reserved for more serious cases that could result in penalties harsher than twenty-two-day unpaid suspensions. In 1990—the last full year for which figures were available—only eight-five cases of the 1,699 investigated by the Internal Affairs Division went before a Board of Rights.34 In police departments generally, however, any suspension without pay, even for a few days, is considered a serious penalty, since it can influence future career opportunities. Warren Christopher, the lawyer and former diplomat who led the special investigation of the LAPD after the beating of Rodney G. King, was also an architect of the complex Charter amendment. After the measure passed, Christopher described the disciplinary changes as "a critical aspect" of the measure, but they received little attention during the campaign because they are complicated and difficult to explain to voters, who mainly responded to the Chief's accountability and tenure provisions.35

Civil Service protection for the police chief may have been a good idea in 1936, when the Los Angeles Police Department was entangled in the
corruption of the city's mayor and political establishment. But fifty years later it seemed an anachronistic and insulating requirement, one that permitted the philosophy of policing in Los Angeles to remain essentially unchanged and inappropriate. Under the system that produced the Rodney King beating, LAPD officers were accountable only to their Chief, except when they engaged in documented criminal misconduct. The Chief was accountable to nobody, except when increasingly frequent lawsuits were heard by the courts.36

In this arrangement, even the Mayor of Los Angeles—whose colleagues in other cities are powerful commanders-in-chief of their police—had virtually no influence on LAPD policy and practice. Indeed, when Mayor Tom Bradley was asked by an attorney in a civil case whether he was the Commander-in-Chief of the Los Angeles Police Department, Bradley chuckled at the question. After a pause, he answered, smiling, "I've never heard myself described in that fashion."37 Civil service protection for police chiefs clearly is an impediment to reform.

Ironically, even though the LAPD took great pride in its officers' military mien and discipline, that system also violated the democratic tradition of military accountability to elected civilian authority. Just as an army led by generals who do not have to report to the President has no place in a democracy, this insular system—with its lack of accountability to a mayor or any other elected official—has no place in any American city. As a result of the sweeping Charter amendment victory in Los Angeles, it joins the ash heap of solutions to short-term problems but have long outlived their usefulness.