

upon them. They must function within the law. The amount of force they may use under any circumstances is defined in the law. They may not use more force than is necessary. That is frequently an extremely difficult judgment for a police officer to make and if he makes an error in judgment, no matter how slight, there is frequently a great deal of publicity about that. Unfortunately sometimes the total picture is distorted. Day after day in this city police officers are doing an excellent job. They are making excellent arrests. We don't hear as much about that as the one case in which the force used may have been excessive, or the force may have been entirely appropriate, but some citizen complains that the officer used excessive force. Frequently there is a flurry of publicity about that incident.

I have been reviewing investigations where a thorough investigation indicates that the officer's action was perfectly proper. There frequently is not publicity when we find that the officer did his job well. If there has been a complaint that he did not do his job well, there tends to be publicity.

Mr. DOWDY. I was a prosecutor for a number of years. I realize sometimes hindsight is better than foresight. When an officer is accused of using excessive force, you have to put yourself in his shoes at the time to determine how it appeared to him at the time, rather than using hindsight to determine what he should have done.

Mr. MURPHY. Congressman, I have been a police officer. I served as a patrolman. I did patrol duty and I have made arrests.

Mr. DOWDY. I understand that, but when you are talking about the complaints brought against an officer now, do you put yourself in his shoes?

Mr. MURPHY. Yes, I do. Having been in those shoes myself at one point, I appreciate how difficult it is for them and I try to be as sympathetic and reasonable as possible.

Mr. DOWDY. You give him the same consideration as you would to a complainant?

Mr. MURPHY. I am sorry, sir—

Mr. DOWDY. You give him the same benefit when charges are brought against him as you would a defendant who comes before you for instance, who claims self-defense in a murder case or an assault case?

Mr. MURPHY. I try to give him the benefit. Of course, at the same time a police officer is a public officer. I think all of us would agree we want high standards. We have high standards and we must impose upon a police officer higher standards than the community will impose upon itself.

Mr. DOWDY. I don't know whether you were misquoted, but I would like your comment on this news item. The statement was that you felt a police officer should be a social worker rather than a thief catcher.

Mr. MURPHY. Congressman, it is my view that a police officer spends about ninety per cent of his time in preventing crime and in keeping the peace in a manner that does not require his resorting to the criminal justice process. What few studies we have available tell us that a patrol officer uses the criminal justice process in perhaps less than ten per cent of the cases which he handles.

For instance, the police officer who is dispatched to a family fight situation will frequently restore order to that situation without making