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Editorial

The authorization to use force against citizens in democratic society is arguably the most awesome power and responsibility given to agents of government—the police. The judicious use of force is not enough to protect the police from split-second decisions made on the street. The citizenry, the media, and the courts scrutinize every use-of-force decision, and the police must understandably stand ready to justify such critical decisions.

Given the tremendous deleterious impact use-of-force decisions may have on the health and well-being of the citizen, police agencies have done a remarkable job in preparing officers for such encounters through repetitive skills training and involvement in decision-making, role-play scenarios. In the state of Illinois, law enforcement has been proactive on two fronts: (1) developing statewide use-of-force policy and (2) delivering simulated “shoot-don’t-shoot” training to the state’s 35,000 officers.

This issue of the *Law Enforcement Executive Forum* focuses on use of force by police. Two sections, entitled “Use of Force: Legal, Psychological and Physiological Framework” and “Use-of-Force Training” contain 12 contemporary articles designed to provide information, research, and thought on this most important subject.

Assessment of multi-factor use-of-force street encounters, which involve the protection of the citizenry, the protection of the police, and the safeguard of personal liberty and human rights, is played out daily in this most delicate decision-making task. The decision to use force or not to use force and the determination of the appropriate level and extent of force to be administered must be made in a matter of seconds and weighed within the context of legal, moral, community, and situational considerations.

Training is the key to preparation. Having vested the police with such wide ranging authority and responsibility, society owes it to the police and the citizenry alike to invest in the training and technology necessary to maximize sound use-of-force decisions by police.

Thomas J. Jurkanin, PhD

Executive Director

Illinois Law Enforcement Training and Standards Board

New Challenges for Law Enforcement Professional Standards Officers

Wayne W. Schmidt

Typically, an Internal Affairs (I-A) investigation concludes with one of four findings: (1) Sustained, (2) Not Sustained, (3) Exonerated, or (4) Unfounded. If an officer is cleared, the inquiry usually ends, and a lawsuit might begin.

What if an officer, who is accused of misconduct, has acted within the agency's policies, but harm has resulted to someone because of a policy deficiency? Similarly, what if that officer performed within the agency's training guidelines, but harm resulted because of a training deficiency?

Policy and Training Failures

Both of these are "administrative failures." They occur when an agency's policies and/or training fails an officer. Disciplinary action will correct the situation when an officer neglects to follow or disregards his or her agency's policies or training, but where is the automatic follow-up to fix a failure in policy or training? Let's look at two court cases.

In the first example, four Louisiana officers attempted to serve a mental health commitment on a physician who had been ordered to submit to a custodial psychiatric evaluation. After officers struggled with him in his kitchen, he grabbed a flatware knife. He was shot multiple times and died days later of peritonitis. In the lawsuit that followed, the plaintiff's expert called the reaction an "egosyntonic response," meaning that the officers had a green light to fire their weapons—rather than to retreat and respond in a defensive manner.

There was evidence that the city's sole training on handling mentally disturbed persons consisted of viewing a half-hour film. The name of the film was unknown because the first few feet of the film had been missing for some time. The case was settled for hundreds of thousands of dollars, and no action was taken to correct the policy or training deficiencies.¹

History repeated itself when officers of the same agency later shot another mentally disturbed individual. This time, the former city attorney (who had defended the first claim) was now in private practice and represented the estate. The city had not updated its training since the first shooting and was still using the film with the missing introduction footage.

While the post-incident investigators in the first shooting were perfectly justified in ruling it in self-defense, clearly there was a failure in policy and training. Yet, nowhere on the typical I-A form is there a place to note either administrative failure.

Politically, there is another problem. A sergeant might complete the I-A investigation, but the agency's policies and training come under other commands.

There is no automatic feedback from the field or I-A when either failure occurs, so there is no system to modify the policy or to upgrade the training. Consider another example of a fatal claim.

A Wyoming police department received a complaint that a man was running around naked, jumping up and down, yelling, and kicking his legs in the air. On arrival, a police officer handcuffed the man, who continued to resist. The officer then applied a nylon restraint around the man's ankles to abate the kicking. The ankle restraint was attached to the handcuffs with a metal clip.

Just before the ambulance arrived, the officer noticed that the man's face had become very white, and the restraint was removed. The ambulance emergency team began CPR, but he was dead on arrival at the hospital. Autopsy results showed a large amount of cocaine in his system.

A federal civil rights lawsuit was filed. The District Court refused to give the city a summary judgment, and the denial was appealed. A three-judge panel of the Tenth Circuit said . . .

[We] hold that officers may not apply this technique when an individual's diminished capacity is apparent. This diminished capacity might result from severe intoxication, the influence of controlled substances, a discernible mental condition, or any other condition, apparent to the officers at the time, which would make the application of a hog-tie restraint likely to result in any significant risk to the individual's health or well-being. In such situations, an individual's condition mandates the use of less restrictive means for physical restraint.²

According to the police litigation consultants³ who evaluated the claim, command staff were aware that officers carried and used ankle and wrist restraints, but the agency lacked a policy governing their use and did not provide training in the application of restraint devices.

Training for Internal Affairs Investigators

Most I-A investigators usually get on-the-job training, although there are a few seminars and classes that are nationally available.⁴ There are also several books and periodicals⁵ and a number of I-A related articles have appeared in the *FBI Law Enforcement Bulletin*.⁶ Various IACP model policies⁷ and Training Keys⁸ also cover I-A topics.

In contrast, no thought is given to providing new I-A investigators with instruction on the agency's policies and how these might compare to other agencies. A typical I-A office will have a complete set of the agency's policies and training bulletins, but it is unlikely to have a set of the lesson plans from the training academy.

Lack of Follow-Up on Lawsuits

Oddly, some agencies fail to investigate the allegations of a lawsuit filed by a citizen, even though it contains the same kinds of allegations that are made in a letter sent to the chief of police or sheriff. The two reasons typically advanced

are (1) “the plaintiff did not intend to bring an I-A complaint” and (2) “an I-A investigation will only assist the plaintiff in proving his case in court.”

A jury might well find that there was a training failure, a policy deficiency, and a deliberate indifference on the part of the agency’s officers and command staff. That usually translates into money damages, and a check is written or an appeal taken.

Not only does the I-A unit fail to summarize the results of a jury verdict, but the agency’s defense counsel often takes no action to correct a training or policy failure. An assistant city attorney, for example, must work up the law department’s chain of command to cross over to the chief of police, who then has to communicate the problem to the appropriate training and policy-making officers. This takes time and is sometimes frustrating. Not only is there little incentive to initiate such efforts, but it has also been perceived as “meddling” by a lawyer who has never received police training.

Steps for Improvement

Here are a few suggestions for a professional standards or I-A office:

- In larger I-A units, ensure that there is a continuity of senior I-A managers. Disparate discipline destroys morale and is unfair. It also has been the subject of lawsuits, especially when there were gender, race, or ethnicity differences.⁹
- Use software to track prior complaints, dispositions, and disciplinary actions. Specialized software can be purchased from several vendors.¹⁰
- Using software, implement an “Early Warning System.” The National Institute of Justice has highlighted the need for such a program, noting that “by 1999, 39% of all municipal and county law enforcement agencies that serve populations greater than 50,000 people either had an early warning system in place or were planning to implement one.” The software should track use-of-force applications in addition to citizen or supervisor initiated complaints.¹¹
- After an I-A incident is completed, save the results in electronic format on a CD-ROM in addition to the other repositories. Called the “Virtual Investigations” technique, it is in regular use by the LAPD’s I-A Group. While the LAPD system is intended to be paperless, a CD-ROM is an inexpensive backup record and has two other features. It ensures that the entire investigation folder is collected in one place, and that individual items in the contents cannot be modified or “disappear.”¹²
- Read the terms and conditions of federal consent decrees. In the six-year period from 1997 through 2002, the U.S. Department of Justice has negotiated eight consent decrees in civil rights actions brought by its Civil Rights Division, which challenged a police agency’s integrity and disciplinary systems. All eight decrees incorporated a court-ordered training mandate.¹³

- Provide instruction on the agency's policies and training curricula to all new investigators assigned to I-A investigations.
- Ensure that training academy personnel maintain professional ties with other academies throughout the state and nation.
- Monitor what policies are being adopted or modified in other agencies. The best source is IACP Net, which as of February 2003, had more than 4,000 different policies in their online database.¹⁴
- Begin a system to formally notify the I-A office whenever an official misconduct lawsuit is filed, along with periodic updates to be provided by the entity's law department. A copy of the court complaint or petition should be sent to the I-A office.
- Institute a formal protocol in which a designated I-A officer periodically meets with a representative from the training academy, a representative from the agency's unit that drafts and publishes agency policies, and a litigation attorney from the entity's law department. These can be one-to-one meetings, but a quarterly meeting of all representatives would be a positive step.

The need to examine the appropriateness and sufficiency of agency policies and training is a component of the national seminars on "Discipline and Internal Investigations" sponsored by the AELE Law Enforcement Legal Center since 1984.

Endnotes

1. Settlement in *Estate of Edward H. Dent v. City of New Orleans* (E.D. La. 1980). From a psychological perspective, an "egosyntonic" individual has a personality disorder. The plaintiff's expert was Emanuel Tanay, MD, from Grosse Pointe, Michigan. The facts were gained from correspondence and telephone conversations with the city's law department.
2. *Cruz v. City of Laramie*, #99-8045, 239 F.3d 1183 (10th Cir. 2001) and online at <http://laws.findlaw.com/10th/998045.html>
3. The plaintiff's expert was Lou Reiter, a trainer and retired deputy chief of police in Los Angeles; the defense expert was Ken Katsaris, also a trainer and the former sheriff of Leon County, Florida. An online "Directory of Criminal Justice Experts and Litigation Consultants" can be viewed at www.aele.org/Expert.html.
4. A few of the better known providers of discipline and internal investigation conferences or seminars are as follows:
 - AELE Law Enforcement Legal Center, www.aele.org
 - International Association of Chiefs of Police (IACP), www.theiacp.org
 - Labor Relations Information Service, www.lris.com

- National Internal Affairs Investigators Association, www.niaia.org
- Public Agency Training Council, www.patc.com

5. Monthly publications include the following:

- Fire and Police Personnel Reporter, www.aele.org/Pubs.html
- Police Department Disciplinary Bulletin, www.quinlan.com
- Public Safety Labor News, www.lris.com

The Massachusetts Chiefs of Police Association, through the Municipal Police Institute, sells several excellent books in print or CD format, including *The Chief's Guide to Internal Affairs*, *The Chief's Guide to Progressive Discipline/Rules & Regulations*, *The Chief's Guide to Civil Liability*, and a *Policies & Procedures* manual. Further information is available at www.masschiefs.org/MPI/Manuals/mpi_manuals.html

The Labor Relations Information Service publishes a well-researched 540-page book, *The Rights of Law Enforcement Officers* (4th ed., 2000); it is written by a well-regarded union-employee lawyer, Will Aitchison.

6. The *FBI Law Enforcement Bulletin* has published many articles related to professional standards, including the following: "Constitutional Rights to Counsel During Interrogation" (2002); "Ethics and Law Enforcement" (2002); "The Problem with Gratuities" (2002); "Making Ethical Decisions" (2002); "Statements Compelled from Law Enforcement Employees" (2002); "Detecting Deception" (2001); "Institutional Integrity" (2001); "Repairing Broken Windows: Preventing Corruption" (2001); "Getting Along with Citizen Oversight" (2000); "Color of Law Investigations" (2000); "Reviewing Use of Force: A Systematic Approach" (2000); "Due Process & Deadly Force: Conduct Shocks the Conscience" (1999); "The Ethics of Intentionally Deceiving the Media" (1999); "Firearm Investigations" (1999); "Noble Cause Corruption and the Police Ethic" (1999); "Reluctance to Use Deadly Force" (1999); "Ensuring Officer Integrity and Accountability" (1998); "Improving Deadly Force Decision Making" (1998); "Internal Affairs Investigation: The Supervisor's Role" (1998); "Suicide by Cop" (1998); "Workplace Privacy of Law Enforcement and Public Employees" (1998); "Ethics and Police Integrity" (1997); "Liability Implications of Departmental Policy Violations" (1997); "Managing for Ethics: A Mandate for Administrators" (1997); "Pepper Spray Training" (1997); "Police Use of Nondeadly Force to Arrest" (1997); "Outside Employment Guidelines for Law Enforcement Agencies" (1997); "Combating Bigotry in Law Enforcement" (1996); "Employment Information Release Agreements" (1996); "Using Automation to Apply Discipline Fairly" (1996); "Deadly Force: A Question of Necessity" (1995); "Freedom of Religion and Law Enforcement Employment" (1995); "Managing Relations Between the Sexes in a Law Enforcement Organization" (1995); "Police Ethics Training: A Three-Tiered Approach" (1995); "Grooming and Weight Standards for Law Enforcement" (1994); "Legal Issues in Crisis Management" (1994); "Practical Written Directives" (1994); "Use of Force: Pepper Spray" (1994); "Compelled Interviews of Public Employees" (1993); "Deadly Force in Defense of Life" (1993); "Hiring Standards – Fitness for Duty" (1993); and "Disclosure of Personnel Information" (1992). Also see, "Office of Inspector General's Review of Double Standards of FBI

Discipline” (2002). The more recent issues of the *FBI Law Enforcement Bulletin* are online at <www.fbi.gov/publications/leb/leb.htm>.

7. The IACP has published several model policies related to professional standards, including the following (in alphabetical order): Domestic Violence (1996); Electronic Restraint Device: The Taser (1996); Emergency Vehicular Warning (1990); Executing a Search Warrant (1989); Firearms (1997); Investigation of Officer Involved Shootings (1999); Law Enforcement Canines (2000); Less-Than-Lethal Weapons (2002); Pepper Aerosol Restraint Spray (1994); Post-Shooting Incident Procedure (1990); Reporting Use of Force (2000); Response to Civil Litigation (1996); and Use of Force (2001). This information is available at <www.theiacp.org/pubinfo/modpolalpha.htm>.
8. The IACP also publishes Training Keys® on topics related to professional standards, such as the following (in chronological order): #255, Police Reaction to Corruption (1978); #295, Police Ethics (1981); #296, Written Directive System (1981); #297, Police Conduct (1981); #298, The Disciplinary Process: Supervisory Role (1981); #299, The Disciplinary Process: Internal Affairs Role (1981); #324, Police Shootings and the Law (1983); #325, Police Shootings and Department Policy (1983); #326, Post-Shooting Services (1983); #462, Use of Pepper Aerosol Restraint Spray (OC) (1995); #475, Police Ethics: Problems and Solutions – Part I (1996); #476, Police Ethics: Problems and Solutions – Part II (1996); #503, Standards of Police Conduct – Part I (1998); #504, Standards of Police Conduct – Part II (1998); #510, Impact Projectiles (1999); #529, Investigation of Public Complaints Part I: General (2001); #530, Investigation of Public Complaints Part II: Receiving and Processing Complaints (2001); #531, Investigation of Public Complaints Part III: The Investigation Process (2001); and #549, Personal Appearance, Off-Duty Conduct, and Free Speech (2002). This information is available at <www.theiacp.org/pubinfo/TrKeys.htm>.
9. See *Perry v. McGinnis*, No. 98-1607, 209 F.3d 597, 2000 FED App. 0133P (6th Cir. 2000); *Connecticut Department of Correction v. Commission on Human Rights*, #CV990497891S, 2000 Conn. Super. Lexis 2887 (Hartford Dist. 2000); *Breaux v. Rubin*, #EP-98-458-M, 43 ATLA L.Rptr. 218 (W.D. Tex. 2000); *City of Boston v. Massachusetts Commission Against Discrimination*, 47 Mass. App. Ct. 816, 717 N.E.2d 259 (Mass. App. 1999); *Arbitration of Scott County and Law Enforcement Labor Services*, 109 LA (BNA) 666 (Daly, 1997); *Polanco v. City of Austin*, 78 F.3d 968 (5th Cir. 1996) – affirming damages of \$290,000 to a Hispanic detective; *Steverson v. Goldstein*, 24 F.3d 666 (5th Cir. 1994); cert. den., 115 S.Ct. 731 – affirming damages of \$200,655 for a black deputy; *Turner v. Barr*, 811 F.Supp. 1 (D.DC 1993); *Harris v. City of Albuquerque*, 18 Personal Injury Verdict Review 3, JV #100 (D.N.M. 1987); *Jones v. City of Alton*, 757 F.2d 878 (7th Cir. 1985); and *Williams v. City of Montgomery*, 731 F.2d 739 (11th Cir. 1984).
10. See “Using Automation to Apply Discipline Fairly,” *FBI Law Enforcement Bulletin*, May 1996; it is available at <www.fbi.gov/publications/leb/1996/may965.txt>.

I-A software vendors include the following:

- “IA Trak” software

- “IA Professional” software
CI Technologies, www.iaprofessional.com

11. See the National Institute of Justice document, “A Systematic Early Warning System: Responding to the Problem Police Officer” (July 2001) available online in PDF format at www.ncjrs.org/pdffiles1/nij/188565.pdf.

Since 1982, the Miami-Dade County Police Department (MDPD) has used an Early Identification System (EIS) that tracks all complaints, use-of-force incidents, commendations, disciplinary actions, and the dispositions of internal investigations. It also is used for the post-intervention monitoring of officers. MDPD refers officers to employee assistance programs inside or outside the department, such as psychological services, stress abatement programs, or specialized training programs.

12. The “Virtual Investigation,” conceived of and developed by LAPD Captain George L. Ibarra in 1998, has been described as “one of the most innovative and effective strategies impacting the investigative entities of internal affairs investigations.” The Virtual Investigation leverages technology into the investigative process by utilizing multimedia computers, digital voice recordings, MP3 audio compression technology, and digital photographic and scanned imaging techniques. “The end result is increased investigative accuracy and quality—in conjunction with significant reduction in investigative time” (LAPD’s *Virtual Investigation Manual*, Revision 5, January 2000).

LAPD’s I-A Group adopted the Virtual Investigation system in 1999 because the logistical requirements of a traditional, paper-based investigative reporting system use large quantities of paper. Additionally, the discovery of misplaced addenda items or inaccurate wording often resulted in extensive, costly, and time-consuming revisions.

13. The DoJ consent decrees involved the following agencies: City of Buffalo, New York, Police (September 19, 2002); City of Cincinnati, Ohio, Police (April 12, 2002); District of Columbia Metropolitan Police (June 13, 2001 & September 30, 2002); City of Los Angeles, California, Police (2001); Montgomery County, Maryland, Police (January 14, 2000); New Jersey State Police (1999); City of Pittsburgh, Pennsylvania, Police (1997); and the City of Steubenville, Ohio, Police (1997). Most of these can be viewed online, under the “Special Litigation” link at www.usdoj.gov/crt/casebrief.html. The LAPD decree is available at www.lapdonline.org/pdf_files/boi/final_consent_decree.pdf.
14. IACP Net is a commercial provider of articles, policies, ordinances, and information on law enforcement programs and innovations. Subscribers can receive automatic notification of new policies added to the database. It is affiliated with the International Association of Chiefs of Police and offers modestly priced annual subscriptions. IACP Model Policies and Training

Keys can be downloaded at a nominal additional cost. The website is <www.iacpnet.com>.

Wayne W. Schmidt is a police attorney and has served as the publisher and editor of the *Fire and Police Personnel Reporter* since 1975, which has discussed thousands of court and arbitration decisions covering disciplinary offenses, procedures, and punishment. He is the staff executive for AELE's three-day seminars on police discipline and internal investigations and the chair of the IACP's Internal Affairs Subcommittee. He is an LL.M. graduate of, and the former director of, the Police Legal Advisor Program of the Northwestern University School of Law.

The author's views and suggestions are his own, and do not necessarily represent the positions of any of the organizations with which he is affiliated.

An Analysis of the Effects of Survival Stress in Police Use-of-Force Encounters

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Introduction

The effects of stress on the body, have been researched by physicians, psychologists, and sport psychologists for many years. The medical literature is replete with studies that have addressed stress and physical/health concerns (Coyne & Downey, 1991; Desmond, 1980; Glass, 1977; Karl & Cary, 1979; Lovallo, 1999; McGrath, 1970; Selye, 1974), the psychological dimensions of stress (Antonovsky, 1979; Desmond, 1980; Diamond & Rose, 1993; Selye, 1976b; Warshaw, 1979), and the impact of occupational stress on the body (Atdley, 1997; Fletcher, 1991; Hardy, Carson, & Thomas, 1989; Nelson & Burke, 2002; Peterson, 1999). Other studies have analyzed stress and human performance in athletic competition (Hardy & Fazez, 1987; Weinberg, 1990; Yerkes & Dodson, 1908).

Prior research in policing has demonstrated that police work is a stressful occupation (Esenbrug, 1975; Reese, 1986; Toch, 2001; Violanti & Aron, 1995; Webb & Smith, 1980). The Department of Justice (1999) categorized police work as one of the most dangerous occupations. The specific factors related to stress in police work have been categorized as organizational practices as exhibited by administrators, the functioning of the criminal justice system, the public, and the work itself (Aron, 1992; Reese, 1986; Stratton, 1978). Stressors inherent in police work include danger, shift work, public apathy, boredom, and dealing with misery and death (Graf, 1986; Kroes, 1986; Speilberger, Westberry, Grier, & Greefield, 1981). Sewell (1981) reported that of the 25 stressors identified in police work, taking a life in the line of duty, shooting someone in the line of duty, the violent death of a partner or another officer, pursuit of armed suspect, and a duty-related injury accounted for the top ten most cited police stressors.

While the research on police stress has primarily been focused on the “stressors” of police work, the research that examines the effects of “survival stress” (Siddle, 1984) on performance in use-of-force situations is lacking. The purpose of this study was to analyze how stress impacts a police officer’s perceptual, mental, and physical performance when confronted with a use-of-force situation. Empirical research is a critical component that can enhance officer survival training, and this study was undertaken to gain a better insight into how stress affects officer performance so that officers may be better prepared to respond in use-of-force situations.

Survival Stress

Stress has been described as both an environmental variable and an emotional response to a specific situation (Gould & Petlichkoff, 1987). McGrath (1970) designed a four-stage model to explain the process of how stress interacts with a person's response. The process involves a sequence of events that begins with an environmental demand on the person, his or her perception and placing value to the event, the mental response (decisionmaking), and the physical response. Martens (1977) defined stress as a substantial imbalance between (environmental) demand and response capability under conditions in which the demand has important consequences. Combining McGrath's model and Martens' definition of stress, stress may be viewed as positive or negative, but the emphasis is placed on the situational environment, the individual's perception of the situation, and the ability to respond physically or mentally.

Building on Martens' definition of stress, Siddle (1995) defined survival stress in police work as a "deadly force threat perception that initiates the Sympathetic Nervous System (SNS) discharge" (p. 25). This physiological event occurs in situations in which an officer believes his or her life is in imminent threat of serious personal injury, or when the officer is responsible for protecting him-or herself in a potentially life-threatening situation. It can be marked by an officer's lack of confidence in his or her skill level to respond to the threat. Moreover, the SNS discharge is compounded when the officer's perception to respond to the threat is minimal. In law enforcement, survival stress can have a significant, diminishing impact on task performance in life-and-death encounters. It can diminish an officer's hearing (auditory exclusion), vision (tunnel vision and loss of near vision), thinking process (cognitive displacement), and physical response (loss of motor control).

Siddle's survival stress mechanism is best known as the "fight or flight" response adapted from Canon (1929). This automatic response is an adaptive response mechanism, which alerts an individual's body to danger and prepares the body to mentally and physically respond. The process is virtually uncontrollable, and it dominates all voluntary and involuntary systems until the threat perception has been eliminated or avoided.

An environmental demand will be first processed through the officer's perception, and the brain evaluates the degree of threat through an integrated network of regions in the brain involving the thalamus, amygdala, hypothalamus, hippocampus, and frontal lobes of the cortex. During a survival stress event, information from the perceptual senses is routed to the thalamus, and emotion is attached to the perception of the level of the threat through the amygdala, the body's alarm system (Ratey, 2001). In a non-spontaneous threat situation, the threat is processed cognitively and physically, normally without difficulty. In a spontaneous, "startled," fearful situation, however, the amygdala, which is "hard wired" for survival, primes the body with adrenaline for an automatic response. The triggering of the amygdala is directly responsible for what many consider (postincidentally) as irrational responses: panic, flight, freezing in place, aggressive actions that utilize untrained skills, repeating an action time and again (a motor skill feedback loop), or an inappropriate physical response.

Responding to a threat activates all five senses and provides the brain with a steady stream of information (Ratey, 2001). As the brain tunes into the source of the threat, the visual system is heightened and narrows if it is the dominant source of the information. This phenomenon is known as perceptual narrowing or selective attention. Hearing diminishes causing auditory exclusion. If hearing is the dominant source of information, visual exclusion may occur when a loud sound is heard. Other senses may be tuned out, which diminishes the officer's ability to feel cuts, scratches, strikes, or bullet wounds.

SNS activation creates important tactical implications for the officer. Effects of survival stress on vision create a perceptual narrowing or tunnel vision, and peripheral vision is reduced by approximately 70% (Breedlove, 1995). This can cause threat cues to be missed. SNS activation also inhibits the ability to maintain near vision, the ability to focus, depth perception, night vision, and monocular vision (Godnig, 2001; Siddle & Breedlove, 1995). All of these factors are significant in that they are likely to cause inaccuracy of shooting skills; limitations with physical skills; altered reaction time; and lack of awareness of environmental surroundings, which may pose additional threats to the officer.

Activation of the SNS significantly can alter survival reaction time, which is defined as the process of perceiving a threat and initiating a survival response. Survival reaction time comprises four stages (1) perception of the threat, (2) analyzing and evaluating the threat level, (3) formulating a response selection, and (4) initiating a motor response (Siddle, 1995; Ratey, 2001). Each stage must be completed in sequence, and each stage is dependant on the former. These stages align with the effects of SNS and vision. As perception of the threat commences, vision narrows, and the brain's ability to evaluate the threat level also diminishes. If impairment occurs in the first two stages, response selection and motor response are also impaired.

These four stages comprise a model that integrates the cognitive process and a physical response. The impact of SNS activation on cognitive deliberation and physical reaction time creates tactical implications for the police officer. Survival reaction time may be increased by up to four times, and the officer's ability to cognitively process information will be disrupted, causing a failure to develop a logical survival response. This can lead to a panic reaction, irrational behavior, and/or freezing in place.

The four stages of reaction time provide a model for understanding the effects of survival stress on officer performance and may be the single most important factor that affects a motor skill response. When the SNS is activated, physiological changes occur preparing for the automatic fight-or-flight mechanism. As blood flow is reduced to the hands, deterioration of simple hand coordination occurs. Also, as heart rate increases and vision becomes impaired, reaction time increases, which compromises the ability of the officer to use fine and complex motor skills. The implication of the stress reaction is that firearms accuracy, basic hand-eye coordination, and empty-hand control capabilities deteriorate quickly. Techniques that are based on gross motor skill design are better suited to withstand survival stress and increase performance of the officer.

Methodology

To study the effects of survival stress on officer performance during a use-of-force situation, Siddle surveyed police officers nationally, through the PPCT Management Systems (PPCT) instructor network. Since 1980, PPCT has been recognized as the world's largest research-based use-of-force training organization, and has certified over 60,000 instructors from policing, corrections, military, and private security agencies in various subject control tactics.

During 2001 and 2002, PPCT use-of-force instructors distributed a 54-item survey to police officers, military personnel, and aviators attending a subject control instructor training program. The survey instrument was pretested with 30 officers (in 2001) prior to distribution, and based on the initial assessment, modifications to some of the questions were made. The survey was designed to solicit responses from the respondents regarding their perception of stress during a use-of-force encounter. Survey questions addressed six areas: (1) selected officer demographics, (2) physiological manifestations, (3) perceptual distortions, (4) mental processing, (5) physical responses, and (6) postencounter survival stress manifestations.

A total of 619 surveys were collected, and 560 were suitable for analysis. This article reports on 440 responses (78%) by full-time sworn law enforcement officers who indicated that they had been involved in a lethal force encounter ($n = 165$, 29%) or a physical assault/control force situation ($n = 275$, 49%). Responses were designed around the Guttman Scale, allowing the officer to indicate a "yes," "no," or "do not recall" response to the item. Other items required the officer to respond by indicating recall of certain factors surrounding the event by answering "before," "during," "after," or "do not recall." For example, officers were asked if they experienced tunnel vision before, during, or after the event. Survey findings of each group and comparisons between the groups are presented.

Respondent surveys reflect a broad geographical representation of the United States that includes the Southeast, Southwest, Midwest, and Northeast portions of the country. Surveys were collected by a certified PPCT instructor conducting the training course and forwarded to the central office for analysis. Descriptive statistics were used to examine the responses and are reported in this article.

The focus of the research centered on examining the effects of stress during a use-of-force encounter by addressing the following questions:

1. How does perceptual distortion affect officer performance?
2. How does stress impact the physical response of an officer?
3. What are the physiological effects of stress on officer performance?
4. How does stress impact the mental processing of an officer and his or her performance?
5. What are the implications of these findings?

Like other survey research, there are limitations to the study. Efforts were made to control the sample bias, as the researchers did not select the respondents who attended the course. Course attendees, however, were sent to the course by an agency administrator and were not pre-selected. While not all regions of the country are represented, a sufficient number of the respondents comprise a representative sample of the country. Some respondents may have omitted some questions due to poor memory or the fact that the questions were inapplicable to the respondent's use-of-force situation. Therefore, the findings of the study reflect the respondent's best memory of the factors experienced during the encounter.

Findings of the Research

Background of the Officers and Force Circumstances

The respondent law enforcement officers came from diverse agencies including municipalities (52%); sheriff's departments (21%); state police (16%); other agencies such as campus police, hospital police, railroad police, or wildlife officers (7%); and federal agencies (4%). The average size of the department of the responding officer is considered small to medium-sized, as 60% revealed that their agency consisted of 1 – 100 sworn officers. The range of the average age of the respondent at the time of the incident was from 26 – 35-years-old (57%), and the incident occurred within the last 24 to 48 months (77%) of completing the survey. Slightly over two-thirds of the encounters (67%) involved two to three officers, regardless of whether the incident involved lethal force or physical control.

Respondents revealed six common encounter circumstances in which force was employed, and they account for 94% of the total incidents. Arrests accounted for 33%; 21% involved disturbance calls; traffic stops accounted for 19%; 15% involved responding to a mentally impaired subject; 8% involved responding to a suspicious person call; and controlling a riot accounted for 4%. These encounter circumstances reflect consistent findings of the FBI's annual reports of officers killed and assaulted in the line of duty (2001) and the Ross study (1999), which analyzed common confrontations in which citizen resistance was likely.

Survival Stress and Perceptual Distortion

Perceptual distortions or selective attention can significantly impede the brain from processing threat information correctly, hindering an officer's appropriate survival response. Salas & Driskell (1996) found that cognitive effects of stress may include narrowing of attention, tunnel vision, increased errors, longer reaction time to peripheral stimuli, and memory defects. Perceptual distortions, which involve cognitive processing, can include tunnel vision, lack of visual clarity, auditory problems, color distortion, and time factors surrounding the incident.

Prior research on stress and officer performance identified various distortions an individual may experience while engaged in a stressful lethal force encounter. Artwhol and Christensen (1997) found in a survey of 72 police officers who had survived a lethal force encounter, that 88% experienced auditory exclusion, 82% experienced tunnel vision, 65% indicated visual clarity, 63% reported slowness in time, while 17% stated time increased. Hoing and Roland (1998) studied 348 shootings of the Los Angeles Sheriff's Department and found that 45% of the officers experienced tunnel

vision; 62% reported slowness in time; 20% stated time increased; and 51% indicated sounds were quieter. Klinger (1999) found in 80 officer-involved shootings that 51% experienced tunnel vision; 56% reported visual distortions; 56% stated time slowed down; 23% stated time increased, 82% indicated sound intensified; and 37% had a sense of heightened detail during the encounter.

Table 1
Stress and Perceptual Distortion

Stress Variable	Percentage	
	Lethal Force	Physical Altercation
No depth problem	68	61
No loss of focus on threat	63	66
No recall of closeness of threat	76	83
No color distortion	80	93
Experienced tunnel vision (during event)	63	55
Do not recall tunnel vision	30	40
Auditory exclusion during event	41	38
Do not recall auditory exclusion	41	59
Time slowed down	64	55
Time sped up	6	5
Do not recall time	30	40

Table 1 compares the perceptual distortions of officers involved in a lethal force encounter and officers involved in a physical force confrontation. The objective of this aspect of the study was to determine whether the stress response was higher in events that were clearly more dangerous or lethal. For example, 65% of the officers involved in lethal force situations experienced tunnel vision, while only 55% of the officers involved in physical altercations experienced tunnel vision. Thirty to forty percent did not recall experiencing tunnel vision. Over one-third of the officers experienced auditory exclusion, while 41% of the lethal force officers and 59% of the physical force officers reported not recalling auditory problems. A significant number of both officer groups did not experience color distortion, depth problems or loss of focus on the threat. With the exception of recalling auditory exclusion, the comparisons between the two officer groups do not indicate a significant variance in any measured stress variable.

These findings are consistent with the Hoing and Roland and Klinger (1999) studies. The findings are slightly different than those of the Artwohl and Christensen (1997) study, yet both revealed that a significant number of officers experience perceptual distortions during a force encounter.

Survival Stress and Physiological Responses

Physiological reactions to stress may increase pulse rate, heart rate, blood pressure, respiration, sweating of palms, muscle tension, cortisol and glucose levels, and other measures (Salas & Driskell, 1996). The HeartMath Research Center (1999) measured the heart rate of officers after they completed threat-based scenario

training. On the average, it was shown, that heart rate remained elevated well above baseline for more than one hour after the scenario debriefing. Klinger (1999) found that 89% of the officers experienced some form of physical response after involvement in a lethal force incident.

Table 2
Stress and Physiological Responses

Variable	Percentage	
	Lethal Force	Physical Altercation
Auditory exclusion during event	41	38
Do not recall auditory	41	60
Heart racing before/after event	30/27	12/40
Experience dry mouth	67	51
Experience sweaty palms before/after event	44/25	42/20
Do not recall sweaty palms	55	41
Experience nausea during/after event	20/68	18/41

Table 2 reveals the physiological responses to survival stress. For each stress variable identified, the lethal force encounter officers reported experiencing a reaction to the stressful event more frequently than the physical altercation group. For the lethal force group, experiencing a racing heart and sweaty palms before the incident occurred more frequently than experiencing it afterwards. Only 12% of the physical altercation officers reported experiencing their hearts racing before the event, but 40% indicated that their hearts were racing after the incident. Both groups revealed that they were more likely to experience feelings of nausea after the event and were likely to experience a dry mouth.

Survival Stress and Thoughts, Emotions, and Memory

The effects of stress can impact a person’s ability to recall details of the event (Salas & Driskell, 1996). DeQuervain, Roozendall, and McLaugh (1998) report that cortisol hormone released under stress inhibits memory retrieval. The World Health Organization (1998) reveals that the effects of acute stress reaction, including temporary memory loss, may subside after hours or may last several days. Grossman and Siddle (1998) report that acute stress can create amnesia after a critical incident. The greater the trauma, the greater the impact of the post-incident amnesia will likely be.

Prior studies on police officer reactions to stress when engaged in a lethal force encounter have measured the impact of stress on thoughts, emotions, and memory. Artwohl and Christensen (1997) found that 60% of the officers experienced memory difficulties, 36% reported distracted and intrusive thoughts, and 39% felt a sense of disassociation during the incident. Hoing and Roland (1998) reported that 22% of the officers experienced memory loss. Klinger (1999) found that 30% of the officers felt a need to survive the encounter; 41% experienced fear for self; and 33% did not know the number of rounds they fired.

Table 3
Impact of Stress on Thoughts, Emotions, and Memory

Variable	Percentage	
	Lethal Force	Physical Altercation
Thoughts of being sued	22	25
Thinking about family	15	11
Thought about God/religion	8	8
Experience bizarre/disassociation thoughts	15	7
Thoughts about dying	27	19
Experience anger	39	32
Fear	38	31
Anxiety	25	22
Calm	20	13
Panic	10	12
Experience memory loss	37	30
Memory restored within hours	10	15
After first sleep cycle	15	20
After second sleep cycle	20	17
Do not recall when memory returned	50	59
Triggering event for memory after event yes/no	42/50	36/67
Visual	40	35
Smell	15	10
Noise	12	20
Combination	37	2

Table 3 reveals the impact of stress on thoughts, emotions, and memory. Almost one-third of the physical force officers and slightly over one-third of the lethal force officers experienced memory loss after the event. For a majority of the officers reporting memory loss, it took two sleep cycles (20%/17%) to recall the event. More commonly, memory was restored between a few hours and one sleep cycle for both groups. Of the lethal force group, 42% compared to 36% of the physical altercation officers reported that a triggering event assisted in the memory of the event, the most significant being a visual trigger. A significant number of both groups did not recall when the memory returned following the event.

With regard to thoughts during the incident, almost 50% of both groups thought about being sued and dying during the event (combining the two variables together). Thoughts about family and God or religion were infrequent. Neither group reported that they experienced bizarre thoughts or thoughts of disassociation at disabling levels. Officers reported that they rarely experienced feelings of panic but more frequently experienced anger, fear, and anxiety. These findings are consistent with prior studies on the subject.

Survival Stress and Survival Response

The impact of stress has been shown to affect motor performance (Ratey, 2001). Yerkes and Dodson (1908) proposed that arousal (stress) and performance were

associated. Creating a model known as the Inverted-U Hypothesis, they explained that as arousal increased, performance also increased to a certain point, but that continued increase in arousal would lead to a detriment in performance (noting a curvilinear relationship). Gould, Petlichkoff, Simons, and Vevera (1987) found anxiety to have a curvilinear relationship with pistol-shooting performance, supporting the Inverted-U Hypothesis.

The effects of stress on performance include the accuracy of task performance as well as the speed at which tasks are performed. The stress of noise appeared to affect not only cognitive processes, but motor skills as well (Thackery & Touchstone, 1983). Artwohl and Christensen (1997) found that only 7% of the officers froze during the encounter and 78% responded automatically.

Table 4
Stress and Survival Response

Variable	Percentage	
	Lethal Force	Physical Altercation
Able to ID nature of threat	80	93
Able to ID seriousness of threat	87	78
Difficulty in forming a response	15	40
Able to execute complex motor skill	70	54
No warning to perceive threat	35	32
A few seconds to react to threat	31	44
Minutes to react to threat	10	6
Do not recall	24	18
Did not lose hand/eye coordination	75	58
Caught off guard	20	20
Saw threat and could not believe it	20	18
Saw threat and reacted automatically	56	34
Reacted based on training	75	49

Table 4 reveals the impact of stress on physical survival response. A significant number of both groups of officers reported that they were able to identify the nature of the threat and its seriousness, were able execute a complex motor skill, and did not lose hand/eye coordination. Physical force altercations officers, however, were somewhat less likely than lethal force officers to execute complex motor skills. In 66% of the events, the officers were required to respond with no warning or within a few seconds of the altercation. Only 20% of both groups reported that they were caught off guard and observed the threat but could not believe it.

Only 15% of lethal force incident officers experienced difficulty in forming a survival response, while 56% reported that they responded automatically, and 75% revealed that they reacted based on their training. Physical force altercation officers reported that 40% had difficulty in forming a response; 34% reacted automatically; and 49% reacted based on their training.

Officers engaged in a lethal force encounter were also asked to respond to additional items, and these findings are not reported in table form. In 52% of the

events, officers reported they were from five to ten feet from the threat (estimated), 48% could not recall the estimated distance, 37% indicated that they hit the threat, and 60% did not remember hitting the threat. Of these officers, 55% reported that they had completed simunitions training, and 80% indicated that they completed point-shooting training.

Discussion and Implications

The purpose of this research focused on the psychological, physiological, and physical dimensions of the effects of survival stress during a use-of-force encounter. From the results of the data, several themes and patterns emerge. Generally, the findings reveal that survival stress is associated with officer perception, the time required to respond, and physical performance and are inter-related when faced with a spontaneous threatening attack.

These findings illustrate that the level of the threat perception of the officer and the time needed to form a survival response is critical in responding to a level of threat and to overall survival in the field. Survival performance consists of three functions: (1) sensory reception, (2) cognition, and (3) motor response. As the senses receive stimuli, the brain processes it, and perceptions are formed, leading to a physical response strategy. Understanding the impact of stress and activation of the SNS on formulating the officer's perception is important in forming a survival response. When the stress of the situation impedes the officer's ability to process the first two functions, a survival motor response will be severely impaired.

At a secondary level, officer perception is also critical to the legal justification of the use of force (*Graham v. Connor*, 1989). In *Graham*, the United States Supreme Court outlined the criteria for evaluating excessive force claims, which include the severity of the crime, whether the suspect poses an immediate threat to the officer's or others' safety, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. The Court emphasized that "objective, reasonable" force must be judged from the perception of a reasonable officer on the scene, realizing that officers must make split-second decisions when faced with a force encounter.

Questions of unreasonable force emerge when an officer is unable to articulate the legitimacy of his or her actions. Hence, understanding the impact of stress on perception and memory and the time needed to formulate a response strategy are vital to courtroom and legal survival for the officer.

A continuing major theme of the study results observed throughout many of the fields of inquiry, underscores the fact that stress and activation of SNS impairs memory. A number of officers experienced memory difficulties with varying pieces of the event. For example, some officers could not recall whether time sped up or slowed down; some could not recall experiencing auditory factors of the event, whether sounds intensified or were diminished; some could not recall experiencing tunnel vision; others did not recall experiencing sweaty palms; and a majority of the officers involved in a lethal force situation could not recall hitting the target nor the estimated distance of the threat when firing on the target. For a majority of the officers who could recall the nature of the event, their memory was

restored within hours or after two full sleep cycles (45% and 52%). Visual and noise were common triggers assisting in restoring memory recall.

Less than one-third of both officer groups experienced depth perception problems or loss of focus on the threat. They also maintained the ability to identify the nature and seriousness of the threat.

A significant number, however, experienced tunnel vision and auditory exclusion, while only a minority reported that their heart was racing during the event.

These findings underscore what Grossman (1995) and Siddle (1995) independently found through different research in the combat arena (military vs. police). Grossman and Siddle (1998) combined their research and labeled the memory loss phenomena as "Critical Incident Amnesia," reporting that the greater the stress, the greater potential for memory problems to occur.

Today, the mechanism of critical incident amnesia is well understood and is a component of the release of the stress hormone cortisol. Cortisol is released throughout the body during SNS excitement. One function of cortisol is to suppress inflammation and cellular immune activation during stressful events. In the brain, cortisol helps in binding receptor sites inside the hippocampus to help form memories. During high levels of SNS excitement, however, cortisol is released at higher levels. A release of too much cortisol can lead to individual neuron binding, resulting in a burning of the nerve cell. This results in the hippocampus' inability to organize the components of a survival stress event into a whole memory unit (Ratey, 2001). Thus, memory will be fragmented, especially within the first 72 hours.

There are several implications that emerge regarding stress and memory. Officers need to be trained regarding the development of their expectations of responding to an incident and perceptions formed under stress. In addition, training should cover how SNS activation impacts perceptual distortions, mental processing, and survival response. The stress of the event, magnified by tunnel vision and auditory exclusion, may color the officer's perception, and it will not be uncommon for the officer to miss some factors relevant to the incident. It is also likely that when multiple officers respond to an encounter, varying accounts of the incident and officers' levels of participation will be reported. Failing to be aware of a fellow officer's actions could be costly. It should be common for officers' reports to differ after participating in the same event.

Beyond this, officers, administrators, and investigators need to understand that after a critical stressful incident, it is not uncommon to experience some memory distortion. Realizing this, and following legal parameters and departmental policy when conducting a use-of-force investigation, administrators should require a written report and an interview with the officer within a reasonable time period after the incident. The first report may not be totally accurate. Interviews should be taped and later transcribed. The findings reported here illustrate that officers should be allowed to complete, at a minimum, one full sleep cycle that can facilitate further recall regarding incident events. Administrators should permit an officer to submit a supplemental report and conduct a second interview, realizing that additional comments may be offered by the officer. Consideration of allowing an officer to return to the scene, accompanied by a supervisor or investigator,

or reconstruction of the event, may assist in aiding memory recall. The findings suggest that exposing officers to visual and auditory triggers was helpful in restoring memory of the situation. Officers should be afforded this process in order for them to completely express their actions in the event.

The time to respond to the threat and being able to physically respond are inter-related and emerge as the second and third major themes. Slightly over half of the lethal force officers and one-third of the physical altercation officers reported that they saw the threat. A majority of both groups stated that there was no warning or just a few seconds within which to perceive and respond to the threat.

The implications of processing spontaneous sensory stimuli in a survival situation, which affects perception, reaction time, and ultimately physical response, can be framed within the context of salient attention to the task at hand. The results showed that officers will experience perceptual, physiological, and psychological distortions when confronted with a spontaneous life-threatening event. Once the SNS is activated, the body is placed on alert to focus on the threat. In a number of situations, vision is the primary sensory element that receives the stimuli and locks on to the threat, which sends a chain of physiological and psychological events into action. After the officer's perception has placed meaning to the threat, a reactionary strategy must be formulated, and depending upon the severity and immediacy of the threat, immediate physical action may be needed and acuity to the threat will result. Perception places value to the event, and adrenaline is released throughout the body preparing it to respond and survive. As a result, distortions are likely to emerge, which help the officer attend to the threat. This implies that what is salient at the moment will receive attention. In survival stress response situations, in which response time is minimal, physical response will directly attend to the matter at hand until the threat is resolved. It is understandable that sounds would be diminished, heart rate would increase, field of vision would be narrowed, memory would become distorted, and physiological response may develop.

Perception and response time obviously will impact an officer's ability to respond appropriately. With only a few seconds to respond to the threat, a majority of lethal force officers reported that they were able to focus on the threat and assess the nature and seriousness of threat; 56% stated they responded automatically; 75% did not lose hand/eye coordination; and 75% responded based on their training. Of those officers recalling the estimated distance of the threat, 52 % revealed the threat was within ten feet or less.

It is an understatement to make the observation that training is paramount to officer survival, but the findings of this study underscore the fact. Lethal force incident officers reported that 56% received simmunitions training and 80% completed point shooting training. All of the respondents of this study are "survivors," and their training is making a difference in their ability to perform in stressful encounters.

The results of this study reveal that training is the key to effective survival response. Ratey (2001) advocates that contextual conditioning maximizes learning and that if it is to be effective (changing behavior), the activity must be challenging and realistic, followed by constructive feedback. The results of this study show that training must go "above and beyond" mere annual firearms qualification.

Static firearms training is useful for acquiring firearm competencies, but in order to respond to spontaneous, realistic, life-threatening attacks, simmunitions and realistic scenario-based training is recommended.

Burroughs (1998) found that when police officers were exposed to dynamic stressors in spontaneous firearm training exercises, officers' reactionary time was enhanced significantly, and by exposing them to situations that activated the SNS, the training assisted officers in recognizing how to respond under SNS activation. Point or instinctive shooting by pointing the weapon at the threat as well as squaring up to the threat was used by a majority of these officers.

Stress inoculation and dynamic scenario-based training is highly useful in exposing officers to recognize a level of threat, exposing them to the effects of perceptual narrowing problems at combat distance, and enhancing force decisionmaking. Siddle (1995) and Smith (2002) advocate that instructors need to la a solid foundation in initial training in accordance with the stimulus response training principles (i.e., static, fluid, and dynamic). Once static and fluid training phases are completed, instructors should maximize training by assisting students in recognizing threat cues through stimulus response training by placing them in the context of realistic situations (dynamic phase). This type of training enhances the ability to build expertise in field performance and maximizes proper decisionmaking. Survival response training should be structured around dynamic encounters in which the instructor has previously trained the officer to recognize a threat level with response options consistent with the threat cue (Burroughs, 1998; Ross, 2002; Siddle, 1995). Exposing officers to threat cues in spontaneous lethal force encounters in which the officer can experience the effects of SNS activation are important in managing survival stress. Integrating stimulus response training and building dynamic scenario-based training around the four stages of reaction time (perception, analyze, formulate a strategy, and motor response) is recommended. Such a training design will assist officers in perceiving a threat level with minimal reactionary time, requiring them to apply reactionary responses taught earlier, which aids in creating officer confidence.

It is recommended that instructors develop dynamic simmunition training designed to expose one or multiple officers to lethal force situations that include varying types of arrests, disturbance calls, traffic stops, and responses to the mentally impaired. These types of circumstances made up over 90% of the event circumstances in which force was employed, and over 60% involved more than one officer. Training with multiple officers should be conducted on a regular basis in order to reinforce performance. Training should include point shooting, reactionary drills, and shoot-don't-shoot scenarios and should be videotaped for evaluation and coaching the officers' performance. Constructive feedback by the instructor is important to reinforce training principles, reveal cues missed, enhance the motivation for learning, and use the options in the field. All dynamic training should use safety equipment, and role players should be trained prior to the exercise.

Moreover, training endeavors should also be directed at physical force altercations. Like lethal force officers, physical altercation officers had no warning or only a few seconds within which to respond to the threat. Unlike the lethal force officers, however, these officers were less likely to execute a complex motor skill, somewhat more likely to lose hand/eye coordination, and less likely to react automatically

and based on their training. In addition, a number of the officers indicated that they experienced difficulty in forming a response to the threat.

Study results should direct trainers in structuring dynamic training. Because of the critical nature of using lethal force in an arrest situation, firearms qualification and training in the past have received more attention than physical force training. Less-than-lethal force tactics and equipment, however, are used more frequently by officers, and dynamic training structured as previously mentioned should be performed on a regular basis. Training scenarios that include one- and multiple-officer response, which require the officer to use varying physical control tactics and authorized force equipment, should be designed. Facilitating a takedown technique and applying handcuffs in a stressful situation is more difficult than practicing the skill in a static mode in the gym. An ideal training design, with careful planning and safety equipment, would include scenarios in which escalation and de-escalation strategies have to be demonstrated in accordance with varying threat levels. The training design would also include writing a report after the incident, followed by feedback from the instructor by viewing the scenario videotape and report.

The importance of providing an understanding of how survival stress affects an officer's perception and physical response is accentuated from the results of this study. Study results also underscore the need for ongoing training in survival motor skills. Survival skills instructors are encouraged to use this information in enhancing their training and their students' comprehension regarding the effects of survival stress on their performance in the field. Based on the study findings, survival motor skills instructors should approach their responsibility of teaching with the idea of influencing their students' capability of forming workable perceptions about their environment and a proper cognitive and physical response. The goal of training is to increase an officer's ability to effectively make sound justifiable decisions, skill confidence, and safety, in order to respond with survival skills supported by legal and ethical foundations. This may be accomplished if instructors focus on teaching threat cues and automatic response options to the threat. This will increase officer confidence in force options, which assists in placing the officer in a "winning" mental state when confronting a survival stress situation.

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Involuntary Muscle Contractions and the Unintentional Discharge of a Firearm

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When the index finger activates the trigger mechanism of a firearm and it discharges, the action is usually intended. Under some conditions, however, this action can occur even though the person holding the firearm did not intend it. Because these conditions are very difficult to simulate in a laboratory, there are no scientific studies that specifically examine the unintended discharges of a firearm. Nonetheless, there is sufficient information in the scientific literature to help us understand the physiological reasons for the unintentional discharge of a firearm. The purpose of this article is to describe both the physiological basis for this phenomenon and the cues that could be used by firearms instructors to minimize its occurrence.

How is it possible for a person holding a firearm to experience an unintentional discharge? The answer is that the muscles responsible for moving the index finger and depressing the trigger do so without the individual realizing that this happens. To a physiologist, this is not so unusual because individuals are not aware of most muscle actions that they perform during activities of daily living. When a muscle is activated by a direct command from the brain, the action is intended. This is known as a voluntary contraction (Prochazka, Clarac, Loeb, Rothwell, & Wolpaw, 2000). Muscles can also be activated by signals that arise from other locations within the nervous system besides the brain, and such activation produces a muscle contraction that is not the result of a conscious decision. These actions are known as involuntary contractions. Unintentional discharges, which are not accidental discharges, are the result of involuntary muscle contractions that occur during the appropriate handling of a firearm. This article explains how involuntary muscle contractions can cause the unintentional discharge of a firearm.

Anatomy of the Human Body

The foundation of the human body is the skeleton, which comprises a few hundred bones that are connected at joints by ligaments and other soft tissue. In biomechanical studies of human movement, the body is often described as consisting of about 17 segments based on the structure of the skeleton, in which one segment represents the part of the body between two major joints (Enoka, 2002). Our limbs each comprise three segments: (1) the hand, (2) forearm, and (3) upper arm for the arm and the (1) foot, (2) lower leg, and (3) thigh for the leg. The forearm segment, for example, corresponds to the body structures located between the elbow and wrist, and the thigh segment refers to the body structures that lie between the hip and knee joints. Movement involves the rotation of body segments about neighboring segments, even when the task is to move in a straight line from one position to another. In walking, the motion of one leg consists of the thigh segment rotating about the hip joint, the lower leg rotating about the knee

joint, and the foot rotating about the ankle joint. The muscles that span the joints between adjacent body segments control these rotations. For example, muscles on the front (quadriceps femoris) and back (hamstrings) of the thigh control the motion of the lower leg about the knee joint, such as bending the knee. Muscles are activated to produce such actions by nerve cells that are located in the spinal cord, but only after the nerve cells themselves have been activated by signals either from the brain (voluntary contractions) or from other parts of the nervous system (involuntary contractions).

Two points about this anatomy are important for a discussion of involuntary contractions in hand muscles: (1) the position of the hand while standing depends on the relative orientation of all the body segments located between the hand and the feet. Due to this anatomical coupling, displacement of any intervening body segment will cause the hand to move (Scholz, Schöner, & Latash, 1999), and (2) it is essentially impossible for one body segment to perform an action without causing other body segments to move. This second effect, which is most obvious during rapid and forceful actions, represents a biomechanical coupling between the body segments. To prevent the biomechanical coupling from causing unintended actions in other body segments, the nervous system must activate other muscles to counteract this effect (Darling & Cole, 1990; Galloway & Koshland, 2002; Sainburg & Kalakanis, 2000; Zedka & Prochazka, 1997). This occurs automatically without the brain making a conscious decision to activate these muscles; thus, the muscle activity that stabilizes the body during the performance of a movement involves many involuntary muscle contractions.

Neurological Connections Between Limbs

In addition to the anatomical and biomechanical coupling that exists between body segments, there are connections within the nervous system whereby an effect in one body segment can evoke an associated response in another body segment (Alexander & Harrison, 2003; Barbeau, Marchand-Pauvert, Meunier, Nicolas, & Pierrot-Deseilligny, 2000). Such neurological connections even exist between limbs and are important in producing the involuntary contractions that can cause the unintentional discharge of a firearm (Koltzenburg, Wall, & McMahan, 1999; Serrien & Wiesendanger, 2001). To illustrate the nature of these neurological connections between limbs, two examples are presented: one example describes the speed of the involuntary contraction evoked in the other limb, and the other example indicates the effect of practice on the associated response.

The first example involves a reflex known as the withdrawal-crossed extension reflex (Andersen, Sonnenborg, & Arendt-Nielsen, 1999; Sherrington, 1910; Sonnenborg, Andersen, Arendt-Nielsen, & Treede, 2001). Imagine walking barefoot in your living room when you step on a thumb tack. Without thinking about it, you will lift the foot that stepped on the thumb tack off the floor and stiffen the other leg. Because the thumb tack provided a painful stimulus to the foot, the reflex response was to withdraw the foot from the stimulus (withdrawal reflex). At the same time, however, the other leg was stiffened (crossed extension reflex) so that you are able to keep your balance. In this example, the painful stimulus triggered two distinct actions: (1) in one leg, the knee joint was bent, and (2) in the other leg, it was stiffened. These involuntary contractions occur rapidly, and you are usually not aware of them until the reflexes have been completed. This

example shows how a sensory signal from one limb can elicit a rapid involuntary response in the other limb without involving the brain. This effect has also been shown with other types of reflexes (Delwaide, Sabatino, Pepin, & La Grutta, 1988; Koceja, 1995; Pierrot-Deseilligny, Bussel, Sideri, Cathala, & Castaigne, 1973; Zehr, Collins, & Chua, 2001).

The second example examines the effects of strength training performed by one limb on the strength of the same muscles in the other limb. This effect is known as cross education (Zhou, 2000). Numerous studies have found that when you perform several weeks of strength training with the muscles in one limb, not only do the exercised muscles get stronger, but so do the same muscles, although not exercised, in the other limb. This effect has been observed in hand muscles, arm muscles, and leg muscles. For example, a 12-week strength training program that involves lifting loads >65% of maximum three times a week with the right leg will produce a 5-25% strength gain in the muscles of the left leg. On average, the strength gain in the unexercised limb is about 60% of that achieved in the exercised limb. Cross education has been observed after training programs that involve voluntary contractions, contractions evoked with electric shocks, and imagined contractions (Hortobágyi, Lambert, & Hill, 1997; Hortobágyi, Scott, Lambert, Hamilton, & Tracy, 1999; Shima et al., 2002; Yue & Cole, 1992; Zhou, 2000). The strength gain in the unexercised limb appears to be caused by changes that occur in the nervous system (Duchateau & Enoka, 2002), emphasizing the powerful neurological connections that exist between limbs.

Factors That Influence Interlimb Effects

From the preceding discussion, it should be apparent that involuntary contractions could be evoked in hand muscles due either to biomechanical coupling between body segments or to neurological connections between limbs. A survey of the research literature indicates that there are at least three scenarios that could elicit involuntary contractions sufficient to cause the unintentional discharge of a firearm: (1) sympathetic contractions, (2) loss of balance, and (3) startle reaction.

The term *sympathetic contraction*, which was coined by law-enforcement officers, refers to an involuntary contraction that occurs in the muscles of one limb when the same muscles in the other limb are performing an intended forceful action. In the physiology literature, this effect is known as a mirror movement or contralateral irradiation (Arányi & Rösler, 2002; Dimitrijevic et al., 1992; Mayston, Harrison, & Stephens, 1999; Zijdewind & Kernell, 2001). The intensity of the sympathetic contraction depends on the amount of force exerted during the intended action. When subjects pushed the index finger of the left hand sideways, for example, Shinohara, Keenan, and Enoka (2003) found that the sympathetic contraction in the muscles controlling the index finger in the right hand varied with the intensity of the left-hand contraction. When the index finger in the left hand pushed as hard as possible, the sympathetic contraction in the right hand produced a force that reached 25% of maximum. Sympathetic contractions in hand muscles appear to be caused by a failure to modulate connections between the left and right sides of the brain (Arányi & Rösler, 2002; Geffen, Jones, & Geffen, 1994; Liepert, Dettmers, Terborg, & Weiller, 2001). A common situation that could evoke a sympathetic contraction sufficient to produce an unintentional discharge would be a law

enforcement officer attempting to restrain a struggling suspect with the left hand while holding a handgun in the right hand.

Although sympathetic contractions have been observed in a number of research studies, the key issue concerns the intensity of the involuntary contraction. Is the force associated with a sympathetic contraction sufficient to depress the trigger and discharge a firearm? There is no direct answer to this question yet because studies of sympathetic contractions have not placed the hand in the same position as that used to hold a handgun. Nonetheless, it is possible to estimate the magnitude of this force, at least during laboratory measurements. For an average man (20-45 years, 170 lbs., 5 ft. 10 in.), peak handgrip strength is about 125 pounds (Bemben, Massey, Bemben, Misner, & Boileau, 1996). The index finger contributes between 30 to 60% of the force to peak grip strength, depending on the position of the thumb and the width of the grip (Li, Latash, Newell, & Zatsiorsky, 1998; Radhakrishnan & Nagaravindra, 1993; Talsania & Kozin, 1998). Based on an average index finger contribution of 45%, the index finger in opposition with the thumb is capable of exerting 56 pounds of force during a maximal handgrip contraction. Because several studies indicate that a sympathetic contraction in hand muscles can reach 25% of maximum in laboratory settings (Shinohara et al., 2003; Zijdewind & Kernell, 2001), a maximal sympathetic contraction would involve an index finger force of about 14 pounds, which is sufficient to overcome most trigger pulls on handguns. This value, however, probably underestimates the actual maximum force that can be achieved by the index finger during field operations due to the modulatory effects of stress on muscle contractions (Christou et al., 2002; Delwaide & Toulouse, 1983; Noteboom, Barnholt, & Enoka, 2001; Weinburg & Hunt, 1976; Williams & Barnes, 1989).

The second scenario involves the *loss of balance*. One of the most common uses of involuntary contractions are those elicited by the nervous system to maintain the variety of postures that we assume during activities of daily living. Postural contractions serve two functions (Horak & Macpherson, 1996): (1) to place the body segments in an appropriate position for the performance of a movement and (2) to maintain the balance of the individual. When balance is disturbed, rapid involuntary contractions are evoked that attempt to return the body to a position of equilibrium. Two features of the strategies used by the nervous system to maintain balance can evoke involuntary contractions in hand muscles. First, the involuntary contractions used to prevent a loss of balance depend on the options available to counteract the disturbance of balance (Cordo & Nashner, 1982; Elger, Wing, & Gilles, 1999; McIlroy & Maki, 1995; Schieppati & Nardone, 1995). Consider the case of a law enforcement officer who has pulled over a pickup truck on a highway and walks alongside the passenger-side of the vehicle with his weapon drawn. The side of the road is covered with gravel and has a modest slope. The officer slips on the gravel. Without a conscious decision, the officer's nervous system will activate a sequence of involuntary contractions to prevent him from falling. If the officer is not close enough to grab either the pickup truck or his vehicle for support, the involuntary contractions will be focused in the leg muscles. If the officer can grasp either vehicle for support, however, most of the involuntary contractions will occur in the arm and hand muscles. Thus, the rapid involuntary contractions could involve the same muscles being used to hold the handgun.

The second feature of the postural contractions involves the neurological connections between limbs. If only one limb experiences a loss of balance, the involuntary contractions will also be evoked in the other limb (Corna, Galante, Grasso, Nardone, & Schieppati, 1996; Dietz, Horstmann, & Berger, 1989; Marsden, Merton, & Morton, 1983). As a result of this interaction, an officer who loses her balance while grasping a subject with the left hand would automatically increase her grip with the left hand, but also experience involuntary contractions in the muscles of her right arm and hand. In this example, the postural contractions would be elicited in the muscles of both hands and arms even though it was the posture of only the left hand and arm that was disturbed.

The third scenario involves the *startle reaction*. This is a whole-body, reflex-like response to an unexpected loud auditory stimulus; sometimes it can be evoked with visual, vestibular, or somesthetic stimuli (Bisdorff, Bronstein, & Gresty, 1994; Bisdorff et al., 1999; Hawk & Cook, 1997). The startle reaction evokes rapid involuntary contractions that begin with an eye blink and progress to include bending of the neck, trunk and shoulders, elbows, fingers, and legs (Brown, 1995; Landis & Hunt, 1939). The reaction in the hands, which occurs less than 200 milliseconds after the stimulus (loud sound), is for the person to make a fist. The startle reaction can have a marked effect on voluntary contractions (Nieuwenhuijzen, Schillings, Van Galen, & Duysens, 2000; Siegmund, Inglis, & Sanderson, 2001). For example, the reaction time was shortened by one-half when a loud acoustic stimulus was superimposed on reaction-time movements (Valls-Solé, Rothwell, Goulart, Cossu, & Muñoz, 1999). The magnitude of the startle reaction is variable, including increases in amplitude with fear and arousal (Davis, 1984). Accordingly, an officer who is startled by a loud, unexpected noise while searching for a suspect with his weapon drawn would surely increase the grip force on the weapon, perhaps enough to cause an unintentional discharge.

Cues for Firearms Training

Given that unintentional discharges are due to involuntary contractions, there are at least two strategies that firearms instructors can use to disrupt this association: (1) insist on a handling procedure that moves the index finger away from the trigger and (2) train officers to reduce the number and intensity of involuntary contractions.

The first strategy is currently used by many law-enforcement agencies and involves training officers to place the index finger outside the trigger guard and along the barrel of the gun until a decision has been made to discharge the weapon. This is a sound procedure because the force exerted by the index finger will vary as the officer performs various actions, and the amplitude of these fluctuations in force will increase with stress (Christou et al., 2002; Flanagan & Wing, 1995; Noteboom et al., 2001). To prevent the fluctuations in index finger force from unintentionally depressing the trigger, it seems wise to move the index finger away from the trigger mechanism until necessary. The increased time it takes to move the index finger from alongside the barrel to the trigger when it is necessary does not impede the ability of an officer to discharge the weapon rapidly.

Due to the organization of the muscles that control finger movements, however, this is not a fail-safe procedure. The fingers are controlled by a combination of

small muscles in the hand and larger muscles in the forearm. To hold a handgun in a firing position, a person will use the hand muscles and the muscles on the front of the forearm (palm side) to grip the gun and a small muscle on the back of the forearm to keep the finger extended alongside the barrel. If events evoke involuntary contractions that cause the person to grip the gun more tightly, the force exerted by these muscles could overwhelm the action of the relatively small muscle that is used to keep the index finger straight alongside the barrel of the gun. Furthermore, it is difficult, even with voluntary contractions, to perform a movement with a single finger that does not influence the forces exerted by other fingers (Kilbreath & Gandevia, 1994; Kilbreath, Gorman, Raymond, & Gandevia, 2002; Li, Danion, Latash, Li, & Zatsiorsky, 2001). As a consequence of these effects, the index finger could be forced to join the gripping action, and it could even slip inside the trigger guard and depress the trigger.

The second strategy is to provide training programs that reduce the number and intensity of involuntary contractions. This raises two questions: (1) Can involuntary contractions be trained? and (2) If so, what type of training is necessary? The answer to the first question is yes, it is possible to train involuntary contractions. One example involves the involuntary contractions associated with maintaining balance after a disturbance (Nashner, 1976). In this protocol, subjects stood on a platform that could be moved rapidly in either of two directions to stretch the calf muscles: (1) the platform is moved backward, which causes the standing person to sway forward at the ankle joint and thereby stretch the calf muscles and (2) the platform is rotated toes upward, and the calf muscles are stretched. In the first case, the subject needs involuntary contractions in the calf muscles to arrest the forward sway and prevent a loss of balance. In the second case, however, the presence of involuntary contractions in the calf muscles will cause the subject to sway backward and hence to lose balance. Nashner & McCollum (1985) found that subjects could learn to suppress the unwanted voluntary contractions in the calf muscles with the second condition after several trials of practice. Similar findings have been reported for other reflexes (Chen, Chen, & Wolpaw, 2001; Kolb, Lachauer, Maschke, & Timmann, 2002; Nielsen, Crone, & Hultborn, 1993; Sveistrup & Woollacott, 1997; Wolf & Segal, 1996; Wolf, Segal, Heter, & Catlin, 1995).

How could the involuntary contractions that tend to produce unintentional discharges be reduced with training? Although no amount of training has ever been shown to eliminate involuntary contractions, a strategy used in the fields of exercise prescription and rehabilitation medicine seems appropriate. This strategy is embodied in the Principle of Specificity, which states that the improvement in performance is specific to the activities used in the training program. For example, the increase in muscle strength that occurs after several weeks of training is greatest for the exercises used in training and is much less when the same muscles are used to perform other exercises (Semmler & Enoka, 2000). This specificity is even evident for exercises performed with one limb at a time compared with the same exercise done with both limbs together (Howard & Enoka, 1991; Rube & Secher, 1990; Zhou, 2000). These research findings suggest that firearms training should include three elements: (1) officers must be placed in scenarios that are likely to evoke the types of involuntary contractions that can cause the unintentional discharge of a firearm, (2) presentation of these scenarios should manipulate the level of arousal of the trainees so that the training mimics the field experiences, and (3) training should be offered on a regular basis and more often than

once a year. Thus, firearms training at a firing range will do little to reduce the involuntary contractions experienced by law-enforcement officers during field operations.

In summary, scientific and clinical observations indicate that there are powerful influences between the limbs of the human body and that these effects are large enough to evoke an involuntary muscle contraction and cause the unintentional discharge of a firearm. The research literature identifies three scenarios that will predispose an individual to such involuntary muscle contractions. Firearms training should emphasize strategies that move the index finger away from the trigger until a decision has been made to fire the weapon and devise protocols that reduce the likelihood of an involuntary contraction by hand muscles during the performance of standard procedures.

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No Recall of Weapon Discharge

Alexis Artwohl, PhD, Public Safety Trainer

Case Histories

The following are actual case histories of police officers who discharged their weapons during the line of duty but have no memory of having done so:

1. Three patrol cars blocked in the car of the suspect they were attempting to apprehend. The suspect began to ram the vehicles, presenting a deadly threat to some of the officers on the scene. Three officers opened fire on the suspect. The suspect jumped out of his vehicle, refused to show his hands, and continued to behave in a suspicious manner. The officers continued to fire until the suspect gave up. He was taken into custody with minor injuries. A sergeant was standing in the vicinity of the three officers who initially opened fire. When the homicide detectives arrived, the three officers who fired reported discharging their weapons. The sergeant did not report firing his weapon nor did any of the officers report hearing the sergeant's weapon go off. After providing a brief description of his involvement in the incident, the sergeant went home and performed his cursory daily wipe down of his weapon then went to sleep. The next day, he was called in by the detectives to explore the possibility that he had fired his weapon at the scene. The sergeant reported no recollection of firing his weapon but conceded it was, of course, possible. It became apparent that the detectives had obtained physical evidence indicating that the sergeant had indeed discharged his weapon. They did not believe the sergeant could not remember having done so and immediately suspected him of untruthfulness. They were further bothered by the fact that the sergeant admitted wiping down his gun and believed this was part of his cover-up. The sergeant was placed on administrative leave and within a week received a notice of intent to terminate based on the allegations that he had been untruthful and had attempted to cover up firing his weapon. His association informed the police department that they intended to file legal action on the sergeant's behalf for unlawful termination. A deal was struck to delay the sergeant's termination, and he was granted a stress-related medical retirement.
2. A deputy stopped a drunk driver as the driver was pulling into his home's driveway. The driver got out and went inside his home. The deputy called for back-up and asked the driver to come outside. The driver refused, telling the deputy to come inside, which he did. The deputy found the driver sitting on a couch with a gun next to him. The deputy retreated, yelling for the driver to not touch the gun. Confused, the deputy wound up going into the basement. The driver followed, gun in hand. The deputy called for help and got out of the basement. The driver was found dead at the top of the stairs. The deputy swears he did not shoot, but it was later discovered the deputy had in fact fired four rounds. The deputy saw the muzzle flashes but thought they were coming from the driver shooting at him. The deputy was cleared but retired because of stress.

3. A male gangster was holding a couple in their 90s as hostages. A patrol sergeant shot the suspect along with two other officers. He remembers seeing a muzzle flash and thought it was the suspect firing at him. He was shocked to find out the suspect had not actually shot at him. It was really his own muzzle flash that he saw. He had to look at his own magazine to see if he had really fired or not.
4. An officer stepped out of his squad car after pursuing an offender who spun out on a slick entrance ramp. As he stepped out, he slipped and fired a round through the offender's windshield. The round barely touched the offender's neck. The officer insisted that he did not have his finger on the trigger or consider shooting.
5. An officer shot a suspect twice with a shotgun to prevent him from entering a residence and taking a hostage. It was a justified shooting, but the officer only remembers firing one of the two rounds. The shooting review board found one round "in policy" and one round "out of policy." Their reasoning was that both rounds were justified, but since he couldn't remember one of them, it must be out of policy.
6. There were two incidents in which officers fired unintentionally and did not immediately realize they had done so. But once their brains sorted out the incoming data (i.e., I'm bleeding, my gun is smoking, and there is no one else here) they realized what had happened.
7. An officer was involved in a shooting with another officer and suspect in which over 20 total rounds were fired. Immediately after the shooting, she couldn't remember whether she had fired her weapon. She remained unsure until around one hour later when she and her lieutenant checked her weapon and actually counted the rounds.

Additional cases are available in the research report written by Klinger (2001). His extensive interviews of 80 officers involved in 113 separate shootings revealed additional cases of officers who had fired their weapons but did not realize they were doing so as it happened:

1. An officer was shot at close range by a suspect who then immediately fled the location. The suspect was captured nearby after losing a gun battle with the injured officer's partner. It was discovered during the post-shooting investigation that the first officer had fired one round that struck the suspect during the initial confrontation in which he himself had been shot; however, the first officer had no recollection that he had fired his gun.
2. In another case, the only reason an officer knew that he had fired four rounds is that he knew that he carried four rounds in his shotgun, which he emptied at the suspect. He did not recall firing four rounds; he just deduced from his empty shotgun that he had done so.
3. In another case, an officer knew that he had fired his semi-automatic handgun only because when he looked down the frame to obtain a sight picture on an

armed suspect, he saw that the hammer was cocked back, which could only have happened if he had already fired.

Solomon (1997) reported two additional cases:

1. Two officers confronted a suspect who takes one of them hostage. The suspect forced the hostage officer into the police car with the officer behind the wheel and orders him to drive off. As he turned on the ignition, the other officer shot the suspect through the windshield. The next thing he remembers is helping the officer out of the car. The suspect is dead. The investigation revealed that the suspect was killed by shots fired through the driver's side window; however, the officer said that he only fired through the windshield and did not know shots had been fired through the side window or who could have fired them. The hostage officer confirmed that the officer had in fact fired two shots through the side window after firing through the windshield. The officer had no recollection of going to the side of the car or firing his weapon there until six years later at a critical incident workshop.
2. Several officers were in pursuit of an armed suspect, when he crashed his car. As an officer approached the car, the suspect got out, weapon in hand. The next thing the officer remembers is standing over the suspect who was fatally shot. Witnesses and physical evidence clearly show the officer shot the suspect. The officer, however, does not recall shooting him.

In addition to these on-duty incidents, Trooper Mike Conti of the Massachusetts State Police Academy reported the following in a personal communication:

Have built a new firearms training program for Mass State Police; the A New Paradigm we call it. Incorporated in the program is a Stress Inoculation Training program called the "House of Horror." Over 2,300 people trained so far, one at a time. Six minutes long. Eight stations where they must decide on what to do while operating with a pistol in their hands. True high arousal state induced 100% of the time. Physical and Psychological effects consistently observed. Documented memory gaps experienced by 85% to 90% of all who have participated. Not remembering what they did, *if they shot at particular stations, etc.* THIS IS TRAINING, never mind actual situation. Also tunnel vision, auditory exclusion, etc., experienced by all who participate.

Trooper Conti and his colleagues are to be commended for their innovative reality-based training program.

Research on Perceptual and Memory Distortions

Research by Artwohl and Christensen (1997), Artwohl (2002), Solomon (1986, 1997), Klinger (2001), Grossman and Siddle (1998), Honig and Roland (1998), confirms that officers experience perceptual and memory distortions during critical incidents, including officer involved shootings.

Artwohl (2002) in her survey of 157 officers involved in shootings, found that 52% of the officers could not remember some of the event, and 46% could not

remember some of their own behavior. Solomon and Horn (1986) reported that 32% of the 44 officers he studied who experienced on-duty shootings could not remember some parts of their experience. In addition to memory gaps, 21% of the officers in Artwohl's study experienced memory distortions in which they saw, heard, or experienced something during the event that they later found out had not really happened.

This lack of recall of one's own behavior can include inaccuracies in terms of how many rounds were fired and even the failure to remember having fired one's weapon at all. Klinger (2001), in addition to his above reported cases in which officers were unaware of firing their weapons, found that in 33% of the 113 shootings he studied, officers could not accurately recall the exact number of rounds they had fired. He found that the accuracy of an officer's recall decreased as the number of rounds went up: from 81% accuracy when officer fired five or fewer rounds, down to 29% accuracy when they fired six to nine, and down all the way to 0% accuracy when they fired 13 or more. His research confirms the clinical experience of police psychologists who routinely observe during debriefings that officers frequently cannot accurately remember the number of rounds they fired during an officer involved shooting. Artwohl (2002) found that 84% of officers' involved in 157 shootings experienced the perceptual distortion of diminished sound, meaning that they could not hear loud sounds such as gunshots that ordinarily would not be missed. The failure to hear the gunshots could contribute to the officers' failure to realize that they had a weapons discharge or the exact number of rounds that were fired.

The distorted and/or missing memories that officers experience during critical incidents is not surprising given that the basic research on memory has confirmed that human memory is rarely perfect even under the best of circumstances. This includes eyewitness testimony in legal cases (Terry, 1997). Furthermore, as multiple researchers have pointed out, memory impairment is an inherent part of critical incidents. The memory of a highly stressful event can often be fragmented, disorganized, and out of order. Such a memory can contain gaps for which the person has no memory at all. DSM-IV (1994), the *Diagnostic and Statistical Manual of Mental Disorders* published by the American Psychiatric Association, points out that one of the features of post-traumatic stress disorder is the inability to recall an important aspect of the trauma.

Epstein (1994), a researcher in the area of stress and fear, points out that when people are in a highly emotionally aroused state, they process information in fundamentally different ways than they do when they are in a low state of arousal. Their reactions under stress are more likely to include decreased conscious awareness, fragmented memory, and perceptual distortions and to be based on instinct and previous learning experiences instead of rational conscious thought. All of these documented phenomena could contribute to the officer's failure to consciously remember firing his or her weapon, especially in the suddenness, noise, confusion, and fear that often characterizes deadly force encounters. Consistent with Epstein's research, Artwohl (2002) found that 74% of 157 officers involved in shootings reported that they responded automatically to the perceived threat, giving little or no conscious thought to their actions. Officers will often make comments such as the following: "My training just automatically kicked in without my thinking about it." or "My gun just appeared in my hand on its own."

Dissociation, defined as a disruption in the usually integrated functions of consciousness, memory, identity, or perception of the environment (APA, 1994), is an experience to which people are prone in a high-stress situation. Artwohl (2002) found that 39% of 157 officers involved in shootings experienced dissociation as defined by Athere were moments when you had a strange sense of detachment, as if the event was a dream and not real, or like you were looking at yourself from the outside. Solomon and Horn (1986) reported that 9% of 44 officers involved in shootings reported dissociation to the extent of having out-of-body experiences. During dissociation, people can become psychologically detached from their bodies or aspects of the experience, resulting in lack of awareness of pain, loss of memory for parts of the event, feeling numb and detached from their emotions, and other strange experiences that can interfere with conscious awareness of their behavior and their ability to recall what they did.

Because of memory distortions, dissociation, and automatic reactions to stimuli during high arousal states, it is well-documented in the trauma literature that people in extreme stress situations can engage in behavior that appears to be a purposeful reaction to sudden threats but for which they have no memory.

Research on Unintentional Weapons Discharge

If officers have no recollection of having fired their weapons when, in fact, they did, it is safe to assume that in some cases, the discharge of the weapon was involuntary, at least at the conscious level; therefore, the research on involuntary discharges may also offer some useful insights:

Enoka (2003) points out that there is no doubt that unintentional discharges are possible and are caused by involuntary muscle contractions. He discusses physiological phenomenon that can contribute to unintentional discharges including sympathetic contractions, loss of balance, and startle reactions.

Messina (1994, 2000), Messina & Czarnecki (2002), and Demetriou (1994) did research on what they term the fist reflex to address the issue of involuntary discharges. The fist reflex is defined as a response that occurs when an individual psychologically associates making a fist with a high-stress confrontational situation. They point out that although the fist reflex may be a natural instinct, at birth, it can be further reinforced by sports such as boxing and the martial arts and through on-the-job training using fist defensive tactics. Their research indicated that a high percentage of participants who had involuntary discharges had studied martial arts systems that emphasized making a fist under stress, with boxers foremost in this category.

Implications for Training

Enoka (2003) points out that there is scientific evidence to support the hypothesis that interactions between limbs contributing to sympathetic contractions can be modified with training. Since these interactions appear to be task specific, he recommends that firearms instructors study the problem and devise innovative ways to minimize the physiological phenomenon contributing to involuntary discharges.

Grossi (1993) discusses Enoka's research and makes recommendations for law enforcement training including training and practice in the "Universal Cover Mode" (keep the finger off the trigger and outside the trigger guard). Grossi encourages firearms instructors to integrate Enoka's information into their training programs and devise progressive training methods to help minimize involuntary discharges.

Messina (1994, 2000), and Messina and Czarnecki (2002) based on the research confirming the phenomenon of the "fist reflex," completely removed all fisted strikes from their law enforcement programs with positive results. Messina states that no officer certified by his training company after 1993 has had an involuntary discharge in either high-stress simulations or in the line of duty, a result he attributes to switching his training from fisted strikes to open-handed striking techniques. He and his colleague Demetriou advocate open-handed striking techniques as a training method that can minimize the fist reflex and help reduce the number of involuntary discharges.

Given the contribution that stress and the startle reflex can contribute to involuntary discharges and the inability to remember what happened, it is recommended that training for critical incidents be founded upon the principles of Stress Inoculation Training (SIT) first documented by Meichenbaum and Cameron (1983), and Meichenbaum (1985). This means that officers are best trained to perform effectively in high-stress situations by training them under stressful training conditions that simulate as much as possible the external stimuli and high levels of physiological arousal they will experience in an actual critical incident. This includes training and practice in learning to control their arousal levels and becoming more stress resistant in an actual event. This also allows State Dependent Learning (SDL) to occur. SDL, confirmed by research, means that a learned behavior will be performed better if it is learned under the same external and internal state in which it will be performed; therefore, if officers will be performing under the influence of adrenaline and other stress hormones in an actual critical incident, they should learn and practice under the influence of these same stress hormones. Simulating the external demands and stressors will also help officers achieve peak performance during the real event.

Implications for Investigations

Officers who discharge their weapons obviously must be held accountable for their use of deadly force, and it is appropriate that these events undergo a thorough investigation. All those involved in judging the aftermath of an officer-involved shooting should be trained in the existence of memory and perceptual distortions so that they understand that these are normal phenomena during critical incidents. This would include the officers themselves, investigators, command staff, district attorneys, juries, journalists, and any other individuals who will be second guessing the behavior of the involved officers. It should never be assumed that the witnesses and participants of any event, including officers, are automatically lying if their memories of an event do not coincide with the physical evidence or other witness accounts. This includes the failure to remember firing a weapon.

It is standard operating procedure that the weapons of officers who discharged their weapons in the line of duty are examined to determine how many rounds

were fired. This is a wise policy given that officers frequently are not able to accurately recall the exact number of rounds they fired. Based on evidence that officers may have no memory of discharging their weapon at all, however, it is recommended that the weapons of *all* officers at the scene of any deadly force encounter have their weapons routinely examined to see whether they have been fired. This will help maximize the accuracy and thoroughness of the investigation and protect officers from accusations of “covering up” a weapons discharge if it is discovered later that officers had experienced a weapons discharge that they did not notice or remember.

Fisher and Geiselman (1992) have done extensive research on the “Cognitive Interview,” the memory-enhancing interview technique developed to help cooperative witnesses such as crime victims recall what happened. Officers involved in shootings would typically fall into this category. Fisher and Geiselman developed this technique based on the recognition that victims of traumatic events such as crimes often have difficulty recalling exactly what happened no matter how much they want to. Therefore, it is the investigator’s task to help facilitate their memory recall as much as possible. Multiple research studies have demonstrated that investigators using the cognitive interview technique are able to obtain 30% to 70% more information from cooperative witnesses than the standard interrogation techniques used for recalcitrant criminal suspects who are more likely to be lying and deliberately withholding information. It is recommended that investigators who interview officers and other crime victims familiarize themselves with the cognitive interview.

Summary

In summary, incidents in which the officers do not remember discharging their weapons will continue to be a fact of life for law enforcement. This will include situations during which officers will have involuntary discharges, a phenomenon that hopefully can be reduced by research and better training. When officers have failed to remember having a weapons discharge, it is a mistake to automatically assume that the officer must be lying. There is ample psychological research which shows that memory gaps and distortions are a normal part of critical incidents. Investigators interviewing cooperative witnesses involved in shootings and other high-stress events are encouraged to familiarize themselves with the memory-enhancing interview technique, the cognitive interview, developed by Fisher and Geiselman.

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The Use of Force in Minority Communities: A Case for Institutional Design

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As this volume was going to press, yet another law enforcement scandal involving the use of force was unfolding, this time within the San Francisco Police Department. According to preliminary news reports, three off-duty cops (including the son of the assistant police chief) approached two men, demanded that they turn over a bag of steak fajitas, and viciously pummeled them when the pair refused to forfeit their dinner. But the assault was only the beginning of the alleged shenanigans. As has been clear since the fall of the Nixon Administration, official cover-ups are often worse than the following original misconduct—and in this case, “fajitagate” only became a full-fledged brouhaha when officials attempted to sweep the incident under the proverbial carpet.

Unfortunately, the San Francisco scandal appears to fall within a larger taxonomy (or, more apropos, a scatological survey) of real or perceived misuses of force by police departments. The categories might include the following: off-duty criminal assaults by law enforcement, as was involved in San Francisco; on-duty and patently illegal physical violence like the rape of Abner Louima by a New York City policeman; the assaults, robberies, and other common law crimes committed by officers involved in the Los Angeles Police Department’s Rampart area scandal; and on-duty and *apparently* illegitimate uses of force, such as the “wild west” style shooting of Amadou Diallo in New York City and the baton whipping of Rodney King in Los Angeles. Of course, one might question the significance of each discriminator —being “off-duty,” for instance, seems irrelevant given the modern reality of 24/7 policing and the fact that off-duty violence seems no less painful or galling, particularly when it is met by the “blue wall of silence.” Moreover, an infinite number of typologies are possible—classifying uses of force by the weapon employed, whether a cover-up was involved, how many officers were implicated, and so on—all evincing different ways to sort police violence.

Yet the very act of creating a classification system for dubious uses of force only highlights the problems of trying to draw fine lines among conduct that appears illegitimate to the general population and/or those directly affected by the drawn nightstick. Take, for instance, the state prosecution against the police assailants of Rodney King. With the dexterity of a coroner, the defense dissected each movement by the victim and accompanying baton swings of the accused cops, attempting to demonstrate at slow-speed what defense counsel claimed was reasonable at full-speed. This parsing may have been convincing to the sequestered jury but not the general public, who saw the beating as illegitimate at any film speed.

More importantly, the African-American community* knew better than to accept the incident as mechanical application of sound principles to real-life events. Given the background of police abuses and official indifference to the plight of black citizens, minority neighborhoods in Los Angeles placed the King incident in a different, historically based category: a state-sponsored lynching. Such context will likely distinguish the aforementioned San Francisco scandal from other stories of police abuse, as racial prejudice does not appear to be a precipitating factor in “fajitagate” while local law enforcement maintains a fairly progressive stance on race relations. Other departments are not so fortunate, however, and have come to understand that the image of cops getting rough with minority citizens severely taints otherwise *legitimate* uses of force. No one can doubt that police must regularly use physical compulsion in service of the public welfare, with “good cops” unholstering lethal weapons to protect the citizenry against violent criminals. On the other hand, to the extent that a given minority community has been the subject of a seemingly unbroken line of police abuses by “bad cops” (which, I suggest below, is a misnomer), even the legitimate application of force will tend to be perceived as just another lawless act of violence against the disempowered.

Certainly both external and internal factors can restrict the official use of force. As a matter of constitutional law, the courts have limited the circumstances in which police may employ deadly weapons to capture fleeing felons (*Tennessee v. Garner*, 1985), the means by which officers can physically extract information from suspects (*Brown v. Mississippi*, 1936; *Rochin v. California*, 1952), and other scenarios involving the use of force (see e.g., Williams, 1993). Citizen activists and organizations also draw upon more pragmatic tools in curbing police violence, including public protests, civil rights litigation, and demands for new legislation or federal intervention. Many police departments have even adopted their own internal rules for the use of force, often in the form of specific police techniques linked to “scales” or “continuums” that call for gradual escalations in force with greater levels of subject resistance (Bartollas & Hahn, 1999; Frisby, 1993; Neyroud & Beckley, 2001).

In and of themselves, however, these methods of preventing police abuse of force are unlikely to assuage the fears and distrust of hypervigilant, mostly minority communities. Any set of internal police rules will not be self-enforcing but will require a concerted effort on the part of law enforcement administrators to inculcate appropriate practices in the rank-and-file. Moreover, internal regulations may have no effect on the *perceived* legitimacy of any particular use of force or a policy in general if the relevant community is oblivious to the rules of engagement. As for legal avenues of redress, the U.S. Constitution paints with exceedingly broad strokes, and the courts have shown unease in constraining law enforcement through their interpretation of vague language. This problem is only exacerbated by the Supreme Court’s strong aversion to holding police departments liable for the actions of individual officers (see e.g., *City of Los Angeles v. Lyons*, 1983; *County of Sacramento v. Lewis*, 1998). In the new reality of our post-9/11 world, Professor

* For the sake of simplicity, this article uses a number of loaded terms—*community, neighborhood, minority, misconduct*, and others—without unpacking their various meanings. For definitions and applications of these terms, see Luna, In Press.

Jerold Israel's admonition rings truer than ever: "[I]f you want to do something about the police, the answer is not the Supreme Court" (Israel, 2000).

Nonjudicial options may fare no better, given practical boundaries and the *realpolitik* of criminal justice. Civil litigation almost always presents an uphill battle, including restrictions on discovery, questions of constitutional and statutory immunity, skepticism by juries and sometimes paltry damage awards, and police officials who view civil verdicts as a mere cost of doing business. These obstacles are then compounded by the reality of standard adjudication. Absent a class action suit, some type of injunctive relief, or enormous damage awards, case-by-case litigation is precisely that: a single case that can and often will be ignored by the relevant law enforcement agency. Moreover, few potential plaintiffs will have the wherewithal and resolve to bring suit unless the police conduct is exceptionally egregious. If that were not enough, it remains an open possibility that any successful action against police departments will be met with a reaction that seems only marginally preferable to abusive police conduct: law enforcement intentionally *underenforcing* the law, refusing to respond to even obnoxious criminality out of bald indifference or fear of legal reprisals, or giving the complaining neighborhood their comeuppance (see e.g., Kennedy, 1997; Tizon & Forgrave, 2001).

More generally, police abuse of force is a symptom of a larger social disease: the systematic mistreatment of minority citizens at the hands of police, resulting in palpable mistrust between communities of color and the officers that are supposed to protect them and ultimately producing a host of antisocial consequences. Law enforcement brutality is a major component of perceived misconduct and cause for mistrust, but it is neither the only symptom, nor the *sine qua non* of discontent among minorities. Instead, police abuse of force has come to symbolize an entire universe of grievances that can be leveled against society in general and law enforcement in particular, including police harassment and racial profiling, minority over-representation in prosecution and punishment, false accusations and convictions (often by means of police perjury), apathy toward citizen complaints or even threats against those who file grievances, egregious cases of victim-blaming by the abusive department, and so on.

The totality of these experiences contributes to a shared belief that the institution of law enforcement is fundamentally unfair and prejudiced against minorities. Negative confrontations become "race-making situations" (James, 1994), constructing what it means to be a racial minority through interaction with police, namely, a second-class citizen under constant surveillance and subject to abusive enforcement. Given that minority citizens are often bound together through "linked fate" (Dawson, 1994, p. 77)—an evaluation of individual welfare based on the treatment of other minorities and the race as a whole—the perceived abuses form a basis for racial solidarity against law enforcement. The antisocial consequences that flow from such an ethos in minority communities are many and troubling:

- Citizen adaptation of lifestyle to the realities of street enforcement, such as avoiding certain public locations, not wearing particular types of clothing or driving certain automobiles, and the inculcation of life skills to avoid being confronted or killed by the police

- Reinforcement of injurious stereotypes about people of color that, in turn, encourage private discrimination against minority citizens in everyday interactions and the provision of goods and services
- Citizen reluctance to cooperate or participate in the criminal process, whether as sources of information, witnesses to crime, neutral jurors in criminal cases, etc.
- Increased criminality in affected neighborhoods as the legitimacy of law and its enforcers is undermined to the point of near irrelevance
- Creation of martyrs/heroes out of criminals and celebration of an anti-police, pro-crime culture
- Mass civil disobedience and violence between minority citizens and law enforcement

Given the grave consequences that run from the perception (if not reality) of police abuses and concomitant illegitimacy of law enforcement, local officials from New York City to Los Angeles, and nearly every police department in between, cannot stand idly by and hope for the best. Nor will they find a panacea by merely addressing individual officers or particular manifestations of abuse. Police departments do not lose their legitimacy due to singular incidents of police brutality, racial profiling, or officer perjury or any similar phenomenon *in isolation*. Instead, these and other unjust practices coalesce over time to form a collective basis for popular distrust in minority communities. Moreover, the police behavior that leads to citizen distrust and animosity is not always, or even usually, the result of a few “rotten apples” within law enforcement. Rather, it stems from “rotten institutions”—police departments that are characterized by insular management; a war-like, us-vs.-them mentality; deficiencies in recruiting, training, and supervision; and performance evaluations that overemphasize quantitative data like the number of arrests or seizures—all of which encourage a culture of misconduct against minority citizens within a given police department.

In this context, *culture* can be described as the assumptions, values, and norms that help define law enforcement and the meaning of membership, as well as the style and environment of policing. New recruits in tainted agencies soon realize the prevalence and acceptability of deviance through a process of occupational socialization, learning the unwritten rules that permit or even require misconduct. Among other things, they quickly appreciate the norm of toughness, the value of being perceived as a “hardass” by their peers and those they confront on the streets—which, in turn, encourages the excessive use of force and other abuses that sabotage the relationship between cops and communities of color.

Against this difficult backdrop, the issue becomes how distrusted police departments can (re)gain legitimacy among minority citizens. The question presumes, of course, that a given police department is actively seeking a heightened perception of legitimacy and level of cooperation within the relevant minority community—a presumption that may not hold for many recalcitrant agencies. Assuming the desire and wherewithal of a beleaguered police department, however, one promising strategy for positive change and better relationships is the theory of “institutional design.” Developed by philosophers, economists, political scientists, and law

professors, institutional design seeks to understand how various institutions function, what impact they have on groups and individuals, and the ways in which they can be (re)designed to serve valuable social goals. In other words, institutional design takes a “designer’s perspective” (Soltan, 1993, p. 4) on how to improve the internal performance of a given institution as well as its external interaction with other institutions, collectives, or individuals. The design process seeks to create or modify the rules and incentives of an official entity in order to achieve certain ends, which in turn, are predicated on an understanding of the normative goals of a given institution.

As I suggest elsewhere (In Press), a general aim for American law enforcement should be the creation of a more democratic police force within a system of constitutional restraints. This goal would encompass constitutional democracy as being consensual in nature, with government authorized to use coercive force but always in service of the common good and only to the extent that official actions are ultimately accountable to the people. Consensual democracy creates substantive rights as part of the social compact, protecting individuals and groups regardless of the wishes of the majority, while also establishing fair procedures that are transsubstantive in nature, assuring due process in the enforcement of law. Among other things, democracy should offer a forum for discourse and deliberation by the people, not only because an opportunity to be heard seems a necessary corollary of consent, but also for the occasion that dialogue affords for persuasion and compromise. In turn, rules and procedures for the exercise of discretion make the act of enforcement more law-like, more amenable to oversight, and more apt to be the product of popular consent. So defined, democracy places a two-fold requirement on law enforcement: (1) Police must act consistently with widely held notions of substantive and procedural fairness (e.g., it is unjust for police officers to punish even a clearly guilty suspect), and (2) citizens must perceive law enforcement complying with (1). These interlocking conditions are premised on the wisdom that justice and the *perception* of justice work in tandem—and in the present case, implementing a fair policy for the use of force will not inspire perceptions of justice within communities of color if minority citizens are oblivious to its very existence.

With this understanding of democracy and the goal of creating a more democratic police force—one based on, *inter alia*, participation of affected citizens and active opposition to officer misconduct—institutional design can provide a powerful framework for reducing incidents of excessive force and other perceived abuses that drive a wedge between law enforcement and minority citizens. In particular, the framework contains two separate but mutually reinforcing approaches to institutional design, what I have previously described as “behavioral policing” theory and “transparent policing” theory (Luna, 2000a; 2000b; In Press).

Behavioral policing draws upon the fields of economics, sociology, and cognitive psychology and is concerned with the causes of individual and group action. As applied to institutional design of law enforcement, the objective is to determine potential rationales for police misconduct and methods for limiting such behavior. Behavioral policing begins with the rational-actor assumption of traditional economic analysis, that individuals are rational in their evaluation of various options and will make choices that maximize their own personal utility. Because the egocentric choices of institutional agents (e.g., police officers) are not always in

the best interest of the institution (the police department) or its alleged beneficiaries (affected citizens), behavioral policing theory seeks the creation of incentive structures that prevent or restrict self-interested conduct by individuals within the institution. Such structures would include increasing the punishment for officer misconduct, the reward for model police behavior, and the probability of detection through enhanced surveillance and oversight.

Behavioral policing also incorporates methodologies that help compensate for systematic inefficiencies and apparent irrationalities in the real world. Cognitive psychology suggests that individuals often suffer from intellectual boundaries that impede the pursuit of their own personal utility. Instead, they adopt biases and heuristics in everyday practice—mental shortcuts, more or less, that simplify hard decisions or streamline unwieldy information (see e.g., Jolls, Sunstein & Thaler, 1998). In addition, modern sociology argues that people are often influenced by peer beliefs and actions, regardless of the effects on rational self-interest. Because individuals naturally seek the esteem, appreciation, and affection of those who are most significant in their everyday lives, the social norms of peer groups can alter perceptions and behaviors. If one's friends are actively engaged in criminal conduct, for instance, the individual is more likely to believe that crime is always afoot, that law is largely irrelevant, and that criminality enhances status within the group (see e.g., Kahan, 1997). Both supplements to pure economic analysis hope to isolate those factors that distort self-interested conduct, both for better and for worse, and to then apply this insight when constructing an incentive structure that channels law enforcement toward model behavior.

The theory of transparent policing is grounded in moral and political philosophy. As applied to law enforcement, this approach focuses on the predicates of legitimate state action and suggests means to increase the perceived legitimacy of police in distrustful, disaffected communities. In particular, institutions established within constitutional democracies (e.g., police departments) should be committed to discourse, reflection, and deliberation. Democratic institutional design reflects a process of intelligent adaptation, evaluating the lessons of experience and deliberating on the future, providing a forum for public education, and positioning citizens in relation to one another as decisionmakers through reasoned discourse. Transparent policing contends that affected citizens should be able to observe and scrutinize the judgments of law enforcement, as well as their underlying rationales, and to have a say in the formation and reformulation of these decisions. This conception of transparency draws upon various theories, from procedural justice to civic republicanism, all with the goal of developing values or principles that can guide law enforcement.

Elsewhere, I have suggested a small set of principles for transparent policing that seeks to increase perceived legitimacy by making law enforcement actions and intentions available to affected citizens and allowing them to participate in the decisionmaking process (see e.g., Luna, In Press). The first principle, *visibility*, demands that law enforcement policies and, to the extent possible, their actual implementation on the streets be available to the relevant community. In practice, this means that programmatic resolutions by police administrators should usually be announced to the affected citizenry and that discretionary actions of beat cops should be recorded for subsequent public review. The second principle, *justification*, is connected to the first—namely, requiring an announced rationale for a particular

police policy or street-level decision. For strategic plans, the justification may take the form of a criminological thesis applied to the context of a particular neighborhood, while discretionary actions by line officers will typically be based on the mustering of facts for individualized suspicion. Whatever the circumstances, however, citizen discourse on public decisions seems relatively worthless without information on state actions and their attached rationales.

The remaining principles concern the process of law enforcement decisionmaking, with an emphasis on public involvement and thus legitimation. What I have termed *voice* is the ability of affected individuals and groups to participate in the process of policy formulation and the review of specific actions, allowing their concerns to be aired and genuinely considered by law enforcement. The principle of *deliberation*, in turn, is concerned with the substance of debate and the rationale for action—that the arguments supporting a police policy fit within the general domain of social welfare, privileging public reason and civic-minded argument over raw self-interest. The final principle, *revisability*, requires that whatever decisions are reached by police-citizen discussion should be subject to revision, based on the virtual truism that judgments of fallible beings affecting other beings can be well-intentioned and yet terribly flawed in practice. Revisability, therefore, demands an ongoing review of police policies and, if necessary, their revision based on experience.

In sum, then, institutional design would take a two-pronged approach to improving distrustful, antagonistic relations between law enforcement and minority communities. *Behavioral policing* would decrease officer misconduct through behavioral/cognitive modification, thereby enhancing the trustworthiness of law enforcement. *Transparent policing* would increase the basis for trust and legitimacy by allowing affected neighborhoods to observe and participate in the process of police decisionmaking. Through a more fully developed theory of institutional design, it is hoped that police departments would have a robust framework that could guide appropriate responses and curatives for the full breadth of misconduct, from officer brutality to racial profiling to police perjury—a task that is beyond the scope of this article. Nonetheless, let me suggest a few ways in which institutional design might advance the concerns of minority communities relating to the use of force.

In terms of behavioral policing theory, cases of police brutality might result from, among other things, inappropriate incentive structures for frontline officers. From a rational actor perspective, quantitative performance evaluations—with officer “success” measured by the number of tickets and arrests, the amount of drugs and money seized, and so on—create a strong economic motivation for beat cops to focus on those communities that suffer the highest levels of crime and that are least likely to complain or to be heard. As might be expected, history has shown that those who typically pay for this statistical focus are minority motorists and pedestrians, with certain aggressive law enforcement policies, such as order-maintenance or “broken windows” policing, only intensifying the problem (see e.g., Harcourt, 1998).

One possible solution is to play down traditional performance standards like arrests and seizures and instead “focus on a new model of policing that emphasizes [law enforcement’s] charge to do justice, promote secure communities, restore

crime victims, and promote non-criminal options" (Alpert & Moore, 1993, p. 111). Although more difficult to collect, qualitative criteria—such as citizen complaints or, conversely, commendations by neighborhood residents—often provide a better picture of officer performance from the angle of affected communities.

From the perspective of cognitive psychology, police brutality might originate from deficient vetting procedures for potential employees and insufficient training for new recruits. In particular, failures in screening and value inculcation can result in various forms of police prejudice, including overt racism (e.g., use of racial epithets), assumptions of minority criminality (e.g., use of racial profiles), and "unconscious racism" (see e.g., Lawrence, 1987; Johnson, 1988). This leads to differential treatment through the mental cue of skin color *even if* the officer is neither blatantly racist nor a subscriber to the theory of minority criminality. Whatever the form, racial discrimination and minority disempowerment make it difficult "to prevent an easy laying-on of hands by the police" (Douglas, 1960, p. 13).

To counter these problems, behavioral policing theory would suggest that the hiring process incorporate an extensive battery of tests for psychological deficiencies, screening out those individuals with strong indication of racial prejudice, violent tendencies, and other traits unsuitable for police work. In turn, extensive training and realistic drills on the use of force, including high-tech firearms simulators, should educate against deadly confrontations attributable to inexperience or rash responses. Police should also be instructed on the complexities of culture, ethnicity, and race, particularly as they pertain to the neighborhoods they police, while also confronting their own biases (such as the assumption of black criminality) and the cues that are transmitted during police-citizen confrontations.

From a sociological perspective, officer brutality might arise from insular police management and the inculcation of belligerent values. Poor police-minority relations are often traceable to a "closed system" style of management, with department officials ignoring or restricting the effect of external forces like the claims of abuse by minority citizens. The positions taken by top administrators can greatly influence attitudes and actions throughout the department, with the police chief's personal ideology affecting, for instance, the use of force by his or her officers (Uelmen, 1973). In fact, bellicose leadership conforms to an entrenched battle mentality of us-vs.-them, law enforcement against dangerous(-looking) citizens, allowing policies that might otherwise seem unthinkable in civil society and motivating officers to view their job as fighting a war against enemy combatants. "[T]he war model of policing encourages police violence of the type that victimized Rodney King," argue Professors Jerome Skolnick and James Fyfe. "When cops go to war against crime, their enemies are found in inner cities and among our minority populations" (Skolnick & Fyfe, 1993, p. 113).

Per behavioral policing theory, potential answers begin at the top pursuant to an "open systems" approach to law enforcement, with police leadership actively soliciting input from external sources such as minority communities and thereby avoiding a monotone voice on issues of vital importance. Police administrators must also crack down on even "minor" abuses of force to undermine the culture of misconduct and thereby increase the level of socially influenced deterrence. Police

chiefs can serve as “norm entrepreneurs” (Sunstein, 1996, pp. 929-30), denouncing brutality, signaling law enforcement’s swift and severe response to such behavior, and fostering an institutional norm against police misconduct that flows throughout the department. Breaking up units with a history of abuse and rotating assignments to prevent the formation of rogue cliques can also abate deviant police cultures. Conversely, the milieu of policing may be improved by expanding the presence of minority officers through recruitment efforts and requiring cops to live in the neighborhoods they police, inculcating an appreciation of minority viewpoints and a general interest in community well-being.

Like behavioral policing, the theory of transparent policing supports an open-system management style premised on the visibility of law enforcement actions, allowing external voices to be heard and revising policies based on experience. Moreover, the circulation of information and ideas provides the medium for various forms of cooperative decisionmaking by police and private citizens. For instance, “community policing” encourages direct contact and partnership between patrol officers and residents in setting local priorities and solving neighborhood problems. Likewise, the concept of a civilian advisory board suggests that police leaders should obtain the input and assent of citizen representatives when analyzing law enforcement policies that significantly affect a neighborhood and its members. Along similar lines, I have discussed elsewhere the idea of a collaborative rule-making process that would create principles to guide vice enforcement in poor minority neighborhoods (Luna, 2000b). An analogous process might bring together police administrators and minority community representatives to forge rules for the use of force. These forums for collaborative decisionmaking present an opportunity for citizens to air their concerns and ideas, for an appropriate resolution to be reached through deliberation, and for the decision to be subject to ongoing review.

To be clear, these are just a few possible applications of institutional design to the issue of officer brutality in minority communities, and as was suggested earlier, poor relations between police departments and communities of color will almost always involve much more than the use of force. Police brutality tends to be symptomatic of much larger problems (e.g., dysfunctional incentive structures, cultures of misconduct, and an indifference to the plight of minorities within law enforcement), leading to chronic abuses such as excessive force and racial profiling, which, in turn, only breed distrust of the police, perceptions of illegitimacy, and numerous antisocial consequences in minority communities. Band-aid solutions and minor adjustments will hardly suffice, given the broad range of concerns and the depth of animosity and distrust between law enforcement and citizens of color in many jurisdictions. Any comprehensive policy against police misconduct within minority communities, including the use of force, must ensure that justice is both done and seen to be done—and for this, the appropriate starting place is the institutional design of the relevant agency. By examining the behaviors inspired by department policy and considering whether affected citizens can meaningfully participate in police decisionmaking, law enforcement can begin to (re)gain legitimacy and trust in minority communities.

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Stress, the Stress Response, and Efficacy of the High Definition Audio *One-On-One Ultimate Relaxation Program*

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Introduction

The U.S. Department of Health and Human Services has identified stress as a significant risk factor for a number of health problems, including cardiovascular disease, musculoskeletal disorders, and workplace injuries (U.S. Department of Health and Human Services, 2000). Other stress-related health problems include hypertension, headaches (both muscle contraction and migraine), insomnia, panic, obesity, colitis, female infertility, and abuse of harmful substances such as tobacco, alcohol, and illicit drugs (Benson & Stuart, 1992; Edlin, Golanty, & Brown, 2002; Freeman, Lawlis, & Mosby, 2001; Ornish, 1990; Rice, 1999; Seaward, 1999). Stress has been related to excess secretion of the stress hormone, cortisol, which inhibits immune function related to the development of certain cancers and infections (Freeman, et al., 2001; Pert & Chopra, 1999).

In addition to disease-related problems, stress also interferes with optimal work performance, social functioning, and the quality and enjoyment of life (Benson & Stuart, 1992; Freeman et al., 2001; U.S. Department of Health and Human Services, 2000). In the publication *Healthy People 2010*, the Department of Health and Human Services recommends determining which interventions are most effective so they may be implemented in the workplace.

There is increasing concern in the public health sector regarding the impact and need for coping with stress. The Society of Teachers of Family Medicine has issued national guidelines that include stress management education in their curriculum for physicians (Kligler, Gordon, Stuart, & Sierpina, 1999). Because stress is possibly the most universal factor related to all causes of morbidity and mortality, new methods for coping with stress are clearly in the public interest.

A unique and significant development for managing stress was developed in 1994 by Personal Growth Technologies. The *One-on-One Ultimate Relaxation Program* approaches stress management through a variety of modalities presented in High Definition Audio. High Definition Audio is an innovative, patented technology based on data showing that "hearing" is a process that involves neurologic stimulation of the entire body (Personal Growth Technologies, 2000). It may be compared to a "virtual reality" acoustic experience that engages users at a level not achieved by conventional media.

The purposes of this report are to review evidence-based studies on stress and its relationship to health and disease, to describe stress coping methods that have been reported as effective in scientific literature, and to critique the Personal Growth Technologies *One-on-One Ultimate Relaxation Program* for reversing the harmful effects of stress through relaxation.

What Is Stress?

The most current and useful definition of stress is an organism's perception that a threat exists, plus the perception that the organism may not be able to successfully cope with the threat (Watkins, 1997). The threat is commonly termed *stressor*. This differs from some previous, popularly accepted definitions of stress as specific stressors (Holmes & Rahe, 1967). Although such definitions have been useful in initial studies of stress, it became clear that one individual's stressor may be another's coper. For example, production pressure in the workplace may be interpreted as a sign of success, accomplishment, and opportunity. To another individual, the same workplace may represent over-demand and fear of failure. Defining stress in terms of individual stressors is not useful for understanding the health effects of stress. The prevalence of stress and the variety of individuals' perceptions point to the need for stress management interventions that are suitable for users with a broad range of perceptions and based on sound principles of psychology and physiology.

Stress has also been defined in terms of its physiologic effects. In 1932 the Nobelist, Walter Cannon, described stress as the fight-or-flight response. This includes physical mechanisms that are survival-oriented. For example, the stimulus of sound from a wild predator causes a cascade of physiologic changes that increase an organism's chances of survival by either successful confrontation or escaping.

Health Effects of Stress

Short-Term Stress

An increased heart rate and blood pressure facilitate blood flow to muscles and vital organs, such as the brain, for efficient neurologic information processing. Through this mechanism, blood is shunted toward vital organs and away from those not immediately necessary, such as the skin. This results in skin cooling and decreased hemorrhage in case of injury. During stress, the blood clotting time decreases as another mechanism to help prevent hemorrhage. Numerous endocrine changes also occur including release of insulin to provide muscles and other organs with energy as glucose (Schwartz, 1998) and catecholamine secretion (norepinephrine and epinephrine). These are frequently referred to as the primary stress hormones involved in short-term stress. The variety of somatic responses are attributed to these biochemical mediators and to excess sympathetic nervous stimulation (Benson & Stuart, 1992; Schwartz, 1998).

The physiologic changes such as increased heart rate, blood pressure, and blood clotting that occur during fight-or-flight are those associated with cardiovascular diseases. Although survival-oriented in the short term (occurring only occasionally and lasting from seconds to a few minutes), the effects of long-term stress

(occurring repeatedly or lasting hours, days, or longer) cause or aggravate numerous health problems.

Long-Term Stress

In today's society, stressors are typically not wild predators, but rather near misses on the expressway, interpersonal discord, "force-fed" negativism by the media, and most recently, issues about security and terrorism. The body is well-adapted to short-term stress, and health consequences rarely occur as a result; however, through humans' ability to establish memories and to mentally re-live them—even when the stressor is past and no longer a threat—humans are capable of mentally re-living stressful events and "awfulizing" and worrying about them. These may include events that have not and may never occur in the future. For example, an angry encounter in the morning may negatively affect work performance and mood and result in appetite shifts and sleep loss at night.

Health problems related to long-term stress include occlusive cardiovascular disease, lesions leading to stroke, hormonal disorders such as diabetes, and excess cortisol production resulting in immunosuppression and diminished natural defenses against diseases (Freeman et al., 2001; Ornish, 1990; Pert & Chopra, 1999; Watkins, 1997). Effective methods that help individuals effectively manage stress have benefits across a variety of organ systems and may help prevent or alleviate many illnesses.

Forty years following Cannon's monumental work on the physiology of the fight-or-flight response at Harvard University, another Harvard researcher and cardiologist, Herbert Benson, theorized that an opposite mechanism counterbalances the negative effects of stress. He found that subjects who focused on more neutral scenarios achieved deep breathing and relaxation—the physiologic opposite of fight-or-flight. He called this the relaxation response (The American Institute of Stress, 2001; Benson & Stuart, 1992). Evoking the relaxation response for 10 to 20 minutes daily diminishes the influence of stress hormones. After approximately one month, the effect on hypertensive patients is comparable to taking an alpha and beta blocking drug (The American Institute of Stress, 2001). A controlled clinical trial by Ornish et al. (1990) showed that practicing relaxation each day for one year, significantly decreased heart blockages in cardiac patients documented by pre- and post-coronary angiography. These studies and others in numerous laboratories have confirmed the health benefits of relaxation (e.g., Benson & Stuart, 1992; Ornish, 1990; Rice, 1999; Schwartz, 1998; Strohecker, 1999; Watkins, 1997).

Effectively Approaching Stress

Individual perceptions and the physiologic effects of stress vary significantly among individuals. Therefore, a number of stress management approaches should be made available in any relaxation program. Some of the most effective and recommended methods include imagery, autogenic training, breathing techniques and music. Recent studies have also shown that these techniques are most effective in the context of daily exercise and proper nutrition (Benson & Stuart, 1992; Ornish, 1990). The following are stress management methods that have been shown to favorably alter body chemistry without the use of pharmaceuticals (Pert & Chopra, 1999).

Imagery

Imagery is the use of imagination to mentally create a situation that has beneficial effects. Therapeutic applications of imagery involve eliciting a relaxed mental state similar to hypnosis. A variety of senses are recruited to enhance the image and reinforce the suggestion. Imagery is an effective method for bringing about a desired effect, such as enhanced muscle relaxation. When properly learned, most individuals promptly experience significant results (Benson & Stuart, 1992; Rossman, 2000).

Autogenic Training

Autogenic training is a method of self-regulation used for reprogramming unhealthy or otherwise undesirable physiologic responses. For example, when an increased pulse and cold sweating are noticed (as components of fight-or-flight), a more desirable response is substituted by a command directing the heart to relax and slow down and the blood vessels of the hands to dilate and fill with blood. Biofeedback research has demonstrated that primitive survival responses used in fight-or-flight can be overridden through autogenic training (Schwartz, 1998; Seaward, 1999).

Breathing and Relaxation

Correct breathing techniques involving the diaphragm are best observed in infants. Adults frequently have learned inappropriate postures and inefficient breathing patterns using the intercostal and shoulder muscles (shallow “stressed” breathing or hyperventilation). Numerous behavioral and physical symptoms can be triggered or exacerbated through breathing irregularities. Disorders that have been directly related to breathing include asthma, functional chest pain, irritable bowel syndrome, migraine headache, hypertension, and panic (Schwartz, 1998; Timmons & Ley, 1994). Breathing is one of the few physiologic functions under both voluntary and autonomic nervous control. That is, breathing continues without conscious effort (autonomic), but the breath may be voluntarily regulated upon internal or external command.

Diaphragmatic breathing results in relaxation. The mechanism appears to involve direct stimulation of the respiratory passages due to the movement of air and an increased parasympathetic response due to stimulation of the vagus nerve during diaphragmatic movement (Lichstein, 1998). Parasympathetic nervous stimulation inhibits sympathetic stimulation, which is primarily responsible for the fight-or-flight response.

Relaxation through diaphragmatic breathing is facilitated naturally and without conscious effort in situations in which instant relaxation is necessary or beneficial. An example is the situation immediately following a near-miss at a traffic intersection. Most individuals reflexively respond by taking a deep breath, which has immediate, parasympathetic calming effects. Even though the deep breathing technique is innate and automatically elicited under certain extreme circumstances, most untrained individuals do not routinely use it for counteracting minor, daily stresses or for prevention (Benson & Stuart, 1992; Schwartz, 1998; Timmons & Ley, 1994). Methods

are needed to help individuals learn deep breathing techniques and to use them for relaxation and stress management.

Centuries before scientific studies explored the relaxing effects of breathing, breath-induced relaxation had been a central focus of all major yoga traditions. Yoga practitioners use breathing alone as a relaxation technique, and all yoga movements have prescribed breath patterns. The use of breathing and yoga for improving heart disease was evaluated in controlled clinical trials over one year and again over five years (Ornish, 1990; Ornish et al., 1990; 1998). When used regularly along with proper nutrition, exercise, and group support, this form of stress management resulted in documented *reversal* of heart disease in 81% of cases. When used by those without existing heart disease, relaxation has preventive effects (Ornish, 1990).

Health Effects Attributed to Music

Music therapy is defined as the controlled use of music and its influence to facilitate physiological, psychological, and emotional integration during treatment (Freeman et al., 2001). Music is a “universal language.” Most individuals are attracted to activities involving music, and numerous health benefits have been documented.

Scientific studies have found that music . . .

- Increases cognitive function.
- Increases the activity level and vividness of imagery (Rider, 1985).
- Decreases blood pressure (Alan & Blascovich, 1994; Freeman et al., 2001).
- Increases EMG-assessed muscle relaxation (Freeman et al., 2001; Rider, 1985) (which may be particularly beneficial for muscle contraction headache).
- Can help reduce pain, even in individuals with cancer (Kerkvilt, 1990).

Allowing individuals their choice of type of music is not recommended. A randomized, double-blinded controlled study found that leaving the choice of music up to the individual did not usually produce optimal results (Rider, 1985). Interestingly, it was more beneficial to move individuals toward music associated with alpha brain wave patterns and relaxation.

Although mechanism-oriented studies are attempting to decipher the specific biochemical and neurological pathways involved in music therapy, the physiological and psychological benefits of music are currently attributed to increased endorphin production and transport across cell membranes and integration of the cerebral hemispheres through music’s ability to stimulate the corpus callosum (which lies between the hemispheres and communicates biochemical and electrical information between them). The former mechanism appears to induce relaxation and adjust mood (Alan & Blascovich, 1994; Freeman et al., 2001). The cerebral integration mechanism is believed to recruit additional neurologic connections (synapses), which help improve cognitive (primarily left hemisphere) and emotive (primarily right hemisphere) function (Borich & Tombari, 1997; Guyton, 2000).

These mechanisms are consistent with serial case studies and clinical observations reported by music therapists, nurses, and physical therapists among patients with Parkinson’s and Alzheimer’s diseases. Patients with Parkinson’s typically

have improved ambulation and range of motion when music is played during exercise. When stimulated with music, patients with Alzheimer's have been found to accurately recall and sing specific lyrics and melodies of tunes from their teen years (National Institute for the Clinical Application of Behavioral Medicine, 1996) In addition, recall performance has been shown to improve in normal individuals (the so-called "Mozart Effect").

Exercise

The U.S. Department of Health and Human Services (2000) and several major controlled studies (e.g., Blaine et al., 1995; Ornish, 1990) have identified lack of exercise as a major risk factor for all causes of mortality including heart disease, diabetes, and cancer. Numerous other studies have shown that exercise reduces stress by depleting stress-related hormones, altering insulin secretion, altering glucose transport across cell membranes, and increasing endorphin levels that reduce pain and increase relaxation (Benson & Stuart, 1992; Edlin, Golanty, & Brown, 2002; Freeman et al., 2001; McArdle, Katch, & Katch, 2001). To be effective, stress management programs should include exercise as a concurrent modality.

Nutrition

Exercise for stress management cannot occur without regulation of the body's nutritional fuel sources, and the benefits of proper nutrition can not exist without exercise. Recent studies have verified that the benefits of healthy nutrition extend beyond weight loss. The body's ability to respond to stress through its endocrine, neurologic, and enzymatic mechanisms is impaired without appropriate attention to nutrition (Benson & Stuart, 1992; McArdle et al., 2001). In addition, use of harmful substances such as tobacco (in any form), and excess caffeine and alcohol may be primary stressors for many individuals. Effective stress management programs should be reinforced with proper nutrition and exercise behaviors.

The Power of Simulation

In education and training, simulation is defined as a product or process that seeks to provide learning in a realistic representation of real-world situations in which subsequent independent performance will occur (Maatsch, 1974). Simulation is a major breakthrough for training individuals when the actual situation is expensive, infrequent, or inaccessible in the "natural" setting and when repeated practice is necessary for learning. Simulation has revolutionized education in fields such as medicine, aviation, and more recently, stress management.

Fidelity is the degree to which the simulation resembles the true-life situation (Garvey, 1967; Twelker, 1969). For example, the experiential effect of sound perceived as three-dimensional and realistic would represent a simulation at a higher fidelity than conventional sound reproduction. If the learning goal is stress management as it would be learned under ideal conditions (i.e., from an expert trainer), the highest fidelity simulation would include an actual, expert trainer. Such a training situation, however, would be expensive to arrange and not readily accessible to most learners. An effective high-fidelity simulation would not only involve listening to the trainer, but also producing the effect of "experiencing" the trainer as if he or she

were present. A less expensive simulation could include reading a text by a trainer on relaxation and stress management; however, this does not resemble having a trainer actually present. Such a low-fidelity simulation may be associated with a corresponding low probability of learning (Garvey, 1967; The American Institute of Stress, 2001). In addition, motivation would be expected to be low because, from the learner's perspective, the learning situation is very different or even unrelated to the process of relaxation. Optimally, the learner should *experience* known effective stress management modalities. When higher fidelity simulations are used, there is increased transfer to the real-life situation. The higher the fidelity, the higher the probability of learning, retention, and motivation.

The simulation should be available when the learner is ready to learn. It should be accessible 24 hours a day to repeat experiences and practice, and to take advantage of "windows of opportunity" and "teachable moments." It would also facilitate learning by creating a positive and memorable environment with sounds and images that are motivating. Both cerebral hemispheres should be recruited to facilitate cognitive and emotive learning centers of the brain and stimulate multiple body regions creating new synaptic pathways that result in increased learning.

Critique of the *One-On-One Ultimate Relaxation Program*

The *One-on-One Ultimate Relaxation Program* uses High Definition Audio to create a high-fidelity simulated experience for facilitating both cognitive and emotive brain function. The *Program* incorporates relaxation and stress management techniques that are used clinically and represented in the evidence-based literature (e.g., imagery, autogenic training, deep breathing techniques, and music that are reinforced by exercise and nutrition). The literature supports these methods and indicates that they are among the most valid and reliable that are currently known for preventing and reversing the negative effects of stress.

The *Program* uses approaches to stress management that have been shown to favorably alter body chemistry without the use of pharmaceuticals. By following the instructional program over time, the listener learns to use these interventions for relaxation and to apply them in stressful or potentially stressful situations.

The theoretical and working foundation of High Definition Audio is that "hearing" occurs through neurologic stimulation of the whole body. The trainer's verbal guidance in the program creates relaxing images that are reinforced by nature sounds and music, which are also delivered in High Definition Audio. The *Program* is available to the learner whenever it is desired to bring about the experience of relaxation by an expert "virtual" trainer.

By providing a realistic acoustic simulation experience, the *Program* delivers a range of stimuli for a multisensory experience. Stimulation of increased numbers of neurologic pathways results in an increased probability of learning desired responses. The user not only learns *about* relaxation, but relaxation is *experienced* using known effective stress management modalities presented in High Definition Audio. With increased fidelity, there is increased motivation and transfer to the real-life situation.

A variety of symptoms and lifestyle habits (including those related to stress) can be improved through multisensory integration. In addition to managing stress, High Definition Audio has also been used successfully for tinnitus relief. It is the only audio technology that has been granted Food and Drug Administration (FDA) clearance to make medical claims for temporarily relieving or mitigating the effects of tinnitus.

Relaxation techniques, such as deep breathing, should be learned or preferably “overlearned” so they can be used effectively during periods of peak stress. Overlearned responses are those that have been practiced repeatedly so that they can be easily utilized, almost reflexively, at a moment’s notice and with minimal effort or thought. In most cases, negative stress behaviors have been previously overlearned, and new behavior patterns need to be substituted. This requires extensive practice and repetition. The *Program* provides users with unlimited opportunities for practicing deep breathing and other positive substitute behaviors to compete with established negative behaviors.

Through realistic, natural sounds, the *One-on-One Ultimate Relaxation Program* changes the images associated with stress and, as an alternative, provides an environment perceived as safe and relaxing. Several minutes of relaxation each day can reverse the negative health effects of stress. As indicated in the handbook that accompanies the program, users who use it more than suggested are likely to have increased benefits. Controlled studies on the benefits of relaxation have shown that increasing relaxation time, increases health benefits.

The *Program* is conveniently recorded on audiotape and CD. To deliver the full High Definition Audio experience, the program must be played using a stereo playback unit equipped with headphones. No other product provides such multisensory recruitment through a sound medium that is easy to use, requires no complicated or expensive hardware, and is accessible to the learner at his or her convenience.

The *Program* has been evaluated by 32,041 users under field conditions between January of 1995 and December of 2001. In a one-year follow-up, 63% of users reported being more productive; 62% reported higher levels of mental concentration; 60% reported improved sleep; and 57% indicated that they were more calm and relaxed. In addition, 50% reported that they continue using the program after one year, and 35% have shared their program with a family member.

In conclusion, the *One-on-One Ultimate Relaxation Program* incorporates known-effective modalities into its unique High Definition Audio technology. It has been favorably evaluated by users under actual field conditions, and it requires no complicated hardware and is inexpensive. This innovative technology offers users a program of known effective modalities for stress management without the use of pharmaceuticals. It provides a unique high-fidelity audio program that facilitates relaxation, and it appeals to a wide range of individuals across modality preferences.

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The Use of Non-Deadly Force: Recent Legal Developments

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The application or potential application of non-deadly force is an event that recurs almost daily in law enforcement across the country. While much has been written and debated on the use of deadly force, far less has been written on the much more frequent application of non-deadly force. Moreover, there is usually little recurring training for police officers on the subject of non-deadly. In fact, some control techniques, such as the application of handcuffs and the pointing of weapons, have been thought by some not to constitute an application of force at all.

This article examines the legal framework by which the use of force and demonstrations of force are analyzed. Certain recent court decisions that discuss the application of non-deadly force and displays of force provide practitioners with some insight as to what may constitute the use of force and how courts will subsequently review police action. Review of these decisions will provide policymakers with guidance on issues such as the use of restraints, weapons display, the use of chemical agents, the use of canines, and other non-deadly force measures.

From the perspective of federally imposed Fourth Amendment protections, the debate over whether or not a specific technique constitutes a "use of force" is irrelevant. The Fourth Amendment does not speak in terms of arrest and use of force. Rather, it addresses the reasonableness of searches and seizures. Although an action such as pointing a weapon involves no physical contact and may not be an instance of the use of force, its application in seizing persons is clear. Thus, the Fourth Amendment is implicated when a weapon is used to effect a seizure.

Several recent cases in the United States Court of Appeals for the Seventh Circuit and the District Court for the Northern District of Illinois have addressed the application of non-deadly force in several police scenarios. These analyses cover a broad range of control tactics in situations including vehicle stops, domestic violence situations, narcotics arrests, and residential searches. The decisions address the constitutionality of the display of force, the application of physical restraints, and the application of non-deadly force in seizing and searching individuals. These case decisions share a common theme: The courts give great deference to police officers in their application of force because they recognize the dangers inherent in law enforcement and the need of police to protect themselves.

In a line of cases beginning with *Terry v. Ohio*, 392 U.S. (1977), courts have continued to recognize the danger to police from seemingly routine encounters with citizens.

More recently, the Supreme Court recognized that the danger of work in high crime areas also warranted expanded application of police powers. [See *Illinois v. Wardlow*, 528 U.S. 119, 124 (2000) (unprovoked flight in a high crime area upon noticing police may warrant a seizure)]. Thus, when preparing and presenting reports on the use of force, officers should be mindful to document both environmental factors as well as the conduct of the offenders that informed their decision to employ the control tactics they selected.

Applicable Standards

Analysis of the standard governing the use of force depends on the status of the individual detained. Individuals in the free community who are searched or seized by law enforcement officials have rights protected by the Fourth Amendment. Individuals who are pre-trial detainees, however, do not enjoy Fourth Amendment protections. Rather, the due process clause of the Fourteenth Amendment is the standard that affords them protections.

Fourth Amendment

Provisions of the Fourth Amendment govern most law enforcement actions in the free community. As noted above, the Fourth Amendment is written in terms that specifically address the reasonableness of searches and seizures, rather than “arrests,” “control tactics,” or the “use of force.” “Arrests,” “control tactics,” and the “use of force,” however, are analyzed under this constitutional provision. This means that conduct that may not constitute an arrest or use of force may still have Fourth Amendment implications if it is part of police action in conducting a search or seizure. Applications of inappropriate control tactics in the context of an investigatory stop or arrest clearly implicate Fourth Amendment protections. Courts and juries review the application of those control tactics in light of the Fourth Amendment standard of reasonableness.

Because the Fourth Amendment governs the conduct of police officers engaged in activity that constitutes a “seizure,” understanding the legal definition of that term is critical. As the Supreme Court explained in *Tennessee v. Garner*, “Whenever an officer restrains the freedom of a person to walk away, he has seized that person” 471 U.S. 1, 7 (1985). This seizure can be the result of either the application of physical force or the voluntary submission of an individual to an assertion of authority; however, no seizure occurs unless the individual actually yields [*California v. Hodari D.*, 499 U.S. 621, 626 (1991)].

The Supreme Court refined this definition of seizure to indicate that it involved an intent to actually seize the individual. For example, in *Brower v. County of Inyo* (1989) the Court concluded that a roadblock would only constitute a seizure if it were constructed in such a fashion as to make it impossible for the victim to voluntarily stop (e.g., a roadblock constructed around a blind curve) (489 U.S. 593, 599). Following that line of analysis, the Court in *County of Sacramento v. Lewis* (1998) concluded that the act of pursuing individuals does not necessarily constitute a seizure even when the result is a collision (523 U.S. 833, 843-44). The termination of movement must be “through means intentionally applied” (id. at 844).

As the Supreme Court noted in *Tennessee v. Garner*, once a seizure occurs, then a balancing test must be applied to determine whether or not an individual's rights have been violated (See 471 U.S. at 2). To determine the constitutionality of a seizure, the court must "balance the nature and quality of the intrusion on the individual's Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion. . . . Because one of the factors is the extent of the intrusion, it is plain that reasonableness depends on not only when a seizure is made, but also how it is carried out" (id.).

The U.S. Supreme Court provided express guidance for the application of that balancing test in *Graham v. Connor* (1989):

The test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application; however, its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.

(internal citations and quotations omitted) (490 U.S. 386, 396). The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The case law makes clear that judges and juries may not "second-guess" the actions of police in the application of force.

In the recent case of *Bell v. Irwin* (2003), the Seventh Circuit emphasized once again that the courts may not "second-guess" the actions of police officers. [See 2003, 321 F. 3D 637, 640 (7th Cir. 2003)]. It noted that once factual disputes were resolved, the issue of the reasonableness of an officer's conduct was not a factual question, but rather a matter of law. Unlike common law negligence rules in tort actions, by which juries and judges may make assessments of an officer's conduct, the reasonableness determination under Fourth Amendment analysis is an objective legal standard. As a practical matter for police officers, the objective standard means that once the facts have been established, it is the judge who determines as a matter of law whether the conduct was reasonable.

This raises important considerations in documenting use of force. It is important not only to document the actual conduct at the time that force was used, but also the conduct of the offender and environmental factors that led up the decision to use force. Of particular importance to courts are those factors noted in *Graham*, such as the severity of the crime, the threat to officers or to others, and any attempts to resist or evade arrest. Careful documentation of these factors in reports can result in the granting of summary judgment on an excessive force claim, as opposed to a trial by jury.

The analysis of the reasonableness of any given seizure is a two-step process. First, was the purpose of the seizure objectively reasonable in light of the appropriate legal standards? Second, was the seizure itself conducted in an objectively reasonable fashion? The first question is answered by an evaluation of reasonable suspicion for an investigatory stop or probable cause for arrest. The second question concerns how the stop or arrest was conducted.

Under the case law seizures may be made for different purposes—that is, either investigative seizures pursuant to *Terry v. Ohio*, 392 U.S. 1 (1968), or seizures based on probable cause. Once a seizure is effected, the officers will make a determination as to whether a full custodial arrest is warranted. Full custodial arrest provides additional tools with regard to searches and length of detention and can be made even for trivial fine-only offenses [See *Atwater v. City of Lago Vista*, 532 U.S. 318, 323 (2001)].

In addition to reviewing the conditions under which a seizure was initially made, the courts look at actions incident to the seizure, including any searches, in order to assess the reasonableness of the seizure or its continuation. In the case of all seizures, from *Terry* stops to full custodial arrests, courts make allowance for the application of control techniques designed to address the legitimate concerns of officer safety. As demonstrated below, the use of physical restraints, display of weapons, and search techniques that are linked to safety concerns are likely to be affirmed as reasonable by the courts. As search techniques become more intrusive, however, their reasonableness will only be upheld if they are supported by probable cause or full custodial arrest.

Because an assessment of the constitutionality of measures will often be judged by duration in terms of minutes and because the factors that officers use in making these determinations are so critical to subsequent analysis, the need for documentation is critical.

Fourteenth Amendment

Seizures and searches of individuals in the free community are governed by the Fourth Amendment. At some point in the arrest and detention process, however, the status of an individual becomes that of a pre-trial detainee. At that point, Fourteenth Amendment due process protections, rather than the Fourth Amendment, become the governing standard. Under this Fourteenth Amendment analysis, the courts scrutinize police conduct according to a much more relaxed standard.

The Seventh Circuit recently considered when an individual in the arrest process is considered to be a pre-trial detainee subject to Fourteenth Amendment protections, as opposed to an arrestee or detainee subject to Fourth Amendment protections. Previously, in *Titran v. Ackerman*, the Seventh Circuit had confronted, without addressing, the question of whether Fourteenth Amendment protections applied to a prisoner who had been booked and was being placed in a police lockup [See 893 F.2d 145, 147 (7th Cir. 1990)]. More recently, in *Proffitt v. Ridgway*, the court indicated that the Fourteenth Amendment standard would apply much earlier in the booking process [See 279 F.3d 503, 505 (7th Cir. 2002)]. In *Proffitt*, the Seventh Circuit examined the application of the use of force to an individual who was in police custody and being transported from the scene of an arrest to a police station. The court concluded that the analysis was proper under the Fourteenth Amendment. Thus, the court seemed to suggest that an individual crosses the line from arrestee to pre-trial detainee upon leaving the scene of an arrest securely in custody.

Fourteenth Amendment analysis applies a subjective standard of deliberate indifference, rather than objective reasonableness, in evaluating the application of force. In defining deliberate indifference, the court in *Proffitt* cited *Farmer v. Brennan*, 511 U.S. 825 (1994). That case evaluated deliberate indifference under the Eighth Amendment. Under the Eighth Amendment, deliberate indifference implies a conscious and culpable failure to prevent harm that is easily preventable. The standard is a subjective one, involving an officer's actual intent to cause serious harm to an individual.

Assessing police conduct under this Fourteenth Amendment standard should afford a much more generous application of dismissal and summary judgment in favor of law enforcement. The standard is an extremely high one that is difficult for individuals to surmount. Again, the application of this standard is predicated in large measure on the point during the arrest process at which the questioned police conduct might occur. It is, therefore, imperative that such times and conditions be documented.*

The Display of Force

In *McNair v. Coffey* (2002), the Seventh Circuit considered whether an extreme display of potential force constituted the use of excessive force in the case of a traffic stop [See 279 F.3d 463 (7th Cir.)]. Officer Coffey properly signaled the McNair brothers to pull over and stop when he had probable cause to believe that they had unpaid parking tickets. The McNairs did not immediately stop. For this reason and because the neighborhood was risky and it was already dark, Officer Coffey called for backup. When the McNairs finally pulled their vehicle over, they were surrounded by eight squad cars and a number of officers pointing weapons at them. The driver was issued citations for operating a vehicle with a suspended registration and for failure to stop, but no actual force was used during the encounter. The plaintiffs, however, complained that they had been subjected to a show of force that was needlessly frightening. At trial, the jury awarded the plaintiffs damages in compensation for the shock and indignity they had experienced.

On appeal, the Seventh Circuit confronted a procedurally complex situation because the defendant had not contested the jury's verdict but relied instead on the argument that, even if he were responsible for a violation of the plaintiffs' constitutional rights, he was nevertheless entitled to qualified immunity. The majority opinion agreed.

Emphasizing the need for officer safety even in the seemingly benign circumstances of a traffic stop, the court agreed that the response of the police department as a

* Understanding that the use of force in *Proffitt* was judged under the Fourteenth Amendment, and not the Fourth, is of critical importance. In the *Proffitt* case, the plaintiff's decedent died as the result of the application of a chokehold. The chokehold was applied by an individual who assisted at the request of the police in recapturing the plaintiff's decedent when he escaped from custody in the backseat of the defendant's squad car. While some police officials have inquired whether *Proffitt* sanctions the application of chokeholds, it is important to understand that the standard applied by the court in approving the conduct in *Proffitt* was that of deliberate indifference under the Fourteenth Amendment and *not* reasonableness under the Fourth Amendment. *Proffitt* cannot be used to support an argument that the Fourth Amendment permits the application of chokeholds.

whole had been “over the top” and involved too many responding cars and too many firearms on display (id. at 466). Nevertheless, the police department as an entity was not a defendant in the case, and the court found that Officer Coffey himself was not responsible for the number of officers who had responded to his call. The Seventh Circuit readily found that Officer Coffey was entitled to support from other officers because the Fourth Amendment does not require that arrests be made without assistance, and it does not specify the number of officers who may respond. Thus, the seizure itself was not unreasonable.

The Seventh Circuit cautioned against the danger of equating fright-inducing aspects with “unreasonableness” (id.). Such an approach is incorrect, the court reminded, because “Fourth Amendment analysis should depend on an objective assessment of the officers’ conduct, rather than a subjective assessment of the suspect’s reaction to that conduct” (id.). Moreover, “reasonableness” in the context of Fourth Amendment jurisprudence is not to be judged in the sense of tort law but rather according to the precepts of the Constitution, which does not attach liability for the response of additional cars to a call for aid (id. at 467).

“Just as police may order occupants out of their vehicles to promote safety in a traffic stop . . . and may take suspects into custody for trivial offenses, so they may call extra cars to the scene to ensure that violence does not erupt—especially after a suspect in a rough neighborhood refuses to stop when directed” (id.) (internal citations omitted). The dissenting opinion held that, rather than considering the question of qualified immunity, it would have been proper to find that the actions of Officer Coffey did not amount to a constitutional violation at all.

In *Mearday v. City of Chicago* (2002), the allegedly excessive force occurred during the *Terry* stop and subsequent arrest of the plaintiff [See 196 F. Supp. 2d 700 (N.D. Ill. 2002)]. The defendant officers, who were patrolling the area following the shooting of a police officer during the night before, noticed the plaintiff on the street. He appeared nervous. The officers began to approach him, and one of them saw the plaintiff put his hand under his jacket as if he had a weapon. The plaintiff ran toward the door of his house but dropped to his knees when he saw the officers holding guns. The plaintiff struggled as the officers attempted to handcuff him and kicked one of them in the groin. After the officers called for additional backup, the plaintiff was finally subdued and taken to the station.

In granting summary judgment on the federal claims against the individual officers, the district court found that the plaintiff had failed to establish an unconstitutional *Terry* stop under the circumstances. Those undisputed circumstances included the facts that . . .

- (1) the seizure took place in a high crime area where an officer had been recently shot;
 - (2) [one of the officers] beckoned Mearday to the police car;
 - (3) [the officer] thought he saw Mearday thrust his hand under his jacket as if he had a weapon; and
 - (4) Mearday responded to [the officer] by walking backward and then by turning around and running to the door of his house.
- Given these facts, a reasonable officer would have an objective basis for detaining Mearday.”

[(Id. at 709-10 (footnote omitted))].

Finding no fault with the subsequent arrest of the plaintiff, the court pointed out that the plaintiff had resisted being handcuffed pursuant to the *Terry* stop. Thus, “his struggling and resistance ripened the reasonable suspicion that led the officers to initially seize Mearday into probable cause to arrest him” (id. at 711).

As to the allegations of excessive force raised by the plaintiff, the court noted that the officers “used handcuffs and drawn guns to effectuate their stop and arrest. This case involves no allegations of beating or punching” (Id. at 712). With regard to the use of handcuffs, the court found that the totality of the circumstances warranted the handcuffing of the plaintiff during the investigatory stop because the officers were engaged in the job of trying to locate a suspected shooter; one of the officers believed that the plaintiff might be armed; and the plaintiff had fled from the police. Moreover, all of these events occurred within blocks of the location of the police shooting of the night before.

The court next considered the plaintiff’s claim that the display of weapons by the officers constituted a violation of his Fourth Amendment rights. Rejecting this claim, the court relied on the specific circumstances of the occurrence. “While the use of drawn guns—especially a shotgun—during an investigatory stop might ordinarily be excessive, it was reasonable in the instant scenario,” according to the court, which pointed out that the officers were in a high crime area, investigating a police shooting by a suspect using a machine gun that had occurred within blocks of the site of the investigatory stop (id.). One of the officers thought the plaintiff might be armed, and he was therefore justified in drawing his service revolver. The act of another officer in aiming a shotgun at the plaintiff after he ran toward his house was also not excessive force under the totality of the circumstances (id.).

The lesson for practitioners from both the *McNair* and *Mearday* cases is that the courts are receptive to the show of force. In both cases, the courts analyzed both the conduct of the suspect as well as the environmental factors that contributed to the decision of the officers to display weapons. The courts were supportive of the notion that these displays were warranted, at least in part, by legitimate concerns of officer safety.

Use of Physical Restraints

Recent cases addressing the use of handcuffs also illustrate the courts’ focus on the safety of the officer and the public as a justification for the use of force. In *Smith v. Ball State University* (2002), for example, the Seventh Circuit held that police officers did not use excessive force while responding to a call about a possible drunk driver who drove his car onto the sidewalk on a college campus [See 295 F.3d 763, 770 (7th Cir. 2002)]. Concerns about the safety of pedestrians, as well as of the officers, weighed heavily in the court’s analysis.

In *Ball State* the responding officers were greeted with an unresponsive driver. After repeatedly asking the driver to exit the vehicle with no success, two officers managed to remove the driver using the “straight arm bar” technique. As they were doing so, Officer Hodson arrived on the scene and mistakenly thought that the officers were struggling with the driver. In response, Officer Hodson leaped across the hood of the vehicle to apply a “knee strike” to the driver’s leg. He slipped, however, and ended up tackling the two other officers and the driver. The three officers managed

to handcuff the driver. When they finally brought him to a seated position, one of the officers recognized the driver from a prior incident in which he had learned that the driver was diabetic. The driver's roommate also appeared, pointed out the driver's medical identification bracelet, and informed the officers that the driver was diabetic. Despite this information, the driver remained handcuffed until an ambulance arrived. As a result of the encounter, he sustained scratches and bruises on his face, marks on his wrists from the handcuffs, and a marble-sized bump on his head.

The Seventh Circuit held that the district court properly analyzed the driver's claim as a *Terry* stop, rather than a formal arrest. Although the call was a close one, the Seventh Circuit pointed to the dispatch report and the driver's unresponsiveness as evidence that the officers had a reasonable suspicion of criminal activity when they arrived at the scene. In addition, the court found that the ongoing detention was reasonably related in scope to the circumstances justifying the interference. The officers properly ordered the driver to exit the vehicle, as they are permitted to do during an investigative stop. The court rejected the driver's contention that he posed no danger to anyone. If anything, the driver's unresponsiveness to the officers exacerbated, rather than neutralized, the safety threat by "adding an element of unpredictability" and justified the officers' decision to remove the driver from the vehicle (*id.* at 769).

The court noted that the officers' decision to handcuff the driver "presents a closer question" but ultimately concluded that it need not resolve the question because even under the more demanding probable cause test required to support a custodial arrest, the officers had probable cause to arrest the driver (*id.*). At the time, the officers believed that the driver was intoxicated and resisting arrest, both of which conditions violate Indiana law. Even accepting the driver's argument that he was actually arrested, rather than merely subjected to a *Terry* stop, no Fourth Amendment violation occurred.

Turning to the question of excessive force, the court applied its previous analysis and concluded that the officers acted reasonably while removing the driver from the car. As for Officer Hodson's failed attempt to apply a "knee strike," the court deemed this conduct reasonable as well, noting that the officer "reasonably misconstrued the driver's unresponsiveness as resistance requiring the minimal use of force" (*id.* at 771). Finally, the court rejected the driver's argument that the use of handcuffs amounted to excessive force. The officers could reasonably use handcuffs to detain an unresponsive individual who they suspected of criminal activity. Even the officers' failure to remove the handcuffs upon learning of the driver's medical conditions passed muster because the use of force was "measured, brief and appropriate to accomplish the purposes of the investigatory stop—securing Smith and his vehicle, dispelling any notion that Smith was engaged in criminal activity and preserving the officers', public's and even Smith's safety" (*id.*).

In another case involving the use of force when applying handcuffs, the District Court for the Northern District of Illinois held that an officer used reasonable force, and was entitled to qualified immunity, when he handcuffed a subject's mother who was agitating a crowd of onlookers [See *Payne v. Pauley*, 2002 WL 1160147 (N.D. Ill. May 29, 2002)]. Here, as in *Smith*, the safety of the public and of the officer weighed heavily in the court's analysis. Officer Pauley responded to a scene where a 15-year-

old had accidentally driven a car off the road and into a brick residence. A crowd of 20 to 40 onlookers gathered in the yard of the residence. Officer Pauley handcuffed the teen and placed him in the back seat of his squad car. The teen's mother, Payne, began arguing with and directing profanities toward Officer Pauley and refused to obey his orders. Her actions agitated members of the crowd who followed suit and were openly hostile to the officer.

The court found that the officer used a reasonable amount of force to effectuate the arrest of Payne under the circumstances. The court emphasized the danger posed to the officer by the crowd's hostility. In addition, the court pointed to the mother's belligerence and her resistance to arrest. For these reasons, the officer was entitled to qualified immunity on the excessive force claim (see *id.* at *8).

In assessing the constitutionality of the application of restraints like handcuffs, the court seems to place great reliance on an assessment of the detainee's conduct. Even when the offense is inconsequential or, in the case of *Smith v. City of Chicago*, not even criminal in nature, the court will give great deference to safety concerns raised by conduct, even in cases in which there is an absence of probable cause and only reasonable suspicion to support the arrest.

Use of Force in Searches

Recent cases addressing the use of force in searches also illustrate the importance of considering officer safety and the severity of the crime in judicial analysis of excessive force claims. For example, the court may be more amenable to finding the use of force reasonable when the subject ignores the officers' sirens, argues with the officer, incites onlookers, or acts otherwise in a way that challenges the officer's authority and exacerbates the danger of a situation from an objective perspective. By contrast, when an officer appears to have easily subdued an individual without substantial resistance—or when the officer fails to document any of the details of the encounter, leaving the court with an unclear picture of the threat to the safety of the officer and the public—the court may be less receptive to an officer's use of force. Three recent cases, *Smith v. City of Chicago*, *Bedenfield v. Shultz*, and *Griffin v. Filipiak*, help illustrate this spectrum.

In *Smith v. City of Chicago*, the Seventh Circuit affirmed the district court and held that officers used reasonable force when they finally pulled over a driver who did not stop for 12 blocks even though the officers had turned on their siren [See 242 F.3d 737 (2001)]. The use of the actual 911 tapes was critical to the entry of summary judgment in this case. Plaintiff claimed he heard no sirens, implying that they had not been used. In the 911 tapes of the radio transmissions, however, sirens were clearly audible in the background. The court concluded that the tapes made the issue of the activation of the sirens uncontested. The fact that plaintiff did not hear the sirens was irrelevant. Only when two marked police cars pulled in front of the driver's car did he stop. At that point, the officers pulled the driver from his car, slammed him against the hood, and handcuffed him.

In support of his excessive force claim, the driver argued that he did not commit a traffic violation, did not know that the men following him in an unmarked car were police officers, and did not hear the siren. The court dismissed these factual disputes, however, because the court must analyze the reasonableness of the conduct from

the officer's perspective. A reasonable officer in these circumstances would have thought the subject was trying to flee, thereby justifying a higher degree of force to protect the community and the officers than would otherwise be necessary for a routine traffic stop. The court characterized the officers' use of force here as "not high, let alone excessive" (id. at 744).

In contrast, the court in *Bedenfield v. Shultz* (2002) found that the use of physical force during an investigatory stop was excessive. In this case, the defendant officers encountered the plaintiff leaving a currency exchange as they received a call from the hold-up alarm of the business [see 2002 WL 1827631 (N.D. Ill. Aug. 7, 2002)]. Believing that they might be confronting an armed suspect, the officers approached the plaintiff, pushed him against his vehicle, and conducted a pat-down search for weapons. Such action, the court found, was a clearly valid investigatory stop under *Terry*. After determining that the hold-up call had been a false alarm, the officers conducted the plaintiff to the squad car to fill out a contact card; the plaintiff was not handcuffed, and the car doors were unlocked. The officers asked the plaintiff if he had any weapons, and he laughed, telling them that they should know since they had already performed a search. The officers then took the plaintiff from the squad car and performed a second search, during which they attempted to search inside his pockets, used physical force, and handcuffed him. This subsequent search and arrest were unconstitutional under the circumstances, the court found.

Moreover, the use of force during the latter part of the incident was objectively unreasonable when viewed according to the criteria of *Graham v. Connor*. The first factor, severity of the crime at issue, did not apply since the plaintiff was not suspected of having committed any crime. The second factor—whether the suspect poses an immediate threat to the safety of the officers or others—was not at issue since the plaintiff had fully cooperated with the officers, and they had already determined that he was unarmed. Finally, the third factor—whether the suspect was actively resisting arrest or attempting to evade arrest—was not applicable since the plaintiff was not under arrest. A jury could reasonably have found under the totality of the circumstances that the force used against *Bedenfield* during the second patdown search was excessive (id. at *7).

Also in contrast to *Smith v. City of Chicago* is the decision in *Griffin v. Filipiak*. In *Griffin*, the District Court for the Northern District of Illinois found that questions of fact precluded summary judgment when officers inspected the mouth of a suspect whom they had already taken into custody in the backseat of their squad car [see 2002 WL 1972272 (N.D. Ill. Aug. 26, 2002)]. When the officers asked Griffin whether he had anything in his mouth, Griffin opened his mouth about three-fourths of an inch and said he could not open it any wider due to a broken jaw injury. The officers claimed that they used a flashlight to illuminate Griffin's mouth, and neither officer actually touched Griffin's face or mouth. Griffin, however, claimed that Officer Filipiak placed one hand on top of Griffin's head and used the other hand to squeeze Griffin's cheeks and force his jaw open.

In light of the disputed facts as to whether the officer touched Griffin's face or mouth, the court declined to enter summary judgment because the amount of force used could have been excessive. The court went on to say that if the officer did use his hands to force open Griffin's mouth, the amount of force could be excessive under the balancing test in *Graham*. First, the possible possession of a minimal amount of

drugs in a subject's mouth does not constitute a severe crime. Second, Griffin did not pose an immediate threat to the officers' safety, as he was already in custody in the back of the squad car. Third, Griffin appeared to be cooperating with the officers. The court, however, did not formally rule on this issue since the facts were still in dispute. Had Griffin ignored officers' efforts to stop him, as Smith did, or been less cooperative during the stop, the court would likely have been more inclined to resolve the case at the summary judgment stage rather than to send the case to a jury.

The differing results in these cases seem to turn largely on the assessment of danger to the officer. In all of these cases, the offenses that were the subject of police conduct were relatively minor. In fact, the circumstances in the *Bedenfield* and *Smith v. City of Chicago* cases are quite similar; however, the principle difference between the use of force found constitutional in the search of Mr. Smith and unconstitutional in the second search of Mr. Bedenfield is the absence of any direct threat to the officers. The absence of that threat is also apparent in the *Griffin* case, in which the search appears to be motivated by an attempt to secure evidence, rather than officer safety.

Use of Less Lethal Alternatives

Generally, law enforcement officers receive training in a variety of types of force that comprise a continuum ranging from non-lethal to lethal. Though this training model may be an effective one, it does not require officers to apply a gradually escalating amount of force in their encounters in the line of duty. As the Seventh Circuit and others have ruled, officers need not use the least, or even a less, deadly alternative so long as their use of force is reasonable [see *Plakas v. Drinski*, 19 F.3d 1143, 1149 (7th Cir. 1994)]. Rather, the test is simply one of reasonableness [see *id.*]. The following cases illustrate a variety of less lethal types of force: bean bag guns, pepper spray, and dogs.

Bean Bag Gun

In *Bell v. Irwin* (2003), the Seventh Circuit upheld the use of a bean bag gun to contain an intoxicated man who had barricaded himself in his house [3RI F.3D 637 (7th Cir. 2003)]. After a bout of drinking, Bell threw his wife out of the house. Bell refused to talk to officers who reported to the scene. Officers initiated a background check and discovered Bell's history of arrests for domestic violence, unlawful use of weapons, obstruction of justice, and drunk driving.

Through a window the chief of police could see that Bell was wielding a meat cleaver and some knives, several of which he later threw into the yard in the direction of the police. Bell told the chief that he would kill any officer who entered the house and then kill himself. The officers continued to negotiate with Bell but to no avail. Bell eventually opened the door and threatened to blow up the home using a propane tank. Officers believed they saw him lean toward the tank with a lighter. At this point one of the officers, who had already obtained permission from a superior to use a bean bag gun, fired the bean bag gun at Bell's torso. The first three rounds caused Bell to stagger; the fourth brought him down. One round hit Bell in the head.

Bell sued the officers, claiming they used excessive force that resulted in memory loss. Bell admitted that he had been armed with knives, had driven his wife from

their home, had refused to emerge or admit police for discussion, had held a knife to his throat while threatening suicide, and had made a move toward the propane tank. Although he denied making explicit threats to kill the officers or ignite the propane, he conceded that the combination of drink and concussion had dimmed his memory of exactly what had occurred.

The Seventh Circuit affirmed the district court's grant of summary judgment to the officers, finding it reasonable to have used force to end the confrontation and avoid any risk that Bell would injure himself or others. Here, the risk of doing nothing outweighed the risk of intervention. The court was not swayed by the plaintiff's argument that a jury, rather than a judge, should have decided the reasonableness issue. When, as in this case, the material facts are undisputed, nothing remains for a jury to do except second-guess the officer's conduct, which is prohibited by *Graham v. Connor*. As the court summarized, Bell "should have thanked rather than sued the officers" (id. at *2).

Pepper Spray

In *Jones v. Sweeney* (2000) the District Court for the Northern District of Indiana granted summary judgment in favor of the officer on the plaintiff's excessive force claim when officers used pepper spray to subdue a subject who was actively resisting arrest [see 2000 WL 1611129 (N.D. Ind. Oct. 26, 2000)]. Officer Sweeney was called to a home in South Bend to investigate a complaint of a harassing neighbor. When the officer arrived at the home, he spotted four men sitting in the front yard of the neighboring residence. When the officer asked the men about the call, one yelled back, "Ain't nobody called the mother f---ing police" (id. at *1.). At that point, the homeowner waved from his doorway and ushered the officer inside. As Officer Sweeney interviewed the homeowner about the neighbor's harassment, he could hear the neighbors continue to make threatening comments. He concluded from their comments, their behavior, and the empty alcohol containers strewn across their yard that the four men were intoxicated. He called for back-up and arrested the four men. During the arrest process, one of the men kicked Officer Sweeney, and Officer Sweeney used pepper spray to subdue him.

Plaintiffs pointed to the use of pepper spray as evidence of excessive force. The court rejected this argument based on the plaintiffs' own admissions. They admitted that they were intoxicated, had yelled and cursed at police, and had made threats to their neighbors. The plaintiff who was sprayed with pepper spray admitted that he had kicked the officer. Under these circumstances, it was reasonable for Officer Sweeney to use pepper spray. Indeed, the court commented that "[t]he facts that remain following the plaintiffs' admissions do not support so much as an inference that the degree of force used in executing the plaintiffs' arrests was anything but reasonable" (id. at *5).

The use of pepper spray can arise in other Fourth Amendment contexts such as rallies and demonstrations. In *Lamb v. City of Decatur* (1996), the District Court for the Central District of Illinois addressed the use of pepper spray to control a crowd of demonstrators who had gathered to mark the one-year anniversary of a lock-out at a manufacturing plant [see 947 F. Supp. 1261 (C.D. Ill. 1996)]. The court emphasized the special context of this Fourth Amendment case. When, as in this

case, activities protected under the First Amendment are involved, the court must apply Fourth Amendment requirements “with scrupulous exactitude.” (id. at 1264; quoting *Zurcher v. Stanford Daily*, 436 U.S. 547 (1981).

The court held that the officers did not qualify for immunity. Although no cases specifically state that using pepper spray with demonstrators violates the Fourth Amendment, the court found “enough of a widespread Constitutional and judicial protection of First Amendment demonstrators to put the police on notice that unnecessary force is prohibited” (id.).

The court also held that summary judgment was not appropriate at this stage of the proceedings (see id. at 1265). In light of the “unique, hitherto untested, circumstances” of the case that implicated not only Fourth Amendment, but also First Amendment rights, the court ruled that a fact-finder must decide what happened and whether the use of force was reasonable under those circumstances (see id. at 1266). The court enumerated several questions for the fact-finder to resolve, such as the rowdiness of the crowd, the severity of the force of the spray, the location of the officers when they sprayed, and the target at which the officers were aiming (see id.).

Dogs

In *Carlson v. Mordt* (2002), the District Court for the Northern District of Illinois upheld officers’ use of a trained dog to assist in apprehending a man who was evading service of an arrest warrant [see 2002 U.S. Dist. LEXIS 9752 (N.D. Ill. 2002)]. The officers went to Carlson’s residence to serve an arrest warrant for failure to pay a fine following a conviction for driving under the influence. Before attempting to serve the warrant, the officers ran a criminal history and background check on Carlson and learned that he had been arrested previously for domestic battery and assault.

The officers went to Carlson’s home but were told by his roommate that he was unavailable; however, they spotted someone moving in the garage. After conferring with their supervisor, the officers returned to Carlson’s front door with their police dog. The dog had been trained to “bite and hold” to apprehend a person and would only release the person on command.

Two officers entered the house with the dog. One noticed that the ceiling access panel to the attic was ajar and that pieces of drywall and insulation were dislodged, and he sent the dog to investigate. The dog found Carlson hiding in the attic and bit and held his arm. Carlson surrendered, and one officer ordered the dog to release him. Carlson crawled down the step ladder into the hallway and was handcuffed by the officers.

Officer Mordt then started to lower the dog from the attic but dropped him. When the dog hit the floor, it bit Carlson on the buttocks and legs. The two nearest officers backed away. The attack, which lasted less than a minute, ended when the roommate’s dog attacked the police dog and one of the officers grabbed the police dog.

The district court concluded that the officers were entitled to qualified immunity from Carlson's excessive force claim. Here, as in the other cases discussed, officer safety figured prominently in the court's ruling. Although the offense at issue was relatively minor, Carlson had a history of violent crimes about which the officers were aware. In addition, Carlson endangered the officers by hiding in an unlit attic where he could have ambushed them. Under these circumstances, the officers did not use excessive force.

As for the dog's attack after being dropped from the attic, the court applied a Fourth Amendment analysis because it found that Carlson's arrest was still ongoing. The court found no seizure under the Fourth Amendment because the dropping of the dog, and the resulting injuries, were accidental. Furthermore, even assuming a seizure had occurred, the officers acted reasonably after the dog was dropped. There was nothing unreasonable in the officers waiting to grab the police dog until the other dog's owner subdued it, particularly because the entire attack lasted no more than 70 seconds.

Carlson illustrates the importance of officer safety in the excessive force analysis. Despite the fact that the officers were serving a warrant on a nonviolent offense, the subject's violent criminal history, coupled with his evasive techniques, posed a threat to the officers' safety that rendered their conduct with the dog reasonable under the circumstances.

Conclusion

Recent cases addressing the use of non-deadly force contain a common emphasis on the safety of the officer and the public. Courts have focused predominantly on this factor in determining whether the use of force was excessive. Law enforcement officers can learn several lessons from these decisions. When officers display weapons or otherwise use non-deadly force—whether by using physical restraints, conducting searches, implementing less lethal alternatives, or otherwise—they should document the factors relevant to officer safety. They should include in their report details of the conduct of the individual, as well as the surrounding environment. For example, the court in *Carlson* focused on details about the individual, including his criminal background and his evasive techniques, in determining that the officers had used force reasonably. In *Ball State* the court's approval of the use of force turned on environmental factors including the fact that the accident had occurred on a crowded college campus sidewalk. *Pauley*, too, emphasized environmental factors including the fact that the volatility of the surrounding onlookers posed a threat to the officer and justified his use of force. Officers should also specify exactly when in the process the use of force occurred. As the court noted in *Proffitt*, at some point in that process the evaluative standard shifts from reasonableness to liberate indifference.

Their recent cases demonstrate the need for officers to accurately document these and other factors in order to give the courts a better basis for upholding the use of nondeadly force. In doing so, officers will also maximize the chance of disposing of the case at the summary judgment stage, rather than after a full-blown jury trial.

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Synergy vs. Unilateralism: Use-of-Force Training

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Learning is applying and modifying one's own ideas; it is something the student does, rather than something that is done to the student.

Ramsden (1992)

Introduction

According to state and federal laws, police officers have an authority, freedom, and discretion to use coercive force against their own citizens. The level of force may range from simple physical contact with a person to get his or her attention to using a deadly firearm. According to findings from a national survey, 21% of U.S. residents had a contact with police, and less than 1% (0.96%) of contacts involved police use of force in 1999. During 1999, approximately 422,000 persons age 16 or older were estimated to have a contact in which police used or threatened to use force. Approximately, three-quarters of people involved in a police force incident characterized the force as excessive (Langan et al., 1999). Regardless of the type of force used, law enforcement officers are expected to apply only justified force. In many cases, law enforcement officers apply situationally justified force. During certain limited periods of time, a law enforcement officer can be the law. Making justified decisions regarding the use of force is the most critical task confronting law enforcement officers. Unjustified use of force may result in civil disturbances, riots, property damage, political turmoil, and a damaged image of democracy. According to Kerstetter (1985), the unjustified use of force is the central problem of police misconduct. Title XXI of the Violent Control and Law Enforcement Act of 1994 requires the Attorney General to publish an annual summary of data about the excessive force by police. Ensuring that officers are properly trained and enabled to use knowledge and skills to make critical decisions is the challenge for the law enforcement training community.

A sharp rise in rulings nationwide that law enforcement officers violated departmental policies and procedures in using deadly force has prompted a review of the use-of-force training concept. The training approach has to be reviewed not in terms of use of force, but also discretionary and ethical implications. Police administrators and fellow officers are reluctant to inform authorities or supervisors on use-of-force incidents in general. In one study, only 46% of officers stated that they would notify a supervisor if a fellow officer used excessive force on a suspect under arrest (Turano, 2003).

Philosophy of Force

The ideology of force is an important element of officer use-of-force training because it can guide a vital decision in a dynamic situation. The philosophy of the police use-of-force training comes down to identifying the meaning of *force*. In a colloquial sense, *force* refers to physical violence. Numerous publications use traditional terminology describing force as physical control, intervention, justified violence, etc. Legal dictionaries view force from various perspectives:

“A power put in motion. It is generally understood to mean unlawful violence and can be actual or implied” (The ‘Lectric Law, 2003).

According to *Black’s Dictionary*, *force* is . . .

“Power dynamically considered, that is, in motion or in action; constraining power, compulsion; strength directed to an end. Commonly the word occurs in such connections as to show that unlawful or wrongful action is meant; e.g., forcible entry.”

According to Kania and Mackey (1977), “*force* is the exertion of power to compel or restrain the behavior of others”.

Geller and Scott (1992) explain the continuum of force as . . .

“A spectrum of control tactics from body language and oral communication to weaponless physical control to nonlethal and lethal measures.”

According to Thornton and Shireman (1993), . . .

“A use-of-force continuum is a model by which an officer can choose verbal and physical reactions to a subject’s behavior from a range of options and adequately stop the subject’s hostile behavior and establish command and control of the subject, but no more. The ultimate goal is to control the subject and situation, without over-reaction.”

These definitions mostly describe the negative and reactive implications of the force-power continuum. Use of force is viewed as the justified use of violence by the government against the people. Such terminology reflects the widespread social concern regarding use of force by law enforcement personnel, because its effects are physically, psychologically, and politically similar to those produced by violence. Negative ideology in identifying use of force results in negative public attitudes towards the use of force by police.

Force in general is based on a qualitative approach and couldn’t be measured; whereas, physical force has a more quantitative base. It is much easier to evaluate an officer’s skill (such as firearm proficiency), than to assess the correctness of his or her decision in resolving conflict.

New trends in law enforcement relations to society (e.g. community policing) help to broaden the view of force as the ability to influence or make decisions for others. The concept of force based on power to influence and make decisions

should not only be understood as a threat or use of physical constraint or physical incapacitation against a person. In reality, influence is the translation of force and it can be used to prompt actions as well as to prevent them. The distinction of force is not physical (based on physical intervention); it is cognitive (i.e., based on normative options, instant rationalization, and decisionmaking) and moral (i.e., based on ethical discretion).

To view force as only physical intervention for justified reasons is narrowing the use-of-force theory, which will, and is, resulting in the domination of such training courses for law enforcement as firearms and defensive tactics. This approach may reveal multidimensional social and cultural variations in perceptions of law enforcement. Current models of use of force police training are based predominantly on a skills learning concept (e.g., firearms, defensive tactics, driving, search and seizure, etc.) and have to be categorized as a craft. Moving from a focus on the ideology of force based on physical applications to a more cognitive and moral focus will help to build a base for establishing the craft of policing in the profession of law enforcement.

Force and use-of-force applications in most incidents could not be used in separate actions (e.g., restraining, firing, defending). One of the most common mistakes made by those attempting to analyze use-of-force training is thinking solely in terms of the isolated courses of training. In the real world, each situation is unique and developing in so many directions that it is almost impossible to separate specific skills applications. Use-of-force incidents usually occur in multidimensional, dynamic situations. The individual forms of force are important chiefly as the instruments of force strategy manipulated by law enforcement officers to influence people. No one form of force is the most important. Forms of force—and techniques for using them—are best chosen in response to specific circumstances and goals. Thus, it is irrational to offer more time for specific forms of use-of-force police training, like firearms. Sniper skills are not needed for the best response for all situations. The force possessed by any officer or law enforcement agency cannot be adequately evaluated by the mere sum of individual use-of-force skills learned in training. They must be integrated to be effective.

Traditional Models of Use-of-Force Training (Discrete and Specialized)

The institutional segmenting of law enforcement officer training is well-established. It is clear that training can positively impact all aspects of law enforcement use of force. The use-of-force training needs currently exist in a fragmented and dysfunctional training system. Although this is partially caused by employing different training contractors, the lack of a systematic approach among contractors does not have to be the standard. The current use-of-force training system has been designed using a traditional isolated courses approach. Each course has been built as a stand-alone training system, with its own unique requirements, structure, criteria, and standards.

Standards

State standards in use-of-force training are usually established by the P.O.S.T (Peace Officer Standards and Training) Board and various state statutes. Most of the officers will get not more training than the minimum standards.

The first part of the problem is that the training standards direct law enforcement academies and other learning facilities towards predominantly firearms-defensive tactics skills development. Secondly, often the inertia of training techniques in law enforcement academies only exposes officers to classroom methods of teaching/learning. Only an average of 10% of basic training time will be spent on scenario training, and not all 10% will be spent on use-of-force training (National Survey, 2000). Around the nation, almost all officers receive technical training in using force because the training obligation has been well-established by case law; however, officers may not be given adequate training as to *when* and *how* force can be properly used.

Most officers are trained to some degree, but a majority have minimal training in the area needed—in the crisis decisionmaking and practical implementation of force theories and methods.

Some use-of-force police departmental policies are not clearly defined. Very often, departmental policies fail to address the dynamic nature of use-of-force incidents.

Problems and Obstacles in Traditional Use-of-Force Training

Certain obstacles interfere with traditional use-of-force training:

- Use-of-force training for officers is a sensitive and politically charged topic. There are endless accusations of police brutality throughout America. The requests for use-of-force review come from many different directions: a citizen complaint, an administrative inquiry, or a training method inquiry from court. Each officer is experiencing tremendous pressures from the law enforcement agency, unions, local governments, and community groups.
- The theories of use of force and practice are isolated from each other. This results in skepticism of police practitioners about the quality of skills acquired by the recruits in police academies (e.g., “Forgot what they talked about in the academy”).
- Several researchers have identified different levels of reluctance on the part of most people to engage another individual with any force. For police officers, who may need to use deadly force on-the-job, any hesitation could prove fatal. Some combinations of training provide officers with the ability to respond successfully to deadly threats regardless of their inborn aversion to using force against other human beings. The consequences of that training can make officers insensitive to the needs and rights of the citizens they serve (Williams, 1999).

- Asymmetry exists between officer and supervisor training. Patrol officers receive more use-of-force training than supervisors. Law enforcement agencies traditionally do not make use-of-force training for supervisors a priority. Administrators often believe that use-of-force training at the police academy level remains sufficient for the agency and that a formal system of firearms qualification exercises is enough. They believe that additional use-of-force training is unnecessary or too expensive. As a result, supervisors seldom receive a systematic program of instruction in use of force that will provide the understanding and management necessary for effective police operations.
- Most officers have inadequate training, which results in poor judgment, and the use of lethal weapons. Traditionally, the emphasis of use-of-force training has been on firearms. The tradition was initiated in the early history of American policing, when law enforcement administrators did not distinguish police training from military training. Predominant firearms training results in a preference to use deadly force because they don't know any other options.
- Static repetitions of standard defensive tactics techniques can prepare officers only to some degree to deal with resistance on the street (Ashley, 2003).
- Use-of-force training traditionally has been not synergetic. Training is focused on isolated technical skills, rather than integrated decision-making practice.
- The focus is on one of the innumerable elements of any possible situation. The main focus in most training programs is on firearms, which have traditionally been thought of as deadly force. Reality, however, is that nonlethal force is used much more often (Brave, 1994).
- Training is usually provided by a single trainer, and it is predominantly transactional-based (e.g., assigning tasks and evaluating their completion). Assessment criteria are quantitative, such as pass rates and recruit ratings.
- Training is based on unrealistic "slow motion" or light impact techniques. Officers do not experience the realities of physical resistance.
- An unrealistic environment is created, which is of little relevance to the street. Thus, knowledge and skills are created through an explanation and consumed through individual officers' study and practice.
- Any change in policy, rules, and regulations requires training for officers and supervisors.

At the present time, we are seeing a shift from the traditional models to new models, as use-of-force training becomes more like a reality reproducing system and, thus, focuses more on developing lifelong professional competencies, rather than on "giving the idea of what to do if it happened." This changing conceptual context of use-of-force training is presumably the reason why there is a transition to a more officer-centered training. The traditional model is essentially a lecturer- and topic-dominated view of use-of-force teaching and learning. Trainers instruct; officers do the learning. Its conception of learning is "ladder-like": first learn the basics before you use your skills on the street.

New Models (Situational Cross-Training)

The new models are focused on learning and the officers rather than on the training per se. The focus is on how to engage officers with the knowledge and skills they learn. New models recognize the importance of a realistic environment of learning and the need to integrate knowledge with its practical use. It stresses the similarities between how use-of-force experts work and how officers should learn to be street-level experts.

The purpose of the use-of-force, situational cross-training model is to accurately guide a reasonable response in virtually any situation. Situational cross-training addresses many of the problems that arise because police training has become increasingly fragmented and specialized.

Situational cross-training for law enforcement officers in the area of use-of-force can be delivered only through the collaborative efforts of several instructors. The failure of a team of instructors to connect effectively endangers the lives of citizens and law enforcement personnel.

On the police academy and departmental in-service levels, the success of cooperation often depends on leadership from law enforcement administrators. It would be an advantage for chief executives to create a task force or training committee with a diverse membership that includes representatives of the agency, training institutions, and representatives from the community.

The first step in this long process could be establishing a liaison position in the law enforcement agency, which would provide the opportunity to maintain day-to-day communication between various local and state agencies in a collaborative effort to develop a training committee.

The next step would be to develop a package of documents that describes the nature and scope of collaboration between chosen agencies, training institutions, and universities in a partnership effort to launch a training project. The following elements might be included:

- Defined audience of training
- Purpose of training agreement
- Training objectives
- Determination of the responsibilities of each participation agency
- Timelines for the training implementation
- Evaluation criteria

Use-of-Force Training Objectives for Law Enforcement Officers

Training objectives should be based on improving knowledge and skills and developing specific competencies. The evaluation of existing training courses and materials should help the law enforcement agency to specify its training objectives and goals. The training programs should focus on increased skills in dealing with citizens. The objectives of such programs could include the following:

- Enhance awareness, basic understanding of use-of-force, situational cross-training concept, and skills to help law enforcement officers in their response to use-of-force situations.
- Ensure that law enforcement officers use force in an appropriate manner and respect the individual rights of citizens.
- Minimize the risk of injury or harm to citizens and law enforcement personnel.
- Increase safety for law enforcement personnel.
- Decrease the frequency of potential liability issues.

Training Ideology

Through situational cross-training, all officers have to understand that the use of force is not narrowed to physical force. The advantage of training the police officer in the area of use of force is the increased chance that the citizen will get a justified response. The multidimensional training approach promotes education, training, sensitivity, and special care for the community. To understand use-of-force training, the law enforcement community has to replace the offense/defense approach with the concept of influencing decisionmaking for others. Influencing decisions is the ability to orient or direct with or without voluntary compliance. The synergetic, situational cross-training focuses on the fact that the law enforcement community is a part of society and that both police and citizens are mutually dependent. Classroom training needs to be strengthened with greater emphasis on situational training.

Training Method

Segregated yet interrelated elements from various use-of-force techniques have to be combined into an integrated program of training. Officers should reconstruct use-of-force concepts, knowledge, and skills application during the training sessions. Skills and concepts are learned as they are used in training. The synergetic training of use of force will require a team of instructors who will not limit their instruction to the topics of firearms, defensive tactics, and aerosol.

Teams of trainers must use decision-making, situational, cross-training models to help clarify law enforcement officers' techniques. In multidimensional training sessions, trainees have to examine a variety of scenarios, which are often based on real incidents.

The team of trainers must include scenarios that introduce various levels of force. In this way, officers learn the foundation of their use of force and make appropriate decisions. Situational training is training that utilizes an environment reconstruction approach to closely approximate actual confrontations by creating model situations and allowing the trainee the use of near true intensity force. Loosely structured situations and realistic tasks of increasing complexity require officers' decision-making skills in dynamic application.

Effective training occurs in an environment that mimics real situations; realistic interactions between officer and community are essential to the implementation of the method.

This method of training helps to program officers' behavior and helps them to develop realistic expectations regarding specific methods of use of force effectiveness, while enhancing their abilities in actual physical confrontation. Trainees actually experience real fights with another trainee or trainer. Training has interactive character, and the trainee is involved in overcoming resistance.

The evaluation of this method is qualitative (e.g., giving the officer positive or negative assessments and sharing evidence of changes in behavior and understanding).

Situational training exercises can improve the decision-making skills of officers. It allows them to implement effective tactics and procedures in a realistic environment, and it achieves higher standards introduced by recent court decisions.

Training Roles

Method	Trainer	Trainee
Traditional method	Context setter Error corrector Commander	Consumer Performer Order taker
Situational use-of-force cross-training	Modeler (models the methods of practice) Drill leader Actor Challenger (challenges misconceptions and builds understanding through dialogue) Action monitor (constantly monitors officers' understanding and intervenes whenever necessary) Needs analyst Task designer (designs diverse tasks strongly related to learning goals)	Imitator Pattern practitioner Improviser Negotiator

Training Types

Situational cross-training and simulation is planned for basic and inservice training and can be used in two basic forms.

It is possible to use computer simulations; recruits can plan, prepare, and execute any operational tasks. These exercises are conducted in a small-group environment in which instructors and officers test their abilities. Using a standard laptop or desktop computer, officers can arrest one another (or the computer) and “validate” their plans through execution.

Live simulation training provides a vast variety of experiences using multiple-command situational-training exercises that challenge officers under the most realistic conditions possible.

Conclusion

The primary goal of situational cross-training is to increase officers’ safety and survival skills. Thus, when they handle enforcement activities effectively, danger levels decrease. Effective training enables officers to reduce an agency’s exposure to liability claims and costly litigation. Clear synergetic, realistic, and dynamic exercises can enhance training value and improve law enforcement officers’ decision-making skills.

We must move beyond the current unilateralism of traditional use-of-force police training. Law enforcement training institutions must begin to design synergetic programs that integrate a variety of skills that are appropriate for realistic scenarios and environments.

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Teaching Use of Force

Kevin M. Gordon, Director, City of Mascoutah Public Safety Department

Chance favors the prepared mind.

Louis Pasteur

Introduction

Several years ago, the Southwestern Illinois Law Enforcement Commission (SILEC) (MTU 14), noticed that several use-of-force policies were being used in various SILEC-sponsored classes. As SILEC provided classes on batons, firearms, pepper spray, etc., then-Assistant Director Ron Shownes saw many different policies being presented. "Every different program or vendor had a slightly different use-of-force breakdown. We realized not only was this confusing to the officers of our region, but also to the new recruits attending the local academy."

Shownes contacted several area use-of-force experts to sit on a working committee. The intent was to develop a general, comprehensive use-of-force policy that would avoid terms germane to one vendor over another. Chosen for the committee in addition to Ron Shownes was Sergeant Mike Griffin of Bethalto Police Department, Captain Scott Battoe of O'Fallon Police Department, Director Larry Gilbert of Southwestern Illinois College Police Academy, and Chief Kevin Gordon of Mascoutah Police.

The committee was chosen because of their combined expertise in firearms, empty hand techniques, batons, and verbal skills. The committee's expertise covered the entire use-of-force arena from verbal issues to firearms. They met as their respective schedules permitted, over a one-year period, with the goal of finding a use-of-force policy that all could agree on and which could be used regardless of what defensive tactics system was being taught. A formidable task considering the often-professional disagreements between the instructors of the different disciplines. The end result of this effort was a use-of-force procedure that is used consistently by all force classes in the region. It has been used continually and effectively by SILEC since its creation in 1997. Additionally, it is used by the SWIC Police Academy, keeping the training consistent.

The committee believed that while the policy was important, it was just as important to have a proper presentation. It had to be presented in a format that would allow ease of teaching and retention. It was decided that the policy would be provided in graphic format. The committee did not want something for officers to read such as a lengthy training bulletin that might just be filed. It had to be simple, usable, and retainable. It was decided to produce everything on an 8.5 x 11 sheet so it could be viewed easily and quickly. A laminated version is presently provided to every police cadet. Many academy instructors tie their respective training blocks to the information on the chart. This constant use as a reference item in a variety of classes assists in building consistency and familiarity.

Use-of-Force Procedures

The heart of policy, as with any use-of-force procedure, is the levels of force. This was listed under the heading of "Officer's Options." The options were not based on what was occurring, but instead were based on the officer's perception of the threat or apparent threat. It was also agreed that it was important to remind officers they were not always required to engage but had the right to disengage. This was listed as the initial options.

The control options open to the officer are not unlike other proprietary systems. The difference is the attempt to use general terms versus vendor-specific. The control option descriptors chosen were as follows: officer presence, verbal commands, empty-hand techniques, pepper spray, impact weapons, firearms, or other deadly force. The options were listed on the graphic with arrows in a flow chart fashion, with "control" being at one end. The committee believed the use of the flow arrows reinforced the goal of control and better illustrated that an officer can move from control to any level of force and back again, as the incident dictates. This style and diagram was repeated with the "Suspect's Options." Options available to the suspect were listed as follows: cooperative, nonverbal intimidation, noncompliance (verbal or other), passive resistance (low level), defensive resistance (high level), attacks on officers, firearms, or other deadly force

The committee thought it was important to remind officers that each encounter and each officer was different. These were listed as "Contributing Circumstances" and included the individual officer's training, experience, physical condition, skill level, disability, and totality of circumstances and the differences between the officer and suspect's size, age, gender, and number. The chart also reminds officers that special circumstances could be present that might change options. These included weapons available to the suspect, environment concerns, injury to the officer or suspect, officer exhaustion, the officer being grounded, the severity of the crime, prior knowledge of the suspect, bizarre behavior of the suspect, and again, the totality of the circumstances. The same area was covered for the suspect to remind officers that circumstances could be present that would change options. Things that might influence a subject's actions included drugs, stress, prior experiences with the police, psychological problems, perception of the officer's abilities, being goal-oriented, having an audience (family/friends), having weapons available, injury to the officer or suspect, exhaustion of the officer, the officer being grounded, or the severity of the crime.

To complete the attempt of having a one-page learning sheet, the committee thought it best to include some additional information. It was decided to start the sheet with a reminder that the goal of the entire process was to control and/or arrest the suspect with no injury to anyone. Similar to a mission statement, a clear, concise direction of the purpose was established. Next, the steps to achieve that goal were listed: defend (if necessary), control, handcuff, search, and secure for transport. These steps reflected the often-quoted "keep it simple" theory of three to four elements or actions. Next, a brief recap of the *Graham vs. Conner* reasonableness doctrine particulars was added. This was to remind officers that as an arrest and resulting use of force may occur quickly, it is possible that an officer, in hindsight, may be wrong in the use of force chosen but it must be reasonable.

The “objectively reasonable force” guidelines were then added. These provide that when force is used, it must be “objectively reasonable.” Furthermore, at the time the force was applied, a judgment of the four points may later be used to determine whether the force was reasonable. It was agreed that these four points were important enough to list: (1) the immediate threat to the safety of the officer or others; (2) actively resisting arrest or attempting to evade arrest; (3) circumstances that are tense, uncertain, and/or rapidly evolving; and (4) the severity of the crime. Lastly, the committee thought it proper to remind officers of the four-part “Shock the Conscience Test” as applied to use of force by police. This test looks at the need for the use of force, the relationship between the need and actual amount used, the extent of the injuries, and possibly, most important, whether the force was used in good faith, or maliciously and sadistically for the purpose of causing harm.

Positioning Concerns

After completion of the use-of-force handout, the committee felt that the package wasn’t complete. Positioning concerns enter into every aspect of force, and a second sheet was developed. Continuing with the graphic, easy-to-review method, a sheet was developed that presented the standard relative position diagram that is credited to John C. Desmedt, supervisor of defensive measures for the United States Secret Service. It has been incorporated into many of the defensive tactic systems nationwide. Foremost was to remind officers that there was no difference whether the officer was standing, sitting, kneeling, or prone; the positioning concerns were still present and similar.

The three commonly taught spaces, four- to six-foot social spaces, three-foot personal space, and eighteen-inch intimate space, were listed. A short list of important positioning notes were added that included talking from the interview position, handcuffing from the escort, avoiding the inside position, action versus reaction, and space/time relationships. The intent was to list the key elements normally presented by defensive tactics instructors. At the suggestion of firearm instructors, a reminder of the differences between cover and concealment was added. As positioning concerns and use of force go hand in hand, all of the committee members believed each sheet enhanced the other and should be presented together.

Laws of Arrest

As the committee started winding down, further discussion concerned the need for officers to understand the laws of arrest and how they were often directly tied to use of force by an officer. As a descriptive analogy, the laws of arrest were referred to as the third leg of the stool with use of force and positioning being one and two, each needing the other two to stand. Several police liability attorneys, experts in their fields, believe that almost 80% of all lawsuits filed against police officers are in the Section 1983, Title 42. This is the section that allows citizens to file suit against municipalities or its employees. The complaint is normally made that officers, without cause, arrested, detained, searched, or seized someone, or a combination of those four, often with the additional claim that excessive force was used. Since an arrest is essentially the seizure of a person, what then, constitutes an arrest without cause, an improper detention, an illegal search, or an illegal seizure? The “Laws of Arrest” chart was an attempt to clarify and simplify this area for officers.

The chart was broken down into two major areas: (1) non-custody and (2) custody. The non-custody section lists the only option as a voluntary contact. The custody or seizure section provides two options: (1) involuntary detention and (2) arrest, with the former being broken down one more step into detention and frisk. Officers are reminded that the application of force for control is a seizure for both informational purposes and to illustrate a direct relationship to the use of force. The chart clearly lists a reasonable particular suspicion as needed to cross the invisible line between voluntary contact and involuntary. Just as important and as clearly depicted, is the needed probable cause to cross from involuntary detention to arrest.

The voluntary contact section provides guidelines reminding the officer that when dealing with subjects, he or she can ask them to talk, can ask for ID, can ask for an explanation; but cannot order them to stop, demand ID, and use force. After acquiring reasonable articulable suspicion, under the involuntary detention umbrella, brief simple guidelines are given for detention, frisk, and arrest. Under detention, an officer must first identify him- or herself as an officer to establish authority and stop the person in a public place for a reasonable length of time with reasonable suspicion, and the detention and questioning must be done in the vicinity where the person was stopped. For consistency, a definition of reasonable suspicion is provided as suspicion that must include your belief that a crime has been committed or a crime is being committed or a crime is about to be committed and the person about to be stopped is the person who did one of these.

Guidelines on the frisk section are provided in an “if-then” format. The officer is reminded that he or she must have a lawful detention to consider a frisk. Once a lawful detention exists, then the officer must reasonably believe the detained person is armed and/or that the officer or another is in danger of physical injury. Then, the officer may search that person for weapons or any instrument, article, or substance readily capable of causing physical injury and of a sort not ordinarily carried in public places by law-abiding persons. If the officer finds a weapon, instrument, or any other property possession of which he or she reasonably believes may constitute the commission of a crime or which may constitute a threat to safety, then the officer may take it and keep it until completion of the questioning. Under the arrest heading, the probable cause requirement and a definition is provided as the “fair probability” that a crime has been committed and the person being seized committed it. The final step is to point out that a detention that involves excessive force, unreasonable time, or movement against the suspect’s will for other than safety, may automatically become an arrest even if that was not the officer’s intent.

Conclusion

It was the committee’s belief, then and still six years later, that this simple three-page document can and has greatly enhanced use-of-force training in the SILEC region and beyond. Students can refer back to it in many classes, not just use-of-force classes. Instructors can use the chart as a teaching aid that students can then take with them. The chart can also be posted in the station so that officers are constantly reminded of the various but simplistic. As committee member Mike Griffin, an avid instructor in the force area, remarked, “The best part of the three-page chart is helping the officers understand all of the areas they need to document after a use-of-force incident. Helping them know how they will be judged reasonable or

not, thinking like the Supreme Court, if that's possible! It greatly assists in trying to get a grip on the 'calculus of reasonableness' with use of force!"

Captain Scott Battoe relates, "My experience teaching from the chart has always resulted in positive feedback. It has been described to me as simpler and easier to understand than some other models." Battoe believes one area that was addressed that is normally overlooked on force continuums, is dynamic aspect of force and the escalation/de-escalation issue. Ron Shownes, who first noticed the concern, advises that "I use this hand out for every class I teach that deals with use of force whether security guards, police officers, or college classes. I have used it for the ASLET classes I have taught and any time use of force issues come up."

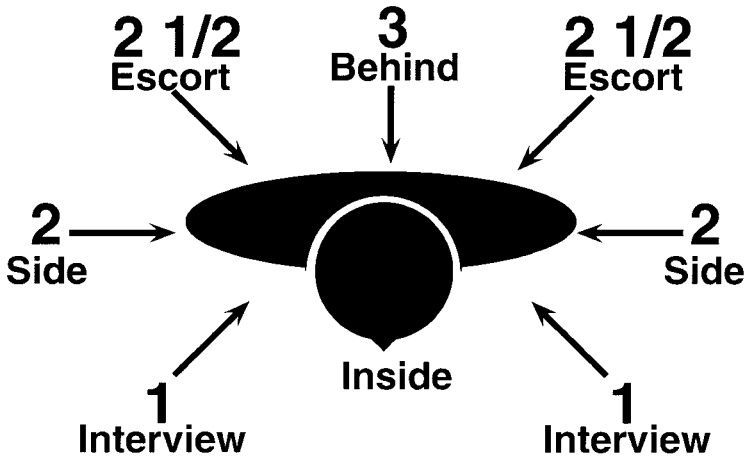
The committee is presently planning additional meeting sessions to review for any possible updates including the addition of tazers and stun guns and less-than-lethal munitions. The charts are available in PDF format and can easily be mailed or e-mailed to any agency that would like a copy. The committee's only request is that other trainers share any improvements they develop.

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POSITIONING CONCERNS

Note: These positions exist whether standing, sitting, kneeling or prone.

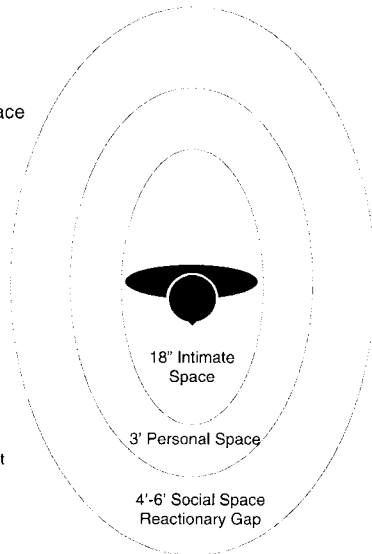


POSITIONING NOTES:

- Talk from Interview (1) - outside personal space
- Handcuff from Escort (2 1/2)
- Avoid Inside Position - most dangerous
- Takedown from (3)
- Keep safe distance.
- Suspect should have to move to reach you.
- 3 feet is touching distance
- Be aware of action versus reaction
- Be aware of space/time relationship

RELATED NOTES:

- Use cover and concealment properly
Cover protects from bullets etc.
Concealment simply conceals from view.
eg. an oak tree may be cover AND concealment
while a shrub may be concealment only.



Goal:

To control and/or arrest suspect with no injury to anyone.

Steps to that goal:

- Defend (if necessary)
- Control • Handcuff
 - Search
- Secure for Transport

Graham vs. Conner Reasonableness doctrine

As an arrest and resulting use of force may occur quickly, it is possible an officer, in hindsight, may be wrong in the use of force they choose. However an officer doesn't have to be right, but they must be reasonable.

Objectively Reasonable force

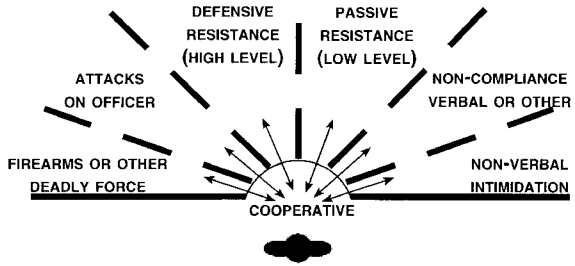
Force used must be "objectively reasonable force". At the time the force was applied, a judgement of the following points may determine if the force was reasonable.

- Immediate threat to safety of officer or others.
- Actively resisting arrest or attempting to evade arrest.
- Circumstances are tense, uncertain and/or rapidly evolving.
- Severity of the crime.

Four part "Shock the Conscience Test" as applied to use of force by police.

- The need for the use of force.
- Relationship between the need and amount used.
- The extent of the injuries.
- Was force used in good faith, or maliciously & sadistically for the purpose of causing harm.

SUSPECT'S OPTIONS

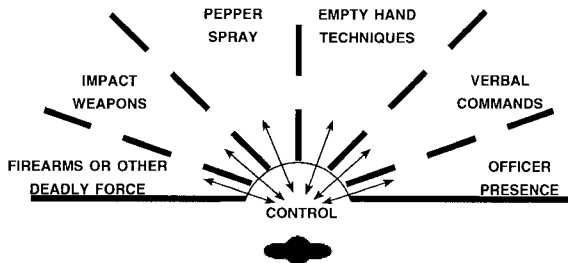


Things that might influence subject's actions

- Drugs - Stress
- Prior Experiences w/police
- Psychological problems
- Perception of Officer's Abilities
- Goal Oriented
- Audience - Peers (family/friends)
- Weapons available to suspect
- Injury to Officer or Suspect
- Officer Exhaustion
- Officer Grounded
- Severity of the crime

OFFICER'S OPTIONS

Based on Perception of the Threat or Apparent Threat
Initial Options: ENGAGE or DISENGAGE



Contributing Circumstances

- Differences in officer & suspect
 - Size
 - Age
 - Sex
 - Number
- Officer's:
 - Training
 - Experience
 - Physical Condition
 - Skill Level
 - Disability
- Totality of circumstances

ial Circumstances

- Weapons available to suspect
- Environment concerns
- Injury to Officer or Suspect
- Officer Exhaustion
- Officer Grounded
- Severity of the crime
- Prior knowledge of the suspect
- Bizarre behavior of suspect
- Totality of circumstances

Laws of Arrest

Non-Custody		Custody (Seizure)	
<p>Voluntary Contact</p> <p>Cannot order to stop</p> <p>Cannot demand ID</p> <p>Cannot use force</p> <p>Can ASK to talk</p> <p>Can ASK for ID</p> <p>Can ASK for explanation</p> <p><i>When asking, give them an option, e.g if you don't mind, can I talk to you a minute?</i></p>	<p>Involuntary Detention</p> <p>DETENTION</p> <p>Officer must have <u>Reasonable articulable suspicion</u> to cross the line from Voluntary to Involuntary.</p> <p>Officer must</p> <ul style="list-style-type: none"> Identify as officer, establish authority Stop the person in a public place for reasonable length of time with <u>reasonable suspicion</u>* <p>AND</p> <ul style="list-style-type: none"> The detention and questioning must be done in the vicinity where the person was stopped. <p>* <u>Reasonable suspicion</u></p> <p>This suspicion must include your belief</p> <ul style="list-style-type: none"> a crime has been committed or a crime is being committed or a crime is about to be committed <p>AND</p> <ul style="list-style-type: none"> the person about to be stopped is the person who did one of the above. 	<p>FRISK</p> <p>Officer must have a lawful detention to consider a frisk. Once a lawful detention exists,</p> <p>THEN the officer must reasonably believe the detained person is armed and/or dangerous OR that the officer or another is in danger of physical injury.</p> <p>THEN the officer may search that person for weapons or any instrument article or substance readily capable of causing physical injury and of a sort not ordinarily carried in public places by law abiding persons.</p> <p>IF the officer finds a weapon or instrument OR any other property possession of which he reasonably believes may constitute the commission of a crime OR which may constitute a threat to his safety,</p> <p>THEN the officer may take it and keep it until completion of the questioning</p> <p>THEN the officer shall either return it (if lawfully possessed) or arrest the person so questioned.</p>	<p>Arrest</p> <p>ARREST</p> <p>Officer must have probable cause cross the line from detention to arrest.</p> <p>Probable cause is a "fair probability" that a crime has been committed and the person being seized committed it.</p> <p>A detention that involves excessive force, unreasonable time or movement against the suspect's will for other than safety, may automatically become an arrest.</p> <p>Force ↑</p> <p>Time ↑</p> <p>Movement ↑</p>
		<p>Probable Cause</p>	
		<p><i>Note: Application of force for control is a seizure</i></p>	

Effective Self-Evaluation for the Professional Trainer

James “Cullen” Grissom; Director; Public Safety Training; Wharton County, Texas, Junior College

Introduction

You have just completed teaching a lengthy block of instruction. You are a conscientious, professional trainer, so you sit back to read the instructor evaluations that you collected hoping to glean some information that will make you an even better instructor. You find that the standard-issue questionnaires let you know that most students “strongly agree” that “the instructor was well prepared for class.” You wade through 20 or 30 of the same forms gaining little or no insight into how you can improve your teaching. Does this sound familiar?

One problem facing law enforcement trainers is the lack of a formal evaluation system that focuses on the trainer’s personal growth. Most are left to rely on random information and self-reflection to identify their needs or problems. Even in those areas in which trainers are constantly evaluated, the system is generally reduced to satisfactory or unsatisfactory ratings that are used to assign, promote, hire, or fire employees. Very few systems give instructors specific information about how they can become better teachers.

Types of Evaluation

Evaluation can be broken into two basic types: (1) summative evaluation and (2) formative evaluation. Summative evaluations, as the name implies, are numerically scored and are used primarily for accountability purposes. They are commonly performed as part of an agency or organizational mandate. Summative evaluations are designed to document minimum instructor competence and measure program effectiveness. They allow administrators to make decisions based on high volumes of easily collected information.

Formative evaluations are specifically designed to help improve instructor and/or program performance. Formative evaluation models encourage self-evaluation and reflection. They encourage professional growth in content mastery and discourage teaching routines that don’t change. Unfortunately, few programs and agencies develop formative evaluation programs, leaving instructors to do it themselves.

What Is Self-Evaluation?

Airasian and Gullickson (1996) describe self-evaluation as “a process in which teachers make judgments about the adequacy and effectiveness of their own knowledge, performance, beliefs, or effects for the purpose of self improvement.” Self-evaluation is a viable option for instructors who wish to pursue personal growth and professional rewards.

Most instructors perform some type of self-evaluation, but it is normally an informal process that draws on one or two data sources. They try new things and abandon things that do not work. They read their student feedback forms and reflect after a block of instruction. This tends to be performed at random and, in most cases, is marginally effective. Instructors need to develop, either personally or collectively, a systematic self-evaluation process. This adds direction and focus to evaluation and produces better results.

Self-evaluation should be constant. No one ever “masters” the art of teaching. Professional trainers work in a dynamic environment, teaching a diverse population whose needs are ever-changing. Trainers must continually increase their knowledge base within their content area, yet it is just as important that they grow in their ability to teach. Self-evaluation should be part of an instructor’s never-ending quest for personal excellence.

What’s the Process?

The self-evaluation process can be broken down into three basic phases. The first phase deals with identifying “model teaching” practices. This simply means defining personal performance goals as an instructor. How do trainers know what good instruction looks like? Everyone has been a student at one time or another. They have been exposed to good and bad instructors. Most people could name instructors who mastered the content but had poor teaching or presentation skills. They could also name fabulous instructors who had limited content area experience. An effective strategy is to select a role model that the trainer would like to emulate.

The second phase of the process is the evaluation of the instructor’s current performance. The instructor asks him- or herself, “How am I doing now in relation to the model teaching practices that I have defined?” The key to effective self-evaluation is the amount of specific performance-related information available to the instructor. Most evaluation systems fall short because the evaluation information comes from a single source, such as student feedback surveys. Information should be gathered from as many sources as possible. Some or all of the following sources may be used to gather information to facilitate self-evaluation: preplanning checklists, self-reflection forms, audiotaping or videotaping of instruction, student feedback sources, student performance data, peer observation, or a joint problem-solving/advisory group. Using this information, the instructor must try to determine deficiencies or needs that should be addressed. Instructors must remain objective and focus on problems/needs that they can control.

The third phase of the process is the implementation of a strategy for improvement. The instructor should seek to improve performance by remedying one or two small problems at a time. Instructors should not overwhelm themselves by trying to change their whole teaching style overnight. Peers are a good source of help. If possible, the instructor should form a relationship with a mentor that is good enough to use as a model. All instructors should seek continuing training in communication skills and instructional techniques (e.g., models of teaching, adult teaching strategies, speech and presentation skills). This third phase

is not the “end” of the process because self-evaluation should be a constant evolutionary cycle.

Examples of Information Gathering Tools

A preplanning checklist is similar to a pilot’s preflight checklist and should be performed just prior to delivering the training course. It serves to focus the instructor’s attention on areas that may or may not have been addressed during curriculum design and instructor preparation. It also acts as a motivational tool and heightens the instructor’s awareness of critical issues. Many instructional problems stem from a lack of preparation. As part of an ongoing self-evaluation process, the checklist may be updated to focus attention on changes that the instructor is trying to implement in his or her teaching.

A focused self-reflection form is a questionnaire that asks the instructor to evaluate his or her own performance after a block of instruction. It is most effective when filled out by the instructor immediately after the class ends, while the information is still fresh in his or her mind. It is simple and easy to use every time the instructor holds class. It takes less than five minutes and can be filed with course materials for later reference. These forms can be a valuable review when preparing to teach the course at a later date.

Audiotape and videotape are both effective tools for gathering self-evaluation information. Both have clear advantages and disadvantages, and the choice of which medium to use is dependent on the type of behavior you are intent on evaluating. Both audiotapes and videotapes may be easily sent to others for review and critique.

Audiotaping of instruction is the best means to focus on verbal skills and student/teacher interaction. The equipment is small and portable and can be used with or without the students’ knowledge. It is less likely to inhibit students, and instructors are not as likely to “play to the tape” as they do a video camera. Audiotaping is a highly effective, yet underutilized, means of self-evaluation (Freiberg & Driscoll, 1995). Audiotaping does not detect nonverbal communication (body language), nor does it work well for motor skills training. It is also not as popular with instructors as videotaping.

Videotape records both audio and video. It records action and body language. It is reasonably portable and records the use of visual aids. It is easier than audiotape for other people to review and critique. Video does have disadvantages though. Videotaping may inhibit students and reduce participation. Instructors often “play to the camera” rather than the students, defeating some of the purpose of using it. When reviewing videos, instructors tend to focus more on visual effect rather than verbal skills and student/teacher interaction. Video camera set-up and operation may be a problem, as it often requires an assistant. When used, the video camera should film from the student’s perspective and allow the viewer to see as much of the audience as possible.

There are several sources of student feedback including surveys, suggestion boxes, and personal interviews. Student feedback surveys are the most common source used to gain student input into the process. Most instructors use them at the end

of the course, but feedback forms can also be effective tools when used during the course, especially during longer courses.

Surveys using formative questions tend to give instructors more information about changes they need to make. Formative questions might include, "What did the instructor do that contributed most to your learning?" and "What did the instructor do that detracted from your learning?" Formative surveys should use a limited number of focused, but open-ended, questions. Students will be less likely to fill out 20 essay style questions.

Instructors should always take the time to impress upon students the importance of filling out feedback surveys. They need to be informed about how important their role is in the development and growth of the instructor and the training program. Once an instructor begins a comprehensive self-evaluation process, his or her feedback surveys can be modified to measure needs or problems that he or she is trying to remedy. They can become a progress report for the instructor.

Suggestion boxes work well in a static academy or agency environment, dojo, or training center. They allow students to study, think, and discuss before submitting their suggestions for improvement. It provides an avenue for students' feedback after they have attempted to apply their learning in the field. Suggestion boxes often yield good input about what topics and techniques need to be focused on or reinforced during training.

Formal interviews are those conducted with a set format or questionnaire. It is often difficult to interview a high volume of students, but it is good to single out individuals to interview about your performance. Informal interviews tend to be little more than asking, "How am I doing?" on coffee breaks. Listen to your students discuss the topic at breaks. Are students grasping the important concepts of your training?

Student performance data can come from several sources. Your course exams, state licensing exams, and field training reports are all good sources of information. Surveys sent to employers or supervisors about student performance in the field may be helpful. Agency instructors tend to have the greatest access to this type of data. They may even get first-hand knowledge from working in the field with their students.

Instructors may have a peer observe and audit their classes in progress. To be effective, observers should be given the tools to record their findings. They might be asked to fill out the instructor's self-reflection form and/or a student feedback form. Observers should be informed of specific areas of concern so that they can focus on them. Peer observation can easily turn into a joint problem solving or advisory group. Instructors may be able to develop a group of like-minded instructors that can focus on individual and program growth by using these self-evaluation strategies. This group can provide support, care, and training to its members.

Summary

Professional trainers have a duty to seek self-improvement as instructors. They owe it to their clients, their profession, and themselves. In order for self-evaluation to be effective, it must be systematic and incremental. Information used for self-evaluation should be gleaned from multiple data sources, such as the following: self-reflection, media recording, student feedback, student performance data, peer observation, and advisory groups. Self-evaluation should be a constant process focusing on personal growth.

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Problem Solving and Police: An Initial Characterization

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For many years, police agencies were organized around a distinct hierarchy and paramilitary management style. The goals of these departments were efficiency and control, which often included excessive specialization and centralization. These characteristics directly influenced the manner of response of police to the needs of citizens. In the past, police handled each incident or call for service as a separate and unique event. Police concentrated on incident-based policing strategies, which included apprehending criminals after a crime was committed. This form of policing encouraged officers to deal quickly with requests in order to get back “inservice” and be available to respond to subsequent calls (Kelling & Coles, 1996). In other words, no inquiry was made as to the origin of the problem for the purpose of learning why and how crimes repeatedly occurred nor ways that they could be prevented.

In recent years, however, police have adopted a new style of policing called “community policing.” Specifically, community policing is an organization-wide philosophy and management approach that promotes community, government and police partnerships; proactive problem solving; and community engagement to address the causes of crime, fear of crime, and other community issues (Galvin & Burnett, 1999). The emphasis on problem solving as an effective police strategy stems from pioneering work on problem oriented policing by Herman Goldstein in the late 1970s. These early experiments demonstrated that crime and related disorder problems could be reduced through the use of problem-solving techniques. Furthermore, the literature suggests that effective problem-solving skills are essential for effective community policing. According to Peed (2002), “rather than reacting to problems after they become crimes, community policing goes further, leveraging the officers’ relationships with the members of their communities to determine the root causes of a problem, and seeks to prevent crimes from happening again” (p.iii).

Problem Solving

Problem solving involves resolving a situation that is undesirable or unacceptable. Thus, problem-solving skills are of special interest to police officers engaged in order maintenance and service activities that involve real-life problems. Consistently, the importance of police in modern society is based on the fact that people have problems that they are unable to solve themselves. Hughes (1999) concluded that the art of problem solving lies in the ability to narrow or close the gap between the known and the unknown. The major steps involved in problem solving include the following:

- Define the problem.
- Identify the contributing factors.
- State why this is a problem.
- State the preferred scenario.
- Brainstorm possible alternatives.
- Evaluate pros and cons of the alternatives.
- Choose the alternative.
- Develop an action plan.
- Decide who will do what by when (Hughes, 1999, p. 28).

This step-by-step process allows the problem-solver to comprehensively consider the situation, creatively explore many possible solutions, and carefully evaluate alternative solutions before making a decision. The most important aspect of the process is that the problem must be clearly defined (Hughes, 1999).

Beckman (1998) concluded that the problem solving process must emphasize coordination and collaboration. He found that the problem solving process had four steps:

- Data: First gather enough data to define the problem.
- Diagnosis: Define the problem using the data.
- Direction: Invent creative approaches to the problem, generate options, and agree on a plan.
- Do next: Agree on specific actions (Beckman, 1998, p. 20).

As previously mentioned, Herman Goldstein (2000) was one of the first to apply problem-solving concepts to policing. He believed that police should attempt to find a solution to the problem that created the call for service. Furthermore, a focus on the substantive problem would provide the police with permanent solutions instead of responding to recurrent complaints or calls for service. More recently, police agencies have begun to use the SARA (scanning, analysis, response, assessment) model of problem solving to address crime in a particular area of a community (Wolfer, Baker, & Zezza, 1999, p. 9). Cohen (2001) concluded that SARA involved “identifying and prioritizing a specific problem by **scanning** through multiple data sources; conducting a thorough **analysis** of the problem; formulating a **response** to the problem based on the analysis results; and **assessing** the impact of the response on the problem” (p. 1). In other words, according to Peed (2002) problem-solving strategies rely less on arresting offenders and more on developing long-term methods to deflect offenders, protect likely victims, and make certain crime locations less conducive to problem behaviors.

The Problem-Solving Partnership National Evaluation produced the following eight recommendations for agencies using the SARA model to conduct a problem-solving project:

1. Select a well-defined, manageable problem.
2. Establish a target area to fit the problem.
3. Incorporate community involvement in all phases of the project.

4. Conduct a thorough analysis of the data prior to selecting a response.
5. Use the analysis findings to develop a response.
6. Assess the impact of the response.
7. Provide problem-solving training to sworn and non-sworn personnel early in the project.
8. Garner support from command-level staff prior to initiating a problem-solving project (Cohen, 2001, p. 3).

The implementation of problem-solving techniques was an attempt to improve the effectiveness of policing. "The emphasis in problem-oriented policing is on directing attention to a broad range of problems the community expects the police to handle—the problems that constitute the business of the police—and on how police can be more effective in dealing with them" (Goldstein, 2000, p. v). According to Scott (2000), however slow, modest, and uneven the movement in problem-oriented policing has been, it is now a central part of at least the language of modern police management.

The importance of problem-solving skills to the effectiveness of the police in their role is axiomatic. There is little disagreement that the police are expected to address a broad range of problems. Persons with greater perceived levels of problem-solving skills may be expected to have greater belief and trust in their own problem-solving abilities. The focus of this research was to assess police officers' perceived levels of problem-solving skills.

Methodology

This study utilized sworn municipal police officers from a Midwestern state as the sample population and was the first to characterize the problem-solving skills of police using the Problem Solving Inventory (PSI). Despite the lack of comparative data concerning the perceived problem-solving skills of police, comparisons were made with studies characterizing the problem-solving skills of other referent groups. Several members of the sample police department had completed problem-solving training, while the majority of the police officers had no formal problem-solving training. The PSI has been used to evaluate training outcomes for problem-solving training seminars (Heppner & Petersen, 1982; Nezu, 1986) and motivation training courses (Chynoweth, Blankinship, & Parker, 1986).

The PSI is a 35-item inventory consisting of three scales derived from factor analysis: (1) Problem-Solving Confidence, (2) Approach/Avoidance Style, and (3) Personal Control. A total PSI score was used as a single, general index of problem-solving appraisal. A low score on individual scales and a low total PSI score represent positive appraisals of problem-solving abilities. In other words, low scores indicate that the person believes and trusts in his or her own problem-solving abilities. According to Heppner (1988), the total PSI score reflects the individual's awareness and evaluation of his or her problem-solving abilities or style and thus provides a global appraisal of that individual as a problem solver. It is important to note that the PSI assesses the individual's **perception** of

problem-solving skills and does not assess actual problem-solving skills. Test-retest reliability was based on a two-week interval (N = 31) and ranged from .83 to .88 for the individual scales with the reliability of the total PSI score being .89. Estimates of concurrent, discriminate, and construct validity were established through several studies (Heppner,1988).

The Problem Solving Confidence Scale is defined as self-assurance while engaging in problem-solving activities (Heppner, 1988, p. 1). Individuals scoring low on this scale believe and trust in their own problem-solving abilities. The second scale in the PSI is the Approach Avoidance Style, and is defined as a general tendency of individuals to approach or avoid problem-solving activities. The third factor of the PSI involves the Personal Control Scale and indicates the extent to which individuals believe that they are in control of their emotions and behavior while solving problems.

Results

The study sample included 68 sworn police officers from a midwestern state. Of the 68 respondents, 20 (29%) indicated that they had been formally trained in community-oriented policing, which includes substantial problem-solving training. Forty-eight (71%) of the police officers had not participated in formal community-oriented policing training. A majority of the respondents were males 67 (98%); thus, gender was not included in any further data analysis. The age of the officers was distributed across the following age groups: 21-30, 11 (16%); 31-40, 25 (37%); 41-50, 23 (34%); 51-60, 9 (13%).

Distributions were balanced across most length-of-service cohorts:

Less than one year	1 (2%)
1-5 years	16 (24%)
6-10 years	13 (29%)
11-15 years	6 (8%)
16-20 years	12 (18%)
21-25 years	13 (19%)
25 years or more	7 (10%)

Twenty-eight (41%) of the police officers had completed a baccalaureate degree. The highest level of education attained included the following results:

High school diploma	2 (3%)
Some college	23 (34%)
Associate's Degree	8 (12%)
Bachelor's Degree	28 (41%)
Master's Degree	4 (6%)
Vocational Degree	3 (4%)

Cumulative PSI Results

The PSI assesses an individual's perceptions of his or her own problem-solving behaviors and attitudes (Heppner, 1988). The cumulative or total PSI score provides a global appraisal of that individual as a problem solver. Low scores on all scales

and for the total PSI score represent positive appraisals of problem-solving abilities. By scale, low scores are associated with self-confidence in problem-solving abilities, a style of approaching rather than avoiding problems, and the perception of personal control in handling problems (Heppner, 1988).

The mean of the total PSI score for officers trained in community-oriented policing was 69.6 with a standard deviation of 12.2. The mean of the cumulative total PSI score for officers *not* trained was 75.15 with a standard deviation of 16.3. Both groups of police officers scored below the cumulative total PSI score for all 13 groups (males) as reported by Heppner, suggesting a positive self-appraisal of problem-solving abilities.

PSI Scale Scores

The scores for the Problem-Solving Confidence, Approach Avoidance Style, and Personal Control were computed for both groups of police officers. The mean Problem Solving Confidence score for officers trained in community-oriented policing was 21 with a standard deviation of 4.8. The mean score for those *not* trained in community-oriented policing was 23.63 with a standard deviation of 8.2. As with the cumulative PSI score, the respondents scored lower than the male samples reported by Heppner. Specifically, officers scored lower than 11 of the 13 male normative groups. Again, this indicates that the police officers in this study appear to believe and trust in their own problem-solving abilities.

The Approach Avoidance Style scale revealed similar results. The mean score for respondents trained in community-oriented policing was 36.55 with a standard deviation of 7.3. The mean score for officers *not* trained in community-oriented policing was 41.31 with a standard deviation of 12.6. Again, the respondents' mean scores were lower than the norms computed by Heppner for various male groups. In fact, the mean for those who had completed community-oriented policing training was lower than all the means reported for males by Heppner. These results indicate a general tendency by officers to approach rather than avoid problem-solving situations.

The final scale, Personal Control, generated similar results to the cumulative PSI score and the other two scales. The mean score for police officers trained in community-oriented policing was 12.05 with a standard deviation of 2.08. The mean score for respondents *not* trained in community-oriented policing was 13.06 with a standard deviation of 4.3. The scores of both groups were lower than all male groups reported by Heppner. Low scores on the Personal Control scale indicate that the respondents believe they are in control of their emotions and behavior while solving problems.

Conclusions

In recent years, increasing attention has been devoted to problem-solving skills in policing. According to Scott (2000), problem solving in policing has achieved a degree of professional interest and some measure of public and political interest. There have been attempts to evaluate whether problem-oriented policing works and whether the problem-oriented policing movement has been successful (Scott, 2000); however, there has been no assessment of multidimensional problem-

solving skills of police officers. The PSI enabled the assessment of different problem-solving skills of police.

The focus of this study was the perceived problem-solving skills of sworn police officers from a midwestern state. The respondents in this study had positive appraisals of their problem-solving abilities. Police officers in the study response group had generally lower scores in the aggregate and across all dimensions when results were compared to normative samples. Overall, low scores on the PSI indicated positive self-appraisal of problem-solving abilities. More specifically, low scores on the individual scales can be associated with self-confidence in problem-solving abilities, an approach style to problem solving rather than avoidance, and the perception of personal control in handling problems. Differences were evident between the two groups of officers, however. Officers trained in community-oriented policing had a lower total PSI score and lower scores on all three factors, indicating a more positive appraisal of their problem-solving abilities than those officers who had not been trained. In other words, those officers who had completed community-oriented policing training reported higher levels of self-confidence, more employment of the approach versus avoidance style of problem solving, and higher levels of personal control in solving problems. The cumulative and individual levels of problem-solving skills on the PSI suggest symmetries between the role of police in community policing through which police serve as moderator and peace keeper and utilize problem-solving skills.

The findings of this study contain several implications for police training and practice. One of the most important processes for ensuring police organizational effectiveness is training. Rising public expectation of police has created a demand for effective, sophisticated policing, which in turn requires responsive police personnel. Increasingly, police will depend on problem-solving skills to advance the goals and objectives of community policing. The results of this study confirm the need for problem-solving training of all police officers. Police officers who participated in community-oriented policing training had a more positive appraisal of their problem-solving skills than those who did not participate in such training. Mandatory problem-solving training for all police officers and participation in a variety of interactions with people should improve problem-solving skills and the ability of the police to match behaviors to demands of a specific situation. Choice of problem-solving techniques may then be related to the unique elements of the situation and to the desired outcomes. Improved problem-solving abilities should expand the officers' range of options for resolving people's problems.

Additional research is needed to confirm and expand the findings of this study. The relationships identified with regard to perceived problem-solving skills are worthy of further investigation in order to acquire a better understanding of the dynamics and dimensions of problem-solving competence. The results of this study may assist police, administrators, and trainers in developing innovative training strategies to facilitate more effective police organizations as well as improve the problem-solving skills of police—one of the core tasks of community-oriented policing.

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Good People Are Not Hard to Find; We Just Make It Hard for Them to Join and Stay with Us!

Bill Naber, Owner, Naber Technical Enterprises

There is a crisis in filling and maintaining the ranks of law enforcement! Some agencies are reporting understaffing of 40% and more. Their overtime budgets are wiped out within months of a new fiscal year, and their employees are suffering from fatigue.

I have been researching the Recruitment, Hiring, and Retention (RHR) of qualified public safety personnel for over nine years. I had practical experience while being an administrative and command officer, back in the good old days when we had waiting lists of people wanting to join law enforcement.

Why are we having these shortages? Well, the usual suspects are . . .

- New staff authorizations and operational grants and new programs adding positions.
- Normal retirement and injury losses, including death.
- Job hopping by dissatisfied or ambitious employees.
- People who thought this career was 9 to 5, Monday through Friday and didn't understand that they would often have to work with difficult people (. . . and the criminals are bad too!).

Regardless of the reasons why you are short of staff, you still have to cope with the consequences of the lack of qualified personnel:

- Your overtime budget runs in 90-day increments, and there is a political ceremony whenever you beg for additional funds.
- Your accident rates, excessive force complaints, personnel grievances, and employee discipline issues are rising.
- Shortages are affecting promotion and assignment by having no one to back fill or having to go outside the department for technical assignments and promotional positions.
- More and more, your people are taking "Mental Health Days" or outright quitting, exacerbating the staff shortage problem.
- The chief or sheriff is considering calling in the State Police or National Guard, or just retiring, if things get much worse.

Law enforcement is having difficulty recruiting infrastructure people, such as dispatcher, records, lab, and other technical specialties, as well as uniformed officers.

It is my opinion that the traditional government employment system is the cause of many of our employee replacement issues. Using the traditional methods of recruitment and hiring, we will have to screen 100 people to get 1 qualified employee! We are wasting thousands of dollars, hundreds of person hours, and clogging up our department regeneration process by not thinking through our RHR systems. I also need to mention that the traditional recruitment and hiring techniques take 9 to 18 months to complete.

I can go on for a long time, but these baseline RHR references are just meant to pique your interest in how to market law enforcement career opportunities, expedite the hiring process without lowering legitimate standards, and keep the good employees who you rely on every day to keep your organization afloat!

Beware of False Positives. The reasons we are truly having difficulty recruiting qualified people are not what most people think.

The recruiting problem is *not* that there are an insufficient number of people looking for a career in public safety.

The recruitment, hiring, and retention problem is that the traditional government employment process throws barbed wire up and lays land mines at every opportunity to dissuade those qualified people from joining or staying with us!

Most jurisdictions have made the application and screening process so complicated and time consuming that it is a wonder that we get anyone at all to survive the ordeal.

Furthermore, after the hire, we make life so miserable for people—well, let's say government doesn't practice good human relations in public safety personnel management.

You have heard all of the reasons for "poor staff morale." I am still looking for the "gruntled" people because I have met many "disgruntled" folks in our profession. Oh well, that's another segment of humor and discussion for the future.

It is my heartfelt belief that if we took the lessons of the United States Military Services and the practical experiences of private industry to heart, we could resolve most of our law enforcement RHR issues in a moderate period of time. What determines "moderate" time will be based on the size of the agency and its replacement algorithms.

Here are some thoughts to help improve your hiring and retention situation using contemporary business analogies. I'll break my research into three inter-related parts:

1. Recruitment – Marketing a law enforcement career to get potential applicants

2. Hiring Processes – Maintaining legitimate job analysis standards to process bonified candidates to employee status
3. Retention – Not losing the good employees to a competitor

Recruitment Is Marketing!

In my RHR seminars, I ask participants to do a marketing exercise playing the role of a major food vendor because everyone must eat. We use the market analysis analogy to make the point that supermarkets are experts at knowing who their customers are and what motivates them to buy at their store. Like supermarkets, public safety agencies have competitors based on size, location, and *benefits*.

Public Safety Career, Marketing 101

Like Safeway, Pigly Wiggly, or any large grocery store, you must know who your “potential customer” (recruit) is. Profiling in marketing is still socially acceptable and is in fact necessary for cost-effective recruitment investments.

What Is the Profile of Your Average Recruit?

My national research indicates that this person is generally 18 to 35 years of age. Gender breakdown is usually 70% male, 30% female. Ethnicity is driven by the demographics of your region. Most public safety recruits come from the mid-socioeconomic status of your community and probably will not have a college degree.

Gender, ethnicity, and language abilities can be very important recruiting factors. These special qualification(s) factors may override usual recruiting techniques and methods. In some cases, you may be smart to do target recruitment to get those needed people.

In our interviews and field research, a large number of applicants were married or single parents. Child care is a constant issue with shift workers.

What Is an Easy and Inexpensive Way of Profiling the People I Want to Recruit?

The easiest way to develop a recruit profile is to do a survey of your most recent hires. When I do validation studies, I use a 10% sampling method. For example, if I was surveying 100 new hires, I would want to interview at least 10 of those hires.

You can design a marketing survey using a potential customer format, or you can convince a college or university professor to make this research a class project.

I have developed some suggested formats that should prove useful in the RHR seminar.

The next element is a little more tricky. Learning *where* to reach these folks will require some sociological skills for your city, county, or region.

Where Do I Find Potential Employees?

Like the old fisherperson said, “the fish are where you catch em!”

With your recruit profile in hand, think about where you can reach your potential new hires. For some of us over-50 types, it may be difficult to know, or even remember, what 18- to 35-year-olds do during their day. In my seminar, we discuss a listing of different media and target strategies that underscore the importance of Return on Investment (ROI) priorities.

Don't be afraid to innovate! One large city recruiter I met scrounged a van that he got a free paint job advertising recruiting information. He parks the vehicle at strategic locations. He made a joke of his purposeful driving through gang ridden areas, saying he “stopped” but did not park on those streets. He makes a point of reviewing community calendars and showing up at ethnic, religious, and sports events. He was able to speed up his department's recruitment over 60%.

Several other agencies added recruiting information to their crime alert Public Service Announcements on radio and television. One department shared that they gain enormous *free* profile information by contacting radio stations. They did their own marketing research on number of calls and contacts from different media. In their area, country and western topped pop music.

Here are several recruiting “secrets” you should consider. The following suggestions should be spelled out in all your recruiting materials regardless of format.

#1: Think Like an Applicant!

The bottom line is every potential employee's mind is fiscal!

In any advertising or media, be sure to identify as many benefits to your department as you can. *Money is primary, but so is quality of life!* Of the applicants, candidates, and new hires we polled, these are their ranking of personal importance.

Money = Cash in pocket! (salary; overtime; hiring bonuses; incentives; differentials; step increases; “Freebies,” such as uniforms, take home cars, health club memberships, child care)

Benefits = Medical, dental, child care, and other “cash values”!

List and spell out the values of your benefits programs. Very few private sector jobs offer full benefits to a brand new employee. Use cash values and choices of options if at all possible.

Do you pay recruits while they attend the academy? If so, say so! List other professional benefits of your department for new staff.

Consider assignments and promotion ability as a benefit. List the number and different types of units available to a progressively experienced person.

Retirement programs such as 3% at 50, are only good for lateral transfers who are vested in a reciprocal retirement system. Anything that they don't have to pay for equals money in their pockets.

Cost of Living = Housing, child care, and commuting costs!

In the San Francisco Bay Area where I've gathered tons of information, it is not uncommon for a deputy sheriff or police officer to travel two or more hours *one-way* to get to a community for their family to own a home and have safe, competent schools. I've already told several of my clients that if gas ever hits \$3.00 a gallon, they will see an exodus of people to small departments closer to home.

A sheriff's department in Northern California can't pay high wages. Their advertising promotes the nationally advertised nearby outdoor recreation, safe communities, good schools, *and* that you can buy a 1800-square-foot house on acreage for under \$200,000. This may not mean anything to some of you, but the average smaller city home on a postage stamp lot with mediocre schools starts at \$300,000 and goes up from there!

Scheduling = Work hours and time off!

Many agencies now offer 10- and 12-hour shift assignments because employees can have three- and four-day weekends. Some agencies allow shift trades for off-probation staff that can add up to 10 days off without using leave credits.

Take advantage of the fact that the government has paid leave provisions. List family leave, annual vacation, sick leave, on-the-job injuries, personal time, holidays, etc. as benefits, particularly for new employees or employees off probation.

Job Stability = Not having to uproot their family. Transfer and assignment policies are usually only important to experienced applicants. It takes some sophistication to appreciate the work location factor in recruiting. Lateral transfers and informed people will want to know where they work in large jurisdictions. The California Department of Corrections identifies the candidate's duty assignment before he or she starts the academy as part of the hiring process.

Job Security = Layoffs, "downsizing," and short-term employment in other industries are why we have many new prospects. The downward economic trends in blue collar and skilled labor have made many people interested in law enforcement as a steady career. In the last 18 months, we have polled students in our academy classes on why they entered a law career. Over a dozen stated that they left the high pressure, no advancement, and "you don't know if you'll have a job tomorrow" world with low benefits for a promising future.

If this sector has promise in your area, I suggest talking to the people who operate those mobile lunch and snack trucks that visit various work sites. They know who's laying off and where your best recruit hunting will succeed.

#2: You Must Have a Website!

Nearly every 18- to 35-year-old that is capable of working in law enforcement uses the Internet regularly! Here are some statistics from my regional and ongoing research:

- Public safety candidates who “shopped” first on the Internet before applying directly 75%
- Public safety candidates who would use online recruiting information services 80%
- Public safety candidates who reported having difficulty getting through to a recruiting officer for information. 90%

From a simple business perspective, anyone serious about business today has a website and e-mail communications.

The best recruitment website can help a candidate through the maze of application procedures.

#3: Set and State Your Standards Clearly at the Start of the Process!

I gathered many of my employment standards principles from the United States Marine Corp! This is the only branch of military service that has consistently met the demands of their profession without compromising their core beliefs and values.

In your department’s advertising documents and media, clearly state that you only accept the best of the best!

Set *legitimate standards*, and reinforce them in your recruitment efforts. Do not get seduced by “defensive hiring” and hire people just to meet deadlines and quotas or to match fund monies.

Do not be hesitant to state the requirements of a clean personal, health, financial, and criminal background! Don’t be afraid to make your job announcement read like a professional screening that lawfully discriminates against the unqualified!

I recommend a checklist format for your standards. Build your application advertisement using the checklist as a method to measure whether an interested party is qualified.

My opinion is that the background investigation, including an integrity examination such as the polygraph, and the apprenticeship program are our true tests of who is qualified to work in law enforcement. A person’s history can be a 90% indicator of their future behavior. Invest time, energy, dollars, and management oversight in your background investigators.

A recruiter in one of my last seminars made an interesting statement, "If they can pass a background, everything else we can adjust for!" The background investigation is extremely important!

In contrast, few applicants, if any, appreciate the importance of complete, accurate, and truthful background information.

If anything is common to every background investigator interview I've done, it is the comments about the number of applicants that don't fill everything in, give only partial information, or outright lie in the background papers.

I recommend a "mini background" document as part of the initial hiring processes. I suggest, as part of the initial screening steps, after civil service basic skills tests, that the candidate sign a waiver for a quick computer check of their criminal history, driving records, finances, and civil litigation. I'll write more about this in the hiring section. The point here is to weed out the clearly unqualified before we invest any more time and money into processing a person who could never be hired.

#4: You Have to Educate Your Potential Employees About the Different Steps and Time Lines for Your Department's Hiring Process.

Today's employment applicants haven't a clue about the multiple and time consuming steps in the public hiring service!

Your recruiting and advertising strategies and tactics must adjust to the knowledge level of your potential applicant. In other words, you have to make the overall process and procedures, applicant to candidate, user friendly!

Minimally, your outreach materials and media must walk the applicant through every step, starting with where to get an application. Another checklist format can be useful for consecutive steps, directions, and contact persons. This checklist should go out with all your advertising, be posted early on your website, and referred to by the staff in the hiring process.

I strongly recommend to agencies with major RHR difficulty that they should adapt the military recruiter techniques. The recruiting station I worked with required four candidates a month. You can use this as a rule of thumb in estimating how many active recruiters you are going to need to fill your current and future vacancies. I had the good fortune of working with a regional recruiting station here in the state capital. They were very helpful in sharing their methods and offered ideas on recruiting military personnel leaving the service. If you have one of the five services stationed near you, consider it a target-rich environment for recruits.

Having an orientation class for applicants is also a good strategy. In most jurisdictions I researched, they had to process 100 applicants to get one qualified hire. In the hiring process segment, I explain the attrition factors, but one group are "lookie-lous" who send in applications based on myth, stereotyping, and the simple desire for a job. I developed a model "orientation seminar" for law

enforcement applicants, and I have seen many successful examples of such self-help classes over the years.

#5: The Best Recruiting Is Word of Mouth!

The members of your department are your best recruiters! Get them involved! Think of all the people in your organization who can reach out and recruit somebody. Several agencies I've seen pay a "bounty" for applicants that members recruit and get hired. Another benefit of a department member making the recommendation for hire is that it should be a good endorsement of that applicant's suitability for law enforcement.

You have to sound your own siren! I have seen recruiting information on or accompanying police documents, including traffic tickets! A rule of merchandising is "get and keep your company's face familiar to everyone!" You already have killed the trees and paid for the printing; why not add recruiting information? If you are low on funding, that's what rubber stamps or sticky labels are for.

Be sure contact numbers, website addresses, and important names are correct and current!

There are many benefits to employment outreach programs beyond just recruiting. Involving the community in their law enforcement services pays good dividends. By the way, DARE, School Recourse Programs, Crime Alert, Neighborhood Watch, speaking to interest groups, and other community policing efforts reach families and friends of potential recruits. Remember, that person in the audience, at your display table or talking to your officers has mothers, fathers, sisters, brothers, aunts, uncles, and friends that could be great sources of applicants.

Bill Naber is a retired Sonoma County, California Sheriff's Captain. Mr. Naber has been working in the criminal justice field since 1965. He has held line through staff positions in two contemporary sheriff's departments including patrol, detective, jail, civil, dispatch, warrants, administration, and public safety contract services. Naber is presently a training and research consultant serving every component of the criminal justice system. He is a recognized expert in law enforcement operational legal topics, with particular expertise in government personnel, organizational operations, and management issues. Since 1990, he has been gathering research, writing, and lecturing on criminal justice system changes, reforms, and preparations for the 21st century. His hobby is researching and writing on mounted police service. His company, Naber Technical Enterprises, offers over 225 law enforcement and corrections courses and seminars. His RHR seminar is very popular and can be held in your area. He is also available as a speaker at conferences and professional events.

A Comparison of Ethical Attitudes Involving Criminal Justice Undergraduate College Students and DuPage County Police Officers

Raymond G. Turano

Introduction

This study explores the ethical attitudes of traditional aged (18 – 22-year-old) criminal justice college students and DuPage County Police officers. The motivation for the study was to determine whether the students, who are preparing for a career in law enforcement, differ from the police officers already engaged in the profession with respect to ethical decisionmaking. The public closely scrutinizes the actions of law enforcement officers, and scandals involving police tend to taint the profession in general. For example, Chicago police officer Pedro Mataterazas, also known as Peter Mata, was arrested September 14, 2000, while driving cocaine-loaded vehicles to supply a drug ring in Nashville, Tennessee (First Trial, 2000). The Los Angeles Police Department (LAPD) has also been criticized for their management practices after the city's largest police corruption scandal involving former LAPD officer Rafael Perez. Perez, part of the city's gang unit was convicted of planting evidence and perjury, and he is suspected in multiple murder investigations in Mexico (Police Officer, 2000). There appears to be a repetitive cycle of scandal, repentance, pledges of reform, and fresh scandal (Gleick, 1995).

The reason that police misconduct tends to repeat itself is an ongoing debate. Some of the literature examined contributes the phenomenon of police misconduct to certain theories involving the police subculture and noble cause corruption. These theories will be examined in an attempt to shed light on a perplexing dilemma in law enforcement.

Much has been written about the phenomenon of the police subculture. While it can best be described as an internal influence, it is much more of an informal feeling than a formalized process (Lyman, 1999). The subculture is somewhat like a support system for the officer. One characteristic of most professions is a dual set of standards; certain behaviors may be considered to be acceptable for a member of the profession to perform, even though the behavior would be wrong if performed by anyone else (Lyman, 1999, p. 281). The loyalty to a fellow officer is paramount in the police subculture. Police officers are indoctrinated in the belief that they must stick up for their fellow officers from the first day on the job (Hentoff, 1999). Clearly police officers are strongly indoctrinated in protecting one another, not just from physical harm, but from allegations, justified or not, of their misconduct (Hentoff, 1999). As Skolnick (1966) pointed out, the American police are socially isolated from the society and community they serve and draw a number of friends from their police group. Because of the social isolation and withdrawal into their own group for support and approval, police officers

become subject to intense peer group influence and control. The peer group can set up and maintain effective subculture mechanisms of informal control through occupational socialization, including prescribed deviant conduct (Baker & Carter, 1991).

In summary, it is apparent that police officers have numerous opportunities for misconduct, ranging from administrative violations to serious criminal acts that can result in scandal. The police, by the very nature of their adversarial work, often tend to view all but their own as the enemy. The peer group acceptance levels may either be a constructive issue, if the motivations are in the right direction, or may contribute to, and even condone acts of police misconduct (Delattre, 1989).

Police officers are often placed in a “no win situation.” If the officer acts within ethical guidelines, he or she may be forced to release a person suspected of committing a crime. If officers ignore the parameters they must work within, they may very well find themselves the center of a criminal investigation. One of the interesting theories of police misconduct is the Noble Cause Corruption Theory.

Delattre (1989) contends that ends do not necessarily justify means and outlines three considerations when contemplating actions intended to serve a desired end. (1) a good end cannot justify a misdeed, (2) attempts to revise regulations and rules cannot eliminate a conflict in ideal, and (3) inflicting pain sadistically can never be excused (pp. 194-195).

Klockars (1983) concedes that in law enforcement there are certain situations for which there is no solution. Klockars additionally maintains that while engaging in “dirty” means to achieve a good end, the officer taints his or her profession and must be punished. This practice of corrupt deeds to achieve good ends becomes an increasingly slippery slope as the officer eventually rationalizes the misdeeds as neutral or even acceptable practices.

Muir (1977) discussed the necessary use of coercion in police work. He wrote that a good officer has to reach a balance in his or her dealings with the public. An officer who was overly sympathetic and empathetic would be ineffective. An officer overemphasizing coercion would become cynical and brutal.

Recently, law enforcement agencies have raised educational levels for prospective officers, assuming that an officer exposed to higher education will have a more diverse, broadened perspective and have more tolerance for an increasingly diverse population (Tyre & Braunstein, 1992). Today, it is common to see a minimum requirement of 60 hours of college credit for prospective candidates. Many of the progressive agencies have required that applicants possess a bachelor’s degree. The question to be answered is “does higher education provide the agency with a more ethically sound officer?”

A 2001 study conducted by Scaramella at Western Illinois University measured the ethical attitudes of undergraduate criminal justice students. Scaramella surveyed 438 students who were enrolled in a wide variety of criminal justice classes. The research employed nonprobability and purposive sampling techniques that polled

students at two major state universities in Illinois. Neither of the two universities included in the study required a course in ethics in their core curricula. The data was measured at the nominal level and reported using frequency and percentage distributions. Tests of statistical significance and association (e.g., Pearson's coefficient of contingency, Chi-square, Cramer's V, and Lambda) were applied. Tables illustrating a significance of $p < .05$ were reported. The judgmental sample was also based on the academic and practical experience of the researcher. The researcher, however, did acknowledge the limitations of nonprobability sampling. Some of Scaramella's key findings were as follows:

- Overall, unethical responses generated by the data ranged from 6% to 93%, with a mean of 45%.
- Ignoring unethical and criminal conduct by other officers pertains directly to the police subculture.
- Most disturbing about the present situation is that the respondents have yet to begin a career in law enforcement and have already reported tendencies associated with unethical practices of the police subculture.

Methodology

The purpose of this study was to compare ethical attitudes of traditional age, criminal justice undergraduate college students with the ethical attitudes of working patrol officers and to compare their responses, report the findings, and discuss recommendations for future educational programs/research.

To accomplish this task, a data set was used that was compiled by the author of this article for completion of a thesis to the Department of Law Enforcement and Justice Administration at Western Illinois University. The data was compiled in 2001 using nonprobability sampling techniques. This method was chosen for reasons of economy, convenience, and availability of subjects. The limitations of nonprobability sampling are acknowledged; these risks include that sampling error cannot be accurately estimated and that inferential statistics cannot be legitimately applied, thus disallowing generalizations to the larger populations.

The study was designed to survey criminal justice undergraduate college students at two private universities in DuPage County, Illinois. Both of these institutions offer a course in ethics as part of their core curriculum. The students that were surveyed are of traditional college age, 18- to 22-years-old. Both of the universities surveyed have resident and commuter students. This representation of students from the local area, as well as students from out of state, would offer a comparative representation of demographic population. The survey population will consist of 161 students. The participating students attending classes may be doing so in fulfillment of a required major/minor, or elective.

Police officers surveyed were from nine municipalities in DuPage County. The surveyed police agencies are general purpose, municipal police departments. The officers surveyed will be working patrol officers, holding the civil service rank of police officer. The decision by the researcher to use street patrol officers was supported by the fact that these officers have a greater potential, by the nature

of their assignment, to be involved in situations in which ethical decisionmaking comes into play. The total survey population of the nine police agencies is 476 officers.

The student survey consisted of 25 variables, six of which were independent, focusing on the following characteristics: gender; age; whether the student has, or is taking an ethics class; academic major/minor; previous or current employment in the criminal justice field; and whether or not the respondents' immediate family members have either previously worked or are currently employed in the field.

The remaining 19 variables were treated as dependent and were brief scenarios requiring the respondent to choose one course of action from a list of alternatives that they feel would be the most appropriate course of action. Each list of responses had an "other" alternative response to select if none of the printed answers sufficed. The "other" responses were appropriately coded and will be reported in the data analysis.

These scenarios described typical police encounters involving ethical dilemmas ranging from departmental rule violations to serious criminal acts. The scenarios covered acts of misconduct, such as acceptance of a gratuity, drug use off-duty, tolerance of a fellow officer's drug or alcohol use on-duty, and nonfeasance involving misconduct by police officers.

The police officer survey consisted of 24 variables, five of which were treated as independent, concerning characteristics of gender, age, years of service, whether or not they received formal ethics education/training, and educational background. The remaining 19 variables were treated as dependent variables and were the same scenarios that were used for the college student survey. The data, which is categorical, was measured at the nominal level and was reported using frequency and Percentage distributions. Additionally, the data was cross-tabulated, and statistical tests of significance and association were applied.

A total of 637 surveys were distributed: 161 student surveys, and 476 police officer surveys. The student response rate was 141 surveys, or 87.57%. The police officer response rate was 194 surveys, or 40.75%. The total response rate of the two groups was 52.59% (For the purpose of the study, N=335). Survey items with missed responses or that had multiple responses to questions were coded a-8. Questions that were not asked of one group were coded a-9.

The data was measured at the nominal level. Cross-tabulations were performed on six questions that were answered by the students and police officers. The questions involve . . .

1. A fellow officer's drug use on duty.
2. Your own drug use off-duty, if your agency had no drug testing policy.
3. Your willingness to commit perjury to obtain a conviction.
4. The acceptance of a gratuity on a traffic stop.

5. The acceptance of money for extra patrol of a business.
6. The proper inventory of seized drug money.

Tables that reveal statistical significance ($p < .05$) were reported. Chi-square and Cramer's V were utilized to show statistical significance and strength of association. For the purpose of this study, the null hypothesis is that there is no difference in the ethical attitudes of traditional age, undergraduate, criminal justice college students and DuPage County police officers.

In interpreting the data, the reader is cautioned that the illustrated tables frequently depict cell frequencies that contain less than five responses. This enhances the possibility of a Type I error. With this in mind, the reader is cautioned to interpret these results as tentative.

Table 1
Officer Using Drugs on Duty

			Crosstab		
			<u>Respondent ID</u>		
			Student	Police Officer	Total
Officer with drug use problem on duty	Place officer under arrest.	Count	19	8	27
		% within respondent ID	13.7%	4.2%	8.2%
	Tell officer what you saw; recommend drug therapy.	Count	36	18	54
		% within respondent ID	25.9%	9.5%	16.5%
	Notify a supervisor.	Count	72	143	215
% within respondent ID		51.8%	75.7%	65.5%	
Take no action.	Count	1		1	
	% within respondent ID	.7%		.3%	
Other	Count	11	20	31	
	% within respondent ID	7.9%	10.6%	9.5%	
Total	Count	139	189	328	
	% within respondent ID	100.0%	100.0%	100.0%	

N = 328, M = 7, Chi-square=30.631, df = 4. C = .306, $p < .05$.

Table 1 shows that there is statistical significance and minimal strength of association; the null hypothesis is rejected. Of responding police officers, 79.9% indicate they would either arrest the offending officer or report their actions to a supervisor. Of responding students, 65.5% would take that same course of action. Only one response, that of a student, indicates that no action would be taken; none of the responding police officers chose this response. Of the 31 responses in the

other category, answers included warning the officer to get immediate help or the incident would be reported, giving the officer a determined amount of time to report the incident his- or herself, and recommending resignation.

Table 2
There Are No Random Drug Tests; Would You Use Recreational Drugs?

			Crosstab		
			Respondent ID		
			Student	Police Officer	Total
No random drug test, would you use drugs?	Occasionally use recreational drugs (i.e., marijuana)	Count	9	1	10
		% within respondent ID	6.4%	.5%	3.0%
	Never use any illegal drug	Count	127	191	318
		% within respondent ID	90.7%	99.0%	95.5%
	Other	Count	4	1	5
		% within respondent ID	2.9%	.5%	1.5%
Total		Count	140	193	333
		% within respondent ID	100.0%	100.0%	100.0%

N = 333, M = 2, Chi-square = 12.974, df = 2, C = .197, p < .05.

Table 2 illustrates that the results are statistically significant and that there is minimal strength of association; the null hypothesis is rejected. Of responding police officers, 99.0% indicate that they would never use recreational drugs. A majority of the students, 90.7% also indicate they would not use drugs; however, 6.4% of students would occasionally use drugs compared to .5% of police officers.

Table 3
Would You Be Willing to Commit Perjury?

			Crosstab		
			Respondent ID		
			Student	Police Officer	Total
Willing to commit perjury	Prevent self or other officer from scrutiny	Count % within respondent ID	12 8.7%	2 1.0%	14 4.2%
	Ensure conviction of defendant you knew was guilty	Count % within respondent ID	23 16.7%	3 1.6%	26 7.9%
	Would never perjure yourself	Count % within respondent ID	99 71.7%	184 95.3%	283 85.5%
	Other	Count % within respondent ID	4 2.9%	4 2.1%	8 2.4%
Total	Count % within respondent ID	138 100.0%	193 100.0%	331 100.0%	

N = 331, M = 4, Chi-square = 40.024, df = 3, C = .348, p < .05.

Table 3 depicts that the results are statistically significant, and there is moderate strength of association; the null hypothesis is rejected. Of responding police officers, 95.3% indicate that they would never perjure themselves; however, 2.6% of police officers indicate they would commit perjury to prevent themselves from coming under scrutiny, or to ensure the conviction of a defendant they knew to be guilty. Additionally, 25.4% of responding students indicate they would commit perjury, while 71.7% indicate they would never commit perjury. Responses in the "other" category included statements that the criminal justice system is not fair, that defendants lie regularly, and that perjury would never be deliberately committed.

Table 4
Would You Accept a Gratuity Offered on a Traffic Stop?

			Crosstab		
			Respondent ID		
			Student	Police Officer	Total
Gratuity offered on traffic stop	Arrest the motorist.	Count	15	23	38
		% within respondent ID	10.9%	13.1%	12.2%
	Return money to motorist.	Count	99	124	223
		% within respondent ID	72.3%	70.9%	71.5%
	Take the money.	Count	15		15
% within respondent ID		10.9%		4.8%	
Notify supervisor.	Count	1	11	12	
	% within respondent ID	.7%	6.3%	3.8%	
Other	Count	7	17	24	
	% within respondent ID	5.1%	9.7%	7.7%	
Total	Count	137	175	312	
	% within respondent ID	100.0%	100.0%	100.0%	

N = 312, M = 23, Chi-square = 27.771, df = 4, C = .298, p < .05.

Table 4 shows that there are statistical significance and moderate strength of association; the null hypothesis is rejected. Of the responding police officers, 13.1% would arrest the motorist offering the gratuity, 70.9% would return the money to the motorist, and 6.3% would notify a supervisor. None of the responding police officers would accept the gratuity. Student responses show that 10.9% would arrest the motorist, 72.3% would return the money, 10.9% would accept the money, and .7% would notify a supervisor. Responses in the “other” category included a combination of two or more answers such as return the money and notify a supervisor, or arrest the motorist and notify a supervisor.

Table 5
Would You Accept Money for Extra Patrol of a Business?

			Crosstab		
			<u>Respondent ID</u>		
			Student	Police Officer	Total
Accepting money for extra patrol	Accept the payment.	Count	12		12
		% within respondent ID	8.7%		3.8%
	Do not accept the payment.	Count	37	73	110
		% within respondent ID	26.8%	40.1%	34.4%
	Notify supervisor.	Count	11	15	26
	% within respondent ID	8.0%	8.2%	8.1%	
	Perform service without taking the money.	Count	71	76	147
		% within respondent ID	51.4%	41.8%	45.9%
	Other	Count	7	18	25
		% within respondent ID	5.1%	9.9%	7.8%
Total		Count	138	182	320
		% within respondent ID	100.0%	100.0%	100.0%

N = 320, M = 15, Chi-square = 23.807, df = 4, C = .273, p < .05.

As Table 5 illustrates, there is statistical significance and minimal strength of association; the null hypothesis is rejected. Of responding police officers, 90.1% would not accept payment, perform the requested service without payment, or notify a supervisor. Student responses show that 86.2% responded ethically; however, 8.7% of the students indicated that they would accept the money. Responses in the “other” category included not accepting the payment and notifying a supervisor, suggesting the storeowner hire private security, and cultivating an off-duty security detail.

Table 6
Would You Properly Inventory Seized Drug Money?

			Crosstab		
			Respondent ID		
			Student	Police Officer	Total
Inventory of seized drug money	Do not participate in theft of money.	Count	74	75	149
		% within respondent ID	54.0%	41.4%	46.9%
	Take a portion of the money.	Count	8		8
		% within respondent ID	5.8%		2.5%
	Notify a supervisor.	Count	38	71	109
% within respondent ID		27.7%	39.2%	34.3%	
Take no action.	Count	9	2	11	
	% within respondent ID	6.6%	1.1%	3.5%	
Other	Count	8	33	41	
	% within respondent ID	5.8%	18.2%	12.9%	
Total	Count	137	181	318	
	% within respondent ID	100.0%	100.0%	100.0%	

N = 318, M = 17, Chi-square = 32.225, df = 4, C = .318, p < .05.

Table 6 illustrates that there is statistical significance and moderate strength of association; the null hypothesis is rejected. Of responding police officers, 80.6% indicated that they would either notify a supervisor or not participate in the theft of the money. Additionally, 87.1% of students responded in the same manner. Of surveyed officers, 39.2% would notify a supervisor compared to 27.7% of the students. While 5.8% of the students reported that they would take a portion of the money, none of the police officers responded in that manner. Additionally, 6.6% of the students indicated that they would take no official action compared to 1.1% of police officers. The response most frequently submitted in the “other” category was to tell offending officers while if they persisted the incident would be reported.

Results

The main finding of this analysis is that there are significant differences in ethical attitudes between the college students and police officers that were surveyed. From the data that was analyzed, the police officers answered in a more appropriate manner in all of the six questions. Some explanations for this phenomenon may be related to the students not having any practical exposure to law enforcement and an organization’s policies and procedures. Another possible explanation is that many of the students may have only been exposed to fictional representations of police work as depicted by movies and television, through which the use of unethical tactics to achieve a good end is frequently illustrated. The students

may also be unaware that off-duty conduct could subject them to administrative sanctions. Finally, the students, because of their age group, may have a more tolerant attitude for the use of recreational drugs.

The police officers responding to this survey may have answered in a more ethically appropriate manner because of their exposure to the realities of police work and the possible ramifications of their misdeeds, both personally and professionally. Another possibility concerning the officers' answers may be due to the "Hawthorne effect." Police officers, realizing their answers would be examined, answer in an ethically appropriate manner, because that is what is expected of them. It should also be noted that DuPage County Police departments have an excellent reputation for professionalism and have quality recruiting practices and stringent hiring requirements and training programs.

From the data that was analyzed, it would appear that courses in ethical formulation would benefit those that aspire to careers in law enforcement.

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Community Policing Training: A Key to Successful Community Policing in Illinois

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Police training is critical for the professional development of officers and essential for improving organizational effectiveness as police agencies continue to meet new challenges in the 21st century. The advent of community policing more than two decades ago has brought new challenges and opportunities for the police profession and has contributed to a renewed interest in the extent and nature of training for many officers and agencies. Police agencies that have truly embraced the tenets of community policing have shifted from their traditional paradigms and old ways of doing business to newer models that espouse the principles of citizen empowerment, organizational decentralization, risk-taking, and successful community outcomes. While this shift in philosophy is vital to strengthening policing, agencies cannot fully implement community policing without fundamentally changing training curricula to reflect the knowledge and skills officers need to work effectively in their communities. If this is to be accomplished, police professionals must come together to develop high-quality community policing training programs and make them available to all police agencies.

As police agencies in the nation move to the community policing model, more focus has been placed on training in general to ensure that officers are performing in areas consistent with community expectations and contemporary policing strategies. This study is based on the belief, however, that community policing training in Illinois is inadequate in basic police training programs and in most inservice training. The community policing philosophy requires new skills for officers and extensive revisions in the curricula of basic and inservice training programs in order for community policing to be effective in meeting the needs of officers, citizens, and their communities.

There is little dispute within the profession that a wide range of skills (e.g., the ability to engage in conflict resolution, an understanding of cultural diversity, problem-solving skills, and interpersonal relations and communication skills) is essential in the implementation and performance of community policing strategies. Ironically, current basic training programs are very limited in these critical areas related to community policing, which are so important in today's society. According to Palmiotto (2000), the Bureau of Justice Statistics found in 1983 that about 10% of police patrol activity is spent on criminal-related matters, and the other 90% is spent on dealing with a large variety of service-related calls. The problem, states Palmiotto, is that police agencies put a great deal of time into training police for what they will be doing only 10% of the time.

Police training must be viewed as a dynamic process (Alpert & Dunham, 1997). As such, basic training curricula must be more adaptable to changes in society

and must more precisely reflect the nature and frequency of important functions and tasks performed by police officers. The necessity of firearms training and preparedness is unquestionable, as communities across the nation have been forced to confront new types of violence, which occur in the most unexpected places and threaten young and old alike. In addition to this more technical training, police training, as an example, must focus more on the relationships between violence in the community and how community-based policing initiatives can assist during episodes of violence. The purpose of training must become more oriented toward what officers do in their communities and how they do it within the context of a community policing environment.

The term *community policing* is widely accepted and applied throughout the nation; however, there are varying definitions of what it involves, as evidenced in many police departments. Angell (1977) coined the term *democratic policing* to distinguish current practices of the time from those that he thought would better fit the American political system. He called for a change from police to new approaches in which citizens have a voice in deciding how police services should be carried out in the community. Within the context of police training and its contribution to community policing, it is important to recognize the definition set forward by Trojanowicz and Bucqueroux (1990), who emphasized the importance of values:

[A] new philosophy of policing, based on the concept that police officers and citizens working together in creative ways can help solve contemporary community problems related to crime, fear of crime, social and physical disorder and neighborhood decay (p. 5).

When consideration is given to the fundamental causes of crime and social and physical disorder, we do not see many of these elements, if any, present in the curricula of police training programs today.

Most basic police training programs in the nation do not emphasize strongly enough the importance of human relations skills or interpersonal communications skills in the professional development of officers or the benefits those skills can bring to police and citizen relations. In most training academies, formal training is heavily weighted toward the technical aspects of police work (Alpert & Dunham, 1997). Technical training is certainly necessary in police training and is essential in the operational aspects of police work; however, true community policing requires fundamental changes in the way that police agencies train their officers to ensure that they understand human needs in a diverse society. Thus, police agencies must strive for a balanced approach in police training to ensure that officers have a more holistic understanding of the implications of human behavior within the context of an operational environment.

Much has been written about police training and its similarities to the paramilitary model. It appears that the shift toward community policing has occurred without an appropriate shift in training priorities, as discussed by several authors (Angell, 1977; Argyris, 1957; and Skolnick, 1994). Some have even argued that the paramilitary model of police training and organization is inconsistent with humanistic, democratic values (Angell, 1977). This is a concern at a time in our nation's history when we emphasize the importance of citizen-community needs

and the values they espouse. There must be an appropriate police response to contemporary society and the challenges it brings; however, police training has not kept current with contemporary society. A listing of a typical police basic training program in today's environment is depicted in Table 1.

Table 1
Typical Law Enforcement Basic Training Program

Topic	Hours Spent	% of Time	Weight
Administration	24.5	6.13	(-)
Introduction to Law Enforcement	20.5	5.00	1.00
Firearms (Skills Development)	56.5	14.10	2.00
Vehicle Operation (Pursuit Driving)	25.5	6.40	1.00
First Aid/CPR	16.0	4.00	.50
Accident Investigation	15.0	3.80	.50
Criminal Law	55.5	13.80	1.00
Patrol Procedures (Crime Detection)	50.0	12.50	2.00
Criminal Investigation	19.0	4.80	.50
Specific Investigations (Street Crime)	31.0	7.80	1.00
Arrest and Restraint/Physical Fitness	67.5	16.90	2.00
Practical Performance Exercises	19.0	4.75	1.00

Source: Alpert, Kappler & Sluder. (2001). *Critical Issues in Policing*, p. 299.

Alpert et al. show in Table 1 that police training is dominated by an attempt to develop practical rather than intellectual skills of recruits. Firearms, patrol procedures, and proper use of force in arresting and restraining citizens appear to be the most critical functions in a typical police basic training program. As noted, the authors' description of a typical basic training program does not include community policing.

Community Policing Training in Illinois

Illinois ranks fifth in the nation in the dollar amount of community policing grants received by the federal government between 1995-2002 (U.S. Department of Justice, 2002). This is an impressive statistic, but from a training content perspective, community policing training has neither risen to the level it deserves nor been recognized to the extent that it exists in agencies throughout the state. In order to determine the amount of community policing training offered in Illinois, a content analysis was conducted of the three following curricula: (1) the Basic Police Training Curriculum and Board Certified Courses by the Illinois Law Enforcement Training and Standards Board, (2) the Illinois Police Corps curriculum, and (3) the curriculum of the Illinois State Police Academy.

Illinois Basic Police Training Curriculum

ILETSB is mandated by the State of Illinois to promote and maintain a high level of professional standards for law enforcement and correctional officers in the jurisdictions of municipal, county, and participating state agencies. ILETSB offers two basic curricula for the law enforcement community in Illinois: (1) a 400-hour

course and (2) a 480-hour course. In the latter, there is more emphasis on criminal offenses, child abuse, physical skills and personal fitness, and control and arrest tactics. Additionally, this course includes 40 hours of integrated exercises. Both curricula consist of the following modules: "Law," "The Police Function and Human Behavior," and "Police Proficiency" (ILETSB, 2002).

Courses in the "Police Function and Human Behavior" module that were identified as being similar to community policing training include the following: Domestic Violence, Child Abuse, Communication in the Police Environment, Crisis Intervention/Disturbance Calls, Crowd Behavior, Dealing with Variant Behavior, Modern Police Role and Organization Structure, Patrol Decision Making in Juvenile Matters, and Observation and Perception (www.ptb.state.il.us). Of a total of 400 hours of training, these courses totalled approximately 45 hours, representing 11.25% of the entire curriculum dedicated to community-policing-related training. The percentage of community-policing-related training dropped to 9.8% in the 480-hour curriculum. Some of the drop is attributable to an increase in integrated exercises (40 hours), and it is unclear as to the specific amount of community-policing-related training that occurs.

Board-Certified Courses

ILETSB offers an extensive listing of courses certified by the board for law enforcement and corrections agencies. A content analysis of the certified course listing revealed approximately 495 courses (28,340 hours) as of July 1, 2002. A more detailed analysis, which was conducted for the purpose of selecting only law-enforcement-related (local and state) training, revealed that approximately 98 courses (9,663 hours) could be eliminated. The courses that were eliminated are offered by federal agencies, corrections organizations, and the military. They consisted of basic police training curricula, which were discussed before (www.ptb.state.il.us).

An analysis of the remaining 397 courses (18,677 hours) was conducted for ascertaining their relationship to community-policing-related training. According to this analysis, only 36 courses (1,358 hours) out of the 397 fit into this category, resulting in only 9.06% of the certified courses pertaining to community-policing-related training. A complete listing of the 36 community-policing-related courses is included in Table 2.

Table 2
Board Certified Courses - Community Policing Related

Course Title	Hours	Location
Problem-Oriented Policing	32	Aurora
Creating a Citizens' Police Academy	8	Grayslake
School Resource Officer I	40	Grayslake
School Resource Officer II	40	Grayslake
Advanced Mental Health Training	90	Palos Hills
Cultural Diversity Training	8	Palos Hills
Cultural Diversity Instructor	40	Springfield
DARE Jr./Sr. High School Training	24/36	Springfield
DARE Officer Training	80	Springfield
DARE Parent Program Training	36.5	Springfield
Date Rape Train the Trainer	20	Springfield
Police Cyclist	40	
Basic School Resource Officer	40	North Aurora
Community-Oriented Policing Specialist	40	North Aurora
Crime Prevention Officer	40	North Aurora
Disability Awareness for Law Enforcement	24	North Aurora
Education for Gang Evasion	32	North Aurora
Elderly Service Officer Program	40	North Aurora
Gang Enforcement Specialist Program	40	North Aurora
Juvenile Specialist Program	40	North Aurora
Survival Spanish for Law Enforcement	40	Chenoa
Gang Crime Specialist	32	Sherman
Police Cyclist	32	Urbana
School Resource Officer	40	Belleville
Community Policing	24	Crest Hill
Crime Prevention Through Environmental Design	37.5	Illinois
Community Mobilization: Tools and Techniques	45	Illinois
COP to Reduce Domestic Violence	16	Springfield
Making Sense of Community Policing: A Collaborative Effort	24	Springfield
IMAGINE Data Bank	3	Springfield
COP Talk – Non-Crisis Negotiating Skills	32	Lemont
Issues in Managing Cultural Diversity	8/16	Lemont
Hate Crime Instructors Course	40	Fairview Heights
Bicycle Orientation	6	Chicago
Bicycle Patrol Unit Training	32	Chicago
Pre-Service Gang Crime Specialist Training	140	Chicago

Source: Board Certified Course List, unpublished document, 2002

Illinois Police Corps (IPC)

In 1999, the United States Office of Justice Programs awarded funding for a police corps program to the Illinois Law Enforcement Training and Standards Board and Western Illinois University, at Macomb, Illinois. The funding was awarded through the Office of the Police Corps and Law Enforcement Education. IPC is designed to increase the number of community police officers with advanced education and training and to deploy them on the streets where they are most

needed (www.ptb.state.il.us). During a total of 24 weeks of training, cadets earn their Basic Law Enforcement Training Certificate and several advanced training certificates. Students can also major in any area of academic study and attend any accredited college or university in the nation (ILETSB, 2002).

The 24 weeks of training exceeds the state's requirement for basic police training and officer certification. It also provides additional community-policing-related training in important topical areas. According to data provided by IPC, additional hours are offered that exceed the state's requirements (noted in parentheses) in the following community-policing-related areas: community policing (39), communications (23.5), police/citizen relations (22.5), modern police role/organization structure (2), diversity (26), ethics (4), leadership (24), community involvement (32), scenarios (127), and, human behavior (20) (IPC, 2000-2001). An analysis of IPC's curriculum reveals that only 15.5% of the topics are specifically related to community policing. It should be noted, however, that IPC far exceeds state requirements and must comply with state law in order to deliver courses for certification purposes. When scenario modules are included, the amount of community-policing-related training increases to 26.4%; however, it is unclear as to the specific amount of scenario training related to community policing activities (ILETSB, 2002).

Illinois State Police

From six Illinois State Police (ISP) officers involved in community policing in 1993 to 350 in 1999, this increase reflects a strong commitment by a statewide law enforcement agency to the community policing philosophy. By adopting community policing, the ISP expanded its service role to include the full range of policing responsibilities, including patrol, traffic, and investigation (Palmiotto, 2000, p. 276).

The ISP refers to its community policing strategy as geographically oriented, community-oriented policing (GEOCOM). One ISP officer is assigned to each Illinois county where he or she is required to reside and become an active part of the community. They act as liaisons between the ISP and local police agencies, and they patrol the local and state highways and network with citizen advisory councils and municipal, county, and state agencies to target and identify crime problem areas (Palmiotto, 2000, p. 276). As such, the ISP has committed a substantial amount of resources for which training is at the forefront of the department's vision in implementing the community policing philosophy throughout the state of Illinois. The ISP has a decade-long history of involvement in community policing in one form or another. To determine the extent of training dedicated to community policing by the ISP, a content analysis was conducted of the basic cadet training curriculum taught at the ISP Academy.

Cadets are required to successfully complete 26 weeks of training, which consists of approximately 1,040 hours. The analysis revealed approximately 85 hours (8.2%) of community-policing-related topics are taught in the cadet curriculum, and include ethics (3), sexual harassment and cultural diversity (4), community policing (7), office character (4), violence in the workplace (2), hate crimes (4, optional), elder abuse (2), interviewing the elderly (1), law enforcement and the deaf community (2), law enforcement and the disabled (2), street gangs (4),

domestic violence theory and intervention (8), mentally ill persons (2), suicidal persons (1), MADD (1), and civil disorders (38). In comparison, approximately 141 hours (13.6%) of physical fitness related training is taught at the ISP Academy (Illinois State Police, n.d.).

There is a substantial amount of inservice community policing training taught in the ISP, particularly to those who are dedicated to community policing activities and are interacting with various constituents throughout the state in problem-solving strategies. The Regional Institute for Community Policing and other training organizations have assisted the ISP in many of its inservice training initiatives. Specific hours of inservice training in the ISP were not calculated for this study.

Regional Institute for Community Policing

In 1997, the United States Department of Justice awarded funding to the Illinois State Police, the University of Illinois, the Illinois Violence Prevention Authority, and the Illinois Center for Violence Prevention to create the Regional Institute for Community Policing. The Institute, located in Springfield, provides training in the areas of specialized development, community policing development, and partnership and community development (Regional Institute for Community Policing, 2002). Through community policing training, education, and technical assistance, the Institute offers a variety of courses to various units of government. The relationship with domestic violence initiatives and other social needs enables the Institute to offer training in collaborative partnerships for the betterment of concerned groups and communities of interest.

Management Implications

The analysis of various training programs in the state of Illinois reveals that no more than 15% of any program's curricula pertains to community policing. It is imperative that police managers and government officials revisit basic police training programs and realign course content toward more contemporary community needs and expectations. Police leaders in various organizations and associations could accomplish this task by collectively studying and evaluating the need for revised curricula in relation to police organizational effectiveness and community goals and values.

Each agency is also responsible for a periodic review of its training needs to ensure that officers are operating in accordance with organizational and community expectations. Managers must provide the oversight to determine compliance with goals and objectives in the police training enterprise. A reliance on strategic partnerships and coalition building in communities and in police organizations is the key to a successful determinant of compliance with police training objectives and officer performance. Additionally, participating in alliances with other police organizations will lead to an enhanced understanding of issues that are of concern to all in the profession.

A recent study (Bowman, 2002) offered these objectives:

For the community policing philosophy to have a significant impact on the future of policing in communities in Illinois, department heads and instructors alike must become more diligent in developing specific courses and topics related to community policing principles and concepts, such as problem-solving, citizen police academies, safe streets programs, and neighborhood watch programs (p. 77)

Much of this could be accomplished through the integrated involvement of ILETSB, academia, and other police associations and organizations.

Police managers must strive to set higher standards in education and training if police officers are expected to perform at optimal levels. Interacting with citizens in professional ways and exercising the highest levels of ethics and integrity are the cornerstones for the police's success in communities they serve.

Conclusions and Discussion

Clearly, more community policing training is needed for police agencies in Illinois. There are many ways to accomplish the task with perhaps the most effective way being to assemble a working group of police and academic leaders to re-evaluate the present curricula of police training programs in relation to police activity and citizen expectations and values. Several sites could be identified to participate in a pilot study to determine the success and effectiveness of an enhanced community-policing-based curriculum. A longitudinal study should be incorporated into this pilot study to capture important data from activities, such as police performance, citizen relations, building community partnerships, and community outcomes.

The nature of police training must include other important matters than just content. The methods employed in the delivery of police training and the subjects are equally important. "The training can range from the traditional lecture method, with the instructor feeding the police student information, to computer-based instruction, role playing, and adult-based learning" (Palmiotto, 2000, p. 261). Police academies and training programs tend to use a combination of these methods; however, most rely on the lecture style in imparting new information and in the coordination of classroom activities.

The traditional pedagogical method in police training focuses on teacher-centered approaches. The teacher-centered method sees the trainer at the center of the learning process, and the trainer is solely responsible for the students gaining knowledge and information. Another theory of learning is andragogy, which is a theory based on adult learning. By far, this theory is more relevant to police training and community policing in general. Developed by Malcolm Knowles, the theory is based on assumptions of learner maturity, learner experience, and immediacy in application (Knowles, 1990).

Community policing training requires the characteristics of adult learning found in andragogy, primarily because of real-life situations, which occur in the communities. Community policing trainers should also focus on the immediate application of community policing training to real-life situations, which are so

important to police officers on the street. Methods employed in teaching and learning environments for community policing training are critical to the successful outcome of training objectives. Of importance is the belief that reality in police departments and communities varies across the nation as evidenced by many different types of community policing initiatives. The learners must, therefore, be able to relate to the curriculum and understand its application to selected environments.

In summary, community policing training is different from any other type of police training. Formality and rigidity seem to occupy the traditional police training agenda. This is seen from the point of entry to many inservice and specialized training programs. The philosophy of police training must be altered to ensure that learners are properly understanding the tenets and values of community policing. Course topics and evaluation strategies must be altered to reflect the essential elements within the context of the community policing environment.

The future of law enforcement depends to a large extent on the vision of police leaders and managers who are influential in bringing about positive changes in police strategies for the betterment of officers, organizations, and citizens. Community policing is proven to be that strategy and must be given more serious consideration in basic police training and inservice programs.

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Community Policing Toward Restorative Justice

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Introduction

Criminologists and criminal justice practitioners alike view criminology as the organized and systematic body of knowledge of the nature, extent, cause, and control of law-breaking behavior. Sutherland and Cressey (1960) sum up their definition succinctly, emphasizing the most important areas of interest:

[c]riminology is the body of knowledge regarding crime as a social phenomenon. It includes within its scope the processes of making laws, of breaking laws, and of reacting toward the breaking of laws . . . The objective of criminology is the development of a body of general and verified principles and of other types of knowledge regarding this process of law, crime, and treatment. (p. 6)

Criminologists seek to understand social phenomena that stem from and lead to a crime; criminal justice personnel, based on appropriate interpretations of these social phenomena, develop and implement policies. Such a true understanding of crime and its implications, however, seems as obscure today as it was when Cesare Beccaria wrote *On Crimes and Punishment* in 1749. Van Ness and Strong (1997) state that contemporary criminal justice policy "is built on the partial truth that crime involves lawbreaking. That policy's flaw is that it ignores another critical dimension of crime (p. 15)." Thus, there may seem to be a break between that continuum from the understanding of social phenomena surrounding crime and the development and implementation of policies as responses to the interpretation of these social phenomena: present criminal justice policy seems to ignore facing a fundamental realization of social phenomena.

In the wake of making an effort to accommodate such a fundamental realization, community policing and restorative justice develop new and innovative theoretical paradigms for understanding crime and criminality (Hahn, 1998; Nicholl, 1999). Community policing today as a philosophy of policing has become the most popular new approach. Rather than focusing on law enforcement that is characteristic of traditional policing, community policing attempts to reduce crime and disorder in conjunction with the active community participation by fostering trust, respect, and collaboration between the police and community (Hartmann, 1988; Nicholl, 1999). Moreover, community policing, at its core, grounds itself as a more humane coproducer of public order and safety. It builds on a true partnership between the community and the police by integrating the roles of the police: law enforcement, order maintenance, and social services (Skolnick & Bayley, 1988; Goodbody, 1995).

Restorative justice, developing increasingly in many places in recent years, essentially turns many traditional concepts of criminal justice upside down. Since restorative justice views crime as harm done to people and community, the focus

of contemporary criminal justice on rules and laws tends to lose sight of this reality (Zehr, 1997). Thus, the main concept of restorative justice seem to, either indirectly or directly, run counter to the goals of the current criminal justice system (Wright, 1996).

In reality, however, communities have become so dependent on the formal system, which focuses more on tough crime policies, that as a result, communities fail to create strong social bonds as a true partnership for public safety and order and continuously bring out the monopolization of crime control by the formal system (Mcknight, 1995; Nicholl, 1999). Thus, a shift must take place from an over-reliance on the formal system towards building a sense of social justice for public order and safety.

In this sense, the three primary purposes of this article are to (1) compare and contrast the concepts of assensus, dissensus, and consensus as manifested in a comparison and contrast of contemporary punitive-oriented justice and restorative justice; (2) examine and describe conceptual and central themes of community policing and restorative justice; and (3) analyze a common set of values between community policing and restorative justice in the assensus paradigm to help in the understanding a true direction of community policing toward the restorative justice paradigm.

Literature Review

Comparison and Contrast of Concepts (Consensus, Dissensus, and Assensus)

According to Bianchi (1994), the new sociolegal perspective, assensus, seeks to advocate a nonpunitive system of crime control under conflict resolution, while the contemporary sociolegal perspective totally relies on punishment. An understanding of the essential differences among three sociolegal perspectives—consensus, dissensus, and assensus—facilitates an understanding of crime control.

Bianchi (1994) argues that the modern criminal justice system is built on the consensus paradigm wherein there exists “a basic agreement among the members of a society with regard to the interpretation of norms and values” (p. 72); however, the nature of the modern criminal justice system is that it only partially understands multifaceted reasons for crime. Crime is not an isolated event with a single set of cause and consequence, but rather, it has a number of causes and consequences impacted by diverse social, economic, psychological, and cultural factors. In contrast, dissensus is a constant struggle between the powerful and powerless wherein there are no common norms and values.

In contrast to both consensus and dissensus, assensus, in recognition of human incapability of a definite and static set of common norms and values, emphasizes open discussion to settle dispute among concerned parties related as a path to justice (Bianchi, 1994, p.83). Thus, justice cannot be implemented simply by overpowering the offender; justice balances power among concerned parties (Bianchi, 1994).

Similarly, Bazemore and Umbreit (1995) criticize that contemporary retributive justice in the consensus model only focus on determining guilt and delivering

appropriate punishment (just desserts) through an adversarial process in its view of crime as more than simply law breaking. Hahn (1998) also openly questions and criticizes the reactive orientation of the "Get Tough" policy. The essential focus of the reactive policy, is on means of deterrence, such as police rapid response; mandated longer sentence, or fewer opportunities for parole, resulting in greater overcrowding of prison populations that is not directly related to the desired result of crime reduction.

On the other hand, according to Bianchi (1994), under the assensus concept, the state organization would not hold a monopoly on crime control any more, and the community would be involved in dispute resolution as an alternative to punishment in the existing criminal justice system. Consequently, restorative justice gives an opportunity for a fundamental reappraisal of the value of the reactive/retributive justice based on the insufficient consensus concept, providing a fundamental shift in thinking about the crime problem and about new values of policing and justice (Hahn, 1998; Nicholl, 1999).

Community Policing and Problem-Oriented Policing

Kelling and Moore (1988) indirectly divide policing history into three eras: (1) political, (2) reform, and (3) community policing. Historically, community policing began in the 1980s, following the political era dating back to the 1840s through to the early part of the 20th century, and the reform era (professionalization of policing) reached its peak in the 1950s and 1960s, giving way to community policing a decade or so later.

What are differences between the former policing eras (i.e., traditional policing) and community policing? First, while traditional policing has a reactive operation, community policing has a proactive stance with a much higher level of the community participation (Hahn, 1998). In fact, traditional policing relies totally on the application of criminal law; the citizenry is a passive receiver of professional policing (Hahn, 1998). Echoing Hahn, Nicholl (1999) contends that traditional policing fails to tap outer resources such as the community, defeating the principal purpose of collaboration and taking away from the community its responsibility to participate in the resolution of problems. These failures of professional policing have led to the failure of reducing crime as well as the loss of public confidence and trust.

On the other hand, community policing transcends professional policing. Gaffigan (1994) indicates that community policing encompasses a variety of philosophical approaches and is still evolving rapidly, making it difficult to define. Moreover, strategies and responses of community policing vary depending upon the community involved (Nicholl, 1999); however, Trojanowicz and Bucqueroux (1990) have a comprehensive interpretation of philosophy of community policing as:

[n]ew philosophy of policing, based on the concept that police officers and private citizens working together in creative ways can help solve contemporary community problems related to crime, fear of crime, social and physical disorder, and neighborhood decay. The philosophy . . . requires that police departments develop a new relationship with the law-abiding people in the community, allowing them a greater voice in setting local priorities,

and involving them in efforts to improve the overall quality of life in their neighborhoods. It shifts the focus of police work from handling random calls to solving problems. (p. 5)

Stress is placed on the importance of both police officers and citizens working together in creative ways to help solve contemporary community problems related to crime, the fear of crime, social and physical disorder, and neighborhood decay. As opposed to the focus of professional traditional policing on crime control (law enforcement), Skolnick and Bayley (1988) note that community policing imposes a new responsibility on the police to create appropriate ways of associating the public with law enforcement (crime control) and maintenance of order (peacemaking). While traditional policing focuses on the crime control function only by applying law enforcement according to the rules and processes of the justice system, community policing focuses on crime control that includes crime prevention but also on the maintenance of order (peacemaking) by developing awareness and understanding of the needs of individual communities and tailoring responses accordingly.

As a result, Kessler and Duncan (1996) state that community-based policing better utilizes and develops the community's talents through the involvement of the community in defining and prioritizing their law enforcement needs and helping in the development of creative solutions to community problems. Consequently, crime decreases because citizens are actively involved in their community.

Community policing shares a common set of philosophies with the concept of problem-oriented policing. Herman Goldstein (1990) argues that problem-oriented policing basically represents a proactive strategy with emphasis on the following:

- The identification, in collaboration with community, of particular kinds of crime or disorder and its underlying problems
- The development of appropriate responses and of resolutions to underlying problems of crime or disorder

Thus, community policing, as in problem-oriented policing, challenges the traditional approach by focusing on individual crime itself, on law enforcement and crime control, on understanding why crime is happening and developing, and on more proactive strategies in partnership with community.

Problem-oriented policing includes a wide range of social, economic, or cultural problems of crime and disorder rather than only adhering to the legal definition of crime and disorder. This shift of focus in problem-oriented policing necessitates more practical collaboration with the community and other organizations in order to identify and resolve the underlying problems resulting in crime and disorder. Nicholl (1999) contends that traditional policing's monopoly of crime control should be challenged by problem-oriented policing. With the emphasis on collaboration, "any one person or agency knows what the problems are, understand[s] their solution, and has the capacity to resolve them" (Nicholl, 1999, p. 28). Problem identification, in collaboration with the community, functions to establish a combination of formal

and informal social controls; thus, the community is transformed from a passive into an active participant in crime control.

Restorative Justice

The main concept of restorative justice seems to, either indirectly or directly, run counter to the goals of the current criminal justice system (Wright, 1996). Bianchi (1994) states that restorative justice is guided by three main principles: (1) conflict occurring within communities (including crime) should be owned and addressed by the community, not the formal criminal justice system; (2) offenders must make sincere material and symbolic reparation to their victims and the community; and (3) after adequate reparations have been made, the offender must be reintegrated back into the community.

The first principle focuses on who has the right and responsibility to deal with any conflicts arising within the community. Christie (1977) argues that conflict resolution belongs to the community, not the formalized criminal justice process. Unfortunately, victims are often excluded from the criminal justice process and victimized a second time by a system that denies their "rights to full participation in what might have been one of the more important ritual encounters in life" (Christie, 1977, p. 3). In bringing the criminal justice process back to the community, the victim is allowed to fully participate in the restorative process. His or her feelings and needs can be expressed within the context in which the conflict originally occurred, rather than in a sterile, formalized procedural environment (Wright, 1996).

To disparage acts of revenge, the state has commandeered ownership of community conflict, claiming that criminal acts are committed against the "state" and not against individual victims. By relieving communities of their ownership of conflict, the state fails to address the needs of the community, the victim, and even the offender by preventing the offender and victim from "making things right" (Zehr, 1990). In contrast, returning conflict resolution to the community serves two important functions: (1) unlike the formalized criminal justice system, restorative justice allows the victim to play a central role in the process and holds the offender responsible and accountable for his or her actions and (2) restorative justice also allows, through the process of mediation and reparation, for healing and closure on the part of both the victim and the offender.

In the next phase of the restorative process, the offender must offer material and/or symbolic reparation to the victim and the community. By communication of both an acceptance of responsibility and a willingness to make amends, the offender signifies his or her need to be reintegrated back into the community or to seek treatment (Wright, 1996). Under this approach, the legal process is based on a communicative, rather than punitive, conception of law. By allowing the victim to express his or her feelings directly to the offender, the victim often experiences a catharsis by simply being able to confront his or her offender. Conversely, the offender is forced to see the effects of his or her actions on both the victim and the community. The offender is then allowed to express his or her remorse and a willingness to make amends and be reintegrated back into society (Dignan, 1994; Marshall, 1994; Wright, 1996). Such a communicative approach fosters discourse, problem solving, cooperation,

and healing within the community (Bianchi, 1994; Dignan, 1994; Marshall, 1994; Wright, 1996).

This reparative effort makes possible the final step in the restorative process: the reintegration of the offender back into the community. The rationale behind this process parallels ideas proposed by Braithwaite (1989) in his Theory of Reintegrative Shaming. In reintegrative shaming, offenders must face some social censure as a result of their improper behavior. Instead of simply punishing them, however, societies should use the concept of reintegrative shaming to allow offenders access back into the communities from which they came. Shaming without reintegrating leads to stigmatization of the offender, whereby the offender is branded as “evil” and cast forth from society. Under reintegrative shaming, however, community disapproval is expressed at the act, not the actor. Thus, in congruence with the primary goals of restorative justice, the offender is given a chance for reintegration after expressing remorse and making reparations to the victim.

Restorative justice as a social movement offers a construction for discovery of the meaning of crime and which methods are effective in resolving and reducing crime. It also represents a set of values to refine the meaning of policing and justice beyond strategies, tactics, and programs. According to Nicholl (1999) and Hahn (1998), restorative justice represents a complete reorientation of justice since it seeks for a human-centered response to crime with actively shared responsibility. Justice in restorative justice is not revenge as in traditional justice. Rather, it promotes peace in the community by the recognition and recovery of the damage of crime to offenders, victims, and the community as a whole. Reorientation of justice in restorative justice allows problem solving through participation that enables those involved in building a shared understanding of interpersonal conflict and of crime problems. Thus, the essence of the restorative justice enhances the capacity of communities for resolving conflict, contributing to building the informal social control, and making a better balance with the existing criminal justice.

Common Values Between Community Policing and Restorative Justice

Although community policing and restorative justice may have different concepts, a closer analysis reveals that both community policing and restorative justice have the same ideas and strategies (Nicholl, 1999; Hahn, 1998). The traditional system only condemns and punishes the criminal and does not rebuild social justice, which contributes to preventing potentially serious crime and disorder within the community. In contrast, both community policing and restorative justice allow communities to seek their own solutions to the underlying problems of crime and social disorder by emphasizing participation and citizen engagement, collaborative approaches, and problem solving. Ultimately, the operation of both community policing and restorative justice bridges formal and informal crime control, allowing greater community involvement in crime control.

The foremost similarity between community policing and restorative justice emphasizes a real partnership with the community from the recognition that the modern retributive justice by itself cannot control crime effectively. With

retributive justice, crime is controlled reactively so that the system cannot deal with a number of consequences as well as causes of crime. Thus, restorative justice encourages public participation in the co-production of public safety (Bianchi, 1994; Dignan, 1994; Hahn, 1998; Marshall, 1994; Nicholl, 1999; Wright, 1996).

In this respect, both community policing and restorative justice facilitate a true partnership with the community and produce a long-term change that promotes peacekeeping and crime prevention (Nicholl, 1999; Hahn, 1998). This partnership greatly facilitates the participation of individual citizens, small groups, and voluntary community organizations in activities designed to reduce crime, alleviate fear, and increase citizen satisfaction with formal justice (Rosenbaum, 1996). Under true partnership, both restorative justice and community policing provide opportunities to integrate informal and formal justice that together identify and intervene the various causes of crime and disorder for public safety.

Second, both restorative justice and community policing are conducive to crime prevention (Nicholl, 1999; Hahn, 1998). Both have a proactive approach to crime control since they include the following phases: (1) defining the problem, (2) identifying the underlying causes of the problem, and (3) resolving the problem through informal justice rather than formal justice. For example, problem-oriented policing provides a mechanism for resolving conflict proactively, based on the community's determination of its own needs. Problem-oriented policing diagnoses precipitating factors that, if eliminated, may stop or at least limit antisocial conduct. It initiates the first stage of restorative justice. Both utilize proactive approaches and reflect the view that neither crime and disorder problems nor the neighborhoods and communities in which they occur are the same. Thus, these proactive approaches must be pursued to transcend traditional reactive justice.

Lastly, both restorative justice and community policing usher in a new age of criminal justice policy based not on punishment and retribution, but on healing and peace. They use a communicative approach, which fosters discourse, problem solving, cooperation, and healing within the community (Bianchi, 1994; Dignan, 1994; Marshall, 1994; Wright, 1996). Healing and peace transcend the present system's overpowering of offenders that renders them further alienated and powerless. Thus, through peaceful and proactive intervention, both restorative justice and community policing seek to restore humanity and public safety in community (Bianchi, 1994; Dignan, 1994; Hahn, 1998; Marshall, 1994; Nicholl, 1999; Wright, 1996).

Conclusion

Present criminal justice policies fail to face a fundamental realization of diverse social phenomena and the significance of the informal justice, thereby only being reactive in their implementation. Moreover, communities, in reality, rely greatly on the formal system and thus do not create strong social justice for public safety and order. Furthermore, formal justice tends to monopolize crime control rather than balance formal and informal justice.

Although in the midst of the present reactive and retributive paradigm, movements in community policing, problem-oriented policing, and restorative justice have

continued to gain prominence, which has signified a transition toward a new paradigm that may increase justice through a balanced approach between formal and informal justice. Moreover, these movements offer a more innovative and creative theoretical paradigm for understanding crime and criminality.

Movements in community policing, problem-oriented policing, and restorative justice espouse a new sociolegal perspective, the *assensus*, that advocates a more humane and nonpunitive system of crime control through conflict resolution—a stark contrast to the contemporary sociolegal perspective, the *consensus*, that totally relies on punishment through adversarial processes. Under the *assensus* perspective, the state organization would not hold a monopoly on crime control any more and community would be actively involved in dispute resolution as an alternative to punishment in the existing criminal justice system.

By emphasizing a proactive stance, community policing challenges the reactive operation of traditional policing. While traditional policing fails to build a sense of collaboration with the community for public safety and order, community policing develops and encourages shared responsibility with the community in the identification of and resolution to underlying causes of crime. In partnership with the community, community policing facilitates not only crime control and prevention but also the maintenance of order (peacemaking) by developing awareness and understanding of the needs of individual communities and tailoring responses accordingly.

As a concrete strategy of community policing, problem-oriented policing shifts the focus of crime from a legal definition to a dynamic analysis of multi-faceted reasons for crime and disorder. This shift in focus of problem-oriented policing necessitates more practical collaboration with the community in order to identify and resolve underlying problems in crime and disorder, finally increasing the community involvement and informal social control at the same time. With its emphasis on informal justice, restorative justice stresses that justice must be removed from the retributive paradigm that fosters conflict and be returned to the communities from which interpersonal conflict arises. By using the communicative process rather than the punitive process, discourse, problem solving, cooperation, and healing within the community are taking place.

What must be considered is that both community policing and restorative justice contribute not only to promoting peacekeeping and crime prevention, but also to shifting from the retributive criminal justice policy to the healing and peaceful policy with a true cooperative partnership with the community. An indisputable fact, however, is that retributive justice centers on state interest as its sole prevalent domain while restorative justice gives great significance to locally based informal justice. Thus, conflict may arise between local and state entities. Given the fact that the criminal justice system in the United States has failed to effectively respond to the problem of crime, community policing and restorative justice offer a critical, innovative, and creative approach to understanding the failure of the criminal justice system and the necessity of coming up with peaceful and preventive alternatives to punishment-oriented retributive criminal justice practices. Movements in community policing and restorative justice, through a balanced approach of formal and informal justice, offer much hope not only in reducing crime but also in humanizing society.

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Every Day is Halloween: A Goth Primer for Law Enforcement

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The following article is based upon field research conducted by Dr. Gordon A. Crews dealing with juveniles and young adults involved in the “Goth” lifestyle across the United States. This research is part of his ongoing efforts over the last decade to examine the impacts of alternative lifestyles, beliefs, and practices upon juvenile delinquency and violence. Most of the information in this article has been derived from face-to-face interviews with individuals aged 13 to 39 years of age proclaiming to be Goth, Vampires, Satanists, Pagans, Wiccans, New Agers, Druids, and a myriad of other occult-based identities.

Introduction

In 1984, the musical group Ministry released a song entitled, “Everyday is Halloween.” This song became an instant favorite of those involved in the early days of what has become known as the Goth lifestyle. The song’s popularity continues almost 20 years later, as does the lifestyle, with newcomers to Goth being exposed to all of its elements by others already involved. The reason for this is its timeless lyrics that summarize many of the feelings that serve as the cornerstone of “Goth philosophy” (if such a concept exists).

The following is a look at the lyrics to “Everyday is Halloween” (Ministry, 1984):

Well I live with snakes and lizards and other things that go bump in the night
cause to me everyday is Halloween.

I have given up hiding and started to fight. I have started to fight well
any time, any place.

Anywhere that I go all the people seem to stop and stare they say, “Why are you
dressed like it’s Halloween? You look so absurd, you look so obscene!

Oh, why can’t I live my life for me? Why should I take the abuse that’s
served?

Why can’t they see they’re just like me?

It’s the same; it’s the same in the whole wide world.

Well I let their teeny minds think that they’re dealing with someone who
is over the brink and I dress this way just to keep them at bay cause
Halloween is everyday it’s everyday.

Why can’t I live a life for me?

Why should I take the abuse that’s served?

Why can’t they see they’re just like me?

It’s the same; it’s the same in the whole wide world.

I’m not the one that’s so absurd why hide it? Why fight it?

Hurt feelings best to stop feeling.

Hurt from denials, reprisals it’s the same it’s the same in the whole wide world.

A brief glance through the lyrics reveals a number of interesting ideas. The chorus of the song offers the justification for being different as, “. . . cause to me everyday is Halloween.” This line has become a traditional response when a Goth is asked why he or she dresses or acts the way they do by others. They will say that they celebrate the “dark, the morbid, the scary, and the macabre” (i.e., what is expected in any celebration of Halloween). Most Goths will state that they “celebrate” these concepts everyday and enjoy expressing their celebration in their clothes and through their behavior. One of the very first reported insults directed towards Goth was from people joking that they all looked like they were dressed for Halloween everyday. So it was natural to say, “Yeah, you are right, everyday is Halloween for us!”

Next, is the line, “. . . I have given up hiding and started to fight.” Most involved in the lifestyle will say that they are tired of hiding who they are and are ready to be themselves. If they are interested in the “dark side” of society or human nature, they feel they should be able to express such. It should be pointed out that the term “fight” used here, does not mean any type of violent action. Rather, it means to express oneself in appearance and behavior, no matter what the consequences.

The third point of the lyrics mentions the treatment of others as, “. . . anywhere that I go all the people seem to stop and stare they say, ‘Why are you dressed like it’s Halloween? You look so absurd, you look so obscene!’” This follows the last point by saying that there are often negative consequences when one does fully express his- or herself. It is natural that people will take notice and may even become actively concerned. Goths will state that they are very often abused and insulted by others simply because of their appearance.

Next, the questions are asked, “Why can’t I live my life for me? Why can’t they see they’re just like me?” These questions are the genesis of many of the complaints of Goths. When discussing how they see others, they will say that many just do not realize that people are all basically the same. They will offer that since this is a given, people should be much more tolerant and accepting of each other. The questions, therefore, point out that sadly, people often do not accept those that are “different.” This is especially true when dealing with people who look and act as most Goths do.

The lyrics, “. . . their teeny minds think that they’re dealing with someone who is over the brink and I dress this way just to keep them at bay” express how they deal with the negative treatment they often receive from others. As will be discussed later in this article, many Goths will say that they became involved in this lifestyle in order to protect themselves from others. They will offer that since no one understands them or wants to accept them for who they are, they would just as soon be ignored. They will offer that many think they are mentally unstable in the first place, so they might as well encourage that belief so that they will not have to deal with those individuals at all.

Finally, the line, “. . . hurt feelings best to stop feeling” is a very interesting line that often causes many to fear some aspects of the Goth lifestyle. A central component to the views of some Goths is the idea that since no one understands nor cares; they are essentially “dead” to the world. Being “dead” in this sense, means that there is no need to feel or care about themselves or others. Parents, educators, and law

enforcement officials naturally become concerned when they hear of young people talking about being “dead to the world.”

The purpose of this article is to offer some insight into the Goth “movement” in America. Inherent in this examination is to offer some explanation as to what is occurring in communities and maybe even why. A common sense approach to this that is most often overlooked is to simply ask those involved about what they are doing and their reasons for doing so. Finally, the article attempts to offer some direction on how the issue should be examined and what actions should be taken in regard to these “problems.”

A Brief History: What Is It and Where Did Goth Come from?

To understand a phenomenon, sometimes it is helpful to look at its history and background. Goth has an interesting origin and history. Ironically, its history and origin actually define it as well.

Basic Definition: So What Is a “Goth”?

There is no basic definition of Goth. Understandably, when there are so many individuals involved in anything, it becomes too complicated to wrap up in one package. Generally, Goth is anything of or pertaining to that which emphasizes the grotesque, mysterious, and desolate in life (Crews & Montgomery, 2001). Historically speaking, it is the name of the Germanic Visigoth tribes that overthrew the Roman Empire. From this source arose the concept of a Goth as an uncivilized person, or a barbarian. It can also be of or pertaining to a literary style of fiction prevalent in the late 18th and early 19th centuries, which emphasized the dark and decadent aspects of existence. It even can refer to architecture of the pointed arch style common in Europe from the 12th to 16th centuries. Goth, as a modern movement, started as one component of the punk rock scene in the late 1990s. As the latter faded, Goth survived into the 21st century by creating its own subculture (Stevenson, 2002).

When it comes to trying to describe Goth as a philosophy or belief system, things become very blurry. It is an ambiguous label with many people using it that do not understand what it means. To complicate matters further, the people who do understand it often have many different definitions. The central ideal that characterizes Goth to many involved is an almost compulsive drive towards creativity and self-expression that seeks to reach out to others by appealing to society’s covert fascination with all things dark and frightening. This art can be either subtle and seducing or nightmarishly terrifying, but it must play on what society secretly knows but cannot acknowledge to itself about its “duality” (Good and Evil). The mediums of self-expression and creation can be anything from a mode of dress to novels or music. Imagination and originality have always been key elements in Goth. Also, those involved will argue that one of Goth’s defining characteristics is the need to take the underlying darkness that is in everyone and bring it into the light in such a way that it can be recognized as what it is—an integral part of being human, for better or for worse (Thompson & Greene, 1994).

Goth is also a subculture, a style, and a way of thinking. The common thread in Goth culture is an appreciation for the dichotomy of life, the contrast between light

and dark, good and evil, with an awareness that the two cannot exist without each other, and that the traditional value judgments assigned to those opposites are not necessarily true. Goths tend to have a dark and perverse sense of humor, a love of history, literature, and music, but trying to divide Goths into orderly little types is pretty much impossible. The spectrum of interests, styles, and activities is far too broad to characterize in a simple manner (Crews & Montgomery, 2001).

The Goth subculture frequently revolves around a music scene, which likely arises from the current subculture's roots as a spin-off of punk from the late 1970s. Music is not the only art form in Goth, though. Artistic endeavors of all kinds are welcomed and encouraged by those involved (Thompson & Greene, 1994).

History of the Movement

There is a great deal of debate surrounding the details of the origin of Goth. There appears to be some consensus with the placing of the origin in 1979 when the musical group Bauhaus released the song "Bela Lugosi's Dead." The band originally intended the song to be tongue-in-cheek; however, many young fans were immediately drawn to the mysterious, eerie sound as inspiration for the emerging Gothic subculture (Thompson & Greene, 1994).

The first generation of the Gothic "movement" emerged mostly in the United Kingdom in the late 1970s and early 1980s as an offshoot of the punk movement. Punk music was losing its stamina as a new more gloomy, introspective mutation of its inherent rebelliousness gained momentum (Crews & Montgomery, 2001).

Many argue that the movement first became established in the Batcave, a nightclub in London in the early 1980s. Musical groups such as The Damned, Bauhaus, and Siouxsie and the Banshees are most often offered as examples to characterize this first generation of Goth. Ironically, these bands were called Gothic later on, but most did not consider themselves Gothic at the time. There is a great deal of uncertainty about who coined the term "Gothic" and how it got attached to this dark music. Some argue that the first use of the term Goth in its present meaning was on a British Broadcasting Commission (BBC) TV program. Anthony H. Wilson, manager of Joy Division described the band as Gothic compared with the prevailing pop mainstream. It does appear that the British music press is most responsible for making the label stick (Thompson & Greene, 1994).

By the mid to late 1980s, the movement was waning. In the late 1980s and early 1990s, a new second generation of Gothic bands emerged to breathe new life into the scene. They distinguished themselves by being the first to regularly call themselves Gothic. Examples would include The Shroud, Rosetta Stone, and London After Midnight. This time period is when the American Goth movement grew significantly and Gothic became recognized as a distinct subculture. Throughout this period, Gothic music and culture grew and branched out into various subsets, pushing the boundaries of what had previously been considered Gothic (Stevenson, 2002).

In the 21st century, widespread mainstream interest in the Gothic subculture is apparent. Many Gothic cultural quirks have filtered into mainstream culture, such as an interest in the supernatural and dark aesthetics. Historically, a dark leaning is

prevalent towards the end of a century. That leaning was probably more pronounced in the late 1990s due to the close of a millennium.

As the second generation aged into their mid to late 20s, they became less interested in participating in the Gothic social scene. A distinct third generation emerged in the late 1990s to shape the future progression of the Gothic movement. The third generation represented an explosion in the number of people referring to themselves as Gothic. Many of them have learned about Gothic culture because of the present widespread commercial availability. The huge popularity of the “shock rock” act of Marilyn Manson has thrown the spotlight onto this subculture. Marilyn Manson is far more similar to the heavy metal theatricality of Alice Cooper than the mysterious desolation of Bauhaus. Many Goths wish to disassociate themselves from the younger, over-ardent followers of Manson who seem to dress and act like him purely for rebellious shock value. The term often used for these youths is “spooky kids” (Crews & Montgomery, 2001).

First and second generation Goths look suspiciously upon the new generation, doubting their authenticity and disliking the exposure they give to a subculture, which would prefer to remain underground. The new generation is not presently well-received by their elders, but time may prove otherwise. It would be difficult to predict what the future holds for the Gothic movement. After over 20 years, it continues to change, grow, mutate, and adapt, making it one of the longest surviving youth subcultures in existence (Stevenson, 2002).

Goth Stereotypes

There is a very strong stereotype that comes to mind for many when they hear the term “Goth.” Almost instantly, they picture the typical Goth as an individual who is a depressed, violent, suicidal, drug user, alcohol abuser, vampire and/or Satanist or perverted sado-masochist. They picture an individual who is generally an artist of some type, a musician maybe, or quite possibly a computer programmer. With this is the belief that in addition to having a myriad of emotional problems and useless professional pursuits, they dye their hair either jet black or bright purple, wear only black, and paint their faces with white make-up. The problem with stereotypes is how they make people act and react.

Is There a Typical Goth?

In reality, the truth is quite different—there is no typical Goth. It can be argued that there are a few characteristics that most do have in common. The vast majority of individuals who label themselves as Goth are above average in intelligence, extremely creative, and possess an engaging, albeit dark, personality. Their ages range from early teens to beyond middle age, with professions ranging from student to artist and from construction worker to computer programmer.

When asked to describe themselves, they will most often offer tongue-in-cheek responses. They will describe their personal behavior as moody, overly romantic, self-absorbed, and excessively sensitive. Most will say that they survive from a diet of appetizers, snack food, and cigarettes (most often Clove cigarettes). Many will describe themselves and friends as extremely intelligent creative individuals who love 19th century romance and horror literature, the author Anne Rice, and

wearing anything black. If they are in college, they are quite possibly studying fields such as art, literature, history, psychology, or music. They will describe their “natural habitat” as the local coffee shop, bookstore, library, art museums, Goth clubs, cemeteries, woods, and the Internet.

Types of Goth

Although Goths resent having outsiders “label them” or “segregate them,” they very often do it to themselves. As any Goth will point out, the first mistake is thinking that every person involved can be neatly placed in one of these types; most are a combination of several. Below is a brief listing of the various types of Goth that may be encountered (Crews & Montgomery, 2001):

- **Mopey Goth:** Many in the scene would argue that the Mopey Goth is at the core of what Goth is; sullen, morbid, artistic, quiet, reserved, extremely shy, and very sensitive to their, and other’s, morbidity. This is generally the type that are seen most often alone in a secluded area drawing or reading. They may be in the club or coffeehouse with the rest, but they will be the ones sitting alone in the back simply watching all the action.
- **Fetish Goth:** These are the individuals who wear garments made out of leather, rubber, plastic, spikes, bolts, fishnet stockings, chains, and whips. Their dress, or lack thereof, suggests openly the types of sexual practices in which they may be interested. They often come to clubs with paddles and whips to “spank” each other. Many in the scene would say that in reality these individuals are BDSMers (individuals who enjoy sexual activity involving Bondage and Sado-masochistic activities), who have joined the Goth scene when there is not enough of an underground scene to support their own interests.
- **Perky Goth:** The term “perky Goth” seems like an oxymoron—how can a person be so morbid, yet “perky” and “upbeat” at the same time? Most in the scene cannot answer that but generally hold respect for perky Goths as they do for all the rest. Actually, these are the individuals who are most open about their lifestyle and dress, and most friendly in introducing people and welcoming outsiders. Their dress is most often modern flashy, and maybe even fetish in nature.
- **Pagan Goth:** Many believe that all Goths are into occult practices and alternative belief systems. Actually only a segment, the Pagan Goths, are into such practices such as Wicca, Druidism, Shamanism, New Age, or other Paganistic practices. Many would argue that Goth is largely indifferent to religion of any type. Most Goth are probably uninvolved in any type of organized religion at all except, ironically enough, for the jewelry. Generally, their attitude is that the occult and/or Celtic religions are interesting and much can be learned about one’s self from studying them. Their dress is most often “romantic” or “gypsy” in nature.
- **Vampire Goth:** These types of Goths generally come in two types. First, those that simply love playing with the “vampire” mystique. They may dress like vampires when they go to clubs, or they may be RPGers (Role-play gamers) playing games such as “Vampire the Masquerade.” The second type is called “Vampyre Lifestylers.” These are individuals who live the vampire lifestyle

and may actually believe they are vampyres (they spell it with a “y” in order to differentiate between “real” and fictional vampires). Their dress is very often formal Victorian wear, elegant, and most often styled after the dress described in the Anne Rice novels. Many also add such accessories as artificial fangs, claws, and colored contacts. Some even go to the extreme of sleeping in a coffin during the day.

- **Mod Goth:** These types are generally known as “weekenders,” in that most of them are not truly in the scene or the lifestyle, but enjoy the clubs, dress, and the music. They dress often more flamboyant and in mod or faddish clothes. These are the ones that will spend the money to buy the various outfits that they need to go “clubbing.”
- **Goth Geek:** It would initially appear as a joke, but these are the traditional “geeks” or “computer nerds,” with the addition of the Goth dress and philosophy. Those in this group will most often say that it is better than being just a plain geek. Their dress is the traditional “geek or nerd” wear with the addition of a large amount of black.
- **Ren Faire Goth:** These Goths are into the fun of Renaissance Fairs and role-playing games such as Dungeons and Dragons. Many are also into medieval reenactments. Their dress is that which would be expected—medieval, renaissance, and Scottish.
- **Mil Goth:** There is somewhat of a debate over “military” Goths. Some feel that most are simply those who are interested in military dress, equipment, and warfare and “add” the Goth lifestyle. Others feel that if there are any dangerous Goths, these may be the ones. Some still try to argue that the Columbine High School shooters were Goth; they use this type of Goth to support the perceived connection. The idea is that these are individuals who are deeply into military weapons, violent video games, and obsessed with death and destruction. Their dress is most often army surplus with black military boots and black metal t-shirts.
- **Academic Goth:** A relatively new type of Goth in the scene and one that is being coined in this article. This is the university professor type who uses research as an excuse to study a culture with which he or she is fascinated and enjoys. They enjoy the music, philosophy, and the people involved in the scene. They also have a deep appreciation for the “darkness” of the culture.
- **Other Dark People:** Finally, there has to be a “catch-all” group. Those in the scene will most often refer to others that they may encounter as “Dark People.” These include individuals who refer to themselves as death rockers, rivet heads, metal heads, weekenders, or a multitude of other titles most often based upon the music they enjoy.

What About All the Black and Darkness?

One area of Goth that is most controversial to many is their use of black. For some reason, black has always been associated with “Evil” and “Satan” in human history; therefore, many people inherently see something negative when they see someone

dressed totally in black. In reality, the reason for the use of black by Goth is quite basic. Most offer that their use of black clothing was originally a backlash to the bright colors of the music and clothing associated with disco in the late 1970s. To the vast majority, it meant nothing more than serving as a symbol of not wanting to go along with the crowd or not wanting to be associated with the perceived fake and materialistic interests associated with disco. After that, the color simply stuck (Stevenson, 2002).

What About Goths, Religion, and Other Belief Systems and Practices?

Most Goth argue that the general public incorrectly associates Goths with the controversial shock-rock performer Marilyn Manson. Those that are familiar with Manson know that he publicly presents himself as a follower of the Church of Satan. The late founder, Anton LaVey, ordained him a priest in the Church of Satan. From this "Satanic connection," the perception has grown that Goths are frequently practitioners of Satanism (Stevenson, 2002). There are a few Satanists who are also Goths, but those in the scene argue that fortunately they are rare.

So What Is the Problem?

The existing "problem" is extremely complex and depends upon who is asked. The general public sees it as a societal problem that is affecting communities across the United States, and actually, the world. Parents see the problem as something that is, or could be, affecting their children and families. Educators see the problem as something that they have to deal with in their classrooms and schools. Goths see the problem as being something others have with them, not any problem they have with others. The media sees it as something to draw attention to, maybe even exploiting it to a degree. Of course, ultimately, law enforcement has to deal with all of the above.

The problem is trying to determine whether involvement in Goth automatically leads to delinquent or violent behavior in young people. As discussed repeatedly in this article, the evidence is weak at best. There are those involved in the Goth scene that are criminal and violent, but the question becomes, "Were they that way before their involvement?" Or, maybe, did the involvement increase their violence or delinquency. Arguably, the correlation is blurry. Many who work with youth day in and day out will state that people must be careful in the way they handle juveniles, especially when it comes to their interests. If it is not directly harming an individual, should they be restricted from participating? Does the wearing of all black clothing and pale makeup and being interested in dark music, inherently harm an individual? Can, instead, this young person be allowed to explore these interests in a healthy and productive manner?

One of the biggest problems facing schools and communities in the 21st century is the way that juvenile delinquency and violence is evolving. Law enforcement has the knowledge, information, and training to deal with traditional street gangs. The problem is that the traditional street gang, while still a problem in many cities, has almost become passé. New groups are developing almost daily and causing new problems of their own.

“New” Youth Groups

There are a number of “new” youth groups that are being seen on high school campuses, in shopping malls, and throughout neighborhoods. Parents, educators, and law enforcement officers increasingly have to face young people who are self-labeling themselves such things as Goths, Preppies, Vampires, Wiccans, Witches, Warlocks, Magicians, and Satanists, to name just a few, but the question is whether these groups are really “new” at all.

Many would argue that these “groups” have been around for a very long time. It is just that they are much more prevalent and more comfortable exposing themselves to others. In the past, these individuals may have been more likely to keep their activities secret and private. The question is whether that has changed in the 21st century. If so, why?

Extent of Criminal Activity

As with all areas of discussions about Goth, there is much debate over the extent of the “associated” criminal activity. Criminal activity commonly associated with “alternative” beliefs and practices involves crimes such as child abuse, kidnapping, murder, and even human sacrifice. The problem is that there is not much evidence to support those associations. That is not to say that crime does not occur in connection with some of these activities; it is just much more mundane and commonplace than most would expect (Crews, Montgomery, & Garris, 1996).

Although most Goths would argue that those perpetuating such offences are not true Goth, some crime does in fact occur. Vandalism, trespassing on private property, and desecration of and thefts from churches and cemeteries does occur. These crimes are most often committed by teenage groups or gangs who may be trying to explore “evil” by practicing what they believe is an alternative belief system. Some of these individuals or groups do go as far as animal mutilations, suicides, and even murder, but fortunately these are very isolated incidents, which can be explained by a myriad of factors, not just the alternative involvement (Crews & Montgomery, 2001).

Goths and Violence

It is unfortunate that whenever a teenager in black clothing commits a crime, the Goth scene most often receives a myriad of bad press attacks. It contributes to the association that so many try to maintain between Goths, cults, and violence.

The reality is that there is actuality no unifying belief system for being a Goth, much less one that promotes violence. There is no organized leadership, no means of social control, and no rites of inclusion or exclusion of “members” (Crews, 2001).

Also, Goth culture is one of the few Western subcultures that shun violence—it is an unwritten code between Goths. When discussing the idea of violence and the Goth scene with a Goth, they will most often point out that one should simply see for themselves. Those thinking that there is inherent violence in any Goth activity

should come to a Goth club or event and simply see for themselves. Most will offer that a person is less likely to be accosted or assaulted at a Goth club than the local “beer joint” downtown.

When discussing the connection between Goth and violence, an important distinction must be made. There is a Gothic subculture comprised of people who subscribe to a Gothic aesthetic as a lifestyle, and then there are people who simply wear black and who may or may not “worship” the dark side of life. Common sense would offer that the popular scene is much larger than the subculture. The inherent problem for Goths is that anyone who wears black or is “different” and who commits a crime will most often be connected by the media to the Goth community, thus perpetuating the negative public perceptions.

One of the best examples of this is quite possibly the tragedy at Columbine High School in Littleton, Colorado. While black clothing and black nail polish may have made the shooters appear Gothic to outsiders, Goths would argue that they were not true Goths. Immediately following the shooting, the Gothic community worldwide overwhelmingly rejected these people, not just because of what they did, but because they did not even seem like Goths in the first place. Goths would argue that the shooters’ obsession with Nazism, guns, and violence, were clear indications that they did not subscribe to the Gothic aesthetic (Crews, 2001).

Are Goths a Gang?

The question that is most often asked by law enforcement, parents, and educators is whether Goths are a “gang” or not? If one has had any experience with Goths, then they will agree that they very often travel in groups. Very often these groups will be seen in coffee shops, bookstores, schoolyards, cemeteries, etc. Those familiar with traditional gangs will even add that they do exhibit many of the traits that would be expected in a gang: wearing of the same colors and dress, similar hairstyles, similar race and gender, and uniform behaviors (Crews, 2001).

In actuality, there is no evidence of any typical gang type activities. There is no initiation to become “Gothic,” and the wearing of all black is a preference, not a requirement. Some Goth groups have been labeled a gang because of criminal activity of some individuals. Those in the scene would argue that any Goth who resorts to violence or does anything to harm themselves or others is not a true Goth. Most Goth crime stems from individual choice, not through “gang-like” leadership structure that promotes it. The vast majority of the evidence supports the idea that any violence is usually caused by some mental instability in an individual, not by simply being “Goth” (Crews, 2001).

Why Such Groups in Communities?

The second most often asked question is how do such groups begin in communities in the first place? The answer is both simple and complex. The simple part of the answer is that the needs of some youth are not otherwise being met. The complex side is to examine what the “needs” are and how a community is supposed to meet them. One central part to both sides of these issues is the connection that juveniles feel to their “world” (i.e., family, school, community, neighborhood, friends, etc.). If a juvenile does not feel connected to “something” in their lives, then they will look

for something to be connected to, whether the “something” is positive or negative. These groups provide youth with a sense of family and acceptance. Goth actually prides itself on “pulling in” those who have not been accepted by society (Crews & Montgomery, 1996).

Inherent in the adolescent experience is the feeling of a sense of alienation and powerlessness. Joining these groups gives juveniles a sense, albeit a false one, of being powerful and in charge of their lives. Membership gives youth a sense of belonging (Crews, 1996).

Who Is Involved and Why?

When trying to understand why humans do what they do, all one needs to do is look at the motivation that may exist. This motivation will include trying to determine what inherent costs and benefits might exist in the activity. The motivation behind involvement in Goth, or almost any alternative belief system or lifestyle, centers greatly on the concept of “power” (Crews & Montgomery, 1996).

Again, feelings of alienation and powerlessness are inherent during adolescence. Actively being involved in lifestyles such as Goth offer a strong sense of status and power. Much of this status and power comes from simply being “different.” Intertwined in this being different is the rebellion and shock value towards others. Goth is a wonderful way to play upon the fears and apprehensions of parents, teachers, and law enforcement officers (Crews & Montgomery, 2001).

A second benefit of involvement in the Goth lifestyle is the sense of belonging. Goths are a very open and accepting group; the inherent understanding and tolerance for others is a great draw for “members.” Ironically, peer pressure has a reversed impact in pushing individuals towards becoming a Goth. It would be expected that the peer pressure would come from Goths trying to push others into joining in their behavior; the truth is quite the opposite. Goths do not actively recruit others. Instead, most of their “membership” is derived through peer pressure, but the peer pressure comes from the general student population pushing each other to be “just alike.” Those that cannot be “just alike” will need something else—alternative beliefs and practices will always be there to “pick up” those individuals (Crews, 1996).

Finally, the old arguments can always be made about why juveniles are involved. Many will argue that life’s pressures become too great for some youth and they turn to a fantasy life where they can escape the pressure. Many times this escapism will involve curiosity of the mystery behind things, such as the occult and alternative beliefs. Many will argue that it is the commercialization of music, movies, and literature with Satanic, violent, or occult themes. It is believed that there should be no surprise when numbers of young people are involved in alternative lifestyles, such as Goth, when one looks at the entertainment and media that American youth are exposed to daily (Stevenson, 2002).

Types of Kids

Research has supported the opinion that there are certain types of young people who will be drawn to alternative lifestyles and belief systems. On one side, there are the “rich kids,” for lack of a better label, who are sick of putting on appearances and trying to fit set molds. These individuals want to rebel to gain some perceived independence. These are the same kids who are bored and looking for excitement. They also enjoy the shock value of such involvement; they see it as a wonderful way to be different and stand out from the rest (Crews & Montgomery, 2001).

On the other side of the coin are the “poor kids” who have no money for “power”; instead, they get it through their appearance and behavior. These are the kids who cannot afford better clothing and may in reality have only rags to wear. The Goth fashion is acceptable to “rags” and actually encourages their wear in certain circles. These kids have found a group that is acceptable and nonjudgmental in their treatment of others. Sadly, it appears that mistreatment by students towards other students continues to rise, so there are more and more kids who have lost their identity. There are so many children who simply have no identity; therefore, they are picked on. Once they become a Goth, they then have an identity and may actually be left alone (Crews & Montgomery, 2001).

Benefits of “Membership”

To even use the word “membership” is a problem when discussing those involved in the Goth lifestyle. Membership implies criteria for admission, guidelines for acceptance, and quite possibly rules for continued participation—the Goth lifestyle involves none of that. When discussing benefits to these individuals, it is probably better to use the term *participation* or *involvement* (Crews, 2001).

Whether they will admit it or not, most involved in Goth enjoy the perceived “power” over others. The power described here centers on the amount of impact they have on others or how much they can shock others. Many already feel that they are superior to most anyway, so being Goth is simply another way of showing their difference from others (Crews, 1996).

Many will state that they enjoy the “togetherness” with others and being part of a group. The vast majority, if not all, will state that they are comfortable in that they have finally found a community where they “fit in” (Crews, 1996).

A very revealing confession that some will make when asked about why they enjoy the Goth lifestyle involves their descriptions of treatment from others before and then after becoming Goth. They will state that they were picked on and bullied until they became Goth. Once they became Goth, they found that others no longer accosted them; instead they were shunned or ignored. It is not hard to understand how a young person would rather be treated as if he or she did not exist rather than be abused. They are shunned or ignored because people may be superstitious or afraid of persons who appear to be involved in alternative belief systems or religious practices. Others may be afraid of the mental or emotional state of the individuals they are encountering. Either way, young people who have been abused by others and who simply do not fit in with the rest have found a way to cope and be comfortable in an extremely uncomfortable world. This idea may be

the central reason for young people's involvement in Goth and other alternative lifestyles—protection from others and protection from life (Stevenson, 2002).

How Are Young People First Introduced?

An interesting side note to this entire situation is to examine how young people involved in Goth were first introduced to the scene. Most will state that they started in early teens and in middle school years. They will often associate their initial interest to the age where they first entered puberty. Many will state that they started at the point they were beginning to search for their own individual identity (Crews & Montgomery, 2001).

Many were introduced to Goth by boyfriends, girlfriends, peers, or older siblings. Many found the concept while surfing the Internet, while some enjoyed the music and got into the culture later. Almost all will state that they always felt different and had finally found a group to fit in with (Crews, 1996).

What Do They Think?

It is interesting how often, when trying to determine what is occurring and why in a social phenomenon, the last people asked about the behavior are those actually exhibiting the behavior. If one wants to know what it is like being a Goth, they should ask . . . a Goth.

Treatment from Others?

In discussing the Goth phenomenon with Goth individuals, several interesting points come to light. First, they will always point out that the media has, in their opinion, blown everything out of proportion. Lack of knowledge, understanding, and tolerance are the primary issues that most Goths will point to as the core to the problem. Inherently, lack of understanding and tolerance will immediately produce fear, hatred, and hysteria.

Many Goths will describe the same experiences when the topic of how they are treated by others comes up. Many will explain how they were always mistreated or bullied by the "sporty or preppie types." Some will state that they were bullied before and after becoming a Goth, so what does it matter either way. They will list the comments that are yelled at them in the streets ("It Is Not Halloween!"; "Freak, Fag, Psycho, etc."; "Don't Shoot!"; and "When You Snap, Don't Kill Me!"). A growing number will even report being actually physically assaulted on the street.

Almost all will discuss how parents, teachers, and salespersons ignore them and how they are harassed by law enforcement.

Advice for Parents, Teachers, and Law Enforcement

Ironically enough, the best advice for parents, teachers, and law enforcement officials on how to deal with the "problem" of Goth involvement comes from Goth individuals. In discussing what they want others to understand, they focus

their responses on trying to attack the negative stereotypes and media hype that is associated with the Goth lifestyle.

The first thing they will ask of people not familiar with Goth is to not believe everything they hear and see in the media and instead find out for themselves. This involves trying to understand what it is and what it stands for. Secondly, they will argue that Goth is not a “drug, occult, Satanic, or crude thing.” Instead, it is an interest, a lifestyle, a perspective on how to look at life and one’s place in it (Crews & Montgomery, 2001).

In addition, they will admit that it does attract some alienated or misguided young people with problems, but that in reality, this is a positive occurrence. Most, if not all, will argue that it is better for young people who may feel alienated and powerless to turn to a Goth lifestyle instead of drugs, gangs, or other criminal involvement. Ridiculing, shunning, abandoning, or targeting these people is the worse thing one can do. It is asked that parents and law enforcement work with them, not against them (Crews & Montgomery, 2001).

They will also state that young people should be allowed to develop, as they will. Attacking them can lead to running away, drug use, or even suicide. Finally, people should not automatically assume one is a criminal if they are a Goth. In addition, a common sense approach is helpful; show them respect, and one will receive it in return (Crews, 1996).

Are These Involvements a “Bad” Influence?

Many people may not want to believe it, but adolescents change identities, involvements, and interests like they change their socks. Most of these changes are healthy and part of normal growth in a child’s life. Whether it is the Goth lifestyle or some other interest, the majority of teenagers move on to something else within a few years if not months. Most do find it appealing initially as a way to rebel and gain a type of social belonging.

Those involved in the scene will say that those who remain in the lifestyle do so because they have found some comfort or answer to personal problems. As they will point out, that does not automatically mean that is a bad thing. They will offer that it is no different than when people find anything that gives them direction in their lives.

Participants in the Goth lifestyle are faced with the same basic decisions regarding drugs, drinking, smoking, and sex. Many people automatically believe that those involved in the Goth lifestyle are more likely to be exposed to drugs and promiscuous sex. In reality, *all* adolescents are exposed to drugs, alcohol, sex, and violence equally.

Many people believe that involvement in Goth, or similar lifestyles, will almost always lead to emotional problems, violence, antisocial behavior, and ultimately suicide. Those in the scene will argue that it is quite the opposite. Many will offer that Goth is actually an outlet for juvenile depression. That it is in reality a healthy philosophy and one that can help its “followers” deal with the myriad of issues that adolescence brings.

Adolescents go through the world with a multitude of issues, fears, and concerns. Also, anyone working with school children can describe how hard students are on other students. This harsh treatment turns into picking on and bullying each other. This mistreatment exacerbates the fears and concerns of children. It leads to loss of identity and self-esteem. When children have no where to turn, they often turn to drugs, gangs, and/or crime. A basic tenant of Goth is to be accepting and tolerant of others no matter what problems, interests, or issues they may have. Some Goths argue that they have probably saved many lives by telling kids that it is alright to be different; it is alright to have issues; a "we all do it; it is ok" attitude (Crews, 2001).

What Should We Do? Is It All Just a Fad?

The Goth culture has been around for over 20 years and is showing no sign of waning. Mainstream interest in the Gothic world is certainly fad-based and tends to come and go periodically. Those who are deeply involved appear to be going nowhere, and their numbers seem to be growing almost daily. Reasons for this have been discussed throughout this article. It may actually center on the changes in adolescents, the world, and the stresses of life. It could be argued that Goth and other alternative lifestyles are simply a defense mechanism and a way for young people to cope with the growing harshness and survival-of-the-fittest mentality of the world (Crews, 1996).

Adolescents have always exhibited depression, anxiety, and rebelliousness, resulting in strange and unexplainable behavior. Maybe the older generation is simply disturbed by the manner in which traditional problems are manifesting themselves in the modern generation. Parents and law enforcement are used to groups of teenagers hanging out in parking lots or drinking alcohol in the local woods, but what about the local cemetery? Parents and law enforcement are used to gangs terrorizing a school or neighborhood by their violence, but what about a group of teenagers all dressed in black, with silver jewelry and pale faces doing the same by simply sitting in the local coffee shop? Educators are used to dealing with the loud mouth bully sitting in the front row of class, but what about the quiet, small, introverted young man sitting in the back of the room with jet black hair and black fingernail polish reading Poe, Shelly, or Keats?

The answer is probably quiet boring and anticlimactic if one is expecting some big revelation. The answer is simply treat them like any other juvenile who may be, emphasizing *may* be, in need of help or direction. As any competent person working with young people will say, approach each juvenile with confidence, honesty, and genuine concern. Work with juveniles on areas impacting their school work or school participation. Try to discover the juvenile's fundamental problem or issue (which he or she is probably trying to solve with the alternative practice or belief system). While concentrating on not insulting the young person's current interests or beliefs, offer better ways to solve the problem (Crews & Montgomery, 2001).

Conclusion

In conclusion, there are a few final comments that must be made. First, can what is being seen in the United States actually be an example of a "self-fulfilling

prophecy?" This is to say that it could be argued that those trying to solve the problem are the same ones making the problem much worse. Efforts directed through concern and understanding can make a difference, but what about those that are directed through lack of understanding and panic? So many juveniles become involved in alternative beliefs and practices as a fad for a short period of time. Their involvement will only last a few weeks or months; then they will move on to something else. What happens to them during this time, however, may last a lifetime. These juveniles are often labeled as deviant or delinquent, treated as such by adults, and become involved in the criminal justice system simply because of their appearance. If mistreated enough, they may actually begin to exhibit the behaviors complained of (i.e., become involved in drug related or criminal types of behavior because they feel that everyone already believes they are involved so they might as well be). Thus, it becomes a self-fulfilling prophecy by individuals being forced into exhibiting the behavior, although they were never involved before.

Can Goths be seen as symbols of a new counterculture? If one thinks back to the late 1960s and the growth of the "hippie" movement, this question may make sense. Initially, there were a dozen or so young people hanging out in the Haight-Ashbury area of San Francisco, California. The media picked up on this small group of individuals and the relatively unknown band, The Grateful Dead, and several news stories were released profiling how these individuals lived. Almost over night, the hippie counterculture took off as young people from across the United States witnessed a lifestyle that promoted free love, drug use, rebellion against authority, and love of music. Young people from across the country left home to join those in this new counterculture, and the numbers expanded exponentially.

It could be argued that the Goth movement is the same. The more exposure Goth receives, the more young people are drawn to it. Many efforts to warn juveniles of the potential dangers of involvement in any type of alternative belief system or practice may actually peak their interests. Many young people would never have thought of being Satanists, Vampires, Wiccans, or Goths, but once they hear of it and see how scared adults are, it immediately becomes appealing; therefore, it can be argued that some that are trying to help are actually making the problem much worse. It must be remembered that careful dissemination of information is vital to any effort.

In addition, those trying to have an impact must keep asking themselves, "What does such involvement actually reveal?" The vast majority of those involved in alternative practices and belief systems are so in order to find some type of answer to some type of problem. As discussed earlier in this article, young people are missing something. There is a void in their lives, and involvement in such things as the Goth lifestyle may be the best way to fill the void. Depending upon one's perspective, this can be positive or negative.

Finally, it must be remembered that the biggest problem is still the resulting damage inflicted upon the young people from the hysteria. As discussed earlier, lack of understanding and the resulting hysteria and panic has caused many situations that could have been dealt with in a positive manner to become uncontrollable. If the general public panics, then there may never be a chance at

dealing with the issue in an intelligent and practical manner. If educators panic, then many students could be labeled and mistreated, ultimately making them drop out or lose their appreciation for education. If parents panic, rifts between them and their children could develop to such an extent that they can never be repaired—mutual trust can be lost forever. If law enforcement officials panic, community relations could be at stake and . . . maybe even lives.

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by Praeger; and *A History of Correctional Violence: An Examination of Reported Causes of Riots and Disturbances* (1998), published by the American Correctional Association. His most recent book is entitled, *Chasing Shadows: Confronting Juvenile Violence in America* (Prentice Hall, 2001).

Protecting the Executive While in Transit

Jerry T. Yoakum, Executive Protection Specialist and Protective Vehicle Operations Instructor

Executive Summary

Whether in a high-risk or low-risk environment, protection of executives and company personnel while in transit is an increasing challenge to the security and safety professional. Kidnap, workplace violence, murder (assassination), and acts of terrorism, especially targeting high profile individuals, are all real threats that must be taken into consideration by the executive and those responsible for his or her safety.

With today's market-driven economy, nothing could potentially disrupt or destabilize a corporation's stock value more than the effective removal of those persons responsible for the management of the organization. Today's CEOs and other top ranking executives are prime targets for those individuals or groups who are looking for opportunities to disrupt the company's or individual's regular operations.

In addition to those who fill the corporate boardrooms, political leaders, celebrities, and other high-profile persons are also at risk due to the nature of their position or notoriety. In several parts of the world, kidnap and ransom has become a cottage industry with most attacks planned while the victim is in transit. A look back at several case studies and the history of kidnapping, extortion, assassination, and acts of terrorism against executives and other high-profile individuals proves this to be true. In some studies, the statistics have shown that as many as 70 to 80% of all attacks have taken place while the intended target was in transit.

In this article, I will discuss some of the reasons why such a large number of attacks take place while the executive or high-profile person is in transit. I will also provide a variety of techniques and habits that can be utilized by the executive and/or those responsible for his or her protection to minimize these risks.

Risks (Security Problems)

1. Predictability

Most executives that occupy today's boardrooms have risen to positions of prominence due to their hard working and regimented daily working routines. If we look at the typical profile of these persons, we find that they are usually people who arrive at the office the same time every day, follow the same daily routine, and depart on schedule. This very regimented lifestyle has made them successful in their professional life, but it also makes them a completely predictable target and a security risk at the same time.

This predictability is an important part of the recipe for success needed by the would-be attacker. The more the attackers can predict your movements

throughout the working day, the more they gain the ability to choose the when, where, and how, of the attack. Case studies of successful attacks show us the following trends as well as where and when the attacks occur.

- **Time of Day**

A vast majority of attacks take place in the *morning* hours. This is usually associated with travel to the workplace.

- **Place**

Most attacks happen in close proximity to the *home or place of business*. In most cases these attacks take place within one mile of the home or workplace in a location along the route that cannot possibly be avoided.

- **Mode**

70 – 80% of all attacks on executives and high-profile people occur while in transit in their *vehicles*.

The following is a statement made by The Red Brigade after the successful assassination of Inspector Bernardi in Turin:

“He follows the same schedule, takes the streetcar, and has no protection for at least three minutes.”

In this particular incident the Red Brigade assassinated Inspector Berardi at the streetcar. Those three unprotected minutes were enough. Complacency and not changing schedules caused his death.

2. Vulnerability

When at home or in the office, steps are normally taken to limit access to would-be intruders. The use of sophisticated locks, alarm systems, fences, and other security measures are commonplace in the home, while elaborate access control systems, and uniformed security staff may protect the individual in the workplace. None of these precautions are taken during the trip to and from the office or place of interest. The vehicle, in most cases, provides very little in the way of protection. Most attackers can penetrate the cab of the vehicle using very little effort.

3. Easy Recognition

Due to the very high profile most executives and celebrities keep—either being the front person for their product or in the public eye—they are an easily recognizable target.

4. Lack of Awareness

When we travel in our everyday life, whether it is to and from our place of business, picking up our loved ones, going to dinner, or running an errand, we use our time in transit to escape from the hectic pace of our lives. This may be done by listening to the radio, talking on the phone to friends or colleagues, or simply blanking out and listening to the hum of the car’s engine.

The same is true for the traveling executive and his or her staff. The following chart is illustrative of the four categories of awareness for most people while operating their motor vehicles:

- **Condition White**

This is a state of unawareness; it can be caused due to lack of attention, fatigue, or inability to recognize the threat. In this condition, if an attack is launched, the driver will more than likely be taken by complete surprise. Unfortunately, this is the condition that we travel in the most.

- **Condition Yellow**

The driver is relaxed but alert. He or she is very aware of the surroundings. This is the preferred state of awareness. The person would more than likely be aware of what was going on around him or her, recognize the pre-attack indicators, and be in a position to react in the event of an attack.

- **Condition Orange or Red**

These conditions are usually the result of recognizing a problem or threat. The driver is in a heightened state of awareness shifted from alert to prepared. In condition Red, the driver has recognized the problem and is taking evasive or corrective action. Many of us have experienced this condition as in a close call on the expressway or when someone cuts us off in traffic.

5. Drivers (Security Staff)

In many cases throughout the United States, the security staffs that are assigned to protect companies' most important assets are woefully under-trained. In any corporation, the pool of drivers assigned consist of trusted former employees, retirees, or part timers, who despite their fine driving record, have no skill set that will prove them effective in the event of an attack.

In the case of the executive or high-risk individual that decides to transport themselves, they too have not been trained to recognize the pre-attack indicators or evasive techniques necessary to avoid or escape an attack.

Recommendations (Security Solutions)

Route Analysis

A complete analysis should be done of the routes most commonly traveled by the executive or high-profile person. This analysis should concentrate on the routes most commonly traveled to and from the place of business and any areas that are traveled with any frequency. This analysis should be in written form and kept in the principal vehicle at all times. This form should include the following:

- **Usual Stops**

In the event that the route contains any usual stops (i.e., cleaners, gym, coffee shop, etc.), these stops should be included.

- **Places Where It Is Difficult to Maneuver**

- **High-Crime Areas**

- **Choke Points**

A choke point is any point along the route that is completely predictable. Examples of these points include cul-de-sacs, narrow roads, slow driving areas or stop signs, blind spots on the road, traffic circles, bridges, or any point along the route that dictates your pace or direction of travel. Case studies show that these points are the most likely target areas. Attackers may only get one chance to spring the ambush or attack, and they want to do it in an area that they know you are going to travel through and know they can control.

Choke points that are near the high-profile person's residence or place of business should be the main point of focus. At each choke point, the following mental notes must be made:

- What cars belong there?
- What people should be there?
- Anything unusual?

The security driver must be able to recognize what is normal and should question anything that appears abnormal.

- **Danger Zones**

These zones include the following:

- Workplace arrival and departure
- Construction sites
- Near home/office in the morning
- One-way streets or roads
- Curves or blind spots
- Slow driving areas
- Crest of a hill
- Exit ramps and entrance ramps
- Corners

- **Safe Havens**

A safe haven is a place along the route that is considered safe to retreat to in the event of an attack. These places include the following:

- Hospitals
- Police stations
- Fire stations
- Places of public gathering (malls, shopping areas, parks)

- **Hospitals**

All hospitals along the route should be identified in the event of a medical emergency. A separate survey should be done on each hospital to determine the location, contact phone numbers, emergency room location, and level of trauma for which the hospital is equipped to deal. Depending upon the length of the route to be traveled, there may be multiple hospitals, and the primary hospital will depend upon where the person is along the route.

Route Planning

Once a detailed analysis is completed on the principal's routes, the next phase is to complete a route plan. Look at the most commonly traveled routes (residence to business), and determine a number of alternative routes. These alternative routes do not have to be elaborate or take the principal away from his or her intended destination unnecessarily.

Once the planning is completed, the executive or the driver should use these alternate routes on a regular basis to lessen the degree of predictability while traveling. These alternate routes can also be utilized to avoid unexpected traffic situations or other situations that arise. If the individual or security team has reason to believe they are under surveillance, these routes could be utilized to test their suspicion. If an unknown car is consistently present along route A, and we change to route B and the same car shows up along the route, we would have strong reason to believe that we are being surveilled.

Develop a Surveillance Detection Program

In the world of executive protection, there are many protectors that spend an inordinate amount of time and energy training for worst case scenarios. In many cases, they make the assumption that their principal will someday be involved in an attack, and at this point, they will need to take a defensive posture to repel aggressors or remove the principal. This training and role-playing is good; I instruct and have spent many an hour in these programs. Repelling an assault or hustling our protectee out of a danger zone is the second best thing that we can do. The best thing we can do is to anticipate or detect this situation and do everything in our power to avoid getting into this predicament. Tony Scotti, a world-renowned trainer of executive protectors, often refers to this as, "Keeping the Principal off of the 'X'." The "X," that Scotti refers to in his statement is the imaginary place on the earth that is pre-determined by a would-be attacker as the place that he or she has selected to spring the attack. This is a place that gives them the tactical advantage. Case studies have shown that if the principal is on the "X" at the right—or depending how you care to look at it, the wrong time—the attacker has a greater probability of success. How do we accomplish avoiding the "X"? We do it through the use of an aggressive and constant surveillance detection program.

A study of successful attacks shows us that these assaults are not sprung in haste. In most cases, the attackers have spent an enormous amount of time operating in *our* environment, watching our actions, and looking for the "X." This observation period can be broken down into four phases:

1. Phase One of the Selection Process

Phase one of the selection process is the development of a list of potential targets. The criterion the attacker uses to select targets in this initial phase varies. In some countries, being a foreigner is enough to get included in this phase. In others, they single out the military or the business community. There is no way to know if a person or group has been selected in the first phase, and there is little that can be done to avoid this phase of the operation. If a company is *working* in a part of the world where there are terrorist problems, the company should consider itself

as always being in phase one of the selection process. Many times, the solution to the first phase is the standard “keep a low profile.” The low profile method of protection is often considered to be the cure for this phase of the selection process. Keeping a low profile is a good, strongly recommended idea, and everyone should do it, but it should not be the only thing done. Some companies can maintain a low profile and still run a business.

2. Phase Two of the Selection Process

Now that the attacker has selected a group of targets, they move on to the second phase. They will carefully run the potential victims through a well designed and thorough selection process. They will, through meticulous surveillance, gather information about the lifestyle of all the targets. The purpose of this surveillance is to gather all the information and intelligence necessary to successfully complete the operation. This is another part of the selection process that cannot be avoided. This is the most important stage of the process. It is the place in the process where they are about to make the decision to take or leave the potential target’s name on or off the list. If they are looking at eight people, you can rest assured that one of those people will stick out as a person that is not security conscious and is much easier to attack than everyone else. If they have made the decision to get a group of individuals who are security conscious, it comes down to a test of “who has the weakest security.” The security with the most weakness loses. This can place an incredible burden on a security department. If company A is driving in an armored car with bodyguards, and company B is in the same business as company A, it is almost a necessity that company B supply the same protection for their executives. It can become a never-ending battle.

The best way to get off the terrorists’ list is to make the target hard to get. This is called “hardening the target,” and most security people have run into the argument of “Why harden the target if nothing has happened?” It’s logic that is hard to comprehend, especially coming from an executive. If the accounting department tells an executive that he or she should plan for a recession, hopefully the executive will not say, “Wait until it happens, then we’ll do something.” If you don’t harden the target, you make yourself the path of least resistance. Hardening the target is planning for the worst and hoping it never happens.

3. Phase Three of the Selection Process

Once the attackers have selected a group of targets and conducted the surveillance on them, they initiate the next phase, making a decision on which victim they select. The attackers will make a risk versus success assessment. If they feel one target is easier than another, they will focus their efforts on the person that offers the least risk and the highest possible success rate.

4. Phase Four of the Selection Process – The Final Cut

They will conduct more surveillance. It may take weeks—possibly months—to gather all the information. The victim’s movements will be analyzed and patterns of habit established. The most important information they produce from the surveillance is the daily time schedule of the target. They will establish this time schedule by carefully monitoring the daily routine of the victim. This time schedule will accurately outline the target’s every move during the daily routine. Attackers will also document what time victims leave for work, what route they

drive to work, where they go for lunch, what time they go for lunch, and where they go for leisure time activity. They will carefully examine the victim's routine, looking for a pattern. Does the victim always leave for work at the same time? Does he or she always play tennis at the same time? Does he or she drive himself or herself? Have a bodyguard? Is anyone armed? How so? They will know the victim's routine better than the victim. They know the key to the success of their attack is that the victim must be totally unaware he or she is the target. The victim must be "taken by surprise." They will do another risk analysis of the victim's security.

The surveillance detection program can be carried out by a team of security professionals or by the executive. It is simply a means of heightening the awareness and recognizing the activity that is taking place in your area of operations. Looking at the four phases of the selection process, if anywhere along the way the cycle is broken, the attack will be foiled. The three steps that must be followed are simple:

- 1. Recognize It.**
- 2. Tell Someone.**
- 3. Do Something.**

Training

Today, there is a myriad of training programs that are available to the security staff. The person responsible for choosing the training program should spend time analyzing the results that are expected after attendance in the program and then determine which program gives him or her the best chance of accomplishing this goal. For example, there are many personnel who are assigned to drive the executive that do not need to attend a full-scale executive protection program. In this case, a program that focuses on driving, route analysis, route planning, and surveillance detection would be adequate. The same is true for the executive who chooses to drive him- or herself. They should attend an executive awareness program that provides them an opportunity to practice these same skills.

The following is a list of subjects that should be discussed in a training program for those responsible for protecting the executive in transit:

- Vehicle dynamics and handling capabilities
- Understanding vehicle components (brakes and suspension)
- Accident avoidance techniques
- Evasive driving techniques
- Route analysis
- Route planning
- Surveillance detection

Choice of Vehicle

In most cases, the vehicle that is chosen to transport the executive is based mainly on comfort and space. Although these are valid concerns and must be taken into consideration, there are several other factors that should be weighed. These factors

include risk (high or low), environment, performance, and handling capability. Let's take a look at each of these elements:

- **Risk**

If the threat assessment shows a significant amount of risk in transit to the principal, the security team may choose an armored vehicle for transportation. Although these vehicles are not foolproof, they usually afford enough protection to escape an attack and in some cases are a deterrent to the would-be attacker.

- **Environment**

In many cases, the environment dictates the choice of vehicle. In an area that experiences snowy road conditions, the security team may choose a four-wheel drive SUV over the standard sedan. Although acceptable, additional consideration should be given to provide additional training to the drivers of these vehicles as the handling capability is greatly reduced.

- **Performance and Handling**

In the event of an attack, the "escapability" of the vehicle will be paramount. This includes not only the ability to stop and go but also the ability to corner and handle when performing evasive maneuvers. Some compromise should be made when weighing the ride of the vehicle versus the vehicle's handling capability.

- **Features**

At a minimum, the following features should be included on the executive vehicle:

- Air Bags
- Anti-lock Brake Systems
- Traction Control (computer-assisted driving)
- GPS Tracking System (On-Star)

Summary

In conclusion, there are many challenges for those responsible for the protection of the executive in transit. The security team must be very proactive and poised to respond quickly and decisively in the event of an attack. History has shown that those drivers who were proactive, aware of their surroundings, anticipated likely scenarios, identified surveillance methods, and reported suspicious activity were the ones successful in thwarting the attack or escaping the kill zone.

Resource File

National Safety Council – <http://www.nsc.org>

Motorist Safety Information Bureau – <http://www.autosafety.com>

Securitydriver.com – <http://www.securitydriver.com>

Crossroads Training Academy – <http://crossroadstrng.com>

Advanced Driver and Security – <http://www.1adsi.com>

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Final manuscripts must be submitted on 3.5" microcomputer diskettes readable on Macintosh or IBM (and true compatible) computers. Please specify word processing program used when submitting diskettes (e.g., *MacWrite* 5.0, *WordPerfect* 5.1, and so on). Also, an ASCII version would be most helpful. Disks will not be returned. Figures and line drawings must be submitted in camera-ready form.

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Illinois Law Enforcement Executive Forum Journal, inaugural issue, June 2000.

Methamphetamine Labs: A New Danger for Illinois, 30-minute videotape, produced in cooperation with the U.S. Drug Enforcement Administration, Illinois State Police, through funds from the Illinois Law Enforcement Training and Standards Board.

Small Town Policing in the New Millennium: Strategies, Options, and Alternate Methods, Robin Johnson, author and researcher; published in cooperation with the Illinois Institute for Rural Affairs, March 2000.

Managing a Clandestine Laboratory Enforcement Program, Inspector Thomas McNamara, through a grant from the Illinois Law Enforcement Training and Standards Board, March 1999.

Model Domestic Violence Protocol for Law Enforcement, 1999, through a grant from the Illinois Criminal Justice Information Authority.

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1. *Preliminary and In-Depth Interview of the Victim of Adult Sexual Assault*
2. *Evidence Collection*
3. *Suspect Interview*

Domestic Violence Investigations Series (three tapes) in cooperation with the Illinois Coalition Against Domestic Violence and the Illinois Attorney General through a grant from the Illinois Criminal Justice Information Authority, 1997.

1. *Obvious Scenario*
2. *Subtle Scenario*
3. *Rural Scenario (Orders of Protection)*

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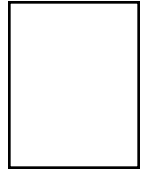
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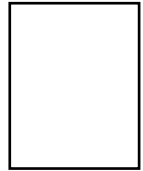
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