



Law Enforcement Executive
FORUM

Internal Affairs Investigations

November 2004

Law Enforcement Executive Forum
Illinois Law Enforcement Training and Standards Board Executive Institute
Western Illinois University
1 University Circle
Macomb, IL 61455

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The *Law Enforcement Executive Forum* is published six times per year by the Illinois Law Enforcement Training and Standards Board Executive Institute located at Western Illinois University in Macomb, Illinois.

Subscription: \$40 (see last page)

ISSN 1552-9908

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Editorial

Why does a law enforcement officer sell drugs? Why does it take several days for an officer's colleagues to admit to witnessing such an event? Such questions lead police executives to internal affairs investigations.

The majority of law enforcement agencies are committed to providing quality police service to the community. Police personnel are expected to conduct themselves professionally and courteously. The agencies have a legal and moral responsibility to investigate all allegations of poor service, brutality, or unprofessional conduct on the part of any employee. It remains absolutely crucial to the integrity of an agency that it accept and fully investigate all complaints. In doing so, an agency tells its community that what citizens have to share is important, that the agency is dedicated to high standards of police service, that it is open to public input, and that it is committed to continuous improvement.

The need for all police departments to hold officers accountable for their actions and impose high standards of service for their employees constitutes one of the most important aspects of the law enforcement profession. While large agencies may have a separate unit to handle misconduct incidents, smaller agencies must cope with such cases with limited resources. Sometimes, this proves to be a challenging task, but even the smallest agency must have a system in place to either prove the allegations false or deal with the unacceptable conduct.

The adverse actions of some officers are not representative of all law enforcement professionals. Law-abiding officers should not have to pay for the crimes committed by the few whose actions are memorialized in news headlines. It is important to note that the problem of police misconduct is not limited to internal investigations and punishments. Correcting these serious gaps with training and best practices and addressing community concerns are the only legitimate means of ensuring the level of professionalism that policing demands.

This issue of the *Law Enforcement Executive Forum* focuses on the recent controversy and changes taking place within internal affairs investigations. Authors of the articles are critically examining internal affairs practices in light of a changing society and challenging social expectations of law enforcement.

Vladimir A. Sergevin, PhD
Editor
Law Enforcement Executive Forum

Interviews and Interrogations of Public Employees: Beckwith, Garrity, Miranda, and Weingarten Rights

Wayne W. Schmidt, CEO, AELE Law Enforcement Legal Center

A law enforcement officer or other public employee that is accused of potentially criminal conduct may face three different kinds of interviews or interrogations: (1) a criminal investigation; (2) a disciplinary investigation; (3) civil litigation, in which damages are sought.

This article examines all three kinds of investigations, in light of four key Supreme Court decisions.

Criminal Investigations

Two leading Supreme Court decisions that apply to criminal interviews of public employees are *Miranda v. Arizona* (1966) and *Beckwith v. U.S.* (1976).

If an officer is under arrest, the *Miranda* decision applies. If he or she is not under arrest but is being interviewed as a criminal suspect, *Miranda* has no application because it is noncustodial interrogation. Oddly, some internal affairs (IA) investigators give the *Miranda* warnings to officers suspected of criminal actions, even though an officer has not been arrested or placed in custody.

The fact that a criminal interrogator is a superior officer does not create custodial interrogation. "Peripheral psychological pressures do not suffice," and the employee's subjective state of mind is immaterial (*Martin v. State*, 1996).

The *Miranda* decision gives indigent defendants a right to representation by a public defender (or other free legal services). A person who is not in custody has no right to a court-appointed attorney, and IA investigators should not recite the *Miranda* warnings.

What warning, then, should an officer receive during a criminal interview or interrogation? The answer lies not in the *Miranda* decision but in a lesser-known case called *Beckwith v. U.S.*

The holding in *Beckwith* was formally adopted by the Federal Services Impasses Panel in the Bureau of Engraving (1999) "to ensure that due process is being observed" and to avert future litigation. The 1976 *Beckwith* decision did not mandate any warnings; the 8-1 ruling simply held that a criminal suspect, who was interviewed in his or her home, but was not placed under arrest, was **not** entitled to receive the *Miranda* warnings. The result was the "Beckwith Warning." A typical version for federal employees follows:

You have a right to remain silent if your answer may tend to incriminate you. Anything you say may be used against you as evidence later in an

administrative proceeding or any future criminal proceeding involving you. If you refuse to answer the questions posed to you on the grounds that the answer may incriminate you, you cannot be discharged solely for remaining silent. However, your silence can be considered in an administrative proceeding for its evidentiary value that is warranted by the facts surrounding your case.

Although the holdings of the Federal Services Impasses Panel have no direct application to local and state governments, some version of the Beckwith Warning should be given in noncustodial criminal investigations as a matter of policy. It is recommended that local and state agencies modify the federal version in two respects:

1. Omit any reference to adverse inferences that may be drawn, if an employee exercises his or her Fifth Amendment rights. The inference has absolutely no place in a disciplinary setting because an officer can never be required to waive his or her right against self-incrimination.
2. Advise the employee of his or her right to consult with an attorney and to have counsel present during a criminal interview.

An “Advice of Rights” form should be given to the employee when he or she is requested to participate in a criminal interview, with sufficient time for him or her to consult with legal counsel. A suggested Beckwith-type warning follows:

Employee Criminal Interview – Advice of Rights

This interview is part of a criminal investigation.

1. You have the right to remain silent if your answer might incriminate you.
2. Anything you say can be used against you as evidence in a disciplinary or civil proceeding or any future criminal prosecution involving you.
3. If you refuse to answer a question because the answer may incriminate you, you cannot be disciplined solely for remaining silent.
4. You do not have the right to remain silent about another person’s commission of a crime, unless that information also implicates your involvement in a criminal offense.
5. You have the right to consult an attorney of your choosing, and to have that attorney present to advise you during the interview.

An officer who is interviewed as a criminal suspect has an absolute right to decline to answer any questions or to insist that a lawyer of his or her choosing attend the interview. There is **no** professional, ethical, or moral duty to participate in a criminal interview—especially without the assistance of an attorney who would represent the officer in his or her personal and private capacity.

It is surprising that many experienced officers will waive their right to silence and give criminal investigators an audio recorded statement—while some of the dumbest

criminals are street savvy and never make a statement. One reasonable motive for cooperation is to avoid unfavorable publicity.

The local newspapers might write a story with the headline “Cop Takes the Fifth.” The same reporters are unlikely to waive *their* rights under the First, Fourth, or Fifth Amendments or to reveal *their* confidential sources. In the eyes of the public, however, an officer who asserts his or her constitutional rights must have something to hide.

It should be remembered that the right against self-incrimination is a personal one. It cannot be asserted to protect an associate or accomplice.¹

An officer who is given a Beckwith “Advice of Rights” form is likely to consult with an attorney. If the officer chooses to participate in the interview, he or she probably will be accompanied by an attorney. If the officer is a member of a bargaining unit, he or she may also want to have a union representative present, as discussed later in this article.

Who Should Conduct the Criminal Interview?

It can be anyone except IA investigators, who will be asking similar questions of the officer in an administrative investigation. A good practice is for the chief of police to ask another agency to conduct the criminal investigation, such as the state police or county sheriff. Investigators from the outside agency, or an assistant county prosecutor, should conduct officer interviews.

One reason for asking another agency to conduct the criminal investigation is that it is an uncomfortable situation for the interviewer and a police officer interviewee, especially if they are coworkers. Additionally, there is also a danger that the media and community groups might perceive the investigation as whitewash.

Should, however, an officer give a statement to criminal investigators, the information can be used against him or her in a criminal case, in a disciplinary hearing, and in a civil lawsuit (*People v. Koverman*, 2002).

One very practical reason that an officer should decline to be interviewed in a criminal setting is that his or her answers might differ slightly from his or her answers at a civil deposition, giving rise to an inference that the individual was lying.

It should be noted that there could be two parallel or sequential criminal investigations, one related to state offenses and the other arising under federal law. The civil rights acts include criminal penalties for the willful violation of a person’s civil rights under color of law. The LAPD officers who assaulted Rodney King were acquitted of state charges but were later convicted under federal laws.² The FBI has the duty to investigate federal civil rights complaints.

In a few jurisdictions, such as the District of Columbia, another version of the Beckwith warning is recited. It contains the same basic admonitions and, for some reason, has been called a “Reverse Garrity Warning.”

Prosecutor or City Attorney Misconduct

What if a prosecutor obtains a copy of an officer's immunized statement? The Ninth Circuit has held that the transmittal, to the prosecutor, of an officer's *Garrity* immunized IA statements, which were then used to formulate charges against him, did not violate his or her civil rights (*Gwillim v. San Jose*, 1991).

City attorneys, while ethically and legally bound to assist officers they represent, also want to rid the force of a bad officer. Deals are sometimes struck. A promise to an employee that his or her statement to IA investigators and resignation will avoid criminal charges is not binding on the prosecutor, and a prosecution of the former employee does not violate due process (*People v. Early*, 1987). IA commanders who want to strike a deal must involve the prosecutor in the bargaining process.

Disciplinary Investigations³

Because public entities function with the consent of the governed, there is a duty to internally investigate allegations of official and employee misconduct. All but the smallest law enforcement agencies have established a formal protocol for investigating complaints, whether they originate from a citizen, a member of the agency, or an anonymous source.³

The two leading Supreme Court decisions that apply to IA interviews of public employees are *Garrity v. New Jersey* (1967) and *NLRB v. Weingarten* (1975). In a few states, such as Illinois, a police officers' "Bill of Rights" law also provides statutory rights to covered officers.⁴

Police officers who are interviewed in a disciplinary setting should be warned that they are under investigation for violation of departmental rules, that they are obligated to give statements for internal purposes, and that their answers may not be used against them in a criminal proceeding. Without that admonition, persons who are interviewed are likely to assume that the Fifth Amendment's self-incrimination clause applies and that they can decline to answer questions without any lawful penalty.

Absent a statute on point, a warning is technically unnecessary unless the employee declines to answer a question; however, state Bill of Rights laws, where applicable, might require a written warning. For example, 50 Illinois Compiled Statutes 725/3.8(a) reads as follows:

No officer shall be interrogated without first being advised in writing that admissions made in the course of the interrogation may be used as evidence of misconduct or as the basis for charges seeking suspension, removal, or discharge; and without first being advised in writing that he or she has the right to counsel of his or her choosing who may be present to advise him or her at any stage of any interrogation.

Constitutionally, the warning is essential before any disciplinary action can be taken for a refusal to cooperate in the interview (*Lybarger v. Los Angeles*, 1985).

Reciting a disciplinary warning is also a good practice because it clarifies the purpose of the interview and delineates rights and responsibilities. A typical “Garrity Warning” follows:

Employee Disciplinary Interview – Advice of Rights

You are being questioned as part of an administrative investigation of the Police Department. You will be asked questions that are specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself. You also have the have right to an attorney of your choice to be present during questioning.

If you refuse to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to disciplinary charges, which would result in your dismissal from the Police Department.

If you do answer, neither your statements nor any information or evidence, which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

The exact wording of the Garrity Warnings often varies. This one was adapted from a warning prepared for the Detroit Police Commissioner by IACP staff attorneys in 1971, after officers declined to testify before a grand jury.⁵

Although a few courts have held that there is no “right” to counsel at a disciplinary interview, in Illinois and other Bill of Rights states, the right to counsel is protected by law. In states without Bill of Rights legislation, the right to an attorney might be codified in a bargaining agreement or city personnel rules, or it might be a recognized past labor practice.

Some courts have reinstated officers that were fired after they refused to answer questions without the presence of the attorney (*Matter of William Carroll*, 2001).

In jurisdictions where employees lack a right to legal representation, it is strongly recommended that they be allowed to be accompanied by counsel during disciplinary interrogations, especially if the lawyer is familiar with disciplinary investigations.

Unrepresented employees sometimes delay and confuse the interview process by raising unmeritorious objections, interjecting unsolicited and irrelevant comments, and asking bizarre questions of the interviewers.

An employee cannot, however, impose an unreasonable delay by insisting on representation by an attorney who is not currently available. A California appeals court recently upheld a compelled disciplinary interview, without the officer’s lawyer present, when counsel was unable to appear for a rescheduled interview (*Upland POA v. Upland*, 2003).

Initially, unions questioned whether IA investigators had the “power” to confer *use immunity* from prosecution, especially when the prosecutor has not been consulted. The Seventh Circuit answered that question in *Confederation of Police v. Conlisk* (1973):

Appellants argue that the IAD is not empowered to grant immunity from prosecution to the police officers. Such a power, however, is not necessary. In *Garrity* the Supreme Court indicated that the Fifth Amendment itself prohibited the use of statements or their fruits where the statements had been made under the threat of dismissal from public office. Therefore, by advising the officers that their statements, when given under threat of discharge, cannot be used against them in subsequent criminal proceedings, the IAD is not “granting” immunity from prosecution; it is merely advising the officers of the constitutional limitations on any criminal prosecution should they answer. *Uniformed Sanitation Men Ass’n, Inc. v. Commissioner of Sanitation*, 426 F.2d 619, 627 (2d Cir. 1970), cert. denied, 406 U.S. 961 (1972)

It is the Fifth Amendment that gives rise to the immunity; it reads, “No person . . . shall be compelled in any criminal case to be a witness against himself . . .” The compulsion is the threat of disciplinary action when the employee fails to cooperate in the interview process. A person can be compelled to give a statement in a civil case or administrative hearing unless the response can be used in a criminal prosecution.

The immunity that attaches from a compelled statement is limited. It is “use” (a noun, not a verb) and not “transactional” immunity. The fact that an Oregon police officer had been ordered to give a statement to IA investigators did not immunize him from a parallel criminal prosecution. The officer was entitled to use immunity, not transactional immunity (*State v. Beugli*, 1994). Only one state, Massachusetts, has held that public employees who are interrogated in a disciplinary investigation are entitled to full and final immunity from prosecution (*Carney v. City of Springfield*, 1988).

Weingarten

Weingarten is a private sector case, arising under the National Labor Relations Act, 29 U.S. Code §157. Federal bargaining laws and decisions of the National Labor Relations Board do not directly apply to local and state government employees.

All but a few states, however, allow bargaining by public employees, and most state public employment relations laws are similar in wording to the federal law. As a result, many state appellate courts have followed NLRB decisions to interpret state bargaining laws.

The *Weingarten* decision holds that a member of a bargaining unit is entitled to the assistance of a union representative at an interview in which disciplinary action reasonably might follow. In states like Illinois, which has a Bill of Rights law, the officer also is entitled to the assistance of counsel.

He or she also may want a union representative present. As a practical matter, the lawyer for an officer may not want a union representative to attend a disciplinary interview. The union representative might want to attend for two reasons: (1) the

union may be paying the lawyer's fee and (2) the union representative wants first-hand knowledge about the inquiry.

Management should not force an employee to choose between a lawyer and a union representative.

A Few Points About *Weingarten* Rights

- The right does not apply to persons who are not members of a bargaining unit (*IBM Corp. and Schult*, 2004). This means, in many agencies, that *Weingarten* does not apply to probationary and command rank employees.
- Generally, an employee does not have to be warned about his or her *Weingarten* rights (*Lackland A.F.B.*, 1981; *AFGE L-3882 v. FLRA*, 1989). Michigan, however, requires employers to give a *Weingarten* warning (*City of Lansing*, 1996).
- *Weingarten* rights also have been extended to questionnaires and written reports, from which disciplinary action could result (*City of Lansing*, 1996). Management usually does not want an officer to have a union representative present when completing a use-of-force report.

Over the years, some IA investigators have tried to weasel out of the *Weingarten* decision, by informing an officer that the interview is nondisciplinary or that he or she is not the focus of a disciplinary investigation.

Recently, a federal appeals court held that a member of a bargaining unit was entitled to a union representative during an interview, even if management characterized the investigation as "criminal" rather than administrative (*U.S. Dept. of Justice v. FLRA*, 2001). The state labor board in New York has come to the same conclusion (*Rochester Police Locust Club and Rochester*, 2004).

The Supreme Court also has held that a federal employee who was a member of a bargaining unit was entitled to the presence of his or her union representative at an interview conducted by the Office of Inspector General (OIG). Although the OIG was not a part of the management hierarchy, discipline could result from the interview (*NASA v. NLRA*, 1999).

On the other hand, the Illinois Supreme Court upheld the termination of a sergeant who refused to speak with the sheriff without her union representative present. The court concluded that *Weingarten* was not applicable because the interview was "informal" and nondisciplinary (*Ehlers v. Jackson County*, 1998).

An employee should obey the command and then file a grievance. If the interview violates *Weingarten* rights, the grievance process should provide a remedy. An employee who declines to be interviewed does so at his or her peril.

From a management perspective, when in doubt, the employee should be allowed his or her *Weingarten* representative.

It also should be noted that a union representative should **not** be asked by management to reveal the content of statements made to him or her as part of his or her role as a

Weingarten representative, nor should an officer be asked about conversations with the union representative. Such an inquiry will give rise to an Unfair Labor Practice complaint and is a direct interference with the rights of employees to engage in collective activities (*Lockheed Martin*, 2000; *Ohio SERB*, 1988).

Gag Orders

Nothing will impair a disciplinary investigation more than when officers rehearse their stories to help a coworker defeat a citizen's complaint. Several public agencies have a rule that prohibits officers from discussing among one another, their statements to IA investigators. Arbitrators have enforced confidentiality directives (*Minnesota Department of Corrections*, 1996).⁶

Conversely, a California appellate court has interpreted the state's Bill of Rights law to include the right to see statements taken of other employees before answering IAD questions (*Pasadena Police Officers Assn. v. Pasadena*, 1988).

If employees are given a gag order, it should not include communications with their attorneys, *Weingarten* representatives, or spouses (*Lockheed Martin*, 2000).

It should be noted that a labor representative who attends an administrative interview has a duty to preserve the confidentiality of the session. Typically, union officials in smaller agencies may lack experience and have little formal training in representational matters. It is appropriate for management to remind union officials of their fiduciary obligations.

Civil Litigation – Investigations and Discovery

All American courts have a procedure to take pretrial depositions of witnesses and parties and to discover documents and other evidentiary items in the possession of an opponent or third party.

Nearly all police officers and other public employees will receive legal representation at the expense of their employing entity by a custom or practice, pursuant to a professional liability insurance policy, under a statute or ordinance, or by a provision in the bargaining agreement.

While it is strongly recommended that IA investigators do not conduct a criminal investigation, there is no reason they cannot provide civil litigation investigative support. Unless an agency is large enough to need a full-time litigation investigator, IA personnel should bifurcate their civil and disciplinary investigations, using a separate reporting system.

If the two investigations are combined, the results are discoverable by the adverse party, and the legal work-product privilege will not apply. In some cases, discovery is not an issue. The attorney for the agency and officers will initiate any investigation requests and should inform IA personnel what reporting procedures to use. For discovery purposes, it makes no difference whether the attorney is a governmental official, a lawyer in private practice hired by the entity, or counsel employed by an insurance carrier.

Bar regulations govern the conduct of public and private attorneys. Once a lawyer enters an appearance for a named defendant, the attorney-client relationship is formalized, and confidentiality rules apply. In general, an attorney may not reveal the content of confidential disclosures made by the client. This sometimes causes a conflict of interest, and it may be necessary to employ outside counsel for an officer.

To illustrate the attorney-client relationship, suppose an officer is subjected to three interviews. At the criminal investigation, he exercises his right to remain silent. During the internal, administrative investigation, he lies to protect his job. When, however, he speaks with the attorney assigned to defend him in a civil suit, he admits misconduct, hoping that the case will settle and that he can avoid the imposition of punitive damages for which he probably would not be indemnified.

The civil attorney in such a situation cannot reveal to IA investigators that his client lied to them. Not only is that information barred from use in a disciplinary hearing, but also the attorney could face disbarment proceedings for disclosing it.⁷

There are some limitations. At least one appellate court has held that the attorney-client confidentiality did not apply because outsiders (two city council members) were present during a litigation-related conversation between the attorney and his client (a public official) (*Reed v. Baxter*, 1998).

Sunshine laws also might impair attorney-client confidentiality. For example, Florida's Attorney General has ruled that the state's Sunshine Law impairs attorney-client confidentiality between government officials and their legal advisors (Florida Attorney General, 1997).

There is no specific warning related to a civil litigation investigation. There will be cases in which an IA investigation was conducted and defense counsel is satisfied with the results. There are other cases in which a suit is brought and the plaintiff did not make a disciplinary complaint, so no IA investigation occurred. In those cases, defense counsel should ask the IA unit to assist in getting statements, taking photographs, retrieving records and reports, and obtaining other necessary pretrial information.

Employees have a duty to cooperate in their own defense, the defense of coworkers, and the defense of their employing entity. Should an officer who is a civil defendant fail to cooperate with counsel, representation can be withdrawn. Disciplinary action, for refusing a direct order, also may be appropriate.

In a few cases, the officer was fired and either is facing prosecution or has been sentenced to imprisonment. He or she has little incentive to cooperate in the defense of civil claims.

Depositions and In-Court Testimony

Generally, a person may not assert a Fifth Amendment right to remain silent in a civil proceeding, without showing a possibility of criminal prosecution. A California appellate court has held that the self-incrimination privilege was not applicable to a person's possible civil liability (*Blackburn v. Superior Court*, 1993).

The Supreme Court has said that the Fifth Amendment not only protects an individual against being involuntarily called as a witness against himself in a criminal prosecution, “but also privileges him not to answer official questions put to him in any other proceeding, civil or criminal, formal or informal, where the answers might incriminate him in future criminal proceedings” (*Baxter v. Palmigiano*, 1976; *Boim v. Quranic Literacy Institute*, 2004).

Persons who frivolously claim their Fifth Amendment rights to avoid answering questions that do not have criminal consequences are subject to judicial sanctions. Sanctions include the imposition of adverse evidentiary inferences or, in extreme cases, the entering of a default judgment or a contempt of court citation.

Coordination of Multi-Agency Lawsuits

It is not unusual for a civil suit to name officers from two or more agencies because of their participation on a metro drug enforcement squad, a tactical response team, or a vehicular pursuit through several communities. Some agencies are likely to have insurance with different carriers or risk pools; others might be self-insured.

Each entity might have its own law firm and expert witnesses. A lack of coordination among officers and agencies can produce conflicting official reports, investigation results, and defense strategies. Worse, one agency might hire an expert who attempts to put the blame on another agency.

Coordination of the investigation of a multi-agency incident should be an initial priority. Once a lawsuit has been filed, it may be too late to manage parallel investigations and employee interviews.

It should be remembered, however, that investigators have been successfully sued after they attempted to falsify their reports to avoid liability. An unlawful conspiracy to defeat a civil rights lawsuit is itself a civil rights violation (*Hampton v. Hanrahan*, 1979).

Searching for Truth and Justice

No public employee has a right to lie in court, in a deposition, during an IA interview, or at an administrative hearing. False statements in an official report, or when made to superiors or an attorney assigned to represent the employee, also are punishable offenses.

The Supreme Court has made clear that a police officer can be fired for giving false or evasive answers to IA investigators or superiors, even if the underlying inquiry involves a matter not punishable by termination (*La Chance v. Erickson*, 1998).

For that reason, IA investigators sometimes have interviewed an officer in a situation in which the facts were known and the officer’s statement was unnecessary—knowing that if the officer is untruthful, the penalty of termination will be imposed.

For example, although termination was not an appropriate penalty for making a false insurance claim 14 years earlier, an arbitrator upheld a dismissal because the

officer lied during the IA investigation and continued to mislead his superiors up until his time of termination (*Kitsap County*, 2003).

Officers who have lied have little value to their agencies, as defense counsel will attack their testimony as untrustworthy.

Failure to Discipline Promptly

Although public officials have a duty to protect their agencies against unreasonable claims and to vigorously assert legal defenses, it is a mistake to postpone the termination of an officer simply because a civil suit is pending.

The negligent retention of an unfit subordinate is tortious conduct and is a breach of the official's professional responsibilities. Prevailing in a lawsuit may be the least important consideration. Good public administration is not a sports contest in which there are winners and losers.

Arbitration Awards

City of Lansing and Capitol City Post 141, 106 LA (BNA) 761 (Ellmann, 1996).
". . . an employee must be informed of his right to a union representative prior to the time any investigative interview is launched by management (or as in this case, management asks the grievant for a version of what happened.) She need not ask for a union representative; management has the burden of directing the grievant to consult her union representative."

Minnesota Department of Corrections and AFSCME Council 6 (Henderson), RMS #96-PA-2070, unpublished but summarized at 1997 (9) Fire and Police Personnel. Rptr. 133 (Imes, 1996).

Kitsap County and Kitsap Co. Deputy Sheriff's Guild, 118 LA (BNA) 1173, AAA Case #75-L-390-00240-02 (Gaba, 2003).

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Endnotes

1. For example, the LAPD Manual, §210.47 (2000) provides, “When police officers acquire knowledge of facts which will tend to incriminate any person, it is their duty to disclose such facts to their superiors and to testify freely concerning such facts when called upon to do so, even at the risk of self-incrimination. It is a violation of duty for police officers to refuse to disclose pertinent facts within

their knowledge, and such neglect of duty can result in disciplinary action up to and including termination.”

2. *U.S. v. Stacey Koon* and *U.S. v. Lawrence Powell* (1994). The federal criminal civil rights statutes are 18 U.S. Code §241 and §242.
3. Sometimes the “anonymous” source is a coworker who is fearful of retaliation. See the Mollen Commission Report: “Officers who report misconduct are ostracized and harassed, become targets of complaints and even physical threats, and are made to fear that they will be left alone on the streets in a time of crisis” (pp. 53-58).
4. At least 14 states have Bill of Rights laws: California Govt. Code §3301, Delaware Code Ann. 11 §9200, Florida Stat. §112.531, Illinois Compiled Stat. 50 ILCS 725, Louisiana Revised Stat. §2531, Kentucky Rev. Stat. Ann. §15.520, Maryland Ann. Code Art. 27, §727-734, Minnesota Stat. Ann. §626.89, Nevada Rev. Stat. §289.020, New Mexico Stat. Ann. §29-14-5, Rhode Island Gen. Laws §42-28.6-2, Virginia Code Ann. §9-1-502, West Virginia Code §8-14A-2, Wisconsin Stat. §164.02.
5. The author was on the IACP professional staff at the time and participated in the drafting.
6. The Minnesota directive read as follows: “Effective immediately you are not to discuss the subject matter of this investigation with any other Department of Corrections employees. Such discussion may give the appearance that you are attempting to influence the possible testimony in this matter with other Department of Corrections employees and may form the basis for disciplinary action against you.”
7. “California courts have long recognized that public sector attorneys have the same ethical duties of confidentiality and loyalty as their counterparts in the private sector” (*City of Santa Barbara v. Superior Court*, 2004).

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Training Internal Investigators: A Study in Hybrid Instructional Program Development

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Introduction

The purpose of this study was to develop a curriculum and delivery model for the administrative investigation process that would be available to employees of a particular police department. The problem under investigation was that of substandard administrative investigations in a municipal police department. Organizational feedback from the executive command staff, patrol section captains, and command personnel from the internal affairs section led to the identification of a human performance gap on behalf of patrol supervisory and command staff who complete administrative investigations that are substandard.

There were two research questions utilized in the exploration of this project: (1) "What were the appropriate and valid criteria for the development of a training program curriculum in administrative investigations based in adult education methodology and technology/electronic technology?" and (2) "What were the appropriate and valid components and delivery system of a training program curriculum in administrative investigations?"

The study employed the development methodology of problem solving to address the issues. A literature review to determine contemporary strategies was conducted. The criteria were then developed, thoroughly reviewed, and validated. A formative committee then critiqued the development of the curriculum through the various required stages. Finally, the curriculum was reviewed by a summative committee and approved for implementation in the department through the auspices of the regional police training academy.

The results established the valid and appropriate criteria for an internal investigation training curriculum as well as an appropriate training delivery system.

Location of the Study

The location of the study was a midsized municipal police agency that will be referred to hereinafter as "the Department" for the purposes of this research. The Department is a police agency servicing a large urban population. Many similarities existed between comparative police organizations; only minor variations existed in categories such as violent crime and the like. Officer-to-citizen ratio is at par with other like agencies. With respect to citizen complaints, the Department conducts approximately 260 formal internal investigations per year. Approximately 60 of these investigations involve alleged excessive force, criminal conduct, and other selected cases. These investigations are completed by a centralized internal investigations staff. The balance of the complaints are considered lower level or "procedural"

complaints that are routinely investigated by the line or patrol supervisory and command staff.

Research Population

The researcher identified the need to conduct an inquiry in quasi-experimental research based in qualitative research. The researcher, therefore, selected populations in order to conduct in-depth inquiry through personal interviews and then correlated the cumulative information into the subsequent analysis. Structure for the interviews was developed through the results of the literature review and the personal experiences of the researcher as a former internal affairs investigator.

The research population was culled from . . .

- Current patrol supervisory and command staff who have conducted line-level internal investigations.
- Internal investigation staff who are assigned to conduct higher level investigations on a full-time basis.
- The assembly and development of a formative committee to formulate the mission and purpose of the research. The formative committee was responsible for assisting and guiding the researcher in program development and final critique of the curriculum and delivery model. This committee consisted of a panel of three subject matter experts, two patrol section captains and a patrol section lieutenant, all of whom were responsible for the conduct and review of internal investigations conducted at the line level.
- The assembly and development of a summative committee to formulate the parameters for final analysis and approval of the research. This committee consisted of a panel of three subject matter experts, two police academy training staff members with advanced degrees who could provide insight into police training processes and curriculum development, and a police officer who was a former municipal attorney who had not only a training background, but more importantly, significant strengths in police liability issues.

The effect of this process provided the researcher with a comprehensive and rich pool of resources that led to the final results and recommendations for a model in training internal investigators.

Literature Review

There were three primary considerations for the literature review: (1) the importance and process of internal investigation training, (2) the criteria for an internal investigation training program and delivery system, and (3) the use of adult education methodology and technology in order to develop a curriculum and delivery system that would be appropriate for this subject matter.

Disturbing Trends in Education

Several foundational problems exist in the educational system. For example, problems with standardized testing, performance ratings for teachers, and other issues have created populations of precollege students who lack the basic cognitive skills to survive in postsecondary educational and workplace environments. Many Americans in their early to mid-20s lack significant cognitive skills that would make them eligible to function effectively in either of these environments (Losyk, 1997). Some remarkable studies have found that a significant population in the United States is “functionally incompetent” to be successful in the higher education and workplace environments (Elias & Merriam, 1995). This issue, coupled with the advent of increased and continually changing technology, presents a complex problem for most disciplines (Cetron & Davies, 2001).

Experts who have identified the endemic nature of this problem have posited the need for lifelong education through workplace professional development and training (Judy & D’Amico, 1999).

Adult Education

While educational philosophy has existed since the days of Plato, only the past half century has seen the most compelling advances in teaching methodology. Pioneers in the field have delineated the needs for separate and distinct educational models for both adults and children (Knowles, 1980). Knowles observed education as having both empirical and anecdotal evidence to support separate philosophies and believed that andragogy was the “art and science of helping adults learn” (Galbo, 1998, p. 13). Knowles also believed in a humanistic as opposed to a mechanistic approach to the entire adult education genre (Elias & Merriam, 1995). Also in support of these concepts was the seminal work of Lindeman who believed that a separate model for adult education would provide enriched opportunities for personal and professional development that could have positive influences at the individual and societal levels (Henschke, 1998).

Training and Lifelong Learning

Training is, in essence, a truncated higher educational process. Training has been defined as a method of teaching job-related skills to employees so that they can function efficiently and effectively in their roles (Griffin, 1996). Training may also take many forms in the developmental realm that encompass the enhancement of personal knowledge, skills, and abilities (Gadbow & Hannah, 1998; Knowles, 1980).

The integration of education and training into work processes is an evolving trend (Knoke, 1996). Proponents of this methodology believe that positive results will come from integrating educational processes with work-related professional development needs (Larsen & Istance, 2001; Rothwell, Hohne, & King, 2000).

Technology in Education

Technology is the future. In a self-actualizing manner, technology has fashioned its way into everyday life, consistently evolving and reinventing itself. Advocates

for technology in education also believe that the American educational system has functioned from such a provincial stance for so long that educational institutions' refusal to adopt contemporary methodologies of instructional program delivery through electronic mediums will result in a severe detriment to the student and impact society as a whole (Daniel, 1997).

While technological advancements have grown exponentially to date, future predications are without fathomable reference as to the nature of the computer industry's potential for advancement (Judy & D'Amico, 1999; Knoke, 1996).

The integration of technological advances into the educational process has been met with support from numerous theorists who indicate that meshing the concepts would provide utility and access to currently existing institution-based formats (Driscoll, 1998; Green, 1997; Huang, 2002; Lee & Owens, 2000). The literature also revealed that technology has applications specifically in the police training environment (Peak, 2003).

Literature Review Summary

The literature review led to the identification of numerous issues that impact training processes in the educational and public policing realms. Information from this review was used as a foundation for the formative committee and summative committee to validate the final recommendations for internal investigator training program development.

Methodology

The research methodology was completed from a qualitative approach. The researcher first developed direction and focus from the available literature and used this information to augment the iterative review process with both the formative committee and the summative committee. After the proper basis of knowledge was developed, the researcher then used tacit knowledge in addition to the cumulative results of the committee meetings to develop the interview process of the identified experts in the field. This methodology led to validation of the research process and the subsequent findings and recommendations.

Results

Results of the Literature Review

The literature was replete with theorists who offered the benefits of integrating adult education techniques with technology in the police training process. The researcher then needed to extrapolate the findings and correlate actual practitioner needs to the findings, as no significant literature was found that directly related to the training of internal investigators. Once a program is implemented, later empirical research could then evaluate the validity and results of the hypotheses developed and the actions implemented.

Results of the Training Curriculum Criteria Development

The criteria for the curriculum were validated through the iterative review process of both committees as supported by the literature and the tacit knowledge of the research population. The final criteria for internal investigation training development is as follows:

- The course content should be based upon the contemporary research in administrative investigation practices as aligned with the Department's procedures and practices for implementation of administrative investigations.
- The program should be designed specifically for Department employees whose responsibilities include administrative investigations.
- The program should be designed as a series of blocks of instruction working through the contemporary concepts, issues, and practices as well as the investigative case study to test trainee knowledge and comprehension of the materials.
- The program designers should be current police supervisors who have an extensive knowledge base and practical application ability in the administrative investigation process (Colaprete, 2002).

Results of the Training Delivery System Criteria Development

The criteria for the training delivery system were validated through the iterative review process of both committees as supported by the literature and the tacit knowledge of the research population. The final criteria for internal investigation training delivery system development are as follows:

- The course should be delivered in an eclectic form, providing a combination of progressive and behaviorist teaching modalities. This methodology would allow for close interaction and communication in program delivery as well as satisfy state program delivery requirements.
- The program should be delivered during a professional development seminar offered through the police training academy. This would ensure comprehension by delivering clarity of expectations and implementing a monitoring system. This would provide feedback through the normative re-educative approach to learning and employ reinforcement theory to meet organizational objectives of quality in the administrative investigation process.
- The program should be delivered in six consecutive, 2-hour blocks over a 12-week period to ensure utility in reaching all effected employees responsible for the administrative investigation process. The program should also be devised to integrate a distance learning component for frequent interaction by instructors and students during the 12-week program to enhance the learning and retention of the skills being delivered.

- The instructors should be current police supervisors and/or command officers who have an extensive knowledge base and practical application ability in the administrative investigation process (Colaprete, 2002).

Recommended Components of the Training Program Curriculum

The culmination of the research led to the following content for the administrative investigation training curriculum development. The following outline delineates the program as divided into two parts: (1) the training curriculum and (2) an interactive case study. Upon completion of the program, the trainee would receive a certificate and undergraduate college credit.

Course Description

The course consists of an in-depth review of the internal investigation process and the implications of the Department's policy and procedure on operational practices. The specific components of the course include the definition and foundational concepts of the internal investigation process. Also included as a part of the curriculum are the responsibilities of patrol supervisory and command staff in case investigation, preparation, and resource development and use. The course concludes with an actual case study conducted within the Department to validate the core concepts as well as test trainee knowledge, skills, and abilities (Colaprete, 2002).

Components of the Training Course Curriculum

Session I – Practical Applications of Internal Affairs Investigation

Session II – Police Corruption and Definitions

Session III – The Purposes of Internal Investigation

Session IV – The Pitfalls of Conducting Internal Investigations

Session V – Internal Investigation Techniques and Procedures

Session VI – Classroom Investigation/Case Study

Post-Seminar Activities (Colaprete, 2002)

Discussion

Key Findings of the Literature

The review of the literature led to several key findings. The first concern noted in the research was the failure of the educational system to properly prepare the incoming workforce for the present and future demands of the workplace. Basic literacy was found to be an immediate concern, while near future concerns were the increasing demand for techno-savvy workers who are able to navigate in an ever-changing computer world.

The second significant finding was that since this population was entering the workforce, organizations have to rise to the challenge of providing substantive remedial education programs that may have to emerge from the most rudimentary levels of the development of knowledge, skills, and abilities in order to meet these increasing demands.

The third significant finding was that not only did a need exist in the focus organization for this type of training, but a myriad of options could be adapted to meet these needs via traditional and contemporary training methods.

Key Findings of the Research Results

Utilizing the literature review as a foundation, the identified research population was probed for recommendations based upon a global as opposed to individual experiential perspective. As such, the researcher was able to identify several contemporary concepts, issues, and practices of adult education and training methodology; compare and contrast them to the individual experiences of the research population; and then develop recommended criteria for program curriculum and delivery system development to panels of expert advisors, thus validating the system design.

Key Findings of the Expert Committees

The use of a formative committee and a summative committee was instrumental in this research process. Both committees were of a level beyond that of focus groups, as each committee was comprised of experts to advise on the entire program design as opposed to individual components. This afforded an opportunity to apply a process approach to the research. With the use of an iterative review process and a hierarchy of committees, the researcher was able to extract the expertise of these groups in order to enhance the final program recommendations to the organization.

Recommendations

The culmination of the research has applications to the entire internal investigation training process. As an individual program, organizations can use the concept as a model, but the model needs to be adapted at the individual organizational level in order to meet specific as opposed to generic needs. While the model is recommended as a concept, the overarching recommendation is the employment of a similar research methodology and process for organizations that are in need of training programs in internal investigations. Mission, purpose, criteria, research, expert advice, and validation are all significant components of any training program development. The use of the process is the key to successful police training program development, irregardless of the topic matter.

Conclusion

Police training program development is often an exercise of caprice rather than qualified research. The crisis of the day most often dictates the type of training, while resources dictate the quality of training. The internal investigation process is tantamount to any other critical process in a police organization. The process can affect morale, liability, integrity, and community image either positively or

negatively. The police administrator must consider the long-term issues and make a commitment to provide the same resources to these types of training as any other training deemed important to the organization.

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“Internal Affairs” Should Be Handled “Externally”: Why the Internal Affairs Model Has an Inherent, Fatal Flaw

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Roman Law: “*Nemo iudex in causa sua.*” (“No one should be a judge in their own case.”)

Internal Affairs (IA) investigations in police departments have always been accompanied by controversy, misunderstandings, conflicts of interest, and accusations of bias and unfairness. For example, a 1998 article in the *FBI Law Enforcement Bulletin* states that IA investigators have become the pariahs of fictional law enforcement agencies, and unfortunately, some real-life police departments treat IA investigators the same way (Arnold, 1998, p. 1). It is true that policing literature sometimes reflects a desire to handle police misconduct with impartiality, fairness, and integrity; however, I wonder to what extent such desires are realistic, versus just being wishful thinking. Take for example Leonard and More’s (2000) prestigious work on police organization and management:

Corruption or police misconduct must be dealt with forcefully by each department, having a planned program insuring departmental integrity Misconduct will occur in any law enforcement agency, however, it is imperative the departments establish machinery to respond adequately by insuring the agency’s integrity and publicly demonstrating appropriate standards of fairness and impartiality. (p. 212)

The first impression is that it sounds noble and is “the right thing to do,” but how realistic is it for police departments to insure integrity, fairness, and impartiality by using the IA mechanism for dealing with police misconduct? I argue that it is not only unrealistic but downright impossible, and that is because of an inherent weakness of IA:

The concept violates one of the most basic rules of dispute resolution and handling of complaints, going back to ancient Rome: Nobody should be a judge in their own case. I argue that the very concept of IA investigations can never result in fair and just outcomes because it violates that fundamental principle. Moreover, you do not even have to be a lawyer to appreciate its importance. Just use common sense: How can anybody objectively resolve a dispute or address a complaint if one is to judge his or her own employees? Human nature simply makes this impossible. Even if one thinks one can be objective, this kind of thinking is misleading. This is a real problem as noted by Klockars: “. . . the challenge is to create an environment in the police agency where assignment to IA is not regarded as a badge of betrayal but as a position of honor and responsibility” (as cited in Wroblewski & Hess, 2003, p. 215).

This statement proves that there is a fundamental problem with assigning police departments the function of investigating misconduct of their own employees. If

it was not a problem, why would anybody even mention words like “badge of betrayal” or “challenge”? Unfortunately, this issue will continue to be not just a challenge but a real problem as long as complaints of police misconduct are handled internally. Unfortunately, we should also be prepared for more accusations of betrayal. I really believe this problem cannot be “fixed” with some wonderful idea or remedy like “creating an environment” in which an IA post will be regarded as a “position of honor and responsibility.” Honor and responsibility cannot be achieved by “fine-tuning” the current system in an attempt to “fix it.” The system cannot be fixed as long as it is based on the inherently fatal premise of assigning some police officers the role of investigating and resolving misconduct by other officers in the same department. Basic human psychology tells us that it is simply impossible to be objective in such situations, not to mention the notion of justice, which demands that misconduct be investigated by somebody *outside* the force. Verdicts arrived at by means of IA investigations cannot be just because they are based on the inherent flaw described above. This has become such a problem that researchers on this topic seem to want to justify the very existence of IA units in the United States. They simply sound defensive: “[A]s their fellow employees face ethical dilemmas and community residents demand accountability, IA investigators should hold places of honor, not contempt” (Arnold, 1998, p. 1).

Why do we even have to talk about contempt here? It is clear to me that if complaints against police were handled by people outside the departments where they occur, there would be no contempt at all. Perhaps there would be other issues, such as police claiming that citizens should not interfere with police work, that citizens do not understand police work, or that civilian review is an unfair process (see e.g., U.S. Department of Justice, 2001a, pp. 109-115). There will always be problems with any solution, but I am sure contempt would not be a problem once the way of handling police misconduct was reformed by eliminating IA altogether and allowing complaints about police misconduct to be handled by outside, civilian review.

I do not believe that “quick fixes” like those suggested by Arnold (1998) are the solution to this problem. Arnold himself admits that there is a major problem with IA:

What confuses or sidetracks some supervisors is the fact that **they are investigating their own**. They are unsure of how to interview officers, and they become hesitant to confront their own personnel. Yet, by understanding their roles and following certain guidelines, supervisors can reduce their anxiety over conducting complaint investigations (p. 1, emphasis added).

I took the liberty of highlighting a portion of the excerpt because it “hits the nail right on the head.” The fact that IA officers “investigate their own” is the inherent problem, which I believe cannot be fixed. Measures like “reducing anxiety” of IA officers will not work because they do not address this major problem. You can “reduce anxiety,” but the problem remains unaddressed.

It is not difficult to find further examples in policing literature of the concern that IA investigations are not fair or impartial:

... because the agency head will determine the validity of the complaint and impose any necessary penalties, the parties to the case **might question the**

impartiality of the process. An executive should give careful consideration to scheduling and time constraints, as well as to **the perception of fairness and impartiality**, before assuming personal responsibility for conducting an IA investigation. (Courtney, 1996, p. 2, emphasis added)

One of the things that happens when IA is the model used for dealing with police misconduct is that impartiality, fairness, and objectivity remain problematic. For instance, Lisa Botsko has identified several problems with IA's investigations: interviewing only officers and no neutral witnesses, neglecting to interview one or more important witnesses, leading questions asked by IA investigators, and not taking photographs at the scene (as cited in U.S. Department of Justice, 2001a, p. 44)

Law-4-All – Legal Jargon Dictionary states, “*Nemo Iudex in Causa Sua*: No one should be a judge in his own cause. The rule that a judge who has a vested interest in a case must refuse to try the case” (p. 9).

I argue that by the same token, IA officers should refuse to “try” these cases, which should be transferred to civilian bodies, or perhaps mixed civilian-police bodies first, followed by purely civilian, outside committees in the long run. According to a webpage titled “The Constitution and Administrative Justice” (Brynard, 2003) by the University of South Africa, . . .

The obligation to act procedurally fairly Constitutionalises a fundamental principle of justice, namely the pursuit of the rules of natural justice. The significance of the rules for public administration boils down to two principles: the right of an affected person to be granted the opportunity to be heard (*audi alteram partem*); and **the requirement that the deciding authority must be free from bias and unprejudiced (*nemo iudex in sua causa*)**. The establishment of this general obligation for fair administrative procedures to be used implies that justice must be done and be seen to be done (pp. 1-2, emphasis added).

Need I elaborate? It is obvious that freedom from bias and prejudice will only occur if the deciding authority is established in a way that respects the fundamental principle of *nemo iudex in sua causa*. Evidence is overwhelming from many countries of the world and many tribunals of justice. Take the European Court of Human Rights which rendered the following judgment in the summer of 2003:

The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen. Certain . . . personal rights of the citizen are explicitly guaranteed by provisions of the Constitution. In addition, in interpreting and applying Article 40(3)(1) of the Constitution, the Irish courts have identified other “unenumerated” rights protected by virtue of that Article. These include the principle of “constitutional justice” [*inter alia*, **no one should be a judge in their own cause (*nemo iudex in sua causa*)**, anyone who may be adversely affected by a decision should be afforded the opportunity to put their side of the case (*audi alteram partem*) and the right to fair procedures] (p. 6, emphasis added).

Another example comes from the Palestinian Centre for Human Rights (2004):

To stress on the integral role that the security and police services play as law enforcement agencies. The members of such agencies must abide by the law and work within the framework laid down within it. **An authority must be established and operating under the principle of *nemo iudex in causa sua*, to ensure that members of the security services are prosecuted when they break the very law they are supposed to be upholding** (p. 8, emphasis added).

Against this background, which shows the universal nature of the principle of civilization that no one should be a judge in their own case, I do not think it is coincidental that there has been a trend in the United States at least since the late 1990s toward external review of police. A study of departments of 100 or more officers found that 92 communities had a civilian review board. The Office of Independent Police Auditor (IPA) found in San Jose, California, and Tucson, Arizona, are typical in this regard. In Tucson, the Auditor audits the investigation of citizen complaints of misconduct by Tucson police officers. Under the scheme, the Auditor determines whether investigations made by the Tucson Police Department's Office of Professional Standards are complete, thorough, objective, and fair (Leonard & More, 2000, pp. 213-214). By the year 2000, citizen review became more widespread than ever before in the United States. As of early 1998, there were more than 90 citizen review procedures, with almost 80% of the largest cities having some form of citizen review (U.S. Department of Justice, 2001a, p. 4).

It is also crucial that organizations promoting fairness and impartiality in investigating police misconduct (e.g., the National Association for the Civilian Oversight of Law Enforcement [NACOLE]) be encouraged and supported:

NACOLE is a nonprofit organization of civilian oversight practitioners and supporters working to promote fair, firm, and consistent law enforcement in the United States through the practice of civilian oversight.

NACOLE is based on the belief that law enforcement derives its authority from the community and requires a two-way dialog between the community and those charged with the duty to enforce laws.

NACOLE provides training, referrals, information sharing, and technical assistance to the oversight community and to persons and jurisdictions attempting to establish oversight.

We believe citizens owe their law enforcement agencies respectful, competent, and unblinking oversight. NACOLE exists to foster and share expertise, and to develop leadership in the oversight community. NACOLE is the only organization of its kind in the United States. (NACOLE, 2004, p. 1)

I am not really sure whether this trend of increasing citizen review of police is a result of realization that *nemo iudex in causa sua* is a good and important principle, or whether it is a consequence of some other factors. But in any event, this is a trend in the right direction. David H. Bayley (2001) writes in a prestigious publication on democratization of police:

Police should be transparent in their activities. Police activity must be open to observation and regularly reported to outsiders. This requirement applies to information about the behavior of individual officers as well as to the operations of the institution as a whole . . . (as cited in U.S. Department of Justice, 2001, pp. 14-15)

It is clear to me that the excerpt speaks about the IA issue, among others. For how can there be transparency of police under the current IA system? For justice and fairness to be achieved in investigations of police misconduct, external review is a must.

Otherwise, there will always be doubts as to whether these investigations are really fair and impartial. When Frank Serpico appeared before the New York City Council in 1997 during hearings on police practices following the beating of a Haitian immigrant, he urged the council to create an independent monitoring board to investigate allegations of police brutality (Gaines, Kaune, & Miller, 2000, p. 251). I also argue it is not good for society when fundamental injustices occur as a result of using internal police mechanisms to investigate and punish police misconduct. For example, . . .

. . . a 1999 review of disciplinary files found that hundreds of New York City police officers escaped punishment when their cases were summarily dismissed by the police department without ever interviewing victims or witnesses or making any other efforts to examine the strength of the evidence. (Siegel & Senna, 2004, p. 206)

Perhaps one could argue that the problem would not have occurred if existing IA mechanisms had been correct to begin with. But as we have seen, asking police to police themselves is just a very bad idea not only because it makes objectivity and serving justice impossible but also because officers are often reluctant to discipline their peers (Siegel & Senna, 2004, p. 206). And I want to make it clear that by saying that, I am not necessarily siding with citizens against police. I think that injustices of the current model of IA may work both ways: They could certainly hurt citizens, which is the most obvious harm; however, what I am also afraid of is that some IA investigations may hurt the police officers being investigated as well. So what I am arguing for is simply justice, equality, fairness, and due process for everybody involved, both on the citizen side as well as the police side.

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The “Code of Silence” Facilitates Alcohol Misuse by Suburban Police Officers

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Introduction

In her book, *I Love a Cop*, Ellen Kirschman (1997) wrote of one police officer she interviewed who was admittedly dependant on alcohol. The officer had been drinking on and off duty for some time even to the point of being sick at work. The officer’s friends regarded him as a good police officer, and they assumed that the drinking did not affect his work. When the officer’s superiors caught him drinking, however, he became upset with the entire department. The officer recited a long list of injustices that his department put him through as the apparent justification for his alcohol consumption. After the discovery of his drinking, the officer agreed to be treated. He was admitted to a psychiatric hospital for his alcohol problem. He was unaware that having been diagnosed with a “mental disorder” would end his career as a police officer. He lost his job, lost his identity, and he felt betrayed (Kirschman, 1997, p. 159).

Policing is one of the very few careers in which professional life is affected by personal actions outside of the workplace. Take an affliction, which is all too prevalent today in our society: alcohol abuse. The public wants their police to be held to a higher moral standard with good values, so when a police officer is suspected of misuse of alcohol, the reaction is often extreme. The transgression is looked at as a violation of policy or even a criminal act, not as an illness or disease. Many police administrators object to calling alcohol abuse an illness because they believe it absolves the officer from the accountability of the presumed irresponsible or even criminal behavior. That response often requires police officers to look for a safe haven to shield them from unwanted scrutiny or discipline. Police officers protect themselves from unwelcome scrutiny, including the insinuation of the misuse of alcohol, often by resorting to a “code of silence.” The intent of this article is to empirically examine whether the misuse of alcohol by suburban police officers is facilitated by the “code of silence.”

Despite the growing awareness of alcohol abuse and the positive steps made towards treatment, the law enforcement community has not found appropriate ways to deal with the incidence of alcohol abuse among police officers. The problems faced by officers will be reviewed, drawing on literature and interviews by social scientists, scholars, journalists, and police professionals as well as this author. When appropriate, the author will introduce his own observations from his 26 years of experience as a member of a suburban police department.

Whether alcohol abuse among police officers is characteristic or unusual is not the issue in this study. Significantly, the author chose this issue after observing the damage to individuals and their organizations when intoxicated officers are involved in unpublicized or often publicized incidents (e.g., a car accident, brawl), or

domestic dispute). The misuse of alcohol and the attempt to cover that up seems to be associated with this occupation. That response may not only destroy the officer's career but also an inattentive administration's reputation as well.

Nature of the Problem

When police officers are considered as a group, they have some of the highest rates of specific occupational afflictions and problems. Law enforcement officers often are perceived to have higher rates of alcoholism, divorce, suicide, occupational burnout, cynicism, and depression (Kenney & McNamara, 1999). Adding to those troubles is the police officers' unwillingness to reveal or talk to professionals about their problems. This author believes combining problems like alcohol abuse and officers' unwillingness to talk by the use of the "code of silence" can result in shortened careers and even early deaths.

This article is a study of the perceived abuse of alcohol by police officers and the immunity assured to those officers by the "code of silence." The police departments that were examined in this research are typical of the many police agencies in northeastern Illinois. Consequently, they have many of the same problems associated with law enforcement in other regions. This research was prompted by a two part hypothesis:

1. Alcohol abuse is an epidemic in law enforcement communities.
2. Because of a sub-cultural bond within the profession known as the "code of silence," police officers as well as their supervisors allow alcohol abuse to continue.

The research was planned to specifically focus on selected suburban law enforcement agencies. The researcher will examine whether or not the "code of silence" facilitates alcohol misuse among police officers from the selected police agencies.

Alcohol abuse may be one of the most common chemical dependencies and is one of the most studied. Most health professionals rely on the conventional medical definition given by the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders* (4th ed.) or the *DSM-IV* (APA, 1994, p. 196). This manual distinguishes between those drinkers who abuse alcohol and those who are dependent on it. The prevalence of alcohol abuse is high in this country and reportedly even higher among police professionals. According to various sources, there are an estimated 10 million or more adult alcoholics in this country. Definitive numbers of alcoholics are hard to come by due to the secretiveness of the illness (Milam & Kecham, 1983).

It is also a widespread belief that high-stress jobs like police work lead directly to the misuse of alcohol by its professionals. Police officers drink alcohol for a variety of reasons, which could be social or hereditary or just to relieve the stress or boredom of the job. How and when social drinking becomes a problem is a difficult question, and when the alcohol abuse problem begins is unknown. Drinking for stress relief can begin when the officer stops off after work for a few beers with coworkers. Some health professionals maintain that alcoholics are actually alcoholics long before they take the first drink (Gold, 1987). What is known is that when alcoholics start

abusing alcohol, they lose the ability to control their drinking. According to the *DSM-IV*, one of the signs of addiction is continued drinking despite its interfering with occupational, personal, or other responsibilities (APA, 1994, p. 194).

In the area of alcohol abuse, police officers are ineffective in helping out a fellow officer. Police officers often believe that reporting another officer for having a drinking problem would mean the loss of the offending officer's job. Police supervisors hold similar beliefs, and because of this belief, they often fail to take appropriate action. As a group, police officers and their supervisors have often protected officers experiencing alcohol problems and denied the existence of any problem by looking the other way or making excuses (Klockers, Ivkovich, Harver, & Haberfeld, 2000). Such an obvious cover-up, however, does a disservice to addicted officers and enables officers' addiction, thus denying the alcohol abusers the help they need. Furthermore, this concealment may result in someone getting seriously hurt and bringing discredit to the department.

Policing often is considered an exclusive profession. In becoming a police officer, individuals join an elite alliance of men and woman entrusted with the great responsibilities of enforcing the laws. Police officers become a select group within the society at large. This relationship or brotherhood within the group is formed early on when officers are trained to depend on each other. In this intimate group of law enforcement officers, certain bonds also develop, which are almost impossible to break. One bond is the "code of silence." The code is very simple; police don't "rat on" or give information against their fellow officers. Police officers often felt they were victims by the way defense attorneys or the media portrayed their actions. The code was initiated long ago to protect police officers from the perceived injustices directed at them from outside the law enforcement culture. If an officer violates the code, the punishment is straightforward. Often it starts with being ostracized or ridiculed; then sometimes it escalates to segregation, and on occasion it becomes even more ruthless and poses a physical danger to the code breaker. The violator of this code is "out" or "ostracized" and no longer belongs to the police society (Philbin, 1996).

But does that cultural norm among police officers of collective silence do more harm than good when it involves alcohol abuse? Alcoholism is an illness that flourishes in the ranks of law enforcement (Kirschman, 1997). In one study on police officer chemical dependency, nearly 25% of the police officers in the research abused alcohol to some degree (Glossick, 1988). Bringing attention to the troubled officers who need help should be a good idea; however, informing the supervisors on another officer means breaking the "code of silence." Alcohol abuse can go untreated and be harmful when police officers continue to hold to this code.

Is the "code of silence" and "enabling" similar in that they both support the illness? This study examined the conspiracy of silence regarding the use of alcohol while on the job by officers in the law enforcement setting and the willingness of officers to confront a coworker regarding a drinking problem and offer support. This research tested the hypothesis that officers will not inform on other officers who drink on the job or have a drinking problem. Also, the researcher examined the following question: "Would a police officer confront or report an alcoholic coworker if he or she knew there was viable help available for them?" Using survey data collected from a

questionnaire that was distributed to current active police officers and supervisors, the research focused on the use of alcohol and the ethical dilemma facing police.

Literature Review

Written material on the topic of police officers involved in alcohol abuse and the shielding by the code of silence are the main features of this chapter. Because of the distinctive nature of alcoholism and its complications, most of the material is reviewed separately. The first section of the chapter reveals information that describes the general connection between law enforcement officers, their culture, and the misuse of alcohol. Following that is a discussion of the rationale as to why or how officers use alcohol. As a final point, the literature review examines the issue of the “code of silence” with its ability to enable the illness. Some specific examples of the “code of silence’s” harmful effects are given.

The Police Culture

In many ways, the police culture is different from other cultures in mainstream society. The police culture is laden with traditions such as the wearing of uniforms and paramilitary organizational structure. Police officers are also guided by complex rules and regulations that direct their actions unlike other less rigid occupations. In contrast to other working people, many aspiring police officers did not end up in their chosen field by chance. Their choice often involved some very strong motives. One motive could be based on a family tradition in which grandfathers, fathers, or brothers served as sworn police officers. Another motive for joining could have been the quest for action—working in a hazardous and dangerous job. The aspiring police officer might be seeking a thrilling and adventurous position or even the well-intentioned role of catching criminals and serving the community. For whatever the reason, those men and women who go into law enforcement enter a culture to which they are expected to assimilate from the start. Much like soldiers in the military, police officers find it imperative to remain invulnerable to their feelings (Atkinson-Tovar, 2002).

The socialization process, or the learning to be police officers, begins during the officers’ initial training and later with actual field experience through which the new police officers will learn a strong sense of unity with other police officers. From the very first day in the academy, police officers are told that they are special and are far different from the average citizen (Paton & Violanti, 1997). New police officers learn that they are expected to be strong pillars of society, enforcing the law fearlessly. After the academy, the rookie officer works with a veteran training officer who further indoctrinates the new officer into the police culture. These new officers learn that society is chaotic, and as police officers, they are expected to bring order. They learn that outsiders are scrutinizing each decision they make under the complex set of laws required by society. Police officers learn from the beginning not to trust outsiders. By the nature of the job, police officers become clannish, and their way of thinking is aggravated further by the dangerous “us-against-them” mentality. This makes it difficult for them to trust anyone who is not a police officer (O’Malley, 1997).

Law enforcement officers identify very strongly with their chosen profession. Police officers are viewed differently, though, by the community they serve. Police officers

are often respected but occasionally loathed and praised, and they are frequently maligned. Police officers are expected to display a behavior beyond reproach, yet they have flaws just as any person does. For many police officers, drinking is the masculine approach to dealing with their problems (Stone, 1999, p. 183). Society asks police officers to risk their lives for little or no recognition. In spite of that, most police officers assume that they are all professional, competent, and honest. For a police officer to lose his or her job often means losing professional identity. As a group, in order to survive, they feel the necessity to only trust each other. Police officers often feel skepticism of outsiders and feel the "code of silence" is one way to protect them. It is the "don't talk, don't trust, don't feel" attitude that police use to survive. Police officers have fears that are found both on and off the street. Often the fear of losing face is greater than the fear of facing a criminal on the street (Kirschman, 1997, p. 93).

Alcohol Abuse

Alcoholism and alcohol misuse are major substance abuse problems affecting police officers in the United States. To treat any problem, one must first recognize that a problem exists. A recent comprehensive study of law enforcement officers conducted in the United Kingdom examined aspects of those police officers' working environment and their propensity to abuse alcohol. The study involved over 4,000 police officers who were given the Alcohol Use Disorders Identification Test (AUDIT) to determine their risk of alcoholism. The AUDIT screening is a validated tool that was designed to be used as a concisely structured interview or self-survey. It examines general health and lifestyle histories to determine risk of alcohol abuse. Over 30% of the police officers who completed the screening scored in the "at-risk for harmful alcohol consumption" group. Additionally, 3% of those tested were in the category "alcohol dependent" or addicted to alcohol (Davey, Obst, & Sheenan, 2000, p. 5). According to the National Institute on Alcohol Abuse and Alcoholism, one in ten adults in the United States are alcohol abusers (NIAAA, 1996). Those higher numbers indicate that alcoholism is a definite problem among police officers. These findings also suggest that there is a strong propensity of alcohol abuse or misuse among law enforcement officers as well as a cultural acceptance of drinking by these professionals.

The conservative estimates of health professionals indicate that 12 million adults are abusing alcohol, and it is the third leading cause of death in this country (NIAAA, 1996). The abuse among police officers is believed to be approximately double that statistic. It was estimated by one researcher that 25% of police officers employed misuse alcohol (Glossick, 1988). The American culture has accepted the social use of alcohol even when excessive use can impair one's ability to function at home, in social situations, in school, or at work. The police culture has even taken an additional partiality to alcohol usage, often validating the practice based on the reason that policing is a stressful job (Blau, 1994, p. 208). Police officers tend to use the justification of going to "choir practice" as the chance to let off steam in the safe company of coworkers; however, it is well documented that any use of alcohol creates more problems than it solves (Kirschman, 1997).

Alcohol abuse and/or addiction among police officers takes an emotional and physical toll, which cannot always be easily detected. Usually, when it is detected, it is not reported or managed properly. It is well known that the tendency of

anyone with an alcohol problem is to deny the illness. Often, supervisors aid in the denial process by ignoring their subordinate's symptoms or signals. This is a major hindrance to timely mental health services for the officer (Blau, 1994, p. 193). Many times, police administrators grudgingly get involved only after a serious confrontation or infraction brings it to the forefront. More often, the illness is covered up by officers, peers, or supervisors.

Problems with Coping

Stress among officers is a highly complex, subjective feeling of pressure or tension in response to the intensity of policing or a post-traumatic event (APA, 1994, p. 424; Blau, 1994). The person becomes exhausted and is unable to demonstrate the energy or enthusiasm for the demands of the job and family. According to the NIAAA (1996), individuals report that they drink most often in response to stress. As a way of coping, many "stressed-out" police officers have reported turning to the bottle to conceal their stress. That kind of alcohol abuse often leads to loss of temper, lack of motivation, or even corruption. According to studies, stress is not reduced by the presence of alcohol; instead, the stress response rate is increased. Additionally, according to the studies, the most common result of the stress and alcohol use combination is higher divorce rates, suicides, heart disease, and officer burnout (Anshel, 2000).

Police burnout and police stress are not new phenomena. Burnout as well as stress has been studied repeatedly over the last two decades in an attempt to increase employee productivity. "Burnout is not a trivial problem but an important barometer of a major social dysfunction in the workplace. As such, burnout deserves serious attention" (Maslach & Leiter, 1997, p. 21). Burnout in police officers appears as exhaustion, cynicism, and ineffectiveness in their productivity. Law enforcement officers are supposed to be impervious to emotions and tolerant to violence and danger. The police culture views fear, anxiety, or any type of emotion as a weakness. Officers are expected to show little emotion and resist outside help. Police officers do not believe in talking about their problems, as they are to be stoic in their demeanors. Policing is a very demanding profession and is often misunderstood, even by those who work in the profession. The occupational demands of the police officer, shift work, lack of rewards, and the seeming lack of fairness often cause stress and burnout (Blau, 1994, p. 193).

The police officer experiences a continual condition of conflict-inducing stress. Most police officers will use the defense mechanism of denial to bury the emotions inside, so they do not interfere with the job at hand. These repressions of feelings reportedly increase as a person's stress increases. Almost all police officers who abuse alcohol have reported some significant degree of stress (Blau, 1994). The problem of stress and related burnout has in the past been seen as an individual problem and not as an organizational problem. Employees often do not share the negative feelings they are experiencing with others, which then erodes their ability to cope with emotional troubles. The employer often ignores the symptoms until a crisis emerges, and then it is no longer an individual problem. Minimizing stress in the workplace can help prevent alcohol abuse (Violanti, 1999).

The police officer is a service provider who deals with the public in a variety of situations, good and bad. Having frequent contact with the public in this service-

oriented position frequently exposes the officer to stress. Some of the stressful circumstances are extremely traumatic involving death or great personal distress. The police officer has to be prepared to handle any crisis at a moment's notice. That could be why law enforcement has been recognized as one of the most stressful occupations in this country, reporting high levels of divorce, alcoholism, and suicides (Kenney & McNamara, 1999, p. 95). Considering the amount of financial resources devoted to training police officers, it is imperative that the process of identifying stress be understood by police administrators. The inability to cope effectively with stress can result in undesirable outcomes including burnout, alcoholism, depression, and drug abuse (Maslach & Leiter, 1997; Kenney & McNamara, 1999).

One of the most serious consequences of alcoholism is suicide. When a person loses his or her self-worth due to drinking, depression often sinks in and the alcohol takes control. Persons who abuse alcohol frequently get so depressed that they resort to harming themselves. It has been reported that alcoholism is one of the leading physiological and psychological consequences contributing to suicides among law enforcement officers (Kenney & McNamara, 1999, p. 96). The book, *Police and Policing* referred to research conducted in the mid 1980s of the Chicago Police Department. That research established that nearly 60% of the Chicago Police Officers who committed suicide were also suspected alcohol abusers (Kenney & McNamara, 1999). Similar research of the New York City Police Department one year later revealed that of the 11 New York City Police Officers who committed suicide, the majority had alcohol in their blood at the time of their deaths (Bratton, 1994). In many of those incidents, the signs of alcohol abuse were often hidden by the problem drinker. As a consequence, the abuser's denial was a particularly attractive defense, which allowed the abuser's coworkers and supervisors to believe that there was no problem.

The Person or the System?

To deal with alcohol misuse by officers, many agencies have adopted strategies of providing assistance only after the problem is out in the open, which may be too late. Most police agencies focus on treating the person and not the cause. Underlying organizational problems often contribute to the stress experienced by officers. Research has shown that one of the most effective systems of eliminating an alcoholic's denial is through job-related involvement (Finn, 1997). The consequence of job loss is a good motivator to get treatment. From this author's own experiences, it was observed that police officers gain much of their identity and self-worth from their occupation, and threat of job loss might be a good initiative to encourage treatment. A treatment strategy based on early intervention and treatment as well as involvement of the supervisor may be more effective in reducing alcohol abuse.

Police supervisors are always concerned about employee productivity. The supervisor who has a low-producing or even unproductive officer often lacks evidence to a show possible cause. It could be burn out, low job satisfaction, or even a greater problem like drinking. Police do not like to acknowledge a problem within their ranks, and few supervisors are trained to look for the signs of the problem drinker. The discovery of misuse of alcohol by a police officer can have a negative impact on a department. Even though alcohol addiction is regarded as an illness, it is viewed negatively within the law enforcement community. Law enforcement administrators are ill-prepared to identify, let alone deal with, a drinking disorder

in an employee. Police supervisors often look at substance abusers as incapable of achieving a high level of performance on a regular basis (Violanti, 1999). It is almost impossible to find a supervisor who is trained to counsel an employee with a drinking disorder who might come forward to seek assistance. Though a supervisor suspects an employee could be abusing alcohol, most do not know what to do. Research indicates that supervisors remain uncommunicative since they are at a loss as to what correct action would be beneficial for both the officer and the department. The first-line supervisor often feels that it is not his or her role to identify, let alone provide counsel to the officer. An untrained supervisor looks negatively at employees with drinking problems. These employees often become a substantial risk to management and are viewed as those who "frequently steal and commit other corrupt acts," (Schroder, Lombardo, & Strollo, 1995, p. 188).

Code of Silence

Often when the term "code of silence" is heard, it is usually associated with police officers. In recent years, there has been much attention to this term, especially among people close to law enforcement. The code follows the ancient Greek model of "ostracism." The worst punishment for the Greeks was being cut out from the group (Fletcher, 1995, p. 224). Police officers who make enemies are often ignored and treated as if they, too, do not exist. It has been this author's experience as a police officer for 26 years that it would be quite difficult for an officer to properly perform duties when he or she has been cut off from professional and social contact with fellow police officers. "The code still exists. Most definitely. The code comes from the fact that often with police officers, it's us against them" (Fletcher, 1995, p. 225).

When lawyers and the media portray the police community, it is often in a negative manner. The defense attorneys and media try to paint a picture of police officers being out of control and concealing their illegalities. Who has not heard of abusive police officers beating or killing helpless innocent people? The police are frequently seen in situations in which they are videotaped breaking the law or violating citizens' rights as in the famed Rodney King incident. Undeniably, most police officers are good and law abiding, but all too often, they hold to their "code of silence" over doing what is right. The problem is that police often protect each other through silence, as acknowledged in an article printed in the *FBI Law Enforcement Bulletin* on alcohol abuse in policing: "because of the close-knit police culture, officers may feel reluctant to report colleagues for alcohol-related difficulties," (Violanti, 1999, p. 16). The spirit of trustworthiness formed among police officers can cause detrimental consequences as the "code of silence" becomes a powerful tool for protecting serious police dishonesty. Experience has shown that officers who abuse their positions often do not get discovered unless it is by the few officers who breached the code and came forward. Over 30 years ago, New York City police officer Frank Serpico said before the Knapp Commission, "We must create an atmosphere in which the dishonest police officer fears the honest ones" (Trautman, 2002, p. 1). Yet, many officers shy away from reporting misconduct, believing that they have to protect their own at all cost.

Is concealing a disreputable act a transgression or failing to report a rule violation grounds for discipline? One recent report published by the National Institute of Justice (NIJ) (Klockers, Jukovich, Harver, & Haberfeld, 1997) on the topic of police corruption addressed a similar dilemma. The study, titled "The Measurement of

Police Integrity," collected data from an organizational viewpoint on the unspoken codes or "code of silence" against reporting misconduct violations of fellow officers. The analysis was drawn from interviewing hundreds of law enforcement officers of all ranks in law enforcement as to their perception and tolerance for corruption. In addition, the interviewees were measured on their own level of integrity. The police officers questioned rated the seriousness of the violations on a scale after having been given a series of questions involving different scenarios. They were asked to provide their opinions as to what level of discipline matched the violations in the given scenarios. Some of the examples of misconduct ranged from stealing, taking free meals, and drinking on and off duty (Klockers et al., 2000).

Worthy of notice was how the interviewed police officers perceived disciplining alcohol abuse by other officers at and away from the workplace. This writer's attention was drawn to those questions directed at the respondents' tolerance of the varying levels of alcohol abuse by fellow officers. One scenario provided by the interviewers was of a police officer who while on duty, finds another police officer who is off duty in his car, in a ditch, obviously drunk. Instead of reporting the accident, the drunk driver is driven home by the on-duty officer. Clearly, this act is a violation of the laws in most states and most departmental policies. The majority of the respondents to that scenario plainly felt that some discipline was necessary. Nevertheless, 69% of those officers interviewed, in their opinion, did not think it was a serious violation. Twenty-one percent felt that no discipline should follow the incident. The majority of officers said that they would not report an officer who was engaged in a minor accident while driving under the influence of alcohol. From the results of this study, the research confirms the fact that police officers practice the "code" with their tolerance for drinking and driving by fellow police officers (Klockers et al., 2000).

Neal Trautman (2000) provides another example of research into the code of silence practiced by law enforcement officers who conceal improprieties. In a report presented at the 2000 International Association of Chiefs of Police conference, Trautman presented "Police Code of Silence: Facts Revealed." He reported on two unexpected details that revealed how far the code is embedded into policing. First, he reported that nearly half of the police officers he surveyed responded that they would not report misconduct by another officer. In addition, most of the individuals who were pressuring officers from reporting misconduct were the leaders wanting to keep the incident hushed. Trautman emphasizes that one of the most important controls to the code of silence was an administrator, making a genuine commitment to integrity and principle. He warned that if law enforcement administrations do not make a commitment to prevent the code of silence from replacing loyalty, serious corruption may follow (Trautman, 2000, p.1).

The code of silence is not limited to police officers on the street (Amnesty International, 2000). In California, prison guards at the Corcoran Prison shot 31 inmates between 1989 and 1995 for brawls that had broken out. Corcoran Prison is a maximum security facility where the worst inmates of the California penal system are placed. According to the article, it was "time to end code of silence." Over a period of several years, Amnesty International reported, eight guards had staged gladiator-style fights between inmates by setting up rival gang members and then shooting them. The correction officers were subsequently tried and acquitted of the charges. This came about when the prosecution's chief witness, himself a guard,

backed out of testifying by fearing he would be labeled a “rat.” To protect the prisoners, Amnesty International recommended that adequate prevention policies and monitoring were urgently needed: “It is time the Californian authorities put into place measures to deal with the ‘code of silence’ among prison guards to break the circle of connivance in abuse against inmates” (p. 1).

Cracking the “code of silence” is not limited to law enforcement in the United States. During the last few years in Australia, police departments have had to deal with the “code of silence” enabling corruption within its ranks as well. A Police Royal Commission was formed to investigate and weed out corruption in Western Australia (Voyez, 2001). The Commission understood that its first hurdle was to break the “code of silence.” The Royal Commission needed police officers to talk to commission members regarding reported drug trafficking by police officers, especially those in the narcotic units. The Royal Commission felt one method would be to offer amnesty to a number of police officers as one possible way of breaking the “code of silence.” This method did get a few officers to speak up. The Australian law enforcement societies obviously face similar dilemmas with the “code of silence.”

Why do police officers feel that they need to maintain the “code of silence”? Is it to protect them from discipline? Some police officers will say that the “code of silence” really does not exist or that it exists because police officers do not trust their own department’s reviewing process. “The internal policing of law enforcement results in a paradox pertaining to the concept of trust. Can the public trust law enforcement with the power and responsibility granted to the police?” (Smith & Swimm, 2000, p. 1) Law enforcement is unique in that it is entrusted to police itself to weed out the bad officers. But what happens when officers do not trust their own administrative processes or review boards? The “code of silence” becomes a nexus of the trust paradox to self-policing. Good officers will not turn in bad ones. It is essential to have good officers, who are willing to come forward and provide knowledge about incidents or events that they have witnessed. To get officers who witness wrongdoings to come forward, police administrators must demonstrate themselves as being law-abiding, fair, and trustworthy, and must build upon those virtues if the system of internal scrutiny is to work.

Female police officers over the years have had to prove themselves in a profession that was male-dominated. Not only do they have to prove themselves on the streets but in the stationhouses around the country. To fit in, females found that the best method was to be silent and not complain. There were many inequities and mistreatments towards the first female officers. Sexual harassment and teasing by male officers were very common. To survive, female officers found that the “code of silence” was a sure way to get accepted (Fletcher, 1995). At first, it was difficult to take the harassment and say nothing about it, yet many older female officers replay the horror stories of how difficult it was for them to keep that code. As more females proved their abilities on the streets, they earned acceptance by their male peers. As more females moved into the profession, the bond that held female officers silent began to break, especially with issues of sexual harassment. Many female officers still hold to the code with some issues, but the principle of not reporting sexual overtures by male officers does not appear to apply to female police officers anymore. Not reporting does not mean they accept male officers’ conduct!

Police live under an inflexible “code of silence” that often dictates that the officers look out for each other. One female officer summarized her first experience in her new role as a police officer with what she remembers she was told at the beginning of her training on the street by her field training officer (FTO) (Fletcher, 1995):

I can remember my FTO, the first second we got into the car. He sat in the car with me, turns to me before he even puts the car in gear, and he says, “I’m gonna [sic] tell you right now. I don’t like the fact that you’re on the job with me, but I’m stuck with you. If I get into a fight, you get into a fight. If I get hurt, you better be on the gurney next to me. Welcome to the department.” (p. 158)

Personal Interview

One person who resented the term “code of silence” is Gerry Bolger, a retired Chicago Police Officer and alcohol counselor employed at a drug and alcohol treatment center in Chicago. The center he worked at specializes in treating police officers and their families with addiction problems. In his many years working with addiction and police officers, he felt that there was no distinctive “code of silence” with regards to officers abusing alcohol. He believed it was part of the denial process of the disease of alcoholism. “Was there a code of silence in police work?” Bolger commented, “Yes, just like doctors, lawyers, and other professionals. I think the public really overdoes this ‘code of silence’ with cops.” He acknowledged the growing need for treatment programs and does see that alcoholism is a greater problem in law enforcement than society as a whole. He explained that police departments try to handle alcohol-related problems in-house and often “mess it up.” Bolger added, “Most police agencies are not trained, nor have the expertise in dealing with personnel troubles like a problem drinker.” What Bolger offered later had less to do with the “code of silence” when he summed it up with this statement, “When it comes to their own mental health, cops are lousy consumers” (personal communication, September 22, 2002).

Media Reports

The alcoholism crisis within the ranks of law enforcement has not been kept in the closet or treated with minimum publicity. Over the last couple of years, both print and television media have exposed stories of police officers killing innocent people in drunk driving incidents. The police society, which often denies knowledge of the crisis, is brought back into focus when a police officer acting badly or making a misstep gets into the news. In the *New York Times Herald Record*, an editorial reported the case of New York City Police Officer Joseph Gray. Officer Gray was a 15-year patrol veteran on the police department; in 1999, he killed four innocent people when he was driving back to his station house intoxicated after a 12-hour drinking binge. Earlier, according to the reports, Gray, along with a group of fellow officers, walked across the street from the precinct house after work and began the events that would later result in the deaths of four people (Police Must, 2001).

The following passage is a summary printed in the *New York Times-Herald*. Officer Gray’s drinking was well-known among his colleagues, and often he, and his coworkers would violate an NYPD policy that prohibited drinking near the station houses. But the policy was ignored, especially when the participants often were the supervisors themselves. On the day of the tragic event, Gray and several coworkers

were again drinking outside the station house for several hours, until they decided to move to a nightclub that had been placed off limits by the NYPD for its suspected mob ties. Several of the officers, including Gray, continued drinking until just prior to their next shift. Gray, now intoxicated and in full uniform, drove back to the station house for his next shift, lost control of his car, and left the road running down the family. New Yorkers were stunned by the event. After the accident, the Mayor and Police Commissioner disciplined 17 police officers, including several supervisors or command officers who had knowledge or were somehow connected to that event. The tragedy unveiled a problem that has long existed inside the New York City Police Department. Policemen for years have kept quiet about alcohol abuse by coworkers, holding to the code regarding coworkers who obviously need help and had an open drinking problem (Police Must, 2001).

Another example of a news medium exposing law enforcement's attempts to cover up police transgressions is the ABC news program *20/20*, which in March of 2000 aired a feature titled "Fatal Crash Raises Questions." The story, presented by reporter Brian Ross, gave an account of several Federal Bureau of Investigation (FBI) agents who tried to cover up a motor vehicle accident involving one of their agents. Ross's article reported that in November of 1999, two young college students were returning to school after the Thanksgiving break. The students were driving on a Florida interstate when a dark colored vehicle driving the wrong way without its headlights hit the students' car head on. Florida police were unable to explain the events of the accident to the families of the two students. There was a question as to who was at fault in the accident. The police investigating the accident learned that one of the vehicles involved belonged to the FBI. The Florida investigators went to the hospital to speak to the surviving FBI agent, only to learn he was not there. In this part of the segment, Ross raised the question, "did Florida Highway Patrol try to protect the FBI at the expense of the victims?" The Florida police refuted that, claiming that other agents, who were out drinking with their coworker that night, protected him by interfering with the investigation. In an attempt to cover up the incident, other FBI agents hid the driver under an assumed name in a guarded room at the hospital. Those agents did not allow the Florida police to talk to the driver, even after his whereabouts were discovered. The fear of consequences emerged as an important reason for the lack of cooperation by the FBI agents with the highway patrol. These law enforcement officers concealed a crime to protect their coworker from criminal charges, and they felt the need to build a wall of silence around their comrade (Ross & Scott, 2000).

Often police officers are met with the dilemma of not being adequately trained to deal with another police officer who faces trouble. While conducting research, this author came across a question posted on a website, "I stopped another officer drunk, what should I do?" The host of the website was a social worker named Hal Brown who responded to the police officer by writing, . . .

This is so fitting to what is happening today with many police departments when they have to face the issues of police officers driving drunk. What do we do? The answer is not as clear as many may think. The code of silence by officers states, damned if you don't and damned if you do. (Brown, 1998)

Another dilemma could arise when a rookie police officer observes a veteran officer who had been drinking and fails to report him. This is done to avoid confrontation.

“Because the rookie failed to take action when he encounters his first ethical dilemma, he struggled with his first ethical quandary. If the rookie lies, he gains immediate trust and acceptance from fellow police officers. If the rookie tells the truth, he risks alienation” (Schafer, 2002, p. 15). Nobody likes arresting a fellow police officer. With regards to minor traffic matters, police most often look the other way, but with a more serious offense like drunken driving, action is taken only if there is an accident and the police were forced to act. Brown (1998) offers good sound advice, which is to take action; otherwise, the person will continue to abuse alcohol and one day may hurt him- or herself or someone else (p. 2).

Methodology

Although many theories can be applied to the study of the misuse of alcohol in the law enforcement profession, this research looked at the relationship of the “code of silence” and its connection to alcohol abuse in the working environment of suburban police departments. Three police departments were chosen for this study: (1) Elk Grove Village, (2) Mundelein, and (3) Palatine. The three sites represent suburban areas surrounding the city of Chicago, Illinois. These communities are located north and west of Chicago and lie in the counties of Cook, DuPage, and Lake, respectively. At the time of the study, the size of the police departments differed with Elk Grove Village at 91 sworn officers, Mundelein at 54 sworn officers, and Palatine at 110 sworn officers. Also, the resident population of these communities varied according to the U.S. Census for 2000 (Elk Grove Village, 34,727; Mundelein, 30,935; and Palatine, 65,479).

These three sites were chosen for several reasons. The three suburban police departments are all located in the Chicago metropolitan area of northeastern Illinois. These communities are racially and ethnically homogenous, with the majority of each community being Caucasians. Each community’s average household income was similar—nearly \$64,000 according to the 2000 U.S. Census. The three police departments had similar racial and ethnic makeups of mostly white, male police officers. At each department, most officers had some college education with more than half of the officers having degrees. The departments’ makeups regarding gender were similar with approximately 10% of the officers being females. The study group had similar organizational structures with the ranks of patrolman, sergeant, commander, deputy chief, and chief.

The sample population starting with the Mundelein Police Department had 54 full-time sworn officers, with 41 patrolmen and 13 supervisors or administrators. The Elk Grove Village Police Department had 91 full-time sworn police officers; 70 are of the rank of patrolman, and 21 are either supervisors or administrators. Palatine Police Department had a full-time sworn staff of 110 officers, 91 patrolmen and 19 supervisors or administrators. This group of sworn full-time police officers collectively constituted the population for this study.

The subjects of the study were asked for their opinions regarding the “code of silence” and alcohol usage. The instrumentation was an anonymous questionnaire, which was distributed to all full-time sworn police officers from the sample group and was limited to a total of 22 questions, presented in two parts with both fixed alternative and Likert-scale questions. The first portion queried demographic

information; this was followed by the research information concerning the officers' perceptions of the "code of silence" and usage of alcohol.

After receiving approval from the individual departments' police chiefs, the questionnaires were distributed to all subjects, and the confidentiality of all the respondents was assured to them by this researcher. Unless completely confidential, the questions relating to personal use and the observations of coworkers who might be abusing alcohol could prevent the respondents from honestly answering the survey. It was assured that confidentiality was paramount in gathering honest responses. All respondents were requested to return their response either by mail or directly to the researcher within one week of receiving the survey. The respondents were given a plain self-addressed stamped envelope to mail their return response to assure confidentiality.

To test the hypothesis that the "code of silence" facilitates misuse of alcohol by police officers, the researcher found it was necessary to question this select group of law enforcement officers to determine their perception of alcohol abuse among coworkers and their own reported usage. The data was collected in the form of a purposive sampling survey from all sworn full-time officers currently working on those police departments. The respondents were asked a series of questions pertaining to two areas: (1) the respondents were asked demographic information and (2) they were asked a series of questions to determine whether they had personally observed drinking or the effects of intoxication among their coworkers. The respondents were also asked to report their own use of alcohol either on or off duty. The respondents were asked whether they would report a coworker's alcohol abuse to their supervisors, whether they observed the benefits of the "code of silence," and/or whether they would confront the problem drinker.

The questionnaires were distributed along with a cover letter explaining the purpose of the survey. The researcher advised the respondents that the questions and answers would be held in confidence and the purpose was for academic research. To keep the surveys anonymous, the first portion asked for no personal identification, but certain demographic information was collected as to tenure, gender, age, education level, and rank on the job. This was followed by nine questions to examine the differing attitudes towards alcohol and the respondents' own views of other officers' usage. The questions were put into a fixed alternative format to allow the respondents to choose an answer from the printed list on the survey. The responses were a simple "yes," "no," or "I'm not sure," regarding the level of alcohol use by the respondent or coworkers at their police departments. Three questions were provided using the Likert scale to determine the respondents' own level of agreement to a particular statement. The survey simply asked whether the respondent was aware or had seen certain signs of alcohol abuse among coworkers. No specific examples were required. No questions were asked to describe any particular incident in which they observed suspected alcohol problems. The questions were in general terms of their observations of alcohol use within their departments.

The last five questions of the survey were designed to measure the respondent's own personal alcohol use, a self-evaluation of their drinking habits. They also were asked whether they knew of any family members who are burdened with an alcohol problem. Historically, alcoholism is believed to run in families. Looking at one's family history might enlighten respondents to their own drinking habits

and encourage them to question their own usage. Respondents were also asked whether they would seek out professional help if they had a problem with alcohol themselves. Finally, any additional comments were solicited from the respondents that could help with the research.

Data Analysis

The data analysis portion of the study collected information examining the respondents' personal attitudes regarding a series of research questions. The population consisted of 255 officers from three suburban police departments; 155 surveys were returned (60%). All police officers were offered a survey to complete. The questionnaires were in two parts: (1) demographic information and (2) the research questions. The questionnaire presented those officers 22 questions, five questions regarding their professional/career information, and 17 questions regarding the respondents' perception as to the "code of silence" and the usage of alcohol. This sample did have some biases in that not all officers participated who were asked. The non-responses could be for a variety of reasons. The researcher used the respondent population to obtain inferential statistics.

Demography

The characteristics of the officers are summarized in the first series of tables (see Table 1). First, tenure or length of service on the job is shown. The length of time was viewed as important by the researcher to see whether length of service plays a role in the "code of silence." As for years of service, no single group of officers was predominant, so each group was well-represented. The majority of the respondents had 10 or more years on the job (52.4%). The biggest single sample group of police officers had between 11-19 years of work experience (27%). Next, the researcher examined the gender of the group. Most of the respondent officers were male (89%) with females making up 10%. The percentage of respondents by gender was close to the makeup of the entire sampling group (one in ten was female). It was of note that there was only one female supervisor respondent out of the total 38 supervisors. After that, education was compared, and the group reported that 70.5% had a college degree. Twenty-eight percent had some college, and the remaining reported only a high school education. The final demographic shown in this section covered the area of rank. This was whether the respondent was a supervisor or nonsupervisor. The researcher wanted to see whether rank had an effect on the respondents' views concerning alcohol misuse. The majority, 75.6% of the respondents, were line officers or nonsupervisors. Supervisors accounted for 24.4% of the respondents. Out of the total population of supervisors, 71% responded to the survey.

Table 1
Length of Service

Length of Service	Frequency	Percent	Cumulative Percent
5 years or less	37	23.8	23.8
6-10 years	37	23.8	47.6
11-19 years	42	27.0	74.6
20 years and over	39	25.4	100.0
No response	0	0.0	
Total	155	100.0	100.0

Gender

Gender	Frequency	Percent	Cumulative Percent
Males	138	89.0	89.0
Females	16	10.3	99.3
No response	1	0.7	
Total	155	100.0	100.0

Level of Education

Education	Frequency	Percent	Cumulative Percent
High School or GED	2	1.2	1.2
Some College	44	28.3	29.5
Degree (BA or BS)	95	61.3	90.8
Grad. or Prof. Degree	14	9.2	100.0
No response	0	0.0	
Total	155	100.0	100.0

Rank in Police Department

Rank	Frequency	Percent	Cumulative Percent
Nonsupervisor	117	75.6	75.6
Supervisors	38	24.4	100.0
No response	0	0.0	
Total	155	100.0	100.0

The second portion of the study will focus on the questions that the researcher examined having relevance to the area of the “code of silence” and alcohol use. The sample population of law enforcement personnel was queried as to their opinions and actions and will be examined in the next portion.

Research Questions

The first research question involved the observance of alcohol use among police officers while on duty. The question presented was, “Have you ever been aware of any coworker drinking alcohol while on duty?” Nineteen-percent of those who

responded reported that they had been aware of a coworker drinking on duty; 20% of those were supervisors. The second and third questions concerned the respondents observing symptoms of intoxication by a coworker and whether they would confront that officer. Thirty-three percent of those officers who responded reported seeing symptoms of alcohol misuse by a coworker while 78% of those surveyed indicated that if they were aware of a coworker showing symptoms of intoxication, they would confront the individual with their concerns.

The fourth question posed was as follows: “If you were aware of a coworker showing symptoms of intoxication or drinking on duty, would you report this coworker to your superiors?” To determine how police officers view reporting alcohol abuse in the workplace, the researcher directed the question to the respondents. The research question concerned the officers’ support of reporting signs of alcohol impairment. This question indirectly validates that the “code of silence” exists through nonreporting of inappropriate actions. The researcher was looking for the opinions of these professionals regarding their willingness to report alcohol misuse by coworkers to their superiors. The largest response with 53% was that most of the police officers would report their suspicions of coworkers to their superiors. The largest segment in favor of reporting were supervisors (92%) who felt that reporting was an appropriate action. Fifty-eight percent of all nonsupervisors who responded indicated that they would not disclose to a superior the coworker’s symptoms. The researcher also noted that two-thirds of the nonsupervisors with 10 years or more on the force indicated that they would not report their observance of symptoms to their superior. Table 2 below illustrates the breakdown of the respondents’ answers to Question 4 of the research portion of the survey.

Table 2
Question 4: If you were aware of a coworker showing symptoms of intoxication or drinking while on duty, would you report this coworker to your superior?

Nonsupervisor	Yes	No	No Response	Percent
5 years or less	19	17	1	23.8
6-10 years	12	16	0	18.4
11-19 years	9	17	1	16.9
20 years and over	8	17	0	16.1
Supervisor				
5 years or less	0	0	0	0
6-10 years	3	2	0	3.4
11-19 years	13	0	0	8.4
20 years and over	19	1	0	13.0
Total percent	53.5%	46.3%	1.2%	100.0

The next series of research questions (5-9) concerned the respondents’ opinions or observations of the consumption of alcohol by coworkers. These questions are based on personal opinions; they asked the individual respondent whether he or she observed or had knowledge of a coworker’s drinking behavior. The researcher

presented the question to the respondents as follows: "Do you know of a coworker who consumes too much alcohol whether on or off duty?" To this question, 71% answered that they know of a coworker who consumes too much alcohol. An important observation could be derived from Question 7. When asked whether respondents had seen the performance decline of a coworker from the perceived effects of alcohol, 51% of all officers said "yes." The number of supervisors that reported seeing the decline was 25 or 65%. Thirty-four percent or 13 supervisors did not see any effects.

Table 3

Question 7: Have you witnessed a coworker's performance decline at any time due to the perceived effects of alcohol use?

Rank	Yes	No	No Response	Frequency
Nonsupervisor	55	61	1	117
Supervisor	25	13	0	38
Total	80	74	1	155
Percent	52%	47%	<1%	

The last research question was again a question of policy. It asked whether respondents supported their agency or department policy opposing the ownership of bars by law enforcement officers. There has been a long history of opposition to cops owning bars by administrations, and the researcher asked the question to see whether the rank-and-file supported the rule. For this question, the researcher was looking for the level of agreement of other police officers towards a policy against owning a bar (the range was *definitely not* or *definitely yes* agrees with the policy). The question posed to them was, "Do you agree with your department policy against the ownership of a bar by a police officer?" This final question had the highest percentage of respondents agreeing to one variable, and that was 88% in favor of the rule against police officers owning bars. Less than 2% of the respondents disagreed with a policy or rule prohibiting it.

Table 4

The department's rules and regulations place an emphasis on punishing policy violators.

Level of Agreement	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly agree	23	14.8	14.8	14.8
Agree	80	51.7	51.7	66.5
Undecided	16	10.4	10.4	76.9
Disagree	23	14.8	14.8	91.7
Strongly disagree	10	6.4	6.4	98.1
No response	3	1.9	1.9	
Total	155	100.0	100.0	100.0

Table 5**Question 10: The police department does enough to discourage abuse among its officers.**

Level of Agreement	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly agree	4	2.6	2.6	2.6
Agree	38	24.6	24.6	27.2
Undecided	36	23.2	23.2	50.4
Disagree	56	36.2	36.2	86.6
Strongly disagree	19	12.2	12.2	98.8
No response	2	1.2	1.2	
Total	155	100.0	100.0	100.0

Table 6**Question 11: The “Code of Silence” benefits police officers.**

Level of Agreement	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly agree	11	7.1	7.1	7.1
Agree	48	30.9	30.9	38.0
Undecided	42	27.1	27.1	65.1
Disagree	39	25.2	25.2	90.3
Strongly disagree	12	7.8	7.8	98.1
No response	3	1.9	1.9	
Total	155	100.0	100.0	100.0

Conclusion

The results of the survey reported in the exhibits show that the police officers questioned report an intolerance to the misuse of alcohol but an apparent willingness to look the other way when it involves their coworkers.

The validity of the survey response centers on the honesty of the respondent officers. From the data collected and examination of the outcome, a much larger examination, which involves dispensing more detailed questions to a larger segment of the police community, would be recommended. The results show that moral and ethical practices need to be examined more closely. Likewise, public pressure and current attitudes must change to improve the willingness of police officers to set a higher bar morally and ethically. The researcher suggests that further studies be made in this area if law enforcement wants to find the moral and ethical high ground for its members.

Equally important is that such measurements have a direct implication for practical police administrators. If an officer knows that such conduct violates policy and that there is help rather than punishment for the alcohol abusers, the officer would more likely communicate this information to his or her administrators.

Epilogue

This survey did not test or measure the extent of alcohol misuse within the police departments tested but examined the culture in which the code of silence harms officers with problems. The survey was not intended to find fault or blame to the problem. The survey findings do point out that tolerance to alcohol misuse does exist even by those who are sworn to enforce the laws.

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Internal Affairs: An Investigation

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In the mid-1980s, I was working as a patrol supervisor for the public safety department of a major university located in a large West Coast metropolis. This university is surrounded by an area with lots of crime, and even though it is a private university, it is protected by a staff of public safety professionals who have arrest powers and carry firearms.

One morning in late October, I was called directly into the office of the captain, who was second-in-command of the department and quickly informed of my new, temporary assignment. This assignment was to conduct an internal investigation of an officer accused of falsifying a report—a serious offense, which could end the law enforcement career of the officer, who I will call Mike Johnson*. Mike was not only a friend, he was also my first training officer who “broke me in” when I joined the department 7 years previously.

Being a 10-year veteran of the sheriff’s department and having about the same amount of time with the university, Mike was a competent and experienced career law enforcement officer, having survived at least one officer-involved shooting incident in his career. Mike was African American, and if he felt his rights were being infringed upon, Mike would voice his displeasure—and righteously so. Thus, Mike was not a favorite of administration. On the face of it, it appeared that Mike falsified his report, scrawled the victim’s signature on the bottom, and later submitted false testimony to cover up his report.

In my opinion, administration may have had two reasons for choosing to involve me: (1) I have a reputation for digging towards the truth or (2) they wanted to use me as their “hatchet-man” for getting rid of the proverbial burr under their saddle. While I suspected the former, I feared the latter.

My “marching orders” were to take as much time as I needed to get to the bottom of things. This included being reassigned from my patrol duties and unlimited overtime; however, I needed to reach a conclusion very quickly due to the sensitive nature of the matter. Thus, I began one of the most convoluted, yet rewarding, investigations in my 27-year law enforcement career—an investigation that I did not need or want. I knew from the beginning that it would be sensitive, partially due to the fact that it involved a white victim and a black officer, let alone the fact that the accused was a friend. Life is stressful enough without this being dumped in my lap.

Facts

This incident started in a routine fashion—the reporting of a series of obscene telephone calls, with a named suspect, who the victim claimed to have met on one previous occasion. The victim reported that the calls occurred on October 3. That same day, she called the department to report the incident, and Mike Johnson was

* All names in this article have been changed to protect privacy.

assigned to take the report. With Mike's 20-plus years of experience, he wrote a complete report, recording dates and times, along with the suspect's name.

Being that this was a misdemeanor, we had two options:

1. To handle the incident in-house through the university's student judicial process
2. To treat it as a criminal matter with a request for a criminal complaint to be filed with the city attorney's office

Adrienne, the victim in this matter, related that she was severely traumatized by the incident and definitely wanted something done about the suspect making the telephone calls. Adrienne, however, did not desire criminal prosecution. Later, her father would step in demanding prosecution; however, Adrienne never followed up on this. She also requested that the telephone company place a "trap" on her telephone so incoming calls could be identified; however, she never followed up on this, either.

The case was referred to a judicial hearing, partially due to the fact that the accused (Irwin) denied all of the charges. He brought documentation, a letter from his instructor stating that he was attending class at the time the obscene telephone calls were allegedly made.

Adrienne stood up at the hearing, proclaiming that the calls actually took place on September 30, 3 days earlier and accused Officer Johnson of falsifying the report. She was adamant that everything on the second page of Officer Johnson's report was false, and she denied that the signature at the bottom of the report was hers.

University officials were very concerned that one of their own officers would knowingly file a false report and later offer false testimony; thus, an internal investigation was generated.

The Investigation

I started out by separately interviewing the victim and her roommate, Megan. With their consent, I tape-recorded their statements, and as part of the process, I had each person handwrite a statement and sign it. I also photocopied both their student identification cards and driver's licenses. This helped me to "lock-in" their statements and gave me a handwriting sample as well as multiple signature exemplars on both the victim and her roommate.

I obtained a copy of the tape made at the hearing. Adrienne and Megan, both during the interviews and in their testimony, were adamant that the calls occurred 3 days earlier than what was reflected on Officer Johnson's report and accused him of altering the report. Adrienne related that she was still extremely traumatized by the incident and was seeking psychological counseling by telephone from her therapist in her home city. She also admitted that she had been under the care of this therapist for some time previously.

Both girls' statements were similar, almost as if they were rehearsed. I was also beginning to see some discrepancies; however, this is circumstantial evidence—something I would find a lot of in this case. I was not able to shake their contention that the calls were made 3 days earlier than what was originally reported.

Unfortunately, the signature scrawled on the report did not match the signature samples that I obtained, giving credence to the claim that the victim never signed the report. This did not look good for Mike as the handwriting looked similar to Mike's writing style. The department's report forms required a signature by the complaining person, which at times officers would forget to obtain and "fake it." Unfortunately, this was beginning to look like the case—which could well terminate Mike's career.

I took the handwriting exemplars to a handwriting expert at an outside agency. Unfortunately, neither he nor I could make a determination that the signature on the report was made by Adrienne. In my interview of Johnson, he remembered that when Adrienne signed the report, his clip-board was resting on the edge of the arm of a couch, which wobbled. This could account for the signature discrepancy—again circumstantial evidence.

I interviewed Irwin, the named suspect in this case. Like the other involved individuals, Irwin was a freshman. Understandably, he was also extremely upset, to the point that his mother flew out from the East Coast to try and make sense of what was going on.

Irwin, considered somewhat of a "geek" by his suitemates, revealed that he had ongoing problems with two of the three residents of his dormitory suite, a fact that was confirmed by the building's residence advisor. I also learned that Larry, one of the suitemates, had equipment tapped into the telephone lines, which could record conversations made on both telephones in their suite. This fact was confirmed when I interviewed the resident advisor, who told Larry to cease and desist tapping the telephone lines and personally supervised the removal of the equipment.

Irwin also related that Adrienne approached him in hopes of an introduction to his roommate, George, who was the son of a well-known celebrity. Contrary to Adrienne's contention that she met Irwin on one previous occasion, she socialized with him on several occasions, would constantly telephone him in hopes of being connected to George, and left at least one note on his suite door.

Irwin's burning goal in life was to eventually become a doctor, and any accusations of sexual misconduct would end his career before it started—facts he related to his father in a telephone conversation from his dormitory phone prior to the hearing. When Irwin's father asked whether he made the obscene telephone calls, Irwin answered that he didn't, and he had a letter from his instructor stating he was in class when the alleged telephone calls to Adrienne took place.

Investigation revealed that according to the admission's office, five unauthorized copies of Irwin's class schedule had been printed. Roommate #3, Joshua, worked in the admissions office and had access to the computer system. He later admitted to accessing Irwin's class schedule.

Tying Everything Together

I was able to confirm that Adrienne, the “victim” in this case, had a history of psychological problems and admitted to past therapy. Adrienne became infatuated with George, the celebrity’s son, and befriended his roommate, Irwin, in order to get an introduction. George wasn’t interested in Adrienne; perhaps he suspected that she had some psychological issues. Adrienne’s written account along with other written material she gave me showed strong indications that this was not a sheltered and innocent 18-year-old but an individual with some vivid fantasies.

When Adrienne’s efforts didn’t work, she conspired with the other two suitemates to “get” Irwin. She filed a false police report naming Irwin as the obscene telephone caller, failing to realize that Officer Johnson was a professional and not some minimum-wage security guard; he took a detailed report. I believe Larry accessed the telephone call between Irwin and his father, learning what Irwin’s defense to the charges was. When it looked as if their scheme was beginning to unravel, the conspirators then had Joshua access Irwin’s class schedule to find a time slot when Irwin was not attending class and when Adrienne would be at her dormitory. Thus, Irwin would not be able to supply an alibi. Adrienne then falsely testified at the hearing to cover up the incident—at the expense of Mike Johnson’s career.

By this time, I had plenty of circumstantial evidence; however, I needed hard evidence. As a matter of routine, incoming telephone calls to most law enforcement agencies are recorded, and this particular agency was no exception.

The true facts of the incident came to light in Adrienne’s telephone call to the dispatcher to report the incident on October 3. During the call, Adrienne was adamant that the calls came in on that date, with no mention of any calls being made 3 days earlier on September 30.

Conclusion

Often in law enforcement, things are not always as they initially appear as exemplified by this case. As much as I would have liked to see the conspirators held to answer for their crimes (filing a false police report, conspiracy, wiretapping, and illegal computer access, and violation of federal statutes concerning unauthorized access of student information), to my knowledge, no criminal action came of it. It is unknown what, if any university sanctions were made. At minimum, Joshua should have been terminated from the admissions office for accessing the computer without permission. Unfortunately, private universities often protect their own.

Irwin went on to graduate and head towards his career goal. George’s name appears from time-to-time in *People* magazine and similar publications. The last time I visited my old department, about a year ago, Mike Johnson was still working day watch patrolling the mean streets in and around the university. He probably still is if he hasn’t since retired to go fishing.

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The Ethical Orientations of State Police Officers: A 3-Year Longitudinal Study

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There is significant literature in criminal justice focusing on teaching criminal justice students and criminal justice personnel to analyze professional ethical dilemmas ostensibly with the goal of improving ethical decisionmaking. There are two general approaches to ethics education and training:

1. Applying a code of professional conduct to dilemmas
2. Developing an analytical framework and applying that framework to ethical dilemmas

The first approach is frequently used for basic and in-service training of criminal justice personnel. Like most professions, the various components of the criminal justice system have established ethical standards to guide professional ethical decisions. These ethical standards become the guide used in training to resolve hypothetical ethical dilemmas. Souryal (1992) suggests that these codes provide ethical guidelines and define professional behavior. They serve as guidelines of ethical conduct. Delattre (1996) suggests that while police officials may find these guidelines useful, they do not motivate people to behave well. In making good ethical decisions, “they assist only people who already want to do so” (Delattre, 1996, p. 33). Sherman (1982) found that there is, in fact, a significant difference between ideal ethical standards and actual police practice.

The second approach is more exhaustive. In this approach, students are presented with various theories of ethics. An ethical analytical framework for analysis is developed and then applied to hypothetical ethical dilemmas. This approach is used generally in teaching ethics (Harris, 1997; Holmes, 1998; Velasquez & Rostankowski, 1985), specifically, in higher education (Braswell, McCarthy, & McCarthy, 1996; Pollock, 1998; Souryal, 1992; Whitbeck, 1997).

Frequently, these two approaches are combined. There is, however, only limited devotion given to understanding personal ethical orientations and their impact on decisionmaking. Authors in other helping professions have cautioned that those who strive to be competent in the helping professions must also be aware of how their personal feeling and values influence their professional ethical decisionmaking (Corey, Corey, & Callanan, 1993; Kitchener, 1986).

Statement of the Problem

There is limited empirical research addressing the personal ethical orientation of criminal justice personnel. Byers and Powers (1997) studied the personal ethical orientations of undergraduate criminal justice students. According to Byers and Powers, it is not only important for criminal justice students to have a theoretical knowledge of ethical orientations but a personally practical one as well. They suggest “an understanding of students’ ethical orientations will help develop instructional strategies that are most likely to be effective” (p. 276). Catlin and Maupin (2002) studied the ethical orientations of a state police recruit class and compared that class to a group of state police officers with one year of experience. That study found that there was a statistically significant difference in ethical orientations between the two groups. This research further investigates the ethical orientations of state police officers by analyzing a single cohort of officers over 3 years.

The article begins with a theoretical discussion of ethical orientations, followed by a review of the ethical orientation measurement tool used in this research project. The results of the application of the measurement tool to the cohort are presented. The article concludes with a discussion of the implications of the results of this analysis.

Personal Ethical Orientations: A Theoretical Framework

Scales Measuring Ethical Orientation

Historically, there have been two major problems confronting researchers in conducting empirical research to identify personal ethical orientations: (1) identifying a theoretical framework based on accepted ethical philosophies and (2) operationalizing that theoretical framework. In an attempt to address these problems, Forsyth and Schlenker proposed that the current major schools of ethical thought could be most parsimoniously defined in terms of two major scales. The first scale draws on the two ethical philosophies of ethical absolutism and ethical relativism. The second scale focuses on ethical idealism (Forsyth, 1980; Schlenker & Forsyth, 1977).

The first scale is based on the proposition that in making ethical judgments, some people draw on universal ethical rules while others reject ethical absolutes. Ethical absolutism suggests that “objective standards of moral truth exist independently of us” (Harris, 1997, p. 103) and that there “exists an eternal and unchanging moral code that transcends the physical world and is the same for all people at all times and places” (Holmes, 1998, p. 165). Ethical relativism, on the other hand, holds that there is no such thing as universal ethical truths and that ethical dimensions of right and wrong vary from person to person and culture to culture (Holmes, 1998; Pollock, 1998; Rachels, 1999).

The second scale focuses on idealism in ethical judgment. At one extreme, ethical idealists assume that “right” action will result in desirable consequences. Those who are less idealistic believe that “right” action does not always result in desirable consequences (Forsyth, 1980).

To operationalize this theoretical framework, Forsyth (1980) conducted research to develop a valid, reliable, and easily administered instrument to determine personal ethical orientations of individuals. His goal was to develop and validate an Ethical Position Questionnaire (EPQ) that would facilitate the classification of individuals according to ethical orientation (Forsyth, 1980, p. 177). He proposed that ethical judgments can be categorized into two major dimensions: (1) ethical idealism and (2) ethical relativism. The resulting taxonomy of ethical orientations is presented in Table 1.

Table 1
Taxonomy of Ethical Orientations

	High Relativism	Low Relativism
High Idealism	<i>Situationist</i> Rejects ethical absolutes; advocates individualistic analysis of each act in each situation; relativistic	<i>Absolutist</i> Assumes that the best possible outcome can always be achieved by following universal ethical rules; absolutist
Low Idealism	<i>Subjectivist</i> Appraisals are based on personal values and perspective rather than universal ethical principles; ethical egoism	<i>Exceptionist</i> Ethical absolutes guide judgments but pragmatically open to exceptions to these standards; utilitarian

Forsyth’s (1980) work resulted in the development of the EPQ consisting of 20 statements. Ten of the statements concern idealism, and ten concern relativism. A Likert-type response scale consisting of nine points from “completely disagree” to “completely agree” is used for each item. Individuals are classified as to ethical orientation by calculating their mean scores on the relativism items and the mean scores on the idealism items. Tests of concurrent and discriminant validity as well as predictive validity were conducted.

Subsequent to its development, the EPQ has been used and validated in ethics research among numerous professional disciplines. Studies have been conducted in education (Deering, 1998), medicine (Furham & Olfstein, 1997; Ganzini, Fenn, Lee, Heintz, & Bloom, 1996), business and management (Bass, Barnett, & Brown, 1999), criminal justice education (Byers & Powers, 1997; Catlin & Maupin, 2002), advertising (Treise, Weigold, Conna, & Garrison, 1994), market research (Vitell, Lumpkin, & Rawwas, 1991), and animal research (Wuensch & Poteat, 1998).

Categories of Ethical Orientation

Situationists and Subjectivists

Situationists and subjectivists are high on the relativism scale. These individuals “reject the possibility of formulating or relying on universal moral rules when drawing conclusions about moral questions” (Forsyth, 1980, p.175). Relativism belongs to the school of philosophy known as skepticism. A skeptic uses the argument that “there is no morality as such, only differing practices in different cultures” (Solomon, 1992, p. 440).

Situationists, while high on the relativism scale, also are high on the idealism scale. The situationist “distrusts absolute moral principles and argues instead that each situation must be examined individually” (Forsyth, 1980, p. 176). Ethical ideals are, however, applied in judging each situation. The situationists hold that love, or agape, is intrinsically good. Agape is a higher love that acknowledges all people are part of God’s creation and should be treated as such (Fletcher, 1966). The situationist would ask, “what in this concrete situation would be the most loving act?” (Holmes, 1998, p. 198).

The subjectivist is high on the relativism scale and low on the idealism scale. The subjectivist is very closely associated with the school of ethical thought known as ethical egoism. Rachels (1999) suggests that “according to ethical egoism, there is only one ultimate principle of conduct, the principle of self-interest, and this principle sums up all of one’s natural duties and obligations” (p. 84).

Absolutists and Exceptionists

For Forsyth (1980), absolutists and exceptionists are low on the relativism scale. While the sources of ethical rules are different, these rules influence their actions. To fully understand the two categories (absolutists and exceptionists), it is necessary to discuss two systems of ethical philosophy: (1) non-consequentialism (deontological) and (2) consequentialism (teleological). Ethical absolutism is associated with a deontological system of ethics. Deontological systems of ethics are concerned only with whether or not the act is “right.” If the act is right, it is ethical regardless of the ultimate consequences of the act; therefore, whether the outcome is good or bad is inconsequential (Holmes, 1998; Pollock, 1998). Ethical absolutism is non-consequential (deontological). Ethical absolutists believe that there are universal unchanging ethical rules and that persons should obey these rules, regardless of the consequences (Harris, 1997).

Forsyth’s (1980) category of exceptionist is consistent with a teleological ethical system. Teleology refers to ethical systems that focus on the outcome of the ethical decision or the consequence. In this case, if the outcome or consequence is good, then the act was ethical (Harris, 1997). Forsyth (1980) suggests that “one is bound to act in a way that produces ‘good’ consequences” (p. 177). This orientation is closely associated with utilitarian ethics, which suggest that one should act in ways that maximize the good for all people. According to Holmes (1998), “the utilitarian (as teleologist) insists the only thing relevant to moral decisionmaking is the value of the consequences . . .” (p. 135).

This distinction between consequential and inconsequential systems of ethics has specific implications for those who practice in the criminal justice system. It can be argued that the United States Constitution, especially the Bill of Rights, contains guarantees such as “due process” that are essentially inconsequential in nature. Due process is not ultimately concerned with the desirability of the outcome in an individual case but rather the rightness of the process. Using this analysis, the police officer who is an ethical absolutist might see protecting individual rights as his or her duty regardless of the potential consequence of possibly seeing a guilty person set free. A police officer who is an ethical relativist (exceptionist) would judge the act of violating rights by whether or not society was protected. Police are in a very precarious position when the formal rules of conduct are in conflict with what the public in general sees as valuable outcomes of police action.

Method

Four separate measures of one cohort of state police officers at four separate points in time are analyzed. The first time point is the New Recruit training academy (N = 146).

Following the New Recruit training academy, this cohort participated in an in-service academy each year for the following 3 years. The remaining time points are for the One-Year training academy (N = 101), Two-Year training academy (N = 110), and Three-Year training academy (N = 86). The primary goal of the analysis is to identify and explain differences in ethical orientation across the four time points represented by these successive training academies.

All members of the cohort at each successive training academy completed the EPQ developed by Forsyth (1980) and used successfully in subsequent studies (Bass, Barnett, & Brown, 1999; Byers & Powers, 1997; Catlin & Maupin, 2002; Deering, 1998; Furham & Olfstein, 1997; (Ganzini et al., 1996; Treise et al., 1994; Vitell, Lumpkin, & Rawwas, 1991; Wuensch & Poteat, 1998).

Table 2 displays the characteristics of the cohort at each training academy. The number of individuals who participated in the study decreased by 45 between the New Recruit and One-Year training academy. Nineteen officers left the department resulting in 127 officers serving on the department at the time of the One-Year academy, an attrition rate of 13%. Of the 127 officers, 26 were unable to attend the academy. Attendance at the Two-Year academy and those participating in the study increased to 110. This represented all of the officers who were still serving. The Three-Year academy saw an additional decline of those serving (N = 86). Over the 3 years, the actual attrition rate for the number of officers serving in this cohort was 41%.

Table 2
Characteristics of Cohort Subgroups

	New Recruits	One-Year Trainees	Two-Year Trainees	Three-Year Trainees
Number Serving	146	127	110	86
Number Participating	146	101	110	86
Average Age	26.21	26.93	27.59	27.72
Males	141	97	103	82
Females	5	4	7	4
Anglos	133	94	102	83
African-Americans	6	3	4	1
Hispanics	6	3	3	1
Other Ethnicity	1	1	1	1
High School Graduate	6	3	3	7
Some College	77	50	49	38
Bachelor's Degree	63	48	58	41

The EPQ was divided into two parts that individually measure the primary ethical dimensions of idealism and relativism. Table 3 displays the mean and median scores for the idealism scale and relativism scale constructed from the EPQ. The idealism mean decreased, and the relativism mean increased. The largest difference occurs between the New Recruit and One-Year training and remains relatively stable for the next two training academies.

Table 3
Comparison of Idealism and Relativism Scores

	New Recruits	One-Year Trainees	Two-Year Trainees	Three-Year Trainees
Idealism Mean	67.27	60.08	59.11	60.51
Idealism Median	69.00	62.00	60.00	61.00
Relativism Mean	47.02	52.79	53.55	52.75
Relativism Median	50.00	53.00	55.00	53.00

Based upon the work of others using the EPQ (Bass, Barnett, & Brown, 1999; Byers & Powers, 1997; Catlin & Maupin, 2002; Deering, 1998; Forsyth, 1980; Furham & Olfstein, 1997; Ganzini et al., 1996; Treise et al., 1994; Vitell et al., 1991; Wuensch & Poteat, 1998), the respondents were placed in one of the four ethical orientation categories previously described. The actual as opposed to theoretical midpoint of the Likert response options was used to delineate the four ethical orientation categories. Table 4 displays the distribution of the respondents across the four ethical orientation categories (Chi-Square = 37.29; $p \leq 0.01$).

Table 4
Distribution Across Four Ethical Categories

Category	New Recruits	One-Year Trainees	Two-Year Trainees	Three-Year Trainees
Situationists	54 (37.0%)	40 (39.6%)	30 (27.3%)	25 (29.4%)
Absolutists	38 (26.0%)	10 (9.9%)	28 (25.5%)	22 (25.9%)
Subjectivists	21 (14.4%)	33 (32.7%)	31 (28.2%)	18 (21.2%)
Exceptionists	33 (22.6%)	18 (17.8%)	21 (19.1%)	20 (23.5%)

The Situationist category shows a steady downward trend in raw score, but there is a slight increase in the percentage within this category between the Two-Year and Three-Year academies. The Absolutist category shows a dramatic decline between the New Recruit and One-Year academies, an increase between the One-Year and Two-Year academies, and a decline between the Two-Year and Three-Year academies; although, the percentage distribution is stable. The Subjectivist category shows an increase between the New Recruit and One-Year academies; stability between the One-Year and Two-Year trainings, although the percentage distribution declines slightly; and a decline between the Two-Year and Three-Year academies. The Exceptionist category shows a dramatic decline between the New Recruit and One-Year academies, an increase between the One-Year and Two-Year academies, and an additional increase between the Two-Year and Three-Year academies. By the end of the third year, the percentage distribution for the Exceptionist category is very close to the New Recruit academy level.

Table 5 displays the results of a dummy variable regression analysis. This analysis displays information very similar to that in Table 3 except the statistical significance of the differences in the average idealism and relativism scores is assessed. Idealism scores for the One-Year through Three-Year trainings declined, and all of the individual mean idealism scores are less than the mean score for the New Recruit academy. The differences between the mean score of the One-Year through Three-Year academies and the New Recruit academy, measured individually, are statistically significant at the 0.01 level of confidence. The differences in the idealism scores across the One-Year through Three-Year academies are not statistically significant. This means that the mean idealism scores are relatively stable after the One-Year academy.

Relativism scores for the One-Year through Three-Year trainings increased, and all of the individual mean relativism scores of these academies are greater than the mean score for the New Recruit academy. The differences between the mean score of the One-Year through Three-Year academies and the New Recruit academy, measured individually, are statistically significant at 0.01 level of confidence. The differences between the mean relativism scores across the One-Year through Three-Year academies are not statistically significant. This means that the mean relativism scores are relatively stable after the One-Year academy.

The R^2 for the idealism score analysis reveals that one year of training explains approximately 7% of the variation in mean idealism score. The R^2 for the relativism score analysis indicates that one year of training explains approximately 5% of the variation in mean relativism score. The F statistic reveals that the regression models

provide a statistically significant explanation of variation for both the idealism and relativism scores.

Table 5
Comparing Idealism and Relativism Scores

Regression Coefficients	Idealism	Relativism
New Recruits	67.274*	47.021*
(Std. Er.)	(1.082)	(1.075)
One-Year Trainees	-7.195*	5.772*
(Std. Er.)	(1.692)	(1.680)
Two-Year Trainees	-8.165*	6.534*
(Std. Er.)	(1.650)	(1.639)
Three-Year Trainees	-6.768*	5.732*
(Std. Er.)	(1.783)	(1.771)
R ²	0.069	0.047
F	7.145*	10.740*

*p ≤ 0.01

Discussion

This research suggests that something is occurring within this state police organization with respect to the distribution of officers across the four ethical positions. There are statistically significant trends in the idealism and relativism scores from the New Recruit academy through the Year-Three academy with the greatest change occurring between the New Recruit academy and year one. The trends are lower idealism scores and higher relativism scores. The shift seems to be most apparent between the New Recruit academy experience and the first year on the job. It then levels out and does not change in a statistically significant manner.

Table 6 presents a comparison of the percentage distribution across the four ethical categories for the New Recruit and the Three-Year academy. This provides a visual representation of the shifts in idealism and relativism over the study time period. The most dramatic change in distribution is in the Situationist and Subjectivist positions. There is a reduction in the Situationist position from 37% to 29.4% and an increase in the Subjectivist position from 14.4% to 21.2%. The Situationist orientation is characterized by low relativism and high idealism.

Table 6**Distribution Percentages of Ethical Orientations for New Recruit Academy and Three-Year Academy**

	High Relativism		Low Relativism	
	<i>Situationists</i>		<i>Absolutists</i>	
High Idealism	New Recruit Academy	37.0	New Recruit Academy	26.0
	Three Year Academy	29.4	Three Year Academy	25.9
	<i>Subjectivists</i>		<i>Exceptionists</i>	
Low Idealism	New Recruit Academy	14.4	New Recruit Academy	22.6
	Three Year Academy	21.2	Three Year Academy	23.5

There are at least two possible explanations for this result. First, it is possible that the acculturation process into the police subculture results in officers shifting their ethical orientations. The most significant shift is from the situationist orientation to the subjectivist orientation. The subjectivist orientation is associated with ethical egoism in which self-interest is the guiding principle. In reviewing these results with the training commanders of this police organization, they observed that this shift may be, in fact, due to a number of training and acculturation factors. From the first day of the academy, there is significant emphasis on the necessity to protect oneself physically and emotionally. Firearms, training, defensive tactics, and arrest tactics focus on self-protection. In addition, the police subculture is rife with themes of protecting oneself from the scrutiny of the public, administration and management or “the brass,” and other officers.

Second, given the attrition rate of 41% between the academy experience and the Three-Year training experience, the trend could be accounted for by a significant number of officers self-selecting out of the profession. It is possible that those who came into the profession with a specific ethical orientation found that their personal ethical orientations were in conflict with the ambiguity inherent in the police role and chose to leave the profession.

Conclusion

Regardless of the reasons for the differences found in this study, there are operational, training, and sociopolitical implications. Operationally, officers’ own ethical orientations and their perceptions of the ethical orientation of those they encounter may have an impact on their decisionmaking. In at least one other study using the EPQ, Furnham and Olfstein (1997) found that ethical orientation was related to the decisions healthcare workers made about allocating scarce medical resources. They found that situationists and absolutists favored providing medical care to those they perceived as being honest.

Using the theoretical framework of personal ethical orientations as part of an ethics curriculum has significant benefits. In police management training, styles of management and leadership are frequently used to explain the nature of conflict in organizations. In other training settings, law enforcement trainers frequently use conceptual frameworks to discuss differences in decisionmaking. Conflict in organizations can be more objectively understood with the realization that it is not

always necessarily personal conflict but rather conflict that can be attributed to differing decision-making styles. Similarly, by understanding and acknowledging that people have differing personal ethical orientations, there is the possibility of reducing conflict on the organizational level as well as improving police-public relations on the operational level in policing.

There are several implications for police training. If, in fact, a number of police recruits are going to experience a major challenge to their ethical framework, they should be personally prepared for this potential shift. As previously discussed, few researchers suggest that there is a focus on identification of personal ethical orientations in ethics training. Unless a person is trained as a philosopher, ethicist, or theologian, little instruction in the normal course of the education process ever allows one to objectively identify and analyze one's own personal ethical orientation. Some consideration should be given to providing for this analysis in police ethics curricula. Furthermore, police recruits should be prepared through the ethics curriculum to deal with the challenge to their own personal ethical orientations.

There are broad sociopolitical implications of the outcomes of this research. If this research is analyzed in the context of the relationship of ethical orientations to the two traditional models of the criminal justice process, there are significant policy questions. Packer (1968) suggests that there are two models of the criminal justice process: (1) the Crime Control Model and (2) the Due Process Model. The Crime Control model is concerned with the outcome or ends of the criminal justice process while the Due Process Model is concerned with means or process. Crank and Caldero (2000) have suggested that these models are consistent with the traditional way various ethical systems are categorized. Teleological ethical systems are concerned with the ends and therefore are consistent with the Crime Control Model. Deontological ethical systems are concerned with the means or process and are consistent with the Due Process Model. The absolutist and situationist ethical orientations are deontological ethical systems. The subjectivist and exceptionist ethical orientations are teleological ethical systems. If the United States Constitution, which is concerned with due process, is essentially based on a deontological view, then there is a policy question here. In this study, after 3 years of service, 46.7% of the officers are operating from ethical orientations that are essentially teleological in nature. Does a democratic society want its police organizations composed of officers who hold ethical orientations that are inconsistent with the Constitution?

There are several questions this research does not answer. The primary question is whether the trend is a personal change in orientation or due to self-selection out of the profession. In order to maintain confidentiality and maximize participation, the researchers chose to keep the instrument anonymous. This question can only be answered with certainty by tracking individuals. A second question has to do with exactly when this trend begins. Specifically, how much influence does the recruit academy experience have on ethical orientations? To begin to answer this question, it will be necessary to obtain measurements at the beginning and end of the academy. Unfortunately, this study began with recruits who were partially through their academy experience. Finally, yet to be answered is the question of whether the personal ethical orientation of a police officer would influence decisionmaking on the street. Would two officers faced with the same ethical dilemma resolve it

differently based on personal ethical orientation? This research does not answer that question.

This research was approved through the Human Subject Review Committee at New Mexico State University, Las Cruces, NM IRB #4834. The Ethics Position Questionnaire was used with the permission of Donald R. Forsyth.

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Catching the Killer: Targeted Organizational Performance Sessions¹

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On January 23, 2002, Chief Charles H. Ramsey began to implement an ambitious program aimed at improving homicide investigations in the District of Columbia. Ramsey initiated the Targeted Organizational Performance Sessions (TOPS) focusing on open homicide investigations. In order to improve homicide investigations, he realized that he had to involve the total Metropolitan Police Organization. TOPS, takes a team approach to bringing open investigations to a closure. The Metropolitan Police Department, District of Columbia (MPDC) partnered with criminal justice firm Institute for Law and Justice (ILJ) to assist in the initiative. ILJ worked under the direction of MPDC's Office of Quality Assurance (OQA) in the coordination and management of the Homicide TOPS program.² Since the introduction of TOPS 2 years ago, the program has evolved into homicide incident review sessions that bring together local and federal law enforcement, probation, and the Office of the United State's Attorney to address open and closed homicides from 2001, 2002, and 2003. This article focuses on the TOPS initiative, which was a precursor to a more sophisticated analysis of the homicide problem in Washington, DC.³

Impetus for Change

In the spring/summer of 2000, the *Washington Post* ran a series on homicide in the District of Columbia, which revealed that a high number of cases were not being actively investigated and/or missing important documents such as firearms reports (Groff, 2003). During this time, the closure rates for homicide cases were decreasing. There was an outcry in the community, and as a result, Chief Ramsey ordered a review of open and closed cases from 1990 to 2000. A homicide case review team, comprised of 11 retired detectives, was created to undertake this effort. The team reviewed the cases based on the deficiencies revealed in the *Washington Post* series. They were also tasked with assisting in the writing of MPDC's Homicide Standard Operating Procedures (Homicide SOP). In May 2001, a report based on the 11-year review of open and closed homicide cases was presented to Chief Ramsey. The review found systemic problems with the department's homicide unit as it related to investigation and follow-up. Common themes included the following:

- Lack of accountability
- Poor case management
- Lack of investigative and management training
- Deployment patterns inconsistent with crime patterns
- Lack of technology
- Poor relations with the community

Reviewers noticed that there was a lack of follow-up with first responders, mobile crime⁴ and firearms examiners, witnesses, and family members. This lack of

follow-up seemed to be adversely affecting the quality of investigations (for more information see Samuel, Gavrilis, & Erich, 2001).

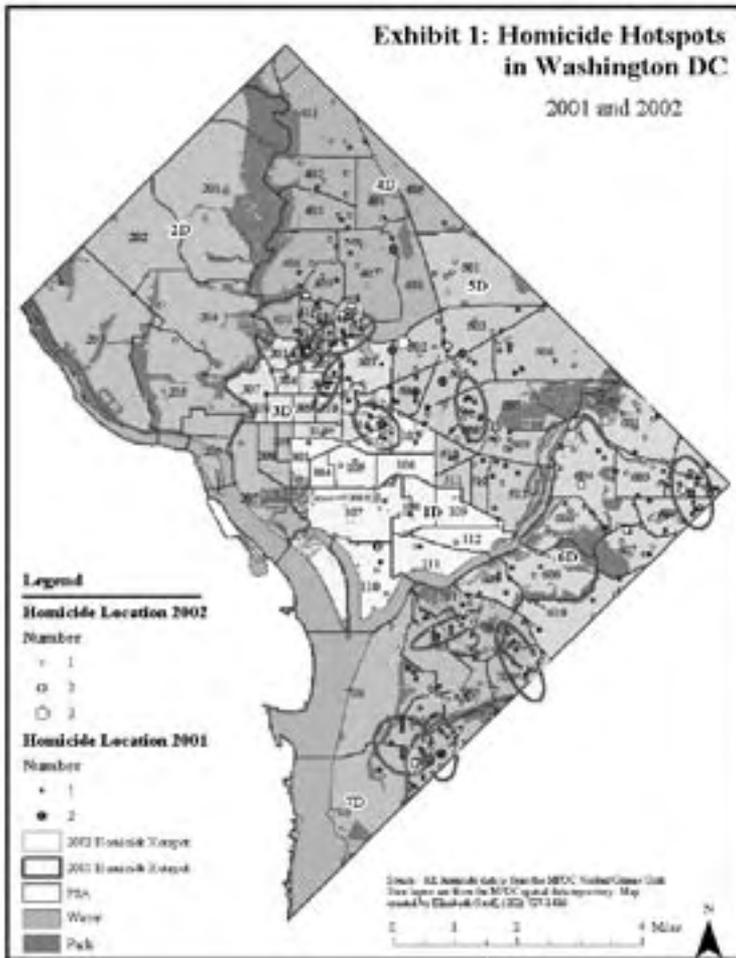
Targeted Operational Performance Sessions (TOPS) on Homicide was borne out of this process. Chief Ramsey realized that a radical change was needed based on the homicide case review team's conclusion that there were deficiencies in homicide investigations, which included unorganized investigations, lack of documentation, lack of supervisory overview, and slow response to family members of victims. TOPS was introduced to improve performance in these areas through the application of proven problem-solving efforts. There has been much attention in the criminological literature lately on the effects community-policing and problem-oriented policing approaches have on reducing violence (see Chermak & McGarrell, 2004; Kennedy & Braga, 1998; and White, Fyfe, Campbell, & Goldkamp, 2003). Homicide, however, tends to be excluded from these crime prevention approaches (White et al., 2003). The police continue to be reactive to homicide, which is evident in the closed approach taken in investigations. The purpose of this article is to highlight TOPS as a proactive investigative strategy designed to increase homicide clearance rates, improve accountability among investigators and investigative supervisors, increase communication among various police units and personnel, foster better relations with the community, and introduce new technology.

The Nature of the Problem

This analysis is based on 2 years of homicide data, 2001 and 2002. The following exhibit is a map outlining homicides in DC for 2001 and 2002; in the combined years, there were 493 homicides. The city of Washington is split into four quadrants: Northwest, Northeast, Southwest, and Southeast. The city is divided up into seven police districts and 83 patrol service areas (PSAs) that officers patrol.⁵ As indicated by the map, homicides occurred in various parts of the city. The population of the District of Columbia is 572,059. The homicide rate is approximately 43 per 100,000 people, which is much higher than cities of similar size. For example, the city of Boston has a population of 589,141 yet their homicide rate is 10.18 per 100,000 people.

Washington is a very unique and interesting city as there is a mix of affluent areas with poorer areas, with some segments separated by virtually a block. A good example of this is the Capitol Hill area. There are a number of hotspots in Washington, DC, areas where the police are consistently called for assistance and where numerous homicides have occurred. Each hot spot is about a half-mile long and a quarter-mile wide (Samuel & McEwen, 2003). There are variations across the city in the patterns of homicides. For example, in the 2-year period between 2001 and 2002, the first district had 32 homicides; the second district had 3 homicides; whereas the fifth district had 110 homicides. Victim demographics are consistent with patterns found in the homicide literature. Of the 493 victims in 2001-2002, 455 (92.3%) were African-American, and 431 (87.4%) were male. Almost half of the victims were 25 years old or younger, and 367 (79.1%) of the homicides involved a handgun.

**Exhibit
Homicide Hotspots in Washington, DC**



What Is TOPS?

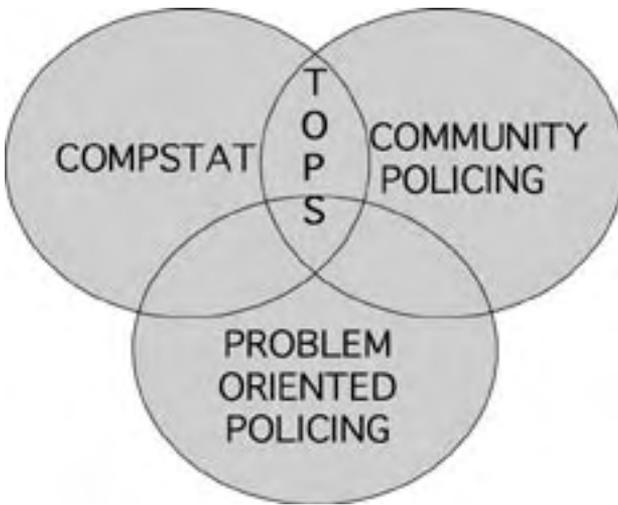
TOPS is a concept fashioned after the COMPSTAT program in New York. COMPSTAT is a management and crime analysis tool designed to evaluate crime patterns and police accountability (Kelling & Sousa, 2001). COMPSTAT involves “accurate and timely intelligence, effective tactics, rapid deployment of personnel and resources, and relentless follow-up and assessment” (Kelling & Sousa, 2001, p. 15). Where the process differs for the MPDC is that sessions are not adversary in nature. Given this, TOPS has influences from the community-policing and problem-oriented policing philosophies as well. Thus, the session is not about blaming someone for deficiencies in a case; instead, it’s about the organizational units working together (with some limited assistance from the community) to combat violence

in the District of Columbia. The figure below illustrates how these strategies were merged to formulate TOPS. The following core elements of these philosophies are recognizable in Homicide TOPS:

- A commitment to accountability as a tool for improving the quality of investigations (Bratton, 1999; Silverman, 1999)
- A dedication to improved relations with the community as a key to improving clearance rates and preventing crime (Goldstein, 1987)
- A recognition that technology is the key to data-driven investigations (Bratton, 1999; Goldstein, 1990; Silverman, 1999)
- An emphasis on strategic problem solving that leads to proactive strategies (Groff, 2003)

Key to the successful implementation of TOPS and other problem-oriented policing strategies is a demonstrated commitment from the leader of the organization.

Figure
What Is TOPS?



TOPS consists of weekly meetings held at police headquarters run by the senior executive director for the Office of Quality Assurance, which organizationally falls under the Office of the Chief of Police. The meetings bring together many law enforcement officials—detectives from violent crime, patrol personnel from affected areas, firearms examiners who examined any gun evidence (if one was used), mobile crime evidence technicians, the Assistant U.S. Attorney assigned to the case and other representatives from the United States Attorney’s office, the Superintendent of Detectives, and the Commander of Violent Crimes. Prior to the institution of TOPS, the Violent Crimes Branch held weekly meetings, but they were not effective because the information did not filter down and across to patrol and other units. Essentially, investigations were being performed in a vacuum, which put the investigator at a

disadvantage. Overall, the lack of interaction hampered the successful closure of some cases. Research has shown that intra-agency and interagency coordination are more effective than a sole unit in addressing and reducing crime (Kennedy, Braga, & Piehl, 2001). When researchers in Boston approached gang violence by employing a problem-oriented policing approach, the youth homicide rate decreased significantly (Kennedy et al., 2001). In 1997, the Indianapolis Police Department implemented the Indianapolis Violence Reduction Partnership (IVRP) patterned after the Boston Ceasefire Project. IVRP involved saturating an area with police and representatives from probation and pressuring gang members and other offenders whenever a violent crime occurred (Chermak & McGarrell, 2004). While the program had minimal quantitative effects on crime, participants recognized that the best way to address violent crime was with a coordinated, multiagency approach (Chermak & McGarrell, 2004). Like these cities, it was also essential in Washington for different units within MPDC and agencies outside the department to begin speaking to and working with one another in order to effectively address the homicide problem in the District.

In every TOPS session, a minimum of five cases was reviewed including a recent homicide that was no more than 7 days old. Cases were selected based on solvability factors, problems with evidence, witnesses, or whether the lead detective requested assistance from patrol or another unit. The United States Attorney's Office also nominated cases. TOPS was also a way to update and brief command staff on cases and gain some fresh perspective. There was extensive preparation by the TOPS team leading up to the session. The TOPS team included a coordinator, three OQA lieutenants, one detective, an intelligence analyst, a research assistant, and a dispatcher. Prior to a scheduled session, the TOPS team reviewed the case jacket and interviewed detectives, officers, firearms examiners, etc. The names of victims, offenders, and witnesses were then run through various law enforcement databases including NCIC, Washington Area Crime Information Intelligence System (WACIIS), and a recently developed system named Columbo, which was designed specifically for the MPDC. All the information was compiled, and a list of thematic questions was developed for the session. Any case linkages or connections uncovered by the team were also addressed at the TOPS meeting. The lead detective was given 10 minutes to present his or her case, and the audience had the opportunity to ask questions. Patrol personnel supplemented the detective's presentation with information on their working knowledge of the street. Information was given on area canvasses, known offenders' arrests, or related incidents. Their input was very beneficial due to their intimate relationship with their patrol areas. Patrol officers often gave investigators new information about an offender or incident, which assisted in putting the pieces of the investigation together. TOPS tapped into resources that were not being used prior to the intervention.

The TOPS team debriefed after each session and clarified any ambiguous issues. Each week, the TOPS coordinator wrote a report summarizing the session including cases covered, issues and concerns, questions, and follow-up tasks. Contacts were made with detectives, patrol, and forensic representatives to ensure that people adhered to their assigned tasks. There was a constant flow of information up and down the rank structure. The partnerships created out of TOPS were instrumental in increasing communication among units. No longer were investigative supervisors and evidence technicians in the dark, as they were now working in tandem.

MPDC piloted the Homicide TOPS program from January 23, 2002, through June 4, 2003. During this time period, 150 cases were reviewed. Of those cases, 132 cases were homicides, and the remaining 18 consisted of Assault with Intent to Kill (AWIK), Assault with a Dangerous Weapon (ADW), and Carrying a Pistol Without a License (CPWL) cases that were featured during a special TOPS session on gang violence in Northwest Washington, DC. In 2002, the homicide clearance rate in Washington, DC, was 55%. Like many other urban areas, Washington, DC, has been experiencing a decline in the number of homicides. Coupled with that, has been a decline in clearance rates (OQA, 2001). Since the introduction of Homicide TOPS, 42 cases have been closed (which equates to approximately 31.8%). While it is difficult to quantify the effectiveness of TOPS, the process has led to significant improvements in the investigation of homicides in the District of Columbia. These accomplishments include more thorough investigations; increased integrity among investigators and their cases; increased level of accountability; greater communication among MPDC units and outside units, such as the United States Attorney's Office; advanced investigative tools; and more frequent and open communication with residents (Samuel, 2003b). Although further analysis needs to be done, like other homicide intervention projects (e.g., Boston, Indianapolis), it should be noted that . . .

such problem-solving efforts can be an effective way to better understand the etiology of homicide, develop strategies to respond to it, and effectively assess the impact of reform efforts (Chermak & McGarrell, 2004, p. 25).

With the introduction of the Homicide SOP in August 2001, the process for investigations and the case management function has been formalized. Investigators are now able to follow a clear step-by-step process in their investigations. There are clear established timelines, which keep investigators and their cases on track. Previously, it seemed as though investigations were done in a vacuum. Units were not speaking to one another, and investigators often did not know what other members in the organization were doing. Investigators now meet weekly with Mobile Crime Technicians, Firearms Personnel, the USAO, PSA officers, sergeants, and lieutenants. There is a constant flow of information, and people are working as a team to bring these cases to a closure (Samuel, 2003b).

The automation of the firearms reports is an example of a significant change since the introduction of TOPS. Prior to TOPS, investigators were lacking timely firearms reports. Firearms reports often provide vital information such as the type and caliber of gun used and whether or not the weapon had been used in a previous crime. Without the reports, a detective may not know in which direction to move his or her case or may waste time exploring other avenues. To solve this issue, the Firearms Unit set up a process in October 2002 in which examiners directly enter their reports into MPDC's computerized intelligence-information system (WACIIS). Each homicide case is entered into WACIIS, so examiners simply call up the case number and link the firearms report to it. The next time the detective logs on, he or she will see that the reports have been completed and can then move forward with the case.

Also during this time, MPDC introduced a new investigative tool called Columbo. Columbo allows investigators to look at the crime trends as they may relate to their homicide cases. Investigators can map crime (e.g., assaults, robberies, burglaries, thefts, arson, stolen autos, etc.) and obtain information on arrests, offenders recently

released from prison, sex offenders, recovered firearms, and calls for service (e.g., sound of gunshots). This provides users with a visual snapshot of crime and other occurrences in the area they are investigating. Mapping citizen calls for service, for example, is especially valuable in that it helps the users understand where citizen concerns and crimes are focused. This technology also includes the capability to create a suspect lineup on the computer screen.

The Community

White et al. (2003) argue that the involvement of neighborhood residents is key if homicide prevention strategies are to be successful. One of the major complaints from the community prior to TOPS was the lack of contact and follow-up with investigators. Case jackets lacked documentation of follow-up with family members, and phone calls with victims generally expressed an overall sense of dissatisfaction with the police. Mothers whose children have become victims of homicide express feelings of powerlessness, and the anger and frustration is fresh no matter how old the case (Samuel, 2003a). With the introduction of the Homicide Standard Operating Procedures (SOP), Chief Ramsey created policies that require detectives to initiate regular contacts with family members. Not only do family members deserve care, compassion, and respect during such traumatic times, these communications allow for an active flow of information that may lead to the successful closure of a case. It is vitally important to keep family members of homicide victims involved in the process so that they do not feel like they are just another number. Residents and family members often hold the key to the successful closure of an investigation. Crime information from the community is invaluable to homicide investigators. It is imperative to keep the lines of communication open with family members and build a rapport. By working together, investigators will get the information needed to get predators off the streets, and family members can get a sense of closure and begin the healing process.

Conclusion

The purpose of this article was to highlight a strategy designed to increase homicide clearance rates. It was an attempt to answer the question of whether TOPS is an effective strategy to combat urban homicide in Washington, DC. As previously stated, it was hard to quantify the effectiveness of TOPS during the pilot period; however, many important qualitative changes were made. Refer back to the title "Catching the Killer." To measure effectiveness, we can look at it in both a literal and figurative sense. In the literal sense, a number of cases were closed after being featured in TOPS, as units were able to work together and make the appropriate linkages to close a case. In the figurative sense, the lack of communication and case deficiencies (e.g., paper work, follow-up, etc.) were "killers," as they were serious impediments to the successful closing of a case. TOPS solved that by increasing communication, improving accountability among investigators and supervisors, introducing new technology, and making attempts to foster more positive community relations. While more research and evaluation on this approach and similar programs needs to be done, the MPDC has begun the process of identifying innovative strategies that identify, arrest, and successfully prosecute persons that take a human life in Washington, DC.

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Endnotes

1. An earlier version of this article was presented at the 2004 Academy of Criminal Justice Sciences Annual Meeting in Las Vegas, Nevada.
2. ILJ was also instrumental in the TOPS program evaluation and consulted on areas of investigation, programming, and technology.
3. K. Morison, personal communication, September 13, 2004
4. Mobile Crime is the arm of the department responsible for evidence collection at crime scenes.
5. In May 2004, the PSA system was restructured. There are currently 44 PSAs in the city of Washington.

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Police Organizational Change: Learning Principles That Apply

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Introduction

Community policing has been presented in the contemporary literature as constituting a viable entity for change within police organizations while at the same time being applied with the goals of detecting and preventing crime (Brand & Birzer, 2001; Kerley-Kent & Benson, 2000; Mastrofski & Ritti, 2000; Palmiotto & Donahue, 1995; Tones & Vogel, 2001; Yates, Pillai-Vijayan, & Humburg, 1997). In light of these goals, police executives continue to grapple with how best to accommodate the process of change in order to more appropriately adapt to community-oriented policing strategies.

While community-oriented policing with its emphasis on problem solving and community partnerships is grounds for optimism in many respects, there has been less attention given to an equally important area of change, the internal police organization (Redlinger, 1994; Schafer, 2001). Seagrave (1996) illustrated this point when he found that interpretations of community policing by law enforcement leaders consistently failed to identify organizational change as an element of community policing. While many police leaders fail to recognize organizational change as a vital ingredient of community-oriented policing, the literature has made clear that organizational change is important in order to support long-term community policing (Alarid, 1999; Bennett & Lupton, 1992; Eck & Spelman, 1987; Stevens, 2001; Wadman & Bayley, 1993).

The purpose of this article is to provide a discussion of organizational learning theory and its applicability to the organizational change process in police departments. We frame this discussion drawing primarily from Senge's (1990) learning organization and Bloom's (1956, 1984) taxonomy of educational objectives. We propose that the theoretical underpinnings of the learning organization and the taxonomy of educational objectives may assist police organizations in the change process that is required with community-oriented policing.

The Learning Organization

The internal organizational environment of a police agency is widely believed to be related to police officers' attitudes, morale, and job satisfaction (Hylton, 1980; Lurigio & Rosenbaum, 1994; Winfree & Newbold, 1999; Wycoff & Skokan, 1993). Thus, when morale and job satisfaction is low, quality of service to the community may be less than adequate. One approach, which offers an improved capacity for police agencies to enhance the internal organizational environment, is to adapt the

principles of the learning organization. The learning organization is described as one in which people continually expand their capacity to create the results they truly desire, new and expansive patterns of thinking are nurtured, collective aspiration is set free, and people are continually learning how to learn together (Senge, 1990). Within the learning organization, police agencies are challenged to use knowledge as a basis for its strategy and organizational learning as a foundation for its ability to be proactive. Garvin (1993) found that learning organizations possess several characteristics:

Learning organizations are skilled at four main activities: systematic problem solving, experimentation with new approaches, learning from the experiences and best practices of others, and transferring knowledge quickly and efficiently throughout the organization. Many companies practice these activities to some degree. But few are consistently successful because they rely largely on happenstance and isolated examples. By creating systems and processes that support these activities and integrate them into the fabric of daily operations, companies can manage their learning more effectively. (p. 22)

Research has demonstrated that behavior in organizations is shaped in part by the manner in which employees think about the world around them (Harter, 1999; Josephs, 1998; Kuentzel, 2000). The suppositions that shape employees' ways of thinking have been referred to as mental models (Senge, 1990). Mental models, according to Senge, are deeply ingrained assumptions, generalizations, pictures, and images that influence how we take action. To effectively understand an agency's mental models is one of the disciplines of the learning organization. Similarly, Argyris (1982) argued that organizations trap themselves in "defense routines" that insulate mental models from examination, and employees of these organizations develop skilled incompetence. Argyris (1985) asserted that *skilled incompetence* is a term used to describe most adult learners who are highly skilled at protecting themselves from pain and the threat posed by learning situations but consequently fail to learn how to produce the results they really intend to produce.

Drawing from Senge's and Argyris' underlying thesis, several observations regarding the mental models in policing can be made. Certain mental models initially shaped the policing profession, which helped people understand the organization's mission, role, and purpose. Until now, those mental models served the profession well. Traditional mental models were grounded in bureaucratic layers, rules and regulations, paramilitary culture, and an over-reliance on crime fighting as the panacea to crime and disorder problems (Palmiotto, 2000; Thurman, Zhao, & Giacomazzi, 2001). Moreover, the emphasis on the traditional mental models of policing was the idea of efficiency and bureaucratic control (Alpert, Flynn, & Piquero, 2001; Sparrow, 1988). Thus, traditional mental models were what comprised the philosophical basis for the professional model of policing.

Traditional mental models in policing may have contributed to a paternalistic culture within many police organizations. In paternalistic organizations, most decisions are made at the top of the organizational hierarchy, and line-level personnel are rarely involved in the decision-making process. This is problematic, as change efforts coming from the traditional hierarchical authority are rarely successful in a learning organization. Moreover, it has been demonstrated that top-level commitment does not guarantee overall organizational commitment (Senge, 1996).

In the learning organization, commitment to change comes from many levels of the organization.

Most police organizations are made up of many divisions, sections, and units, which tend to work relatively autonomously from each other. Over time, this may create organizational dysfunction that results in a lack of effectiveness when dealing with organizational problems, which may ultimately affect service delivery. In some cases, police managers ignore organizational change for fear of upsetting the traditional way they have always done business. Argyris (1985) referred to this as “defensive routines,” and Senge (1990) labeled this “tacit mental models” (i.e., mental models that are below our level of awareness).

Recall that some of the essential elements of community policing include the principles of problem solving; community partnerships; and organizational transformation, which includes input from personnel at the lowest level of the organization. Thus, traditional mental models will require a shift to a new paradigm that embraces continuous learning at the application level as well as the administrative level. As a foundation for organizational transformation to community-policing strategies, the learning organization offers promise in challenging the traditional ways of thinking. DeVito (1996) argued that the learning organization channels the energy of like-minded individuals into the formation of a community.

The need to equip police agencies with better reasoning and problem-solving skills has become a necessary goal particularly at the application level. Application problems place different behavioral demands on police officers (e.g., manipulation of abstract information). Abstractions may come in the form of rules, procedures, standard operating procedures, ideas, generalized methods, or technical principles. In community policing, police officers are required to comprehend and solve complex problems.

Bloom’s Taxonomy

We take up as a second point Bloom’s (1984) thesis that effective comprehension of problem solving and learning requires one to know an abstraction well enough to correctly apply it. Bloom’s (1956) classic taxonomy of educational objectives for the cognitive domain has become a basic reference for educators and trainers worldwide. We suggest that Bloom’s taxonomy has direct relevance to the processes of creating and maintaining a learning organization.

Bloom’s development of the taxonomy began with the classification of intended student behaviors found in educational objectives. These behaviors were initially classified into three general areas in the cognitive domain: (1) knowledge, (2) intellectual skills, and (3) intellectual abilities. The general areas included behaviors such as reasoning, concept formation, and problem solving. The final taxonomy was established by breaking these cognitive objectives down further into six major classes from the simplest behavior to the most complex. From lowest to highest, these major classes are Knowledge, Comprehension, Application, Analysis, Synthesis, and Evaluation.

Knowledge is the most common educational and training objective. Bloom (1956) defined knowledge as “those behaviors and test situations which emphasize the

remembering, either by recognition or recall, of ideas, material, or phenomenon” (p. 62). Knowledge is the key building block for a police organization. For example, the nature of police work requires police officers to be aware of what is happening in their community and how to react to certain situations that may be encountered, whether it be a domestic disturbance or the investigation of an automobile accident or other complex situations. Bloom (1994) argued that usage of the taxonomy will result in the reduction of the inordinate amount of time facilitators, trainers, and educators spent on lower levels of learning so that more time can be dedicated to the higher mental processes. With the explosion of knowledge that has taken place within organizations during the past several decades, the ability to use higher mental processes will become increasingly important.

When applying Bloom’s taxonomy to police organizations, a salient observation can readily be made. Police officers typically work independently to solve new and perhaps unfamiliar problems that they encounter both in the community and within the organization. Often, police officers must apply abstractions in areas in which no guidelines have been specified; therefore, police officers must demonstrate original thinking while managing problem-solving experiences with minimal or no supervision. The paradox here is that often the hegemony within police organizations (e.g., rigid bureaucracy, paramilitary, nonflexible rules and regulations) may foster the culture that police officers are only expected to think at the level of what Bloom called lower level thinking and abstracting skills. Police officers are increasingly expected not only to handle the wide range of problems the community expects them to handle but also to take the initiative to identify and solve community problems (Goldstein, 1987). Thus, the need for higher mental processing becomes increasingly important. While law enforcement organizations do a good job of promulgating technical and procedural skills, they do very little to promote a culture in which the acquisition of essential nontechnical competencies, such as problem solving, judgment, and leadership, are fostered (Ortmeier, 1987).

Problem solving has been presented in the literature as a process largely associated with learning. Gagne (1985) defined problem solving within the rubric of a set of learning processes that people use to organize and apply knowledge to solve new problems. According to Biehler and Snowman (1990), good problem solvers demonstrate two basic traits: (1) they have well-organized funds of knowledge and (2) they use systematic sets of problem-solving skills. The factors that underpin these traits are what Paoline, Myers, and Worden (2000) proposed when they found community-policing assignments beneficial in providing positive experiences in problem solving and working with citizens, which reinforces the message of what recruits were taught in training. We submit, however, that the mental models of the traditional policing model are deficient for effective problem solving and that effective problem solving is closely aligned with a learning culture.

Marquardt and Reynolds (1994) found that “organization, structures, people, systems, may either help or hinder learning and that too often they hinder organizational learning and put up barriers” (p. 97). Organizational learning may be hindered by such barriers as bureaucracy, control, poor communication, poor leadership, resource allocation, and rigid hierarchy. Within the confines of these barriers, individuals may practice the principles of the learning organization, however, with limited success. True competitive advantage within a police organization depends on the

extent to which the entire organization can deal with the larger systems that are imbedded within each barrier.

Learning Culture

Senge (1990) asserted that most organizations learn poorly—the way they are designed and managed, the way people’s jobs are defined, and more importantly, the way we have all been taught to think. In police organizations, learning disabilities exist despite the best efforts of bright, committed people, and often the harder they try to solve problems, the worse the results. One advantage of a police learning organization is that it fosters an organizational culture that encourages continual learning. A continual learning culture in a police organization may include the following:

- Creating a research and development division that actually does empirical research and development and developing a structure or process to foster learning (e.g., crime analysis that spans work units)
- Developing a process to foster learning involving senior police officials, which may reduce battles between departmental units, and taking a talent inventory of sworn and civilian personnel
- Fostering learning around problem solving, instituting a bottom-up performance appraisal of organizational performance and continuing to enhance police-researcher partnerships (Geller, 1991, p. 21)

A learning culture allows the police organization to more effectively adapt and transition in a changing environment. For example, the idea that police organizations establish a research and development unit that actually performs applied research will allow the police to make more informed and fiscally responsible decisions. In order to provide a more effective service, a police department should know whether there is, for example, a correlation between foot patrol activities and decreases in crime in specific areas or whether there is a correlation with community policing activities and decreases in crime in the community. Furthermore, police executives may desire to know citizen satisfaction and fear of crime levels in various areas in which different patrol methodologies are deployed. Data and not emotion should be the driving factor in organizational decisionmaking. All too often police organizations have reacted to changes in the environment with emotion. Police managers and researchers should increasingly collaborate on research and evaluation when developing policy. Research should play a role in driving fundamental policy in policing (Birzer, 2002; Tannehill, 1985).

Employee Development

Police executives should tap into the knowledge base of their employees, and one way to accomplish this is to tap into their experiences. A major criticism of the current paramilitary and bureaucratic structure of policing is that employee potential is largely untapped; thus, innovative strategies will be more difficult to nurture (Oliver, 1998). Police officers’ development may be inhibited if structural, cultural, and workplace quality issues are not addressed. This is increasingly important if police organizations are going to effectively transition to the changes required

under community-oriented policing (Gutierrez & Thurman, 1997). Research on organizational development has consistently found overwhelming evidence that quality-of-work-life applications are effective in bringing about change, and they continue to be effective over time (Deal & Kennedy, 1982; Golembiewski & Sun, 1991).

The learning organization may foster a sense of job satisfaction and personal development on the part of the police, which results in less dogmatic attitudes over time. Evidence has long suggested that the traits of satisfied employees are their openness to experience and their eagerness to undergo new experiences and learn new ideas and skills (Herzberg, 1975; Sinetar, 1987). Community policing requires officers to learn many skills that were of low priority in the past (e.g., problem-solving techniques, more effective interpersonal communication skills and facilitation skills, and enhanced skills in working within a diverse society) (Birzer & Tannehill, 2001).

Some scholarship puts forth the notion that a new generation of workers will desire more control over their work and that management should allow these employees freedom to experiment whenever possible (Kincheloe, 1995; Zemke, Raines, & Filipczak, 2000). Under the axiom of community-policing strategies, this is exactly what is desired of police officers (e.g., problem solving, creativity, and critical thinking). It is by no coincidence that a new generation of police officers will desire to be engaged and involved in the decision-making processes of the organization. This will be perplexing for police management as they grapple with how to best accommodate these widespread demands. Adapting the principles of the learning organization may be one technique that can assist managers in accomplishing this new mandate.

The police agency, as a learning organization, will foster increased meaning for police officers. Within a learning police organization, police employees would be allowed to examine processes and feel free to recommend change without fear of reprisal. Equally important, if the policing profession desires to attract and retain college-educated men and women, which has been recommended for some time, then it must adapt to the changing environment. Many college-educated officers may gravitate away from organizations with a traditional command-and-control environment.

Systems Thinking

Kauffman (1980) defined a *system* as a collection of parts that interact with each other to function as a whole. Thus, police organizations have a collection of divisions, sections, and units, which make up the whole. Each area of the organization has a direct relationship to other areas. One area that does not function properly will ultimately affect other areas within the organization and in many cases create dysfunction.

The learning organization requires that all employees in all areas of the police department understand how they are linked to one another (Likert, 1961). This is conspicuously absent in many police organizations. For example, in the traditional police organization, patrol officers are taught to take the reports in an expedient manner, write the report up, send it through the bureaucracy to the detectives, and

check back in service on their beats. Paradoxically, many divisions and sections within police organizations work relatively autonomously from each other. The traditional manner in which police organizations were created was to ensure namely the implementation of operational decisions and the following of orders (Bayley, 1994). Senge (1997) argued that managers need to focus on the system or organization as a whole but are often deterred from successfully doing so by “workplace learning disabilities,” such as the natural tendency for territoriality in the workplace and the tendency to place blame on nonexistent third parties for things amiss.

In police organizations, the remedy for a workplace learning disability may in part lie in the need to continually reassess the mental models of the organization. For example, it is important that the men and women assigned to patrol know how they are linked to the detectives and that they provide a service to detectives. Likewise, detectives should have this same knowledge and understanding of patrol. In essence, every division and section within the police organization should know and understand how they are linked to one another and, more importantly, how they work collaboratively within a system to provide service to the citizenry. In fact, it would be ideal if the police organization was presented as a system and not a constellation of blocks on the organizational chart. As Senge (1993) eloquently puts it, “what is changing today is the scope of systems thinking skills required. As power and authority are distributed more widely, it becomes increasingly important that people throughout the organization be able to understand how their actions influence others” (p. 12).

Gill (1995) argued that for some time, organizations have been planning, predicting, and analyzing the world by separating it into parts. Police organizations are notorious for separating sections and divisions, which results in a vast amount of autonomy. Police executives see the parts of the organization (e.g., patrol, detectives, traffic, crime prevention); however, they often do not see the whole system. Police organizations are often viewed as a collection of separate functions and departments, each needing the control to achieve its own goals. This has typically been referred to in the literature as suboptimization (Gaines, Southerland, & Angell; 1991; Hudzik & Cordner, 1983). A characteristic of the traditional police organization is that it has been managed both vertically and functionally. Organizations that are managed in this manner have a tendency to suboptimize internal services (Rummler & Brache, 1990).

Employee Engagement

The reduction of employee participation in workplace decisionmaking may result in low morale and job satisfaction of police officers. Unfortunately, police organizations in the early years of the 21st century are still arranged in a way that excludes officer participation in their operation. For example, in many organizations, police officers still execute directives that they did not have a part in formulating and frequently do not understand. The learning organization suggests that police officers should be engaged in small focus groups and other decisional group techniques for the purpose of formulating direction, ideas, and innovations. A more positive organizational environment may be fostered if police employees have input into policies that affect their everyday working environment.

It may be beneficial for police management to develop a mechanism to continually solicit input from rank-and-file employees. Senge (1990) asserted that the learning organization is one that is continually expanding its capacity to create its future and that survival learning, or what is more appropriately termed adaptive learning, is an important and necessary function of the learning organization. When employees are participants in the decision-making process, empirical evidence indicates that they are motivated to improve the quality of their own work and the profitability of an enterprise (Kincheloe, 1999). Profitability in the police organization may be defined as openness to change, improved community relations, less misconduct, fewer citizen complaints, and so on.

Planning

We suggest that police departments that adapt to a learning organization may actually eliminate some of the strategic planning burden. The strategic plan is a document that police organizations develop for the purpose of providing direction for the future. One of the problems with the strategic planning process is that it may not be flexible enough to meet police needs in an everchanging environment. In part, this is because the strategic plan is usually written and grounded in stone for a specified time frame. Thus, the organization does not have the flexibility to react to changes as they occur. Data must be routinely collected and analyzed to identify changes that are occurring within the organization and the environment in which it operates. Organizational goals should increasingly become problem-oriented, and it may be beneficial for problem analysis to be carried out as a part of the strategic planning process (Goldstein, 1977). One other problem with the strategic plan is that many line-level police personnel are excluded from its development.

Future Themes

Imagine a police organization that allows officers the opportunity to participate in group processes with the objective of identifying new and improved methodologies aimed at improving police service. This is a stark deviation from the traditional paternalistic police organizational environment in which most decisions are made at the top of the organizational pyramid and filter down to those employees at the bottom ranks. Line-level police officers experience problems on a daily basis and may be in the best position to offer solutions and recommend improved procedures to adapt to the ever-changing environment.

The learning organization offers the flexibility to change frequently, experiment, and try a divergence of new ideas and solutions to problems. The private sector has been more open to new processes, such as the learning organization, in comparison to police organizations. A major objective within the private sector is to create an organization that is constantly looking for alternative and creative ways to do business. The objective, then, is to quickly diffuse the knowledge gained so it can be leveraged by the entire organization (Barlett & Ghoshal, 1998). This same assertion has relevance within police organizations.

Police executives may find it helpful to be prepared to deal with change on a regular basis. What might work today may not work in a month, six months, or a year. The paradox in law enforcement has been that police operate under a uniform response to each situation, which is usually dictated in a standard operating procedure manual.

This may not be the most effective way to deal with the myriad of community problems that police encounter. Each problem is different and involves specific tailored solutions and approaches. Police officers should have the latitude to use their talents, past experiences, abilities, and reliable data when tackling crime and disorder problems in the community. Likewise, police organizations in the early years of the 21st century are arranged in a way that excludes officer participation in their operation. For example, in many agencies, police officers still execute directives that they did not have a part in formulating and frequently do not understand. When police officers are given latitude and autonomy, they feel better about their jobs and themselves, which will ultimately foster self-development and job satisfaction (Green, 1989; Regoli, Crank, & Culbertson, 1989; Williams, 2002; Zhao & Thurman, 1999).

The learning organization is a collection of people working together, who join in changing the way they respond to challenges within and outside their institutions. This holds great promise for police organizations, especially executives who are not afraid to experiment with techniques that may result in better job satisfaction among officers and improved service delivery to the citizenry. The old ways of thinking within police organizations must be questioned if policing is to be effective in this new century. A learning culture for policing will require an examination of the historical context in which organizations have operated. This examination should stimulate important issues of past lessons learned, and more importantly, how police executives can redirect the future.

Summary and Conclusion

A police organization rooted in authoritarian and autocratic values with a steep hierarchy structure will be severely hindered in the implementation of a learning organization. For example, if community-oriented policing strategies are to be successful and officers' development and job satisfaction increasingly become a priority of management, then the organizational culture and environment of policing will benefit with a change to one of trust and mutual respect. Levering (1988) studied great places to work and found that descriptions of work environments provided by employees of these organizations were strikingly similar. Among these descriptions, the common terms used were *trust, pride, freedom, family, being treated fairly, and being allowed to make mistakes*. These traits clearly define the atmosphere of a positive work environment in which most people have a desire to work.

The learning organization capitalizes on its own and others' experience, successes, as well as failures. It strives to continually hone strategies, tactics, and operations. Furthermore, the learning organization thrives on networking and collaboration between many employees in the organization working for a common goal. The learning organization is a strategy to foster creativity and change within the police organization, thus, fostering a sense of autonomy, engagement, and self-development on the part of police officers. A recent report by the National Institute of Justice and the Office of Community Oriented Policing Services identified characteristics of what makes a healthy police organization. One of the characteristics noted was that a healthy police organization knows its people, what they get from their jobs, what they are looking for from their jobs, what motivates them about their work, and what demoralizes them (National Institute of Justice, 1997).

Adaptability will be absolutely essential in the 21st century police organization. Policing will benefit by adapting to a high-performance organizational process with self-actualizing employees in order to cope with the demands of a changing society. In order for organizational systems to be successful, employees at all levels should, whenever possible, function in an increasingly self-directed manner and develop skills needed to adapt to rapidly changing technologies (Centko, 1998). Police employees throughout the organization will increasingly need to be equipped and empowered to identify and make decisions that advance the mission of the organization.

The challenges facing police departments in the 21st century are many. Routine examinations of internal operating processes are required in order for the organizations to be effective; however, the extent of change and adaptability of the learning organization will vary depending on specific organizational and jurisdictional needs. Nevertheless, we suggest that the learning organization offers many opportunities for effective police organizational change. The symbiosis between the learning organization and the changes required with community policing appear to naturally complement each other.

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Is Racial Profiling by Police Fact or Fiction? Law Enforcement Strategy, Police Resource

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Racial profiling has grown out of a law enforcement tactic called "criminal profiling." Criminal profiling has come into increasing use over the last 20 years, not only as a way to solve particular crimes that are known to police but also as a way to predict who may be involved in undetected crimes, particularly drug offenses.

Criminal profiling is designed to help law enforcement personnel "spot" criminal activity by developing sets of personal behavior characteristics associated with certain offenses. By comparing individuals that they observe with profiles, police have a better basis for deciding which people to treat as suspects. Although police may see no direct evidence to crime, they may rely on noncriminal, but observable characteristics, associated with crime to decide whether someone may seem suspicious and deserving of more police observance. If you add race or ethnicity as a factor in predicting crime, then criminal profiling may become racial profiling.

This article examines racial profiling. It is a problem in the United States, or are the many minority groups needlessly complaining? Much has been written about this controversial topic, and we will try to determine the validity of each side.

Racial profiling is a crime-fighting strategy. It is also a government policy that threatens African Americans, Latinos, and members of other minority groups indicating that they may be suspects. It is believed that making these assumptions will increase the odds of catching criminals (Harris, 2002).

Many law enforcement personnel believe that it makes sense to use race or ethnicity in criminal profiles because of the strong statistical association between membership in minority groups and involvement in crime. Their belief is that having black or brown skin elevates the chance that any given person may be engaged in crime, especially drug-related crimes. The group who supports profiling also looks at the disproportionately large number of minorities who are arrested and incarcerated as further proof that the color of a person's skin is a valid indicator of a greater possibility that the person will commit a crime.

One of the most common methods of racial profiling in today's society has been coined DWB or "driving while black." Under this pretext, police target African Americans for traffic stops because they believe that African Americans are more likely to become engaged in criminal activity; however, this method of profiling was not the first. Let us examine this further. One of the first methods of profiling actually came in a battle against air piracy. The "hijacker's profile," as it was called, was used to stop the hijacking of American commercial airliners to Cuba in the late 1960s (Harris, 2002). The profile setup for the hijackers was unsuccessful, and by

the late 1960s, commercial airliner skyjacking had reached epidemic proportions. In 1968, only 18 hijacking attempts were made, but one year later in 1969, 40 attempts to hijack U.S. aircrafts were made with 33 attempts being successful. Sky marshals were put on commercial flights in an effort to deter would-be hijackers; however, this proved to be unsuccessful (Harris, 2002).

To prevent hijacking, the crime needed to be stopped on the ground using a profile, which was developed by a government task force. Those passengers who met the profile had their boarding cards marked. They were all screened, and those who set off the detector and had a marked boarding card were singled out for further inquiry.

The profiling proved largely unsuccessful. As it did reduce hijacking, it failed to stop them. The task force found the best way to curb hijacking was through the electronic screening of all passengers.

Another crime fighting effort that proved somewhat more successful than the hijacker profile is the serial killer profile (Harris, 2002). The FBI has taken credit for this profile, which relies on the central insight of individuals. Data is collected from hundreds of hours of interviews with criminals to see who they are, how they operate, and what motivates them.

Although the profiles of serial killers seem to work, there is no realistic way to monitor the overall effectiveness. As recently as October 2002, the serial killer profile was used as a method of determining the profile of the snipers in the Washington, DC, area. In this case, it was not effective.

One method of profiling that became widely used in the 1980s was that of the drug courier. Agents at major airports would detain suspects based on six criteria:

1. Persons paying for a plane ticket using large sums of money
2. Persons traveling under a different name from the one listed through directory assistance or in the telephone directory
3. Persons who made round trip flights to Miami, FL, a so-called drug source city
4. Persons who stay in Miami only a very short period of time although the roundtrip flight takes several hours
5. Persons who appear extremely nervous
6. Persons who did not check any luggage

In 1989, the U.S. Supreme Court supported the use of the profile as a tool used by police officers in doing what they had always done. The key to this type of profiling involved officer training. Similarly, it has not been determined as to how effective this technique was.

Profiling on the Highway

In the mid-1980s, the major interstate routes (Interstate 95 and 11) that travel both north and south on or near the East Coast, became major drug routes for distribution to New York; Philadelphia; Baltimore; Washington, DC; and other major cities along the eastern seaboard.

A former Florida state trooper, Bob Vogel, was one of the top leaders in that state in drug arrests. Vogel began to notice that he was seeing the same circumstances over and over in the arrests and began to keep notes. A list of cumulative similarities evolved that were used in stopping vehicles. Recall above the list of drug courier profiles used for hijackers. Similarly, the driver's demeanor, vehicles not registered in the driver's name, driving overcautiously, items being out of place (e.g., spare tire in back seat and not in trunk), and use of large late model vehicle with male driver who avoids eye contact were all cumulative similarities that might indicate a drug courier vehicle. Although all of those items are indicators, according to Trooper Vogel, a lot has to do with training and experience (Harris, 1999).

As a result of Trooper Vogel's accomplishments in drug enforcement, the United States Drug Enforcement Administration began to observe his methods, and Operation Pipeline was created. Although I have never formally trained using Trooper Vogel's methods of drug interdiction, as a Virginia State Trooper, working Interstate 81 in the mid- to late 1980s, I used similar techniques. Additionally, my method gave special attention to rental vehicles driven by Latin males with Dade or Broward County, Florida, license plates.

Many feel that this method of profiling is an abuse of power that can be blamed on the government's war on drug policy. This method of profiling has been endorsed by lawmakers and administrations of both political parties (Harris, 1999).

The war on drugs has actually been a war on many people and their constitutional rights. African Americans, Latinos, and other minorities seem to bear the brunt of the damage. This is a war that has spawned racial profiles of supposed drug couriers. On our nation's highways today, police routinely stop drivers based on the color of their skin. This practice has become so common that the divisive term "driving while black" was coined.

Let us take a closer look at what some minorities call "driving while black." Kenneth Meeks (2000) describes racial profiling as the tactic of stopping someone *only* because of the color of his or her skin and a fleeting suspicion that the person is engaging in criminal activity. It is generally targeted more toward young African American men and women than any other group. In recent years, however, Asians, Latinos, and young whites with long hair have been profiled more than ever.

Many people believe that racial profiling is a justified form of law enforcement and detective work. The state of New Jersey Attorney General's office has acknowledged that racial profiling does exist, and the practice has been proven over and over again.

Webster's New Collegiate Dictionary actually includes an entry for the term *racial profiling* as, "the mass policy of stopping and searching vehicles driven by people of particular races" (as cited in Meeks, 2000, p. 5). Although a new term in the dictionary, racial profiling has been around for decades. Racial profiling is not new. As a matter of fact, the problem of "driving while black" can be traced back to a time in early American history when court officials in major cities permitted constables and ordinary citizens to "take up" all black persons seen out in public without their masters' permission. Under slavery laws, this could be justified if

individuals were seen as property. From this early time in history, and at present, the practice of racial profiling can be observed in America.

Is racial profiling a subtle form of legal prejudice, or is it a legitimate crime detecting strategy? The controversy surrounding racial profiling emerged with the indictment of two New Jersey State Troopers on attempted murder and assault charges arising from a shooting during a routine traffic stop on the New Jersey Turnpike in 1998. That same year, there were numerous misdemeanor charges of officers who were falsifying their personal activity logs to conceal the disproportionate number of minority drivers that they were accused of stopping on New Jersey highways in their district.

The practice of profiling is questionable in a number of ways. From a legal point of view, it is difficult to prove. A national movement is in place that will require law enforcement agencies to keep statistics on who is stopped, detained, questioned, and searched. Leaders in African American communities say that this may be the only way to make sure that people are not being stopped because of the color of their skin. Several attempts in congress were made to enact a federal law requiring law enforcement agencies to keep such records on all traffic stops. These attempts were defeated in the senate.

Another questionable practice of racial profiling is that the courts contend that the law should not regard large groups of American citizens as criminals based solely on their race; however, the courts must acknowledge that facts should not be simply ignored because they may be unpleasant. People of color and whites do not commit crimes nor are they the victims of crime proportionately to their respective numbers within the general population.

Statistically, African Americans (especially young African American men) are arrested or detained for committing dramatically more street crimes in the United States. This situation raises an interesting question. Is racial profiling wrong when the only criterion for the stop is the color of one's skin? In the above situation, yes; however, when other observable criminal behavior is added, is it actually racial profiling?

In some form or another, we all participate in racial profiling. We may presume certain behaviors about people, perhaps because of general appearance, dress, etc.

The Fourth and Fourteenth Amendments

The entire racial profiling concern centers around the violation of the Fourth and Fourteenth Amendments.

The Fourth Amendment states . . .

The right of the people to secure in their person, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath of affirmation, and particularly describing the place to be searched and the person or things to be seized.

The Fourteenth Amendment states . . .

All persons, born or naturalized in the United States and subject to the jurisdiction there of are citizens of the United States and of the state where in they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive to any person within its jurisdictions the equal protection of the laws.

In the Fourth Amendment, the belief is that racial profiling is relative to the fact that police have no legal basis for the law enforcement action (Frederickson & Siljander, 2002). Critics believe that racial profiling is relative to the Fourteenth Amendment in that police have a legal basis for the enforcement action, but the action is allegedly motivated more by bias than any reasonable suspicion or probable cause that may exist under the circumstances (Frederickson, 2002).

There are many other concerns involving racial profiling, but are they legitimate? For example, a 5-year-old German shepherd police dog has been accused of racial profiling. In McKees Rocks, Pennsylvania, a city councilwoman accused the police department's only police dog of racial profiling. According to the councilwoman, the police dog, Dolpho, attacked a 9-year-old, African American boy instead of an alleged drug dealer, with whom police had engaged in a physical altercation (Associated Press, 2002). The councilwoman stated that in the past year, she had received six complaints about Dolpho. Three who complained were involved in drugs. Three others were African Americans who believed that the dog attacked them because of their race.

Most owners of canine training schools believe the charges were ludicrous; however, Dr. Nick Dodman, a national expert on animal behavior at Tuft's University School of Veterinary Medicine says not only can dogs determine race, but they also can develop prejudices similar to humans.

Another example of racial profiling comes from Seattle, Washington. Allegations have been made that a disproportionate number of African Americans were given traffic citations by the city police department in 1999. Of the 86,000 traffic citations written, African Americans were given 16.8% of the tickets although they make up only 9% of the total population (Murakami, 2001). Was racial profiling involved? A study has been ordered to make this determination.

A national survey conducted by the Bureau of Justice statistics as a supplement to the national crime victimization survey reported that African American drivers were more likely than others to be stopped at least once in 1999. That is 12.3% of African Americans compared to 10.4% of whites (Schmitt, Langan, & Durose, 2002). The study concluded that because no information was collected on law-violating behavior, the differences reported could not be attributed to racial profiling.

Unrelated to law-violating behavior, allegations have been made in a study of more than six million car loans made by Ford Motor Credit Company from 1997 to 2001 that Latino buyers, regardless of credit history, paid significantly higher interest rates than non-Latino borrowers. Additionally, studies have shown that regardless of

their income, minority homeowners are more likely than whites to get high interest loans when they refinance their mortgages.

Based on much of the literature, racial profiling does not help us fight crime. It does great damage to individuals, to the social fabric of the society, to the rule of law, and to the entire legal and criminal justice system.

The basic idea of the criminal justice system is “innocent until proven guilty.” Police need to have a reason to detain a person for any length of time. They cannot generally demand that individuals explain themselves, what they are doing, where they are going or anything else without a reason. Racial profiling makes a mockery of our nation’s effort to provide equal protection of the law. Instead of the police needing justification to inquire of the citizen, the citizen must justify him- or herself to the police.

If the police believe that people of other races are more likely to commit crimes because of arrest statistics and conviction rates, they may be more likely than not to investigate people of color more frequently. Many police officers believe that statistical data is a good indicator in predicting who might be a criminal; therefore, we arrest, convict, and jail more African American and Latinos.

In the last several pages, we have discussed racial profiling exclusively and the injustices that lie therein; however, are the tactics used by law enforcement personnel illegal, or is this just good police work? Let us now offer a different perspective.

“There is no credible evidence that racial profiling exists, yet the crusade to abolish it threatens a decade worth of crime fighting success” (MacDonald, 2001). The above statement would seem to be a very provocative one, especially in light of the number of articles written on racial profiling.

George W. Bush has joined the anti-profiling campaign and contends that, “Racial profiling is wrong and we will end it in America” (MacDonald, 2001, p. 14). What is racial profiling and what evidence do we have that it actually exists?

The ultimate question in the racial profiling controversy is whether the disproportionate number of African Americans and Latinos who go through the system and the low number who are employed as law enforcers reflect police racism as the consequences of disproportionate minority crime. There are two basic meanings of racial profiling. Hard profiling uses race as the only factor in assessing criminal suspicion. An example of this would be an officer who sees a person of color, and without more to go on, pulls that person over for a search and pat-down on the mere chance that the person might be carrying drugs or weapons. Soft profiling is using race as one factor among many in determining criminal suspicion. An example of this might be a state trooper who may have intelligence that young, Jamaican males, operating Jeep Grand Cherokee vehicles with Florida rental plates are possibly transporting cocaine northbound along the east coast interstate highways.

Before we delve into the racial profiling trap that many people would like us to believe, let us take a closer look at the everyday demands of police work. Drug offenses, domestic violence, armed robberies, and homicides are all crimes faced by law enforcement. Minorities complain that they are being targeted and are

subject to disproportionate stops, frisks, and pat-downs. If they are, statistically, the ones committing the crimes, why is their involvement in criminal activity being questioned?

Random national surveys of drivers on weekend nights in 1973, 1986, and 1996 found that African Americans were more likely than whites to fail Breathalyzer tests. Blacks, in one New Jersey study, were 23% of all drivers arrested at the scene of an accident for driving drunk; however, only 13.5% African Americans were highway users (MacDonald, 2002). In February 2001, Harlem, New York, residents requested Mayor Giuliani to conduct more drug stings in their neighborhoods. They did not care about the color of the criminals who were destroying their neighborhoods. They only saw the “drug dealers.” Seemingly, this is the perspective that many police officers have. Their world is divided into “good people” and “bad people,” not into color or culture, while others may have preconceived ideas about people of color and their standing in the community. Assume that racial profiling is standard procedure by the police; has crime reached such a level in our society that this procedure is acceptable by residents?

After the terrorist attacks on September 11, 2001, many people were very uncomfortable around person of Middle Eastern origin. In the months that followed, and even today, racial profiling has proven to be somewhat effective. The police subculture, one that has its own customs, morals, and taboos, believes that capturing terrorists and criminals requires using methods that work. These techniques may not be favorable by society, but they work! Profiling started years ago with white males in serial killings. That method helped apprehend murderers. Although racial profiling was used, the mode of operation used by the suspects may have been the biggest contributing factor in their apprehension. Law enforcement demands and the national security of our country require that law enforcement use whatever tools are needed to aid them in their goal.

Within the past 5 years, surveys conducted by the Bureau of Justice Statistics (Schmitt et al., 2002) of the characteristics of drivers who have contact with police resulted in some of the findings below:

- Whites made up 76.7% of licensed drivers and 77% of drivers stopped by the police in 1999. African Americans accounted for 9.8% of licensed drivers, but 11.6% of stopped drivers. Latinos accounted for 9.9% of licensed drivers and 8.4% of stopped drivers; 3.6% percent of persons were other races and were 3% of drivers stopped by police.
- Searches – Police were more likely to conduct a search of the vehicle and/or driver involving African American male drivers (15.9%) or Latino drivers (14.2%) compared to white male drivers (7.9%).
- Speeding – Statistics show that among all drivers stopped for speeding, African Americans (75.7%) and Latinos (79.4%) were more likely than whites (66.6%) to be ticketed.

The above statistics of racial profiling differences in traffic stops may not signal racial profiling. To form evidence of racial profiling, the survey would have to show (with all other things being equal) . . .

- That African Americans and/or Latinos were not more likely than whites to violate traffic laws.
- That police pulled over African Americans and/or Latinos at a higher rate than whites.

Because the survey contains only data on how often persons of different races are stopped, not data on how often they actually break traffic laws, analysis of data from the 1999 Police-Public Contact Survey cannot determine whether, or even to what extent, racial profiling exists (Schmitt et al., 2002).

The issue of racial profiling has become very problematic for law enforcement. For some aspiring politicians, the term *racial profiling* seems to have become a convenient political platform in that, sometimes, political promises are made to make racial profiling illegal. The basis of the problem lies here; how does one make illegal something that does not exist, as politicians have promised? Racial bias through discrimination and persecution can pollute the legitimate law enforcement practice of criminal profiling (Frederickson & Siljander, 2002).

Do we believe that racial bias exists in today's society? As a former Virginia State Trooper and now Sheriff of Washington County, Virginia, I have seen racial bias. When the trooper or deputy checks a vehicle with the use of radar after dark, it is unlikely that one's skin tone can be determined. Only when the trooper or other police officer walks up to the vehicle can skin tone be determined. At this juncture, we believe that there is no profiling; however, in our opinion, this may possibly be the onset of racial discrimination. How then can racial discrimination be addressed? We feel that the best way to address and perhaps shape officer attitudes concerning discrimination is through thorough pre-employment screenings and good officer training. During the interview process for new officers as well as administrators, the agency should emphasize racial tolerance, cultural diversity, and a strict adherence to racial discrimination policy. These ideas should be overemphasized during training in the basic academy and reinforced in each in-service school.

If and when a complaint is made against an officer for racial discrimination, it should be dealt with appropriately. If dealt with appropriately, it will do two things:

1. It will send a message to the public and to the complainant that the agency deals with the complaints expeditiously and professionally.
2. By dealing with the complaint expeditiously, it sends a clear message to the officer and others that if the complaint is founded, disciplinary action, resulting in termination is almost certain.

Finally, is racial discrimination a serious problem? Perhaps it is less of a problem in some rural areas. My experiences as a law enforcement officer have shown that regardless of skin color or race, a violator is a violator. I think that when we as police officers see several African American males riding around listening to loud music, we ask ourselves, "What are they up to?" It is at this point that we should refer to the professionalism we claim to possess and the training that we have received.

If the accusation of racial profiling begins to control policing, public safety will certainly suffer. Urban areas may be affected more often. These are the areas in which police must protect the thousands of law-abiding residents by using whatever methods are available to combat the violence often precipitated by street-level drug activity. Controlling drugs in our society should start with other agencies of law enforcement; however, controlling street-level drug activity can only be controlled by police organizations.

As a 23-year veteran of law enforcement, I can only recall two situations in which a verbal allegation of racial profiling was made against me. Both involved traffic stops, and both were African American males, one from New York and the other from New Jersey.

In the first situation, I stopped a vehicle in the predawn darkness for speeding on Interstate 81, a major thoroughfare that goes from Knoxville, Tennessee, to Syracuse, New York. I remember his first comment was that I had stopped him because he was black, although it was 4:00 AM. My second experience was during the daylight hours, also on Interstate 81. I, again, had stopped a African American male as he came through radar traveling at an excessive speed. He was confident that he was not speeding and asked if I had gotten my "quota of black men for the week." He initially refused to sign my summons; however, after I explained the options, he reluctantly signed my summons. Later, he filed a complaint with my agency for racial profiling. It was unfounded.

Finally, if hiring criteria does not result in the more professional officer, if quality training is not provided on a regular basis, and if the supervision of the officer is weak, mistakes and complaints on the part of the officer will likely result. In our opinion, training is most important. The training must emphasize maintaining integrity to its highest degree as well as bias-free law enforcement.

As the commanding officer observes officer work and examines disciplinary history related to racial bias and these records show that an officer has a history of complaints involving racial bias, he or she should be a candidate for dismissal. Police administrators should be less tolerant of officers who are continually demonstrating bias.

Racial profiling, is it a fact that needs to be dealt with or simply complaints made by a few? One thing is certain; it is the responsibility of every law enforcement agency in the nation to monitor their respective departments as they provide protection, to assure citizen safety, and to make sure that racial profiling is not occurring within their agency.

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Differing Views on Racial Profiling: A Review

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Introduction

Racial profiling is one of the most controversial topics for debate in politics today. Most politicians have a “media friendly” opinion on the subject. Frequently, when the typical American family tunes in to the evening news, there are headline stories regarding racial profiling and politicians addressing the subject. Politicians, generally, take a firm stand against profiling, feeling the need to vocalize the unfairness of profiling based on race to expand their appeal to voters.

There are, however, numerous differing views on racial profiling. Most people believe that it is inherently wrong to judge or profile a person strictly based on race. Many believe that race should not play a factor in any type of criminal profile, regardless of the evidence of a particular crime. While there are those who fervently disagree with racial profiling, there are others who, just as fiercely, believe that it is a necessary tool to control crime. The majority of those who believe in the use of profiling, see it as one of many tools and not the primary or determining factor.

Today’s law enforcement agencies must deal with countless accusations of racial profiling. Many police departments have established policies and procedures against racial profiling in an attempt to avoid litigation. Racial profiling has become a topic that is shaping how law enforcement agencies respond to a variety of problems. It is imperative that law enforcement and the public have all of the information needed to come to a fair conclusion on this sensitive subject.

Racial Profiling Versus Criminal Profiling

Much of the debate surrounding racial profiling can be clarified by distinguishing racial profiling from criminal profiling. Many refuse to consider that the two terms are, indeed, different. According to Darin Fredrickson and Raymond Siljander (2002), racial profiling is using race as the primary motivator to commence police actions while criminal profiling is using race as one among many different factors to substantiate probable cause. Criminal profiling is often confused with racial profiling because race often plays a factor in profiling criminals.

“In reality there is no such thing as racial profiling! But, there is such a thing as racial discrimination, and racial persecution. And, racial bias can pollute the legitimate law enforcement practice of criminal profiling” (Fredrickson & Siljander, 2002, p. 6). Politicians frequently claim that if elected, they will make racial profiling illegal; however, racial profiling is merely racial discrimination. Racial discrimination is already illegal, so it is redundant to enact laws banning racial profiling. As legislators have passed bills in several states banning racial profiling, it has tended to make

the jobs of law enforcement agencies more difficult and less effective (MacDonald, 2002f).

Many people fail to understand that the utilization of race combined with many other factors is not a moral issue. On the contrary, criminal profiling has proven to be an invaluable tool in law enforcement. Police use criminal profiling to significantly narrow searches for suspects. Law enforcement agencies have always used criminal profiling (Fredrickson & Siljander, 2002), yet, only recently has profiling turned into an issue of race. A criminal's *modus operandi* makes criminal profiling possible. Criminals often unconsciously leave behind clues that point to their *modus operandi*. These clues have distinct characteristics and aid police in their search for a certain suspect. These characteristics commonly follow the perpetrators throughout their lives of crime.

"A profile can be defined as a short but descriptive biography describing the most outstanding characteristics of a subject" (Fredrickson & Siljander, 2002, p. 15). Using this definition, it seems logical to assume that race will play a part in a criminal profile because it is a major characteristic of a person. In the instance in which a person is stopped or questioned merely because of his or her race, police officers are not using racial profiling; they are practicing racial discrimination. Criminal profiling is seen as a necessary tool for law enforcement while racial profiling is detrimental to all involved.

The Case for Using Race in Criminal Profiling

Traffic stops are often the target for the debate on racial profiling. Some research indicates that a disproportionate number of minorities are being stopped (MacDonald, 2002b). Although the overwhelming majority of stops begin with an actual traffic violation, many minorities are claiming that they are victims of racial profiling (MacDonald, 2001b). MacDonald (2002c) identifies two types of racial profiling: (1) hard (racial) profiling, stopping someone solely based on race and (2) soft (criminal) profiling, stopping someone based on several factors, one of which may include race. MacDonald (2002e), a prolific writer in this area, believes that racial profiling is a myth. She asserts that the media is, in part, to blame for the recent increase in racial profiling claims.

At a town meeting in Harlem, residents demanded that then New York City mayor, Rudolph Giuliani, take action to fight the drug problem. Giuliani responded with an assertive crime deterrence policy in an attempt to stop the drug problem in Harlem. He went so far as to educate the state troopers on drug courier profiles. Despite the fact that Giuliani's plan significantly decreased crime, minorities began to claim that they were now victims of racial profiling. Black motorists claimed that they were constantly targeted based solely on race (MacDonald, 2001b).

The citizens cry out for lower crime rates, but often when police develop tactics to combat the ongoing crime problems, they are labeled as racist. Harlem is a prime example. The citizens demanded something be done about the drug problem; however, when solutions included an increase in minority arrests, the citizens were outraged. MacDonald (2001b) alleges that the police are in a no-win situation. When crime is up, they are not doing their job, and when crime goes down, too many minorities are in jail.

According to MacDonald (2001b), there are a number of reasons why minorities make up an unequal percentage of the traffic stops and drug convictions. Police respond to citizen reports of criminal activity. If that activity happens in a Hispanic neighborhood, the probability is that the suspects are also going to be Hispanic. The same would be true for any neighborhood. The predominant race of the community is likely to determine the race of the perpetrator, yet the community still argues that the police are racist. Demographics play an important part in who gets stopped and questioned. When a crime occurs, police respond and get information from the victim. They then use the information gathered to search for suspects. For example, in 2001, nearly half of all Los Angeles' murders took place in South Central. MacDonald (2003) argues that it is reasonable for the police to focus a disproportionate amount of their time in this area, despite the fact that it is primarily comprised of African Americans and Latinos. She contends that police officers are not ignoring the white drug dealers but focus on certain geographic areas based on the premise that more drug deals are made in minority neighborhoods than in white neighborhoods—and if not more drug deals, then at least more violent drug crimes. It is logical, therefore, to assume that the police will go where the crime occurs. She reasons that as the profiles for drug couriers have become more advanced, there has been an increase in drug detection on the highways. MacDonald (2003) sees this as good policing, not as profiling.

As previously stated, research studies have shown that minorities make up a disproportionate number of the traffic stops; however, no research has been done to prove that race is the determining factor in this equation. For example, in San Diego, statistics indicate that black drivers have a disproportionately large number of accidents when compared to their percentage of the population (MacDonald, 2001b). Based on this research, how then can one assume that previously mentioned citizen-police contacts are based strictly on race?

Peter Verniero, New Jersey's Attorney General, issued a report accusing the state's highway patrol of engaging in racial profiling (Kocieniewski, 2002). This report was based solely on the percentage of consent searches following a stop. MacDonald (2002c) asserts that this is not an effective way to measure racial profiling, proposing studies based on traffic violators. The New Jersey State Police received more negative publicity when the state attorney general conducted a study concerning racial profiling on the New Jersey Turnpike. This study followed accusations made by the former governor, Christine Whitman, that state police were unfairly targeting blacks along the turnpike. This accusation was based on the assertion that there was a higher percentage of blacks being stopped per capita (MacDonald, 2002b). Once the media announced the accusations, police throughout the state of New Jersey were perceived as racist. Since Whitman's announcement, police arrests and consent searches have plummeted to an all-time low, probably due to fear of increased allegations of racial profiling (MacDonald, 2002c).

In reality, the study that was ordered by the officials of New Jersey because "too many blacks" were being stopped statistically indicated that racial profiling is a myth. The Public Service Research Institute in Maryland conducted the study, which included 40,000 drivers (Kocieniewski, 2002). The study revealed that black drivers were more likely to travel in speeds over 90 miles per hour than white drivers. During the course of this study, while black motorists made up 16% of the drivers on the New Jersey Turnpike, they made up 25% of the speeders (MacDonald, 2002c).

Nonetheless, to claim that racial profiling is a myth is not acceptable in the world of politics; therefore, when the researchers attempted to publish their findings, they were thwarted by the U.S. Justice Department, who tried to delay the release of those findings. Still, when all of the department's questions were answered and the study's findings were validated, they were forced to endorse the study (MacDonald, 2002c).

According to MacDonald (2002b), the statistics that the anti-racial-profiling activists use, are based on the assumption that all racial groups commit crimes at the same rate. She argues that those opposing racial profiling refuse to consider that all crimes may not be equally distributed throughout the population. For example, in New York, blacks make up 25% of the population but account for 50% of the stop-and-frisks carried out by the police department (MacDonald, 2002a). Comparing the two statistics, the anti-police activists would argue that the New York Police Department is racist; however, these anti-racial-profiling activists do not consider the third statistic, which indicates that blacks in New York are 13 times more likely to commit violent assaults than whites. The addition of this fact indicates that blacks are actually being stopped and frisked less than their level of crime would predict (Horowitz, 2001).

The police suffered a media assault related to the Rodney King episode. The beating of Rodney King was played on every news station for days. Police were charged with being racist and brutal. This was publicized not as a single incident but a nationwide epidemic. Some suspects have realized that a claim of an officer being "too rough" now gains national attention and can destroy an officer's career. The effects of these accusations have been officer demoralization and tense community relations. Police officers are now more hesitant to arrest minority perpetrators because of fear of false accusations, resulting in increased crime against all races (MacDonald, 2002a). MacDonald (2001b) further contends that police officers are routinely required to attend classes and seminars on racial profiling. These classes teach police officers to be fearful of potential racial profiling claims and increased litigation.

Perhaps the most devastating effect of these recent allegations against law enforcement officers is our country's vulnerability to terrorist attack. Being of Middle Eastern origin may be one factor in a terrorist profile. The anti-racial-profiling activists claim that this is racial profiling and infringes on the rights of those of Middle Eastern lineage. MacDonald (2002a) argues that common sense would tell most people that federal agents simply cannot investigate every potential criminal or terrorist; therefore, it is reasonable to assume that race may be a factor in building a criminal or terrorist profile. The anti-racial-profiling activists, however, argue that federal law enforcement officers should investigate every group of people equally, believing that race should never be a factor in any type of profile.

The Case Against Using Race in Criminal Profiling

It is contended that the majority of minorities, along with a number of Caucasians, believe that racial profiling is a problem. According to Leitzel (2001), blacks, in general, have worse experiences with police than do whites. He asserts that, all too often, race plays a decisive element in whether someone is stopped or not. Leitzel asserts that any use of racial profiling is a devastating problem, stating that it leads to more crime, not less.

Leitzel (2001) insists that racial profiling does occur and is not a myth. Blacks are victims of a tragic stereotype: all black males commit crime. This stereotype makes it difficult for law-abiding black males to distinguish themselves from lawbreakers. Using this rationale, police are never justified in using race in any way to decide who looks suspicious and who to stop and question. According to Leitzel, while this may appear counterproductive in the short run, not using race as a factor will prove to be effective in crime control in the long run. Effective crime control in this country requires cooperation between police and the citizenry. In order to get cooperation, the citizens must trust the police. Racial profiling undermines trust. Race-based policing lessens trust, and this lack of trust leads to less deterrence of crime because blacks will become less apt to report crime. Racial profiling creates hostility between police and blacks and makes police officers' jobs more difficult. (Leitzel, 2001).

Furthermore, Leitzel argues that racial profiling provides inducements to break the law. Young black males tend to give in to this stereotype and begin to exhibit a "self-fulfilling prophecy." This reduces their incentive to be law-abiding citizens. The occasional bad cop does not cause the problem; rather, it is created by the years of conflict between the minority citizen and the police officer. Leitzel alleges that using race as part of a profile is harmful to police as well as minorities because it stereotypes the police officer. Racial profiling creates the stereotype that most police are racist and insensitive to the concerns of minorities. He suggests that at times, even good police officers participate in race-based stops, believing that they are doing their duty. Leitzel, therefore, advocates a policy banning race-based decisions to inform all police officers that this practice is not acceptable and will not be tolerated.

Steve Cooper (2001) believes that researchers should take a qualitative approach when studying racial profiling. He claims that statistics do not present a clear picture of what minorities are faced with every day. Moreover, statistics will not help in finding a solution to racial profiling. According to Cooper, individual cases of racial profiling should be examined. For example, 15 black men have been killed by Cincinnati police in recent years, while no white men were killed during this time. Timothy Thomas was the fourth black man killed by the Cincinnati police since November of 2000; he was stopped 11 times by 10 different officers during a 2-week period the month before he was killed. Cooper (2001) asserts that blacks are over-represented in crime rates. He believes that whites use drugs at the same rate as blacks, but blacks make up an unreasonably large portion of those who are arrested and convicted for drug offenses.

Data from the California Post-Secondary Education Commission and the California Department of Corrections in 1994 indicates that for every black man enrolled in a 4-year degree program in California, there are five black men who are under some form of criminal justice control (Cooper, 2001). Data from Cooper's analysis in 2001 estimates that for every black man that graduates with a bachelor's degree in California, 10 black men are sentenced with a felony conviction. He compares this with the statistic that for every 1.1 white men graduating with a bachelor's degree, only one white man is sentenced with a felony conviction in California.

James Forman, Jr. (2001) helped start a charter school in Washington, DC. He insists that because his students witness racial profiling every day, it is difficult to teach them that they can succeed in life. According to Forman, his students witness

racial profiling on a daily basis. This charter school is located in a very heavy drug trafficking neighborhood, resulting in extensive policing in the area around the school. He complains that instead of focusing on the criminals, police often turn their attention to the students of the school, alleging that students are frequently harassed by police simply because they are standing outside of their own school. He further asserts that approval of racial profiling by those in the general population greatly inhibits the efforts of parents, counselors, and teachers, who, as a team, try to teach children that if they work hard, they will succeed in life, but racial profiling removes the desire to put forth any serious type of effort to achieve that goal (Forman, 2001). According to a study in 2001 conducted by *The Washington Post* and Harvard University (Staff Report, 2001), nearly 52% of black men and 25% of black women believe that they have been unfairly stopped by police. This survey consisted of 1,709 randomly selected adults.

Summary

Who is right? Both sides present good cases, yet, both arguments have their flaws. Heather MacDonald asserts that racial profiling is rare but does allow for the infrequent, racist police officer. She and the anti-racial-profiling activists use the same statistic to reach different conclusions. MacDonald (2002a) concludes that blacks commit more crime than whites. The anti-racial-profiling activists conclude that the same statistics are proof that racial profiling is, indeed, a problem. MacDonald consistently claims that minority groups commit crimes at higher rates than whites; however, she fails to provide substantial proof of her assertion that minorities make up a large percentage of the prison population strictly because they commit more crime—not from any adverse effects of racial profiling. The anti-racial-profiling activists also have flaws in their argument. The people who claim that racial profiling is a widespread problem typically focus on exaggerated incidents of profiling. They have not attempted to answer MacDonald's question of who commits the most crime.

Darin Fredrickson and Raymond Siljander (2002) make a convincing argument that the confusion and debate surrounding racial profiling could be resolved by understanding the difference between criminal and racial profiling. They contend that it is inconceivable to think that race should play no part in criminal profiles. Race is a predominant physical characteristic. To prohibit police from using race as one factor, among many, would be an injustice to crime victims of all races.

In an era of sensationalism, the media has played a decisive role in the way that minorities view the police. The media consistently reports cases of alleged racial profiling (MacDonald, 2000). In any occupation, there is the possibility that racism will exist; however, it is important to note that the majority of police officers are not racist and do not participate in racial profiling. It can be argued that racial profiling is not the widespread problem the media would lead the public to believe; however, where it is a problem, it must be eliminated.

One way to combat racial disparities between police and minorities is to educate both sides. The police should be educated about the minority attitudes toward the law enforcer. Police need to make a concerted effort to demonstrate to minorities that they will not tolerate racism. The occasional racist police officer can ruin an amicable relationship between a community and the police, requiring extensive

remediation on the part of the police. The police are meant to serve the public; however, a large portion of minorities are of the opinion that they are abused rather than protected by the police. A proactive approach in this area would go far in the solving of future problems.

Another major problem arises with the media involvement. Public relations campaigns are needed to counter-act the negative publicity. Citizens should be allowed to view the average police officer, the one who risks his or her life daily to protect and serve, regardless of skin color.

Although any acts of racism are a serious problem, it does not have to be a continuing one. Working together as a community, the public and the police can find ways to share the hurt and focus on healing. In forgetting the past, the two can forge ahead for a brighter tomorrow.

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Using the Community-Policing Model for Approaching Terrorist Threats and Domestic Preparedness

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Terrorist Threat and Homeland Security

Since September 11, 2001, the relative calm and expectation of peace in America has been shattered and has caused fear among the public. As communities and public safety agencies begin to prepare their communities to deal with potential terrorist or bioterrorist threats, there are lessons that have been learned from several community-policing models that can be effectively drawn upon for better implementation.

Over the past 2 years, incidents of terrorism have affected the United States and American interests abroad. The effects of the attacks on September 11 caused the country to respond and prepare for future incidents. Shortly following the attacks in New York, Virginia, and Pennsylvania, the Office of Homeland Security was created by President Bush. After months of creating the infrastructure of this new agency, the office was elevated to cabinet-level status. The preparation and reorganization led to the Department of Homeland Security (DHS).

The recent ramp-up efforts by state and federal government are reminiscent of the staging for Civil Defense in the 1960s. September 11 served to motivate cities and towns to develop response plans for any localized terrorist incidents. The safety of the public is important and falls to government agencies.

Community policing is intended to encourage community input and involvement. As communities and our country attempt to put safeguards in place and raise awareness, community members, community and business leaders, and neighborhood groups should be enlisted to assist. The tenets of community policing can be utilized to plan and engage the community in this endeavor.

In New York, after the initial shock and measured response, the community played a vital role in the healing and helping process. Law enforcement, fire service, and emergency medical personnel were hailed as heroes for their bravery and dedication. Following the tragedies in New York, Virginia, and Pennsylvania, the fear of future attacks was heightened. As further deadly attacks were carried out across the globe, the Department of Homeland Security was created. After a series of alerts, many of the nation's police chiefs called foul because the FBI was not sharing information freely. The FBI responded by appointing a former police chief to serve in a newly created position for law enforcement coordination.

What has been unusual over the past few months is that while police and fire departments have geared up for response to chemical/biological attacks, they also

had to deal with anti-war protests. There are competing interests that have to be balanced. While the ability to protest stems from our freedom of speech in the United States, the gatherings have become all but peaceful. Police have had their attention diverted from providing security and surveillance at important sites throughout U.S. cities and towns to protect the public.

As threats were identified and alerts broadcast throughout the United States, there was confusion and breakdown in communication and sharing of information. Many police leaders became vocal about the failure of the FBI to share information directly in a forthright manner so that police departments could plan and respond appropriately.

In response to this criticism, in 2002, the FBI created a position for law enforcement coordination. This position was intended to enhance coordination and communication between the FBI and tribal, local, and state law enforcement agencies.

A 30-year veteran of policing, Louis J. Quijas, was appointed as assistant director for law enforcement coordination. Quijas was a 25-year veteran with the Kansas City, Missouri, Police Department and chief of the High Point, North Carolina, Police Department. He is an advocate and practitioner of community policing.

According to Quijas, community policing is needed now, more than ever. As he makes contact with police agency heads, he reminds them of the importance of retaining the pillars of community policing. In a recent interview, Quijas indicated that prevention is an important component to dealing with the terrorist threat. Community policing has to be at the center of a strategy to deal with the terrorism threat.

As President Bush has stated recently, a safe country starts with a safe community. According to executives at the FBI, the success of the FBI is directly related to the relationships, cooperation, and coordination with local, state, and other federal agencies.

Recent successes in upstate New York and Michigan started with great police/community relations. Alert citizens provided information to local police, and the police in turn notified federal authorities. Quijas points out that terrorist acts are violent crimes and that community policing efforts have helped to arrest rising violent crime rates in the recent past.

Efforts are being made to convert the FBI approach from a reactive agency to a more proactive, preventative organization. This is being attempted using the pillars of community policing as a basis. This approach is novel to the institution of the FBI.

According to current management practices at the FBI, the agency is beginning to realize that their customers include local and state policing agencies throughout America. Quijas also feels that research and crime analysis has found that community policing has worked in many different cities and towns. He feels that police departments need to remain flexible, with an "ear to the ground" for any information that may contribute to advanced knowledge of potential threats to communities.

Quijas commented that crime did not stop after September 11 and that open dialogue with the community and neighborhood groups has helped to identify problems and develop solutions to improve the quality of life.

In response to criticism of the FBI response by local, county, and state law enforcement, a summit was convened at the FBI Academy in Quantico, Virginia. In attendance were special agents in charge of the FBI, academics, Department of Justice officials, and police executives. Topics included framing a regional response to the terrorist threat, security clearance issues, barriers to intelligence gathering and sharing, joint terrorism task force units, and future training opportunities (Murphy, 2002).

Police and Community

As community policing was implemented, countless police officers stepped back into the community. Instead of riding on random patrol and responding to calls, some agencies began to adopt an approach of outreach, neighborhood empowerment, and prevention. Neighborhood Watch groups grew in cities and towns.

The principles of community policing include developing sustainable community partnerships, problem solving in collaboration with the community, and organizational change within the police agency. These changes should reflect a participative and proactive approach to community safety. Collaborative problem-solving strategies provide a structured model to prepare citizens to identify, prevent, and manage a response to potential terrorist activities on a community level.

Law enforcement organizational change is proactive and preventative, which is essential to effectively address the issue of Homeland Security today (UMCPI, 2003). As courses are being developed and introduced to reflect the issues of Homeland Security, there are questions as to the relevance and necessity of a separate Homeland Security program.

The concept of force multiplier is grounded in the fact that no single agency has the reach, resources, or capability to deal with issues unilaterally. Through partnership, cooperation, and collaboration, the response towards domestic preparedness is strengthened. Collectively a team of law enforcement agencies, coupled with involved and concerned citizens, can bring significant resources, funding, and intelligence.

Reviewing the principles and tenets of community policing is helpful as some of those principles can have applicability to the challenge before the nation today. Other government agencies have successfully adopted and adapted principles such as community justice. Most citizens are willing to work towards improving the quality of life in their communities. Most support police and their work. Many are looking for leadership from police and are willing to work in conjunction with police agencies to identify neighborhood problems and seek solutions for improvement.

Much of police training is focused on preparing officers for "war," but, most law enforcement issues involve peacekeeping. Under stress and scrutiny, many organizations have a tendency to retreat to prior practices. There is criticism and concern about the militarization of police in the United States (Thibault, 2003).

In these circumstances, it is important that police agencies do not revert to the “guardian or protector” approach to policing. This mentality refuses to recognize the usefulness of community interaction and involvement in the particular issue facing the community and its police forces. It is important for police managers to reflect on the benefits of community involvement in the issues concerning that community.

The U.S. military has had to adapt to a dual role of defending and fighting for American freedoms and preserving order and peace in quasi-policing and peacekeeping missions. It is difficult for our modern military to adapt to this dual role. One day, they are called on to fight and kill; another, they are called on to quell disturbances and maintain peace.

It is important for officers to receive training in the importance of meetings, to be prepared for larger forums and neighborhood watch groups, and to be able to allow citizens to vent and not take it personally. The challenge is to channel energy towards identifying common problems and seek solutions.

Since federal agencies are charged with the overall responsibility for preventing terrorism, there is a natural need for local outreach and assistance. Agencies such as FEMA, the FBI, DHS, and others must capitalize on existing relationships in the districts and neighborhoods of cities and towns across the United States. The most expedient and direct way to achieve this is by linking with local and county police and sheriffs’ agencies.

Community Policing

Many agencies have attempted to aim towards a more horizontal organization to get closer to the customers. This structuring would require the agency to flatten the organization. Many agencies thereby are pushing decisions downward. The adoption of decentralization strategies recognizes that customer focus is imperative; thus, police substations are being created to allow for easier access of police services by citizens. They are situated in high-traffic areas, and many are staffed by superior officers who have been given new decision-making ability. In many agencies, a number of officers have been designated “community policing officers.”

The community policing philosophy, as well as the accreditation process, encourages the police agency to involve civilians from outside the agency in the planning and strategic focus of the department. Civilian Police Academy, Community Advisory Boards, and Civilian Review Boards are more commonplace today. These groups serve to open lines of communication. With two-way communication, the agency can better understand the needs of the customer and respond to the changing needs more quickly. A community involved with its police is more apt to trust the police organization. It is more apt to give full support to the efforts of the organization (NECP², 1994). In order for community policing to work, there must be communications channels developed between law enforcement and community members, who are the true “customers” of police agencies.

Goldstein (1990) introduced the concept of Problem Oriented Policing (POP). The culmination of nearly 20 years of research, *Problem-Oriented Policing* outlines the basic elements of the problem-oriented approach to policing in which police focus on

the underlying causes of crime rather than just respond to calls for service. Officers were provided training in the use of the S-A-R-A (Scanning, Analysis, Response, Assessment) model.

Traditional Model of Policing

In many traditional law enforcement structures, police administrators felt that they had all the answers and did not need the participation or interference of the general citizenry. They remained cloistered and insulated. Many law enforcement managers felt that lay people could never understand the difficulty of their job. They resisted outside input into the internal function of the agency. This attitude is slowly changing, as more and more officers and managers seek outside help to improve departments.

The traditional model of policing is structured as a top-down, paramilitary organization. Law enforcement agencies typify the traditional, bureaucratic, mechanistic management model. Traditional line authority is expected and demanded, much like the military model. Generally, the communication style is straight line (up and down). Police agencies historically have featured a centralized authority, a hierarchical decision-making structure, a high degree of division of labor, and specialization with formalization and standardization. Systems are developed and in place to define communications mechanisms and report requirements.

“The high priority given to organizational matters gets in the way of delivering police services” (Goldstein, 1990, p. 16). Problem-oriented policing calls for adopting a proactive stance. The author proposes strengthening the decision-making processes and increasing accountability and problem identification along with considering alternative solutions.

In his call for the adoption of problem-oriented policing, Goldstein (1990) proposes three changes:

1. Police leaders must articulate the basic values with which they approach the police task and which influence their management technique.
2. They must have a strong commitment to problem solving as a core of policing.
3. More broadly, they must make fundamental changes in the most common type of relationship that exists between leadership and rank-and-file officers in a police agency.

Jones (1998) writes that the task for police leaders is clear: drive and manage change or be driven by it. Jones found that in the 1990s when the British Government’s attention was focused on policing, it was determined that the police service was held as a bastion of reaction and costly restrictive practices. This realization jolted the British police service from complacency, causing a number of reforms. The public demanded access to information and wanted a say in the decision-making process of the police service. The police service adopted an approach using TQM.

Historically, law enforcement officers had a “beat” and knew the area residents. With a more mobile and transient society, many agencies evolved into reactive entities. In earlier years, agencies did not have the benefit of radio communications, computer-aided dispatch, or mobile communications. The corner call box and whistle were the

only means of communication. Today, the mobile patrol force, radio, and electronic communications have enhanced police agencies' ability to respond and perform.

Community Policing Literature

Much police literature over the past 15 years has focused on community policing. The promise of federal funding focused and encouraged change among law enforcement agencies of the United States. The infusion of funds has swelled the ranks of agencies with new officers, and guidelines have caused agencies to change the way they do business. In some instances, agencies have used the opportunity to look at the application of business practices in the law enforcement arena.

The philosophy of the community-policing model represents a tremendous shift away from traditional law enforcement. Recent research has not always found the requisite change in management and leadership. Rather than reinventing or focusing on process improvement to implement community policing, many organizations choose to add community policing to traditional organizational arrangements.

The focus on community policing has been heightened over the past 10 years with increased federal funding. The concept of community policing is based on a philosophy and operational strategy to return to the basics of policing. Thus, community policing is law enforcement's attempt to reform the profession.

There are several definitions of community policing. Three relevant definitions follow. The California Attorney's General Office (1992) defined community policing as "... a philosophy, management style, and organizational strategy that promotes pro-active problem solving and police-community partnerships to address the causes of crime and fear as well as other community issues" (p. 3).

The U.S. Department of Justice, Office of Community Oriented Policing Services (1992) defined community policing as "a policing philosophy that promotes and supports organizational strategies to address the causes and reduce the fear of crime and social disorder through problem-solving tactics and community-police partnerships" (p. 3).

Robert Trojanowicz (1990), founder of the National Center for Community Policing at Michigan State University, along with Bonnie Bucqueroux, defined community policing as follows:

Community policing is a new philosophy of policing, based on the concept that police officers and private citizens working together in related ways can help solve contemporary community problems related to crime, fear of crime, social and physical disorder, and neighborhood decay. The philosophy is predicated on the belief that achieving these goals requires that police departments develop a new relationship with the law-abiding people, allowing them a greater voice in setting local police 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 community problems. (p. 5)

In addition, with the assistance of its COPPS Advisory Committee, the California Attorney General's Office (1992, 2001) outlined Twelve Principles of Community-Oriented Policing and Problem Solving:

1. Reassesses who is responsible for public safety and redefines the roles and relationships between the police and the community
2. Requires shared ownership, decision-making, and accountability, as well as sustained commitment from both the police and the community
3. Establishes new public expectations of and measurement standards for police effectiveness (e.g., from solely 911 response time and arrest/crime statistics) . . . to include quality of service, customer (community) satisfaction, responsiveness to community-defined issues, and cultural sensitivity
4. Increases understanding and trust between police and community members
5. Empowers and strengthens community-based efforts
6. Requires constant flexibility to respond to all emerging issues
7. Requires an ongoing commitment to developing long-term and proactive programs/strategies to address the underlying conditions that cause community problems
8. Requires knowledge of available community resources and how to access and mobilize them, as well as the ability to develop new resources within the community
9. Requires buy-in of the top management of the police and other local government agencies, as well as a sustained personal commitment from all levels of management and other key personnel
10. Decentralizes police services/management, relaxes the traditional "chain of command," and encourages innovative and creative problem solving by all—thereby making greater use of the knowledge, skill, and expertise throughout the organization without regard to rank
11. Shifts the focus of police work from responding to individual incidents to addressing problems identified by the community as well as the police, emphasizing the use of problem-solving approaches to supplement traditional law-enforcement methods
12. Requires commitment to develop new skills through training (e.g., problem-solving, networking, mediation, facilitation, conflict resolution, cultural competency, and literacy)

Because of the delay in seeing the results of any proactive work, it is often hard for executives to make the commitment and investment. According to Sparrow (1992), many law enforcement executives do not see programmatic or strategy change as a capital investment regardless of the long-term gain.

Sparrow (1988) speaks of creativity in police agencies:

The benefits to a department that runs many different experiments in different parts of the organizations are numerous. One is that officers will see lots of apparently crazy ideas being tried and may, in time, realize that they have some ideas of their own that are slightly less crazy. Perhaps for the first time they will be willing to put their ideas forward knowing that they will not summarily be dismissed. (p. 53)

The resourcefulness of police officers—long apparent in their unofficial behavior—can at least be put to the service of the department. Creativity blooms in an experimental environment that is tolerant of unusual ideas.

Community policing is a philosophy of full service, personalized policing, where the same officer patrols and works in the same area on a permanent basis from a decentralized place, working in a proactive partnership with citizens to identify and solve problems (Trojanowicz & Bucqueroux, 1994, p. 3).

Trojanowicz and Bucqueroux (1990) indicate that a police organization must strive for reliability, service, readiness, assurance, empathy, and tangibles if community policing is to work. As applied to law enforcement, these traits must be incorporated into the service delivery model. The police agency must maintain readiness for unusual events or incidents. They must be trained to handle hostage situations, assist in natural disasters, and assist in medical emergencies. They are called on to be the on-scene doctor, counselor, cleric, social worker, and mechanic. This is a lot to ask of any mortal. More often, training for officers and staff includes diversity awareness and empathy. The agency has to have a way to communicate assurance that the agency stands ready to help the community.

Haarr (2001) studied the impact of training at the police academy, field training, and work environment levels. By following police recruits through academy training, regimen and field training, and the one-year probation period, the study found that the community policing orientation provided in the academy had a positive impact. Those attitudinal changes, however, dissipated after police officers were exposed to field training, the daily work environment, and organizational culture. This study points out the need for organization-wide commitment to the philosophy of community policing as opposed to the segmentation of officers detailed to practice community policing.

The opportunity of combining community planning with community policing efforts was explored by Rohe, Adams, and Arcury (2001). In work focused on two southern communities, the authors reviewed the benefit for the community when police engage with public planners and other government officials. Since community policing is often focused on problem identification and problem solving (Goldstein, 1990), it is natural for police officers to seek assistance from other city, county, or state agencies to implement long-term solutions. The mutual benefit for the community is evident when planners and police work towards improvement in the quality of life for residents of neighborhoods.

There is some misconception in the application of a community policing philosophy. Flynn (1998) attempted to define the “community” in community policing. Flynn

suggests that police agencies look beyond the traditional geographical boundaries at areas or groups with shared character or identity and those with common problems or concerns. Flynn points to ethnic, cultural, and racial communities, as well as business, school employees, and parents. Most organizations engaging in community-policing attempt to develop relationships, identify issues, and solve problems through collaboration. Instead of using traditional measurements for success (e.g., arrest numbers, stolen goods recovered, drugs seized, or motor vehicle citations written), police could change the measurement of success based on terms established in concert with the stakeholders of a community.

According to Flynn (1998), some police agencies have focused attention to reach out to the nontraditional marine vessel community, the tourist community, or political interest subgroups. Each city, town, county, and state have numerous, unique communities that can be identified and serviced by the police agency.

Osborne and Gaebler (1993) feel that “the basic idea is to make public safety a community responsibility, rather than simply the responsibility of the professionals, the police. It transforms the police officer from an investigator and enforcer into a catalyst in a process of community self-help” (Osborne & Gaebler, 1993, p. 50).

Bayley (1992) writes that community policing is an organization’s best defense for potential problems in the community. He sets forth a series of potential benefits for adoption of community policing practices. Bayley further suggests that adaptation, consultation, and mobilization are the basic tenants of community policing. Bayley (1992) listed the following philosophical considerations:

Community policing . . .

- personalizes policing.
- informs law enforcement.
- minimizes overreaction.
- allows police officers to target potentially violent people.
- enhances responsiveness.
- symbolizes commitment.
- develops informal social control.
- contributes to the improvement of the quality of physical life.
- helps to nurture a sense of political efficacy.
- positions police to monitor racial and ethnic tensions and perhaps mediate conflict.
- can help deflect rumors.

The Community and Police: The Force Multiplier

It has been found that police departments or other public safety agencies cannot fulfill their missions without assistance from members of the community. In the recent sniper incidents in the greater Washington, DC area, police officials used various means to dispatch information and get information from the community. *Force multiplier* is a military term used to identify technology and equipment in conjunction with partnering with other interested and affiliated groups to achieve the mission.

The U.S. Department of Justice recently convened a meeting of FBI executives and local and state police executives to discuss the issues surrounding relationships at the local, state, and federal levels and sought to improve the sharing of resources and information relating to terrorist threats.

Homeland Security Training

In recent training from the Federal Emergency Management Administration (FEMA) and Massachusetts Emergency Management Agency (MEMA), there has been an attempt to involve other community partners in the training courses. In former years, much of the training aimed at emergency preparedness had been designed for police, fire, and emergency medical personnel.

In the current course offering in Emergency Management, Terrorist Risk Assessment and Response, and Mass Casualty Preparation, the audience sought includes multidisciplinary teams. This new and expanded audience includes town and city managers, local community leaders, business leaders, and other allied municipal department heads not usually associated with emergency response. The multidiscipline approach is found to be more effective, enhance communications, and break down organizational communication issues and jurisdictional vanity. Upon closer review of this approach to training, one can see similarities to the community collaboration model used in community policing.

Recent funding and training opportunities have become available to enhance Homeland Security. Recently, DHS released \$19 million to provide training to citizens as first responders to terrorist incidents. This approach to increasing Homeland Security shows an attempt to involve citizens in the response and solution. Community Emergency Response Teams (CERT) will receive 20 hours of training on disaster preparedness, fire safety, light search and rescue, and other first responder skills.

DHS has incorporated terrorism awareness into the traditional crime prevention training for nationwide Neighborhood Watch Programs. DHS has also attempted to partner with ongoing volunteer programs to recruit interested citizens to serve as eyes and ears in neighborhoods and business districts. This appears to be a reinvigoration of earlier crime watch or crime prevention outreach programs (DHS, 2003).

Conclusion

These are trying times in America. Police agencies across the United States have been called on to provide the front-line defense to terrorist threats. There is a tendency for police agencies to “chase the money” and seek federal funds as they become available. There have been significant changes made in the delivery of police services over the past 15 years. The availability of state/federal funds for school resource officers and DARE programs caused a renewed focus on police-community collaboration.

The community-policing model represented a tremendous shift away from traditional law enforcement. Recent research has not always found the requisite change in management and leadership (Morreale, 2002). Police executives need to

realize the benefits of community policing and not allow the agency to revert and retract to a more traditional, unapproachable, reactive agency.

Osborne and Gaebler (1993) feel that “the basic idea is to make public safety a community responsibility, rather than simply the responsibility of the professionals, the police. It transforms the police officer from an investigator and enforcer into a catalyst in a process of community self-help.”

Bayley (1992) writes that community policing is an organization’s best defense for potential problems in the community. He sets forth a series of potential benefits for adoption of community policing practices. Bayley further suggests that adaptation, consultation, and mobilization of the community are the basic tenants of community policing.

Assuming these authors are accurate, there is a need for both academics and police administrators to lead meaningful discussions and promote research surrounding effective responses to the threat of terrorism and homeland security. With thoughtful, reflective consideration, it becomes abundantly clear that police agencies cannot function in a vacuum.

The lessons that have been learned over the years have shown a direct benefit because of police/community partnerships. These efforts have enhanced communication and raised the level of trust. A throwback to the “beat-cop, ” these relationships have helped to identify community problems and develop joint responses to the issues. In many instances, there has been a reduction in the crime rate.

Generally, police have been committed to dealing with crime and community issues. It should be recognized that acts of terrorism are criminal acts. Community members are often the first to recognize changes in the neighborhood or suspicious activity (McFarlane, 2002). They will often contact the police first. Rarely will the first call be made to intelligence agencies or the FBI.

The local police will be the first responders, and as such, they have a role in serving as “first preventers.” One difficult role that the police will be asked to play is in the development of intelligence. There are many civil libertarians that are against the recent passage of the Patriot Act. Police will naturally come into information that will be passed on to federal investigative and intelligence agencies. Police need to be aware of this new role and be prepared to properly and confidentially handle such information. For the community to provide information, they must feel that their rights, safety, and privacy are preserved.

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Neuro-Coding: A Breakthrough in Firearms Training

Matt Seibert, BA, Acting President, Lead Instructor, Insight Firearms Training Development

The “Flinch”

One of the greatest challenges we face as firearms instructors when teaching a trainee how to shoot a pistol is to eliminate the dreaded “flinch.”

(In the example below, it will be assumed that the gun is sighted-in properly, the student understands sight alignment, the student’s dominate eye has been properly diagnosed, the gun fits his or her hand, his or her finger position on the trigger is correct, and he or she has the ability to achieve focal acuity on the front sight.)

If a pistol shooter is grouping low-left, the problem with his or her performance is generally interpreted as a “flinch” or “jerking the trigger,” which causes the muzzle of the gun to dip low and to the left. The shooter is diagnosed as having anticipated the recoil and so on. It is important to realize that the anticipation of recoil is a symptom. It is a manifestation of what is going on in the mind of the shooter. The symptoms manifest themselves physically but do not always indicate the cause of the problem. Traditionally, firearms instructors have relied on “time” and shooting hundreds of rounds of ammunition to desensitize and inoculate the shooter to recoil.

Entrainment

Because our bodies are made up of vibrating molecules, they are sensitive to environmental disturbances, like those produced by the shock wave created by the firing process. When the shooter fires a shot, the release of pressure from the compressed gasses escaping from the muzzle, creates a sound wave that is not only heard but also felt throughout the entire body. The sound wave disrupts the natural vibrations of the body. By interrupting the natural rhythms of the vibrating molecules within the body, the neuro receptors become disrupted and go into a protective mode, creating a sympathetic response within the shooter (a fight or flight response). Under a sympathetic state, a shooter’s muscles will tighten; he or she will experience vassal constriction, which reduces blood flow and sensitivity to the trigger finger; adrenaline will be released into the system; and he or she will experience a loss of fine motor movement. With recoil, we have to build up immunity to the firing process in order for our bodies to become accustomed to it.

In the past, the traditional firearms training method to counteract this has been to expose the shooter to firing repeated rounds of ammunition, thus inoculating and entraining the nervous system to accept the recoil and effects of the firing process to the neuro system. This entrainment process would be staggered over a period of time. In a typical week-long class, I have found that isn’t until the third or fourth day of exposure to the gunfire, after shooting hundreds of rounds of ammunition,

that the average student begins to accept the recoil. At that point, the aversion begins to diminish when utilizing this kind of desensitization process.

Break-Through

If the instructor uses an advanced process to neuro-code the experience, the entrainment process becomes a moot point, and the aversion can be eliminated immediately. With breakthroughs in neuro-psychology and a new understanding of how our students neuro-code their experiences, we can reduce our training time on the range by 50%, reduce the amount of ammunition by 75%, and achieve unprecedented results.

Neuro-Coding

Neuro-coding is the easiest, fastest, and most permanent way to eliminate the flinch and aversion to recoil. Neuro-coding is the way the brain represents the experience in relation to the internal pictures, sounds, and feelings. These pictures, sounds, and feelings are called modalities. You first must identify the primary modality in which the aversion is manifesting itself, then shift the modality by manipulating the submodalities or changing the venue to another modality altogether. The submodalities are the qualities that make up the pictures, sounds, and feelings. A very simplistic way of demonstrating how this process works can be done by using a similar example of how we code letters to make words. If you take the word *dog* and change the letters around by switching the positions of the *d* and the *g* to *god*, we have now created a different meaning of the word. By creating a different meaning, we can create a different experience.

One example of a neuro-coding technique that we may use in our training is to change a shooter's physiology and have the student move the internal feeling within the body. Most shooters who manifest an aversion to recoil are usually experiencing a "heavy" or "tight" sensation in their lower diaphragm. Some report they have a "knot in their stomach." I guarantee you, that anytime you see a shooter who looks like he or she is "passing a kidney stone" when shooting, he or she is internalizing those feelings in the pit of the stomach. This physical manifestation is referred to as a kinesthetic submodality. By changing the location of the kinesthetic submodality to the upper chest (put the feeling in the chest), we can alter the meaning of the experience. We can change the emotional state from negative to positive.

The process for this is quite simple. Have the shooter become aware of the heavy feeling in the diaphragm, for this is where the fear of recoil is manifesting itself. Have the shooter create a tight feeling in the chest by having him or her imagine the feeling move upwards from the diaphragm into the upper chest. By having the shooter move the heavy or tight feeling into the upper chest, we have altered the way he or she represents the fear. This changes the emotional state by giving a new meaning to the experience, thus eliminating the "flinch" and the aversion to recoil.

This is just one of the processes we use to neuro-code a shooter's experience to achieve peak performance with our trainees. You can neuro-code the process of the trigger pull to isolate the trigger finger from the rest of the hand, and you can neuro-code the visual requirement of achieving focal acuity on the front sight. You can also use neuro-coding to help the trainee manage his or her emotional

state. If the trainee has the ability to manage the state, he or she can successfully transfer the skills learned on the range to actual street conditions without any loss of performance.

Neuro-coding techniques have proven to produce amazing results. If police academy instructors used neuro-coding intervention techniques, they would be able to reduce the amount of time they spend on the range by 50% and reduce their ammunition expenditure by 75%. If you do the math, in one year's time this could result in a savings of thousands of dollars. If given the appropriate neuro-coding techniques, any shooter will have the ability to pick-up a pistol and shoot consistent "A Zone" shots with 97% accuracy without any aversion to recoil. More importantly, the officer will have 100% more confidence in his or her ability.

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Becoming Stalker Savvy: Confronting the Trends

Connie J. Kirkland, MA, NCC, Director, Sexual Assault Services; Adjunct Professor, George Mason University

Though George Mason University Sexual Assault Services* had coordinated and sponsored two stalking seminars in previous years, there was an urgency in the development of the one held in March 2004, on the Fairfax, Virginia, campus of George Mason University (GMU), the largest university in Virginia with over 28,000 students. A faculty member came to me in November 2003 with a grave concern. She had reason to believe that 15 female students in one of her classes were being stalked by the same person, and even more unbelievable was the certainty that the stalker was a male impersonating a student in the same class. Unable to identify the stalker by the end of the course, the faculty member and university officials were concerned about just how often such incidents occur in other courses, either with or without the knowledge of the professor or enforcement officials.

A decision was soon made to host a stalking seminar during spring break 2004 in hopes of attracting an audience composed of our own faculty and staff, as well as GMU police and other local law enforcement officers and victim advocates. Though this proposed seminar was to be cosponsored by two other GMU departments—Health Education Services and University Police—the marketing and development of curriculum would be the responsibility of GMU Sexual Assault Services (SAS). SAS staff and volunteers began preparations for the seminar in early January. The seminar would be titled “Becoming Stalker Savvy: Confronting the Trends” and would be a day-long event educating attendees about several important aspects of the stalking issue in America today (e.g., research and statistics, technology used by stalkers, threat assessment, and coordinating a response to the targets of stalking).

The majority of the curriculum would be facilitated by two stalking experts and would cover traditional stalking, cyberstalking (online harassment), and the newest trends in high-technology stalking. Speakers were confirmed. Tracy Bahm, Director of the Stalking Resource Center, a unit of the National Center for Victims of Crime, would present information in two sessions: (1) “Stalking: The Numbers and the Trends” and (2) “Voyeurism, Stalking, and Sexual Assault.” Jayne Hitchcock, President and Founder of Working to Halt Online Abuse (WHOA), and a cyberstalking victim herself, would present a workshop entitled “Cool Electronics and the 21st Century Stalker.”

Literally, as soon as the “save the date” cards were mailed to approximately 150 faculty, Northern Virginia law enforcement officials, and victim advocates,

* George Mason University Sexual Assault Services (SAS) was created in 1993 by Connie Kirkland, who has been the director since its beginning. SAS provides comprehensive assistance to reports of sexual assault, stalking, and relationship violence that involve GMU students, faculty, and staff. It is a resource for those reporting a recent or past incident and provides crisis intervention, supportive counseling, information, and referrals. Supportive services are kept confidential until the victim/survivor requests assistance from other agencies or offices. All services are offered at no expense to the GMU community.

registrations to attend were returned. University list-serves, Virginia justice department list-serves, and statewide victim advocacy list-serves spread the word quickly. Before we knew it, the small and local stalking seminar that had initially been planned had now become a statewide conference!

It was obvious to the planners that the combination of the top national experts on the different forms of stalking, the lack of intensive stalking training in the region, and the thirst for more stalking knowledge (based on anecdotal information) had created a climate of need with law enforcement and other criminal justice officials as well as university officials. We offered this daylong training at a very affordable cost for both private and government agencies. The timing was obviously perfect!

By seminar day, March 10, registered participants numbered 155, the exact capacity of the university academic room that had been reserved for the occasion. Registrants would be driving the length and breadth of the state of Virginia to attend. Federal government and Maryland officials drove across the Potomac River to attend. Among the registered were line police officers, detectives, police chiefs, victim advocates, university faculty, university students, as well as members of the U.S. Secret Service and the Central Intelligence Agency.

The few weeks leading up to this seminar reminded us of times when people couldn't cross the river until someone built them a bridge. What is it about the phenomenon of stalking that has created such a huge need for training? Comments from some of the GMU training participants clarified this need:

"Thank you for holding a training just on stalking. Such training is almost nonexistent. We could actually use a couple days of training just on stalking."

"Very informative! I just hope the translation of this information into my work is as effective as I want it to be."

"My head is ready to explode! Once I put the new materials all together, I will have a lot of great information to use in my victim advocacy work!"

"I plan to use much of what I learned today in my future investigations."

What differentiates stalking from most other crimes? And why is it just now gaining the attention it deserves. It should be noted that the first anti-stalking law was not enacted until 1990. Unlike other crimes, which normally consist of a single illegal act, stalking is a series of actions that, when taken individually, may be quite legal. For instance, sending a birthday card or flowers, meeting a person after a class, or standing across the street from someone's house is not a crime. When these actions are part of a course of conduct that is intended to instill fear in a victim, however, they may be considered illegal behavior (Fisher & Cullen, 2000).

Stalking probably first came to the attention of most of us when it concerned the stalking of notable Americans, those that were media figures and, thus, easily found and followed. Gavin De Becker, one of the nation's foremost protectors of the prominent and author of *The Gift of Fear*, has said that we live in an age in which famous people seemingly have intimate relationships with millions via television,

movie screens, and recordings. Thankfully, most of these “relationships” end in buying CDs or renting movies in which the famous person is featured; however, some people simply become obsessed due to their own psychological instability, and stalking is the result. Most of us remember the incidents of stalking involving Monica Seles, Katarina Witt, Paula Abdul, George Harrison, Jodie Foster, and David Letterman. Of course, the most famous of all was Rebecca Schaeffer, the young star of the television series *My Sister Sam*, who paid the ultimate price when her life was ended quickly as a 19-year-old fan named Robert John Bardo, who had stalked her for over 2 years, came to her California home and shot her as she opened the door (Gross, 2000).

Stalking has, unfortunately, become widespread and is now common in every area of our country. It affects every type of person who resides in America, most of whom are not known beyond a small circle of friends and family. Some stalking occurs in marital or dating relationships and becomes an aspect of couples’ domestic or dating violence episodes. Other stalking occurs when there has not been an intimate partnership between the two at all. One person is obsessed; it begins perhaps across a crowded classroom, perhaps in a restaurant watching the same waitress night after night serving customers, or perhaps ogling a neighbor through parted curtains (Kirkland, 2002).

Stalking generally refers to harassing or threatening behavior that an individual engages in repeatedly and puts another person in fear. California was the first state to recognize the need for anti-stalking laws and passed the first anti-stalking legislation in 1990. Within 10 years, all 50 states and the District of Columbia had enacted similar laws. Within the past few years, additional laws that are directed specifically to online or cyber stalking have also been passed in many states. Though there is no single legal definition of stalking, the effect of all laws passed has been to recognize stalking as a behavior directed to another person that would cause reasonable fear of physical violence, sexual assault, and/or death. The U.S. Department of Justice (1993) defines course of conduct as a series of acts (or behaviors) over a period of time, however short, evidencing a continuity of purpose which are directed at the intended victim (p. 21). “Course of conduct” means “repeatedly maintaining a visual or physical proximity to a person or repeatedly conveying verbal or written threats or threats implied by conduct or a combination thereof” (Stalking Resource Center, 2004).

Just how much stalking is occurring in America? An estimated 1.4 million people are stalked annually. This means that 1 in 12 women and 1 in 45 men will be stalked in their lifetime. Of those, 77% of female and 64% of male victims know their stalker; 87% of stalkers are men (Tjaden & Thoennes, 1998). On college campuses, 13% of college women were stalked during one, 6- to 9-month period; and 80% of campus stalking victims knew their stalkers (Fisher & Cullen, 2000). For a more complete list of stalking facts and statistics, go to the Stalking Resource Center website at <www.ncvc.org/src>.

Stalking is difficult behavior to recognize, define, and address. It is especially difficult on college campuses. Stalking may begin as bothersome attention, including unwanted telephone calls, e-mails, letters, or gifts; waiting for the target after class or work; or asking repeatedly for time together or dates. These incidents are sometimes first seen as flattering. The target may dismiss the behavior as merely socially

immature and choose to give the stalker the benefit of the doubt. The behavior may not even be recognized at all for what it is (Kirkland, 2002). How many of us have said at some point in our lives that a person is “a pest, always showing up when I least expect him/her to, or just doesn’t get it that I don’t want to do anything with him/her”? But what should be done when the “pest” does not go away, when the “pest” becomes a stalker?

The most important thing to note about stalking is that every case must be considered potentially dangerous. Early intervention is critical. If not confronted early, the stalker may cross the line into criminal activity. Stalkers are motivated by obsession and a desire to control, which stem from either a real or imagined relationship with the victim. In a recent campus survey, only 17% of stalking incidents were reported to police or campus law enforcement officials, but 93% of victims did confide in someone, most often a friend, that they were being stalked (Fisher & Cullen, 2000).

Minimizing incidents is common among stalking victims; minimizing cannot be common among first responders. Stalking victims who have repeatedly contacted police for assistance and feel that police are either doing nothing or being judgmental about the incidents reported eventually stop calling. At the same time, the danger is probably increasing (Meloy, 1998). Granted, stalking laws are at times difficult to enforce, but there is an array of other charges into which most stalking incidents fall (e.g., harassment, telephone harassment, vandalism, threats, assaults, trespassing, and many others). Law enforcement must be creative. Stalkers are.

College students represent one of the largest groups of Internet users, and due to the increased accessibility and decreased accountability afforded to online communication, stalking activity has entered cyberspace. As Jayne Hitchcock noted in this recent GMU seminar, cyberstalkers can easily disguise themselves by adopting several false identities and then harass the target through unsolicited e-mails and disturbing private or public messages on bulletin boards, chat rooms, or instant messaging services. Stalkers often pose as the victim online, attempting to incite others to harass or threaten the victim. Using a victim’s identity, the stalker may tell others in a chat room that the victim “enjoys rape fantasies” and then provide the victim’s home telephone number or address. Often, online stalking is only one form that the stalking takes (Hitchcock, 2003).

As our world becomes more technology-minded, so do stalkers. New tools that have been developed to improve lives and ease our burdens have actually become weapons in the 21st century stalker’s repertoire—keystroke logging systems, computer hacking, impersonation, webcams, surveillance cameras, telephones (corded, cordless, and cellular), GPS, access to databases (public records that are available on the Internet), and use of computer footprints (records of sites visited and persons contacted). When a stalking victim innocently uses a computer or a telephone either to locate resources or to contact support persons, the stalker may very well know what is happening, providing the stalker with even more information. For online safety tips, go to <www.haltabuse.org/help> and <www.cyberangels.com>.

As attorneys for the Stalking Resource Center suggest, stalking impacts victims in many ways including loss of sleep, nightmares, flashbacks, changes in eating

patterns, depression, anxiety, hyper-vigilance, difficulty concentrating, increasing isolation, loss of self-esteem, and stress-related illnesses. These psychological and physical symptoms are also common symptoms experienced by sexual assault victims or other victims of trauma. Such trauma often results in Post Traumatic Stress Disorder (PTSD), necessitating effective supportive intervention by advocates and law enforcement (Meloy, 1998). Stalking victims more often choose to make a police report and stay connected with law enforcement if an advocate is available to provide the needed support and information throughout the process. Victims who are believed and accepted will feel valued and more able to continue a partnership with law enforcement officials.

Stalking is, without a doubt, both a criminal justice and a public health concern. Stalking must be taken seriously by the victim and all responders. Law enforcement intervention can be instrumental in ending the stalking behavior. Advocates can help victims of stalking understand the importance of both keeping a log of all incidents to document the stalker's actions and filing an official police report. Since stalking involves repetitive behaviors that place the person in fear, then filing each incident with the police establishes the course of conduct and the pattern of contacts needed to build a case. It also provides a more comprehensive response to the target or intended victim. Police are also more likely than the victim to notice the escalation of behaviors into more potentially violent areas. Assessing the potential threat to a target is part of the developing case. While nearly every stalking case includes persistent physical and/or computer requests for meetings, only about 50% of cases involve vandalism or destruction of property. Recent research presented by the Stalking Resource Center indicates that nearly 25% of stalking cases involve sexual assault. Only 2% end as murder or attempted murder, but the ability to predict who will be homicidal is still limited (Stalking Resource Center, 2004).

Whether or not a stalking target reports to police officials, victim safety planning is imperative. Stalkers are commonly manipulative, deceptive, obsessive, and compulsive; at the same time, they are often of above average intelligence. These characteristics help stalkers to elude police, avoid prosecution, escape conviction, and continue to stalk innocent victims.

The first step toward building a stalking safety plan is for both the victim and police officials to acknowledge that stalking behavior is happening. Seeking assistance and further support from friends and family, professional advocates, or counselors is an important aspect of dealing with a stalking situation. Choosing not to minimize interactions is essential for safety. It is imperative that no one takes lightly the stalker's potential for violence.

It is vitally important for the target to send a clear "no contact statement" to the stalker as soon as possible. If the stalker has made computer contact, the victim can and should send a concise statement advising the stalker that the behavior he or she is exhibiting is causing uncomfortable feelings and fear. The stalker must be told that the victim wishes to have no more contact in any form, either directly or indirectly. If no computer contact has been initiated, the victim should send a letter to the stalker as soon as possible. This should be sent registered or certified mail. Both e-mail and postal receipts provide the victim with proof that may be used later in court. Since any response tends to satisfy a stalker, victims should not

have any more communication with the stalker, no matter how manipulative the stalker becomes.

Other aspects of a stalking safety plan that can be discussed between law enforcement officials and the victim (or between the advocate and the victim) include varying routes traveled on a regular basis; using caller ID or a cellular phone for increased privacy; increasing home and workplace security measures; and notifying friends, workmates, and family of the problems experienced with a description (if known) of the stalker. Probably the most important and time-consuming measure that a victim can take is to develop a stalking log or journal of all incidents of stalking, all contacts between the stalker and the victim. Keeping accurate information about incident dates, times, and circumstances, including witnesses present, can be invaluable if and when the case comes to court.

Breaking the cycle of stalking, both on- and off-line is an all-out effort that must be made by the victim, the support system including friends and family, resource professionals, and law enforcement officials. Handling the situation is made easier when well-written stalking policies exist within our major institutions, such as universities and government agencies. Policies need to be in place as well in all law enforcement agencies in the United States. Stalking policies independent of domestic violence policies are most beneficial since many stalking incidents do not arise from domestic relationships. Managing cases across jurisdictional boundaries is not rare; it is often necessary as stalkers follow their targets at work, at school, at play, and at home.

When investigations focus on the victim, the victim will then feel that it is safer and more appropriate to report the stalking. Recognizing stalking for what it is, even when the intended target may not, is critical for a proper response. Learning the latest stalking trends and techniques and assessing all situations thoroughly creates an effective response and keeps victims involved in the criminal justice system. Understanding the dynamics of the stalker and the emotional roller coaster of the victim will, no doubt, help increase the safety and the privacy of us all.

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In 2000, Ms. Kirkland was a featured speaker at the U.S. Capitol Hill "Rally to Re-Authorize the Violence Against Women Act." In 2001, her research and advocacy in the field of campus stalking was highlighted in *The Chronicle of Higher Education*. Ms. Kirkland's innovative work has also been recognized by the U.S. Department of Justice, the National Crime Prevention Council, and the National Center for Victims of Crime. She is also a consultant and author specializing in campus security initiatives, public policy development, and crisis management following workplace violence.

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Reality-Based Training Safety

Ken Murray, Director of Training, Armiger Police Training Institute

There's an interesting scene from the movie *Patch Adams* with Robin Williams in which the entire class from the medical school is sitting in the auditorium in what appears to be their first introduction to the rigors of becoming a doctor. The dean of the medical school addresses the class, saying . . .

First, do no harm. What is implicit in this simple precept of medicine? The power to do harm. Who gives you this power? The patient. The patient will come to you at his moment of greatest dread, hand you a knife, and say "Doctor, cut me open." Why? Because he trusts you. He trusts you the way a child trusts. He trusts YOU to do no harm. Sad fact is, human beings are not worthy of trust. It is human nature to lie, take short cuts, to lose your nerve, get tired, make mistakes. No rational patient would put his trust in a human being, and we're not gonna let him. It is our mission here to rigorously and ruthlessly train the humanity out of you and make you into something better. We're gonna make doctors out of you.

The class explodes in applause, yet they have no real understanding of the power of that message. It is nearly impossible to comprehend such a message until you have first-hand experience in seeing or doing harm to someone, especially when the intention was to do good.

So it is with the world of reality-based training. Students enter a training arena expecting to be prepared for their moment of greatest dread. The student comes to training, effectively hands the training staff a pistol, and says "Point this gun at me and pull the trigger." Why? Because he trusts the training staff. Like the patient, he trusts the way a child trusts. He trusts the training staff to do no harm. Unlike the rigors of medical school, however, there is no learning requirement, no set training program, no rigorous curriculum designed to train the humanity out of reality-based training staff to ensure that they do no harm.

As a result, over the years, much harm, both physical and psychological, has unintentionally been done. Despite this harm, the topic of safety remains, incomprehensibly, one of the most controversial subjects as regards the science that is reality-based training. There are often dangerous beliefs systems held by those tasked with this style of training that are intrinsically woven into the fabric of the training philosophies governing reality-based training. The task of stripping out the dangerous fibers of ignorance seems to be an impossible task despite the fact that such flawed beliefs have led to serious injury and death.

The medical community has in place diagnostic standards and medical procedures aimed at furthering the first principle of medicine—do no harm. The reality-based training community has paid minimal attention to attaining the same outcome, and some trainers through either ignorance or arrogance have thrown caution to the wind and paid no real attention at all to the basic safety requirements.

We had a student from a major metropolitan police agency come through one of our reality-based training instructor schools. During the practical exercise phase of the class, he was tasked as a safety officer, and despite what he had learned in the classroom and during other practical exercises, his safety protocol was extremely lax. During an after-action review of the exercise, we discussed the ramifications of loose safety standards. His response was, "I understand why you do the safety checks the way you do, but when I get back to my agency, I'm not doing them that way. There's no way we have the time for that. If I can't trust my guys not to bring live weapons or ammunition into a training session, then if something happens, it's on them."

This might not be exactly what we wanted to hear, but at least, he was honest enough to say it out loud. I'm certain that there are others who felt as he did, yet remained silent, having chosen to ignore the safety standards we have taught believing they are too stringent or impossible to integrate into their training program.

Simple vs. Easy

Setting up safe training is simple, but it's not easy. People have a tendency to confuse *simple* with *easy*. *Simple* infers a lack of complexity; whereas, *easy* infers a minimum effort. Ensuring safety in any high-risk training undertaking is as *simple* as eliminating the dangers; however, ensuring this is the case is not *easy* in that reality-based training requires a great deal of effort.

One of the major pitfalls of well-orchestrated reality-based training is that to the casual observer or untrained eye, it *looks very easy*, and as such, many of the participants come away from well-run training highly motivated to jump into their own reality-based training programs. Unfortunately, they jump into this style of training with little or no training in the complexities necessary to make it effective and safe.

The Controversy Behind Physical Searches

Physically searching people prior to participation in reality-based training has led to a lot of controversy—so much so, that there has not existed a comprehensive set of guidelines that trainers could utilize to ensure a safe training environment. To preface the rest of this discussion, I wish to go on record as being absolutely in favor of physical searches of individuals entering an area in which they will subsequently be encountering other individuals and pointing weapons at them.

Rick Huffman, an expert in the field of reality-based training puts it as succinctly as I have ever heard it put when he asks participants whether, based on the safety inspections that have been completed, every one of them is sufficiently confident to be the recipient of any of the levels of force during the training. By this, he means to alert people to the reality that someone, who they may or may not know and may or may not have observed clear their weapon and magazine holders, could possibly be pointing their pistol at them and pressing the trigger with the intention of delivering a projectile in their direction. When thought of in those terms, safety inspections take on an entirely new level of personal relevance,

and in my opinion, it might not be a bad idea to perform a confirmation drill at the end of a safety inspection. How much cooperation do you think there would be during a safety inspection if participants knew that immediately following the inspection they would be lining up in two rows facing each other, drawing their weapons, pointing them at someone else, and pressing the trigger, then performing a magazine exchange/reloading drill, completing the exercise again and again until each of the magazines had been worked through the weapon? There are readers out there right now that are intuitively opposed to such an exercise, but why? Is it not likely that any of the participants in the group will be doing just that?

The key to safety and success is a thorough physical search of all participants, and I believe thorough physical searches can be done in a systematic, yet swift and efficient manner. I also believe that if systematic searches had been the gold standard applied to reality-based training since its modern use in the military and law enforcement communities, we would have avoided the vast majority, if not all, of the senseless injuries and deaths that have occurred.

Those who have not been trained in the techniques nor adopted the necessary mindset necessary for effective physical safety searches have often argued that they are too complex and time-consuming. In the early stages of learning, the proper method for performing a systematic safety inspection may seem complex and unnecessarily burdensome, but the science of logic teaches us the necessity for this complexity during the early stages of learning how to perform these vital inspections.

Logic is the study of argument, not an argument as in a quarrel or dispute, but an example of reasoning in which one or more statements are offered as support, justification, grounds, reasons, or evidence for another statement. Logicians do not care whether arguments succeed psychologically in changing people's minds or convincing them. The *correctness of reasoning* is studied by logic.

One of the basic premises of the science of logic according to Peter Suber, Professor of Philosophy at Earlham College is the Rule of Rigor. Suber states, "This rule . . . forces us to take more steps in order ensure an obvious result; therefore, it is a nuisance. What can justify it?"

Suber recognizes that to the untrained mind, there appears to be unnecessary steps or redundancies when following a pathway to a logical conclusion, but he justifies the seemingly over-complication and the necessity for redundancy: "When human beings skip steps in their reasoning, they are prone to make mistakes. Taking every step and no short cuts will reduce the chance of error. It will also cultivate our logical intuition, so that we may thereafter skip steps with less chance of error. At some point, then, we will relax the Rule of Rigor."

Training staff who possess a low degree of experience in the area of properly designed safety rituals must accept that it is necessary to use the "Rule of Rigor" to assure the security of the training site and protect the participants from the perils of live weapons and ammunition during their early days of performing these safety rituals. The medical profession has recognized this for many years, as eloquently stated through the quote at the beginning of this chapter in which

the dean of medicine told the students that humans could not be trusted because they were prone to taking shortcuts and making mistakes. It is necessary to “train the humanity out of” those tasked with high-risk endeavors in order to overcome their innate limitations.

This training begins through the exercise of the Rule of Rigor. Using the Rule of Rigor, however, brings with it some measure of inconvenience, and as such, trainers have a tendency to take shortcuts before they have a comprehensive understanding of exactly where shortcuts might be taken while still minimizing the potential for disaster. The safety philosophy of many trainers tasked with the art of reality-based training is often one of convenience. Philosophy Professor Reverend John Rickaby tells us that, “. . . we must distrust that philosophy which is at utter variance with common-sense.”

Taking uneducated shortcuts in the areas of safety during reality-based training exercises defies common sense. While shortcuts may seem convenient, our safety doctrine must be born of sound logical reasoning, not of convenience.

In the early 1900s, Reverend Rickaby stated in his book *The First Principles of Knowledge* that “. . . a doctrine is not to be judged by its inconvenient logical consequences, but by its intrinsic truth.”

To establish what constitutes truth in the area of reality-based training safety, we need to examine the base reasoning behind some of the shortcuts taken by training staff.

When students first come through our training school on developing reality-based training, the participants who are tasked with being safety officers find themselves in either a near paranoid state in which they believe every person they are searching is concealing something from them or they remain relaxed and rely on their own patterns of searching people, which often fail to detect any of the potential safety hazards. It will take time to develop the skills and to recalibrate the perceptual filters necessary to perform both effective and time-efficient safety inspections. It will also require the necessity of performing a lot of inspections. Just as it is with any other skill, repetition is the key to proficiency in the development of an effective safety inspection ritual.

Having a skilled safety officer is only half of the equation, however. Much of the difficulty experienced by a safety officer during the inspection process stems from the necessity to constantly prod the training participants to prepare themselves and their equipment for the inspection. From our experience of having performed countless safety inspections on thousands upon thousands of participants, it has been found that an extremely efficient safety inspection can be performed in a swift manner *if the participants' expectations have been conditioned so as to be properly prepared to be searched*. When the student expects to be thoroughly searched, they arrive early or on time, and they either arrive with their equipment organized in a manner in which it can be efficiently searched, or they organize themselves quickly upon arrival with the expectation that the inspection is going to proceed. They then carefully follow any instructions of the safety officer(s). The expectation of students that they are going to be thoroughly searched is as important as the

skill of the safety officer in ensuring that there is a systematic inspection ritual in place.

Core Reasons for Poor Safety Inspections

Before we can utilize logic to debunk the fallacies that have led to the patchwork of various inspection methods that we have witnessed, we need to isolate those fallacies. As in many other areas in life, people will rationalize their inadequacies so that they can justify lackluster performance and mediocrity. So, it is with the “stories” that training staff and reality-based training participants tell themselves to justify lax safety protocol for reality-based training. Let’s begin by listing the “Dirty Dozen” reasons that uneducated and untrained reality-based trainers have used to justify haphazard safety checks.

1. People are trustworthy and can be depended upon to not bring operational weapons or ammunition into the training arena.
2. Members of the training staff need not undergo physical inspections because they are professionals, or play no active role in the training.
3. Asking participants whether they have any weapons or ammunition is sufficient to discover any contraband items.
4. Once a safety inspection is completed, participants can wander in and out of the secure area unsupervised without the danger of live weapons or ammunition being brought back in with them.
5. For the amount of reality-based training that occurs, the percentage of tragedies is extremely small, which means the quality of safety inspections that are being done is probably adequate.
6. A female cannot be physically searched by a male instructor.
7. A thorough safety inspection is intrusive and disrespectful.
8. Some trainers are personally uncomfortable performing physical searches.
9. Any member of the training staff is able to perform a thorough safety inspection.
10. Due to a limitation in training staff resources, there is insufficient time to perform thorough safety inspections.
11. Metal detectors are expensive and do not improve the thoroughness of safety inspections, so quick pat downs are sufficient.
12. Even with adequate time and sufficient training staff, safety inspections, as proposed, take too much time or are unnecessary.

By examining each of the previous reasons using the laws of logic, common sense, or the “Rule of Rigor,” we discover that the first five reasons are patently false and can be easily negated since there have been clear cut examples in which belief in them has led to tragedy and will continue to lead to tragedy if not corrected. The other reasons will be examined individually. The arguments we make to support our conclusions have been arrived at through logical processing, but the results will be presented in a more rhetorical format to save the reader from the tedium of deductive reasoning.

6. A Female Cannot Be Physically Searched by a Male Instructor.

The concept that a male cannot physically search a female or a male cannot be searched by a female is ludicrous. Impersonal, nonsexual touching is a part of the job description of law enforcement. To properly address the cross-gender searching issue, we must examine the true crux of the matter; this issue is primarily a result of political correctness and personal discomfort. The gender wedge is driven further into the situation because law enforcement has implemented the standard that when searching a prisoner, a female officer will either be present or perform the actual search when a female is being taken into custody. That standard has somehow crossed over to the training arena.

I believe that this situation can be easily overcome through a degree of professionalism worthy of the task and a reframing of the incorrect belief that boys can't touch girls without becoming aroused and/or offending the girl. In fact, there are other clear-cut examples in which the examination of females by males is commonplace.

For anyone who travels, the reality is that prior to passing into a secure area people are constantly being searched by members of the opposite sex. The traveling public has now been conditioned to expect to be thoroughly searched by airport security personnel if they choose to travel. There are no gender boundaries for those searches, and they are far more intrusive than anything necessary in the world of reality-based training.

It might also be worth pointing out that a great majority of gynecologists are men. Women expect to be touched by their doctors and explored to a level that would otherwise be, in circumstances outside of an intimate relationship, considered completely unacceptable. Rarely is there a complaint of improper touching in either the world of travel or within the medical profession, and when complaints do arise, they are often warranted and directly attributable due to unprofessional behavior. Unprofessional behavior has no place in the medical or airline business when it comes to inspecting people, nor does it have any place in the world of reality-based training. Those who are deemed unprofessional should be immediately removed from those environments.

When it comes to ensuring that participants in a reality-based training exercise are entering that area without any dangerous items, political correctness can and must be balanced with professionalism to accomplish the task of securing a safe training environment. There is no reason that cross-gender searching cannot and should not be done when necessary to guarantee the safety of the exercise and the personnel.

7. A Thorough Safety Inspection Is Intrusive and Disrespectful.

Before fully addressing the issue of respectful and nonintrusive searches, let's reconnect ourselves to why it is we are actually performing the search. We are not looking for purposefully concealed weapons but rather for items that should, for the most part, be hidden in plain sight. We are looking for the items that have otherwise been overlooked. If properly conducted, searches necessary to ensure safety during reality-based training exercises are hardly intrusive.

Asking people to completely empty their pockets into a plastic bin is not intrusive. Searching a person's gear or gear bags is not personally intrusive. Running a metal detector over a person for the purposes of discovering weapons is not intrusive if properly conducted. Crushing an area that rings on the metal detector around the ankles, waistband, and underarms is not intrusive. Any other areas that might be considered intrusive such as the crotch or mid-chest can easily be addressed by inquiring of the person being searched what metal objects they have in that area in the event a metal detector indicates a metal object. Have *them* check that area. It may well be that they have a concealed weapon in that area that they had overlooked. In a professional setting, they will advise you of the fact and remove the item. If it is a weapon and they consciously choose to deceive you and not remove the item and then later deploy that weapon, it would be with the full intent of committing a criminal act.

It is for all practical purposes impossible to stop those who would be dedicated to the commission of such an act, but then again, there hasn't been a single recorded incident for which criminal intent has been the root cause of an injury or death during a reality-based training exercise. If someone ever does intentionally bring a loaded gun to a training exercise with the intention of killing someone, it will be an anomaly, and there is nothing short of x-raying all participants and treating them like prisoners that would prevent such an occurrence. Anomalies are not our problem. We are not searching people who are consciously concealing items from us with the intent of doing us harm. We are searching people who, through the limitations of their being human, may have forgotten that they have something with them.

Any items of concern would normally be carried on the duty gear, in the waistband area, on the ankles, or under the arms. Thorough, impersonal examinations of these areas can be accomplished with minimum effort to the satisfaction of even the most ardently politically correct person.

Thorough safety inspections are not intrusive or disrespectful if carried out in a professional manner. In order for us to fully accept a higher degree of inspection in the reality-based training environment, however, it is still necessary to recondition the expectations of the military and law enforcement training community. This reconditioning is not going to happen overnight. In the last subsection, we drew the parallel between the airline/medical and reality-based training communities. While the parallels are extremely valid (since in both the airline industry and medical community, people have given "permission" for thorough examinations based on the reality that such examinations can, have, and will save lives), it should be noted that it has only been recently that the expectation of the traveling public has been reconditioned to expect a higher level of examination (unlike the medical

profession in which thorough and intrusive examinations have been the norm for hundreds of years).

Using the airline industry to demonstrate a society's ability to drastically adjust their expectations, prior to September 11, 2001, today's levels of pretravel inspection would not have been acceptable to the traveling public nor would society have authorized the vast expenditures associated with the equipment, personnel, and governmental restructuring to ensure its enforcement. After September 11, society's expectations changed in response to that catastrophic event. So should it be with the examinations necessary in reality-based training since we have seen tragedy after tragedy in which higher levels of inspection would have prevented them. These catastrophies, however, only really occur at the "local" community level, and there appears to be no generalization across society of the tragic consequences.

Two of the major hurdles that must be overcome before there is a widespread adoption of more comprehensive safety guidelines are deeply rooted in the psychological makeup of both those setting up the safety guidelines and those who must be subjected to them. In his third book entitled *On Combat*, Lieutenant Colonel Dave Grossman talks about the concept of the "Universal Human Phobia." Grossman has studied the effects of interpersonal conflict and its effects on the human behavior. Grossman states, . . . "One serial killer can change the behavior of a whole city, but over 400,000 Americans will die slow, hideous preventable deaths this year from smoking cigarettes and that does not change the behavior of most smokers."

He continues, "Consider the case of John Muhammed and his little buddy Malvo the serial snipers of Washington, DC. Many motorists stopped refueling at self-serve stations and opted for full-service gas stations to avoid having to get out of their cars."

He concludes, "Interpersonal confrontation influences our behavior more than the statistical certainty of a slow, horrible death from cancer."

The point he makes here is that even faced with the likelihood of death from one behavior, people do not change their behaviors. Earlier in his chapter on the "Universal Human Phobia," Grossman discusses a tornado and its resultant devastating physical effects, contrasting such an event with having a street gang come to your house, kill half your family, and then take sledgehammers to the structure, leveling the building. While the physical effects are identical, the life-altering psychological trauma of that caused by the personification of evil in the form of senseless human aggression makes a huge psychological difference.

To boil it down to the important difference as to how it effects the behavior of those tasked with ensuring a hazard-free reality-based training environment, it basically comes down to this: there has not been a single instance in which a death has occurred in reality-based training in which the cause was linked to some crazy or ill-willed individual bent on destruction. All incidents have been deemed to be accidents—preventable, but accidents none-the-less. Accidents may change the behavior of an individual or a small group of individuals who have been personally

touched by the effects, but accidents do not have a general effect on the broader base of those who may be touched by the effects some day.

Having someone you don't know killed by a drunk driver won't necessarily stop you from drinking and driving. Having your neighbor go through the windshield of his car because he wasn't wearing a seatbelt won't automatically cause you to put yours on. Accidents don't necessarily change the way people behave. In the wake of a rash of occurrences that demonstrate a causative link between a behavior and a recurring problem, legislation and peer pressure is necessary to move society towards a more permanent solution. Given that the statistical occurrences of tragedy in world of reality-based training are still relatively small, legislation (with the exception of the adoption of more stringent safety policies inside the agency experiencing the tragedy) is unlikely.

Because there have been training accidents all across the country and because national agencies such as IALEFI and NTOA have addressed the necessity for more stringent safety guidelines, such pressure is beginning to have a small effect as more trainers are forced to adopt tougher safety procedures. A general acceptance, or paradigm shift, has not yet occurred, however, and I believe the body count is going to continue.

The second psychologically rooted problem blocking a more generalized adoption of more stringent safety practices is the existence in the police and military establishment of an institutional belief system that subconsciously equates being searched with criminal behavior, and as such, members of the law enforcement community are reflexively opposed to it. This is probably the source of the biggest psychological resistance to submitting to a search.

Imagine the mindset of a law enforcement officer coming into an area, who is about to be "searched." In all likelihood, his or her mindset is a closed one, mildly negative at least because the person believes him- or herself to be a "good person"; whereas, the searcher is looking for "bad things." The underlying psychology is that a good person would not bring bad things into a secure area, so there is a base level of resentment between searcher and searchee.

Simply reframing this adversarial relationship might be just what is necessary. Borrowing from aviation again, the pilot and copilot perform crosschecks to ensure that they are both satisfied as to the readiness for the aircraft to safely depart. They certainly don't harbor resentment towards each other during these crosschecks, and the improvement in aviation safety as a result has been clearly measurable.

I believe that if we can shift the gold standard in this area to include an expectation that a comprehensive safety inspection is a non-negotiable, integral part of the training process, trainees will begin arriving for training in a state of readiness, having first thoroughly searched themselves and their possessions for dangerous items and present themselves to an independent, trained third party who, with educated hands and eyes, performs a safety confirmation. This shifts the act of "searching" to one of "permissioning," to use Tony Robbins' words, and the psychological aspect of this shift in how the event is framed cannot be overstated.

Physical searching is an act of professionalism dedicated to a greater good. It may be necessary to change the vocabulary that we are using in order to change the negative connotation associated with being “searched.” Let your people know up front that “this is *not* a pat-down.” Frame the inspection so that people are not feeling like criminals. Perhaps it is necessary to speak in terms of a safety confirmation or safety validation or crosscheck. The necessity is to develop within the reality-based training community an expectation that a thorough safety inspection is going to occur. This will eliminate the problem.

It will take time and effort to change this mindset in the military and law enforcement communities, but it is do-able. Remember, in the early days after the attack on America that included the destruction of the World Trade Center, travelers complained about the higher levels of inspection during the early days until their expectations were recalibrated. Now, travelers pack differently and arrive earlier with the expectation of a thorough search.

8. Some Trainers Are Personally Uncomfortable Performing Physical Searches.

Sounds like a personal problem to me. You wouldn’t hire a butcher who was squeamish at the sight of blood. Don’t put people who are uncomfortable putting their hands on people and taking decisive action in the position of searching people.

9. Any Member of the Training Staff Is Able to Perform a Thorough Safety Inspection.

Let’s qualify this by saying that any person properly educated and trained in the realm of thorough safety inspections, who then has some measure of experience with performing them, is able to perform a thorough safety inspection. Just because a person is a member of the training staff doesn’t mean that they have adopted an effective safety inspection ritual and are adept at performing it. When it comes to safety inspections, a little bit of knowledge can lead to disaster since although the trainer may believe he or she has been thorough, he or she may not completely understand the underlying principles or mechanics of a thorough search. The philosopher, Rousseau, teaches that “Ignorance is not itself error; but it lies at the root of error; a creature, because his knowledge is but partial, is exposed to the risk of forming false judgments. It is the little knowledge that is the dangerous thing.”

Most training participants who are not carrying a big bag full of stuff or don’t have a giant collection of SWAT gear can be thoroughly searched in approximately 30 seconds to one minute if they are properly organized and understand their role in the procedure. A systematic ritual is the key to safety. Uneducated and untrained searchers are going to search differently every time and apply what *they* consider to be a thorough standard. This often deteriorates into searching without the intention of finding, or merely passively examining a person with the expectation that everything is in order. That quality of perceptual filtering can lead, and has led, to tragedy. Those tasked with searching people and gear for the purposes of placing them into a sterile environment require training and experience in that function.

10. Due to a Limitation in Training Staff Resources, There Is Insufficient Time to Perform Thorough Safety Inspections.

A paradigm shift is definitely required here. Reality-based training often gets the dirty end of the stick from the administration because administrators who are uneducated about the complexities of reality-based training are constantly making incorrect judgments about the allotment of time required for this style of training. Unfortunately, many agency heads have no concept of the true time and personnel requirements of an effective reality-based training program and as such cutting corners is commonplace. Because of the time constraints, trainers are constantly trying to “find” the necessary time to provide the training and usually end up cutting back on the time used to perform safety inspections. Cutting corners with regards to safety in general, and safety checks in particular, is a bad idea, and it is going to lead to further tragedy.

There is a right way and a wrong way when it comes to effective safety inspections, and if you’re not doing your safety checks the right way, then you are exposing yourself and your participants to unnecessary danger. Remember the words of Rickaby: “. . . A doctrine is not to be judged by its inconvenient logical consequences, but by its intrinsic truth.”

Don’t skimp on safety doctrine just because it seems inconvenient.

11. Metal Detectors Are Expensive and Do Not Improve the Thoroughness of Safety Inspections, so Quick Pat Downs are Sufficient.

Metal detectors are excellent for three reasons. First, you can perform a thorough contact search without putting your hands on people for the most part. People are more comfortable being touched with objects than they are being touched by direct contact for some strange reason. Second, metal detectors find metal. What are we looking for during a physical search? Guns, knives, magazines, chemical agents, and cartridges. A metal detector will locate all of these items. In the event that the metal detector rings, we either crush that area or ask the participant to search that area to ensure that there is no item of ultimate concern there. Third, properly used, there is transference of the sensation of touch that is so effective that you can actually “feel” small coins or other small objects in a pocket when performing a contact search with a metal detector. Such a search will permit you to find out whether the participants have actually taken everything out of their pockets, and if they have not, you will literally “bump” into them. As for expense, the cost is approximately \$100.00. If you have implemented, or are about to implement, a reality-based training program, metal detectors should be included as an essential resource during the budgeting for that program. There was one metal detector company that was actually giving away their product for a couple of years whether you attended their instructor program. You might even have spare metal detectors kicking around your jail or if you have a unit that concerns itself with dignitary protection. Look around. You might already have one!

12. Even with Adequate Time and Sufficient Training Staff, Safety Inspections, as Proposed, Take Too Much Time or Are Unnecessary.

Paradigm shift time again. Inspections don't take too much time; going to the hospital or to a funeral takes too much time because, almost invariably, a thorough safety inspection could have prevented such tragic expenditures of time. What is required is a reallocation of time. Safety inspections can be accomplished thoroughly and with a minimum of time and inconvenience if properly organized and performed.

Conclusion

While there are many areas of reality-based training that lend themselves to injury, it is the area of resistance to physical inspections that has led to the greatest amount of tragedy in the law enforcement community in which officers have been inadvertently injured or killed during reality-based training exercises.

The next time you are involved in a reality-based training exercise, ask yourself if you would at any time be in any real danger from being killed by any person in the training session pulling out their weapon, pointing it at you, and pressing the trigger. If the answer is a resounding "No," then either your safety inspections and procedures are probably right where they should be, or you are dangerously naive—hopefully it is the former.

If the answer is "Yes," then perhaps it's time to put some real safeguards in place. Safety in a reality-based training program as stated at the beginning of this essay isn't easy, but it is simple and definitely worth the effort. Just as one of the most rewarding phone calls is the one in which someone survived a deadly force encounter as a result of your training program, one of the most sickening and life-altering phone calls is the one telling you that someone was killed while participating in your training program.

"Steerman went into the training area after hearing the gunshot and getting a concerned call from the duty inspector, checked Beatty for a pulse, held his hand and told him to think of his family." (Sgt. Derek Steerman was one of the first on the scene at the time of the accidental fatal shooting during a training scenario of Cst. Darren Beatty, Calgary Police Service.)

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Community-Oriented Policing in Nigeria

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Introduction

The police organization and policing approach cannot be fully understood independent of society and government. While the Nigerian Constitution provides for separation of powers and functions among the Executive, Legislature, and Judiciary, in practice, the Legislative and Judicial arms of government remain susceptible to the control of the Executive branch, both at the state and federal levels. It is therefore appropriate to characterize the Nigerian government as authoritarian. Several studies (e.g., Alemika & Chukwuma, 2000; Centre for Law Enforcement Education and the National Human Rights Commission, 1999; Elechi, 2003; Nigerian Democratic Movement, 2001) support the observation that the Nigerian Police Force is authoritarian, corrupt, incompetent, and ineffective.

According to these reports, many Nigerians perceive the police as an instrument of oppression and intimidation by the government and rich Nigerians. Furthermore, they feel that the police are disconnected from the people who they are supposed to serve. This accounts for why the Nigerian Police do not enjoy the confidence, respect, support, and cooperation of the people. One explanation for the authoritarian character of the police force is the extensive dominance of Nigerian politics by the military and the fact that the Nigerian Police for the most part retained its colonial structure and character. As Asemota observes, “. . . the colonial origin of the police and decades of military rule have produced a militarized force that has acted as an instrument of oppression and is largely alienated from the civil population it should serve” (as cited in Center for Law Enforcement Education and the National Human Rights Commission, 1999, p. vi).

Massive police corruption hampers operations and effectiveness. Corruption also pervades Nigerian government institutions and has also infiltrated the private sector; however, police corruption reflects negatively on the government and undermines government legitimacy. Beyond the prevailing culture of corruption in the society, the condition of police service is deplorable. Officers’ salaries are grossly inadequate, and they can go for months without receiving pay. While inadequate remuneration and delayed wages is not peculiar to the police, few public officers have the power and opportunity as the police for corruption.

Authoritarianism, corruption, inadequate training, government neglect, and lack of infrastructure are some of the factors militating against police effectiveness and efficiency in Nigeria. Furthermore, police have a wide ambit of power without accountability. As Alemika and Chukwuma (2000) indicate, however, no police reform will succeed, unless the Nigerian government “restructures and democratizes its polity and economy in order to promote democracy, social justice, and human rights” (Alemika & Chukwuma, 2000, p. 9). The government and the police must appreciate the fact that without the cooperation of citizens, the police cannot be

effective in carrying out their responsibilities. This article examines the policing establishment and its operations in Nigeria. It makes a case for the implementation of community policing in Nigeria as a solution to the various policing problems. Efforts must be made to foster police/community partnerships for effective social control and problem solving. The following statement by the Nuu-chah-nulth Tribal Council, British Columbia, Canada, to the Oppal Police Committee in 1994 captures the philosophy and spirit of community policing:

We believe the most important asset of a police detachment is nothing physical. It is not the equipment, the automobiles, or even the officers. We believe that [the] most important asset of a police department is the **trust and confidence of the population that it serves**. Without the trust and confidence, no police force can operate effectively (emphasis added) (as cited in Cunningham & Griffiths, 1997, p. 151).

Defining Community Policing

Policing as a concept from its inception and conception was intended as an extension of the civil society and also as deriving its authority from the people. A major political development of the enlightenment was the division of powers among the different arms of government. Following this development, the legislature became a sovereign entity, and the judiciary became independent and the consolidation of the rule of law. These political developments created the impetus for the people's full involvement and participation in the nation's political life; however, the state emergence as the dominant social control player undermined citizens' involvement and participation in social control.

Hartwell (1979) refers to this phenomenon as "politicization." He defines politicization as the ". . . pervasive tendency for making all questions political questions, all issues political issues, all values political values, and all decisions political decisions" (p. 14). Hartwell further observes that ". . . where once the private investigation of social problems was important, public inquiry now dominates, and with public inquiry, there is almost inevitably public solution (remedial legislation and the establishment of a bureaucracy of enforcement and control)" (p. 14).

The emergence and dominance of the state in society explains why "bureaucracy replaced democracy" (Hartwell, 1979). Furthermore, many voices, ideas, and values are subjugated as a result of the state's dominance of social control, according to Aubert (1969), Christie (1976), and Foucault (1977). The community policing movement, therefore, seeks the restoration of involvement and participation in social control on the part of the people and the community. As Crank (2003) observes, "in the community policing and restorative justice movements, we witness the increasing legitimation of community as the source of justice and standard for citizens' behavior" (p. 324).

Two prominent community policing movement leaders in the United States, Trojanowicz and Bucqueroux, acknowledged that modern policing operated as if the community was not a factor in the definition and maintenance of order in society. Hence, they observed that "community policing emerged from frustrations with business as usual and a growing recognition that many of the problems associated with so-called 'modern' and 'scientific' policing might well stem from the realization

that it had inadvertently severed the ties between people and their police” (as cited in Purpura, 2001, p. 22-23).

A major goal of community policing consequently is the restoration of the community’s contribution to the definition of order and a challenge to the state’s monopoly over the definition of order. In addition, crime is a local event, and as such, local authorities and members of the community with a stake in the well-being of the community are well placed to understand the community’s needs and know best how to respond to such needs. Furthermore, crime is a complex social problem requiring a proactive, holistic, multifaceted solution, rather than a reactionary, simplistic, superficial response. Again, it is an acknowledgement that the community as an entity is affected by criminal behavior; therefore, the community is collectively responsible for its members and must be involved in crafting an appropriate resolution. Moreover, increasing the community’s sense of capacity and efficacy in addressing community problems is important and should be a priority objective for community policing.

The chief architect of modern policing, Sir Robert Peel, arguably had community policing in mind when he established the London Metropolitan Police. As Braiden rightly observes, Peel’s policing principles laid the foundation for the community policing concept. According to him, Peel “set forth a number of principles, one of which could be considered the seed of community policing: . . . the police are the public, and the public are the police” (as cited in Purpura, 2001, p. 22).

According to Purpura (2001), Wilson and Kelling’s (1982) “broken windows theory” further advances the community policing concept. According to this theory, community decay and apathy by community members to the well-being of the community are capable of attracting offenders. On the other hand, community preservation and cooperation between the police and the citizens can lead to the improvement of the quality of life of community members and the reduction of crime. Consequently, minor offenses should be viewed as a real threat to community well-being rather than merely as a nuisance. Broken windows left unrepaired will likely lead to the breaking of more windows. Community residents should interact with one another and collaborate to maintain law and order. The three primary tenets of the broken windows thesis are as follows:

1. Neighborhoods containing drug addicts, prostitutes, youth gangs, and homeless people are characterized by fear, disorder, and high crime rates.
2. Deteriorated buildings that remain in disrepair, and disorderly behavior, attract offenders and crime.
3. Fear and crime are reduced in such neighborhoods through cooperation between police and citizens. Community preservation, safety, and order maintenance should be higher priorities of police than crime fighting. (Purpura, 2001, pp. 246-247)

The concept of community policing can be traced to several influences, programs, and strategies. Purpura (2001) notes that community policing is . . .

an old idea that has been revitalized, revised, and expanded. Its roots are found in early England, the Peelian Reform Movement in England, the urban neighborhood foot patrol officer, and the small town police officer who, even today, communicates with residents, knows almost everybody, and works with “the locals” to solve problems and maintain order. (p. 245)

Its practice and perception by different stakeholders vary. Three main perspectives of community policing emerge according to Friedmann (1992): (1) the police perspective, (2) the community perspective, and (3) a combined police/community perspective. Based on this comprehensive approach, he offers the following definition of community policing:

Community policing is a policy and a strategy aimed at achieving more effective and efficient crime control, reduced fear of crime, improved quality of life, improved police services and police legitimacy, through a proactive reliance on community resources that seeks to change crime-causing conditions. It assumes a need for greater accountability of police, greater public share in decision-making, and greater concern for civil rights and liberties (as cited in Mckenna, 2000, p. 3).

Other community policing definitions focused on police attitudes and philosophy. According to Trojanowicz and Bucqueroux (1990), . . .

Community policing, the first major reform in a half-century, changes the way the police think and act. This revolutionary movement broadens the police mandate beyond a narrow focus on fighting crime to include efforts that also address fear of crime, social and physical disorder, and neighborhood decay. (as cited in Mckenna, 2000, p. 4)

Community policing is defined as the police and the community constituting a partnership to define and identify community problems and search for solutions to community problems. It is based on two core beliefs: (1) community partnering and (2) problem solving. Within the community policing paradigm, the police and the community share responsibility for maintaining order, fighting crime, and solving numerous community problems. The police under the community policing arrangement see community members as equals and partners in the identification and solving of community problems. Community policing is a policing policy and strategy geared towards more effective and efficient crime control. It seeks the reduction of fear of crime by community residents. In working towards improved quality of life of community residents, the police also enhance their legitimacy and efficiency.

Community policing recognizes that crime is a local event and that crime needs differ from one community to the other. Centralized and bureaucratic police solutions, therefore, will not be effective. The communities should be empowered to strengthen their ability to look after themselves. Policing operations are integrated into the daily life of community residents. The community should constitute an operational information and crime control base of knowledge. Efforts are made to

reinforce the informal social control mechanisms of the community. Informal social control mechanisms, such as persuasion, counseling, and deflection, are emphasized. Community policing is proactive policing; it is a crime prevention strategy. Purpura (2001) defines community policing as follows:

A major department-wide philosophy of policing that draws on the most successful police practices of the past and present (e.g., problem-oriented policing), while maintaining a vision for the future and being interdisciplinary in design, by “borrowing” from a variety of disciplines (e.g., marketing), to produce the most creative, efficient, and effective approaches to seeking closer communications and partnering with diverse citizens and groups to control crime, reduce fear, solve community problems, and improve the quality of life. (p. 252)

The Japanese police model best exemplifies what community policing is about. It is widely touted as an effective and efficient police system. The emphasis is on police partnership with citizens and the provision of service to the people. The policing function is enmeshed in the people’s culture and the daily life of community residents. Reichel (2004) describes the *koban* as a community fixture representing the link between the police and the citizen. Its operations and perception by the people is that of a service office rather than a police post. “The services provided at the *koban* and by the *koban* officers truly reflect the concept of community policing. . . . Not surprisingly, *koban* officers and citizens develop a strong working relationship, which serves to make the police more effective” (Reichel, 2004, p. 376).

According to Reichel (2004), Japanese police depend very much on citizen participation. There is a strong tradition of police-citizen cooperation, arising from established formal and informal associations between the police and citizens in crime prevention. Citizens collaborate with the police to maintain social order. Citizens and the police actively participate in the distribution of crime prevention literature. The police support and encourage citizens’ efforts in solving social problems. According to Reichel (2004), Bayley observes that the . . .

Japanese police and their public believe each has “to work through the other in order to make the society a civil place to live.” That cooperation requires Japanese police to place significant emphasis on nonenforcement activities and to interact with people other than those acting illegally. The result is a service orientation, which may also explain police effectiveness. (p. 377)

What this means, in effect, is that police are primarily accountable to the people and secondly to the government. The police residing in the community where they operate also signifies that they have a stake in the well-being of the community. Furthermore, they execute their job with responsibility and sensitivity. Officers are well aware that if they employ high-handed and oppressive methods in their duties, there will be a backlash. The people will take it out on their spouses and children; it would affect the schools, malls, churches, and the community as a whole. As Nils Christie (1981) observes, the best way to control the wielders of power is to make them vulnerable: “Vulnerability might be established in several ways. Three are particularly important. These are vulnerability through equality in status, through equality in qualifications, and through close and available physical proximity” (p. 85).

Police responsibility and accountability and, consequently, legitimacy and effectiveness are enhanced when officers live within the community they police. As Christie (1981) points out, bureaucratic control of the police is ineffective for the simple reason that police work leaves little or no tangible documentation unless for some happenstance the police mistakenly record a particular violation or a passerby videotapes the incident like the Los Angeles Rodney King case. The most effective way, therefore, to regulate and hold the police accountable is from below, that is from the public themselves who are the objects of control.

The Nigerian Police

Nigeria is a country in West Africa with a population of about 124 million according to a recent United Nations estimate. About 45% of the population is below 15 years of age. Nigeria achieved its political independence from Britain in 1960. The geopolitical structure of the federal republic of Nigeria is made up of 36 states and the federal capital territory, Abuja. Nigeria's legal system is based on the English common law and the 1999 Constitution. In addition, Shariah law is practiced in some northern states, and African customary law is in operation in the southern states. Nigeria is Africa's most populous country and is composed of more than 250 ethnic groups; however, there are three major ethnic groups in Nigeria: (1) the Hausa-Fulani occupying the northern region, (2) the Yoruba occupying the southwest region, and (3) the Igbos occupying the southeast region. More than 99% of the northern population are Muslims, and they are considered to account for more than 50% of the total Nigerian population. Christianity is dominant in the South accounting for about 40% of the country's total population, while animism makes up the balance.

Prior to 1930, three main police organizations operated in Nigeria under the British colonial authorities: (1) the Northern Constabulary, (2) the Southern Police Force, and (3) the Lagos Police Force. The various local police forces were unified through ordinance No. 3 of 1930, bringing into being the modern Nigerian Police Force. Upon political independence in 1960, Nigeria retained the centralized colonial police system with its colonial structures of coercion. Section 214(2)(a) and 215(2) of the 1999 Constitution provides authorization for the establishment of the Nigerian Police Force under the command of the inspector-general of police. The next in line of authority is the deputy inspector general of police, who acts as the overall commander of the police in the absence of the inspector-general. Next in command are the eight assistant inspectors general (AIGs) who are in charge of the eight administrative zones of the police. The commissioners of police appointed by the inspector-general is the commanding officer of the police contingents in the 36 states of the federation. The commissioners of police who are in charge of the state police contingents report directly to zonal commanders. In times of emergency when the zonal commanders report directly to the inspector-general of police, the zonal commanders are answerable to the force headquarters directorate.

Discussion

Corruption pervades the entire structure of the Nigerian Police System. Many attribute the systematic corruption within the Nigerian Police to the endemic and widespread corruption in Nigeria. According to Sunday Adewusi, a former inspector-general of the Nigerian Police, "corruption is not limited to the police force alone but because the average man looks up to the police like the judiciary,

for justice, fair play and protection, corruption in the force stinks more than in other facets" (as cited in CLEEN/NHRC, 1999, p. 31). Abubakar Tsav, a former commissioner of police of Lagos State, also acknowledged that corruption has been institutionalized in the Nigerian Police but observed that only junior police officers are used as scapegoats the few times that corruption law is enforced in the police force. Senior police officers are generally shielded and protected from investigation and arrest (CLEEN/NHRC, 1999). Tsav attributed corruption within the police establishment to the prevailing culture in the society and the neglect of the police by successive Nigerian governments. According to Tsav, ". . . the following contribute to and sustain corruption in the police force: poor conditions of service, tribalism, favoritism, indiscipline, inadequate and delayed payment of salaries, lack of basic working equipment, etc." (as cited in CLEEN/NHRC, 1999, p. 31).

Onwueme identifies occasions when police engage in corrupt practices including arrest and prosecution of suspects; traffic duties; delay in trial; destruction of exhibits and evidence; issuing of licenses and permits; falsification of and tampering with statements; and investigations (as cited in CLEEN/NHRC, 1999, p. 31). A typical corrupt practice by the police officer in Nigeria consists of receiving money or other tangible favors for taking or not taking required professional actions.

The Nigerian Police are also known for their systematic brutality and harassment of suspects and innocent citizens alike. The constitutional rights of poor and politically marginalized Nigerians are consistently violated as the police routinely stop innocent citizens for searches, questioning, and arrests for imaginary crimes ostensibly to prevent and control crime. As a result, many Nigerians perceive the police as authoritarian and an instrument of oppression and intimidation by the government. A former Nigerian inspector-general of police in 1998 attributed the prevailing police culture of authoritarianism, intimidation, harassment, and abuse of power to the extensive military dominance of Nigerian politics. According to him, "The Force (Nigerian Police Force) has been torn between the civil populace and the military, so much so that its civil traditions are almost lost to military authoritarianism" (CLEEN/NHRC, 1999, p. 31).

The police were co-opted into the government when the military overthrew the first Nigerian Independent democratic government in 1966. One reason for the military co-optation of the police into the military government was because the police force was the only government establishment with the communication system that covered the entire country. This became imperative as the communication system was critical to the successful prosecution of the civil war resulting from the first military coup. The police as part of the military government consequently assumed legislative, executive, and judicial functions. The result was that its policing responsibility was neglected. To make matters worse, "the police gradually adopted the attitude of disobeying court orders, which is the hallmark of military governments" (CLEEN/NHRC, 1999, p. 13). Furthermore, at the end of the civil war in 1970, the military upon realizing it had developed sufficient infrastructure and manpower cut its ties with the police. This according to the above report marked the beginning of the neglect of the police by the military government.

Another factor militating against police accountability, efficiency, effectiveness, and legitimacy is that law enforcement is yet to discard the structure and attitude it inherited from the colonial authorities. It is noted that the colonial authorities

introduced the police as an instrument of force to contain restive natives opposed to colonial domination. Furthermore, the colonial authorities subjugated African indigenous institutions of social control. Again, colonial rule was authoritarian. There was no attempt to involve the Nigerian people in their governance. Even when the colonial authorities handed over power, it was to a small elite, who monopolized the instruments of power and made no efforts to involve the majority of the people in political participation. With no breaks from below and the political institutions not functioning, what emerged was personal rule. Personal rule is noninstitutionalized government . . .

Where persons take precedence over rules, where the officeholder is not effectively bound by his office and is able to change its authority and powers to suit his own personal or political needs. In such a system of personal rule, the rulers and other leaders take precedence over the formal rules of the political game: the rules do not effectively regulate political behavior, and we therefore cannot predict or anticipate conduct from a knowledge of the rules. To put this in old-fashioned, comparative government terms, the state is a government of men and not of laws. (Jackson & Rosberg, 1982, p. 10)

It seems that the federal government of Nigeria is also realizing that the overcentralization of power is also hampering police efforts to meet the needs of society. According to a recent newspaper article, "President Olusegun Obasanjo has directed the Minister of Police Affairs to decentralize power in the Nigeria Police Force (NPF) with a view to ensuring that police service delivery gets to the grassroots in the country" (Nnadozie, 2004, p. 1). One way to bring police services back to the grassroots according to the Nigerian Minister of Police Affairs, Chief Brodrick Bozimo was to "decentralize power and get Deputy Inspectors-General of Police (DIGs) to supervise Assistant Inspectors-General of Police (AIGs) . . ." (Nnadozie, 2004, p. 1).

In another development, the Nigerian Police announced that it was considering introducing community policing. The rationale for setting up a community policing program according to Mr. Tafa Balogun, the inspector-general of police, was because . . .

Society as we know, is a variegated and complex system, both in terms of its component parts and the contending of sociopolitical and economic issues confronting it. Conflicts, crises, crime, and criminality are consequently inevitable in the society. The active involvement of the people in policing the society has become imperative, as the police alone cannot handle the enormous responsibility which internal security entails (as cited in Ibiam, 2004, p. 5).

As part of the community policing initiative, the police plans to encourage and support vigilante services by community groups and also collaborate with community and traditional leaders in social control. Furthermore, the police will seek the financial, moral, and logistic support and collaboration from private individuals, organizations, and business establishments.

Conclusion

This study reviewed extant research on the Nigerian Police Force. Reports on police activities and public perceptions of the police indict the Nigerian police of authoritarianism, brutality, incivility, corruption, inefficiency, ineffectiveness, involvement in extra-judicial killings, and lack of accountability and legitimacy. This policing climate has resulted in "hostile police-public relations, and sometimes violence by and against police" notes Alemika and Chuwkuma (2000, p. 8). Accounting for this state of affairs is that the police are yet to discard their colonial structure and character deriving from its colonial origin. Furthermore, extensive dominance of the polity by the Nigerian military and police participation in military government is partly to blame. Again, endemic and widespread corruption in Nigeria is one explanation for pervasive corruption within the police force.

This oppressive, corrupt, unaccountable, and ineffective policing regime will not change by mere superficial restructuring of the police organization. The symbolic firing or prosecuting of a few police officers caught for corruption or brutality on the few occasions that the police administration enforces police ethical laws is also not effective for achieving police accountability and legitimacy. For any reform of the police to be meaningful and effective, it has to be deep and concerted to bring about not only organizational change but also a change of organizational culture.

The policing approach is arguably a reflection of the political system. A restructuring and democratizing of the political system and economy is one way of bringing about democracy, social justice, and human rights in the society. This will entail a clear, effective, and functional division of powers among the executive, legislature, and judiciary, such that there will be rule of law and the common citizen having faith in the courts to hold government officials accountable for their actions. As Walker (2001) observes, "in a democratic society, the primary mechanism for holding the police accountable is the political system. Elected officials are responsible for directing the police, along with other government agencies, and for seeing that they reflect the will of the people" (p. 9).

In addition to reforming and decentralizing power in the police administration, the police should seriously pursue its policy for community policing. Community policing addresses the health and overall well-being of the community by addressing the underlying causes of crime and social problems. Community policing requires the involvement and active participation of community residents in the identification, definition, and search for solutions of community problems. This involves the reorientation of patrol activities to focus on minor social problems and increased accountability of the police to the community they serve. A major goal of community policing is the reduction of fear of crime and improved quality of life by community residents. Strengthening of community ability to look after itself and the reinforcing of informal social control networks are important values.

The Nigerian Police should work in partnership with the Nigerian indigenous institutions of social control. Many Nigerian communities have very organized, effective, and functional systems of social control. Even in the urban areas of Nigeria, residents have formed vigilante groups to protect themselves and their property as the police have failed to meet society's needs. The police should provide the necessary leadership, supervision, encouragement, education, and training to these

community organizations. Such partnerships will bring about understanding, trust, respect, accountability, and legitimacy. The police force can only be effective if it enjoys the confidence, respect, and support of the community.

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Policing in the Early 20th Century: A Case Study of Terre Haute, Indiana

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Introduction

Corrupt, brutal, political hacks—these are some of the terms commonly used to describe police officers at the beginning of the 20th century. The turn of the century was the heyday of political machines that ran our cities until real reform emerged in the 1920s and became pronounced in the 1930s (Holden, 1992; Kelling & Moore, 1988). During this period, city employees, including police officers, needed the goodwill of their political benefactors to keep their jobs. Officers were quite skilled at rigging elections to keep party bosses in power (Astor, 1971; Holden, 1992; Walker, 1977) but were sometimes incompetent at policing (Carte & Carte, 1975). Several scholars attest to the brutality of early American policing citing cities such as Detroit (Schneider, 1980), Boston (Lane, 1967), Chicago (Haller, 1976), and New York City (Miller, 1975).

The characterizations noted above come predominately from the study of policing in major cities. Although there are several possible interpretations of the police milieu and *raison d'être* during the early years of the 20th century, what might be called a “big city bias” has created a considerable void in our understanding of the evolution of the full spectrum of municipal law enforcement in America. We examined the development of policing in one Midwestern town, Terre Haute, Indiana, to help fill this void.

A Profile of the City

The first decade of the 20th century saw Terre Haute, Indiana, emerge as a thriving, fastpaced, and growing city. Strategically located on the Wabash River at the center of the Indianapolis-Chicago-St. Louis triangle, Terre Haute was connected by six rail lines to some of the leading industrial and trade centers in the nation. The population increased by 59% (from 36,673 to 58,157) during the period of 1900 to 1910. During the same 10 years, Indianapolis grew by 38%, Evansville by 18%, Ft. Wayne by 42%, and South Bend by 49% (Thirteenth Census of the United States, 1913). Terre Haute was a boomtown with economic opportunities for a growing middle class. The growth of the middle class during this period has been associated with police reforms (Carte & Carte, 1975; Walker, 1977, 1983).

Although Terre Haute's population was predominately made up of native-born whites, almost 16% of the citizens could claim one or both foreign-born parents. Foreign-born whites comprised 6.5% of the population, and blacks accounted for 4.5% of the total. Among the foreign born, the majority were Germans, followed by Irish, English, Scots, and Welsh (Thirteenth Census of the United States, 1913). According to at least one account, well-defined Syrian, Romanian, Hungarian,

and Jewish communities were visible during this period (Jerse, Calvert, & Martin, 1983). A German language newspaper, established in 1884, published well into the 20th century.

The *Terre Haute City Directory* for 1910 amply demonstrates Terre Haute's economic prominence. Six banks, three trust companies, and 21 building and loan associations served the financial needs of the city and surrounding communities. The 31 coal companies, two breweries, and three distilleries were major employers. Entertainment could be found in four theaters, 19 billiard halls, 40 restaurants, and 258 saloons. More than 260 retail grocers called Terre Haute home, as well as 24 retail clothing stores, 27 tailors, and 88 real estate agencies. Professional services were provided by 27 dentists, 112 physicians, and 105 law firms.

By 1914, Terre Haute could claim the largest wholesale grocery dealer in Indiana. Its glass bottle industry produced over one-half million units per day, and its leading brewery was turning out some 400,000 barrels of beer per year. Over 120 freight trains arrived in and departed from the city every 24 hours (Reid, 1915). Photographs of the period show Wabash Avenue alive with retail businesses, shoppers, and streetcars.

Politically, the early 1900s saw Terre Haute rocked by two major scandals. First, Mayor Frank Bidamon was impeached in 1906 for failure to enforce the laws against gambling and prostitution and for ignoring the laws regarding the closing of saloons. Then, in 1914, Mayor Dorm M. Roberts was convicted of federal election fraud for which he served a prison term of 3 years (Jerse et al., 1983).

Administration of the Police Force

In *A Short History of American Law Enforcement* (1972), Bopp and Schultz identify "six major methods of controlling police operations" that were employed in the late 19th and early 20th centuries: (1) popular elections, (2) partisan administrative boards, (3) state control, (4) bipartisan administrative boards, (5) commission-government plans, and (6) single executive control (p. 63). The system used in Terre Haute during this period appears to be a hybrid of the bipartisan board and the single executive models.

The three members of the Board of Public Safety were appointed annually by the mayor under authority of the "Towns and Cities Act" of 1905, with the stipulation that "not more than two of such commissioners shall be of the same political party" (Laws of the State of Indiana, 1905, p. 337). The Board was charged with "the care, management, supervision, and exclusive control of all matters and property related to or connected with the fire and police forces" (p. 337). Board members were required to provide a \$300.00 bond and were compensated in the amount of \$400.00 per year. Knowledge of policing was not required of members, and the 1911 board consisted of an attorney, a grocer, and a former railroad conductor.

The superintendent of police, the executive head of the police force, served at the pleasure of the Board of Public Safety. There was little stability in the executive leadership of the police during these years. From 1906 to 1916, six men served as superintendent. During this time, there were five mayors and 19 different

commissioners. Little is known about the men who served as superintendent of police except for two, Harvey V. Jones and Daniel Fasig.

Harvey V. Jones was initially appointed to the police force as a patrolman in 1898. After serving as desk sergeant and patrol sergeant, he became superintendent on September 3, 1906, at age 45 (Oakey, 1908). Jones was married, but the couple's only child died within a month of her birth. Active in community affairs, Jones was a member of five fraternal organizations, including Free and Accepted Masons and Order of Odd Fellows (Oakey, 1908). He served as superintendent during 1907 and 1908. In 1909, he returned to the ranks of patrolman. By 1918, he again worked his way through the ranks to become captain and served in that capacity until his retirement in 1930 at age 69.

Daniel Fasig was born in Clark County, Illinois, on January 29, 1850. His widowed mother moved the family to Terre Haute in 1860. Fasig first served on the police force from 1877 to 1883, as lieutenant and chief. Politically minded, Fasig ran unsuccessfully for city marshal in 1877, was defeated in a bid for state senate in 1896, and lost the race for county auditor in 1898. He was elected Vigo County Sheriff in 1900 and again in 1902 (Oakey, 1908).

After leaving the sheriff's office, Fasig entered the real estate business, and by 1905, he had become a well-known property owner (Oakey, 1908). Fasig was appointed superintendent of police in 1908 and served in that capacity until 1912. His name last appeared in 1916, when he is listed on the official roster as a patrolman. At that time, he would have been 66 years old.

Superintendent Fasig appears to have taken his job seriously and pointed with pride to the department's accomplishments during his tenure. In his report to the mayor, city council, and Board of Public Safety for the year 1911, Fasig noted with pleasure that the number of arrests was down by over 20% from the previous year. Furthermore, arrests for drunkenness declined by one-third from the 1910 totals. These decreases he attributed to "the general harmony and cooperation that prevailed among the men of the department" (Annual Report, 1912, p. 5). Fasig also boasted of the success of the Bureau of Identification and its cutting edge fingerprint technology that helped to capture criminals at a rate comparable to "larger and more pretentious departments in larger cities," (Annual Report, 1912, p. 5).

Superintendent Fasig called for the installation of a Gamewell reporting system. Early Gamewell boxes contained a lever that officers would pull to check in with the stationhouse or to signal an emergency. Sometimes boxes included a telegraph key to tap out messages. Later, these primitive devices were replaced with telephones. Signal call boxes were often seen by administrators as a way to monitor officers, but officers of the era often found ingenious ways to circumvent the technology (Walker, 1977). There is no record of officers' reaction to the new signal call box system, so it is likely that there was little concern expressed by the rank-in-file. Nearly 30 years before, suspicious Chicago officers sabotaged such devices until they proved to save miles of walking for officers (Flinn, 1973). Fasig also called for the purchase of an automobile large enough to "carry a force of men to a given point in the quickest possible time" (Annual Report, 1912, p. 6). This vehicle would complement the new

Pierce-Arrow Auto Patrol, which was to be placed into service on January 1, 1912, apparently the first Terre Haute police car.

The Patrol Force

Patrol has always been considered the central component of American policing. Chief Benjamin Murphy of Jersey City, New Jersey, commented on the importance of patrol during the 1903 meeting of the International Association of Chiefs of Police:

The patrol force when on post being the eyes of the service, as are the pickets of an army during war, they should be impressed with the vital importance of their duty when on patrol. It is to them, in a great measure, we must look for the protection of life and property and the prevention of crime. (Dilworth, 1976, p. 48)

Contemporary authorities commonly refer to patrol as the “backbone of policing, the central aspect of police operations” (Walker & Katz, 2002, p. 87). The primary functions of patrol have been identified as crime prevention, maintaining feelings of public safety, and availability for public service. In the aftermath of the Kansas City Preventive Patrol Experiment, traditional methods of patrol have been recast into methods, types, and strategies geared toward more effective delivery of police services (Walker & Katz, 2002). The one constant, however, is that the patrol function remains the key component of all urban police department operations.

The Terre Haute Police Department in the early 1900s ranged in size from 63 officers in 1906, to 81 in 1911, to 73 in 1916. In 1911, the rank structure below superintendent included two patrol captains, one captain of detectives, four detectives, three desk sergeants, three patrol sergeants, one clerk, one humane officer, one surgeon, one matron, one court bailiff, and 62 patrolmen. Patrolmen were paid \$75.00 per month. Unlike many larger cities that staffed their patrol force with immigrants, almost all Terre Haute police officers were American born. Of the 81-man force in service in 1911, only five (6%) were not native born (one German, one Canadian, and three Irishmen).

Police officers came primarily from the ranks of non-skilled and semi-skilled workers. By examining the Terre Haute Directory for the year preceding each man’s appointment to the force, we were able to determine the previous occupations for 64 of the 80 men on the 1911 roster. This list includes nine former puddlers or ironworkers, eight laborers, and six teamsters. Other occupations represented include the following:

- Clerk (8)
- Railroad engineer (2)
- Grocer (1)
- Travel agent (1)
- Insurance company supervisor (1)
- Assistant superintendent of cemeteries (1)
- Butcher (1)
- Barber (1)

- Carpenter (2)
- Brick molder (2)
- Saloon keeper/bartender (3)
- Miner (1)
- Farmer (1)
- Meat packer (1)
- Horseshoer (1)
- Cavalryman (1)

The years between 1906 and 1916 saw increasing stabilization of departmental personnel as turnover sharply declined. The 1906 roster shows that less than 30% of the force (28.6%) had been with the department for more than 5 years. This number increased to 53.5% in 1911, and then to 83% by 1916.

It is worthy of mention that by the turn of the century, Terre Haute had African-American police officers. James A. Bishop was appointed in May of 1884. Another African-American, Abe McDougal, was listed on the 1906 roster. McDougal was not included on the 1911 roster, and according to the *Terre Haute Tribune*, he was suspended from the force in January of 1911. It has been suggested by a long-time Vigo County historian that Bishop was probably employed for such menial duties as caring for horses and cleaning the stables. This appears unlikely, however, because of his identification on the official roster as “patrolman” and his presence in departmental photographs of the period dressed in full uniform.

African-Americans had been employed as police officers in America for many years. According to one authority, the “earliest date found for blacks serving as police officers was 1861 in Washington, DC” (Kuykendall & Burns, 1980, p. 104). Black officers were employed throughout the country prior to 1890, although accounting for fewer than 2% of the total officers nationwide well into the 1960s (Kuykendall & Burns, 1980). In this context, Terre Haute, Indiana, was not unusual in having at least some minority representation on its police force in the early 1900s.

African-American officers, of course, faced discrimination both within and outside the ranks of their police departments. A telling example can be found in the experiences of Samuel J. Battle, described in 1912 as the “only negro (sic) policeman in the State of New York” (Vila & Morris, 1999, p. 93). Battle was said to be well-respected and well-liked by his fellow officers and the citizens of New York City. He was described as conscientious, painstaking in his duties, and a gentleman, but he was still subjected to the silent treatment by the very officers with whom he worked daily. His white colleagues apparently began the silencing as an attempt to haze Battle out of the police force but were unsuccessful (Vila & Morris, 1999).

Life as a Police Officer

Life as a police officer in the first decade of the 20th century could be considered intolerable by today’s standards. On a midsummer afternoon, the desk officer tugged at his sweat-stained uniform trying to become comfortable. The glass of water at his side was both a luxury and a necessity. The stationhouse was like an oven in the days before air conditioning. There was no problem getting officers out to their

beats on such days. Everyone was looking for a little relief in the slightest breeze. The heavy woolen uniforms that cut the winter's chill could be insufferable in the heat and humidity of an Indiana summer.

Patrol officers were issued a uniform, revolver, club, and whistle, and sent out to the streets; they walked their beats. It was not until 1912 that the city's first police car, a Pierce-Arrow, was put into service. As was common during this period, officers received little training (Carte & Carte, 1975). The first textbook on policing was not published until 1909 (Walker, 1983).

When not enforcing the law, officers engaged in a variety of activities. Police duties included transporting sick and injured persons, investigating cases of destitution, impounding livestock, reporting malfunctioning street lamps, and recovering lost and stolen property (*Annual Report . . .*, 1912).

New officers received a copy of the *Police Manual*, which laid out the rules and regulations of the force. The *Manual* also served as the new recruit's police academy. Officers were expected to "go by the book" in each and every situation. The pocket sized (5" x 3¼" and 46 pages) manual was to be kept in the patrolman's possession at all times. Upon leaving the force, officers were required to turn in their manual along with their other equipment. Though foreign by today's standards, the lack of training for patrol officers persisted well past the mid-20th century. O. W. Wilson (1963) would later argue that training was better invested in command officers who would control the activities of street officers (Bopp, 1977; Carte & Carte, 1975).

The 1904 *Police Manual* gives some insight into the occupation of police patrolmen. Comprised of nine sections, the *Manual* provides a detailed description of the organization of the force, along with sections of the city charter that established the Board of Public Safety and police force. Long before the writings of Vollmer and Wilson were widely known, the *Manual* admonished officers to adhere to standards, which were later incorporated into the Professional Model of Policing (Carte & Carte, 1975; Kelling & Moore, 1988; Wilson, 1963). About three and one-half pages of the *Manual* were devoted to "Advice to Young Patrolmen." In this section, the novice officer was told he was "about to assume the responsibilities of an office, the duties of which are much more varied and difficult, and the trust of which is more important to the public and yourselves than is generally admitted" (pp. 13-14).

As Vollmer would later advocate, officers were to develop community support and shun unnecessary violence (Carte & Carte, 1975). The patrolman was admonished to maintain an upright character, to remember that his actions were subject to public view, and to avoid playing "the loafer" by "lounging in doorways or on corners, or leaning against lamp posts" (*Police Manual*, 1904, p. 14). The officer was expected to know his beat and the people living on it and to behave as to "merit the good will of all good citizens" (pp. 14-15). Other advice concerned the use of force: "no more force than necessary to protect yourself and secure your man" (p. 5) and the need to become familiar with court procedure and to avoid the "ten thousand snares and temptations of city life" (p. 17). Officers learned criminal law in the *Manual's* "School of Instruction" (p. 17). This section consists of a series of questions and answers designed to introduce the new officer to selected criminal offenses.

The heart of the *Police Manual* is that portion that gives 55 general rules and defines the working world of these early 20th century policemen. Several of the rules concerned the need to maintain a good public image. For example, Rule 3 warned officers that, "A violent or excited manner, or indiscreet action, will destroy his individual influence and may draw down public odium on the whole department" (pp. 29-30). Other rules prohibit the use of profane language toward another officer or citizen, drinking and smoking while on duty, and loitering "about saloons, houses of ill fame, or other public places" (p. 32). Policemen were instructed not to participate in the passing of rumors about their brother officers and not to criticize or comment on orders received from superior officers.

Patrolmen were expected to be generalists who were responsible for both law enforcement and peacekeeping, both crime prevention and apprehension. Vollmer believed that officers could play a role in solving social problems (Carte & Carte, 1975). This concept emerged from the Progressive Era (Walker, 1977) and was developed by community policing advocates a half a century later (Goldstein, 1990; Trojanowicz & Bucqueroux, 1990). Patrolmen were expected to "report every morning all vacant houses and persons moving in and out of their beat" (p. 32), as well as to report dangerous obstructions in streets and alleys, all electric lamps not lit, and all cases of contagious diseases.

Rule 37 instructed officers, to the best of their ability, to "prevent assaults, breaches of the peace, and all crimes about to be committed" (p. 36). The patrolman's personal responsibility to maintain order is emphasized in this same rule: "The frequent occurrence of disorders on any beat will afford ground for attributing negligence to the patrolman on such beat, unless the Board is satisfied that such a state of things has been owing to causes beyond his control" (p. 36).

Such principles of accountability fueled the COMPSTAT management system that is credited with transforming the New York City Police Department at the end of the 20th century (Henry, 2002).

The *Police Manual* sought to control officers' behavior. Police officers were forewarned that they could face dismissal from the force for certain rule violations, inappropriate conduct, or dereliction of duty. Rule 47 includes this passage: "Patrolmen will be held strictly accountable for any safe or other burglaries, which may occur within their districts, and it will be good ground for dismissal should any occur" (p. 39).

Dismissal could also result from failure to follow orders, criticizing duty changes, accepting gifts or favors from persons of ill repute, failing to pay debts, or willfully violating or habitual inattention to "any of the rules or regulations prescribed by the Board of Public Safety" (p. 34).

Finally, the qualifications to become a patrolman were stated in Rule 55. To be eligible for appointment, a man had to be between the ages of 21 and 40, be not less than 5'10" in height, weigh between 150 and 225 pounds, and be able to read and write English intelligently. Officers were to be of sound body and mind, vigorous, and unquestionably courageous.

Police Activity

Annual police reports are available for 5 of the 11 years between 1906 and 1916. These reports contain statistics on the number of arrests along with the number of miscellaneous reports filed with the department. Arrest categories were listed alphabetically and include the traditional crimes against person and property, as well as a wide variety of order maintenance offenses and “victimless” crimes.

The period from 1906 to 1916 saw a shift in departmental priorities from an emphasis on order maintenance to a growing concern with crime control, a key provision of the Professional Era (Kelling & Moore, 1988). This shift can be observed by focusing on arrests for the 11 offense categories: (1) murder, (2) robbery, (3) rape, (4) serious assaults, (5) burglary, (6) larceny-theft, (7) drunkenness, (8) vagrancy, (9) prostitution, (10) associating, and (11) suspected felony. The first six are traditional “street crimes,” while the latter five represent order maintenance activities. In 1906, the six street crimes accounted for only 2% of the total arrests while the five order maintenance offenses made-up 63% of the total. By 1916, the percentage of street crime arrests had tripled to almost 6%, and order maintenance arrests had dropped about one-third to just less than 43%. Though this increase is modest, it begins a trend. The following table presents arrest data for the years 1906, 1911, and 1916.

Arrest Data

Offense Category	1906	%	1911	%	1916	%
Street crime	88	2.0	95	2.8	187	5.6
Order maintenance	2,816	63.5	2,201	63.7	1,433	42.6
Miscellaneous	1,526	34.5	1,154	33.5	1,741	51.8
Total	4,430	100.0	3,450	100.0	3,361	100.0

The remaining arrests (those not discussed above) fall into a wide range of categories demonstrating the generalist nature of the early 20th century police officer and his primary concern with order maintenance. Figures for 1911, for instance, include 40 arrests for insanity, 25 for begging, 28 for keeping a house of ill fame, 10 for wife desertion, 15 for profanity, and 22 for violating state liquor laws, among many others.

Most of those arrested were white males, who made up 75% of the total, followed by black males (11.5%), white females (10.3%), and black females (3%). It is notable that although the population of Terre Haute was only 4.5% African-American, blacks accounted for almost 15% of the arrests. Arresting minorities at disproportional rates is not a new phenomenon.

During this time, suicide was three times more prevalent than murder with 12 suicides reported, along with another seven suicide attempts. Thirty-nine accidental deaths and 100 accidental injuries were also recorded.

Conclusion

The preceding analysis describes the organization, rules of conduct, and activities of the police force serving a growing, economically thriving, Midwestern city in the early part of the 20th century. To what extent Terre Haute and its police force were typical of the period is not presently known. Thus, one must be cautious in generalizing the findings of this particular study. Certain similarities seem to have existed, however, between Terre Haute and Muncie, Indiana, especially in the existence of strict rules of conduct, lack of formal training, and a “primary role of order maintenance” (Brod, Hoover, & Hewitt, 1983, p. 241).

Furthermore, the use of the police to control the underclass seems to have been common in many large cities. The degree to which these themes can be generalized to the smaller cities is currently not known. The current big city bias in police history should not, however, be allowed to continue unabated.

At this point, it would appear that two conclusions could be drawn about policing in Terre Haute between 1900 and the outbreak of World War I. First, the growing stability of the organization through declining personnel turnover seems to suggest an emerging occupational identity characterized by a professional orientation. This emergence parallels August Vollmer’s model of professional policing practiced in Berkeley during the same era. This is not to suggest that the Terre Haute police were as professional as those under Vollmer, but that they were beginning to move in that direction. The extensive use of bicycles, fingerprinting, the Bertillon system of identification, and the adoption of the automobile lend credence to the conclusion that the Terre Haute police were, by 1916, attempting to adopt the Professional Model.

The second conclusion that can be drawn concerns the focus of police activity and its relationship to the movement to reform the police. The first 15 years of the 20th century saw a significant shift from a concern for order maintenance to a concentration on crime fighting. We can only speculate whether “real crime” actually increased during this period or whether the priorities of police changed. Perhaps the demand for order maintenance declined as the city became more cosmopolitan in its social and cultural make-up. Perhaps alternative or extralegal methods of dealing with vagrants and drunks freed the police from these more mundane matters. For whatever reason, the trend toward more crime control and less order maintenance was clearly established by 1916.

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Model Guidelines and Sex Crimes Investigation Manual for Illinois Law Enforcement, editor, Illinois Law Enforcement Training and Standards Board Executive Institute and the Illinois Coalition Against Sexual Assault through a grant from the Illinois Criminal Justice Information Authority, 1996.

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Zero Tolerance, 1994 Illinois Secretary of State Police. (Videotape produced as well as a satellite interactive television program through Educational Broadcasting at Western Illinois University.)

Sexual Assault Investigation Series (three tapes) in cooperation with the Illinois Coalition Against Domestic Violence through a grant from the Illinois Criminal Justice Information Authority, 1996.

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