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**Officer Safety**

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## Editorial

While the nation is preoccupied with the daily junk news about celebrities, law enforcement officers are launching themselves into streets infested with crime, drugs, and gangs. Injuries, traffic accidents, physical encounters, high-speed pursuits, and death—these are just some of the risks faced daily by police officers everywhere. Each year, between 140 and 160 officers are killed in the line of duty, and their families and coworkers are left to cope with the tragedy. Since the first recorded police death in 1792, there have been more than 17,000 law enforcement officers killed in the line of duty. The majority of the 151 deaths in 2006 resulted from traffic accidents, shootings, and job-related illnesses. On average, more than 56,000 law enforcement officers are assaulted each year, resulting in over 16,000 injuries. Police work is a dangerous profession regardless of age, experience, and education of the officer.

A recent increase in crime prompted the reexamination of the police defenses and vulnerabilities in light of current realities. Almost every police agency in the United States has to constantly revise its policies and procedures to meet community and legal demands. The intent of any policy and procedure is not to supplant the judgment of officers, for it is impossible to foresee every conceivable situation involving safety concerns. The guidelines are instead intended to heighten the awareness of the importance of police safety within police agencies and the communities they serve. By promoting a uniform approach and outlining some safety approaches, the goal of safety policies is to reduce fatalities and injuries. Every police agency committed to the safety and well-being of its officers should make it a priority to elevate professionalism within police and security operations, increase internal and external safety awareness, and implement quality training programs. Research clearly indicates that safety training can significantly reduce the number of deaths and the severity of injuries. It is the duty of every law enforcement officer to prepare for mounting risks through training in order to come home safely at the end of each shift.

This issue of the *Law Enforcement Executive Forum* is dedicated to police safety in various segments and dimensions of law enforcement and describes the impact of safety procedures on specific practices. It examines the need for changes in the way law enforcement officers perform. This issue also points out and examines a number of unanswered questions that must be carefully addressed in the future.

*Only in a police state is the job of a policeman easy.*

– Orson Welles

Vladimir A. Sergevnin, PhD  
Editor  
*Law Enforcement Executive Forum*



# **Officer Safety and Community Policing: An Examination of Officer Opinions of Compromised Safety**

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## **Introduction**

The issue of the impact of community policing techniques on officer safety has been a question since the model entered the policing realm in the 1980s. Much anecdotal evidence pointed to rank-and-file personnel who had concerns over the issue of adopting a model of policing that was not only radically different from traditional policing methods, but more importantly, espoused an ideology of close and personal contact with the community that may cause officers to violate their own safety in order to build community bonds, enhance communication and trust, and change the image of policing in general.

In keeping with the community policing philosophy, line personnel would be placed in positions of facilitators and partners rather than the traditional centurions and peace keepers. This change in philosophy required a shift in not only personality but also behaviors. Much of the basic police academy curriculum is centered in officer safety tactics. Skills and communication models are conveyed as creating reactive distance, close monitoring of subjects with whom the police have contact, and directive communication techniques to maintain control of situations deferring to safety over all other considerations. Based upon this varied and sometimes confusing set of operational objectives, this research study examined the opinions and practices of a research population consisting of those officers who were involved in both community policing and traditional policing activities. Those opinions have been established through training, experience, and personal comfort levels with respect to officer safety issues faced in blending these divergent ideologies of policing.

The criterion for organizational selection involved the use of a large urban police agency that had exposure to a diverse population, was involved in significant and measurable levels of traditional policing activities, and consistently embraced the philosophy of community policing. The Syracuse Police Department (SPD) in Syracuse, New York, became the alpha site for this examination. The following are included in the remainder of this examination: literature review; methodology; results; and discussion, conclusions, and recommendations.

## **Literature Review**

### **Introduction**

Community policing is a theory that has historical roots stemming from the times of Sir Robert Peel. The concept experienced resurgence in the 1990s when the United States government began offering grants to police departments to try to encourage the use of community policing principles in municipal police

departments. A follow-up study to conduct whether or not community policing changed the functions of policing in the 1990s was conducted by Zhao and Lovrich (2003). The study found that although policing priorities largely did not change, a higher level of achievement of those priorities could be found.

### **Training in the Community Policing Model**

Many police agencies have failed to provide their officers with specific community policing training. Some of the training that could be included in this model involves interpersonal communication techniques that are specific to the model. Although some officers may be skeptical of such training, a needs assessment of officer suggestions for the training proved to be successful (Woods, 2000). Officers tended to be more receptive to this type of training when they were included in the actual design of the training curriculum. Another training concern that officers indicated in studies such as this one was that the communication skills implicated in the community policing model need to be in line with officer safety skills, which is often officers' primary concern.

### **Officer Perception and Attitude in Regards to the Community Policing Model**

Many researchers have also focused on examining the line officer's perceptions and attitudes in reference to the community policing model. Researchers examined how well officers understood the concept of the community policing model and what the officers understood it to mean in the context of their particular assignment. Research found that successful implementation of department policies regarding community policing were most effective in officers who were supportive of community policing. This study also revealed that minority officers were more accepting of community policing problem-solving techniques than other officers. In addition, the study revealed that officers who were the most supportive of problem solving on an informal basis, particularly involving cooperation with other agencies, were also very supportive of the community policing model (Novak, Alarid, & Lucas, 2002).

Another study examined the comparison of two levels of commitment within the agency: (1) commitment to the police agency as a whole and (2) commitment to the department's policies regarding community policing. This study found that the two levels of commitment were completely independent of one another. Commitment to the agency as a whole was related to job satisfaction ratings but only indirectly related to attitudes and behaviors consistent with the agency's community policing policies. The research also indicated, however, that the officer level of commitment to community policing behaviors was not related to perceived job satisfaction. The level of commitment to community policing policy appeared to be directly related to the amount of community policing tasks performed by the officer (Ford, Weissbein, & Plamandon, 2003).

### **Community Perceptions of the Effectiveness of Community Policing Strategies**

Some research has examined the perceptions of community members with respect to the community policing model. Webb and Katz (1997) studied citizen perception of community policing activities. They found that in communities where members appeared to be more involved in the community, the citizens placed a higher rating on the importance of community-policing-type activities. Webb and Katz also found that past studies had focused on individual prioritization of types of

crimes and that community members were more likely to see the community policing model in a more positive light if the types of crimes that they perceived to be important were being proactively investigated. This study reviewed such factors as age of the study participant, gender, and whether or not the respondent had ever been the victim of a crime. The study concluded that a variety of factors appeared to influence the perceived importance of certain types of community policing activities within the community.

Another study focused on citizen perceptions of the community policing model in small cities. This study, which examined five small cities in North Carolina, found that a number of citizens had minimal to no awareness of existing community policing programs within their own communities and were much more likely to see police engaged in traditional policing activities, such as random patrol. This study suggested that the participants desired a higher level of communication between their respective police departments and the community (Adams, Rohe, & Arcury, 2005).

A companion study focused on confidence and public trust in the police in the realm of community policing. This study found that several demographic factors influenced public trust in the police. The study also found that community confidence in the police increased as the number of contacts with police and the individual citizen increased. The researchers indicated that this finding was contradictory to what previous studies had shown but that the demographic sample used for their study, a mid-size, predominantly white population, was markedly different than that of previous studies on the same subject matter. This study also found that respondents who had been victimized or received traffic tickets had a lower degree of confidence in community policing, perhaps because their contact with police had been through negatively perceived experiences (Ren, Cao, Lovrich, & Gaffney, 2005).

### **Community Policing Values: Do They Conflict with Community Values?**

Some literature focused on the difficulties in being successful using the community policing model when attempting to partner law enforcement with different groups within the community. Since different organizations have different goals, conflicts were inevitably going to become an issue. Thatcher (2001) studied what happened when law enforcement was expected to form partnerships with a myriad of different special interest groups within a community. Thatcher cited property owners, business owners, social service agencies, landlords, and tenant and neighborhood groups as groups with which law enforcement was expected to partner in the community policing model. These individual groups may all have different goals and, therefore, different sets of values and priorities. This study indicated that law enforcement must use innovative ways to try to deal with different subgroups within the community in order to be successful using the community policing model. Again, this study indicated a different perception of law enforcement and the community policing model in general depending on certain demographic information.

Even within the structure of police organizations themselves, there seems to be a conflict of values with respect to the community policing model. Some police administrations seem to lack understanding of the true meaning and goals of the community policing model. Line officers through top administrators may see the goal of the community policing model very differently. Granados (1997) found that police administrators who supported the community policing model within their

departments were more likely to have success within their departments in terms of both officer and community approval ratings.

### **Differences Between Traditional Police Officers and Community Policing Officers**

Some research sought to find differences in methodologies between traditional, non-community-policing-trained officers and officers who were specifically trained in community policing techniques. Although many previous studies indicated that there were several differences in policing tactics between the two groups, one study found that community policing officers and traditional police officers were much more alike than prior research showed. This study showed that regarding fundamental beliefs, both groups shared the same core beliefs about policing (Pelfrey, 2004). The study also found, however, that officers assigned to positions within community policing units showed a higher work satisfaction level. In addition, the study showed that although officers assigned to community policing units were more likely to subscribe to community policing tasks, they were equally supportive of traditional policing tasks as traditional police officers were. This study further found that community policing assigned officers conducted traditional policing tasks at the same rate as traditional police officers but were also expected to conduct community policing tasks, which indicated an increase in the productivity of the police officer working under the community policing model.

### **The Issue of Officer Safety**

The specter of officer safety issues has borne concerns since community policing techniques were first introduced into the field. The increased need for close contact, enhanced communication skills, and the onus of not offending the public by overt safety actions has been a delicate balancing act for those who desire to fully engage in community policing concepts but also must exercise caution in the very dangerous world that they are charged with protecting. For example, one-on-one contacts will always carry with them an inherent danger, and that fact should never be ignored by the officer or law enforcement administrator in determining the justification for an officer erring on the side of safety in any community contact, traditional or community-based. Garner (2002) supported this as he stated, "The law enforcement leader who expects his people to practice what he preaches in the name of officer safety will unfailingly support them when their proper application of officer safety practices has confused or offended someone" (p. 118). The United States Supreme Court has also recognized the need for officer safety and has extended the ability to take reasonable steps to ensure that safety as a matter of protection under the law (Ferrell, 1999; Milazzo, 1998).

### **Literature Review Summary**

The concept of community policing had its genesis in strengthening the ties between law enforcement and the specific community served. Sir Robert Peel believed that the police and the community should exist as one entity. Unfortunately, a dangerous minority will threaten those who do their best to protect our free society. The literature has revealed that community policing is not only an effective practice from a community relations perspective but also leads to employee satisfaction, higher morale, higher productivity, and reduced crime.

Understanding the concerns of police personnel who may have reservations about engaging in community policing activities may be a significant step in bringing the community and their respective police forces closer together as was envisioned by Peel almost two centuries ago.

## **Methodology**

The sample used to examine differing officer opinions concerning their safety levels in community policing techniques versus traditional policing techniques was a large police organization in upstate New York. Organization and size were selected due to the perception of heightened concerns of danger in urban policing environments and the propensity for community policing contacts being higher in a larger police organization. The final criterion was the use of a police agency that fully embraced the community policing philosophy.

## **Organization and Research Population**

The SPD, in Syracuse, New York, is a 500-member organization. The organization is responsible for providing traditional, specialized, and nontraditional policing services to the citizens of the city of Syracuse. There were approximately 150 officers assigned to the Patrol Division as first line patrol officers at the time of this study. The city of Syracuse is a mid-size metropolitan area with a population of approximately 160,000. The city is ethnically and socioeconomically diverse.

The organization also maintains a specialized unit that is independent and separate from the first-line patrol and is dedicated to community policing techniques and activities. The Community Policing Unit (CPU) is a cadre of special assignment personnel who are dedicated to the task of community policing efforts for the city as a whole. CPU officers had varied levels of training in community policing techniques at the time of this study. The entire population of officers assigned to CPU had traditional policing backgrounds and experience so they were able to offer an informed opinion as to the differences in both models.

CPU was staffed with 25 officers at the time of this study. This represented approximately 17% of SPD's patrol officer allotment. Patrol officer allotment was at approximately 150, with the remainder of department personnel assigned to various necessary roles within the organization. The researchers distributed data collection instruments to 100% of the available population in order to ensure statistically significant levels of response. In addition, due to the need for a sample population of at least 5%, this represented a distribution level well beyond this requirement as well as the required 5% level of the entire organization. The final response rate for the CPU was 76% (n=19).

## **Data Collection Instrument**

The data collection instrument was developed based upon the examination of the literature and issues discovered, balanced against the unique issues of officer safety. The literature and problem statement comparison to classical, contemporary, and empirical research was augmented by the tacit knowledge of the researchers/principle investigators in the instrument design. Historical and empirical examples were examined, and the final data collection instrument was designed to meet the needs of the specific research hypothesis as well as the needs of the organization.

The culmination of this process led to the final adjustments in survey form and content. The data collection instrument examined six constructs as follows:

1. Policing Model Preference
2. Personal Safety Concerns
3. Training
4. Organizational Issues
5. Organizational Culture
6. Community Opinions

This set of constructs was examined through a base set of statistical analyses and tested through descriptive statistics. Descriptive statistics were used as the research population of 19 respondents represented 76% of all personnel assigned to the CPU and thus had generalizable implications within this specific target group. Nineteen respondents also reflected a 3.8% rate in comparison to the entire SPD's complement of total department personnel.

The data collection instrument was delivered in a hard copy format to the targeted population. A researcher was present for the instructions, informed consent, and completion of the instrument. The instrument contained 10 Likert Scale type questions with the scale ranging from 1 (Strongly Disagree) to 5 (Strongly Agree). Eight additional demographic questions were added to assist in examining the relevant variables in the research population. There were 342 usable observations in the final analysis presented.

### **Limitations of the Data Collection Plan**

The data collection plan was limited by the issue of the size of the research population. While the organization employs approximately 500 personnel, the specific hypothesis limited the size of the sample to 25 officers who had the specific knowledge, experiences, and exposure to offer an informed opinion on the research hypothesis being examined. This fact was observed as a limitation only due to sample size; all other factors of consideration for limitations did not result in significant impact to the research plan or subsequent findings.

## **Results**

The results are categorized based upon the constructs examined through the use of the data collection instrument. Additional analyses were conducted based upon an in-depth analysis of the available data. The results section of this examination reviews the following: population demographics, policing model preference, personal safety concerns, training, organizational issues, organizational culture, community opinions, individual response analysis, and variable analysis.

### **Population Demographics**

An overview of the research population demographics is provided in Table 1. Mean age (42.95 years), police experience (18.39 years), and community policing experience/time in assignment (7.62 years) were all statistically significant as the research population, from a wide range of views, could offer informed opinions based upon significant experiences in the field as directly related to the research

hypothesis. In addition, a median rate of 65% of their time was spent in community policing activities, while the remaining 35% of time was spent in traditional policing activities. This indicated that the research population offered minimum bias to either side of the issue.

**Table 1: Population Demographics (N=19)**

Variable	Mean	Median	Mode	Standard Deviation
Age	42.95	44.00	44.00	5.10
Police Experience	18.39	19.30	15.00	5.29
Community Policing Experience/TIA*	7.62	6.50	10.00	3.59
Time Spent Doing Community Policing	65.53%	65.00%	100.00%	25.98%

\* Community Policing Experience (CPE)/Time in Assignment (TIA) is the actual time assigned to the CPU.

Additional demographics included a gender mix of 94.8% male and 5.2% female. Officer to supervisor ratio was established at 89.5% and 10.5% respectively. Range analysis presented some interesting data as well. For example, mean age was at 42.95 years while age range was at 13.9 years. A similar analysis of community policing experience revealed that mean level of experience was at 7.62 years while range was at 12.5 years.

The next section addresses each construct and the data collection instrument questions that were used to answer those research questions posed by the hypothesis. A table illustrating Individual Question Analysis Grouped by Construct is included in the Appendix. This table depicts each construct as delineated below, the respective questions as asked of the respondent, and subsequent statistical analyses of the aggregate responses.

### **Policing Model Preference**

Policing model preference was a key issue to address. For the research population to offer an informed opinion with respect to the issue of community policing and its impact on officer safety issues, the population would need to agree that they practiced and believed in the model of community policing. This question established that orientation within the research population. The research population reported at the level of agreement (mean of 3.68) with respect to the preference of community policing techniques and the model over traditional policing techniques.

### **Personal Safety Concerns**

Personal safety opinions were also central to the examination. The research explored the personal orientation of respondents in their beliefs of officer safety in both the community policing and traditional policing environments. Tacit knowledge of the research population revealed that the general belief was that the dangers faced in both policing environments were tantamount. Neither environment was believed to be safer than the other by the respondents.

## **Training**

With respect to the training construct, this component of the hypothesis was designed to answer two questions: (1) What was the quality of community policing training received by the research population? and (2) Did the respondent consistently violate training protocols to engage in community policing activities? The research population was neutral (mean of 3.11) with respect to the quality of community policing training received. In addition, respondents also believed that they did not consistently violate their personal safety in contrast to their trained officer safety techniques in order to engage in community policing activities.

## **Organizational Issues**

This construct addressed the onus of organizational issues in contemporary policing environments. The research population was asked whether they received organizational support for community policing activities and whether that support resulted in a predominant response from the administration towards department image over officer safety skills. The research population reported at the agreement level (mean of 3.68) that key staff in the organization supported the community-based policing philosophy. This fact was of note, as many organizations purport to engage in community policing as a measure to gain community and media support; however, internal organizational culture, policy, and practice result in a true lack of support. The evidence in this examination demonstrated that the community policing philosophy was wholly supported by the SPD administration.

With respect to the question of image over safety, the research population reported their opinions at an aggregate level of low neutral (mean of 2.79). Further analysis of the remaining tests did not provide more definitive results, as median response was at the neutral level as well (3.00), mode was at the disagree level (2.00), and standard deviation was nominal at 1.13 in comparison to the cumulative standard deviation calculated at 1.29. Dispersion analysis with respect to range was rather high (the highest at 4.0), also presenting a correlation to the high standard deviation; therefore, there was a significant level of disagreement on behalf of the research population with this question.

## **Organizational Culture**

Organizational culture has long been proven to have a significant impact on police operations. Culture has been ingrained in organizations over hundreds of years. While police tactics and technology change and evolve, culture seems to endure. The questions attached to this construct determined the culturally based issues and their influence in the organization as measured against the research hypothesis. As evidenced by the responses, the organizational culture of officer safety did not have a predominant impact on preventing community policing activities. In addition, it did not have a significant impact on how other officers in the organization practiced officer safety skills as viewed by the respondent population.

## **Community Opinions**

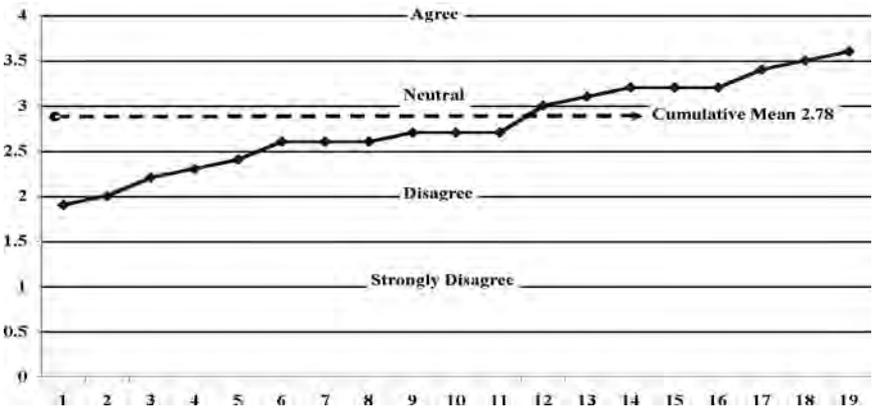
The last question in the series dealt with the issue of community perceptions. Increased media attention, police tactics, and the efforts to develop a closer relationship with

the community are most often competing rather than complementary activities. This question examined the difference between practiced community policing techniques and traditional officer safety techniques as viewed by the public. This question depended on the opinions of the research population based upon their knowledge, experiences, and community feedback. The research population reported at the agreement level (mean of 3.58; median and mode at 4.00) that there is no appreciable difference in community opinions of officer safety techniques using either model of policing. The significance is that the community does not observe a predominant intimidation factor of officer safety skills as would be expected from a traditional policing orientation over a community policing orientation. This also speaks to training and culture in the organization supporting the community policing philosophy and a blending of the models in the most effective manner.

### Individual Response Analysis

This next analysis examined two aspects of the data collected. The first analysis determined existing anomaly or bias in the individual surveys completed by each respondent. A mean score was developed from the cumulative responses from each data collection instrument and reported in ascending order (not by survey chronological number) to develop Figure 1. Cumulative question data set calculations were analyzed as follows: mean at 2.78 or low neutral, median at 3.00 or neutral, mode at 2.00 or disagree, and standard deviation at 1.29. Additionally, the data collection instrument was designed including questions that were 50% positively framed and 50% negatively framed in order to balance the responses and measure central tendency. This analysis determined that 58% of the respondents were below the established mean ranking. In addition, the survey response rates indicated that the survey instruments demonstrated a significant level of validity in design and delivery.

**Figure 1: Individual Survey Cumulative Mean Analysis (N=19)**

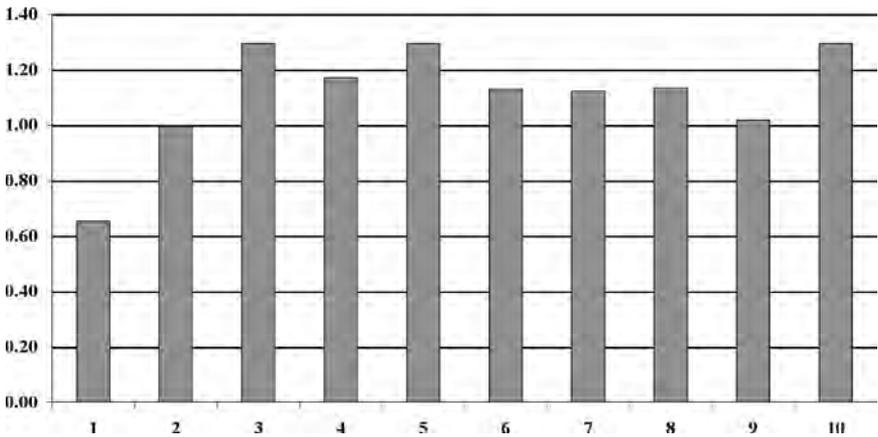


An analysis of standard deviation rates for all 10 questions, as depicted in Figure 2, was conducted to determine levels of agreement within the research population based upon the question asked. The highest level of agreement and least dispersion rate was reported in Question 1, which established that the organizational culture

supported the use of officer safety techniques in the community policing model. The evidence supported the theory that strong organizational support for the community policing concept has led to consistent agreement by line personnel.

The highest level of disagreement and widest dispersion rates were found in Question 3, officer safety training and compromised safety in community policing; Question 5, support of key staff in the organization for community policing efforts; and Question 10, preference of community policing techniques over traditional policing techniques. These were all reported equally at a rate of standard deviation of 1.29. While all of these questions rose to an affirmative or agreement level, there was an equally significant observation in the level of dispersion in the research population's responses.

**Figure 2: Standard Deviation by Question (N=10)**



### Variable Analysis

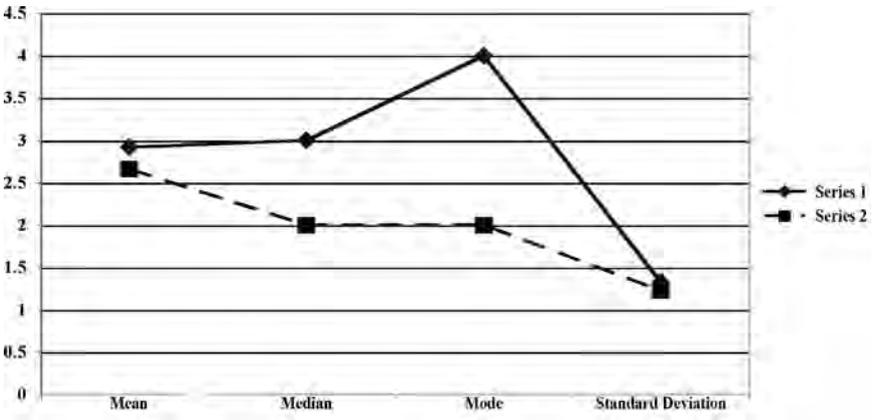
An independent variable analysis was conducted to examine three primary variables identified in the research: (1) age, (2) police experience, and (3) community policing experience/years in community policing assignment. Table 2 was developed from the analysis to examine the differences in the identified variables using median score as a threshold point to measure opinions from the upper to lower percentiles of the respective groups. The analysis was conducted by dividing the primary research population into subgroups by median score for the identified variable. While each group remained consistent in size (e.g., Group 1, n=9 and Group 2, n=10), the group demographics changed as each different median threshold was introduced to the respective groups. The cumulative mean/median/mode/standard deviation are then depicted in Table 2. Table 2, as well as Figures 3, 4, and 5, all demonstrate that a mirror image is reflected for all three variables in that all of the identified variables had a significant impact with respect to age and tenure in the position. In all four examples, using a median threshold point, the younger or less tenured an officer was, the higher the opinion, attitudes, and behavior reflected in the approach and belief in community policing techniques as well as how the concept related to officer safety.

**Table 2: Variable Analysis (N=19)**

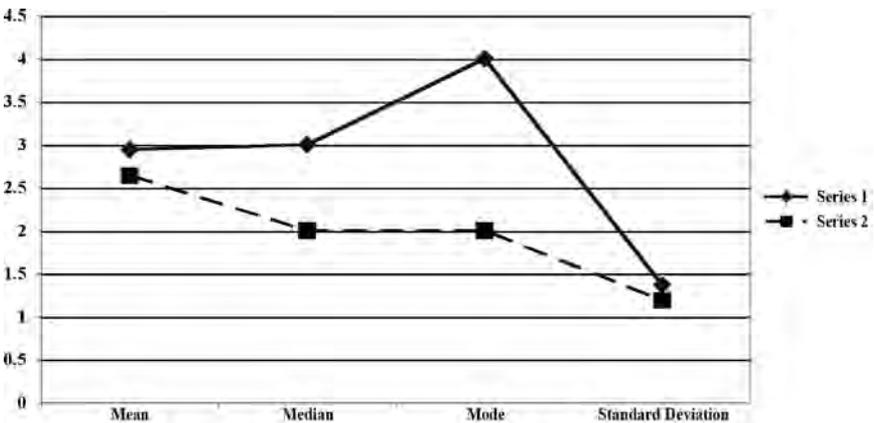
Variable	Group	Median	Group N	Mean	Median	Mode	Standard Deviation
Age	Cumulative	44.00	19	2.78	3.00	2.00	1.29
	1	>44.00	9	2.92	3.00	4.00	1.33
	2	<44.00	10	2.66	2.00	2.00	1.23
Experience	Cumulative	19.30	19	2.78	3.00	2.00	1.29
	1	>19.30	9	2.94	3.00	4.00	1.37
	2	<19.30	10	2.64	2.00	2.00	1.19
YIA/CPE*	Cumulative	6.50	19	2.78	3.00	2.00	1.29
	1	>6.50	9	3.01	3.00	4.00	1.28
	2	<6.50	10	2.58	2.00	2.00	1.26

\* YIA or Years in Assignment/CPE or Community Policing Experience represents the total number of years assigned to the CPU.

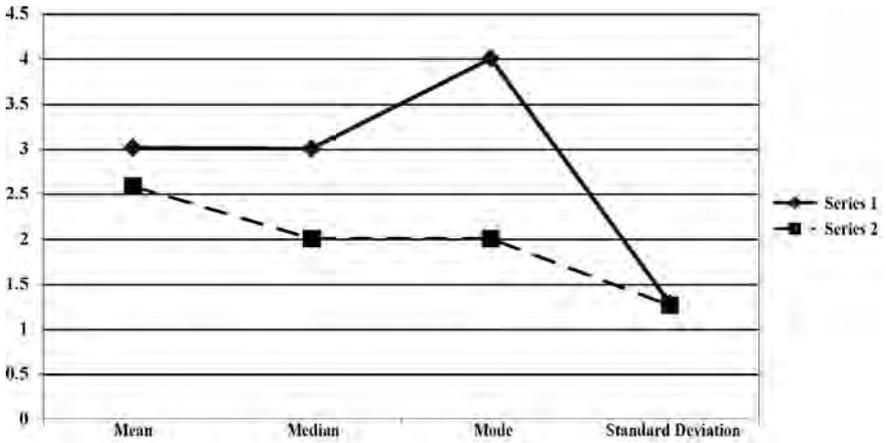
**Figure 3: Age Analysis (N=19)**



**Figure 4: Experience Analysis (N=19)**

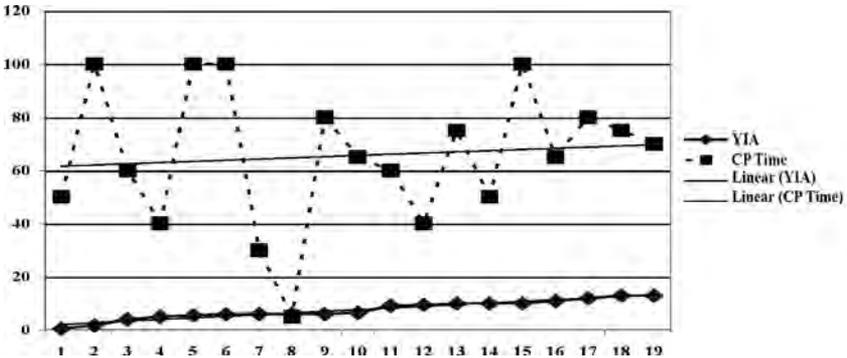


**Figure 5: Years in Assignment Analysis (N=19)**



One anomaly also noted in the analysis of an additional variable with respect to time spent in community policing activities versus time spent in traditional policing activities, involved range and revealed a statistically significant result. Range or dispersion rates were reported as high as 95% for time spent in community policing activities. This information represented a notable incongruity due to the fact that CPU personnel were assigned to primarily conduct community policing activities. To examine this anomaly, a comparative analysis against these two variables (time assigned to the CPU or YIA and time committed to community policing activities by perceived average percentage of day) was examined with the aggregate data and is depicted in Figure 6. The analysis was primarily based upon ascension in time in assignment as compared to activities reported by the individual responses of the entire research population (n=19). As depicted in Figure 6, while random and erratic patterns were reported with respect to time commitments for community policing activities, a linear trend line analysis of both variables presented statistically similar patterns. Linear trend analysis revealed that there was a direct correlation in time assigned to the CPU and time reported as conducting community policing activities (See Figure 6 Key: Linear YIA and Linear CP Time). As reflected in the example, as time increased in the CPU, a complementary effect occurred in the percentage of time spent in community policing activities. This analysis normalized the data and addressed the dichotomy in the data results.

**Figure 6: Community Policing Activities Versus Time in Assignment Analysis (N=19)**



## Discussion, Conclusions, and Recommendations

### Discussion

The issue of community policing and its effect on officer safety has been examined in this research study. In developing the six distinct constructs, a global view of the hypothesis could be examined and placed in context within a large urban police organization. The evidence-based discussion addresses the positive findings, neutral and inconclusive findings, and negative findings of the research project.

### Positive Findings

The preponderance of the evidence weighed in on the side of the community policing philosophy that was being embraced and practiced in the SPD. Maintenance of a separate and distinct unit that was trained and assigned to address the emerging and unique needs of this urban community was of paramount importance for contemporary police agencies. Organizational support for the concept was clearly evident in the responses of the research population. More importantly, the concept was embraced as a philosophy by the members of CPU who preferred the community policing model over traditional police methods.

At the nexus of this study was the question of the impact of community policing on practiced officer safety techniques. The research revealed that CPU personnel did not consistently violate officer safety training protocol in order to fulfill the roles and expectations of their positions as community policing officers. Organizational culture, an often predominant factor in shaping individual actions, also proved to be positive in the sense that personnel could practice community policing techniques coupled with consistent officer safety techniques and still be supported by the SPD administration. The most salient factor was that CPU personnel reported that the community did not see an appreciable difference in safety methodologies from both populations. This led to the supposition that community policing techniques were being practiced by all of the rank-and-file personnel in a noticeable manner, rather than just within the purview of CPU personnel, an additional indication of the community policing concept permeating the organization to its foundational levels.

## **Neutral and Inconclusive Findings**

Two findings from the research failed to provide evidence to support a conclusion with high levels of confidence. CPU personnel were neutral with respect to the level, quality, and intensity of community policing training received. This may be due to availability, interest, resources, and myriad other aspects. An additional issue that did not reveal a conclusive finding, but rather a neutral position, was the balance of department image and personal safety. The research population did not feel either positively or negatively towards the issue in question.

## **Negative Findings**

As a result of the culmination of this research project, no negative information was revealed at the aggregate level to warrant mentioning in the review. For all intents and purposes, the balance between community policing and officer safety seemed to have been reached in this organization.

## **Conclusions**

In review, the researchers have identified the most salient points from a discussion perspective, which allowed for an understanding of opinions, behaviors, and value delivered to the Syracuse community through community policing. In addition, that delivery of service through the community policing model was accomplished without line personnel having to violate their personal safety to further organizational objectives.

## **References**

- Adams, E., Rohe, W. M., & Arcury, T. A. (2005). Awareness of community-oriented policing and neighborhood perceptions in five small to mid-size cities. *Journal of Criminal Justice*, 33(1), 43-54.
- Ferrell, C. E. (1999). U.S. Supreme Court: Don't base car search only on traffic violation. *The Police Chief*, 66, 10.
- Ford, J. K., Weissbein, D. A., & Plamandon, K. E. (2003). Distinguishing organizational from strategy commitment: Linking officers' commitment to community policing to job behaviors and satisfaction. *Justice Quarterly*, 20(1), 159-174.
- Garner, G. W. (2002). Leading officers to safety. *The Police Chief*, 69, 116-119.
- Granados, W. D. (1997). Nightsticks to knighthood: A case for the articulation of community policing's divergent themes. *Policing*, 20(2), 374-376.
- Milazzo, C. (1998). Supreme Court emphasizes significance of officer safety. *The Police Chief*, 65, 151-156.
- Novak, K. J., Alarid, L. F., & Lucas, W. L. (2002). Exploring officers' acceptance of community policing: Implications for policy implementation. *Journal of Criminal Justice*, 31(1), 57-71.

- Pelfrey, W. V. (2004). The inchoate nature of community policing: Differences between community policing and traditional police officers. *Justice Quarterly*, 21(3), 579-602.
- Ren, L., Cao, L., Lovrich, N., & Gaffney, M. (2005). Linking police confidence with performance of the police: Community policing can make a difference. *Journal of Criminal Justice*, 33(1), 55-66.
- Thatcher, D. (2001). Conflicting values in community policing. *Law and Society Review*, 35(4), 765-800.
- Webb, V. J., & Katz, C. M. (1997). Citizen ratings of the importance of community policing activities. *Policing*, 20(1), 7-17.
- Woods, M. J. (2000). Interpersonal communication for police officers: Using needs assessment to prepare for skeptical trainees. *Business Communication Quarterly*, 63(4), 40-49.
- Zhao, J., & Lovrich, N. (2003). Community policing: Did it change the functions of policing in the 1990s? *Justice Quarterly*, 20(4), 697-701.

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# Appendix

## Individual Question Analysis Grouped by Construct (N=19)

Construct and Survey Question	Mean	Median	Mode	Standard Deviation
<b>Policing Model Preference</b>				
10. I strongly prefer community policing techniques over traditional policing techniques.	3.68	4.00	4.00	1.29
<b>Personal Safety</b>				
4. The officer safety issues faced in community policing are far less dangerous than traditional policing.	2.42	2.00	2.00	1.17
6. I have consistently violated my own personal safety to engage in community policing activities.	2.05	2.00	2.00	1.13
<b>Training</b>				
2. The training I have received in community policing techniques was of high quality, relevant, and applicable to what I do on a consistent basis.	3.11	3.00	3.00	0.99
3. In doing community policing activities, I consistently expose myself to violations of my safety in contrast to my training and experience.	2.32	2.00	2.00	1.29
<b>Organizational Issues</b>				
5. The key staff in my organization support community policing activities.	3.68	4.00	4.00	1.29
8. Community policing activities are concerned more with department image than officer safety.	2.79	3.00	2.00	1.13
<b>Organizational Culture</b>				
1. The culture of officer safety in my organization prevents me from effectively using community policing techniques.	1.74	2.00	2.00	0.65
7. I have observed other officers violate their personal safety to engage in community policing activities.	2.47	2.00	2.00	1.12
<b>Community Opinions</b>				
9. From my experiences, the community does not see a difference between the safety issues involved in community policing versus traditional policing.	3.58	4.00	4.00	1.02
<b>Cumulative Question Analysis</b>	2.78	3.00	2.00	1.29

# Traffic Stops: Opportunities and Old and New Threats to Police Officer Safety

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For the average citizen, traffic stops usually appear to be one of the most mundane functions a local police officer can perform, and they are assuredly among the most prevalent (“routine”) activities engaged in by local law enforcement agents. Appearances may be dangerously deceiving, however, and a citizen’s perception may be far from the reality officers actually face as they approach an unknown driver in a vehicle that may become a lethal weapon wielded against them. The officer is also at high risk of being struck by vehicles proceeding in nearby traffic flow (Brandl, 1996) or even shot by a sniper “uninvolved” in the traffic stop (Moreland, 2006). In a post-9/11 world, the officer faces new dangers when conducting field detentions or traffic stops. In fact, field detentions/traffic stops in the United States are more dangerous for local police officers than ever before due to terrorism, heightened anti-government sentiment, spread of anti-government extremists, and driver disregard for officer safety near traffic stops.

Nevertheless, old threats to officer safety will continue to be a concern. In 1982, the FBI combined its annual publication *Crime in the United States* with its *Law Enforcement Officers Killed Summary* into the annual publication *Law Enforcement Officers Killed and Assaulted* (Uniform Crime Reports Annual, 2004). For the last 25 or so years, this report and other statistical summaries indicate that while the total number of officers killed in the line of duty has steadily declined since the early 1970s, the number of officers assaulted or killed during traffic stops has increased (Bureau of Justice Statistics, 2007). The number of officers killed on the roads has increased by 40% over the past three decades (National Law Enforcement Officers Memorial Fund, 2005).

Officer safety is at risk when conducting traffic stops, but such stops have also become more essential for intelligence gathering. Field detentions are extremely important to combat local and worldwide terrorism. In a digital age of global high-speed communication, a local terrorist in one country may supply terrorists in another part of the world with resources and/or information for terrorist activities. Although government effort to intercept electronic communication has improved due to technological advances and new legislation has allowed officers to conduct more expansive electronic searches, local officers on the ground possess opportunities to gain critical information that is not retrievable via camera, satellite surveillance, or electronic wiretap. This information could thwart terrorist attacks and further safeguard the public (Buerger & Levin, 2005). Because the spread of terrorist acts to U.S. soil has made mass loss of civilian and law enforcement life

a painful reality and a constant potential threat, local officers are integral to a strategy to defend our homeland.

The purpose of this article is to discuss risks to police officers conducting traffic stops. Risks to officer safety prior to and after the 9/11 attacks will be addressed; both pose a significant concern for officers on the ground. Additionally, this article will discuss the salience of traffic stops to a strategy of policing that focuses on gathering intelligence and potential concerns that may arise as a result of conducting traffic stops. Finally, this article will recommend changes to enhance police safety in the post-9/11 era and further the intelligence function of local officers. This is important because failure to address safety issues for officers gathering intelligence on the ground may impact the safety of the general public (Parsons, 2004).

### **Risks to Police Safety: Old and New Dangers**

Risks to police officers conducting traffic stops have always existed, though the average citizen was usually oblivious to them. According to Ashton (2004), police officers involved in traffic stops have typically been exposed to a number of potential risks—one of the most common being traffic accidents. Automobile accidents have long been the second leading cause of officer fatalities (International Occupational Safety and Hazard Information Centre, 2006). Sixty-three officers lost their lives in traffic-related incidents in 2005, 41% of the total officer deaths for that year (National Law Enforcement Officers Memorial Fund, 2005).

Assaults of various types remain commonly reported safety risks for local police officers involved in field detentions. Officers have been punched, stabbed, shot, pushed, and spit upon during traffic stops (Ashton, 2004). Brandl (1996) reported that the most common injury was a puncture/abrasion/laceration. Other injuries reported included infectious disease contact, muscle pain, strain, contusion, eye injury, and broken bones (Brandl, 1996). Chamblin and Cochran (1994) reported that civilian attitudes towards police suggest that certain groups have been more willing to use violence in their encounters with police officers than other members of the community. Particularly nonwhite and young community members have tended to hold negative opinions of the police and may thus have targeted local officers as symbols of perceived oppression by the legal system. Since 9/11, local police officers have become targets for terrorists and anti-government extremists, as well (Sweeney, 2005). Parsons (2004) noted that assaults against police officers during field detentions have increased since the terrorist attacks on the World Trade Center and the Pentagon.

Beyond the physical assaults police officers engaged in traffic stops have typically experienced, there are the emotional and psychological stressors officers confront on a daily basis. These include constant exposure to danger and traumatic events, verbal threats, conflicting task demands, short staffing, court appearances, departmental inquiries, work in isolated areas, shift work and related fatigue, and subsequent post-traumatic stress reaction symptoms (Mayhew, 2001). Risk factors for development of post-traumatic stress symptomatology in police officers have been identified for over a decade (Carlier, Lamberts, & Gersons, 1997).

Since the terrorist attacks of 9/11, new dangers have been added to those previously faced by local police officers. Field detentions could easily involve a terrorist or antigovernment extremist transporting or planting an explosive device or a biological weapon. These offenders are certain to be armed, and religiously motivated terrorists may welcome their own death if it involves taking an “infidel” with them. Thus, the local police officer may be confronted with a well-trained terrorist who is fanatical about accomplishing his or her “mission” at any and all costs. The chances that a local police officer may encounter such a person at a traffic stop along border regions is greatly increased by the fact that many persons crossing borders are released on their own recognizance due to overcrowding of jails and detention centers and insufficient personnel and equipment to manage timely deportation (Stuntz, 2002). Given the expansive northern and southern borders of the United States, this is not a small concern.

## **Lessons Learned from Europe**

How can the country’s local and state police officers prepare themselves to deal confidently with the new dangers inherent in today’s traffic stops? As Europe has a longer history of combating terrorists and their police officers have faced the increased risk of encountering explosive devices and terrorists in transit (Dowle, 2006), perhaps we can learn from their experience. For example, lessons learned in Europe in combating terrorists from the Irish Republican Army (IRA) may offer some insight into how our local police officers must prepare.

Dowle (2006) points out that the IRA was notorious for its ingenuity and innovation in bomb-making using any articles of street furniture and everyday items as containers for an improvised explosive device (IED). Thus, local and state police officers must be trained to go beyond the obvious when observing traffic situations and assessing risks. The 7-7 London bombs that killed 52 commuters and four suicide bombers were probably perpetrated by a small group of terrorists inspired or directed by bin Laden, and the devices were probably carried in simple rucksacks by the bombers. Traffic police identified more than a dozen unexploded devices five days later in a car parked at the Luton Train Station parking lot that were safely detonated in a controlled explosion. Alert local police and the use of a closed circuit television camera aided in preventing another successful train bombing.

Officers should be trained in the basic component parts needed to make a viable IED, and clear guidelines should be spelled out to officers on how to deal with suspect devices (Dowle, 2006). While international terrorists are looking for mass casualty spectacles, they are also prefer relatively simple and reliable devices. Local and state officers need to learn the many different ways IEDs can be used. For example, Dowle (2006) described seven “favorite” ways these bombs can be deployed. In England, all patrol officers with 12 months of service are trained in a basic bombs course, which includes phased learning; classroom lessons; video presentations; and practical lessons, requiring student officers to build their own IED. Similar training could be conducted in local police departments, especially in “high-risk cities” such as Chicago, Houston, and Los Angeles and cities along the nation’s borders. Furthermore, England has initiated several community resilience programs involving police force administrators, local governments, and community groups (Woolas, 2006). These programs build bridges between

the community and local police forces and prepare both civilians and officers for the violence and disruption of terrorist attacks. Some U.S. communities have also initiated resilience programs (Prevention Institute, 2002). Local police forces could encourage related alliances with their communities.

## **A Strategy to Protect the Homeland**

As mentioned, traffic stops are believed to be, by some officers and the public, one of the most pedestrian and mundane duties of a patrol officer. Such characterization is not entirely untrue; stopping a motorist for a violation of a traffic law is one of the most frequent order maintenance duties of patrol officers, and when compared to the enforcement of other criminal laws, especially those involving felony violations, issuing a citation for violating a traffic law is perceived to be not as exciting (Walker & Katz, 2005). Yet, most police work involves either peacekeeping and/or order maintenance, including the enforcement of traffic laws, and traffic stops are one of the most dangerous police tasks. In recent times, this so-called mundane but hazardous task has been recognized as a valuable tool in the fight against domestic terrorism (Sweeney, 2005). Traffic stops or field detentions provide the best opportunity for officers to interact with the public. In a national survey, out of 21% of citizens that had contact with the police, 52% of those contacts occurred during a traffic stop. Accordingly, traffic stops provide the best opportunity not only to detain potential terror suspects but also to gather much needed intelligence for homeland security.

How likely is a municipal beat cop or a state trooper on traffic enforcement duty to come in contact with a terrorist or terror suspect? As Sweeney (2005) plainly assessed, all types of potential criminals, even terrorists, eventually travel by motor vehicle, and it is not unlikely that they will come in contact with a police officer for violating a traffic law. One only needs to remember that Timothy McVeigh, the most recognized domestic terrorist who together with Terry Nichols bombed the Murrah Federal Building, was stopped by a trooper of the Oklahoma Highway Patrol for violating a traffic law (Anti-Defamation League, 2007). Additionally, some of the 9/11 hijackers came under the radar of local and state officers before federal law enforcement agencies began their investigation about the possibility of a terror attack (Cohen & Hurson, 2002).

The likelihood of local and state officers confronting a terror suspect is further enhanced when considering the porous southern and northern territorial boundaries of the nation and the inherent time-consuming but necessary pace with which the government can fortify the borders with more federal officers. Arguably, border enforcement is not within the jurisdiction of local or state officers. In light of the overextended and perhaps limited resources of federal border enforcement agencies, especially with respect to manpower, however, the possibility of a terror suspect entering and residing in the interior of the United States is worrisome and a reality that will eventually fall within the jurisdiction of local and state officers. This worrisome reality was addressed by the Select Committee on Homeland Security (2004) when it described the situation along the southern border. The committee noted that because of limited manpower; infrastructure problems, such as not enough inspection booths; and the need to facilitate the flow of traffic, it is abundantly clear that individuals seeking entrance into this country can do so with relative ease because individual passenger vehicle inspections are carried out in

less than 30 seconds per car. The committee estimated that for 98% of international travelers, which is 281 million travelers, inspectors spend less than an adequate amount of time verifying the true identity and/or intent of travel into the United States for such motorists. Even if such estimates were embellished, the possibility of a terror suspect entering the United States and not being detained at the border, either because of lax enforcement or because the suspect has obtained a visa to enter the country, is a certainty and one that will necessitate the expertise of local and state officers. In addition, the government lacks a comprehensive strategy to check on the whereabouts of those who overstay their visas. With such a serious deficiency in tracking those who are issued visas, the skills of beat cops will be needed.

The possibility of confronting a terrorist is also compounded by the government's use of a "catch and release" program. Although the government currently espouses that it will no longer use such a program, over the past few years, many immigrants who entered the country illegally and were detained at the border were often released into the community either to return to their country of origin or to await their deportation hearing (Cole, 2003). Understandably, the influx of immigrants over the past few years has placed a strain on detention facilities and their capacity to house them all; however, releasing immigrants on their own recognizance into the community poses a serious security breach. Admittedly, most immigrants who enter the country without legal documentation do not pose a national security concern (Warner, 2006), but a terror attack can be masterminded by one or only a few immigrants who successfully cross the border illegally.

For these reasons, municipal and state officers are indispensable to a domestic defense strategy. According to the Police Executive Research Forum (PERF) (2003), the federal government cannot win the war against domestic terrorism alone. PERF calls for a holistic strategy—one that utilizes the expertise of federal officers together with the expertise of local and state officers. For the former cadre of officers, learning to analyze and share intelligence will be of utmost importance, yet for the latter cadre of officers, their ability to cultivate or gather information to be used by the federal government to convert to intelligence will be crucial. Accordingly, traffic stops or field detentions will be the foundation for this homeland security strategy.

Traffic stops and a policing style and/or philosophy that epitomize an intelligence-gathering function for officers have not been characteristics common in American police agencies. The events of 9/11, however, demanded a paradigm shift in policing—a shift toward perhaps a new style of policing, intelligence-led policing. Intelligence-led policing requires the "detailed analysis, evaluation, and interpretation of information. It begins with bits of raw information or data . . . and becomes intelligence when it is organized, analyzed, and interpreted with a specific focus" (PERF, 2003, p. 1). The bits of raw information can come from either local, state, or federal officers. Because of the factors mentioned above, local and state officers are better situated to collect information.

## **Training**

Intelligence-led policing will require training on many fronts. For instance, training that reconceptualizes the salience of traffic stops or field detentions together with

training on how to conduct legally sanctioned stops to further the intelligence function will be of primary importance. Equally important, however, is training on how not to harm relations between the police and community, as was and is the case with traffic stops that utilize racial profiling techniques. Additionally, training that reeducates officers on the dangers of traffic stops and the new dangers of stops in a post-9/11 world will be required.

### **The Salience of Traffic Stops**

Reconceptualizing the significance of traffic stops is crucial for a strategy of policing that thrives on intelligence but particularly the raw information that is gathered in the field. With local and state officers bearing the brunt of this latter task, training should focus on the magnitude and importance of their new role. As is generally the case with the implementation of a new police strategy, there will be resistance to organizational change from within the ranks, especially officers assigned to traffic enforcement. Traffic enforcement has often been seen as a necessary yet perfunctory task with the issuance of a citation as the end result. Intelligence-led policing, however, will require officers to not only gather more information or bits of raw information but also to collect and record such bits of information. The collection and recording of information will increase the work of traffic officers. An increase in workload coupled with perhaps pressure to gather quality information from each and every traffic stop may become burdensome for officers. Because resistance to change from traffic enforcement officers is a likely impediment to a rapid implementation of an intelligence-led policing strategy, training must educate officers that they have been vested with one of the most integral tasks in homeland security. Mobile video technology is reaching the cost-effective point for local law enforcement agencies. Laptops and mobile phones with cameras can feed data to central processing centers, and various audio technologies can link the officer on patrol with collaborating officers and government agencies. Such technologies could reduce some of the additional workload required of the officer in the new role of intelligence gatherer.

Training must also educate officers that the issuance of a citation is not the only purpose of traffic stops, but rather traffic stops are the best opportunity the police have to gather valuable information. As gatekeepers of information, officers must be trained on the different legal techniques that may be used to stop a motorist. Admittedly, a stop based on a traffic violation will be the most common type of stop, but officers can also stop vehicles based on reasonable suspicion that any or all occupants have or are about to commit a crime. Reasonable suspicion may also develop from situational and/or observational cues such as erratic driving, gaze aversion by the occupants of the car, temporary license plates, time of day, and nervousness of the occupants (Ellman, 2003; Patton, 2001; Texas Commission on Law Enforcement, 2001). A racial profile cannot be used to stop a vehicle. Thus, although an officer may stop a car based on situational and/or observational cues, race cannot be used as a factor to effectuate a vehicle stop.

### **The Use of Profiles**

Once the stop has been made, the window of opportunity to gather information begins immediately. Officers must receive instruction on cues that may be indicative of involvement in criminal activity or deception. Although such training is usually

reserved for criminal investigators or detectives, patrol officers must also receive training on cues to make an inference as to the veracity of statements made by the occupants of the vehicle. This will require training on behavior analysis, which is a technique that is used to detect lying using verbal, paralinguistic (e.g., pitch or tone of voice), and nonverbal cues (Inbau, Reid, Buckley & Jayne, 2001). It is important to stress, however, that behavior analysis is a tool that can help the officer make an *inference* about deception rather than a conclusive technique that is foolproof. For example, gaze aversion, generally considered to be one of the best indicators of deception (Vrij, 2000; Walters, 1996), may be exhibited by truthful individuals. Failure to establish eye contact may be dependent on culture, as some cultures find it disrespectful to establish direct eye contact. Thus, cultural awareness should also be included in the training curriculum.

### **Cultural Awareness**

Training on cultural awareness is important for other reasons. Traffic stops have received an inordinate amount of attention in the past few years due to the racial profiling techniques used by officers. Such techniques have hindered relations between the police and minorities. Although racial profiling should be discouraged for purposes of conducting traffic stops, not all profiling techniques need to be discarded. Race-neutral techniques for instance, can be valuable to the intelligence function and have been used by federal law enforcement agencies, particularly the U.S. Custom's Service. A race-neutral profiling technique focuses on the behavior of the individual as well as situational and/or observational cues to decipher whether officers need to conduct a more probing investigation. Within the realm of behavior analysis, a race-neutral profiling technique looks for inconsistencies between the three channels of communication—verbal, paralinguistic, and nonverbal. Unlike racial profiling, which has been documented as an ineffective police strategy, race-neutral profiling focuses on situational and/or observational cues and can be quite effective in preventing crime (Ramirez, Hoopes, & Quinlan, 2003). It also reduces the rate of false positives (Skolnick & Caplovitz, 2001). Its effectiveness can be further assessed by considering the impact this technique has on police-community relations. In contrast to racial profiling, a race-neutral technique does not incite hostility from minority groups, including immigrants, and consequently does not affect the willingness of minority groups to provide valuable information to the police. Gathering information from the public is salient to an intelligence-based policing initiative at the local and state level.

### **Psychological Stressors**

Also essential to officer safety is training on the psychological effects of shift work, inadequate sleep, repeated exposure to high-risk situations, and exposure to high-threat, traumatic events requiring quick decisionmaking. Training to enhance the variety and strength of coping techniques, officer self-efficacy in performance of traffic stop duties, and officer resilience appear important for maintaining and improving both performance and safety. Resilience is a health-oriented concept that depicts the “self-righting” and growth that can follow the disruption of stress, threat, conflict, and chaotic conditions (Higgins, 1994).

Stress management and stress inoculation programs designed to minimize police officer post-traumatic stress reactions have been used by law enforcement agencies

(Meichenbaum, 1996), and several resiliency programs reported after 9/11 were designed to prepare officers for violent and threatening duty assignments. Maddi and Khoshaba (2003) outline hardiness training, and Bartone (2003) describes hardy transformational leader training, while Pollack, Paton, Smith, and Violanti (2003) present training for the development of team resilience. Friedman and Higson-Smith (2003) also report on successful strategies learned by South African Police from the Psychological Services Unit working in the violent Gauteng Province. None of these programs has predicted job performance, nor stress traumatization, but they are effective methods to improve personnel morale (Dunning, 2005). More applied research is needed to determine the varying effectiveness of these programs with police forces facing diverse threatening situations. A balanced view of human potential and frailty suggests that both stress management and resilience-building programs are needed to address the natural range of police officer experiences.

## **Safety**

Because much emphasis will be placed on gathering intelligence during field detentions, primarily traffic stops, there is an increased risk of harm for officers on the ground. Training must become more specialized and include the identification and consequences of chemical, biological, radiological, and nuclear attacks. Thus, materials that are used for such attacks must be central to training curriculum to keep officers safe. Also, training must incorporate different delivery systems for these weapons, such as suicide bombers and IEDs. As is the case in England, this training should be incorporated for all patrol officers and include practical lessons, such as having officers build their own IED as well as proper detonation of such devices. Several police experts in the United States have called for this type of training to be included as part of police academies so that all cadets can be prepared for this new threat. Learning about terrorist groups and their modus operandi should also be included together with emerging terrorist threats to agriculture and water systems, for example.

Keeping officers safe also means arming them with the proper tools. Body armor will inherently be important, but investing in hand-held radiation detection devices could greatly aid in responding quickly to an ensuing terror attack. According to the General Accountability Office (2005), trafficking nuclear and radiological materials around the world has increased between 1993 and 2004. The office confirmed that there were 650 cases of illicit trafficking in these materials between those years. These materials should be of heightened concern since they can be used to make a "dirty bomb" or a nuclear weapon. Because of this increased threat, the federal government is arming ports of entry with detection devices, including hand-held devices for border officers. Although ports of entry should be equipped with these devices, it would be unwise not to arm local and state officers with similar hand-held devices. In Canada for instance, detection devices are being installed in police vehicles that can read radiation levels as well as transmit a signal to command centers regarding the officer's location. Thus, detection devices that also utilize a global positioning system (GPS) should be provided to patrol officers. As mentioned, investing in video technology would also be sensible as well as any technology that can transmit information to a central location. The latter technology is crucial to converting bits of raw information into intelligence in a timely manner.

Applied research in risk minimization and intelligence gathering enhancement by police officers involved in field detentions needs to be conducted. Such research can profitably use the new technologies noted, as well as more standard surveys of officers and tracking of incidents involving behavior dangerous to the police officer. Technologies should be comparatively tested to see which yield the best results, balancing financial and time investments with officer ease of use and field reliability.

## **Recommendations**

To enhance both police officer safety and effective intelligence gathering, we offer seven recommendations in the areas of training, technology utilization, and community education and collaboration:

1. Increase awareness of risks, physical and psychological, as well as provision of special attention to the new intelligence-gathering role of the local police officer.
2. Expand training in information-gathering techniques in field detention situations for local officers and training in cultural awareness and community collaboration strategies.
3. Utilize video and integrative communication technologies on police vehicles and officers to facilitate training and information gathering.
4. Increase applied research on the effectiveness of selection programs, training programs, and the deployment of new technologies for local officers.
5. Create proactive programs to increase resilience of officers via selection and training and crisis response assessment and intervention programs.
6. Foster resilient officer leaders educated in national and international safety and hardiness strategies that will match techniques to local communities and regional characteristics.
7. Initiate community education campaigns followed by consistent communication and outreach efforts to inform the public of the utility of information sharing for both public and police safety and the expanded role of the traffic officer as information gatherer in the fight against terrorism.

## **Conclusion**

Preparing police officers to become effective intelligence gathers while minimizing their own risk in field detentions will require investment of time, money, and most importantly, consistent commitment at many levels of government. It will also require commitment by the police organization and officers. This may be a significant impediment to the implementation of an intelligence-led policing strategy but one that needs to be overcome in order to protect our homeland. Although much of this article discusses the importance of local and state officers in the fight against domestic terrorism, the role of the federal government as well as the citizenry is not overlooked. A holistic strategy that encompasses all law

enforcement agencies at the local, state, federal, and even international levels, is needed to combat this new emerging threat. A strategy that also utilizes citizens acting as the “eyes and ears” of the police is also essential. Because local officers come into contact with many individuals through the course of conducting traffic stops, it is crucial that such stops not hinder police-community relations as these relations are also a significant component to fighting terrorism.

A holistic strategy to protect our homeland must include these basic components. Police agencies that practice elements of a community policing philosophy will find that an intelligence-led policing strategy will not involve a dramatic shift in the allocation of personnel, resources, and funds. Thus, a homeland defense strategy can be incorporated within an existing community policing scheme. Regardless of whether agencies abide by the rudimentary elements of community policing, investing in community collaboration, proactive programs for police officer selection and training, and modern communication technology will not only improve police and public safety but also enhance homeland security in an age of terrorism. Local, state, and federal government cannot afford to do less. It is imperative that funds be allocated to reflect this new holistic approach to fighting terrorism.

## References

- Anti-Defamation League. (2007). *Officer safety and extremists: An overview for law enforcement officers*. Retrieved January 3, 2007, from [www.adl.org/learn/safety](http://www.adl.org/learn/safety)
- Ashton, R. J. (2004). Solutions for safer traffic stops. *The Police Chief*, 71(7). Retrieved January 6, 2007, from [http://policechiefmagazine.org/magazine/index.cfm?fuseaction=display&article\\_id=331&issue\\_id=72004](http://policechiefmagazine.org/magazine/index.cfm?fuseaction=display&article_id=331&issue_id=72004)
- Bartone, P. (2003). Hardiness as resiliency: Resource under high stress conditions. In D. Paton, J. Violanti, C. Dunning, & L. Smith (Eds.), *Promoting capabilities to manage post-traumatic stress: Perspectives of resilience* (pp. 59-73). Springfield, IL: Charles C. Thomas.
- Brandl, S. G. (1996). In the line of duty: A descriptive analysis of police assaults and accidents. *Journal of Criminal Justice*, 24, 255-264.
- Buerger, M. E., & Levin, B. H. (2005). The future of officer safety in an age of terrorism. *FBI Law Enforcement Bulletin*, 74, 2-8.
- Bureau of Justice Statistics. (2007). *Homicide trends in the U.S.* Retrieved January 4, 2007, from [www.ojp.usdoj.gov/bjs/homicide/leok.htm](http://www.ojp.usdoj.gov/bjs/homicide/leok.htm)
- Carlier, I. V. E., Lamberts, R. D., & Gersons, B. P. R. (1997). Risk factors for post-traumatic stress symptomatology in police officers: A prospective analysis. *The Journal of Nervous and Mental Disease*, 185, 498-506.
- Chamblin, M. B., & Cochran, J. K. (1994). Opportunity, motivation and assaults on police: A bivariate arima analysis. *American Journal of Criminal Justice*, 19, 1-19.

- Cohen, J., & Hurson, J. A. (2002). *The state and local role in domestic defense*. Retrieved January 3, 2007, from [www.ppionline.org](http://www.ppionline.org)
- Cole, D. (2003). *Enemy aliens: Double standards and constitutional freedoms in the war on terrorism*. New York: The New Press.
- Dowle, J. (2006). Terrorism and improvised explosive devices. *Law and Order*, 54, 28-33.
- Dunning, C. (2005). Instilling resiliency in law enforcement officers to improve performance. *Law Enforcement Executive Forum*, 5, 127-138.
- Ellman, S. J. (2003). Racial profiling and terrorism. *New York Law School Journal of International & Comparative Law*, 22, 305-349.
- Friedman, M., & Higson-Smith, C. (2003). Building psychological resilience: Learning from South African police service. In D. Paton, J. Violanti, C. Dunning, & L. Smith (Eds.), *Promoting capabilities to manage post-traumatic stress: Perspectives of resilience* (pp. 103-118). Springfield, IL: Charles C. Thomas.
- General Accountability Office. (2005). *Combating nuclear smuggling: Efforts to deploy radiation detection equipment in the United States and other countries*. Retrieved January 17, 2007, from [www.gao.gov/htext/d05840t.html](http://www.gao.gov/htext/d05840t.html)
- Higgins, G. (1994). *Resilient adults: Overcoming a cruel past*. San Francisco: Jossey Bass.
- Inbau, F. E., Reid, J. E., Buckley, J. P., & Jayne, B. C. (2001). *Criminal interrogation and confessions* (4th ed.). Gaithersburg, MD: Aspen Publishers, Inc.
- International Occupational Safety and Hazard Information Centre. (2006). International hazard datasheets on occupation: Police/law enforcement officer. Retrieved January 8, 2007, from [www.ilo.org/public/english/protection/safework/cis/products/hdo/htm/offcr\\_police.htm](http://www.ilo.org/public/english/protection/safework/cis/products/hdo/htm/offcr_police.htm)
- Maddi, S., & Khoshaba, D. (2003). Hardiness training for resiliency and leadership. In D. Paton, J. Violanti, C. Dunning, & L. Smith (Eds.), *Promoting capabilities to manage post-traumatic stress: Perspectives of resilience* (pp. 43-58). Springfield, IL: Charles C. Thomas.
- Mayhew, C. (2001, February). Occupational health and safety risks faced by police officers. *Trends and Issues in Crime and Criminal Justice*, 2-6.
- Meichenbaum, D. (1996). Stress inoculation training for coping with stressors. *The Clinical Psychologist*, 49, 4-7.
- Moreland, J. (2006, December 21). Oceanside police officer shot dead in traffic stop. *North County Times*. Available online at [www.nctimes.com/articles/2006/12/21/news/top\\_stories/1\\_01\\_1111\\_20\\_06.txt](http://www.nctimes.com/articles/2006/12/21/news/top_stories/1_01_1111_20_06.txt)

- National Law Enforcement Officers Memorial Fund. (2005). *153 law enforcement officers died in the line of duty in 2005*. Available online at [www.nleomf.com/media/press/2005finalfatalities.htm](http://www.nleomf.com/media/press/2005finalfatalities.htm)
- Parsons, J. R. L. (2004). *Occupational health and safety issues of police officers in Canada, the United States and Europe: A review essay*. Retrieved December 30, 2006, from [www.safetynet.mun.ca/pdfs/Occupational%20H&S.pdf](http://www.safetynet.mun.ca/pdfs/Occupational%20H&S.pdf)
- Patton, D. (2001). Highway drug courier profiles in Y2K: Another nail in the coffin of the Fourth Amendment? *Arizona Attorney*, 38, 34-37.
- Police Executive Research Forum. (2003). *Protecting your community from terrorism: Strategies for local law enforcement*. Retrieved January 3, 2007, from [www.policeforum.org/upload/WP6\\_579340268\\_1162007111213.pdf](http://www.policeforum.org/upload/WP6_579340268_1162007111213.pdf)
- Pollack, C., Paton, D., Smith, L., & Violanti, J. (2003). Team resilience. In D. Paton, J. Violanti, C. Dunning, & L. Smith (Eds.), *Promoting capabilities to manage post-traumatic stress: Perspectives of resilience* (pp. 74-88). Springfield, IL: Charles C. Thomas.
- Prevention Institute. (2002). The three Rs for dealing with trauma in schools: Readiness, response, and recovery. Retrieved January 9, 2007, from [www.preventioninstitute.org/projects.html#3rs](http://www.preventioninstitute.org/projects.html#3rs)
- Ramirez, D. A., Hoopes, J., & Quinlan, T. L. (2003). Defining racial profiling in a post-September 11 world. *The American Criminal Law Review*, 40(3), 1195-1233.
- Select Committee on Homeland Security. (2004). *Transforming the southern border: Providing security and prosperity in the post-9/11 world*. Retrieved January 3, 2007, from [www.hlswatch.com/sitedocs/hsc-southernborder2004.pdf](http://www.hlswatch.com/sitedocs/hsc-southernborder2004.pdf)
- Skolnick, J., & Caplovitz, A. (2001). Guns, drugs, and profiling: Ways to target guns and minimize racial profiling. *Arizona Law Review*, 43, 417-437.
- Stuntz, W. J. (2002). Local policing after the terror. *The Yale Law Journal*, 111, 2137-2194.
- Sweeney, E. M. (2005). The patrol officer: American's intelligence on the ground. *FBI Law Enforcement Bulletin*, 74, 14-22.
- Texas Commission on Law Enforcement. (2001). *Racial profiling*. Retrieved January 3, 2007, from [www.tcleose.state.tx.us/racialpro/3256%20Racial%20Profiling.doc](http://www.tcleose.state.tx.us/racialpro/3256%20Racial%20Profiling.doc)
- Uniform Crime Reports Annual. (2004). *Law enforcement officers killed and assaulted 2004*. Retrieved January 6, 2007, from [www.fbi.gov/ucr/killed/2004/openpage.htm](http://www.fbi.gov/ucr/killed/2004/openpage.htm)
- Vrij, A. (2000). *Detecting lies and deceit: The psychology of lying and the implications for professional practice*. New York: John Wiley & Sons.

- Walker, S., & Katz, C. M. (2005). *The police in America* (4th ed.). Boston: McGraw Hill.
- Walters, S. B. (1996). *Principles of kinesic interview and interrogation*. New York: CRC Press.
- Warner, J. (2006). The social construction of the criminal alien in immigration law, enforcement practice and statistical enumeration: Consequences for immigrant stereotyping. *Journal of Social and Ecological Boundaries*, 1(2), 56-81.
- Woolas, P. (2006). *London resilience partnership statement*. Retrieved January 8, 2007, from [www.gnn.gov.uk/Content/Detail.asp?ReleaseID=205639&NewsAreaID=2](http://www.gnn.gov.uk/Content/Detail.asp?ReleaseID=205639&NewsAreaID=2)

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# In the Line of Duty: The Real Dangers of Police Work

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## Introduction

The locations where they serve are different. The people they encounter in the line of duty are diverse. The length of time devoted to law enforcement varies from officer to officer, but the basic safety concerns of all are similar. It is readily apparent these concerns have changed over time, both from an aggregate view as well as from an individual perspective. The dangers faced by today's police are numerous. This comes as no surprise. The changes seen over time, however, suggest the need for reform, not just within the academy itself but within the larger criminal justice system and the media who report on the actions of our officers.

I recently interviewed four law enforcement officers. Sergeant Brian P. Haley, a "city cop," spent 16 years on the streets of St. Louis, Missouri, before assuming his duties as the assistant director of the Saint Louis Metropolitan Police Academy in May of 2006. Corporal Jeff Myer, a "suburban cop," entered the academy in 1991 at the age of 21. Having worked for Town & Country (MO) Police Department for 15 years, Cpl. Myer knows his community and its dangers well. "Harley" (name, rank, and department withheld at his request) has been in law enforcement for 30 years. After 4 years as a sheriff's deputy in rural Illinois, Harley joined the force of a mid-sized community located in the same county. "Ryan" (identity withheld at his request) is a 22-year-old rookie, having entered the St. Louis County Police Academy one week prior to our meeting in January 2007. Each has his own personal story, yet the accounts merge to provide a compelling view of the dangers, both physical and psychological, faced daily by those who have taken the oath to serve and protect those within their jurisdictions.

This article provides a first-hand account of what it means to "be" a police officer in contemporary society. Its primary focus is, at all times, directed toward the dangers encountered by those who police the streets, interstates, highways, and country roads of America. The information presented here represents the insights of those who have chosen a career in law enforcement. Each has known since childhood that he wanted to be a cop.

As a result of my time with these officers, I have identified three major safety concerns faced by law enforcement personnel on a daily basis. These three concerns serve as the focus of this article:

1. The role of the media in shaping public perception about police work while also influencing how those in law enforcement do their jobs
2. Changes brought to law enforcement as youthful offenders have become more violent yet, at the same time, less fearful of the police and the criminal justice system in general

3. The realities associated with the 24/7 career, its accompanying stressors, and the way in which officers are viewed and treated by many in the general public

## In the Line of Duty

Police work's not pretty. A lot of guys I know are worried about being sued, about the media, about how they'll be portrayed. I'll tell you what pisses me off. We use force on somebody—we're the bad guy even when it's justified. The media gets hold of it, and we're the bad guy. Then, somebody shoots us, and now we're the hero because we died in the line of duty.

– Corporal Jeff Myer, Town & Country Police Department

The dangers are there. They're real. And they are intensified by both the criminal justice system and the media that contribute to the safety concerns of today's officers.

It has been said that we have become a media-driven society. The latest news is available 24 hours a day. We watch it on our television sets. We receive breaking news alerts via our computer screens and our cell phones. We are, without a doubt, a society consumed with wanting to be "in the know." While this has its advantages, as recently evidenced in the St. Louis area where two teens were rescued from their alleged abductor, police officers will be the first to tell you that it also has its downside. Public perception plays a large role in the lives of our police, affecting the way they do their jobs and the considerations taken into account when dealing with both the offender and the community at large. This is perhaps no more evident than when dealing with the juvenile offender.

If, for whatever reason, I have to engage an individual and things go horribly wrong to where a life is taken, I don't care what background the kid is from, the parents, the relatives, and the friends are all going to gather around, and the police are going to be to blame. For a veteran police officer, that is probably one of the more prominent background things they think about. What is my public perception? If I have to engage the kid and the news media is here within five seconds, and they have this kid's mother saying, "My kid would have never done this"—even though she wasn't there—what is the public going to think? It's always that public thing and how the media plays it out. That, in and of itself, is a safety concern because now we're talking about my job. Now we're talking about *how* I do my job and *if* I do my job.

– Sergeant Brian Haley, St. Louis Metropolitan Police Department

If it bleeds, it leads. Veteran police officers are all too familiar with the mantra of many in the media, and while the media's approach to reporting the news may reap benefits in the form of increased sales of airtime and newspaper subscriptions, these same tactics do little to enhance the safety of law enforcement personnel. Conversely, the strategies and tactics employed by many in the media serve, instead, to place our police in further danger.

The question now becomes, what can be done to foster the kind of professionalism among the media that results in accurate and unbiased reporting?

The first, and most obvious, answer rests in the training and education of those entering careers in the media. It is the responsibility of the education system to instill a deeper sense of ethics in its novice reporters and ensure they are deeply aware of the impact their actions have on the safety of not only our police but also the general public they serve. Just as we demand accountability from our police officers so, too, should we demand the same accountability from those reporting the news.

It is also time for law enforcement personnel to draw from a page of the annals of community policing by taking the initiative to educate the media with regard to the impact of their action. Along with St. Louis, many urban police departments now subscribe to a Community Oriented Policing (COPS) philosophy wherein effort is directed toward building healthy, viable relationships between local officers and the residents they serve (Mastrofski, 1993; Mastrofski, Worden, & Snipes, 1995). Perhaps that same effort could be directed toward relationship building between law enforcement and the local media. Open communication between the two entities could foster a heightened understanding of the need for, and benefits to be derived from, truly fair and accurate reporting devoid of sensationalism. With knowledge often comes change. It is unfair to merely assume that the media is aware of the impact their actions have on the daily lives of our police. Perhaps if they are made more fully aware of the consequences—both to the safety of the individual officer and to the larger society—associated with their approach to reporting the news, they will, voluntarily, take the high road and subscribe to the ethics of their profession. While this outcome cannot be assumed nor is it assured, the suggestion provided here represents a first step toward the kind of change needed if the media is to serve as an ally rather than a hindrance to law enforcement efforts. The suggestion made here also allows law enforcement to be at the forefront of change, thus enhancing their own image within the communities they serve.

## **A System in Need of Reform**

Kids are more dangerous than the adult offenders. Adults have some idea of the consequences. Kids think they're invincible. I fault the criminal justice system. These kids know if they're 15 there's not much we can do to them. If they're 17, they're going to the big house—but, not if they're 15. We pick up a kid, we call family court, and we're told to send them back to their parents.

– Corporal Jeff Myer, Town & Country Police Department

State statutes limit us. And because we're dealing with a lot of kids who have learned this at home, they know what the police can and cannot do legally. I've seen kids sent home the same day I pick them up. I've had to take them home. Before I finish filling out the report, they're out the front door and heading home.

– Sergeant Brian Haley, St. Louis Metropolitan Police Department

Our biggest problem is the growing drug problem—and it's coming from those who are supplying it. They're a younger group—more gang-like. Our kids are more streetwise than we ever dared to be. The high schools are a breeding ground where this information is passed, and a lot of them think there isn't a lot you can do to them. We've had cases where officers have been struck by a kid, and we can't even detain them. We take them in, and the next thing we know they're walking down the street.

– “Harley”

The juvenile system has put cops in a position where, if you're 17 or younger, we just don't want to deal with you. It puts us in jeopardy; it puts our jobs in jeopardy. We saw it happen recently. There was a 15-year-old kid who had a gun, was in a stolen car, pulled the gun on the cops, and he got shot. But, by the time the media was done with it all, it was the cop's fault. It's just not worth it. Having a loud party is a juvenile event. Underage drinking is a juvenile event. Not going to school is a juvenile event. Those things can be handled by juvenile court. Pull a gun on a cop, you're no longer a kid.

– “Ryan”

Critics have long argued the juvenile justice system in America is desperately in need of reform (Howard & Jensen, 1998). The officers I interviewed unanimously agree, stating that the family court does little to deter the would-be juvenile offender or enhance officer safety. While most cite case overload as a contributing factor to the leniency provided youthful offenders, they also argue that the underlying philosophy of the juvenile justice system is outdated and fails to provide juveniles with the consequences needed to give the message that “crime doesn't pay.” This, combined with an uncaring home environment or one wherein kids actively learn that crime *does* pay, affects both officer safety, as well as the safety of the larger society he or she strives to protect.

Predicated on the belief that children were capable of change when effectively parented, the U.S. juvenile justice system and its belief in *parens patriae* developed in the late 19th century (MacCord, Crowell, & Widom, 2001). Since that time, it has undergone several reforms, leading critics to claim we now treat the youthful offender more like an adult (Howard & Jensen, 1998). Those I interviewed disagree. Most with whom I spoke feel the current system is ill prepared to deal with a generation raised by detached parents. These are the same kids who are often left to their own devices, socialized via the Internet and spending their leisure time playing video games. One such game, *Grand Theft Auto*, promotes both general crime and violence directed toward police. It is a game wherein the player assumes the identity of a criminal whose main objective is to successfully elude capture using whatever means necessary—including the murder of police officers. It is also a game that is played by all ages, although it carries with it an “M” rating assigned by Entertainment Software Rating Board ([http://compactiongames.about.com/od/news/a/gtasa\\_hotcoffee](http://compactiongames.about.com/od/news/a/gtasa_hotcoffee)).

“Ryan,” a 22-year-old academy cadet, sums up the thoughts of many veterans when he states . . .

I think our society has changed. We have a pervasive element in our society called television, as well as the things that come with it like the computer and video games. I think the juvenile issue is a problem because you’ve now got two full generations of people raised on TV and, as a result, there’s less respect for society, community, and authority. And the courts are doing little to affirm the authority of the police.

From the perspective of veteran officers who have worked the streets and witnessed, first-hand, dramatic changes in youth crime, it appears more than a little naïve to assume our current juvenile justice system, first developed in the 1800s, is equipped to deal with the issues of juvenile crime today. The juveniles entering today’s criminal justice system are not the youth of yesterday. They are a new breed—one which embraces violence and introduces an added element of danger into the life of our police. From the perspectives of these officers, the time for reform is now.

It is time we once again hold our youth accountable for their actions. It is time we reintroduce consequences into our children’s lives. It is time they learn, whether it be from family members or from peers, that the criminal justice system is to be taken seriously. It is time our youth learn, once again, what it means to respect authority. It is time we make our communities safe once again—not just for the sake of our residents, but also for the police officers whose jobs are made more difficult and whose safety is compromised by the “recycling system” (as quoted from “Ryan”) we now call the juvenile justice system.

## The 24/7 Career

The first day of the academy we watched a video about a cop killing. He went in first, so his younger guy wouldn’t. His brain matter hit the younger guy behind him. It’s a high-stress job. When you have that kind of stress, you have to decompress somehow. Some do it with model trains. Some do it by playing baseball. The “easy” way for some is with substance abuse. More cops die each year from suicide than in the line of duty. It’s just a fact of the job.

– “Ryan”

Sure, there are the times I’m challenged just because I’m a cop. It took me a long time to realize they didn’t hate me, but they hated the uniform. They hated what I represent. It’s not me—it’s what I represent. And, as I got older, I realized I’m not invincible. I’ve seen what happens.

– Corporal Jeff Myer, Town & Country Police Department

Here’s where my annual class discussion comes in. I always take about one to two hours to say, “Hey, look, we’ve always had one or two that mess up after hours—in bars, in strip clubs, in taverns. Don’t let it be you.” You need common sense along with everything else in this job. It’s no secret that alcohol plays a big role in a lot of people’s lives, including some cops. Then, there are

the guys who want to challenge me just because I'm a cop—even when I'm off-duty. "What are you going to do to me now? Show me your best stuff."

– Sergeant Brian Haley, St. Louis Metropolitan Police Academy

Few in society understand what it means to never be off the clock. Those involved in law enforcement are one of the few exceptions. Policing is, without a doubt, the 24/7 career. One's obligation to society does not end when the shift ends. The danger does not magically disappear at the end of the shift.

The safety concerns associated with off-duty time can be divided into two types: (1) those considered to be internal in nature and (2) those that emanate from an external source (Goolkasian, 1985). The safety concerns of an internal nature stem from the job itself and the stress it brings to the officer's life. The dangers brought by others, sometimes when least expected, are those considered to be external in nature (Finn & Tomz, 1997).

The lives of those in law enforcement are, in many ways, filled with irony. As public servants, these individuals have sworn to protect their communities and improve the quality of life for those they serve. In so doing, however, their own quality of life often suffers. Many in law enforcement pay a high price for their public service. Failed relationships, divorce, addiction, and suicide—these are dangers as real as the perp holding the gun point-blank at the officer's head (Finn & Tomz, 1997). Yet these are the same dangers that become the "elephant in the room"—the realities of law enforcement seldom seen by and rarely brought to the attention of the general public. Why? We, the general public, want our police to be super-human. We want to believe they are somehow different from us, free of vulnerabilities and in control. We do not want to see their foibles, to confront their humanness.

Herein lies yet another irony of police work. Just as most in the general public do not want to acknowledge the humanness of our police, many in law enforcement are, themselves, reticent to admit when the stressors become too much to handle. They fear reprisal from their department. They fear being judged by those they serve. They fear the loss of their own identity—the same identity that brought many into law enforcement in the first place. Having worked and socialized with officers for more than a decade, I have asked many why they entered police work. Without exception, each has said, "The official answer is to help people. The real answer is to drive fast and lock up bad guys."

Cops are a special breed. They, themselves, know it. Research supports it (Skolnick, 1994). While it is still unknown as to whether or not certain "personality types" are drawn to police work or if these traits emerge after one is socialized into the profession, the fact remains that the police identity is central in the lives of those in law enforcement (Skolnick, 1994). In many ways, it allows them to do their jobs, to face what they see on a daily basis. It also places them in a precarious position. To admit one has a problem calls the very self into question. It signals a loss of control to those for whom control is essential, yet to not admit it poses an even greater risk as one's personal and professional lives suffer the consequences.

I've had people out in public say things like they're gonna kick my ass and things like that. And I'm usually armed when I go out in public. Not all the time, but most of the time I am. It's not the guy who threatens me that I worry about. It's the guy who stays quiet and may be . . . uh . . . a little mental. That's the guy I worry about because he may want to seek revenge.

– “Harley”

While the internal stressors and dangers associated with the job may be somewhat predictable, the same cannot be said for the external threats. Those in law enforcement seldom encounter the general public on a good day. If one has been victimized, he or she calls the police while under stress. If one has committed a crime, he or she is less than happy to see the cops. All within the general public have their own stories of the unfair traffic ticket they received, the time they called for help and help was slow in coming, the time their kid was picked up for underage drinking. While few act out their feelings toward the police, some do (Klinger, 1994; Worden & Shepard, 1996). This, in itself, represents a safety concern even when one is officially off duty. While the threat may not be actively present on a daily basis, its symbolic presence shapes the officer's life not only professionally but also personally.

Those in law enforcement have few ways to decompress, as indicated by Ryan in an earlier quote. Few friendships are formed outside of work (Crank, 1998). Social isolation is a reality for many in law enforcement. Seldom does one even share his or her experiences with partners and spouses. Instead, cops turn to those who best understand their lives—other cops. If one succumbs to very real human emotions or stresses, however, these are also the same people who must be kept in the dark as the officer fears how the information may impact his or her career. Even with the availability of employee assistance programs and counseling services, many suffer in silence.

## Conclusion

Those who have chosen careers in law enforcement do not need the dangers of the career pointed out to them. They know them. They live with them daily. There is, however, benefit to be gained by shedding light on issues and problems often kept in the dark. Through knowledge comes change.

This article recounts the experiences of four individuals who have chosen careers in law enforcement. They come from different backgrounds, work in different locales, and are at different stages of their careers. Their accounts, however, come together to identify safety concerns shared by all and of import to the overall well-being of those who have sworn to serve and protect the communities in which they live and work.

It is apparent that our society has witnessed dramatic change among our youth. We now live in an era in which juveniles are more prone to violence, have little fear of the criminal justice system, and are often failed by a judiciary that “goes easy” on the kids while handcuffing the police. These same problems are often exacerbated by a media that seeks and reports the sensational, thus jeopardizing law enforcement as they find themselves considering how their actions will be

portrayed to the general public. When faced with immediate danger, those in law enforcement cannot afford to hesitate, whether confronting an adult or juvenile offender, yet hesitation is now a part of many officers' lives as they deal with youthful offenders who have little fear of, or respect for, them.

In many ways, the lived experiences of those in law enforcement are intensely personal. It becomes all too easy to believe no one else is falling prey to the stresses of the job. To many, it seems as if there is something intrinsically wrong with the self if they cannot single-handedly rise above what other, mere mortal, humans experience. It is much too threatening to consider seeking help from colleagues, the department, or the assistance programs made available by the employing agency. The very help that is both needed and available is often shunned as those in law enforcement further isolate themselves, relying instead upon coping mechanisms that compound the problems rather than solve them.

While it is true the larger society expects more of those in law enforcement than we do of others, it is imperative to never lose sight of the fact that it is but another human wearing the uniform, displaying the badge, and facing danger on a daily basis. We expect professionalism and deserve that from our law enforcement officers. They, in turn, deserve the best training and resources we can make available to them. It is all too easy to forget that the experiences of our police are forged within the society we create and of which we are a part. As such, we have a collective responsibility to educate ourselves about the dangers faced by those in law enforcement.

Working alone, the police cannot change the way in which the media reports their activities. They cannot change the way in which the juvenile justice system deals with youthful offenders. They cannot change the way in which parents do their jobs. They cannot change how John Q. Public responds to their presence during their off-duty hours. Together, with the understanding that comes from communication, relationship building, and education, we can all work toward the change needed to reduce the dangers and stresses associated with the job.

## References

- Crank, J. P. (1998). *Understanding police culture*. Cincinnati, OH: Anderson.
- Finn, P., & Tomz, J. E. (1997). *Developing a law enforcement stress program for officers and their families*. Washington, DC: U.S. Government Printing Office.
- Goolkasian, G. A. (1985). *Coping with police stress*. Washington, DC: U.S. Government Printing Office.
- Howard, M. O., & Jensen, J. M. (1998). Youth crime, public policy, and practice in the juvenile justice system: Recent trends and needed reforms. *Social Work, 43*(4), 324-334.
- Klinger, D. A. (1994). Demeanor or crime? Why "hostile" citizens are more likely to be arrested. *Criminology, 32*(3), 475-493.

- MacCord, J., Crowell, N. A., & Widom, C. S. (2001). *Juvenile crime, juvenile justice*. Washington, DC: National Academy Press.
- Mastrofski, S. (1993). Varieties of community policing. *American Journal of Police*, 12(3), 65-77.
- Mastrofski, S. D., Worden, R. E., & Snipes, J. B. (1995). Law enforcement in a time of community policing. *Criminology*, 33(4), 539-563.
- Rating changed for Grand Theft Auto San Andreas*. (n.d.) Retrieved January 17, 2007, from [http://compactiongames.about.com/od/news/a/gtasa\\_hotcoffee](http://compactiongames.about.com/od/news/a/gtasa_hotcoffee)
- Skolnick, J. H. (1994). *Justice without trial: Law enforcement in a democratic society* (3rd ed.). New York: Wiley.
- Worden, R. E., & Shepard, R. L. (1996). Demeanor, crime, and police behavior: A reexamination of the police services study data. *Criminology*, 34(1), 83-105.

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# Key Strategies to Improve Officer Safety

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Keeping officers safe is one of the biggest responsibilities any law enforcement executive or supervisor can have. This article contains some policies that your agency should have and enforce to help keep your officers safe. (Of course, just having policies and rules won't help if officers and supervisors don't have proper training.) These are by no means all of the important officer safety steps your agency can or should take, but just a few key ones.

## Driver Safety and Traffic Safety

Driver safety and traffic safety must be a top priority in law enforcement.

Looking at line-of-duty deaths from 1996 through early April of 2006<sup>1</sup> . . .

- 471 officers were killed in automobile accidents.
- 146 officers were struck by vehicles and killed.
- 71 officers were killed in motorcycle accidents.

So, a total of 688 officers were killed in vehicle-related incidents during this time, 101 officers more than were shot and killed during that same time.<sup>2</sup>

Relatively few of your officers will ever get into a shootout, but at some point, virtually every officer will drive a department car, or other vehicle, or will have to direct traffic, or respond to an accident or other condition on a highway or street with moving traffic. So every officer *must* know about safe driving and traffic safety.

## Seatbelts

**Everybody wears seatbelts.**

Everyone, from the chief on down, should be wearing seatbelts when they drive or ride in a department car, passenger van, or SUV. (And so should anyone else in a department car, passenger van, or SUV, including witnesses, crime victims/complainants, and suspects.) The only exception should be if wearing a seatbelt would endanger the officer or someone else. Note also that wearing a seatbelt is required by law in most states, and there may not be any exception for law enforcement.

Supervisors should check to make sure that officers wear seatbelts and should set an example by wearing seatbelts themselves.

## Traffic Regulations

**Officers should obey traffic regulations unless there is a good reason not to.**

Officers should avoid routinely going through red lights, passing stop signs, etc. unless there is a good reason to do so and doing so isn't unreasonably dangerous. If an officer does disobey a traffic regulation, and then gets into an accident, it can be a legal and public relations headache. Also, it greatly annoys members of the public to watch officers go through red lights all day and then hand out traffic summonses or citations to motorists who do the same thing.

## **Body Armor/Bullet Resistant Vests**

**All officers should wear body armor/bullet resistant vests.**

Did you know that body armor has saved hundreds of officers from being killed in auto accidents? That, in itself is an excellent reason to wear it. (For more on body armor issues and rare cases in which officers may be exempted from wearing vests, please see the "Firearms and Tactics" section.)

## **Vehicle Pursuits**

**Supervisors will call off vehicle pursuits whenever the risk to the officers or the public from the pursuit is greater than the risk to the public if the suspect is not caught immediately.<sup>3</sup>**

Officers who are deciding whether to pursue a suspect and supervisors who are monitoring pursuits, should ask themselves, "Is what this suspect did (or is doing) bad enough to justify the risk of an auto accident that seriously injures or kills other motorists or pedestrians, the pursuing officers, or the suspect?" If the answer is "no," then the pursuit should be called off. Risking a serious accident to catch an armed bank robber or murderer is one thing; risking it to catch someone who has an expired license plate or a broken tail light is another. Officers should not routinely pursue suspects for minor traffic offenses (e.g., expired license plates, or broken tail lights) or nonviolent crimes.

## **Routine Patrol Driving/Responding to Calls**

Pursuits can be very dangerous and can result in spectacular (and tragic) accidents, but most department auto accidents will happen during "routine" patrol, or while officers are responding to calls for service, simply because officers spend most of their time on patrol or answering calls. Officers need to use good judgment whenever they're driving, and supervisors need to think about driver safety even when officers aren't in pursuits.

Officers should . . .

- Wear a seatbelt. (This can't be stressed too often.)
- Wear body armor.
- Check to make sure that their vehicle is in good operating condition, with satisfactory tires, brakes, etc., as well as working lights, siren, headlights, and other emergency gear.
- Obey traffic regulations unless there is a good reason not to.
- Use lights and sirens as appropriate but not rely on them to stop traffic. Lights and sirens can be helpful, but they aren't magic. The driver with the windows

up, heat or air conditioning on full blast, radio on at top volume, and cell phone glued to their ear may literally not hear (or not notice) an officer's lights and sirens. Officers should also use care when the siren is on, since running the siren continuously can make it harder for the officer to hear the radio, hear traffic sounds, and hear the sirens of other emergency vehicles (e.g., other police cars, fire trucks, and ambulances).

- Think about how fast they need to respond to a call or incident

Officers should consider the following factors:

- How serious is the call?
- How far is the officer from the call, and what other units are responding? Officers naturally like to help each other and to be in on any big or interesting incidents, but there may be little sense in racing to a distant call if enough other, closer units will get there long before the officer will to handle it (or find that the call is a false alarm).
- Given the following, how fast can the officer safely respond to the call?
  - time of day
  - weather conditions
  - road conditions
  - amount of traffic
  - number of pedestrians
  - condition of the officer's vehicle
  - the officer's level of fatigue and driving skill
- If they are the first unit at the scene of a serious call, officers should notify the dispatcher/other units, and if the call is unfounded, or the situation is under control, have other units slow down their response. There's no sense in having units race to a scene where nothing is happening or they aren't needed because they believe no other officers are there yet.

## **Traffic Safety Vests**

**All officers should be issued ANSI-certified, high visibility, reflective traffic safety vests, and should wear them when appropriate (e.g., directing traffic, working at a fixed vehicle checkpoint, working at an accident scene alongside a highway or active roadway at night, etc.).**

## **Driver Training**

**All officers should get good initial training in how to drive a police car, including how to drive safely when pursuing another vehicle.**

- An important part of this is having good driving instructors. This means a lot more than just assigning someone who's a "good driver" to be a driving instructor. Your driving instructors should attend top public sector and/or private law enforcement driving schools.
- One way to improve safety and hold down to training costs is to use advanced law enforcement driving simulators in addition to actual vehicles. There are several simulators on the market, and their prices are now in line with those

of shooting simulators (such as FATS), which are widely used in firearms training.

### **Officers should get regular retraining in safe driving and how to drive safely in a pursuit.**

- Some budget people and administrators may balk at the costs in money and in person-hours lost from patrol to retrain officers. You can answer, "I don't like the up-front costs any better than you, but we really save money in the end. How much does it cost to have just one serious accident, in which an officer is killed or disabled, or another motorist or pedestrian is killed or disabled? Lawsuits, medical costs, disability pensions, wrecked vehicles, etc. could easily cost hundreds of thousands of dollars or more."
- Some senior patrol officers may feel that they don't need the training. You can tell them, "I respect you as a skilled professional. And part of being a skilled professional is regular training and qualification. Every airline pilot regularly flies with an instructor to evaluate ability and does regular simulator training, which is monitored by instructors. You shoot a qualification course regularly with your firearm. Driver training is the same; it's safety training, so everyone needs to do it."

### **Every officer who is in an agency vehicle accident should attend a brief driver training program.**

This helps spot problem drivers, and it doesn't hurt capable drivers to go. If everyone has to go, it's less stigmatizing than if only a few "bad" drivers have to go. From a legal standpoint, retraining helps show a jury that you are serious about preventing accidents.

## **Review of Agency Vehicle Accidents**

**Every agency vehicle accident should be reviewed, and accident information should be regularly analyzed to spot patterns and problems.**

Only by doing this can you find the places where training, supervision, equipment, and policies need to be improved to help prevent accidents.

## **Firearms and Tactics**

A lot has been written on this critical area, but let's look at just two simple steps your agency should take.

### **Body Armor/Bullet Resistant Vests**

- Body armor can mean the difference between an officer having only a bruised chest and an officer being buried with a hero's funeral.
- No matter how good a shot officers are and no matter how good the tactics they use, if a bullet strikes them, only body armor can protect them.
- In 2004 and 2005, over 40% of officers shot and killed in the line of duty were not wearing body armor.<sup>4</sup> Your agency's policy should be as follows:

- All officers will wear body armor/bullet resistant vests.
- As with seatbelts, everyone from the chief on down should be wearing body armor whenever they're working in the streets, and that includes plainclothes personnel and detectives. If needed, you can consider getting detectives and plainclothes officers body armor that fits more discreetly under a suit or civilian attire.
- You can consider very limited exceptions for some undercover officers who are buying drugs in the summertime or the like, and who absolutely could not conceal body armor under the clothing they need to wear without being identified as officers, thus jeopardizing their safety. Those exceptions should be few and far between and should require a supervisor's explicit authorization.

## **Backup Firearms**

**Officers may carry authorized backup firearms.**

Some agencies still don't allow officers to carry backup firearms, and that's a policy that should change. Some excellent reasons for an officer to carry a backup firearm are as follows:

- Drawing a backup firearm can be quicker and more reliable under stress than reloading a service firearm, especially if the officer is using a revolver.
- If the officer's primary firearm is damaged or malfunctions, it's usually quicker and easier under stress to draw a working backup firearm than to try to diagnose or repair the primary firearm (assuming the primary firearm can even be fixed).
- If officers lose their primary firearm in a struggle or are disarmed by a suspect, a backup firearm still lets them defend themselves.

Some agencies may have concerns that officers will plant backup guns at shooting scenes and claim that unarmed suspects were actually armed. If your agency records the type and serial number of the officer's authorized backup firearm, however, there will be no way for an officer to misuse that firearm and not have it traced back to them immediately. Backup firearms could also be inspected at routine firearms and uniform inspections.

**Officers should have their backup firearms inspected by range personnel and should shoot an appropriate qualification course with their backup firearms.**

This would not necessarily have to be the same as the usual course for service pistols, which often involves shooting at longer ranges, and may assume that officers have larger capacity magazines in their firearms than a small backup firearm will hold.

**Note:** It's generally advisable that backup firearms be carried concealed, so that suspects don't know that officers have them.

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## Reference

Dwyer, J. (2006, February 24). Aggressiveness of bike chases stirs questions for the police. *New York Times*. Retrieved January 25, 2007, from [www.nytimes.com/2006/02/24/nyregion/24critical.html?ex=1169874000&en=082d5357893f9041&ei=5070](http://www.nytimes.com/2006/02/24/nyregion/24critical.html?ex=1169874000&en=082d5357893f9041&ei=5070)

## Endnotes

<sup>1</sup> National Law Enforcement Officers Memorial Fund. (2006). Causes of law enforcement deaths (1996-2005). Retrieved January 25, 2007, from <http://nleomf.com/TheMemorial/Facts/causes.htm>

<sup>2</sup> Ibid.

<sup>3</sup> This test is based on NYPD policy as quoted in Dwyer (2006).

<sup>4</sup> National Law Enforcement Officers Memorial Fund (2006).

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# Using County Jail Inmate Data to Gauge Hazards for Local Police

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## Introduction

We report here on our findings from an examination of the utility of using county jail data to more fully understand and potentially better prepare police officers for the hazardous portions of their work. Our purpose is to explore the feasibility and value of bringing such readily available information to bear on a critically important matter for police and the communities that they serve.

National level findings on police officers feloniously killed in the line of duty first became available in 1937 through the Federal Bureau of Investigation's (FBI) newly established Uniform Crime Reporting Program (*UCR*). At this early juncture, however, reporting on police fatalities was irregular and inconsistent. The FBI sometimes included highlights of police murders in its *Law Enforcement Bulletin* aimed at police supervisors and managers. In 1959, the FBI began gathering administrative data from voluntarily participating local and state police departments, such as descriptive information on the numbers of sworn officers and civilian employees. Attention afforded by the U.S. Department of Justice to police line-of-duty deaths and assaults in its annual *Crime in the United States* also gradually grew in the late 1950s due to increases in line-of-duty deaths (FBI, annual; Fridell & Pate, 2001; Geller & Scott, 1992). By 1963, the FBI's practice of aggregating felonious and accidental line-of-duty deaths had ended, and this provided a clearer picture of the circumstances under which officers were killed.

The felonious killing of police officers grew more ominous in the late 1960s when frequencies nearly doubled over 4 years—from 57 in 1966 to 100 in 1970. This was the catalyst in 1971 for a new and separate FBI report aimed at local and state police departments—*Law Enforcement Officers Killed (LEOK)*—which appeared in print for the first time in 1972 (FBI, 1972). Officer safety had piqued the attention of the police community, and the FBI along with police executives around the United States viewed the *LEOK* report as a principal means by which to “alert police agencies to the characteristics of fatal attacks on their officers” (FBI, 1975). Furthermore, the . . .

Presentation of the data in this report is planned for use in developing and revising training programs and procedures, providing insight into the selection and assignment of personnel, furnishing guidelines for the design and adoption of equipment, and giving support for budgetary requests aimed at safeguarding law enforcement personnel. (FBI, 1976, p. i)

The annual *LEOK* report, therefore, was widely distributed to local and state police departments and official repositories (e.g., university libraries and major public libraries) in hopes that the information it contained could be used to reduce the hazards of police work and thereby improve officer safety.

Findings on assaults, however, remained within the parent report *Crime in the United States* until 1982 when *LEOK*'s scope was expanded to include assaults and assaults with injury. The report title accordingly changed to *Law Enforcement Officers Killed and Assaulted (LEOKA)* as it remains to this day (FBI, 1982). In general, and except for the brief narratives of the incidents in which police officers were feloniously killed, *LEOKA* findings are presented in a combination of frequency distributions and cross-tabulations and, in select cases, 10-year trends. These tables, however, provide limited detail about the sometimes complex events surrounding assaults with injuries and felonious killings. There also is a considerable time lag in releasing its findings each year given the national scope of this data collection and reporting program. The annual *LEOKA* report typically is released in October following the reference year, for example, the report on calendar year 2004 killings and assaults was released in October 2005 (FBI, 2005). The availability of this information and related data also have supported the production of a number of supplemental reports and articles over the past decade (e.g., consider Brown & Langan, 2001; Fridell & Pate, 2001; Pinizzotto & Davis, 1995).

## **Seeking New Ways to Improve Officer Safety**

*LEOKA* is a long-standing, valuable, and practical tool for gaining general insights into the outcomes of police-public encounters that result in felonious assaults upon or killings of local and state police officers. For example, it provides a national measure of the physical hazards associated with policing and, like the *UCR*, enables comparisons across time. The 2002 *LEOKA* report continued to call police attention to some of the many uses of the information FBI provides each year, to include the following:

- Assisting in identifying potentially high-risk law enforcement incidents/situations
- Documenting and reinforcing the need to constantly evaluate, analyze, and modify training
- Drawing attention to activity type, type of call for service, and duties being performed at the time of the attack

*LEOKA* remains a valuable resource for examining a variety of trends at the regional and state levels. Its limitations become more apparent when the focus for one's examination turns to the local level where the vast majority of police carry out their law enforcement and public safety work. The many thousands of cities and counties in the United States call attention to the importance of our understanding of local circumstances and peculiarities that potentially might diverge from *LEOKA* aggregate national level findings, as well as to have access to more timely and relevant data for use in advancing police training and field practices. It also lacks the specificity that trainers need in a given jurisdiction to effectively inform and prepare officers to perform most effectively in high-risk encounters that threaten serious injury or death.

Ideally, local departments would maintain records on all police-citizen encounters in order to provide crucial information to fully understand the nature of, and risks associated with, their challenging work. Importantly, we think, such empirical data would also reflect the unique characteristics of a jurisdiction so as to best inform decision-makers and trainers in their efforts to formulate appropriate and effective policies, programs, and field practices. Unfortunately, we also think that most local departments would find such data collection programs prohibitively labor intensive and expensive.

Therefore, given the impracticality of recording all local police-citizen encounters, we explored the possibility that some form of existing local data might provide additional useful insights for advancing police safety training. For several reasons, we ultimately settled upon county jail data. Despite the fact that this data does not provide a comprehensive examination of police-citizen encounters, it is readily available in all counties throughout the United States due to universal booking procedures that follow arrest. In addition, encounters that result in arrest generally reflect more serious crimes (though not necessarily violent ones) and, arguably, therefore involve potentially more hazardous encounters. County jail data also reflects the population of arrests typically made by officers employed by municipal departments within a given county, those by county sheriffs' deputies, as well as those by state police and highway patrol officers working in that vicinity. This provides a useful cross-section of police-public encounters within a given county's jurisdiction.

Next, we provide a brief overview of offender characteristics available through *LEOKA*. We then turn to the methods and resulting data we used to examine possible parallels between what we know about killings and assaults nationally and what local jail data might reveal about higher risk encounters. Finally, we present our findings and discuss some possible implications for police training and field practices.

## **Offender Characteristics and Police Officer Safety**

*LEOKA* research reveals patterns and trends in the assaults and murders of police officers, many of which are relatively consistent across time. We begin by examining the circumstances surrounding these police-citizen encounters and then note some characteristics of assailants.

During the last 10 years for which data is available (1996-2005), there were 575 officers feloniously killed in the line of duty (FBI, 2006) (see Table 1). This translates to an average of 58 felonious killings each year, with a high of 70 in 1997 and 2001\*, and a low of 42 in 1999. Over the 1996-2005 period, arrest situations by far represented the highest risk for death (FBI, 2005). About 26% of officers were killed trying to arrest a burglary or robbery suspect, a drug offender, or other suspects. Ambushes (18%) and traffic-related encounters (18%) each accounted for nearly one-fifth of killings. Disturbance calls, from bar fights to family quarrels, accounted for 16% of killings. Investigating suspicious persons was somewhat less common and accounted for 12% of all encounters resulting in the death of an officer.

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\* This figure excludes the 72 local, state, and federal police officers killed in the World Trade Center attacks on September 11, 2001 (FBI, 2001).

There were a total number of 555,963 assaults on police officers over the past 10 years. With an average of 55,596 assaults per year, 1998 witnessed the most assaults with 59,545 and 1996 the fewest with 46,685. Nearly 29% of those assaults resulted in some form of injury, and there is little variation in this figure from year to year. With few exceptions, assaults and killings occurred under similar circumstances. For instance, 59.8% of all felonious killings of police officers and 60.9% of assaults arise out of disturbances, attempting an arrest, and traffic-related contacts. As for assailants, *LEOKA* data indicates that the average age is over 30 (33%), that nearly all (98%) are male, and that over half (55%) are white.

**Table 1: Law Enforcement Officers Feloniously Killed and Assaulted: Circumstances at the Scene of the Incident, 1996-2005**

Circumstance	Killed <sup>1</sup> %	Assaulted <sup>2</sup> %
Disturbance Calls	16.5	30.6
Arrest Situations	25.6	19.5
Civil	0.0	1.2
Handling, Transportation, Custody of Prisoners	3.1	12.4
Investigating Suspicious Persons	12.3	10.1
Ambush Situations	17.7	.4
Investigative Activities <sup>3</sup>	1.4	NA
Handling Mentally Deranged Persons	2.3	1.7
Traffic Pursuits/Stops	17.7	10.8
Tactical Situations	3.3	13.3 <sup>4</sup>

1. 575 police officers killed in the line of duty from 1996 to 2005. Percentages do not equal 100 due to rounding.
2. 555,963 police officers assaulted in the line of duty from 1996 to 2005.
3. Investigative activities is not a category used to describe the circumstances in which police officers were assaulted.
4. This is an "other" category for officers assaulted in the line of duty.

## The Present Study

### Research Question, Data, and Methods

Our general research question is whether demographic characteristics of inmates (i.e., race, age, and sex) and number of charges are related to the types of circumstances known to put police officers at higher risk of an assault or death. If one or more is related, this suggests that such information could be useful to police managers and trainers in best preparing officers for effectively coping with the hazards inherent in some police-public encounters.

### Data

Our data was obtained from the Hamilton County Sheriff's Department and Jail Facility in Hamilton County Indiana (HCSD). The jail facility opened in 1993 and has six housing units with a total of 224 beds. The data reflects the 17,735 inmates detained in the jail at some time during the 3-year period dating from January 1, 2002, through December 31, 2004. Our data came from booking records that are

limited to demographic information, time spent in jail, charge information, and number of charges.

### ***Independent Variables***

County jails collect information that is important for restraining those who have been taken into custody. Some of this information on offenders and offenses seemed likely to be useful in addressing our research questions outlined further below. Specifically, we were interested in the inmates' age, race, sex, and number of charges as the predictor variables. These four either were dichotomous (sex) or were recoded into dichotomous variables for purposes of analysis:

1. Race: white (coded 1) and nonwhite (coded 0)
2. Sex: male (coded 1) and female (coded 0)
3. Age: over 30 (coded 1) and 30 and younger (coded 0)
4. Number of charges: multiple charges (coded 1) and a single charge (coded 0)

### ***Dependent Variable***

The most serious charge was used to create the dependent variable because, as previously discussed, *LEOKA* data indicates that certain circumstances are associated with the risk of victimization among police officers. Those circumstances coincide with criminal matters that involve either investigation of or arrest for criminal infractions. Originally there were a total of 155 specific charges reflected in the Hamilton County jail booking records for the 17,735 inmates. Those 155 charges then were collapsed into 32 offense categories. We used the circumstances associated with police victimizations described in *LEOKA* as our guide for assigning the 32 offense categories to one of two groups in order to create a dichotomous dependent variable consisting of high-risk (coded 1) and low-risk offense (coded 0) groups. For example, burglary and robbery coincide with "arrest situations" as defined by *LEOKA*. Although some circumstances like "ambush situations" do not allow us to find the exact terminology in the criminal law, such actions on the part of offenders nevertheless create high-risk circumstances with which police must contend.

### ***Statistical Procedures***

Since the dependent variable is dichotomous, we used a chi-square test as a measure of association and odds ratios to measure the strength of the relationships. An odds ratio represents the relationship between each predictor variable and the dependent variable, assuming that the predictor variables are identical in all respects except for the variable of interest. As indicated above, all of the independent and dependent variables were coded 0 and 1. The likelihood of an event occurring (coded 1) is always made in reference to another event (coded 0). Likelihood ratios are the antilogs of odds ratios ( $e^{2.13}$ ) and are useful for interpretation. A predictor variable, say sex, may be interpreted in the following manner: males are "X" times more likely than females to be involved in circumstances related to a higher risk of injury or death of police officers.

## Findings

As can be seen in Table 2, over half of jail inmates are over age 30 and about 85% are white. Males comprise the largest segment (80%) of the inmate population. Seventy-one percent of the inmates had only one charge at the point of booking, and 29% had multiple charges.

**Table 2: Descriptive Statistics**

Variable	Frequency	Percentage
<b>Age<sup>1</sup></b>		
Under 21 years old	2,696	15.2
21-29 years old	6,829	38.6
30-39 years old	4,527	25.6
40-49 years old	2,840	16.0
50-59 years old	650	3.7
60 years old and above	158	.9
<b>Race<sup>2</sup></b>		
White	14,967	84.7
Black	2,283	12.9
Hispanic	352	2.0
Asian	56	.3
Other	15	.1
<b>Sex<sup>3</sup></b>		
Male	14,237	80.3
Female	3,497	19.7
<b>Number of Charges</b>		
Single charge	12,633	71.2
Multiple charge	5,102	28.8

1. Data missing on 35 cases. Percentages based on 17,700 cases.

2. Data missing on 62 cases. Percentages based on 17,673 cases.

3. Data missing on 1 case. Percentages based on 17,734 cases.

The 32 different offense categories are shown in Table 3. Among these, violations of court orders comprised the largest offense category (25%). DUI-related offenses made up the second largest category (23%). Substantially smaller offense categories are found for drug-related offenses, probation/parole violators, traffic-related offenses, alcohol-related offenses, child endangerment, property-related offenses, battery, obstruction of justice, fraud, and burglary. Of the remaining 20 offense categories, none contributed more than 1% each to the total.

**Table 3: Police-Citizen Encounters, as Reflected by the Hamilton County, Indiana, Jail Population for 2002-2004**

Rank	Offense	n*	%
1	Violation of Court Order	4,411	25.0
2	DUI-Related Offenses	4,043	22.9
3	Drug-Related Offenses	1,534	8.7
4	Probation/Parole Violations	1,400	7.9
5	Traffic-Related Offenses	1,210	6.8
6	Alcohol-Related Offenses	1,073	6.1
7	Child Endangerment	855	4.8
8	Property-Related Offenses	811	4.6
9	Battery	692	3.9
10	Obstruction of Justice	385	2.2
11	Fraud	227	1.3
12	Burglary	191	1.1
13	Domestic Violence	118	.7
14	Disorderly Conduct	108	.6
15	Voyeurism	101	.6
16	Sex Crimes with Children	82	.5
17	Robbery	63	.4
18	Auto Theft	62	.4
19	Contributing to the Delinquency of a Minor	53	.3
20	Weapons-Related Offenses	50	.3
21	Trespassing	43	.2
22	Sex-Related Offenses	40	.2
23	Kidnapping	22	.1
24	Rape	20	.1
25	Conspiracy	18	.1
26	Other	13	.1
27	Arson	12	.1
28	Stalking	11	.1
29	Murder	8	.0
30	Assisting a Criminal	4	.0
31	Escape	4	.0
32	Attempted Murder	3	.0
		17,667	100.1

\*Data missing on 68 cases. Percentages based on 17,667 cases.

Table 4 shows the offense categories divided into high-risk and low-risk groups. As indicated in the methods section, we used *LEOKA* "circumstance" categories to divide offenses into high-risk and low-risk groups. In addition to showing frequencies, the analysis reveals the contribution of each offense category to the total and to the risk group to which the offense category was assigned. In light of our focus upon officer safety, it is interesting to note that nearly 60% of the offense categories fall within the high-risk offense group as defined for this study.

**Table 4: High-Risk and Low-Risk Offense Groups**

<b>High-Risk Offense Group</b>	<b>n</b>	<b>% Group</b>	<b>% Total</b>
DUI-Related Offenses	4,043	38.4	22.9
Drug-Related Offenses	1,534	14.6	8.7
Probation/Parole Violations	1,400	13.3	7.9
Traffic-Related Offenses	1,210	11.5	6.8
Alcohol-Related Offenses	1,073	10.2	6.1
Battery	692	6.6	3.9
Burglary	191	1.8	1.1
Domestic Violence	118	1.1	.7
Disorderly Conduct	108	1.0	.6
Robbery	63	.6	.4
Weapons-Related Offenses	50	.5	.3
Kidnapping	22	.2	.1
Rape	20	.2	.1
Murder	8	.0	.0
Escape	4	.0	.0
Attempted Murder	3	.0	.0
	10,539	100.0	59.6
<b>Low-Risk Offense Group</b>			
Violation of Court Order	4,411	61.9	25.0
Child Endangerment	855	12.0	4.8
Property-Related Offenses	811	11.4	4.6
Obstruction of Justice	385	5.4	2.2
Fraud	227	3.2	1.3
Voyeurism	101	1.4	.6
Sex Crimes with Children	82	1.1	.5
Auto Theft	62	.9	.4
Contributing to the Delinquency of a Minor	53	.7	.3
Trespassing	43	.6	.2
Sex-Related Offenses	40	.6	.2
Conspiracy	18	.2	.1
Other	13	.2	.1
Arson	12	.2	.1
Stalking	11	.1	.1
Assisting a Criminal	4	.0	.0
	7,128	99.9	40.5

Table 5 shows that there is a statistically significant relationship between each predictor variable (i.e., age, race, sex, and number of charges) and the dependent variable (level of risk). Data also indicates that offenders over age 30 are 2.5 times more likely than the younger cohort to be involved in offenses known to be associated with higher risks of police victimization. Similarly, males are 2.3 times more likely than females to be associated with the high-risk offense group. Whites are 5.1 times more likely than nonwhites to be involved in offenses that put police officers at higher risk. Those with multiple charges are 12.3 times more likely than those with a single charge to be involved in high-risk offenses.

**Table 5: Risk Estimates**

Variable	$\chi^2$	p	Odds Ratio	Likelihood Ratio	n
Age	5.727	.017	.929	2.5	17,632
Race	134.311	.000	1.623	5.1	17,605
Sex	23.659	.000	.831	2.3	17,666
Charges	646.827	.000	2.508	12.3	17,667

## Conclusions

The analysis presented here suggests that county-level jail data can supplement our understanding of the circumstances associated with police-public contacts that result in arrest. Although jail data has limitations and should be interpreted with caution, we find it noteworthy that over half of the offenses for which inmates were arrested and incarcerated fell within a category of offenses related to a higher risk of police victimization. In addition to finding that whites, males, and persons over age 30 posed the highest threat to police officers—as consistent with *LEOKA* findings—our analysis revealed that persons facing multiple charges were considerably more likely than those with a single charge to be involved in higher risk offenses. This might suggest that certain offenders may believe that they have more to lose by their apprehension than do others and, accordingly, actively resist arrest to the point of assault and, sometimes, murder.

Police trainers therefore might find some *LEOKA* data informative and integrate it into classroom instruction and scenario training intended to enhance police capabilities for hazardous encounters and thereby reduce victimization among police officers. *LEOKA* data indicates that assaults on police officers are far more likely than murders. It is logical that, while the loss of life is more egregious than an assault and every effort must be made to reduce the likelihood of such events, many felonious killings start as assaults that then escalate.

Local and state police, however, might face limitations if they solely rely upon national level *LEOKA* data in their development and delivery of training. Local sources of information on police-public encounters probably are underutilized in our efforts to maximize police capabilities. In closing, we see several important advantages to locally derived data. First, information on encounters that turned violent for local officers will resonate in ways that regional or national data simply cannot. In addition, this information could be far timelier, such as monthly or quarterly, instead of both annually and 10 months after the fact for the most recent of national level data. Furthermore, it can provide insights into local trends in police-public encounters and therefore will carry greater credibility with local officers. We conclude that using jail data to more fully understand the local encounters that result in arrest is one more tool that can be brought to bear on informing and training police officers so as enhance their and the public's safety.

## References

- Brown, J. M., & Langan, P. A. (2001). *Policing and homicide, 1976-1998: Justifiable homicide by police, police officers murdered by felons*. Washington, DC: U.S. Department of Justice.
- Federal Bureau of Investigation. (annual from 1972-1981). *Law enforcement officers killed*. Washington, DC: U.S. Department of Justice.
- Federal Bureau of Investigation (FBI). (1972). *Law enforcement officers killed*. Washington, DC: U.S. Department of Justice.
- FBI. (1975). *Law enforcement officers killed*. Washington, DC: U.S. Department of Justice.
- FBI. (1976). *Law enforcement officers killed*. Washington, DC: U.S. Department of Justice.
- FBI. (1982 to present). *Law enforcement officers killed and assaulted*. Washington, DC: U.S. Department of Justice.
- FBI. (2001). *Law enforcement officers killed and assaulted*. Washington, DC: U.S. Department of Justice.
- FBI. (2002). *Law enforcement officers killed and assaulted*. Washington, DC: U.S. Department of Justice.
- FBI. (2005). FBI press release: 2005 statistics on law enforcement officers killed and assaulted. Retrieved January 22, 2007, from [www.fbi.gov/ucr/killed/2005/pressrelease.htm](http://www.fbi.gov/ucr/killed/2005/pressrelease.htm)
- FBI. (2006). *Law enforcement officers killed and assaulted*. Washington, DC: U.S. Department of Justice.
- Fridell, L., & Pate, A. (2001). Death on patrol: Killings of American law enforcement officers. In R. Dunham & G. Alpert (Eds.), *Critical issues in policing* (4th ed.) (pp. 636-663). Prospect Heights, IL: Waveland Press.
- Geller, W., & Scott, M. (1992). *Deadly force: What we know*. Washington, DC: Police Foundation.
- Pinizzotto, A., & Davis, E. (1995). Killed in the line of duty. *FBI Law Enforcement Bulletin*, 64(3), 1-7.

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# Police Foot Pursuits and Officer Safety

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Police must frequently pursue suspects who flee to avoid apprehension and punishment. Although a substantial body of research exists regarding suspect flight and pursuits with motor vehicles (e.g., Alpert, 1997; Hill, 2002), a search of the criminal justice literature failed to uncover a single dedicated study of police foot pursuits. Although the hazards of foot pursuits are not nearly as great as the hazards associated with high-speed motor vehicle pursuits, the “costs and benefits” of foot pursuits are unknown, and we have little or no empirical information about their nature, frequency, or outcomes (Bohrer et al., 2000). To begin to fill this gap in knowledge, this article presents findings from a study of foot pursuits in the Richland County, South Carolina, Sheriff’s Department. Although the original study solicited a broad range of information from deputies regarding their experiences with foot pursuits, the findings reported in this article are limited to issues of officer safety.<sup>1</sup> Specifically, findings are presented on the frequency of foot pursuits, the use of force by and against deputies during foot pursuits, the frequency and severity of foot-pursuit-related injuries (both intentional and accidental), medical treatment and work time lost associated with injuries, and other information.

## Prior Research

Several studies have examined the relationship between various police activities and officer risk of being assaulted and injured (Ellis, Choi, & Blaus, 1993; Hirschel, Dean, & Lumb, 1994; Kaminski & Sorensen, 1995; Uchida, Brooks, & Koper, 1987); however, none examined the risks of assault or injury associated with foot pursuits. Research by Kaminski, DiGiovanni, and Downs (2004) found that the odds of police use of force increased dramatically during arrests that involved pursuits. Although the majority of pursuits in their study presumably occurred on foot, they did not differentiate between foot and motor vehicle pursuits. Studies by Brandl (1996) and Brandl and Stroshine (2003) analyzed incidents in which officers were injured accidentally or intentionally and the activities in which officers were engaged at the time of injury. They found that between 12% and 14% of the injury incidents involved officers chasing suspects on foot and that the vast majority of injuries were accidental, but a detailed analysis of foot pursuits was not provided. As this brief review shows, very little is known about the nature of the hazards officers face when engaging in foot pursuits.

## Data and Methods

The study site for the research was the Richland County, South Carolina, Sheriff’s Department (RCSD). The RCSD is a full-service agency that employed approximately 475 sworn personnel at the time of the study. The RCSD serves a resident population of about 200,000 that is 50% white, 46% African American, and about 3% Hispanic. The racial composition of the agency was 66% white, 31% African American, and about 3% Hispanic. About 81% of the sworn deputies were male.

The study employed a web-based survey to obtain information retrospectively about foot pursuits from deputies ranked lieutenant and below (though four captains

also completed it). The results showed that the survey was accessed 252 times by deputies from mid-August through October 31. Accessing the survey does not mean the survey was completed. In 33 cases, few or no questions were answered, probably because of technical issues or other factors (e.g., a respondent accessed the survey but decided not to participate or to complete the survey at a later time). Another six surveys were partially completed, and all or most questions were answered in 213 surveys. Since there were about 370 deputies with the rank of lieutenant or below at the time of data collection, the study attained about a 60% response rate (59.2%), which is considered good by social science standards (Babbie, 2005).

The average age of the respondents was 38 years (range = 23 to 63); their average length of service was 8 years (range = less than a year to 34 years); and 82% were male. Nearly half of the respondents (49%) held the rank of deputy; about a quarter (26%) were corporals; 29 (14%) were sergeants; 18 were lieutenants (9%); and 4 were captains.

The questionnaire solicited information for three "time frames." In the first section of the questionnaire, deputies were asked about their experiences with foot pursuits since they began working for the RCSO (through June 31, 2006) and includes estimates of the total number of foot pursuits, whether deputies were ever injured, etc. These are variously referred to as career-based, "lifetime," or "ever" estimates. The second section solicited information on deputies' experiences with foot pursuits during the first six months of 2006. Because recall was less of a concern for this time frame than for the career-based estimates, this section asked for additional details regarding foot pursuits. In the third section, the questionnaire asked deputies to provide information about their *most recent* foot pursuit that occurred during the first six months of 2006. The most detail was requested regarding these incidents.

For the purposes of this research, a foot pursuit was defined as any time a law enforcement officer ran after a suspect who was trying to evade police, regardless of whether the pursuit lasted a few seconds or a few minutes. This included deputies running after suspects who fled on foot, on a bicycle, skateboard, scooter, motorcycle, and so forth. It also included any foot pursuit that occurred following a motor vehicle pursuit, such as when a suspect jumped out of a car, ran, and was then chased on foot by a deputy.

## Findings

A premise of the research was that engaging in a foot pursuit elevates officer risk of injury (accidental and/or intentional) and that it is therefore important to obtain estimates of how often deputies pursue suspects on foot. These estimates are presented first. Prior research has shown that arrests requiring the application of physical force by police significantly increases officer risk of injury (Kaminski et al., 2004), and many studies have shown that a substantial number of officers are injured when assaulted (Alpert & Dunham, 2004; Brandl, 1996; Brandl & Strohshine, 2003; Durose, Schmitt, & Langan, 2005; Ellis et al., 1993; Hirschel et al., 1994; Kaminski et al., 2004; Kaminski & Sorensen, 1995; Smith & Petrocelli, 2002; Uchida et al., 1987; U.S. Department of Justice, 2006). Thus, there was an interest in this study to determine the frequency with which deputies used force and were assaulted during foot pursuits. The above studies have also shown that most on-the-job injuries in policing are relatively minor, but because previous research has not examined foot pursuit-related injuries in detail,

we also present data regarding the severity of injuries sustained during foot pursuits, including workdays lost and days worked in a reduced capacity.

### Frequency of Foot Pursuits

Deputies first were asked whether they began working for the RCSD before January 1, 2006, with 218 (96%) of 228 respondents indicating they had and 10 indicating that they began their employment on January 1 or thereafter. Of those hired before the first of the year, 191 (88%) reported engaging in one or more foot pursuits during their careers, and 27 (12%) indicated they had not.<sup>2</sup>

As of June 31, 2006, 214 of the responding deputies estimated engaging in 5,783 foot pursuits while working for the RCSD, for an average of 27 pursuits per deputy. Table 1 shows that about a quarter of the deputies engaged in 0-3 foot pursuits, another 26% engaged in 4-10 pursuits, 23% engaged in 11-26 pursuits, and 26% engaged in 27-408 foot pursuits.

**Table 1. Number of Foot Pursuits While Employed by the RCSD**

	Frequency	Percent	Cumulative Percent
1 0-3	53	24.8	24.8
2 4-10	56	26.2	50.9
3 11-26	50	23.4	74.3
4 27-408	55	25.7	100.0
Subtotal	214	100.0	
Missing	38		
Total	252		

The number of pursuits engaged in varied substantially by unit assigned at the time of the study. As displayed in Table 2, deputies assigned to patrol accounted for the majority of foot pursuits (1,924 or 34% of the total). Twelve responding deputies from the Narcotics Unit, however, reported the highest *average* number of pursuits per deputy (mean = 88). Note, though, that if the one narcotics deputy reporting the extreme value of 408 foot pursuits is removed, the average for the Narcotics Unit deputies drops to 59. The Drug Suppression Team reported an average of 72 pursuits, while the averages for members of the Major Crimes Unit (mean = 28) and Patrol (mean = 26) are lower and close to the overall mean of 27.

The number of pursuits engaged in by deputies varies by length of employment. We calculated the average number of pursuits engaged in per year employed by dividing the number of pursuits by the number of years employed with the RCSD. This produced estimates ranging from a low of .11 pursuits per year (one deputy reported one pursuit in 9 years) to a high of 75 pursuits per year (one deputy reported 149 pursuits over 2 years).<sup>3</sup> On average, deputies reported engaging in just over four pursuits per year (4.48), while the median number was two pursuits per year (1.8).

**Table 2. Number of Foot Pursuits by Unit**

Unit	# Reporting	# of Pursuits	Min - Max	Average	Median
Narcotics	12	1,059	2 – 408	88	41
Drug Suppression	5	358	10 – 149	72	50
Major Crimes	28	635	0 – 120	23	13
Patrol	74	1,924	0 – 275	26	10

**Notes:** Statistics for other units are not presented here due to small numbers of respondents from those units. The number of pursuits reported by two members of the Drug Suppression Team are likely undercounts due to an inadvertent “cap” of 99 placed on the field in the survey that asked how many pursuits were engaged in prior to 2006. This error was detected early and fixed to allow deputies to report any value. This cap also impacted a deputy from the Warrants Section, one from the Major Crimes Unit, and one from an “other” nonspecified unit (each of these deputies also reported 99 pursuits). Thus, the actual number of total estimated pursuits is probably slightly higher than that reported here.

To obtain recent estimates of the incidence of foot pursuits, deputies were asked how many suspects they chased on foot during the first 6 months of 2006. Of 224 respondents, 79 (35%) reported engaging in 425 foot pursuits during this period for an average of 1.9 pursuits per deputy (median = 0). Interestingly, the 79 deputies who engaged in one or more foot pursuits during this time estimated that there were a total of 456 foot pursuits they *could have* engaged in but chose not to for safety or other reasons. Thus, in total, the 79 deputies were presented with about 880 opportunities for foot pursuits and actually pursued suspects on foot in about half (48%).

Table 3 displays the frequency distribution of the number of pursuits deputies engaged in during the 6-month period. As can be seen, most of the 224 respondents (65%) reported engaging in zero pursuits, and just over one-fifth (21%) reported in engaging in one to three pursuits. Those engaging in many pursuits over the 6-month period tended to be assigned to specialized units. For example, the two deputies who each reported 50 pursuits were assigned to the Narcotics and Drug Suppression units, while two other members of the Drug Suppression Team reported 25 and 20 pursuits. Although members of these units tend to engage in substantially more foot pursuits than members of other units, one patrol deputy reported pursuing 25 suspects on foot during the 6-month period.

### Use of Force

Information on use of force by and against deputies was solicited for pursuits occurring during the first half of 2006 and for deputies’ *most recent* pursuit during that time frame. For the period January 1 to June 31, 2006, deputies were asked whether or not one or more of the suspects they chased on foot attacked them without a weapon (physical force only). Sixty-eight of the 79 deputies (86%) indicated that no suspect attacked them, while 11 deputies (14%) indicated that they were attacked without a weapon during one or more pursuits. Specifically, six deputies reported being attacked during one foot pursuit, two reported being attacked during two pursuits, one reported being attacked during three, one reported being attacked during five, and one reported being attacked during 15 foot pursuits. In all, 11 deputies indicated they were attacked physically by suspects during 33 foot pursuits. Since deputies estimated they engaged in 425 pursuits during this time frame, assaults on deputies occurred during 8% of the pursuits. In other words, attacks on deputies occurred

in 8 of every 100 foot pursuits, or 1 in 13. Attacks with weapons were rarer, with 74 of 79 deputies (94%) indicating no such attacks during the 6-month period. Four deputies indicated they were attacked with a weapon during one pursuit, and one deputy reported being attacked with a weapon during two pursuits.

**Table 3. Number of Foot Pursuits January 1 – June 31, 2006**

	Frequency	Percent	Cumulative Percent
0	145	64.7	64.7
1	26	11.6	76.3
2	13	5.8	82.1
3	9	4.0	86.2
4	5	2.2	88.4
5	9	4.0	92.4
6	1	.4	92.9
7	2	.9	93.8
8	2	.9	94.6
10	6	2.7	97.3
15	1	.4	97.8
20	1	.4	98.2
25	2	.9	99.1
50	2	.9	100.0
Subtotal	224	100.0	
Missing	28		
Total	252		

Because police are authorized to use force to subdue actively resistive suspects, it is not surprising that the rate of force used by deputies was substantially higher than that used by suspects. Regarding force used by deputies, 50 (63%) indicated that they used only physical force (no weapon) to apprehend fleeing suspects during 242 pursuits. Thus, deputies used physical force in 57 of every 100 foot pursuits (57%), or about 1 in 2  $[(242/425)*100]$ . Fifty-six deputies (71%) reported threatening the use of a weapon during 227 foot pursuits (53 of every 100 or about 1 in 2), and 27 deputies (34%) said they actually used a weapon during 59 pursuits (14 of every 100 or about 1 in 7).

When asked about their *most recent pursuit* that occurred during the period of January to June of 2006, 27 of 75 deputies (36%) reported that a suspect had resisted or threatened them (excluding the suspect's initial flight as a form of resistance). As shown in Table 4, when asked what the highest level of physical resistance presented was, deputies indicated that suspects most often pulled away or tried to escape a second time (12 suspects or 44%). Another eight suspects (30%) resisted aggressively by striking deputies with their hands, fists, or feet or by biting them. Another four (15%) stiffened up or refused to move, and one suspect pushed, pulled, or slapped the deputies' hands away. In two pursuits, deputies reported that suspects used a weapon (a firearm) against them or a partner.

Note that the percentage of deputies reporting being attacked without a weapon during the 6-month period (14%) is substantially lower than the 36% indicating suspects threatened or resisted during their most recent foot pursuit. If in Table 4 we only count the nine pursuits during which suspects assaulted deputies (pushed/

pulled/slapped hands away or punched/kicked/hit/bit), however, we obtain a value similar to that reported for the 6-month period  $[(9 / 75) * 100 = 12\%]$ .

**Table 4. Highest Level of Force Used by Suspects During Most Recent Pursuit**

	Frequency	Percent	Cumulative Percent
1 Refused to move, stiffened up	4	14.8	14.8
2 Pulled away, ran away again	12	44.4	59.3
3 Pushed, pulled, slapped hands away	1	3.7	63.0
4 Punched, kicked, hit, bit	8	29.6	92.6
6 Used weapon	2	7.4	100.0
Subtotal	27	100.0	
8 Not applicable	193		
Missing	32		
Subtotal	225		
Total	252		

Thirty-five of the 75 deputies (47%) indicated that they used some type of force to apprehend fleeing suspects (excluding verbal commands). This estimate is lower than the 63% reported earlier regarding deputies use of physical force during the full 6-month period. This may be due to a variety of factors, including differences in recall regarding all pursuits during the 6-month period versus (presumably better) recall regarding the most recent pursuit and/or a chance factor, meaning that simply by chance many of the most recent pursuits did not involve force.

Table 5 displays the highest level of force used by deputies to apprehend and subdue fleeing suspects during their most recent pursuit. One deputy reported discharging a firearm; two released a K-9; eight (23%) discharged a Taser (dart mode); one used pepper spray (OC); and two used strikes with hands, fists, or feet. Most deputies, however, used some type of soft hands-on tactic, such as holding, pushing, joint locks, PPCT, or take downs (60%).

**Table 5. Highest Level of Force Used by Deputies During Most Recent Pursuit**

	Frequency	Percent	Cumulative Percent
1 Firm grip, holding, handcuffing	7	2.8	20.0
2 Push, shove, trip	7	2.8	40.0
3 Joint locks, PPCT, take down, wrestling, etc.	7	2.8	60.0
4 OC	1	0.4	62.9
5 Strikes with hands, fist, feet	2	0.8	68.6
8 Taser – dart	8	3.2	91.4
10 Dog – release	2	0.8	97.1
12 Firearm discharge	1	0.4	100.0
Subtotal	35	13.9	
88 Not applicable	185	73.4	
Missing	32	12.7	
Subtotal	217	86.1	
Total	252	100.0	

Because foot pursuits involve suspects actively running away from deputies, there was an interest in determining whether or not deputies used some type of force against suspects while suspects were actively running away and whether or not the tactic was successful in stopping the suspect. Fifteen of the 35 deputies who used force (43%) indicated that they used some type of force against suspects while the suspects were actively running, with the vast majority reporting the tactic was successful (93%).

Deputies also were asked whether or not a suspect tried to take their firearm away during the pursuit, with three deputies indicating this was the case. Fortunately, deputies reported that none of the suspects were successful. Although the survey didn't ask whether suspects attempted to take other weapons from deputies, it is important to consider attempts by suspects to take deputies' Tasers or OC canisters in future research, as these can be used to incapacitate officers, potentially making it easy to acquire a deputy's firearm.

Although based on relatively few incidents and caution must be used in generalizing the results, the data suggests that deputies can expect resistance or force to be used against them in about one of every three foot pursuits, while deputies can be expected to use force to apprehend suspects fleeing on foot in about one of every two pursuits. While the level of the force used by and against deputies generally was on the low end of the use-of-force continuum, nearly 40% of the pursuits involved serious levels of force used against deputies by fleeing suspects, including strikes with fists or feet and use of weapons. Similarly, deputies used relatively high levels of force in 40% of the pursuits, including strikes with fists or feet, the use of Tasers, K-9s, OC, or firearms.

## **Injuries**

Deputies were asked about accidental injuries and injuries intentionally caused by suspects that occurred in the course of pursuing suspects on foot. Results regarding intentional injuries sustained since working for the RCSD are presented first, followed by estimates for the first 6 months of 2006. Information on injuries sustained during deputies' most recent pursuits during the 6-month period is then presented. Results regarding accidental injuries are presented after that.

### ***Intentional Injuries Since Deputies Began Working for the RCSD***

Sixty-two of 187 responding deputies (33%) reported being injured intentionally by suspects during at least one foot pursuit since they began working for the RCSD. When asked about the most serious treatment ever received for an intentionally caused injury (see Table 6), two deputies reported receiving injuries serious enough to require one or more overnight stays in a hospital (3.2%).

One of these deputies reported spending two nights in a hospital, while the other reported spending one night in a hospital. Another 26 deputies (42%) indicated they were treated by a physician. Thirteen (21%) received less severe injuries and were treated at the scene, while 17 (27%) only required self-treatment. Four deputies (7%) indicated they received minor injuries that didn't require any treatment. Overall, nearly half of the deputies (45%) reported receiving injuries serious enough to require treatment by a physician.

**Table 6. Most Serious Treatment Received for Intentional Injury, Career-Based Estimates**

	Frequency	Percent	Cumulative Percent
1 No treatment needed	4	6.5	6.5
2 Self-treatment only	17	27.4	33.9
3 Treated at the scene	13	21.0	54.8
4 Treated by medical doctor	26	41.9	96.8
5 1+ overnight stays at hospital	2	3.2	100.0
Subtotal	62	100.0	
8 Not applicable	166		
Missing	24		
Subtotal	190		
Total	252		

Deputies who reported being injured intentionally during a foot pursuit were then asked whether any injury caused them to miss a day or more of work and whether any injury caused them to work in a reduced capacity for a day or more. Fifty-eight of the 62 injured deputies responded to these questions. Of these, 18 (31%) indicated that they missed a day or more of work due to an intentionally caused injury, and 11 (19%) reported that they worked in a reduced capacity.

In Table 7, we see that two intentionally injured deputies reported being out of work a total of 7 months, with one out for 5 months and two out for one month each. Two deputies missed 6 weeks of work, with one out for 2 weeks and one out for 4 weeks. Twelve deputies reported being out of work a total of 21 days. Five missed one day of work, another five missed 2 days of work, and two others each reported missing 3 days of work.

**Table 7. Intentional Injuries Causing Deputies to Miss Work and/or to Work in a Reduced Capacity, Career-Based Estimates**

	Missed Work			Worked in Reduced Capacity		
	Total Time	# Deputies	Mean	Total Time	# Deputies	Mean
Months	7	2	3.50	10	3	3.33
Weeks	6	2	3.00	7	2	3.50
Days	21	12	1.75	9	3	3.00
Sum (days)	273	16	17.06	358	8	44.75

**Notes:** Some deputies may have both missed work and worked in a reduced capacity, while others may have only missed work or only worked in a reduced capacity. When calculating the total number of days, a 30-day month and 7-day week were assumed.

Three deputies reported they worked in a *reduced capacity* for a total of 10 months. One deputy did so for 6 months, one for 3 months, and one for one month. Two deputies reported working in a reduced capacity for a total of 7 weeks, with one doing so for 4 weeks and the other for 3 weeks. Three deputies worked in a reduced capacity for 9 days, with one doing so for 5 days and two for 2 days each. (One injured deputy didn't specify how long he or she worked in a reduced capacity.)

As displayed in the bottom row of Table 7, 16 deputies missed approximately 273 days of work due to intentional injuries sustained during their tenure with the RCSD, for an average of 17 days lost per deputy. Eight deputies worked in a reduced capacity for approximately 358 days, for an average of 45 days each.

### ***Intentional Injuries During First 6 Months of 2006***

Of the 79 deputies involved in foot pursuits during the 6-month period, eight (10%) reported being injured in one or more pursuits. Six were not injured seriously, with four being treated at the scene and two only requiring self treatment or no treatment. Two deputies received more serious injuries that required treatment by a medical doctor, but no overnight stay at a hospital. Of those injured, only one reported missing 2 days of work due to injury, and no deputies reported having to work in a reduced capacity.

If we assume the risk of injury among deputies is constant throughout the year, the annual risk for pursuit-related intentional injuries among those sampled would be 20 per 100 deputies, which is substantially lower than the “lifetime” risk of 33 per 100 deputies reported above.

If deputies were involved in more than one foot pursuit during the 6-month time frame, they also were asked to provide information about any intentional injuries received during their most recent foot pursuit. No deputies reported being intentionally injured during their most recent foot pursuit.

### ***Accidental Injuries Since Deputies Began Working for RCSD***

Of 186 deputies ever engaging in a foot pursuit, 80 (43%) reported being injured accidentally during at least one pursuit since they began working for the RCSD. As displayed in Table 8, 34 (43%) of the injured self-treated, 16 (20%) were treated at the scene, and two didn’t require any treatment. Thirty-five percent of the deputies, however, were injured more seriously, with 24 (30%) treated by a physician and 4 (5%) requiring one or more overnight stays at a hospital. Three of these deputies each reported spending 2 days at a hospital or medical facility, and one reported spending one day.

Of the 80 injured deputies, 76 provided information on how injuries impacted their work. Nineteen deputies (25%) reported missing a day or more of work due to their injuries. As displayed in Table 9, 12 deputies missed a total of 22 days, with one missing 6 days, six each missing 2 days, and four each missing one day. Three other deputies reported missing a total of 12 weeks of work, with one missing 8 weeks and two each missing 2 weeks. Five deputies reported missing a total of 13 months of work, with one missing 5 months, one missing 3 months, two each missing 2 months, and one missing one month of work.

Eighteen (24%) of the 76 injured deputies reported having to work in a *reduced capacity* as a result of an accidental injury. Five deputies worked in a reduced capacity for a total of 14 months, with one doing so for 5 months, two each for 3 months, one for 2 months, and one for one month. Eight deputies worked in a reduced capacity for a total of 19 weeks, with one deputy doing so 4 weeks, two each for 3 weeks, four each for 2 weeks, and one working in a reduced capacity for one week. Five deputies worked in a

reduced capacity for a total of 22 days, with one deputy working in a reduced capacity for 11 days, one for 7, one for 2, and two deputies each doing so for one day.

**Table 8. Most Serious Treatment Received for Accidental Injury, Career-Based Estimates**

	Frequency	Percent	Cumulative Percent
1 No treatment needed	2	2.5	2.5
2 Self-treatment only	34	42.5	45.0
3 Treated at the scene	16	20.0	65.0
4 Treated by medical doctor	24	30.0	95.0
5 1+ overnight stays at hospital	4	5.0	100.0
Subtotal	80	100.0	
8 Not applicable	147		
Missing	25		
Subtotal	172		
Total	252		

**Table 9. Accidental Injuries Causing Deputies to Miss Work and/or to Work in a Reduced Capacity, Career Estimates**

	Missed Work			Worked in Reduced Capacity		
	Total Time	# Deputies	Mean	Total Time	# Deputies	Mean
Months	13	5	2.60	14	5	2.80
Weeks	12	3	4.00	19	8	2.38
Days	22	12	1.83	22	5	4.40
Sum (days)	496	20	24.80	575	18	31.94

**Notes:** Some deputies may have both missed work and worked in a reduced capacity, while others may have only missed work or only worked in a reduced capacity. When calculating the total number of days, a 30-day month and 7-day week were assumed.

As shown in the bottom row of Table 9, 20 deputies missed approximately 496 days of work due to accidental injuries sustained during their careers with the RCSD, with an average of 25 days lost per deputy. Eighteen deputies worked in a reduced capacity for 575 days during this time, for an average of 32 days per deputy.

A comparison of Table 9 to Table 7 indicates that although a substantial number of workdays are lost due to intentional injuries (N = 273), accidental injuries account for an even greater number of workdays lost (N = 496). If we combine the totals for each, about 65% of the days lost are due to accidental injuries, or 1.82 workdays lost due to accidental injuries for each workday lost due to intentional injuries. A similar pattern is observed for injuries causing deputies to work in a reduced capacity. Specifically, intentional injuries caused deputies to work in a reduced capacity for 358 days; whereas, accidental injuries caused deputies to work in a reduced capacity for 575 days, or 62% of the total (or 1.61 workdays lost due to accidental injuries for each workday lost due to intentional injuries).

## ***Accidental Injuries During First 6 Months of 2006***

Of the 79 deputies involved in foot pursuits during the 6-month period, 11 (14%) reported being injured accidentally in one or more pursuits. Eight self-treated their injuries, two were treated at the scene, and one received treatment by a medical doctor. Only one deputy reported missing a day or more of work due to an accidental injury during the 6-month period (two days), and no deputies reported having to work in a reduced capacity during that time.

If we assume the risk of injury among deputies is constant over the year, the annual risk for pursuit-related accidental injuries among those sampled would be 28 per 100 deputies, which is substantially lower than the “lifetime” risk of 43 per 100 deputies reported earlier. It is interesting to note, however, that the deputies’ estimates of injury risk were greater for accidental than for intentional injuries regardless of whether career estimates or estimates for the first 6 months of 2006 are examined.

If deputies were involved in more than one foot pursuit during the 6-month time frame, they were asked to provide information about any accidental injuries received during their most recent foot pursuit. Only one deputy reported being injured accidentally during the most recent pursuit. The injury was minor and didn’t require treatment.

In summary, the “lifetime” risk of being injured during foot a pursuit appears to be high, with one-third of the responding deputies reporting having been injured intentionally at least once and 43% reporting having been injured accidentally at least once. Furthermore, a substantial proportion of the injuries were nontrivial, with between 40% and 45% of the deputies indicating they required treatment by a medical doctor. Intentionally injured deputies estimated missing 273 days of work and working in a reduced capacity for 358 days, while deputies sustaining accidental injuries reported missing 496 days of work and working in a reduced capacity for 575 days. Although the development of training or policy for injury reduction should address injuries from any cause, these results suggest it may be particularly important to examine the causes and nature of accidental injuries as they appear to present a greater burden in terms of cost. Extrapolating from the 6-month injury estimates, the annual risk of injury and associated costs were lower than the lifetime risks but still substantial.

## **Discussion**

Given the lack of empirical information about the nature of police foot pursuits and associated hazards, this study used a web-based questionnaire to survey deputies retrospectively about their experiences chasing fleeing suspects on foot. In terms of officer safety, the results were revealing, indicating that during their careers deputies will on average engage in many foot pursuits. The results also showed, however, that deputies in specialized units (e.g., narcotics) can expect to engage in foot pursuits at a substantially higher rate.

Although assaults on officers during foot pursuits appear to be relatively rare, occurring in about 8% of the pursuits in this study (career-based estimates), this rate of assault appears to be substantially higher than the rate of assault on police generally. For instance, Kaminski et al. (2004) found that officers were assaulted in only 2% of arrests in one large southeastern municipal police department. Thus, compared to arrests generally, foot pursuits appear to be a higher risk activity.

The RCSD data also showed that suspects resisted arrest (excluding the initial flight) or threatened officers at a high rate (36% of pursuits). Recent research found that the likelihood of officer injury also increases significantly with increases in levels of suspect *resistance* (Smith, Kaminski, Rojek, Alpert, & Mathis, in press). Thus, although assaults present a greater risk to police, resistance on the part of suspects during foot pursuits should not be discounted as an element affecting officer safety.

The use of force to apprehend fleeing suspects also was common, with physical force used by deputies in about 1 of every 2 foot pursuits and a weapon used in about 1 of every 7 pursuits. Since the very act of running away to avoid capture represents active resistance on the part of suspects, high rates of use of force by police to apprehend them is to be expected. That said, this represents a much higher rate of use of force than is used in making arrests generally (Adams, 1999; Kaminski et al., 2004), again indicating that foot pursuits represent a substantial risk to police as use of force also is a strong correlate of officer injury (Kaminski et al., 2004).

Although statistics on suspect resistance and the use of force by and against deputies may be useful indicators of the potential hazards associated with foot pursuits, injury rates are more useful measures of risk. Regarding previous research, several studies examined rates of officer injury using calls for service in the denominator. These studies found the rate to be low—along the order of 4.6 to 7.9 injuries per 10,000 calls for service (Ellis et al., 1993; Hirschel et al., 1994; Uchida et al., 1987). The choice of denominator, of course, substantially affects the estimates obtained. Using arrests in the denominator, Kaminski et al. (2004) found that .89 officers were injured for every 100 arrests; whereas, studies that used assaults in the denominator found the rate of injury to be between 24 and 48 per 100 assaults (Hirschel et al., 1994; Kaminski et al., 2004; Uchida et al., 1987; U.S. Department of Justice, 2006).

Precise estimates of the injury rate using the number of pursuits in the denominator are not possible using the RCSD data,<sup>4</sup> but if we assume that the deputies who reported being injured one or more times during the first 6 months of 2006 were injured only once, the calculated rate of injury is 1.88 per 100 pursuits [(8/425)\*100]. While this indicates the risk of injury is not nearly as great as when police are assaulted, the rate of injury is substantially higher than the rate associated with arrests generally (Kaminski et al., 2004).

Even given that relatively few officers are injured (or injured seriously) while engaging in foot pursuits, the “costs” of the injuries that are sustained to agencies appear to be high. In the RCSD, the data indicates that one-third of the deputies were injured intentionally at least once, and 43% were injured accidentally at least once during their tenure. Between 40% and 45% of the deputies indicated their injuries required treatment by a medical doctor. Furthermore, deputies estimated missing 848 days of work and working in a reduced capacity for 933 days due to pursuit-related injuries, with accidental injuries accounting for greater proportions of both.

In conclusion, foot pursuits appear to be more hazardous than arrests generally, with injuries sustained during foot pursuits accounting for substantial numbers of workdays lost and employees having to work in a reduced capacity. Although further research in other law enforcement agencies is needed to corroborate these findings, the findings reported here suggest that law enforcement administrators may want to revisit existing foot pursuit training protocols and to consider

developing written policies to manage foot pursuits, an apparently growing trend in policing (e.g., Bohrer, Davis, & Garrity, 2000).<sup>5</sup> Substantial percentages of deputies in this study agreed that training for foot pursuits is important, both at the academy and on the job (81% and 78%, respectively), and 63% agreed that departments should have written guidelines regarding foot pursuits.

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## Bibliography

- Adams, K. (1999). What we know about police use of force. In U.S. Department of Justice (Ed.), *Use of force by police: Overview of national and local data* (pp. 1-14). Washington, DC: National Institute of Justice.
- Alpert, G. P. (1997). *Police pursuit: Policies and training*. Research in Brief. Washington, DC: National Institute of Justice.
- Alpert, G. P., & Dunham, R. G. (2004). *Understanding police use of force: Officers, suspects, and reciprocity*. Cambridge, NY: Cambridge University Press.
- Babbie, E. (2005). *The basics of social research* (3rd ed.). Belmont, CA: Wadsworth.
- Bohrer, S., Davis, E. F., & Garrity, T. J. (2000). Establishing a foot pursuit policy. *The FBI Law Enforcement Bulletin*, 69(5), 10-15.
- Brandl, S. G. (1996). In the line of duty: A descriptive analysis of police assaults and accidents. *Journal of Criminal Justice*, 24(3), 255-264.
- Brandl, S. G., & Strohshine, M. S. (2003). Toward an understanding of the physical hazards of police work. *Police Quarterly*, 6(2), 172-191.
- Durose, M. R., Schmitt, E. L., & Langan, P. A. (2005). *Contacts between police and the public*. Washington, DC: Bureau of Justice Statistics.
- Ellis, D., Choi, A., & Blaus, C. (1993). Injuries to police officers attending domestic disturbances: An empirical study. *Canadian Journal of Criminology*, 35(2), 149-168.
- Hill, J. (2002). High-speed police pursuits: Dangers, dynamics, and risk reduction. *The FBI Law Enforcement Bulletin*, 71(7), 14-18.
- Hirschel, D. J., Dean, C. W., & Lumb, R. C. (1994). The relative contribution of domestic violence to assault and injury of police officers. *Justice Quarterly*, 11(1), 99-116.
- Kaminski, R. J. (2004). *The murder of police officers*. New York: LFB Scholarly Publishing, LLC.
- Kaminski, R. J., DiGiovanni, C., & Downs, R. (2004). The use of force between the police and persons with impaired judgment. *Police Quarterly*, 7(3), 311-338.

- Kaminski, R. J., & Sorensen, D. W. M. (1995). A multivariate analysis of individual, situational, and environmental factors associated with police assault injuries. *American Journal of Police, 14*(3), 3-48.
- Pinizzotto, A. J., Davis, E. F., & Miller, C. E., III. (2002). Escape from the killing zone. *The FBI Law Enforcement Bulletin, 71*(3), 1-13.
- Smith, M. R., Kaminski, R. J., Rojek, J., Alpert, G., & Mathis, J. (in press). The impact of conducted energy devices and other force on police and suspect injuries. *Policing: An International Journal of Police Strategies and Management*.
- Smith, M. R., & Petrocelli, M. (2002). The effectiveness of force used by police in making arrests. *Police Practice and Research, 3*(3), 201-215.
- Uchida, C. D., Brooks, L. W., & Koper, C. S. (1987). Danger to police during domestic encounters: Assaults on Baltimore County police. *Criminal Justice Policy Review, 2*(4), 357-371.
- U.S. Department of Justice. (2006). Law enforcement officers assaulted: Number of assaults and percent injured by type of weapon [Table]. Washington, DC: Federal Bureau of Investigation. Retrieved January 20, 2007, from [www.fbi.gov/ucr/killed/2005/table68.htm](http://www.fbi.gov/ucr/killed/2005/table68.htm)

## Endnotes

- <sup>1</sup> The full report is available from the author upon request.
- <sup>2</sup> The ten deputies hired after January 1 are excluded from the career-based calculations. Seven of these deputies reported engaging in no foot pursuits since January 1; one reported engaging in one foot pursuit; and two reported engaging in five each.
- <sup>3</sup> Twenty-two deputies (11%) reported zero pursuits.
- <sup>4</sup> This is because deputies were asked whether or not they were injured one or more times during the 6-month period, rather than how many times they were injured in separate pursuit incidents. It is probably reasonable to assume, however, that most deputies were injured only once during this time frame. To the extent deputies were injured more than once, the estimated rate of injury is conservative.
- <sup>5</sup> The International Association of Chiefs of Police developed a model policy for foot pursuit in 2003 (see [www.theiacp.org/pubinfo/modpolalpha.htm](http://www.theiacp.org/pubinfo/modpolalpha.htm)).

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# Officer Safety Concerns on Calls Involving Individuals with a Mental Illness

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The frequency of law enforcement contact with individuals with a mental illness has increased in recent years (Gillig, Dumaine, Stammer, Hillard, & Grubb, 1990) due to a variety of factors including improvement in medication effectiveness, de-institutionalization, and inadequate treatment resources. Although most individuals with a mental illness are not violent (U.S. Department of Health and Human Services, 1999), research has shown that there does appear to be a relationship between mental illness and violent behavior (Monahan, 1992). Law enforcement officers are not generally called when things are going well; they are more likely to receive a call for service in situations in which an individual is in crisis or exhibiting bizarre, threatening, or even violent behavior. Complicating these calls for officers is the likelihood that individuals who are experiencing symptoms of a mental illness will not respond to traditional police techniques and interventions, and in fact, their behavior may escalate. Officers can increase their safety, as well as that of the individuals to whom they are responding and the general community by increasing the effectiveness of their interactions with individuals who have a mental illness.

Publicized episodes of violence by individuals with a mental illness have helped prolong the misconception that individuals with a mental illness are far more violent than the general population (Angermeyer & Matschinger, 1996; Thornton & Wahl, 1996; Steadman, 1981), when in fact, less than 5% of violent acts in the United States can be attributed to individuals with serious mental illness (Monahan, 1992; Walsh, Buchanan, & Fahy, 2001). Due to the growing evidence of the link between serious mental illness and violent behavior (Monahan, 1992; Steinwachs, Kasper, & Skinner, 1992; Swanson, Estroff, & Swartz, 1997; Taylor, 1985), however, it is important for officers to be aware of the risk factors and warning signs of violence and understand how to effectively interact with individuals who are in crisis and/or experiencing symptoms of serious mental illness. Among individuals with a serious mental illness, it appears that a past history of violence (Treatment Advocacy Center, 2003), substance abuse (Rasanen, Tiihonen, & Isohanni, 1998) and noncompliance to medication (Smith, 1989; Swanson, Estroff, & Swartz, 1997; Yesavage, 1982) are the greatest predictors of violent behavior.

## Effective Interactions

When officers respond to an individual with a mental illness, that individual may be frightened, confused, paranoid, responding to internal stimuli, or experiencing other symptoms of mental illness. Strategies and techniques that officers utilize

with the general population may not work with these individuals and may even lead to an escalation of behaviors that could put officers at risk of injury.

Officers should keep the following basics of interaction in mind:

- Personal safety always come first.
- Understand that your presence may be frightening to people (e.g., uniform, weapons, radio, etc.).
- Approach and interact in a nonthreatening manner.
- Only one officer should be interacting with the individual at a time.
- Indicate that you are there to help.
- Maintain adequate personal space.
- Speak simply and briefly.
- Maintain a calm, low voice.
- Move slowly.
- Give simple, clear directions.

Officers should try not to do the following:

- Take anything that is said personally or react in an emotional way.
- Laugh inappropriately or use derogatory language such as “crazy” or “nuts.”
- Engage in a power struggle.
- Agree with delusions or hallucinations.
- Argue with delusions or hallucinations.
- Make promises they can’t keep.

Although calls that involve an individual with a mental illness can take more time to resolve peacefully, officers can reduce the chance of injury to themselves as well as individuals with a mental illness when patience is exercised and additional time is taken, whenever possible.

## Case Studies

The following case studies are based on the experiences of one of the authors, a certified crisis intervention team officer and instructor.

### Case Study #1

At approximately 5:00 AM, a call was received and dispatched as “assist medical” at a college dorm. Upon arrival, officers found an adult female speaking on the phone to a 911 operator. After questioning the female, the officers discovered that she was the mother of one of the residents. They learned that her daughter was an 18-year-old freshman and that she had called her mother in the middle of the night and told her that she wasn’t “feeling right” and needed help. The mother then drove approximately three hours to the residence and called for medical assistance. The mother told officers that her daughter was making “strange” statements. The officer on scene inquired as to whether the daughter had any past history of mental illness or had been taking any medications. The mother stated that there was no history at all. The officer then directed the backup officer to remain with the mother because she was visibly upset and proceeded to the room to assess the situation.

Upon arrival at the room, the officer found the girl in question lying on her bed on her back. There was a Bible on her chest and she had her arms extended straight up towards the ceiling. Her eyes were closed, and it sounded like she was praying. The officer asked the roommate to leave the room and began to try to communicate with the subject. After repeated attempts to talk to the girl, she opened her eyes and said, "You made the angels go away" and started to cry. The officer then noted that the subject's pupils were completely dilated, and it appeared that she was actively hallucinating. After repeated statements in which the officer provided his first name and assured the subject that he was there to help her and make sure she was okay, the subject blinked several times and looked at the officer directly for the first time. The officer asked whether she knew who he was and the subject correctly gave the officer's first name and said "You're here to help me." The officer once again assured her that he was only there to help her and told her that her mother was very concerned about her and that we were going to take her to the hospital to get some help. The subject began to cry again and thanked the officer and asked if she could take her Bible. The officer assured her that she could and assisted her in finding and putting on her shoes.

Medical personnel arrived outside the room and were told to stand by until the officer was ready for them. Upon opening the door, the officer talked the subject onto the gurney for transport. When the subject was on the gurney, she became agitated once again and slipped out of her lucid state. It was at this point that the officer and paramedics had to use physical force to restrain the subject on the gurney. The mother started to intervene, but the back-up officer once again removed her from the immediate area. Although the subject was very petite, she resisted officers and medical staff with enough force to literally destroy the uniforms of the officers and paramedics. She was eventually restrained and transported to the hospital.

The mother was advised that her daughter would be held for evaluation by the emergency room staff. The mother was fearful that her daughter would be going to jail and was assured that would not happen. The officer assisted the mother in filling out a Petition for Involuntary Admission and did one himself, as well. The mother had the daughter moved to a private facility near their home shortly following this incident.

This case study shows a myriad of problems an officer could encounter on calls that involve an individual with a mental illness. One such difficulty in this case was a parent who was not thinking clearly and illogically drove several hours before calling for assistance. An obvious officer safety concern arises with the officer in the room alone with the subject, but the more important need was fulfilled by keeping a very upset mother out of the interaction. In a perfect world, a third officer would have been present. One of the techniques the officer used to good effect was continuing to tell the subject his name and his intention to help her, even when there did not seem to be any response. While the subject's lucidity was short lived, the repetition of his purpose allowed him some success.

## Case Study #2

Officers responded to assist a neighboring department with a domestic complaint. Upon arrival, the officers met with the responding officer from the neighboring department and proceeded to the third floor of an apartment building. The officers found a white male subject standing in the hallway outside of the apartment where the call originated. Two of the officers stayed with the male while the other officer went into the apartment to speak to the female.

The first officer requested the male's identification and tried to ascertain the nature of the conflict. The male subject was openly hostile and very uncooperative with the first officer, a Hispanic female. It was later learned that the subject "hates" females as well as Hispanics. The first officer correctly disengaged and stepped behind the second officer and allowed him to take over. The male subject immediately became very cooperative and accommodating with the male officer. He told the officers that he had taken a train to the area so he could see his sister, a student and the occupant of the apartment. He went on to say that he did not know why his sister was upset with him because he just wanted to make sure she was alright. When the second officer requested the subject's identification, he complied by removing his wallet and opening it to show the officer his state identification card. The officer then asked the subject to remove the ID from the wallet so his information could be recorded. In the process of handing the ID card to the officer, the subject accidentally dropped it on the floor. The subject immediately began screaming and cursing while stomping around the hallway. The officer talked to the subject, telling him that there was no need to get so upset and the ID could just be picked up. The subject instantly deescalated and told the officer in quiet tones that he was sorry for his behavior and there was no excuse for acting in such a manner. He bent down to retrieve the ID and handed it to the officer. The officer handed the ID to the first officer in order to free up his hands to deal with the unpredictable subject.

The officer continued his conversation with the subject as a delaying tactic until the officer from the neighboring department finished his interview with the sister. At one point, the subject asked whether he could smoke a cigarette, and the officer said that would be fine. When the subject opened his new box of cigarettes and took one out, several more fell on the floor. Once again, the subject launched into a tirade of screaming and cursing while stomping around the hallway. The officer once again told the subject that there was no need to get upset and the cigarettes could just be picked up. The subject again instantly deescalated and apologized to the officer for his conduct. It was at that point that the officer noticed that during the contact they had moved closer to the end of the hallway where there was a large window with no glass that was open to the outside. Considering the unpredictable behavior of the subject, the officer decided that they should move to the parking lot and away from the three-story drop. A third back-up officer arrived shortly prior to this and was standing with the first officer in the hallway. The second officer told the subject that they should go downstairs to the parking lot so they could finish their business while the officer from the neighboring department finished talking to his sister. The subject agreed

after more conversation, and as the officers and the subject moved to leave the hallway, the late-arriving back-up officer tried to initiate a conversation with the subject, with limited knowledge of the previous events that had occurred during the call. The officer barely spoke one word before the subject lost complete control and ran up the wall and jumped at the officers.

After a lengthy struggle down the hallway, down three flights of stairs, across a parking lot, and into the back of a squad car, the subject was taken to the hospital for evaluation. The subject was completely out of control during the ride, screaming and thrashing in the rear of the squad, and upon arrival at the hospital, he was restrained on a gurney by security and police. The subject continued to rant and tried to bite and spit at hospital personnel. He was eventually controlled with a very high dose of a sedative. When the blood work was complete, it was learned that the subject had cocaine, methamphetamine, cannabis, alcohol, antipsychotics, and mood stabilizers in his system. It was also determined that he had been recently released from jail.

In this case, when the subject continued to show unpredictable and possibly violent behavior, some training would suggest that the subject should have been restrained at the first outburst. While a struggle still ensued, it was not because of the actions of the first two officers but because a back-up officer violated a rule in dealing with individuals who have a mental illness and became involved in the interaction when there was no need. On the other hand, the first officer removed herself from the position of contact officer when she sensed that no progress was being made.

### **Case Study #3**

Officers responded to a call of a possible attempted suicide in a college dormitory, which was called in by the resident director (RD). When officers arrived and met with the RD, they were advised that one of the residents had reported that her roommate had tried to cut her wrists. The subject in question and her roommate were waiting in the RD's office.

The responding officer had been dispatched because of his specialized training in responding to individuals who were in crisis and/or experiencing symptoms of a mental illness. The officer made contact with the subject and asked the subject what she could tell him about what was going on. The subject stated that she was fine and did not need any help. When the officer asked whether she wanted to hurt herself, she replied that she had been having some problems, but everything was fine. She told the officer that she was from the United Arab Emirates and her parents had just told her that they were arranging a marriage, and she would have to return home when she finished her studies. The subject told the officer that she did not wish to return home, and she most certainly did not want to enter into an arranged marriage. She then showed the officer her wrists upon his request, and he saw that there were several small, superficial cuts on both of her wrists. When asked how this occurred, she told him that she had tried to cut her wrists with a disposable razor. At this point, the officer came to the logical conclusion through his experience that this might be attention-seeking behavior rather than a serious suicide attempt. Though this conclusion would often prove to

be correct, his follow-up question demonstrated that he was wrong. When asked why she would use a disposal razor, she replied, "My roommate took the scissors and knives out of the room last week because she was worried about me. That was the sharpest thing I could find."

The officer then advised her that he would be taking her to the hospital for evaluation. The subject stated that she did not want to go to the hospital but was told by the officer that she did not have a choice. The officer gave her the choice of being transported by ambulance or riding in his squad car. The subject chose to go with the officer. She was taken downstairs, and the officer searched and restrained her after allowing her to smoke a cigarette. She was transported to the hospital, and the officer completed a Petition for Involuntary Admission. The subject was held for evaluation by medical personnel.

Case Study #3 shows very clearly the risk in making assumptions before the questioning is finished. By trying to fit the subject into a certain profile, that of someone just seeking attention, the larger issue could have been missed. It also shows that departments who give their officers the discretion of transport options could have less potential for problems in actually getting the subject to the hospital.

#### **Case Study #4**

Officers responded to a call of a man down in a fringe area of the city. Upon arrival, they found a male subject lying in the grass on a small knoll. When the officers approached the subject, he got up and asked whether he could help them. The officers told the subject that they had received a call and were there to make sure he was okay. The contact officer asked the subject whether he needed any assistance. The subject responded that he did not. The officer then explained his duties regarding a call of this nature and asked the subject whether he had any identification. The subject responded that he did not. The officer began to ask questions to determine the subject's contact with reality, beginning with asking the subject his name. The subject promptly replied that his name was Jesus. The officer then asked "Jesus" whether he knew where he was, and the subject replied that his name was God. At this point, the officer asked "God" whether he would be willing to go to the hospital and talk to mental health personnel, to which the subject replied that he would. The subject was taken to the hospital and voluntarily checked himself in for care.

This case study very clearly shows that an officer with mental illness response training will have a different outlook on certain calls. The contact in this case could very easily have gone in a different direction if the officer had believed the subject was just being difficult and did not want to give up his identification because of ulterior reasons. By taking a little extra time and using his training, the officer came to a quick and successful outcome.

## Conclusion

The case studies presented in this article show the wide variety of calls that officers must deal with in the course of their regular duties. The problem that presents itself prominently is that most of the techniques and tactics that officers are taught for dealing with subjects will not work with mentally ill subjects. In fact, they will most likely elicit the opposite of the desired effect.

Proper training can lower the number of injuries to both officers and civilians, as well as reduce arrests and incarceration. With the continued deterioration and shrinking budgets of the mental health systems throughout the country, it is a foregone conclusion that officer contacts with mentally ill subjects will continue to increase. If officers are not kept current in receiving the proper training to deal with these subjects, the outcome will continue to be quite dim for the subjects as well as the officers.

## References

- Angermeyer, M. C., & Matschinger, H. (1996). The effect of violent attacks by schizophrenic persons on the attitude of the public towards the mentally ill. *Social Science and Medicine*, 43(12), 1721-1728.
- Gillig, P. M., Dumaine, M., Stammer, J. W., Hillard, J. R., & Grubb, P. (1990). What do police officers really want from the mental health system? *Hospital and Community Psychiatry*, 41, 661- 663.
- Monahan, J. (1992). Mental disorder and violent behavior. *American Psychologist*, 47, 511-521.
- Rasanen, P., Tiihonen, J., & Isohanni, M. (1998). Schizophrenia, alcohol abuse, and violent behavior: A 26-year follow-up study of an unselected birth cohort. *Schizophrenia Bulletin*, 24, 437-441.
- Smith, L. D. (1989). Medication refusal and the rehospitalized mentally ill inmate. *Hospital and Community Psychiatry*, 40, 491-496.
- Steadman, H. J. (1981). Critically reassessing the accuracy of public perceptions of the dangerousness of the mentally ill. *Journal of Health and Social Behavior*, 22, 310-316.
- Steinwachs, D. M., Kasper, J. D., & Skinner, E. A. (1992). *Family perspectives on meeting the needs for care of severely mentally ill relatives: A national survey*. Arlington, VA: National Alliance for the Mentally Ill.
- Swanson, J., Estroff, S., & Swartz, M. (1997). Violence and severe mental disorder in clinical and community populations: The effects of psychotic symptoms, comorbidity, and lack of treatment. *Psychiatry*, 60, 1-22.
- Taylor, P. (1985). Motives for offending amongst violent and psychotic men. *British Journal of Psychiatry*, 147, 491-498.

- Thornton, J. A., & Wahl, O. F. (1996). Impact of a newspaper article on attitudes toward mental illness. *Journal of Community Psychology, 24*, 17-25.
- Treatment Advocacy Center. (2003, October). *Violent behavior: One of the consequences of failing to treat severe mental illnesses*. Arlington, VA: Author.
- U.S. Department of Health and Human Services. (1999). *Mental health: A report of the Surgeon General*. Washington, DC: Author.
- Yesavage, J. A. (1982). Inpatient violence and the schizophrenic patient: An inverse correlation between danger-related events and neuroleptic levels. *Biological Psychiatry, 17*, 1331-1337.

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# Vicarious Traumatization: The Impact of Repeated Exposure to Law Enforcement Officers

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This qualitative study was conducted to examine the extent to which crisis workers, specifically youth investigators and forensic interviewers, demonstrate signs of vicarious traumatization as a result of their specific assignment and whether their experiences cause life-affecting transformation. The research examines the concept of vicarious traumatization as it relates to a unique group of law enforcement officers and forensic interviewers who experienced a shift in reality in which meanings and beliefs were transformed through critical reflection. The phenomena of vicarious trauma and transformation were explored through the use of narrative grounded theory.

The return on investment of personnel is critical for the well-being of the law enforcement organization. Vicarious traumatization can lead to poor work product, violation of boundaries, and poor judgment. Errors can cost the organization in terms of negative public image, complaints, and lawsuits. Vicarious traumatization leads to absenteeism, high turnover, less experience in the field, less cohesiveness amongst colleagues, and overall less effective employees. Education and career development is vital for the welfare of the police officer and the organization. The study ends with a call for vicarious traumatization to be recognized within the law enforcement profession and suggests that future research and education can provide intervention programs that focus on identification and prevention of the effects of repeated exposure to human pain and destructiveness.

This year, as in every year, tens of thousands of children will be sexually abused in the United States and around the world. They will be damaged physically, emotionally, mentally, and spiritually; every aspect of their lives will be affected. So, too, will be those law enforcement officers and forensic interviewers who must investigate these crimes against children. It is no secret that police work is inherently stressful. Patrol officers must face potential violence on a daily basis, leading many to consider police work to be a particularly risky occupation (Blau, 1994; Fain & McCormick, 1988; Hallett, 1996; Reiser & Geiger, 1984). It is less widely recognized that there are specific positions within police departments that are more stressful than average, particularly the investigation of child abuse cases. The additional stress involved in these positions is often overlooked, and the source of this stress is generally examined anecdotally rather than empirically.

Law enforcement managers and training coordinators need to acknowledge their critical role within the police organization in assisting change in behavior and attitudes through the development of training programs on stress-related issues. The police organization is accountable for the learning and developmental improvement of their workers' professional and personal lives. Implementation of focused training programs can impact the organization's efficiency and effectiveness in the community.

## People-Oriented Occupational Stress

Stress is an everpresent component of people's lives. Factors such as the pace of current technology, economic instability, complexity of interpersonal relations, and the ever-growing crime rate have produced a society that must respond to a barrage of problems and changes in a timely manner. Constantly, individuals are asked to take on more responsibilities and become increasingly more efficient at the performance of their job (Senkfor & Williams, 1995). The increased complication comes with the factor of exposure to traumatic events during the course of a day. There is a growing recognition that many members of the law enforcement profession, along with crisis workers such as firefighters, paramedics, ambulance drivers, rescue workers, and emergency medical response teams, may be called upon to deal with disasters and other traumatic events and the consequences. The collective term for these occupations is "critical occupations" because it encapsulates two general aspects of the work experience of emergency and helping professions. It also describes the critical role they play in protecting the community and its members (Paton & Violanti, 1996).

Researchers generally agree that people-oriented occupations are more stressful than occupations that require persons to work alone or in small groups with data because data is a more predictable factor than people, who are unpredictable (Matthews & Casteel, 1987). Because people-oriented occupations represent a variety of work settings and involve numerous types of interactions, it seems plausible that different work environments impose effects associated with stress. Matthews and Casteel (1987) conducted a study on stress and the workplace, a comparison of occupational fields. The study examined persons in various people-oriented occupational fields and whether there were significantly different results in comparing crisis workers, such as those in the health and social services fields, with workers in banking and industry. They found that most people believe their jobs are stressful; however, the study showed that those who work with children, the needy, and the physically ill believe their environment is more stressful, and they have a higher burnout rate. Another comparative study on stress and control involving child protective service workers found that some people seek out highly stressful environments as a way of testing their competence, building feelings of mastery and self-esteem, or relieving boredom (Carbone, 1990). Learning helps individuals to reduce stress in their lives by being able to control situations effectively. "Being able to understand the stress, its sources and effects, and the successes of various actions over stress enriches the quality of life's experiences. The learning responses create attitudes and behavior for managing stress and having a more satisfying life" (McLean, 1991, p. 30). Those who do not learn to cope or change behaviors to combat stress frequently move into the final stages of stress known as burnout.

## Vicarious Traumatization

The concept of vicarious traumatization, introduced by McCann and Pearlman (as cited in Stamm, 1989), provides a theoretical framework for understanding the complicated and often painful effects of trauma work on crisis workers. By definition, "the effects of vicarious traumatization on an individual resemble those of traumatic experiences. They included significant disruptions in one's affect tolerance, psychological needs, beliefs about self and others, interpersonal

relationships, and sensory memory, including imagery” (Pearlman & Saakvitne, 1995, p. 151). The phenomenon of *vicarious traumatization* can be applied to police officers who are marked by profound changes in the core aspects of the self or psychological foundation. These alterations include shifts in the police officer’s identity and worldview; in the ability to manage strong feelings and maintain a positive sense of self; in the ability to connect to others; in spirituality or sense of meaning, expectation, awareness, and connection; and in basic needs for a schemata about safety, esteem, trust, dependency, control, and intimacy (Pearlman & Saakvitne, 1995).

Vicarious traumatization refers to a transformation in the police officer’s inner experience resulting from empathic engagement with victims’ trauma material (Pearlman & Saakvitne, 1995). Through exposure to graphic accounts of sexual abuse experiences, the realities of peoples’ intentional cruelty to one another, and the inevitable participation in traumatic reenactments, police officers are vulnerable through their empathic openness to the emotional and spiritual effects of vicarious traumatization. These effects are cumulative and can be permanent and evident in both the officers’ professional and personal lives. Police officers acknowledge that they entered this type of work by choice and continue because of their commitment to others and the tremendous rewards of helping others and recognize that it affects them personally. It is an occupational hazard that must be acknowledged and addressed.

McCann and Pearlman’s more recent research (as cited in Stamm, 1989) in vicarious traumatization focuses primarily on the portion of the theory that describes psychological needs and cognitive schemas. The cognitive portion of the theory is based upon a constructivist foundation. The underlying premise is that humans construct their own personal realities through the development of complex cognitive structures, which are used to interpret events. These schemas or mental frameworks include beliefs, assumptions, and expectations about self and world that enable individuals to make sense of their experiences. McCann and Pearlman’s major hypothesis in their research is that trauma can disrupt these schemas and that the unique way in which a particular trauma is experienced depends in part upon which schemas are central or salient for the individual.

Vicarious traumatization is unique to trauma or crisis workers because traumatic events such as child sexual abuse are painfully real and part of our larger world and society. If police officers are to help, they cannot protect themselves from acknowledging this reality as they listen to the victims’ stories. Police officers are left with the powerful effects stirred as they face this reality on a daily basis. Police officers become inevitably aware of the potential for trauma in their own lives. Traumatic events can happen to anyone at any time; however, it is almost intolerable to accept the fact that lives can be permanently changed in a moment when a traumatic event occurs.

## **Purpose of the Research**

I assumed the participants of the study, all youth investigators and forensic child abuse interviewers, would be struggling with emotionally painful and horrific experiences that would totally disrupt their everyday notion of how the world should be, that the participants would be confronting the difficult task of

reconciling these disruptions to previously held core beliefs, (e.g., good versus evil, hope versus despair, safety versus vulnerability) and would be struggling with physical, psychological, and social manifestations as well. My interest lay in the various stresses, the transformation of struggling with shifting core beliefs, the ways in which the participants reconstruct their lives in order to be psychologically and physically healthy, and how their organization assisted the police officers through their struggles.

## **Narratives**

The participants in this study relayed their stories individually, and the interactions between storyteller and researcher were recorded and transcribed verbatim. The names of the participants were substituted as numbers to assure confidentiality for the participants. All participants' narrative accounts of their most memorable cases are full of the pain and meaning of struggles associated with the theory of vicarious trauma stress that youth investigators and forensic interviewers encounter daily. These accounts represent the exercise of critical reflection through one's own environment and the process of examining, questioning, validating, and revising their perceptions of the world (Cranton, 1994). One of the questions posed to the participants was, "Tell me about your most memorable case, which could be either positive or negative in nature." All participants provided negative accounts, reinforcing my feelings that vicarious trauma stress existed in all participants although at varying degrees. The accounts in this study highlighted the daily lives of the participants and their repeated exposure to pain and human destructiveness as a result of their career choice.

## **Research Questions**

- To what degree does repeated exposure to child sexual abuse investigations affect police officers and forensic child abuse interviewers?
- How does vicarious trauma manifest itself in youth investigators and child abuse interviewers who investigate child sexual abuse?
- To what extent and in what ways does repeated exposure to child sexual abuse investigations precipitate life-affecting transformations in those who specialize in these types of investigations?
- Can the human resource practitioner make an impact on officers suffering from vicarious traumatization?

## **Methodology**

I employed a qualitative research design utilizing data collection techniques consistent with phenomenological and grounded theory methodology. I took the approach that designing my research would not begin from a fixed starting point or proceed through a determined sequence of steps. Throughout the research process, I continuously examined and reflected on the data to provide the reader and future literature with an understanding of the phenomena under study.

Participants were 11 police officers from five police departments located in the northwest suburban Cook County area outside of Chicago, Illinois, along with four forensic child abuse interviewers from the Children's Advocacy Center that serves the northwest suburban Third District of Cook County. As the study

progressed, I realized the participants emerged into three distinct groups: (1) active youth investigators, (2) former youth investigators, and (3) forensic interviewers. The gender makeup of the participants was equally divided between males and females. The age breakdown coincided with time on the job; naturally, the former youth investigators were 40 years or older with at least 20 years of law enforcement experience. It is interesting to note that all of the former youth investigators were promoted from the youth unit and were presently either sergeants or commanders at their respective police agencies. The active youth investigators and forensic interviewers tended to be younger, usually in their 30s and had fewer years of experience—between 5 and 10 years—at their agencies. The makeup of formal education was diverse, from some participants with no formal higher educational degrees to several participants who had obtained master’s degrees in education, social work, and law.

Interviews were conducted at a location of the participants’ choice, which ultimately turned out to be their police stations or office. I feel this assisted with their comfort level during the interviews because it afforded them a feeling of control. The surroundings were comfortable and familiar, putting them more at ease. The participants were told prior to the actual interview that I would be tape-recording our conversations with each interview typically lasting two hours in length. The youth investigators and forensic interviewers who participated in this study represented purposeful sampling. This group of people was selected in order to provide important information that might not be obtained by a random selection outside the crisis worker field. The goal was to select experts in the field of child sexual abuse investigations who could provide meaningful information in order to answer the research questions. The selections also adequately captured the heterogeneity in the population, ensuring that the conclusion represented the entire range of variation and the most relevant dimensions of the study and afforded the opportunity to deliberately examine data that was critical to the theories under study.

I believe unstructured interviews and the utilization of open-ended questioning proved to be beneficial for a number of reasons. Questions such as “tell me about your most meaningful case” and “how did the child’s story of sexual abuse make you feel?” offered insight with respect to relationships and events from the perspective of those youth investigators and forensic interviewers who had immersed themselves in the world of the phenomena under investigation—vicarious trauma and transformational learning. The information generated by the data served as a resource upon which hypotheses could be built, permitting the study of phenomena that are not always directly observable. They also allowed me to examine how, if at all, the interviewees were influenced or changed personally by their respective environment. Another advantage associated with this technique was the depth and breadth of responses. Reliability and validity were concerns, but with redundancy and asking the same questions in different ways, one is provided the ability to demonstrate each. Finally, this approach afforded me the opportunity to observe the body language of the participant, such as rolling of the eyes; long pauses between responses; or voice inflections characteristic of emotions such as contempt, concern, frustration, or sorrow. Data collection techniques included not only interviews but also literature reviews and phenomenological insights. After each interview was tape-recorded, it was transcribed and coded.

For my coding process, I utilized a relatively new software program called Nvivo or NUD\*IST, designed in Australia by Lyn Richards (1999) and published by Qualitative Solutions and Research, Ltd. This software program creates a project to hold data, observations, ideas, and links among them. Any number of projects can be created, and any number of people can participate in a project. Once a project is opened, the program allows a researcher to move around these processes using menus and icons. The researcher must download all transcribed interviews and develop categories and subcategories as the coding process proceeds. Working with Nvivo meant that my data was live data. I was able to change, grow, and develop my categories continuously as I better understood my data. This process allowed me to rethink, recontextualize, recode, or code on new categories. To accomplish the goals of coding, the data was broken down into discrete parts, closely examined, and compared for similarities and differences. Questions pertaining to the phenomena, such as *what is this?* and *what does this present?*, were continually pondered. I did have to break through assumptions and uncover specific dimensions. I drew upon personal knowledge, professional knowledge, historical knowledge, and the technical literature on vicarious trauma and transformation learning through critical reflection.

### **Validity**

Validity is the final component of any research study. The validity of my research results was not guaranteed by following a prescribed set of procedures. Rather, it depended on the relationship of my conclusions to the phenomena under study and the real world. The term *validity* does not imply the existence of any objective truth to which an account can be compared; however, the idea of objective truth gives grounds for distinguishing credible accounts from those that are not credible. The usefulness and believability of one's study is the important factor. A researcher's role is to provide information from the study that can possibly be tested against the world, giving the chance for the phenomena that he or she is trying to understand to be proven wrong. The key concept for validity is thus the validity threat—a way in which the researcher might be wrong. Therefore, I concentrated on three main areas of my research to eliminate any potential threat to the validity of the study: (1) description, (2) interpretation, and (3) theory.

I chose to apply a narrative approach as an interpretive substantive focus with intent on procedure in data collection. The technique of continuous narrative description reveals the purpose and intentions as human beings and the meanings we make of our experiences. Narratives provide explanations of how episodes, experiences, or events in our lives are meaningfully linked. It should be noted that this method is criticized for its focus on the individual rather than social context; however, it seeks to understand sociological questions about groups, communities, and contexts through the individual's lived experiences.

### **Results and Findings**

The results indicated that participants did exhibit signs of vicarious trauma—hypervigilance; symptomatic reactions; relationship problems; lack of communication through denial, repression, isolation, and disassociation; change in worldviews; and a loss of sense of meaning (spirituality). Participant's statements clearly express the effect of investigating child sexual abuse on their lives:

- “I think that is a part of what this job has done to me. You look at society or you look at people with a jaundiced eye, cynical perspective. We don’t always see the best; we see the worst, or we have suspicion about someone first” (Interview 1).
- “Headaches, the general tightness in the shoulders, I don’t sleep well. I haven’t slept well in a very long time. When I wake up in the morning, I never feel refreshed” (Interview 8).
- “I think before I got on the job and people would ask, ‘Do you believe in God?’ I would say ‘yeah, I believe in Him, but I just don’t go to church.’ Now when people ask if I believe, I will say, ‘If you saw what I saw—and I spent two hours in Children’s Memorial Hospital—and if you saw what I saw . . . There is no God.’ Yeah, I would say it has had an impact on my belief” (Interview 12).

Participants reported that their experiences transformed their lives permanently, both professionally and personally. As a result, new perspectives, new beliefs, and coping strategies emerged. Participants who were most distant from the repeated exposure were more open in their acknowledgement of the effects and more readily able to critically reflect on their experiences.

## Conclusion and Recommendations

The purpose of this qualitative research study was to determine whether repeated exposure to human pain and destructiveness would cause vicarious traumatization among youth investigators and forensic interviewers who investigate child sexual abuse. The study also examined whether professional experiences caused transformation to these investigators’ and interviewers’ personal and professional lives and whether that transformation was a result of self-critical reflection. The study produced life-transforming evidence in the form of personal self-statements gained through open-ended interviews and the shared relationship and trust between the participants and myself as researcher. It also demonstrated the need for the training coordinator to take a lead role in training on vicarious traumatization and the effects of stress on the person and organization.

It is fairly common knowledge that law enforcement is a stressful profession, and a large number of police work stressors have been identified—aspects of the job believed to trigger stress reaction among employees (Blau, 1994; Brown & Campbell, 1994; Davidson & Veno, 1980; Ellison & Genz, 1983; Reiss, 1996; Terry, 1981). Less widely recognized, however, is the fact that a particular position within a law enforcement agency can be especially “toxic” or threatening to their professional and personal well-being. The additional stress involved in these positions is often overlooked, and the sources for this stress have traditionally been examined quantitatively. In order to understand and minimize the impact of victim material and lessen the vulnerability of the investigators to vicarious traumatization, it is important to examine the toll that conducting this work takes on the self. How has the work affected personal identity, spirituality, sexuality, relationships, dreams or flashbacks, and emotional responsiveness? When does this work lead to feelings of frustration and hopelessness or to joy and feelings of accomplishment? This study helped identify the personal triggers of vicarious trauma and self-transformation, which is an important part of the self-care and survival of these officers. These particular stories or types of trauma revealed in the research might have been especially difficult to process; however, it is necessary to awaken the law enforcement culture to the realization that some specific job

assignments have a higher occurrence of repeated exposure to trauma, which is often more acute and life transforming.

The more the police culture learns about vicarious traumatization stress, the more police decision makers and training coordinators may realize the importance of recognizing the needs of the helpers as well as the needs of those victims they try to help. "While this seems plain, it is not necessarily easy to identify, understand, or address the problems or the solutions" (Rudolph & Stamm, 1999, p. 277). After decades of denial from the law enforcement culture, agencies are beginning to open up to the idea of the value of the employee and trainer's role in addressing the impact of the officer's work on his or her whole life.

Many of the youth investigators and forensic interviewers described enjoying their experiences with police investigations. In time, however, many of those same youth investigators and forensic interviewers described becoming stressed by internal and external circumstances; their life had changed, and they were often not in control. One youth investigator stated, "Every conversation turns to abnormal sex talk; it has become dinner conversation." Another claimed that stories she had heard would haunt her forever. These findings raise the question of what should be done next and how police decision makers and trainers might find a resolution or solution to the effects of repeated exposure.

At times, it is unclear as to what to advise in dealing with trauma. Should police educators and supervisors suggest analyzing or talking about the pain of trauma or aid in distraction or avoidance? In this study, the participants who are isolating and denying, and therefore not dealing with the trauma, are experiencing greater distress than those who use other coping mechanisms. This indicates that one should confront the trauma or at least accept that it exists. On the other hand, this study indicated that actual removal from the position assisted in the recognition and acceptance of the effects but also that stress continued to exist on a different conceptual level. Thus, the law enforcement culture must first acknowledge that stress appears to be prevalent and then implement means to prevent, recognize, and cope with stress into the mainstream education and conduct of policing. This implies that trainers have a critical and vital role for the organization and the officers who suffer from repeated trauma.

Training coordinators must perform several different activities and duties (e.g., design, develop, and implement learning programs and training activities within an agency). They need to understand the effects of vicarious traumatization in order to make a needs assessment as well as an evaluation of programs involving the law enforcement professional learner. It is critical to the well-being of the agency for training coordinators and administrators to face the day-to-day events of not only the beat cop but also the specialized investigators who struggle with repeated exposure of trauma in their lives. "The development of the people refers to the advanced knowledge, skills, and competencies and the improved behavior of people within the organization for their personal and professional use" (Gilley, 1989, p. 5). The role of the training coordinator is the commitment to the professional advancement of people within the agency through career development and understanding to bring about change within the police officers.

Trainers need to focus on the coping mechanism of the learning response, which, unlike other responses, is not a temporary measure. It is preventative rather than remedial (Thomas, 1983). One may overcome stress in an effective and constructive fashion. "It is the thoughtful analysis and examination of methods to deal with a problem" (Reed, 1984, p. 33). Learning is the synthesizing of coping strategies from a battery of resources, which may be used in the future to prevent the reoccurrence of the negative aspects of the stressor and may initiate opportunity for self-improvement through self-reflection. Learning helps police officers to reduce stress in their lives by being able to control the situation effectively. "Being able to understand the stress, its sources and effects, and the successes of various actions over stress enriches quality-of-life experiences. Learning responses create attitudes and behavior for managing stress and having a more satisfying life" (McLean, 1991, p. 34).

Violanti (1996) developed a four-phase basic stress-learning model, which many agencies have adopted. The phases are (1) education, (2) prevention, (3) support, and (4) research. A well-rounded stress education program should include identification of stress, the value and techniques of physical exercise, the benefits of proper nutrition, and the exposure to interpersonal communication methods. It is important to begin the education during the first phase of a police officer's career; however, during the inservice level, instruction on coping strategies should take priority because these officers have most likely already been exposed to the effects of stress. Understanding the relationship of police officers and their fear of acknowledging stress related to their work has several implications for trainers and administrators. A training coordinator tends to serve increasingly as a change agent and internal consultant within agencies. Those who work within the law enforcement field need to build a trusting relationship with the officers in their day-to-day communications. Trust becomes a foundation in a joint commitment to the agency and the citizens they serve, which results in the proficiency and effectiveness of the police officer. Training coordinators may need to identify the implications of these day-to-day communications through their trust in the unique culture and the development of specific programs through instructional design, training, and counseling. Schurr and Ozane (1985) suggested that trust "[leads to] a constructive dialogue and cooperation in problem solving, facilitates goal clarification, and serves as a basis of commitment to carry out agreements" (p. 9).

Support from the police officers' agencies and families is a critical factor in troubled persons' decisions to seek help. Many law enforcement agencies utilize employee assistance programs, which provide 24-hour service calls and confidential counseling. In addition, psychological debriefings can be an important technique in helping police officers with traumatic events. Providing debriefing soon after an incident allows police officers to vent their feelings and discuss the occurrence in a supportive group setting (Mitchell & Bray, 1990). Peer support groups consist of professionals in the same occupation, not psychologists who are primarily there as someone to talk to. These support groups or individuals can assist members involved in a traumatic incident or continued exposure to trauma. Each law enforcement agency is, in a sense, unique and has its own set of stress-related problems. It is therefore necessary to conduct ongoing research into the causes and minimization of stress. More research into the implications of repetitive, vicarious traumatic stress phenomena is also required to augment support and psychological strategies.

## References

- Blau, T. H. (1994). *Psychological services for law enforcement*. New York: John Wiley & Sons, Inc.
- Brown, J. M., & Campbell, E. A. (1994). *Stress and policing: Sources and strategies*. Chichester, England: John Wiley & Sons.
- Carbone, D. J. (1990). Some stress and lots of control: The “no pain, no gain” recipe for personal competence. In Cornell University (Ed.). Ithaca, NY: Cornell University.
- Cranton, P., (1994). *Understanding and promoting transformative learning*. San Francisco: Jossey-Bass, Inc.
- Davidson, M. J., & Veno, A. (1980). Stress and the policeman. In C. L. Cooper & J. Marshall (Eds.), *White-collar and professional stress* (pp. 131-166). Chichester, England: John Wiley & Sons.
- Ellison, K. W., & Genz, J. L. (1983). *Stress and the police officer*. Springfield, IL: Charles C. Thomas.
- Fain, D. D., & McCormick, G. M. (1988). Use of coping mechanisms as a means of stress reduction in north Louisiana. *Journal of Police Science and Administration*, 16(1), 21-28.
- Gilley, J. W. (1989). *Principles of human resource development*. Reading, MS: Addison-Wesley Publishing Company, University Associates, Inc.
- Hallett, S. J. (1996). Trauma and coping in homicide and child sexual abuse detectives. (Doctoral dissertation California School of Professional Psychology, San Diego, 1996). *Dissertation Abstracts International*, 57, 2152.
- Matthews, D. B., & Casteel, J. F. (1987). Stress and the workplace: A comparison of occupational fields. In South Carolina State College (Ed.), *Annual Convention of the American Association of Counseling and Development* (pp. 1-19). New Orleans, LA: South Carolina State College.
- Matteson, M. T., & Ivancevich, J. M. (1987). *Stress and health: The intelligent person's guide*. New York: The Free Press.
- McLean, L. H. (1991). *Stress and burnout: An organizational synthesis*. Nashville, TN: Vanderbilt University.
- Mitchell, J. T., & Bray, G. P. (1990). *Emergency services stress: Guidelines for preserving the health and careers of emergency services personnel*. Englewood Cliffs, NJ: Prentice Hall.
- Paton, D., & Violanti, J. M. (1996). *Traumatic stress in critical occupations*. Springfield, IL: Charles C. Thomas Publishing.

- Pearlman, L. A., & Saakvitne, K. W. (1995). Compassion fatigue: Treating therapists with vicarious traumatization and secondary traumatic stress disorder. In C. R. Figley (Ed.), *Compassion fatigue: Coping with secondary traumatic stress disorders in those who treat the traumatized* (pp. 150-177). New York: Brunner/Mazel.
- Piaget, J. (1971). *Psychology and epistemology: Toward a theory of knowledge*. New York: Viking.
- Reed, M. (1984). *A study of the relationship among degree of stress, coping preferences and leadership styles among secondary school principals*. Unpublished doctoral dissertation, Peabody College of Vanderbilt University.
- Reiss, J. B. (1996). Helping cops cope with stress: Briefing strategies for mandated psychological intervention with police officers (Doctoral dissertation, Widener University, Institute for Graduate Clinic Psychology, 1996). *Dissertation Abstracts International*, 57-04, Section B, 2881, #ADG96287.
- Reiser, M., & Geiger, S. P. (1984). Police officer as victim. *Professional Psychology: Research and Practice*, 15(3), 315-323.
- Richards, L. (1999). *Nvivo-NUD\*IST for qualitative research*. Bundoora, Victoria, Australia: Qualitative Solutions and Research.
- Rudolph, J. M., & Stamm, B. H. (1999). Maximizing human capital: Moderating secondary traumatic stress through administrative and policy action. In B. H. Stamm (Ed.), *Secondary traumatic stress: Self-care issues for clinicians, researchers, & educators* (2nd ed., pp. 277-290). Lutherville, MD: Sidran Press.
- Senkfor, A. J., & Williams, J. M. (1995). The moderating effects of aerobic fitness and mental training on stress reactivity. *Journal of Sport Behavior*, 18, 130-157.
- Schurr, P. H., & Ozane, J. L. (1985). Influences on exchange processes: Buyers' preconception of a seller's trustworthiness and bargaining toughness. *Journal of Consumer Research*, 11, 939-953.
- Stamm, B. H. (Ed.). (1989). *Secondary traumatic stress: Self-care issues for clinicians, researchers, and educators*. Lutherville, MD: Sidran Press.
- Terry, W. C., III. (1981). Police stress: The empirical evidence. *Journal of Police Science and Administration*, 9(1), 61-75.
- Thomas, R. E. (1983, Spring). *Stress in school administration: Perceptions of Tennessee public school superintendents* (Unpublished manuscript).
- Violanti, J. M. (1996). Residuals of police occupational trauma. *The Australasian Journal of Disaster and Trauma Studies*, 1997-3, 1-5.

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# Police Officer Safety: “Please God! Help Us to Dodge the Bullets and the Blood and Give Us More Dogs in Zululand!”

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## Historical Perspective

Zululand is part of KwaZulu-Natal (KZN)—one of nine provinces in South Africa. KZN is divided into three geographical areas: (1) the South Coast, (2) the Midlands, and (3) Northern KwaZulu-Natal. Zululand makes up northern KwaZulu, and it stretches from the Tugela River in the south to Pongola and Mozambique in the north and up to the country town areas of Vryheid, Newcastle, Dundee, and Laydsmith that make up the interior.

Zululand is named after Zulu King Shaka kaSenzangakhona. It is well-known for its historical battle sites like Blood River (December 16, 1838) and Isandlwana (January 22, 1879) where battles took place between the Zulus and Voortrekkers (white Afrikaner farmers) and the Zulus and Great Britain, respectively (Knight, 1995; Metz, 1992).

It was also the bloody battleground between the present ruling government party, the African National Congress (ANC), and the regional party of the Inkatha Freedom Party (IFP). A lot of political killings and “neck-lacings” took place especially before 1994 between the ANC’s Self-Defense Units (SDUs) and the Self-Protection Units (SPUs) of the IFP. After the newly elected democratic government under President Nelson Mandela came to power in 1994, replacing the former white apartheid government, South Africa, including Zululand, did not experience large-scale political violence but a tremendous upsurge in crime, especially bloody and violent crime.

Over the last 10 years, South Africa has also experienced a high number of murders of police officers and now sadly has the highest rate in the world (Minnaar, 2006, p. 1). The high level of crime and the role of the police to combat it continue to be the focus of almost daily debate and controversy (Burger, 2006). In the 2004/2005 period, 449,352 police arrests were made in South Africa for serious and violent crimes; 681,128 were made for less serious crimes; 23,813 firearms were confiscated; and 43,041 vehicles were recovered of a reported 93,518 that were stolen (Burger, 2006, p. 115).

Crime is rife in South Africa (Ras, 2006), and while there is more crime in some places than others (Prinsloo, 2006), there is no doubt in my mind that in Zululand, it is

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\* A motor vehicle tire is put over a person so that his or her arms are trapped, and then he or she is set alight with petrol.

definitely out of control (Savides, 2005a). Many victims do not experience “broken windows” in Zululand (Ras, 2006). They are more cynical because they feel all their “window frames, roof tiles, corrugated irons and bricks” are stolen!

Empangeni and its surrounding areas, where I have been lecturing at the University of Zululand (UNIZUL) for the past 16 years, is one of the major agricultural heartlands of the sugar cane industry. The town of Empangeni and its neighboring town, Richards Bay, with the three black townships of Ngwelezane, Inseleni, and Esikhaweni, are now collectively known as the City of uMhlathuze—the fastest growing area in South Africa. Richards Bay (only 20 kilometers away from Empangeni) is the third busiest port in the country.

## Personal Orientation and Focus

I was lecturing theology from 1990 to 1999 at UNIZUL and then moved on to police studies. I have also been actively involved with the military in this area since 1992 and with the police from 1997. As an experienced military and police operator, specifically focusing on the identification and tracing of illegal firearms and in combating and preventing crime (Ras, 1998, 2000a), I also have a small private security company and training center that render security services and train security officers. This includes armed response and cash-in-transit (transportation of cash) training (Ras, 2006).

Amidst a very strict and controversial new gun law (Act 60 of 2000) that was implemented in South Africa in 2001 (Welch, 2002), I am also accredited by the South African Police Services (SAPS) to provide firearm training in the use of handguns, shotguns, rifles, and hand machine carbines (all types). In the light of my background, past experiences, and knowledge accumulated through the years while operating in different fields, the safety of police officers is certainly one of the most important issues that can ever be addressed in law enforcement, especially in Zululand.

While my remarks must not be seen as something cast in stone, but rather written in sand, I believe that this part of the world has taught me time and again how to dodge all the incoming bullets and survive. I literally have been under fire (flying bullets) on several occasions. While academics always have the tendency to use too much academic jargon in their discussions, members of the public and role players in local law enforcement circles have convinced me that I must present my knowledge and offer suggestions in a format that is easily accessible to those who could benefit from it.

The purpose of this article is not to be philosophical but to be pragmatic and give practical advice to law enforcement officers who are working in high-threat situations on an almost daily basis. I always ask my students when doing a module on “Crowd Control,” who is Tom Dempsey? Not because I think they really will remember his name, but simply because I got ahold of his book, *Contemporary Patrol Tactics* (1997), in 1998 when I went to search for something in our library that would assist me before going on a two-week SWAT course. I have enjoyed a lot of his remarks simply because they are more practical than those found in other academic books. In light of this, I think John Wayne, one of my childhood cowboy heroes, probably would say, “Pilgrim! You need to pay attention, careful attention, cos’ you don’t know when it’s gonna happen. . . .”

## Present Socioeconomic and Criminal Situation

As far as the eye can see, everything seems quite in order in Zululand. Nothing looks strange on the surface. The birds sing in the morning, people laugh, those fortunate enough to have a job go to work, and the public busses and taxis (private 12- or 15-seater transportation vehicles) all try to drive as fast as they can to off-load their passengers. Many street vendors, representing a third world and the so-called second economy (Ras, 2006), are busy stacking their homemade tables with “affirmative action” (stolen) shopping items, counterfeit goods, and other typical “cheap” China products.

Despite all the traffic noise, the music that starts to play, and the excitement that every new day brings, Zululand is dying. It is sick. Very sick. Most areas are filled with poverty, unemployment, bad roads with huge and deep potholes, but most of all, there are many people, beautiful people with HIV/AIDS. South Africa, especially Zululand, is experiencing an HIV/AIDS pandemic. The annual death rate during early 2006 was 370,000 in South Africa, and there is more than one million AIDS orphans younger than 17 years. Comparative statistics taken during late 2005 indicate that we have the highest HIV/AIDS figure in the world (Ras, 2006, p. 435).

In addition to this sad and disturbing state of affairs, the high murder rate and the other violent crimes like car hijackings, taxi violence, rape, armed robberies, political murders, intimidations, economic strikes, and wild shootings or drive-by shootings at any random time all contribute to a high level of fear of crime or any threat or form of harm (Prinsloo, 2006; Ras, 2006). Theft of cell phones, burglary, petty thefts, and thefts out of motor vehicles are seen, for example, as minor, as something that is regarded as “not so important” compared to the more violent crimes that draw the attention of the mass media (Naidoo, 2005; Ras, 2006; Savides, 2005b).

It is as if Zululand is in a chronic state of diarrhoea—with excessive and frequent violent crimes (including torturing) coming and going. Brutal and senseless killings occur almost on a daily basis (Bentley, 2007). Executive-style murders in which people are shot behind the head are nothing strange. It has become almost a habit. On January 11, 2007, in the eKhuphumeleni area, where I pass through almost every day, a strong black Zulu man was shot seven times with 9 mm FMJs (full metal jacket bullets) in the afternoon when he was busy off-loading beer crates for his girlfriend. Nothing was stolen.

I personally put on blue gloves (issued to police) and assisted another policeman to search the entrance and exit wounds on the body, to bag and load the dead person into the caretaker’s vehicle, and then, after ordering a spade, covered the bloody mess on the ground with sand so that everything could again return back to “normal”—this amidst all the bystanders and plenty of children watching seemingly unaffected by this—just another day in our lives.

During December 2005, in the same area, the throats of two 7-year-old female twins were cut after they were raped by two Zulu men who were mentally disturbed. The one man that was arrested for this gruesome murder was murdered shortly after in his hospital bed in a retaliation attack (“*lex talionis law*” – eye for an eye). Taxi violence (bloody killings among public transportation drivers), often orchestrated by so-called hit-squads (“I pay you money and you kill for me”) is a simple fact.

Police statistics have become a joke, and some believe that they are “polished” very smartly in order to ensure that the 2010 Soccer World Cup will take place in South Africa.

Zululand is seen as the murder capital of South Africa, especially when it comes to Esikhaweni, close to the Empangeni/Richards Bay areas. Dave Savides (2005a), editor of the local newspaper, *Zululand Observer*, correctly has made the editorial comment, “Crime is out of control!” (p. 4). In the same issue, he quoted the commissioner of the police in the province who spoke of criminals as “criminal monsters,” while he pleaded for a “moral regeneration” (2005b, p. 4).

My “big boss,” the Rector and Vice-Chancellor, Professor Racheal Gumbi, of the University of Zululand, was on the front page of the *Zululand Observer* (November 11, 2005) after she was almost assassinated when students fired four bullets to her office, hitting the windows (Savides, 2005c). The *Zululand Observer* (January 12, 2007) also narrated the story of a farmer that was murdered after he was beaten and hacked with pangas (very long, sharp “cane” knives) after a meeting with inhabitants over a land issue. His vehicle was also burned (Bentley, 2007).

The same issue includes a picture and the sad story of a police dog, Tyson, who will be put down on January 12, “. . . who has lost the battle against old age and disease” (Mallett, 2007, p. 1; McEnery, 2007, p. 5). The activities that this canine undertook illustrate the seriousness of the crime situation in Zululand, but more importantly, the typical dangers that police officers face while executing their daily duties.

Tyson, during his 11 years of service in Zululand, has made over 200 arrests; has been stabbed, shot at, and hit with a cane knife (McEnery, 2007). When his partner dogs, Wolf and Buddy, were shot and killed during 2005, Tyson went on to avenge his friends’ deaths and apprehend the suspect. In the same year, he apprehended another criminal who had shot a fellow police dog, Mickey. He has covered everything from rape to murder, hijackings, and armed robberies (McEnery, 2007).

These recent news stories underline the reality that the police officers, especially those with dogs, are constantly the “thin blue line” (police in South Africa wear blue uniforms), basically forming the first and front line of defense. The January 8 *Zululand Observer* (Savides, 2007a) explains how another place in Zululand, Kosi Bay (a world heritage site), was targeted a second time in almost one week by seven men armed with AK-47s and handguns. They made off with two 4 x 4 vehicles. On January 15, 2007 (just one week later), it is mentioned that the same gang again hit Kosi Bay at another resort, this time with nine men (Savides, 2007b). This is typical of what police officers have to face when they go out and arrest criminals—guns, bullets, and blood!

While Dr. Jacob Zuma, the former deputy-president of the country, and also chancellor of the University of Zululand, is still the focus of all media attention after his rape and corruption trial, his former financial advisor, Shabir Shaik (Ras, 2006), who has been convicted on fraud and sentenced to 15 years imprisonment, is serving his goal sentence in Qalakabusha prison, about 4 kilometers from where I live.

In light of the present crime waves, I strongly believe that at this stage, we need very vigilant, well-trained, and equipped policemen as well as more police dogs. Without doubt, I can say that one police dog does more than 20 police officers and certainly does not show favoritism, complain about low salaries, demand a housing or pension scheme, want to join the union, or complain about long work hours!

## **Practical Recommendations**

To be a policeman in Zululand, the first and certainly the most important thing is to stay alive! It is no longer a matter of trying to live a decent and quality life. That is out of the question. It is now all about personal survival! You do get many police officers in South Africa who are hiding behind excuses and their desks, trying their best to avoid going into the field and coming in contact with criminals, but then you get those men and women who are committed and geared for service delivery, no matter what the risks and the dangers they may face.

The South African Police Service has appointed a lot of females over the past few years who are definitely not active in the operational field. One very seldom sees a female patrolling alone or with another male. They only pop up when there is a road block for which many police officers are present. These female officers are definitely weakening the police service in terms of operational demands and are basically of no use in any high-threat situation. If they are used, it is just “window dressing.” There are basically no females, or very few, for example, that are operational in the dog units and flying squads, which are typically the first to go into the line of fire when there are violent crimes, armed robberies, vehicle hijackings, bank robberies, or cash-in-transit heists.

Don’t get me wrong. I strongly believe and propagate the expansion of female police officers in South Africa, and I persuade people that they have a tremendous role to play in the police and the private law enforcement (Ras, 2006, pp. 432-435), but the women currently in the South African Police Service definitely need to get their act together very fast. Pen-pushing is fine, but at present, we need more than the “sound of heels on a beat,” the squeak of handcuffs, cocking (“racking”) and smoking guns, burning tires, and verbal judo to stop the crime! We need sticks—not lipstick! Handguns—not handbags! In short, we need action!

What practical recommendations can I give to any police officer presently operating in Zululand, as well as in any other part of South Africa? I hope that my remarks may save lives; encourage safety-conscious and responsible proactive and reactive policing; and set an example and a standard to any novice (“rookie”) that marches out of the police training college (academy) with black polished shoes, a neat ironed blue shirt that smells like washing powder, and a badge that shines like the star of Bethlehem.

## **Be Alert (Yellow Stage)**

It is vital that every member of the service be vigilant and alert at all times. To be in the “yellow stage” is what it is all about; that is, it is all about “tactical observation”—an awareness of what is happening all around you. In fact, observation is everything (Bezuidenhout, Ras, & Thorpe, 2004; Ras, 2003c, 2006).

In my opinion, the most important skill that any police officer can have is the skill of observation (Ras, 2002a). It is no use to know how to shoot and bring your gun into action quickly if you do not see the ambush or the criminal suspect on your side or in front of or behind you. Nothing is more important than the identification of any potential threat, dangerous situation, or possible scenario that may cost you your life.

In 1998, while doing SWAT training, I learned the following acronym: OODALOO. It stands for "Observation," "Orientation," "Decision," and "Action!" You observe; you orientate yourself in terms of the danger; you decide what you are going to do; and you do it (action)! The "LOOP" refers to a circle that means the whole process is repeating itself. You constantly need to observe, orientate yourself, decide, and do what you think is the best in any given situation that may save your life.

Constant all-around observation to the front, to the left, to the right, to the side, to the back, down to the ground, and up (into trees, buildings, and the sky) is vital in order to stay alive. As far as humanly possible, practice this so that your instincts are honed and sharpened so that when you walk, drive, or rest, you can immediately respond with speed, power, and accuracy whenever, wherever, and in whatever circumstances you may find yourself.

To be more precise, look from far to near and from right to left. Identify dangers or anything far away, and then focus on the things closer to you. When looking from right to left, your mind (eye) will observe slower than when you look from left to right. This is simply because your eyes are conditioned to look fast from left to right, and in the process, you can miss a lot of important (life-saving) things. When they taught us at school to read and write, we learned to do that from left to right. As a result of this learning process, our eyes and mind were conditioned to do that faster and faster as time goes by—that is why we can observe so quickly.

By reversing the process of "looking" and "seeing," we slow down our eyes and mind and can then pick up vital information that may save our lives. This type of "seeing" is more systematic and deliberate and definitely assists in identifying more objects, persons, and pieces of information. This is especially important when moving into dangerous areas where one expects an attack; a possible onslaught; a concealed sniper; or the flash or barrel of a gun, rifle, or hand machine carbine. When you expect possible snipers, you must look 360 degrees within every three to four seconds (Ras, 2003c, p. 15).

Use your ears. Turn your head very often, and listen to noises. Smell with your nose. Very often, you smell fire, smoke, Kentucky Fried Chicken, urine, marijuana, perfume, or particular flowers. When you walk or patrol the same area regularly, you later develop a smell of the area. The environment tells a story; zoom in on it. Know your smells.

Look at the hands of people. Look where they put their hands, what they are doing, whether they are hiding something or not. Every day, when I am traveling the 18 kilometers from my house to the university, I look at all pedestrians, and as far as possible at all other motorists, especially those who pass or approach me. I specifically look at their hands to see whether they are empty or not. I constantly

try to see and figure out whether they want to shoot me, whether they are carrying a gun or going to draw one or not.

### **Be Armed at All Times**

I am very security conscious, especially when approaching an intersection or stop street—favorite places for car hijackers. In fact, my personal weapon (9 mm Z88 parabellum pistol – 15 shooter) is next to me on the seat or always attached to my body, ready for a fast draw (Ras, 2006). I refuse to become another Zululand victim—I still believe I have many things to do on this side of the River Jordan.

I have long ago passed the border of indecisiveness and have stopped asking the question of whether I must carry a gun or not. For my own safety and survival and for the bodily integrity of my clients, loved ones, and the general public, I carry a firearm and will not hesitate to use it when necessary. By doing that, I believe I set a sound and very good example to those who work in law enforcement.

The reality in Zululand in January 2007 is simply this: we are busy with a war on the streets, in the townships, in the sugar cane, and in the rural areas (reserves). You don't know when you will be the next to die! KwaZulu-Natal, due to its mountains, forests, and geography, has some of the best hiding places in South Africa, and criminals know that. They constantly pitch up here, and we constantly try to displace them.

The famous American mountain man, Jim Bridger (1837), when referring to the Northern Plains, occupied by the Blackfeet Indians said, "The grace of God won't carry a man through those prairies! It takes powder and ball" (as cited in Edwards, 1999, pp. 78-80). When quoting Bridger, Edwards (1999) had South Africa in mind when he averred that, as a Zimbabwean, although he does not feel particularly uneasy in his own country when unarmed, "only in South Africa do I feel naked without a firearm" (p. 80).

These remarks and views are not expressed to impress you or to dramatize the present state of affairs in South Africa; in this country, all people are constantly under threat and aware that they can become the next victim and statistic! We are busy fighting a war against criminal elements with the basic legal tools that we have, especially when you (like me) are traveling a lot all over Zululand—whether for business or research purposes. It has become too dangerous to travel for recreation (holidays); Zululand is well-known for its violent and fatal attacks on vacationers and even overseas tourists (Ras, 2006).

Analyze why a man puts his hand in his jacket, under his armpits, in a bag, behind his back, or behind his head. If the law permits, carry your firearm openly for everyone to see. Private citizens in South Africa must carry firearms in a concealed manner. Police and private security officers have a choice. I recommend an "open carry." Carry your weapon openly so that potential criminals can see it, and carry a lot of ammunition so that they can see you are accustomed to shooting and you mean business if they want to try their luck.

In my opinion, an open carry definitely scares the hell out of the majority of criminals. In fact in Zululand, many people think and say that the more ammo

you are carrying, the stronger you are. They also will think twice before they attack you because they don't know whether you can bring your gun into action more quickly than they can, as they must first draw their piece from underneath their clothing.

Make especially sure that your hand or elbow rests constantly on the grip of your hand weapon, and under no circumstances should you let anyone get closer to you than two meters. Be very vigilant, and be willing to die for your gun—don't let it go! The *Zululand Observer* again reported on January 19, 2007, "Guard gunned down." The security guard died after he had been shot three times by three men armed with a shotgun and a pistol. They took the guard's revolver (Savides, 2007c). When in Zululand, "Never trust them! Lov'em, but brother, don't trust'em!"

There is one outstanding thing that I see almost every time I observe a dead body involved in a shoot-out. Those who have died have empty guns. The slides of the pistols are open and locked in place—a sure sign of a semi-automatic pistol that ran out of ammunition. Carry enough ammo! I repeat, carry enough ammo! The British SAS soldiers learned that expensive lesson during the Falkland War—carry enough ammo! I suggest at least three 15-round magazines. That is 45-round FMJs (full metal jackets). When doing body guarding solo, I carry an additional 30-round magazine for the "in case scenario . . ." (Ras, 2006).

In South Africa, I don't recommend loading hollow points. A clever lawyer can use the argument that you deliberately wanted to kill a person by using ammo that was made to kill and stayed inside the body of a person. The FMJs are more "humane" and in line with the Geneva Convention (Ras, 2006). Most dead people that I see are shot with FMJs.

In fact, I cannot recall that I have seen anyone who has died because of hollow points. Here, the Zulus buy the "cheapest guns and the cheapest ammo"—as long as it is designed to kill! Most of them are buying the Chinese Norinco 213, 9 mm Parabellum and use New Generation Ammunition (South African made) because it is the cheapest in South Africa. Most security guards, taxi drivers, and ordinary black citizens buy this weapon. I also use this weapon when I train people or security guards in the use of a handgun; it only takes eight rounds. In South Africa, the Chinese are important to the economy—they provide rice, clothes, women, and guns!

### **Dress Like a Police Officer**

What a simple remark to make! In South Africa, police officers wear a beautiful blue uniform—exactly the same one as during the apartheid years. Perhaps, at least in my opinion, this is one of the reasons why the people do not like the police, especially those coming from the black townships. The military exchanged the old "apartheid army browns" for camouflage uniforms just before the first general democratic election, and the African people really love that. In fact, camos are now very high fashion in South Africa. It is a high priority to get anything military or camo-like in your wardrobe. (I recently bought a beautiful dress and camouflage handbag for my wife!)

I am always quite impressed with the American police when I see them on television. "Man, they really look like policemen!" Here, in South Africa, the

police very often only walk in their blue uniforms—without carrying any firearm! Almost all of them carry no handcuffs, no pepper sprays, and no batons. What a disgrace! I constantly address this issue wherever I can. How can a policeman protect civilians when an armed robbery takes place in his presence without his firearm? Must public members, who are not full-time or part-time in the police service, now start to protect the protectors? It is high time that South African police officers start carrying their hand weapons at all times.

Most men in the police service normally only carry their service pistol without any extra magazines. Now and then, the more vigilant field operators [detectives, dog unit, or flying squad (highway patrol) members] will carry two or a maximum of three magazines. One can only find a radio in a police *bakkie* (van)—if the vehicle is lucky enough to get one! No member carries a radio. Bullet proofs are only worn by flying squad members at certain times. The presence of handcuffs, pepper spray, batons, service pistols with one or two extra magazines, small torches and radios, and especially bullet proofs, definitely will tell the criminal that you are a “high executive businessman” who means business!

In the rural areas of KwaZulu-Natal, people are dying in hails of bullets. They are ambushed (Ras, 2006) and deliberately eliminated, especially during low light conditions, and during evenings, there are regular shoot-outs, frequently taxi violence, and very often car hijackings and armed robberies. Although there is a lot of pressure from “I don’t know who—only God knows” groups that want all guns to be banned, I personally feel that this kind of thinking is simply not what John Wayne, George Custer, and George Bush would recommend! Jeff Cooper and Jack Weaver have simply worked too hard in the past to improve the shooting skills of gun-loving and law-abiding citizens who are all committed to promote safety and security in society (Felter, 1988).

If Jack and Jill are properly dressed as they should be, criminals will, psychologically speaking, be very careful to attack them. The unprofessional ones normally will think twice and approach with fear and caution because they will not know how fast, powerful, and accurate they are compared to the officer. If the officer is properly dressed, looking like a real police officer and showing personal discipline, the criminal will sense it. Most of the time, a person with self-discipline (if well-trained) also has fighting discipline—and that scares the criminal off (Ras, 2003b).

### **Know Your Weapons**

Although I have already mentioned the importance of arming yourself, you must know all your weapons (arsenal) intimately. Know especially your firearm in detail and in-depth, and know how to bring it into action quickly because it is essential for personal safety (Ras, 2006). Most South African police officers are using the Z88 9 mm parabellum, although recently members have also been issued a new Pietro Beretta. The Z88 is a good South African made weapon that carries good rounds that can kill when members are in life-threatening situations (Ras, 2000a, 2002).

The Z88 is in my opinion something to be proud of, but it is a heavy thing to carry, but much lighter than the coffin that the family members have to carry when one passes away because he or she didn’t carry the weapon! While I have heard that a lot of shooting encounters in the United States are taking place at a distance of

two meters, here in South Africa, it is probably most of the time under 15 meters. Aimed shooting is learned at college and in private law enforcement, but my personal belief is that in most cases in which people have died, point shooting took place.

Although on average, police students fire about 600 rounds with the Z88 during college training (S. W. Fourie, personal communication, April 17, 2006), there is no doubt that they have almost no shooting exercises after this period. Years may elapse before a member will fire one magazine (15 rounds)! Although the South African Police Service is now retraining all members to comply with the new Firearm Act (Act 60 of 2000), this is a definite exception.

In real shooting incidents, police officers end up doing “adrenaline-rush point shooting” instead of deliberate aimed shooting. To be more precise, they make use of the typical “tap-tap” (two shots rapid fire) and “Mexican spray-and-pray method” (Ras, 2006), and as a result, they very often die. To ensure police officer safety, we need to develop more accurate handgun shooting skills.

### **Be More Authoritative**

Police officers need to become more authoritative and aggressive when necessary. Use “verbal judo”—that is, be firm, raise your voice, shout if necessary, but take control.

Normally, you will speak politely and gather information in a diplomatic manner, and when community-related issues are discussed with the public, it will take place in a pleasant atmosphere.

The police are not seen in Zululand as “street corner politicians”; in fact, they are barely seen at all in some areas. The past year or so, police officers were more visible on the streets, in the towns, in central business districts, and even in remote rural areas, but there are many more blue uniforms visible in the police stations behind wooden desks, crammed in small pigeon holes, sharing “blue ideas” in corridors, instead of being visible and present in the community.

Although the National Commissioner of the South African Police Service, and Head of INTERPOL, Jackie Selebi, wrote to me that he has no doubt that my publication *Police Patrols in South Africa*, that I have sent to him, “. . . will indeed prove to be useful” (Ras, 2003a, 2006, p. 595), I am convinced that the South African Police Service has not yet discovered the important role of police patrols in the prevention of crime.

There is no doubt in my mind that any form of patrol can only be successful, and in the long run, certainly will only bear fruit, if police officers move with authority, with a “strong man” image yet a caring and understanding spirit. To introduce quality policing to the people, one needs to speak with authority—authority that is transferred through communicative skills like listening, responding in a loud and clear voice, taking control, and directing those who do not know where to go or what to expect.

By living and moving with authority, you project an image, attitude, personality, and temperament of someone who can face any crisis. You will be like that blessed tree that

“... is planted (literally) ‘on’ the streams of water” (Psalm 1:3). In other words, behave like someone without authority and see how criminals will mesh with you!

By raising the pitch and tone of your voice, by stepping forward, criminals immediately sense your fearlessness, and most of the time, they will back off or submit. If not, they will draw a gun or try to attack you, but by being one step ahead and having the element of surprise on your side, you have more momentum and a better chance to be successful in this type of criminal encounter. John Wayne probably would say, “When you have to hit ‘em pilgrim, hit ‘em fast and hit ‘em hard!”

Without misusing your authority by making use of excessive force, you need to restrain those who do not want to submit when necessary, and by making use of restraining techniques like wrist locks, finger techniques, or choke-holds, exercised with speed, decisiveness, and strength, you certainly will survive. This, of course, requires that police officers be thoroughly trained in restraining, defensive, offensive, and combat techniques (Lonsdale, 1995; Ras, 2006). To be honest, however, in most cases, I believe, I have mastered the “art of persuasion,” so I rarely have to use any physical force at all.

### **Be Determined, and Reveal a Will to Survive**

One of the biggest problems in the streets, townships, and rural areas is simply the lack of determination that people reveal in high-threat situations or when a crisis demands a strong will to survive. Whenever you are attacked or shot at, or when you are facing the barrel of a gun or think you are in the hairline of a sniper’s telescope, or knowingly entering the proverbial “valley of death” (in Afrikaans, *die doodsakker* or “arch of fire”), you must say to yourself, “I will survive!”

Gloria Gaynor, the American Queen of Disco, bounced back from total obscurity in 1979 to achieve her biggest hit ever, namely, “I Will Survive”—a formidable feminist anthem that scorched dancefloors, sold two million copies, and was a number one monster in the United States. Although it has nothing to do with law enforcement, I always remember the live rhythm and the words: “I will survive!” Living this slogan transforms you into an absolute determined law enforcement officer who can defend yourself with all the means at your disposal—something that is vital in life-threatening situations.

### **Be in Touch, and Liaise with the Public as Much as You Can**

Be in touch with the public. Build relationships, and constantly gather information, specifically crime-related intelligence (Ras, 2003a). This also helps you obtain people skills. You pick up vibes, temperaments, emotions, dreams, suggestions, will-power; you learn to see different people, unique people, persons with similarities; you see through, past, and behind them—you later can see in the eyes in front of you what is happening behind you.

You learn to see fear, love, and laughter; you see raw emotions, and you discover your smallness and authority. In short, it gives you the necessary knowledge and experiences with people that help and assist you to read them, to analyze and evaluate them, to sum them up, and to make that split-second decision, whenever necessary.

## Be Wary of Crowds or Groups of Criminals

This can be a real and nasty problem in South Africa. Nowadays, the criminals are operating in groups of three or more men. Sometimes they attack in groups of 20 or more in five or six vehicles with military and police assault weapons (R1s, R4s and R5s – like the American M16 or AK-47), especially when busy with a cash-in-transit heist. At times, people flock together at a *shebeen* (drinking place) or go on an illegal strike or march. Things can go dead wrong if you cannot read a crowd or gang and make wrong decisions in such situations.

“Never split up” is good advice (Dempsey, 1997, p. 63). Waiting for backup is problematic in Zululand because there is no guarantee that backup will come. Although police officers moving into the rural areas or working at night normally go in pairs, it is safe to assume that once you are attacked, you have to fight it out alone or die. Police officers need to be very careful when moving in to clear an area.

I recommend that an officer only approach a huge crowd with an assault rifle like the South African police R5-rifle, based on Israeli Galili’s Galil-weapon. The 5.54 x 45 mm rounds are full metal-jacketed rounds, with high velocity and penetration abilities and flat trajectories. This weapon is a blessed assurance when you are alone facing a mob or walking in a stick (four to five members). The carrying of this assault rifle makes one feel much better.

I still feel vulnerable when I move alone in the night into the rural areas with only my sidearm (Z88 15-round semi-automatic 9mm Parabellum), two extra 15-round magazines, and my LM6 (a shorter version of the R5) that takes 35 rounds. The LM6 is a private security version that shoots semi-automatic. Only the police and military are allowed to carry fully automatic assault rifles (Ras, 2006).

Although the South African Police Service does not deem the R5 to be an “assault rifle” (too offensive) but only a “rifle,” it is mostly used by members of the flying squad (highway patrols) and by the Area Crime Combat Unit (ACCU) (also called POP – Public Order Police), who must quickly respond to armed robberies, car hijackings, and hostile crowds. These people never or very seldom experience any problems when they get out of their vehicle with these weapons. The R5 rifle is the biggest symbol of power and authority in the criminal world.

Criminals simply back off, surrender, or start running away, or when they open fire, they run out of ammunition fast. Their hand weapons are no match for the power, velocity, and accuracy of the R5 rifle in the hands of a well-trained, experienced, and determined police officer. The wearing of bullet proofs by these members is not only an essential life-saver, but it also creates, psychologically speaking, a “strong man” image that is essential and necessary in order to impress the crowd and make them scared. Police officer safety is directly linked to bullet proofs and R5s!

Relying on the *gratia dei* is essential, but it is simple stupidity to go without these kinds of weapons. A cell phone with enough airtime, a strong torch, and a motor vehicle in good condition are also basic essentials. Most vehicle hijackings (simple shoot-outs to get a car) occur during low-light conditions and nighttime. I do not

recommend officers approaching any crowd without an assault rifle like the R5 or something similar like the LM6.

Legally speaking, a police officer's authority is vested in his or her uniform, but from a pragmatic point of view, it lies in the type of firearm and the amount of ammunition that he or she is carrying. I am very practical when it comes to crowds. Three, four, six, or ten or more attackers easily can corner you, and then you simply need to click the R5's (or LM6's in private security) safety catch one notch down in order to snap the trigger and do road clearance.

### **Plan, Prepare Yourself, and Enjoy Life**

While typing this article, my Z88 pistol lies less than ten centimeters away from my left hand, just left of my keyboard. It is chamber loaded. I must just click the safety-catch on the fire position and pull the trigger hard (there's no time to squeeze it softly) if someone (nowadays they come at least three plus!) jumped over the fence, neutralized my two old faithful guard dogs, unlocked or pulled out the heavy burglar bars in front of my doors and windows, and entered my house intending to steal, to kill, to torture, and to take away whatever they could get as fast as they could. This is a sickening reality, a great probability, that I can become a sample, a crime statistic, or as Queen would say, "Another (that) bites the dust!"

This reality necessitates proper planning and thorough preparedness. By illustration, two days ago, while busy typing this article, I made time and traveled more than 400 kilometers to fetch a new female German Shepherd dog in Durban to be trained in the "art of visible fence and yard patrolling" by my two older guard dogs. Once the new one knows the ropes, I sadly will have to assist the eldest of the two faithful "elders" to cross the River Jordan for the big bones with the chunky meat on the other side.

Everyday, I inspect my vehicles, check the batteries, tires, and cooling systems. I oil my firearms, see whether I have enough airtime on my cell phone, put a water bottle and first aid kit in the car, and ensure my spare tire is inflated and in good working condition. I make sure my jack and wheel spanners are there. Whether it has to do with household issues, or preparing for a field trip, or police operations, I plan. I check my equipment, I recheck again, and at times, again. I make sure I know the roads, the routes, the approximate time it will take to get there. I am like a professional bodyguard; I know I must plan to ensure the safety of my client at all costs (Ras, 2006).

I deliberately make time at least once or twice a week and go and do practical shooting, mostly with my Z88. I prepare myself by implementing different shooting positions, imagine myself in different scenarios, and try to see what I can do to get out of there alive. I enjoy every cup of coffee in the morning. I look at the beautiful ladies I pass; I listen to the birds; I talk to my dogs.

From a personal, existential, and subjective point of view, I study the martial arts, visit Isandlwana, and try to figure out what went wrong on January 22, 1879 (Knight, 1995), and how that differed from Lieutenant Colonel George Armstrong Custer's last stand at Little Big Horn River on June 25, 1876 (Ras, 2006; Shulman, n.d.). This morning, I spoke to Jan van der Walt, an armed response officer that I

trained in 2005 who recently returned from Iraq, working in an American camp of 35 square kilometers wide, telling me how he had survived an RPG-7 attack. Whatever I do or think—it makes me realize how precious life is.

Man, I love life! I read the *Magnum* magazine for shooters. I read what the American Paul Scarlata from Carolina has to say about handguns while eating my Aunt Caroline rice and chicken. When I peep through my kitchen window, I see my neighbor's two horses grazing, and I again think of Little Big Horn, and how I wish I could be there—just to sit down and reflect. To think of Comanche who made it! To drink Coke® and say, "I want to survive, because life is so beautiful—just like my wife in the swimming pool!"

I enjoy surfing with Google® and try not to write with emotion, but I can't—because I'm human, like Abraham Maslow, an existential being with safety needs (Ras, 1998). I consume the history of the old frontier like in *Dances with Wolves* with Kevin Costner; I dream like Bruce Lee to go to America to share in the American dream, but I am captured here. Morally and responsibly stuck to a bloody and bullet-riddled Zululand with its sugar cane, its criminals, and lack of police dogs.

Like R. Kelly, "I believe I can fly!" By escaping, and through reflecting "in my mind," I prepare myself, get myself focused on those things that really count. I look at the photos and memories of my partner and soul mate, enjoy my car and go again, to that, I suppose Marine-Special-Forces-Colonel at KFC who knows how to prepare a running chicken and a South African "I-forgive-you-ice cream." In other words, I try to enjoy life—every moment of it!

But what has all this to do with police officer safety? Everything! Absolutely everything! Your whole life changes once you realize the importance of what it is to live! In October 2003, I had a 9 mm FMJ right through my neck—I know what pain is, what it is to fight to survive, to fight for breath, to stand in the middle of the River Jordan up to your nose, and most of the time to go deep down, while seeing the bright light that invites you to come to rest on the "green green grass of home."

I know what it is to survive; I know; I cannot explain it in words, but I know that I know what it is to survive. I know what it is to fight back, to regain your strength through hard work and pain, what it is to struggle to get your own muscles back. To again receive the power and the movement that you thought you never would get back again.

You know who your real friends are, "who stand by you," like the song says. You start to know how to appreciate life, to enjoy it to the fullest, to capture every moment. I know that pen-pushing in law enforcement is not essential, or obtaining all the degrees; all that really matters and counts is to survive, and to live! If you have a why to live, you can bear with almost any how (Frankl, 1962; Ras, 2000b). Police officers need to get a why to live.

If you enjoy life to its fullest, you obtain and develop more confidence; your personality becomes stronger; you speak and walk with greater authority; the vibes that you send out are picked up by people. Those who are law-abiding citizens are drawn to you because of your tenderness and care, compassion and love, but those who plan evil things sense that you are going to fight back. They realize that they

have to move, to excuse and to displace themselves, or die. In short, you develop a high morale (Ras, 2006) that assists in keeping you alive!

## Final Remarks

Zululand is not Disneyland. It is a beautiful place but full of blood, violence, and crime scenes (“field laboratories”) that grow bigger and bigger every day and night. The police always advise the local people through the media not to walk around alone at night, not to stop next to the road. All around South Africa, there are signs for motorists indicating “hot spots.” Such areas are known for hijackers stealing cars and murdering people. To avoid this reality, they advise you not to drive or stop there. These signs are in my opinion, typical examples of “broken windows,” examples that the police are not in control of these crime-ridden areas.

The recommendations in this article are based on my beliefs and experiences. It is written between the bullets and blood in the sugar cane and the dust and the mud of Zululand. My friends who know what I do and who are also committed to law enforcement will agree with what I have said. The others, the uninformed, the ignorant, and those who believe guns are evil certainly will disagree. I don’t mind.

They can continue to play their golf, drink their tonics, and write newspaper articles or books destined for intellectual graveyards—I will stick to my guns and face the frontier with a ray of hope, because He did not give us a spirit of timidity, but a spirit of power, of love and self-discipline (2 Timothy 1:7). The politicians do not really have the will to fight crime in the country due to the past apartheid history. There are still too many of them who remember their own days when they were behind bars for their “terrorist/freedom fighter activities.” The young upcoming generation see these prisoners who have become presidents, as icons. It seems to me that many are showing symptoms of, what I call, the Mandelasyndrome. They first want to go and earn their “orange overalls” with distinction, so that after graduation, they can bail out and wear presidential suits.

I am of the opinion that the safety and survival of seriously committed police officers who want to bring down crime, lies not in the leadership abilities and remarks of those appointed in positions of authority in the South African Police Service or higher political levels; it lies with every individual police officer who must ensure his or her own safety by being alert, properly dressed, armed at all times, and well-trained in the use of guns. Someone who disciplines him- or herself and moves with authority is a person who reveals an absolute determination to survive.

Our police officer safety also lies with the United States government, especially with Republicans like President George Bush who must request more funding for the South African government “to get the robber’s den in order.” I have heard over the radio that more than \$283 million has been invested in South Africa by the United States of America in the past 10 years.

The South African government, although not truly in favour of the United States and its ideals, is simply lost without U.S. dollars. The ordinary citizen, even well-trained law enforcement officers, know that we cannot rely on our government to protect us. We rely on the *praesentia Dei*, ourselves, on you (the reader of this article), on the CIA, the United States government and all of its allies to liaise with

the existing South African government to ensure drastic changes. "Crying voices," especially those of nonblack law enforcement officers, are regarded as suspicious just because some are critical towards the government because of the frustrations they encounter when trying to combat crime.

I do not believe that you should criticize the government if you are uninvolved. But, if you are involved, deeply involved, and committed to bring about change and to reduce crime, then anyone, like America, who is serious about crime prevention, crime reduction, the stopping of all kinds of illegal criminal and terrorist activities, then you are my friend. Then, we are together in the trenches, spiritually and morally bounded together, to fight all incoming bullets, enemy fire, or whatever obstacle we may encounter.

I am not psycho or mad. I am deeply committed but also deeply concerned because things are not right here in Zululand. It is terribly wrong. Although my mother tongue, Afrikaans, does not assist me in picturing beautiful words like those English professors at Oxford, Cambridge, Harvard, or Johns Hopkins, I at least can try to cry out to God like John the Baptist or John the Seer, asking every day, even if my voice is a lonely one: "Please God, help us to dodge the bullets and blood and give us more dogs in Zululand."

## **Bibliography**

- Bentley, L. (2007, January 12). Melmoth murder raises anger. *Zululand Observer*, p. 2.
- Bezuidenhout, J., Ras, J., & Thorpe, W. (2004). *Official guide to the use of firearms: SAQA qualifications (Reference no. 21854)*. Centurion, Pretoria: Dotsquare Publishing.
- Burger, F. J. (2006). Crime combating in perspective: A strategic approach to policing and the prevention of crime. *Acta Criminologica*, 19(2), 105-118.
- Dempsey, T. (1997). *Contemporary patrol tactics. A practical guide for patrol officers*. Englewood Cliffs, NJ: Prentice Hall.
- Edwards, S. J. (1999). Of guns, violence and self-defence. *Magnum*, 24(2), 78-80.
- Felter, B. A. (1988). *Police defensive hand gun use and encounter tactics*. Englewood Cliffs, NJ: Prentice Hall.
- Frankl, V. E. (1962). *Man's search for meaning: An introduction to logotherapy*. New York: Touchstone.
- Knight, I. (1995). *The sun turned black. Isandlwana and Rorke's Drift 1879*. Rivonia, Johannesburg: William Waterman Publications.
- Lonsdale, M. (1995). *Bodyguard. A practical guide to VIP protection*. Los Angeles: STTU.
- Mallet, S. (2007, January 12). Tyson quits the ring. *Zululand Observer*, p. 1.

- McEnery, K. (2007, January 12). Brave police member bows out. *Zululand Observer*, p. 5.
- Metz, W. (1992). *K.TV. Alles oor Suid-Afrika*. Kaapstad: Struik Uitgewers.
- Minnaar, A. (2006). Let's help protect the protectors. *Acta Criminologica. Southern African Journal of Criminology*, 19(2), i-ii.
- Naidoo, R. (2005, May 13). Taxi-boss gunned down. *Zululand Observer*, p. 2.
- Prinsloo, J. (2006). The impact of victimization on fear of crime. *Acta Criminologica. Southern African Journal of Criminology*, 19(2), 1-17.
- Ras, J. M. (1998). The humanistic theory of Abraham Maslow – An introduction. *Studies on Psychology*, 1(1), 77-87.
- Ras, J. M. (2000a). Project S398/99. *The identification and tracing of illegal firearms in South Africa. A Christian-theological reflection*. KwaDlangezwa, University of Zululand.
- Ras, J. M. (2000b, October). *An evaluation of the logotherapeutic techniques of Viktor Frankl*. Unpublished master's thesis, KwaDlangezwa, University of Zululand.
- Ras, J. M. (2002a). What skills do the police need? *Police Studies 2002*, 1, 12-14. KwaDlangezwa, University of Zululand.
- Ras, J. M. (2002b). The Z88 9 mm parabellum pistol: Official hand weapon of the South African Police Service (SAPS). *Police Studies 2002*, 1, 26-28. KwaDlangezwa, University of Zululand.
- Ras, J. M. (2003a). *Police patrols in South Africa. February 2003*. KwaDlangezwa, University of Zululand.
- Ras, J. M. (2003b). *General appearance and discipline (SIRA). Cash-in-transit training in the private security environment*. KwaDlangezwa, University of Zululand.
- Ras, J. M. (2003c). *Advanced observation skills (FACASA). Cash-in-transit training in the private security environment*. KwaDlangezwa, University of Zululand.
- Ras, J. M. (2006). *Body guarding in a private security context*. Unpublished doctoral dissertation, KwaDlangezwa, University of Zululand.
- Savides, D. (2005a, June 3). Comment. Crime is out of control. *Zululand Observer*, p. 4.
- Savides, D. (2005b, June 3). Get rid of monsters. Police head pleads for moral regeneration. *Zululand Observer*, p. 4
- Savides, D. (2005c, November 11). Brave Unizul head speaks out after surviving gunshots. Rector bites the bullet. *Zululand Observer*, p. 1.

- Savides, D. (2007a, January 8). Kosi Bay again the target. *Zululand Observer*, p. 1.
- Savides, D. (2007b, January 15). Kosi Bay again hit by armed gang. *Zululand Observer*, p. 3.
- Savides, D. (2007c, January 19). Guard gunned down. *Zululand Observer*, p. 4.
- Shulman, T. (n.d.). Battle of Little Bighorn: Were the weapons the deciding factor? Available online at [www.historynet.com/wars\\_conflicts/weaponry/3035316.html?featured=y&c=y](http://www.historynet.com/wars_conflicts/weaponry/3035316.html?featured=y&c=y)
- Welch, J. (2002). Firearms ownership. Do unto others.... *Magnum*, 27(6), 37-38.

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# Police Officer Safety

**Steven L. Rogers, Lieutenant, Detective, Nutley (New Jersey) Police Department**

America's law enforcement officers will be required to meet tremendous challenges in this new century. Hence, political leadership on local, state, and national levels of government will be required to provide these officers with the training, tools, and equipment necessary for them to perform their duties at minimum risk to their lives.

Before September 11, 2001, when the topic of police officer safety was discussed by police executives in every city and town across America, the focus of attention was on purchasing bullet proof vests, high-powered weapons, and technologically advanced computer equipment. The purpose for purchasing this equipment was to give police officers an advantage over criminal elements via more powerful weapons, defensive body armor, and quicker means to track and apprehend criminal suspects.

Now that our nation is engaged in a global war on terrorism that has given birth to a new kind of "criminal warrior," the term *police officer safety* has taken on an entirely new meaning.

Law enforcement officials will now have to change their approach to addressing *police officer safety* issues from thinking "inside the traditional box" of purchasing safety equipment to thinking "outside the box" and developing new nontraditional ways to protect police officers from being injured or killed.

Thinking "outside the box" has led numerous law enforcement executives to conclude that perhaps the two most important police officer safety tools cannot be purchased. Instead, these tools are already integrated into police operations in most police departments and therefore only need to be enhanced and given priority status. I am referring to *training* and *intelligence collecting*.

It is no secret that police departments across the nation are inadequately equipped to protect their officers in the event of a full-scale terrorist attack or against violent criminal acts involving one of more individuals armed with high-powered weapons and sophisticated equipment.

Police officers are the first responders to all kinds of incidents, including terrorist attacks and violent criminal acts. Yet, funding programs designed to provide police officers with adequate and effective safety equipment, tactical and counterterrorist training, and the means to establish intelligence collecting and information sharing capabilities, which are all major factors with regard to keeping police officers safe from harm, have not reached the majority of police agencies in this nation.

In 2006, the National Law Enforcement Officers Memorial Fund<sup>1</sup> and the Concerns of Police Survivors, two nonprofit organizations, released a report revealing that more than 150 law enforcement officers were killed in the line of duty nationwide.

Traffic-related incidents claimed the lives of approximately 73 officers: 47 officers were killed in automobile accidents; 15 officers were struck by vehicles; and 11 officers were killed in motorcycle and bicycle accidents. Thirty officers died as a result of injuries or illnesses sustained by other line-of-duty incidents, including assaults, stabbings, and shootings.

Most, if not all, police executives will agree that the best way to protect officers from harm is to provide them with essential tools for survival, training, equipment, and intelligence collection capabilities.

The degree to which police officers are protected from being seriously injured or killed in the line of duty will depend on the degree to which a police agency enhances its police officer training programs, equipment and technology, and intelligence collections assets.

In many states, police officers are required to complete state-mandated training on topics such as firearms, use of force, domestic violence, and other “hot topics” that surface as the landscape of law enforcement changes.

The benefit of mandated training is that police officers who complete these courses learn about numerous life-saving tips with regard to responding to both minor and major incidents.

Unfortunately, most police departments cannot afford to conduct additional critical training on officer safety. Additionally, many law enforcement agencies do not require their police officers to meet specific performance standards, thus putting their lives at risk when they respond to specific hazardous situations.

One can only imagine the shape our armed forces would be in if soldiers, sailors, and airmen were not required to measure up to specific performance standards. The training the military provides its members is designed to save lives. Police officers should have similar training opportunities.

It is imperative that police command personnel develop training programs that integrate police officer safety as part of its structure. Every police department executive should ensure that each police officer is given the opportunity to sharpen his or her talents and skills by maintaining satisfactory performance standards, thus enhancing officer safety.

It is equally imperative that police executives acknowledge the importance of training and professional development of police officers, starting from the day they are recruited and continuing throughout their career.

Training plays a significant role in the development of police officers’ capabilities and general knowledge of their environment and potential threats, thus preparing them to address current and future challenges in the safest manner possible.

In 1991, when I traveled to Israel to lecture at the Israeli National Police Academy, I learned from Israeli police commanders that every police officer was required to complete periodic performance evaluations on topics related to law, command and control, and various policing functions.

If officers failed to obtain the minimum score in each category being taught, they would be required to attend remedial training. If they failed to attain the required scores after completing the remedial training, they could end up losing their job.

Israel has highly trained and well equipped police organizations. As a result of the priority Israeli police commanders' place on training, equipment, intelligence gathering, and the performance standards set by their police command authority, crime is being addressed effectively, and their officers are exposed to minimum risk when responding to very violent criminal incidents.

Perhaps in future years, law enforcement agencies across the United States will require police officers to pass local or national police performance standards similar to the standards established by the Israeli law enforcement community. Such a requirement would result in preparing law enforcement agencies to meet future challenges with the most highly skilled and trained men and women in the profession.

As Aristotle put it, *"Excellence is an art won by training and habituation. We do not act rightly because we have virtue or excellence, but we rather have those because we have acted rightly. We are what we repeatedly do. Excellence, then, is not an act but a habit."*<sup>2</sup>

Once police officers are trained to "act right" under all circumstances, police officer safety is automatically enhanced.

Another important police officer safety tool for every law enforcement officer is the ability to obtain information and intelligence about criminal elements operating in their communities. Being able to identify specific criminals and their plans will result in saving many police officers from injury or death.

In their book, *"The Forgotten Homeland,"* Richard A. Clarke and Rand Beers state that the New York City Police Department established "Operation Nexus"—a comprehensive information and intelligence collection training program for police officers and the private sector.<sup>3</sup>

"Operation Nexus" was responsible for the prevention of an attack on the Brooklyn Bridge soon after 9/11, thus saving a countless number of lives, including the lives of dozens of police officers. This is one of many examples of how intelligence and information collection and sharing has direct impact on police officer safety.

In my book, *America's Homeland Warriors,*<sup>4</sup> I describe a new management tool designed to maximize intelligence collecting and information sharing, thus impacting police officer safety.

The Leadership with Accurate Intelligence Data (L-WAID; pronounced L-WAYED) style of management is designed for police command staffs to meet the challenges that the war on terrorism and increased criminal activity will bring to their towns and cities in the years to come. L-WAID is a proactive management methodology that provides police officers with potential life saving information and intelligence about the criminal enterprises they must confront. L-WAID is a leadership methodology that enables police department decision makers to lead with the best

intelligence and information available for preoperational planning and operational deployment of police officers in the war on crime and terrorism.

It is a known fact that the side with the most accurate and current intelligence and information about his or her opponent is more likely to be the victor in any contest, and with minimum casualties. The L-WAID leadership methodology ensures police command personnel that when they make decisions and plans that will place their officers in harm's way, they will do so with a "corporate knowledge" of the who, what, when, where, why, and how of the criminal elements they are preparing to confront.

The United States military has a history of providing successful organizational structure, training, and leadership models to the corporate world and law enforcement community. Some of these models could be used to develop strategies and tactics designed to enhance police officer safety. Two of America's greatest military leaders, General Robert E. Lee, Confederate Army, and General George S. Patton, United States Army, were military leaders who put the safety of their troops first and foremost in their operational planning and decision-making process. These skillful leaders used intelligence and information as tools to provide their men with the safest environment and best equipment available to perform their duty.

Both men lived at different times and in different places. They fought different wars and were challenged by different enemies. Both of their names went down in history as great military leaders because the safety of their men was a major priority in all the decisions they made throughout the war years. Lee and Patton were successful in their fight against their enemies and in maintaining very minimal losses of their troops because they used the L-WAID style of leadership. Neither Patton nor Lee (with the exception of Gettysburg) took their men into battle without first obtaining accurate "corporate intelligence" about the enemy. Policing a city is not military combat, but the same leadership principles that both of these great leaders used could very well be used by today's police commanders who are facing great challenges with regard to addressing crime and officer safety.

Knowing the history, strategies, tactics, skills, and modus operandi of criminals is an absolute necessity in providing officers the tools, equipment, and other materials they need to remain safe when performing their duties.

It would be foolhardy to send any police officer into harm's way without obtaining a "corporate knowledge" of the criminal elements being targeted, and without providing them the appropriate equipment necessary to effectively address the safety challenges they will encounter as they perform their duty.

The days when a patrol officer speeds to the scene of a so-called "routine incident" are long gone. In order to effectively combat crime and terrorism in our cities, and at the same time keep our officers safe, police leadership will have to create "tactical response packages," which include innovative strategic and tactical plans, clearly defined goals and objectives, current intelligence and information, numerous approach strategies to specific incidents, new rules of engagement, and innovative exit strategies from specific crime scenes with police officer safety considerations designed to meet specific threats integrated into the package.

Once the tactical packages are disseminated to the rank and file, the command authority of the police department will have to make sure each officer is trained and fully briefed on the elements included in them.

If this sounds like the creation of a battle plan, you are right! Supervisors will have to focus on methods designed to outwit and outmaneuver very knowledgeable and skillful criminals who have taken much time to study police department tactics, command structures, city infrastructures, intelligence capabilities, and the way police officers and other emergency services respond to critical incidents.

In 2003, while working at the FBI National Joint Terrorism Task Force, in Washington, DC, I found a police department website that revealed a minute-by-minute description of where patrol units were located on any given day. Such information could be a valuable tool to a well-trained terrorist cell or criminal organization seeking to commit a violent criminal act or kill police officers.

On another site, I found interesting information about a police department's explosive ordinance unit, complete with photos of police officers and a list of equipment the police department maintained.

And on another website, I found the floor plans of an office building that houses a police headquarters in Virginia, complete with the layout plan of where the jail cells, arsenal, weapons locker, and other critical areas of the building are located.

A recent report published by the United States Commission on National Security identified some of the emerging threats and new challenges police officers will be facing in this century. The commission specifically stated that the United States will become increasingly vulnerable to hostile attacks on the homeland and that these attacks will come in the form of nontraditional means through acts designed to terrorize civilian populations. In order for the police to be prepared for terrorist-related incidents and an increase in violent criminal activity in their communities, law enforcement leadership must do all it can to enhance police officer safety through training, equipment, and intelligence collecting.

It would be advantageous for police agencies to create Revolution in Police Affairs Teams (RIPATs), comprised of law enforcement professionals tasked with creating innovative ideas and technologies designed to transform the way in which police do business by integrating into all of their training programs and intelligence gathering methodologies, police officer safety models.

Change is something police bureaucrats don't accept easily, but leaders who support the RIPAT concept must stay the course and work hard to overcome any opposition they encounter. There is too much at stake to ignore new ideas and concepts that could result in saving our neighborhoods from violent criminal activity and police officers from injury or death.

Another method police agencies can use to enhance police officer safety is to organize Homeland/Neighborhood Threat Working Groups, which would enable police officers to network and share intelligence and information about external and local threats with numerous police departments and the private sector throughout their state. Networking with other police agencies by organizing these working groups

will enable police departments and other law enforcement agencies to share vital intelligence and information about possible terrorist and criminal activity in each jurisdiction, thus strengthening the safety posture of each police department.

Many unwise bureaucrats in positions of leadership have created policies, strategies, and tactics by viewing the world from “inside the box.” It is time to support leadership willing to view the world from “outside the box.” These are the leaders who will help bring about the dramatic positive change needed to revolutionize the way the police do business and keep their officers from injury or death in this new century.

More so than at any other time in American history, training, equipment, and intelligence collection will have direct impact on police officer safety. As we enter this new century and are expected to meet the old challenges of criminal activity and the new challenges against an enemy seeking to dismantle our democracy block by block, let us keep in mind the words of Abraham Lincoln who met the challenges of his time: “The dogmas of the past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, we must think anew, and act anew.”<sup>4</sup>

## Endnotes

- <sup>1</sup> National Law Enforcement Officers Memorial Fund press release, December 27, 2006.
- <sup>2</sup> Cole, M. S. (1994). *Cole's quotables. The Quotations Page*. Available online at [www.quotationspage.com/search.php3?homesearch=Aristotle&page=9](http://www.quotationspage.com/search.php3?homesearch=Aristotle&page=9)
- <sup>3</sup> Clarke, R., & Beers, R. (2006). *The forgotten homeland: Century Foundation Task Force report*. New York: The Century Foundation Press, p. 26.
- <sup>4</sup> Rogers, S. L. (2006). *America's homeland warriors*. Martinsville, IN: Air Leaf Publishing, p. 107.

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# Stripping Is Not Appropriate: A Synopsis of Recent Federal Case Law on Strip Search Policies and Risks to Officer Safety

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The appeal toward achieving a balance of individual liberty and effective law enforcement is the touchstone of 4th Amendment jurisprudence. Legal scholars have alleged that police searches and seizures are the most volatile source of civil liability in the courts (Del Carmen, 2006; Kappeler, 2006). The constitutional protection to be free from unreasonable searches and seizures is at its zenith with respect to strip searches; however, law enforcement concerns with regard to such searches are ultimately grounded in officer safety and preserving security within jail facilities. Courts generally consider full-body strip searches to be the most intrusive of all person searches.

Generally, a strip search that takes place as part of the jail intake process is not valid unless there is reasonable suspicion that the arrestee harbors contraband or weapons in the area that is searched (Collins, 2004). In *Bell v. Wolfish* (1979), the Supreme Court held that a prison policy authorizing the strip searches of inmates must be justified by reasonable suspicion that the person possesses weapons or contraband. Lower courts have since interpreted the legal standard established in *Bell* to be applicable to strip searches conducted in local jails. Likewise, the Supreme Court has never provided clear guidance as to the appropriate legal standard governing post-arrest investigatory strip searches. Instead, lower circuit courts have formed their own precedent governing such searches.

This article addresses some of the current policies adopted by local law enforcement agencies on strip search procedures and demonstrates how such rules have fared with the federal courts. It is of principal concern that local law enforcement administrators remain cognizant of recent court decisions on the legality of search policies, and in particular, those applicable to strip searches. Weighing the constitutional rights of individuals against the need to preserve institutional order and officer safety remains a paramount concern whether such searches take place as part of a post-arrest investigatory procedure or part of the jail intake process.

## Recent Federal Case Law Governing Strip Searches

In the context of performing searches and seizures, police officer safety is vital. Recently, courts have faced issues dealing with strip search policies that apply in two situations: (1) post-arrest investigative situations and (2) the intake process at local jail facilities. Although jail administrators conduct strip searches of detainees for various reasons once they are in custody, the legal issues that apply to those searches are beyond the scope of this article. Post-arrest and intake strip search policies inherently involve a high degree of officer discretion and risk to officer safety. In an effort to curtail contraband and weapons smuggling into local facilities,

counties have formed policies in order to advance these law enforcement objectives (Kraska & Kappeler, 1997). In some cases, the courts have found that the police used reasonable judgment when performing strip searches. In other situations, the courts have held otherwise. Local law enforcement agencies have adopted policies to guide officers when conducting strip searches at jail facilities and during post-arrest procedures. Such policies, as will be seen, are frequently the source of litigation in the courts. The following section addresses some of the legal issues that have arisen in recent federal court opinions concerning the constitutionality of strip searches.

### **Strip Searches in Local Jail Facilities**

In *Bell*, the Supreme Court found that a prison policy authorizing strip searches of inmates after contact visits was reasonable as long as its purpose was to preserve institutional order and safety within the prison. The decision, however, did not directly apply to strip searches of arrestees conducted pursuant to booking procedures at local jail facilities. Most circuits have held that an officer must have “reasonable suspicion of drugs or weapons before strip searching—for security and safety purposes—arrestees bound for the general jail population” (*Evans v. Stephens*, 2005, at 5). Precisely what constitutes “reasonable suspicion” has been the subject of controversy among lower courts. The following examples are provided to illustrate how courts have reacted to various strip search policies and procedures conducted as part of the jail intake process.

#### ***Categorical Strip Search Policies Held Unconstitutional Without Consideration of the Crime Charged or Individualized Suspicion***

In *Bull v. City and County of San Francisco* (2006), a federal district court recently faced the issue of whether the categorical strip search policy at the San Francisco Sheriff’s Department (CCSF) violated the 4th Amendment rights of prearrest detainees. Until January of 2004, the department maintained a strip search policy of arrestees who fell into one or more of the following categories:

- Those arrested for narcotics-related offenses
- Those arrested for violent crimes or weapons offenses
- Those who had violent criminal histories or had committed weapons offenses in the past
- Those arrested on a probation violation
- Those arrested outside the city of San Francisco
- Arrestees bound for another correctional facility
- Arrestees due to be classified for housing in the jail’s general population
- Those confined in “safety” cells (*Bull v. City and County of San Francisco*, 2006, at 2)

These criteria directed law enforcement officers to perform strip searches of arrestees at the county’s jail facility “No. 9” (*Bull v. City and County of San Francisco*, 2006, at 6). Jail “No. 9” was designated as an intake facility whereby arrestees would be processed and either released or transferred to another San Francisco jail facility. These criteria typically did not apply to those arrested for traffic violations or minor misdemeanor offenses because such individuals were usually released shortly after booking. In support of their strip search policy, the sheriff produced numerous incidents in which arrestees attempted to smuggle weapons or contraband into the facility.

Mary Bull and other plaintiffs sued the City and County for violating their civil rights as a result of the jail intake strip search policies. In short, the plaintiffs claimed that the strip searches were not conducted on the basis of reasonable suspicion and that the jail's blanket policies were unconstitutional because they subjected all arrestees to strip searches as long as they met one of the criteria listed previously. The district court first addressed the plaintiff's claim that the strip searches of all detainees classified for housing in the general population were unreasonable. Although the court noted the heightened safety concerns associated with placing new arrestees in the general population, it claimed that this fact alone did not justify subjecting *every* person to a strip search who fell in this classification. The court rejected the defendant's argument that documentation of "widespread contraband smuggling" (at 7) justified the categorical strip search policy. The court reasoned that . . .

to adopt defendant's view that the severity of the smuggling problem can justify a blanket strip search policy would be to ignore the consistent holdings of the Ninth Circuit that reasonable suspicion may only be founded upon facts that are particular to the individual arrestee (at 7).

In summary, the court declared that the department's policy violated the rights of detainees who were strip searched prior to housing in the jail's general population. Because the sheriff's department did not introduce evidence indicating that those classified for general housing constituted a significant safety risk, the court averred that the policy was facially invalid.

The court's next endeavor was to decide whether the department's policy mandating strip searches for arrestees with one or more prior convictions or more than one prior arrest for drugs, weapons, or violence in the previous 5 years was valid (at 8). The court found that the policy was legal because the Ninth Circuit had generally recognized that factors such as an arrestee's criminal history were reasonably related to a heightened security risk. Furthermore, the court stated, "A prior arrest record that includes offenses or arrests for crimes that courts have long recognized pose [sic] a sufficient risk to institutional security that outweighs the arrestee's privacy interests" (at 8). In effect, the court denied the plaintiff's motion for summary judgment as to this allegation and found that the blanket policy authorizing a strip search of an arrestee based on his or her prior criminal history was valid.

The court next considered whether the individuals arrested for probation violations could be legally subjected to strip searches. Relying on *Marriott v. County of Montgomery* (2005), the court held that the department's categorical policy of subjecting probation violators (who had not consented to searches of their persons as a condition of probation) was unconstitutional. The court first emphasized that any valid search policy must be reasonably related to preserving the safety of the institution; therefore, a policy that subjects *all* probation violators to mandatory strip searches was considered unreasonable because not every violator is inherently dangerous or likely to traffic contraband into a jail facility. Furthermore, the court stated that it was reluctant to approve such a policy without clear evidence that all probation violators presented a heightened risk to officer safety or institutional order. The court noted, however, that most individuals would not have a cognizable claim under this policy because about two-thirds of probationers automatically consented to person searches as a condition of their probation and of those not consenting, the court excluded those arrested for drugs, weapons, and crimes of

violence and individuals falling under the jail facility's "criminal history" policy for strip searches. Nevertheless, the court held that the blanket strip search policy based on "probation status" was unconstitutional as a matter of law.

With regards to the strip searches conducted on arrestees transferred to other San Francisco jail facilities, the court held that such policies were constitutional. The court noted the "heightened risk to institutional security" associated with arrestees transferred from the No. 9 facility to other San Francisco jails (at 9). Furthermore, the No. 9 facility was designated a temporary holding facility, whereby inmates designated for housing in one of San Francisco's other jail facilities could anticipate intermingling with inmates in other San Francisco jails. This fact, standing alone, was enough for the court to deem the strip search policy of transferred inmates valid.

With regards to the issue of consent, the court first noted that in order for the plaintiffs to prevail on this issue, they had to show that the consent was freely given. Accordingly, the court considered such a determination "fact intensive" (at 11); therefore, the court was unable to draw general conclusions about whether arrestees *knew* they would be strip searched regardless of whether they provided consent to CCSF officers.

The court next examined the issue of whether persons designated for housing in a "safety cell" could be categorically subjected to strip searches without some individualized suspicion. The court first acknowledged the jail facility's policy for designating individuals in safety cells. Detainees were housed in safety cells in the CCSF for one of the following reasons:

- The arrestee exhibits bizarre behavior that results in the destruction of property or demonstrates an intent to inflict harm on him- or herself.
- The arrestee looks significantly disabled, and other housing is unavailable.
- The arrestee is potentially dangerous to him- or herself or others.
- The arrestee specifically asks to be placed in the safety cell.
- The arrestee is being observed for some purpose (e.g., the arrestee has ingested something that is potentially dangerous) (at 11).

The court concluded that some of the aforementioned policies included individuals labeled as "mentally unstable" (at 12). The court claimed, however, that one's mental stability, standing alone, could not justify strip searching all mentally unstable arrestees housed under the jail's classification scheme. The court surmised that under this policy, officers retain too much discretion, which could result in indiscriminate strip searches. Furthermore, the court reasoned that the policy must be sufficiently tailored to individuals so as to minimize security risks. The court acknowledged that the jail's policy addressed legitimate safety interests for officers and inmates in the facility; however, the court found that the policies were overly broad insofar as they targeted arrestees who merely requested such placement or included arrestees who were too disabled for housing in the general population. In summary, the court concluded that the department's policy was facially invalid because it lacked the officer's individualized suspicion that a particular person designated for safety cell housing may be concealing a weapon or dangerous contraband (at 12).

The previous case demonstrates that law enforcement officers working in local jail facilities must make individualized judgments as to an arrestee's safety risk prior to

subjecting him or her to strip searches. Jail administrators run the risk of incurring liability when they develop categorical policies that subject all individuals of a certain class to intrusive body cavity searches. Arguably, the court found that some of the strip search policies were valid, which included objective criteria such as the arrestee's criminal history and the type of charge filed. The case shows, however, that some policies unnecessarily subject a class of arrestees to strip searches and do not account for differences among arrestees in terms of their unique risk to the safety of officers and the institution.

### ***Blanket Strip Search Policy for Felony Offenders Considered Invalid***

In *Murcia v. County of Orange* (2002), a federal district court held that the Orange County Correctional Facility's (OCCF) blanket strip search policy for felony offenders was unconstitutional. The decision in *Murcia* was unique because up until that time the second circuit's rule was that only strip search policies for misdemeanor offenders were considered unconstitutional, unless the search was premised on reasonable suspicion. The circuit court had never addressed the issue of whether felony offenders could be automatically strip searched upon entrance into a local correctional facility.

The police had mistakenly arrested the plaintiff, Murcia. Unable to convince the arresting officer that he was not the person named in the warrant, Murcia was transported to the OCCF. Murcia alleged that the strip searches conducted upon his arrival at the OCCF violated his 4th and 14th Amendment rights. According to one of the correctional sergeants, the OCCF had a blanket policy to the effect that all new prisoners were strip searched at the time they entered the facility. The sheriff maintained that the strip search of Murcia was legal, although the policy was not, because the plaintiff was charged with a felony offense; therefore, he must be entitled to qualified immunity because the law on this point was not clearly established. In *Weber v. Dell* (1986), the second circuit held that blanket body cavity searches were unconstitutional unless they were based on particularized suspicion made in connection with the nature of the offense or the type of offender arrested. The defendant sheriff in *Murcia* argued that the rule adopted in *Weber* was no longer valid because it had since been overruled by the Supreme Court's decision in *Turner v. Safley* (1987). *Turner* held that a prison regulation is constitutional when it is "rationally related to legitimate penological interests" (at 89). In a recent case, however, the court held that the *Turner* ruling only applied to state prisons, not local jail facilities (*Shain v. Ellison*, 2001, at 64-65); therefore, the defendant's assertions were incorrect.

Additionally, the court claimed that the difference between felony and misdemeanor offenders did not warrant the adoption of different search policies. It reasoned that the distinction between the two types of offenders is "minor and often arbitrary" (*Murcia v. County of Orange*, 2002, at 4). Furthermore, some misdemeanor drug offenses may warrant strip searches, while some felonies, such as forgery, would likely not. The court relied on *Kennedy v. Los Angeles Police Department* (1990), which held that a blanket strip search policy for felony detainees was unconstitutional. In that case, the court found that before strip-searching a suspect or inmate, the officer must "evaluate whether the crime charged involves violence, drugs, or some other feature from which an officer could reasonably suspect that an arrestee was hiding weapons or contraband in a body cavity" (at 714).

In summary, *Murcia* demonstrates that the type of offender (i.e., felony or misdemeanor) should not unilaterally influence an officer's decision to conduct a strip search. Rather, officers should consider the person's propensity for violence or opportunity to conceal contraband based along with the offense charged and past offense history before conducting such an invasive search. In *Murcia*, the court noted that the sergeant performing the body cavity search was completely unaware of the underlying offense for which *Murcia* was arrested, which happened to be drug-related. Since the sergeant did not consider this factor, however, the court concluded that it was not necessary to consider this issue.

### **County Held Liable Based on "Unwritten" Strip Search Policy**

The case of *Miller v. Kennebec County* (2000) demonstrates how law enforcement policymakers, such as county sheriffs, may be held liable under federal law for allowing a pattern or practice of strip searches to exist but failing to act to avert it. In April of 1996, Deputy Davis arrested Miller for an outstanding warrant for an unpaid fine after making a valid traffic stop. Upon arrival at the Kennebec County Jail, Miller was told to "squat and cough" as part of the jail's policy on strip searches. Miller was subsequently strip searched several times during her three-day stay at the jail facility.

Miller sued the county alleging that the strip searches were unreasonable based on the severity of her charge and the fact that there was no reasonable suspicion that she possessed weapons or contraband. On appeal, the court affirmed the district court's decision that the strip searches were unreasonable based on the underlying offense for which Miller had been arrested. The court averred that such searches must be justified by reasonable suspicion that the individual possesses drugs or weapons; however, the court overruled the district court's decision that the sheriff was entitled to qualified immunity as a result of the deputy's actions. The court held that the strip searches were the result of "an unconstitutional municipal custom or practice" (at 3). The jail's unwritten policy was such that "all arrestees unable to make bail [were] strip searched" (at 3). Although the court acknowledged that there was no evidence indicating the sheriff had direct knowledge of the unwritten policy, the court concluded that such knowledge could be inferred in instances in which . . .

- There were relatively few number of detainees (59) in the jail.
- The fact that Miller had been stripped searched on multiple occasions.
- The sheriff was unable to refute Miller's claims that *all* individuals unable to make bail were automatically strip-searched.

In summary, this case demonstrates that the interest in preserving safety and order in local correctional facilities must be balanced against the nature of the offense for which the person has been arrested and the policy maker's awareness of unwritten as opposed to written search policies. In this example, the court found that the sheriff was liable because "the evidence [was] sufficient to raise a triable issue that the strip search practice was so widespread or flagrant that in the proper exercise of their official responsibilities, the municipal policy makers should have known [it]" (at 4).

## ***Jail Facility Strip Search Policy for Drug Arrest Held Invalid, but No Liability Imposed Because Law Was Not Clearly Established***

Recently, federal courts have ruled on a range of strip search cases that inevitably serve as the basis for future policy. Many of these decisions, however, have not surfaced in the courts until the last several years. Assuming that federal law has adequately informed law enforcement administrators and officers on policy issues concerning strip searches, the question remains as to whether the law is sufficiently established to justify new policy. To review, public officials can be held liable under Section 1983 when their conduct violates a clearly established right provided by federal law or the Constitution *and* reasonable officers would agree that the officer's conduct was unlawful given the circumstances. When the Supreme Court decides a case that is factually similar to the case in point, the law is said to be clearly established; however, not all circuit courts are in agreement as to whether a strip search policy can be justified solely on the nature of the offense for which one has been arrested.

When a suspect is arrested on a drug offense, some courts conclude that a subsequent strip search is reasonable because drug arrestees frequently harbor contraband on their persons. A recent circuit court decided a case in which the official performed an illegal search pursuant to a drug-related arrest; however, the law was not sufficiently established such that reasonable officers would agree that the strip search in question was unlawful.

In *Way v. County of Ventura* (2006), a Ventura police officer, Ortiz, arrested the plaintiff, Noel Way in her place of employment where she worked as a bartender. Ortiz noticed that Way appeared nervous and that her eyes were dilated. Based on his observations, Ortiz presumed that Way was under the influence of methamphetamine. He arrested Way on the spot and transported her to the local booking facility. Pursuant to the arrest, a blood sample was taken but indicated that Ortiz's suspicions about Way were incorrect.

The Ventura County Sheriff's Department had a policy requiring that all suspects arrested on "fresh misdemeanor drug charges" must be subjected to a full body cavity strip search at the time of booking. The search policy required that a person the same sex of the suspect must perform the search; there must be no physical contact during the search; and the search must be approved by the supervising officer at the jail facility. Ventura Sheriff's Deputy Hanson performed the highly intrusive search in a private room, which complied with all of the jail's policies. The search revealed no drugs or contraband. After the strip search took place, Way posted bail and was released.

Way sued Brooks, the Sheriff of Ventura County, as well as Hanson, claiming that her 4th and 14th Amendment civil rights were violated under Section 1983. The district court held that Way's rights had been violated because the strip search was not predicated on individualized reasonable suspicion; however, it did not grant qualified immunity to the defendants.

The circuit court agreed with the district court regarding its finding that the strip search was unconstitutional, but it disagreed that the defendants should not be entitled to qualified immunity. The defendants alleged that the California Penal

Code authorized such searches for the sake of preserving security and safety in the jail and that these interests outweighed the plaintiff's privacy rights associated with the full body strip search. In part, the statute read . . .

No person arrested and held in custody on a misdemeanor . . . offense, except those involving weapons, controlled substances, or violence . . . shall be subjected to strip search . . . prior to placement in the general jail population [without] reasonable suspicion based on specific and articulable facts to believe that such person is concealing weapons or contraband, and a strip search will result in the discovery of [such objects]. (at 3)

The court called the search "frightening and humiliating" (at 3). Although it acknowledged that jail officials have a vested interest in minimizing the risk of smuggled weapons and contraband into the facility, the court alleged that a blanket policy authorizing strip searches must show a connection to a bona fide security concern in order to be considered constitutional. This connection, according to the court, must be based on evidence showing that there is some "deterrent effect" (at 4) associated with a policy authorizing strip searches of suspects "spontaneously arrested" (at 4) for being under the influence of narcotics. It concluded that such security implications could not be taken "on faith" (at 4).

The court also reasoned that not all full body searches of drug possession should require ensuing strip searches because there are situations, such as the present one, in which such suspects do not pose a threat to jail security. Noting that Way was arrested at her place of employment and that the arresting officer did not suspect that she had drugs on her person, the court surmised that a strip search was not justified based on the facts of the case. The court also indicated that the search was performed *before* Way was released on bail, thus the risk that she posed to institutional security was minimal.

Having established that the search was unreasonable, the court next deliberated the issue of qualified immunity for Hanson, Brooks, and the county. The court's main task was to ascertain whether prior cases *clearly established* that a blanket strip search policy authorizing a strip search pursuant to a drug arrest was unconstitutional. The court noted the importance of two cases, *Giles v. Ackerman* (1984) and *Kennedy v. Los Angeles Police Department* (1990), which were both decided in the same circuit and authorized strip searches for offenses involving drugs or weapons. It also observed that there had never been a case decided in the Ninth Circuit dealing with a strip search policy that authorized strip searches for a drug-related offense. The district court, however, failed to consider the relevance of these two holdings when it rendered its opinion. Based on the apparent policy recommendations from *Ackerman* and *Kennedy*, the court ruled that the law was not clearly established on this point; therefore, it granted qualified immunity for the defendants.

The above case demonstrates that blanket policies authorizing strip searches for misdemeanor drug offenses may be unconstitutional unless jail administrators are able to show that a rational relationship exists between the policy and the risks to institutional order and officer safety. Whether or not a blanket policy of this sort is considered constitutional will likely depend on the following:

- Whether there is additional reason to believe the arrestee harbors drugs or weapons (beyond simply being arrested on a drug charge) and that only an intrusive body cavity search will reveal those items
- Whether the arrestee will be ultimately released on bail or placed in the general jail population

In this case, the court may have held differently about the legality of the initial search *if* the jail officer had determined that Way was bound for the general jail population; however, this issue was not considered prior to the strip search, which ultimately affected the court's ruling.

### **Post-Arrest Investigative Strip Searches**

In addition to strip searches that take place as part of the jail intake process, there is no Supreme Court standard governing post-arrest investigatory strip searches; however, several Court decisions have provided guidance on this issue. In *Maryland v. Buie* (1990), the Court held that a search as part of a protective sweep must be justified by specific, articulable facts leading a reasonable officer to believe that a search of one's property is necessary. More recently, the Court has concluded that reasonable suspicion must be judged according to the "totality of the circumstances" viewed from the perspective of a rational officer (*Ornelas v. United States*, 1996). Whether such a standard is sufficient to justify a strip search of one's body for the purpose of uncovering contraband has been the subject of controversy in recent court decisions.

In *Evans v. Stephens* (2005), the Eleventh Circuit implied that the legal standard governing post-arrest investigatory strip searches was stricter than that which applies to general intake search procedures. While jail intake strip searches can be partly justified on the basis of the maintenance of order and safety, such risk does not rise to the same level in post-arrest investigative contexts. Nonetheless, the courts have dealt with post-arrest investigative strip searches by applying the 4th Amendment's reasonableness standard.

### **Open-Ended Strip Searches Conducted Pursuant to a Drug Raid Declared Invalid Without Individualized Reasonable Suspicion**

In *Williams v. Kaufman County* (2002), a federal district court decided a case dealing with the issue of whether full-body strip searches pursuant to an "open-ended" arrest warrant were valid. Sheriff Harris, acting as the lead law enforcement officer for the operation, secured a "hazardous warrant" for the purposes of searching five individuals thought to be dealing crack cocaine from a nightclub located in Kaufman County. The language contained in the warrant apparently authorized an open-ended search of "all persons whose names, identities, and descriptions [were] unknown to the affiant" (at 5). The warrant did not specifically authorize a strip search, but Harris directed numerous law enforcement officers to conduct approximately 100 searches of citizens located at the club. Of the individuals searched, none were named in the warrant. The sheriff's unwritten tactical policy was to strip search individuals when executing tactical warrants despite the existence of individualized reasonable suspicion.

Two individuals who had been strip searched during the incident, Brown and Jackson, filed a Section 1983 lawsuit against the sheriff and the county alleging

that their 4th and 14th Amendment rights were violated when the officers searched them without some particularized suspicion. The court ruled that the searches were unconstitutional because the officers, acting on the direction of Sheriff Harris, knew or should have known that the intrusive nature of the searches was not justified based on clearly established law. Relying on *Ybarra v. Illinois* (1979), the court reasoned that the officers were not justified in conducting the strip searches even though the warrant impliedly authorized the searches of unnamed parties at the location. In *Ybarra*, the Supreme Court addressed the issue of whether the lawful search of a tavern bartender for drugs could be extended to the tavern's patrons. The *Ybarra* Court rejected the notion that a police officer could legally pat down *all* of the individuals at the location without reasonable suspicion, despite the concern for officer safety. In the present case, the court found that Sheriff Harris violated the rights of the individuals by way of strip-searching them. Because the sheriff lacked probable cause to search for contraband on Brown and Jackson, the court claimed the sheriff had violated clearly established law.

The sheriff and the county justified their searches based on the fact that the location was "notorious" for drug dealing. The defendants claimed that the *Ybarra* case was factually different because in the present scenario, the officers had a warrant that presumably mandated the search of other individuals found at the location. The court disagreed, stating that even if Harris and his officers had established individualized suspicion of contraband (on Brown and Jackson's person), it would still not justify the type of search that Harris and his officers conducted. Accordingly, the defendant's claim failed under the totality of circumstances test because the officers had no probable cause to arrest the plaintiffs, *and* the warrant lacked specificity with regards to the scope of the searches.

The *Williams* case indicates that warrants authorizing strip searches of multiple suspects at a location notorious for drug dealing are unconstitutional, unless an officer has reasonable suspicion that a particular individual possesses illegal contraband and a less intrusive search would not detect the presence of the contraband. Police officers occasionally are confronted with situations in which there are multiple suspects. In such situations, police officers must make decisions as to the appropriate search strategy to employ. A pat-down search, on the other hand, that reveals the presence of drug contraband would arguably have been the best search strategy for the sheriff in this situation. In *Minnesota v. Dickerson* (1993), the Supreme Court held that contraband other than weapons may be seized during a pat-down search for weapons as long as it is "immediately apparent" to the officer that the object detected is contraband. At the time Sheriff Harris conducted the strip searches, the Supreme Court had already decided this case. Police agencies that have adopted informal policies in connection with specialized search warrants are held to the same legal standards as those which govern typical searches. Furthermore, they must stay abreast of changes in constitutional law so that they may protect the rights of citizens and maintain sound investigative search policies.

### ***Post-Arrest Investigatory Strip Search of Suspect Found Reasonable***

In contrast to prior cases, *U.S. v. Cofield* (2004) indicates the type of circumstances under which police officers may be justified in performing strip searches of suspects as part of a post-arrest investigatory procedure. In June of 2001, two officers with the Boston Police Department arrested a certain Cofield pursuant to an outstanding

warrant for failure to appear in court on charges of heroin possession and armed assault. One of the officers had arrested Cofield on a prior incident in which Cofield was found to be in possession of a weapon and a large quantity of heroin. Once the officers arrested Cofield, they performed a pat-down search of his person, which yielded one small baggy of heroin. The officers then transported Cofield to a nearby police precinct substation so that they could perform a more thorough search of Cofield. The officers reasoned that they did not perform the strip search at the scene of the arrest because they did not want to call unnecessary attention to themselves. The officers searched Cofield in a hallway close to the booking desk; however, no other arrestees were in the vicinity at the time. After one of the officers asked Cofield to open his denim shorts and take his underwear off, the officer observed a small handgun fall to the floor. Cofield filed a motion to suppress the weapon, alleging that officers lacked the necessary probable cause to justify such an intrusive search.

The court began its opinion by stating, “the lawfulness of a strip search depends on whether the circumstances reasonably justify such an intrusive invasion of privacy” (*Swain v. Spinney*, 1997, at 5-6). Based upon the fact that the officers had reasonable suspicion to believe that Cofield presented a safety risk, the court upheld the strip search as constitutional. The court noted that the officers had ample reason to believe that Cofield may have concealed more contraband or a weapon in his underpants; therefore, the pre-intake search was considered valid. This assertion was based upon the fact that the officer’s pat-down search of Cofield yielded one bag of heroin; the officer had arrested Cofield on a prior occasion for a crime involving violence and drugs; and Cofield appeared panicky and resisted arrest.

The court concluded that Cofield had no viable 4th Amendment claim based on the manner in which the officer conducted the strip search. The court reasoned that the officers did not make Cofield “assume humiliating poses, expose himself in a unnecessarily public place or to members of the opposite sex, or [force] him to remain exposed for unreasonable duration” (at 3). The court contrasted this case with prior post-arrest strip search cases in which the search was conducted without particularized suspicion of weapons or contraband possession.

### ***Post-Arrest Investigatory Strip Search Held Unreasonable***

In *Evans v. Stephens* (2005), the Eleventh Circuit dealt with the issue of whether a police officer’s strip search of two arrestees following a DUI stop was valid according to the 4th Amendment. This case demonstrates that the legal standard governing post-arrest investigatory strip searches is generally the same as it is for jail officers conducting such searches; however, what constitutes reasonable suspicion according to the courts varies case by case.

In January of 1999, Officer Stephens with the Zebulon Police Department in Georgia stopped two African American males for speeding. Stephens, a white male, suspected that the young males were intoxicated because he noticed that Evans, the driver, smelled of alcohol and his demeanor was unstable. After Evans refused to take a breathalyzer test, Officer Stephens ran a check on Jordan for outstanding warrants. The dispatcher replied that there was an outstanding warrant for a certain “Detre Jordan” with the same date of birth. Jordan maintained he had no outstanding warrants, but Stephens arrested both individuals anyway.

Stephens conducted a pat-down search of Jordan and Evans, as well as a search of the vehicle; however, he did not discover any illegal contraband or weapons.

At the local jail facility, Stephens performed an investigatory strip search on both individuals prior to releasing them to the jail officers. The plaintiffs alleged that Stephens escorted them to a janitor room and instructed Jordan to remove his remaining clothes. Jordan reiterated that Stephens had the wrong person; however, Stephens retaliated by placing him in a choke hold causing him to gag. Stephens then used a baton-like object to search each individual's groin area and buttocks. According to the plaintiffs, Stephens searched them both in the presence of one another. Stephens claimed that he strip-searched both suspects, but he refrained from "touching or taunting them" (at 4).

Stephens averred he had reasonable suspicion to conduct the strip search because he believed "that plaintiffs had drugs based on their demeanor" (nervousness at the roadside stop) and their story of being lost. On appeal of summary judgment, the court considered Stephens' actions in light of 4th Amendment precedent governing investigatory strip searches of persons.

The court began its opinion differentiating between strip searches of arrestees *about to become part of the jail population* and *those occurring after arrest for the purpose of discovering evidence other than weapons*. In his deposition, Stephens himself acknowledged he had conducted the search to look for drugs, not weapons. Furthermore, the court reasoned that the search was investigatory and not "part of a safety or security routine of the jail" (at 6), thus it should be analyzed according to different 4th Amendment standards. The court opined that the search of plaintiffs was unreasonable because Stephens did not find drugs or contraband during the initial pat-down search or the search of the plaintiffs' pockets, nor did he see either one of them attempt to hide anything on their persons. The search of the vehicle also did not reveal drugs or contraband.

Using the "totality of the circumstances test," the court noted two additional factors that made the strip searches unreasonable: (1) the court observed that Stephens had taken the plaintiffs to an unusual location to perform the searches and that he showed little respect or dignity toward them and (2) the court alleged that the demeaning language Stephens' used toward the plaintiffs during transit to the jail and during the strip search at the jail was humiliating and embarrassing. In summary, the court denied qualified immunity for Stephens and reversed the district court's opinion believing that the facts alleged in this case "take the manner of the searches well beyond the 'hazy border' that sometimes separates lawful conduct from unlawful conduct" (at 9).

### **Justifications for Strip Searches**

The preceding sections have highlighted some recent case law concerning the legality of strip searches conducted in a post-arrest investigatory setting as well as those taking place as part of the jail intake process. A review of recent case law indicates that courts use the "totality of the circumstances" to determine whether a strip search is reasonable according to the 4th Amendment. As revealed in the aforementioned sections, a pivotal factor determining the legality of a strip search is the type of charge for which one has been arrested. Some circuit courts have ruled that strip searches that take place as part of the jail intake process are

legal on the basis of blanket policies that authorize searches for certain types of arrestees (i.e., those with a significant criminal history or bound for the general jail population and those arrested for crimes of violence or drug possession). While a strip search may be reasonable as a result of a drug arrest, the Ninth Circuit Court has disagreed, holding that additional reasonable suspicion must exist in order to justify the search. Recent court decisions have involved cases in which plaintiffs challenged the reasonableness of the strip search based solely on the type of offense committed and the necessary reasonable suspicion to conduct the search. The following table depicts a breakdown of the legal standard or policy in five circuits governing strip searches and reflects how those courts applied the policy to arrests for general crime types.

### Current Rules for Five Circuits Governing Strip Searches in Jails and Post-Arrest Situations

Circuit	Type of Charge	Legal Standard or Policy
First		
Jail Intake	Fine-Only	Blanket Policy Unconstitutional (2000)
Post-Arrest	Drug	Must Be Reasonable Suspicion (2004)
Second		
Jail Intake	Any Felony	Blanket Policy Unconstitutional (2002)
Post-Arrest	<i>unsettled law</i>	No Specified Policy
Ninth		
Jail Intake	Drug Arrest	Must Be Reasonable Suspicion (2006)
Post-Arrest	<i>unsettled law</i>	No Specified Policy
Tenth		
Jail Intake	DUI	Must Be Reasonable Suspicion (1997)
Post-Arrest	<i>unsettled law</i>	No Specified Policy
Eleventh		
Jail Intake	Any Charge	Must Be Reasonable Suspicion (2002)
Post-Arrest	DUI Refusal, Warrant	Must Be Reasonable Suspicion (2005)

**Note:** The Eleventh Circuit implied that the post-arrest strip search could have been justified if the officer had found drugs or weapons during the search of the vehicle or during the pat-down search (at 6).

### Discussion

As has been shown through the aforementioned case examples, the act of strip-searching a suspect is highly protected by the 4th Amendment. Nonetheless, local law enforcement officers routinely face situations in which such searches must be conducted to sufficiently investigate a crime and ensure a safe institutional environment. Plaintiffs who have sued public officials for conducting unreasonable strip searches typically allege that the search was not based on reasonable articulable suspicion of weapons or contraband possession. Under the “totality of the circumstances” test, courts generally consider a variety of factors to determine the reasonableness of a strip search. These factors include the nature of the offense, such as whether the crime is weapons- or drug-related, the suspect’s demeanor, criminal history, and the likelihood that the strip search will reveal illegal items.

Inherently, courts have found law enforcement officers liable for conducting strip searches of individuals arrested for nonviolent offenses or offenses that do not involve drugs. Although an arrest for drugs or weapons is ostensibly one factor that courts consider when deciding whether a strip search is legal, it is not always enough. In *Evans*, the Eleventh Circuit recently held that a strip search was invalid even though it occurred after a valid drug arrest. Several lawsuits, such as the one occurring in the previous case, have involved strip searches pursuant to blanket jail policies that automatically require officers to strip search arrestees subsequent to certain types of arrests. The problem with such policies is that they require officers to strip search *all* arrestees without considering the totality of the circumstances. For example, in *Thompson v. City of Los Angeles* (1989), the Ninth Circuit found that a strip search occurring pursuant to a felony grand theft auto arrest was reasonable because it was “sufficiently associated with violence” (at 1439); however, one year later, the same court found that the strip search of a grand theft arrestee was invalid simply because she had stolen property from a former dorm roommate.

Local law enforcement officers are frequently confronted with situations in which arrestees may possess concealed contraband or weapons on their person at the time of arrest. In such situations, a strip search may be reasonable. Although the law among circuit courts is conflicting in some cases, this article has outlined several policy recommendations that pertain to strip search procedures. Effective law enforcement must be balanced against the individual rights of citizens so that unnecessary lawsuits are avoided and risks to officer safety remain minimized.

## References

- Bell v. Wolfish, 441 U.S. 520 (1979).
- Bull v. City and County of San Francisco, No. C 03-01840 CRB, LN (N.D. Cal. 2006).
- Collins, W. C. (2004, June). Reasonable suspicion required for strip searches. *Corrections Today Magazine*, 66(3), 28-29.
- Del Carmen, R. V. (2006). *Criminal procedure: Law and practice* (6th ed.). Belmont, CA: Thomson/Wadsworth.
- Evans v. Stephens, 407 F.3d 1272 (11th Cir. 2005).
- Giles v. Ackerman, 746 F.2d 614, 616-617 (9th Cir. 1984).
- Kappeler, V. E. (2006). *Critical issues in police civil liability* (4th ed.). Longgrove, IL: Waveland Press.
- Kennedy v. Los Angeles Police Department, 901 F.2d 702 (9th Cir. 1990).
- Kraska, P. B., & Kappeler, V. E. (1997). Militarizing American police: The rise and normalization of paramilitary units. *Social Problems*, 44(1), 1-18.
- Marriott v. County of Montgomery, 227 F.R.D. 159 (N.D.N.Y. 2005).

Maryland v. Buie, 494 U.S. 325 (1990).

Miller v. Kennebec County, 219 F.3d 8 (2000).

Minnesota v. Dickerson, 508 U.S. 366 (1993).

Murcia v. County of Orange, 226 F.2d 489 (2nd Cir. 2002).

Ornelas v. United States, 517 U.S. 690 (1990).

Shain v. Ellison, 273 F.3d 56, 64-65 (2d Cir. 2001).

Swain v. Spinney, 117 F.3d 1 (1st Cir. 1997).

Thompson v. City of Los Angeles, 885 F.2d 1439 (9th Cir. 1989).

Turner v. Safley, 482 U.S. 78 (1987).

U.S. v. Cofield, 391 F.3d 334 (1st Cir. 2004).

Way v. County of Ventura, 445 F.3d 1157 (2006).

Weber v. Dell, 804 F.2d 796, 802 (2d Cir. 1986).

Williams v. Kaufman County, No. 3:97-CV-0875-L, LN (N.D. Tex. 2002).

Ybarra v. Illinois, 444 U.S. 85 (1979).

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# To Protect and Serve: The Effects of Occupational Stress Hazards on Law Enforcement Officers

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## Commentary

The men and women of law enforcement are known for their courageous efforts and heroism. Despite their duty to protect and serve, these individuals are at an extremely high risk for developing posttraumatic stress disorder (PTSD).<sup>1</sup> Compared to most individuals in the workforce, police officers experience greater pressure associated with their occupation. Not only do they deal with danger and violence on a daily basis, they also come into contact with abnormal pressures from society and are exposed to unusual and highly disturbing situations including terrorism. If the warning signs are neglected and proper aid is not available, law enforcement officers are subject to a high risk of developing psychological problems related to their job.

Danger and violence are prominent fixtures in the law enforcement job description—the reason why some argue that it is one of the most stressful occupations. Police officers deal with individuals from all walks of life in their uphill battle to uphold the law and serve and protect the public. This active occupation is prone to promote a multitude of on-the-job stressors, which directly affect police officers in a negative manner.

People experiencing PTSD often feel detached from their daily lives, and this can put their career at risk. A victim of the disorder may relive the incident while sleeping or through vivid flashbacks that are initiated by everyday events. Law enforcement officers present during a terrorist incident such as 9/11 may react strongly to stimulus reminding them of the event, causing sufferers of PTSD to relive the event as if it were actually happening again.<sup>2</sup> Clear biological changes as well as psychological symptoms may take days or even weeks to develop fully. PTSD is often “complicated by the fact that it frequently occurs in conjunction with related disorders such as depression, substance abuse, problems of memory and cognition and other problems of physical and mental health.”<sup>3</sup>

PTSD is a serious, debilitating disease that affects the social and occupational actions of a person suffering from reminiscences of a past traumatic experience; therefore, proper steps must be taken to mend people suffering from PTSD to sustain their health and allow them to continue to be contributing members of society. People with PTSD tend to avoid situations that remind them of the traumatic incident they originally experienced. As a result, anniversaries of the traumatic experience can be very hard, as well as revisiting the location of an incident; for an officer working a beat, avoiding the location would lead to an area being left unpatrolled and susceptible to crime.

According to research by Lawrence Miller (2006), PTSD is prevalent in the law enforcement field. Today, one-third of the law enforcement officers in the United States suffer from PTSD. Men and women in this particular occupation “are routinely exposed to special kinds of traumatic events and daily pressures that require a certain adaptive defensive toughness of attitude, temperament, and training.”<sup>4</sup> This exposure can lead to unwarranted defense mechanisms with great influence on job performance, including repression, displacement, isolation of feelings, and twisted humor. At times, law enforcement officials may walk away from an incident without signs of emotional distress due to these coping mechanisms, but unresolved trepidation may build up to lead to a medical disorder over time if left untreated.

Due to the negative results that can occur, it is necessary to provide the proper help to law enforcement officials to normalize their reactions to traumatic events and prevent the development of PTSD. Identifying the causes of stress is the first step toward reducing and preventing it. While no occupation is immune from the effects of stress, law enforcement professionals experience unique strains and tensions that are often more extreme than average and are generally unavoidable while performing a day’s work.<sup>5</sup>

In addition to incident-based stress, law enforcement professionals also end up dealing with occupation-based stressors including perception of offender’s sentences being too lenient, unfavorable public opinion of police performance, working mandatory rotating shifts, and not having enough time to spend with family due to overtime and odd hours.<sup>6</sup> Another source of stress in policing comes from exposure to unusual and highly disturbing situations. For example, it may be necessary that police personnel respond to a child homicide victim or the survivors of a gruesome vehicle crash. These types of situations are highly shocking for law enforcement officials to experience. If they do not deal with their emotional response properly, the stress from the exposure may take a psychological toll on the first responders.

Over the years, the stressors and ways of dealing with them have been changing for law enforcement. While stress has always been a normal aspect of the law enforcement job description, it has increased and morphed over time. Today, law enforcement officers are being called upon to deal with biological and chemical weapons, constantly have to be wary of legal action, and have to cope with media spin. These aspects are much more complex than the bootlegging, RICO Act,<sup>7</sup> and political propaganda of the past.

Recently, there have been overwhelming amounts of reports of first responders, including law enforcement professionals, who have been strongly affected by job-related stressors. The U.S. Department of Justice’s National Institute of Justice conducted a study known as Project Shield, which gathered information regarding the negative effects of stress:

During this research project, officers admitted anonymously to increased vulnerability to alcohol abuse and anxiety within the first 5 years of employment. Project Shield also found that officers experienced increased risk of mortality problems, chronic back problems, foot problems, and insomnia . . . In the psychological area, Project Shield revealed that officers lost

energy or interest, including loss of sexual interest, along with experiencing pounding in their chests and feelings of impending doom. Most important, 1% of these officers considered ending their lives. Regarding behavioral problems due to negative job stress, officers reported smoking and drinking problems; more injuries; and physical abuse of spouses, children, and even their police partners.<sup>8</sup>

If officers are affected physically or emotionally by stress, it will impair their job performance. At the same time, if they are not provided with the proper help to allow them to cope with a traumatic event, over time they may develop PTSD. Only a healthy officer can perform to his or her greatest ability, thus it is neither qualitatively nor quantitatively beneficial to have disturbed officers active on the force.

Most recently, the terrorist attacks of 9/11 have caused a shift in the way PTSD is diagnosed and dealt with in the police and rescue forces. While there is currently short-term help available to the direct victims inside the attack, there is a concern for the much-needed mental health preparedness of rescue workers and volunteers involved with rescue efforts. Programs have been recommended, and over 6,500 emergency services personnel have been trained in short programs. Training focuses on the handling of victims and the nature and effects of weapons of mass destruction more than the psychological effects.<sup>9</sup> First responders cannot be of great help if they are unable to deal with the psychological effects of what they are witnessing.

It is also crucial to create stress management programs for the benefit of families of law enforcement professionals. According to a National Institute of Justice survey of the spouses of police officers, a very large percentage said that they experienced unusually high levels of stress because of their spouse's job.<sup>10</sup> This is a concern because a stressful home environment has the tendency to affect the job performance of the law enforcement official. Strained spousal relationships result from officer stress, which is another stress in itself for the officer. Thus, a vicious cycle develops in which stress from the force affects an officer's family relationships, which reverts back and affects his or her job performance. It would be beneficial for law enforcement management to initiate stress management programs so officers can resolve their stress issues and salvage their family relationships.

Stress management programs also play an important economic factor. It is actually more cost-effective for law enforcement management to mend "broken" officers than to hire and train new ones. Police agencies find it expensive when employee income multiplies as a result of stress-related early retirement or long-term disability. Thus, not only is it necessary to establish stress management programs to help officers cope with their traumatic experiences to ensure their health and job performance, but it is cheaper to do so than hire new personnel. Robert Pepler, Assistant Sheriff of the San Bernardino (California) Sheriff's Department noted the cost to his agency: "We have a tremendous investment in cops," he said, "and if they leave after one traumatic incident, we have lost a tremendous amount. A dollar in psychological services now can save us hundreds of thousands down the road."<sup>11</sup> Not only is it the moral choice to help fallen police officers, but it is also a beneficial choice to the force.

Furthermore, according to Laurence Miller, "Police officers can be an insular group, and are often more reluctant to talk to outsiders or to show 'weakness' in front of their own peers than are other emergency service and public safety workers."<sup>12</sup> As a result of restraining their emotions and being reluctant to ask for help, it is easy to overlook the warning signs of PTSD within officers since emotional trauma does not bleed as they tend to battle with their demons alone. When stress builds up, each person has his or her individual breaking point, which may lead to other psychological disorders, substance abuse, and even the extreme of suicide. It is extremely important for law enforcement management to recognize and provide help for their officers before stress from the job affects their health and personal relationships.

Throughout the various police agencies, many critical incident stress programs have been established to help officers manage stress to prevent PTSD from developing. The methods that police departments have presented to their officers in order to cope with the stress of police work have been through traditional stress management techniques. These techniques help law enforcement officials define the meaning of stress; examine the physiological effects of stress; and gain skills for managing job stress, handling pressures on the job, and balancing work and family life. Most officers have been exposed to this material at several points in their career, either from educational materials presented in departmental inservice training or from reading available literature. Frequent training exercises provide law enforcement officials with the skills needed to cope if they experience a traumatic incident in the line of duty.

There are also special programs, such as Catch a Falling Star, that aim to aid in the efforts of educating and training emergency personnel on the effects and complications of a terrorist attack and general on-the-job traumatic events. To ensure a better understanding of this trauma, rescue workers participate in role-playing activities where they may act out possible scenarios associated with these types of events. The training programs help the rescue workers understand their own vulnerabilities and normal signs and symptoms of various psychological effects. Group interaction is important with this training. Many rescue personnel feel this type of reaction is not normal for someone in their position, and they often feel embarrassed about explaining their symptoms. Often, this type of emotional trauma is overlooked.

Another stress management program is Cop 2 Cop. Cop 2 Cop is based in New Jersey and currently serves law enforcement officers and family members in the area by employing an "integrated, multi-component emergency mental health continuum-of-care approach, including telephone hotlines, one-on-one crisis intervention, telephone assessments, group crisis intervention, and referrals to mental health resources."<sup>13</sup> Staffed by retired members of the law enforcement community as well as trained mental health professionals, the program has received over 9,000 telephone calls and has conducted more than 450 critical incident stress management interventions.

Recently, the program Cops 4 Cops was established to provide active and retired law enforcement officers of New York State with a 24 hours a day, 7 days a week, peer support and crisis management resource. Utilizing a similar but enhanced version of the methodology found in the Cop 2 Cop program, Cops 4 Cops uses trained

volunteer peer support officers, both retired and active, to provide assistance, but they also have a national network system comprised of “credentialed counselors, including psychiatrists, psychologists, licensed social workers, board certified alcoholism/substance abuse counselors, physicians, clergy members, attorneys, and financial management consultants” as well as other experts to assist those who need stress management assistance.<sup>14</sup>

These programs will be a benefit to law enforcement professionals in their selected areas, but national programs are needed to ensure that help is available to those who put their lives on the line time after time for the public. As an occupational hazard, law enforcement professionals are exposed to traumatic events more often than the average citizen; therefore, they are more likely to develop stress and other related disorders. When stress affects an individual physically and emotionally, his or her job performance begins to suffer. Thus, it is necessary that law enforcement management and government officials ensure that proper training and critical stress management programs, especially ones that can be easily nationalized, are implemented for officers to normalize their emotions and reactions to traumatic events. If this does not occur and the stress builds up without release, the officer has a greater chance of developing PTSD. It is important that law enforcement stress reactions are identified early to promote the best recovery, proper training needs are understood for these officers, and mental health professionals who understand these officers are provided to ensure effective treatment.

## Acknowledgments

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## Endnotes

- <sup>1</sup> PTSD is a psychiatric disorder that can occur following the experience or witnessing of life-threatening events such as military combat, natural disasters, terrorist incidents, serious accidents, or violent personal assaults. *What is posttraumatic stress disorder? A National Center for PTSD fact sheet*. Retrieved September 25, 2006, from [www.ncptsd.va.gov/ncmain/ncdocs/fact\\_shts/fs\\_what\\_is\\_ptsd.html](http://www.ncptsd.va.gov/ncmain/ncdocs/fact_shts/fs_what_is_ptsd.html)
- <sup>2</sup> *Post traumatic stress disorder (PTSD)*. National Institute of Mental Health. Retrieved October 16, 2006, from [www.nimh.nih.gov/healthinformation/ptsdmenu.cfm](http://www.nimh.nih.gov/healthinformation/ptsdmenu.cfm)
- <sup>3</sup> *What is posttraumatic stress disorder? A National Center for PTSD fact sheet*. Retrieved September 25, 2006, from [www.ncptsd.va.gov/ncmain/ncdocs/fact\\_shts/fs\\_what\\_is\\_ptsd.html](http://www.ncptsd.va.gov/ncmain/ncdocs/fact_shts/fs_what_is_ptsd.html)
- <sup>4</sup> Miller, L. (n.d.). *Law enforcement traumatic stress: Clinical syndromes and intervention strategies*. The American Academy of Experts in Traumatic Stress. Retrieved October 16, 2006, from [www.aeets.org/article87.htm](http://www.aeets.org/article87.htm)
- <sup>5</sup> On-the-job stress in policing: Reducing it, preventing it. (2001, January). *National Institute of Justice Journal*, 19.

- <sup>6</sup> Ibid.
- <sup>7</sup> The Racketeer Influenced and Corrupt Organizations Act (commonly referred to as RICO Act or RICO) is a United States federal law that provides for extended penalties for criminal acts performed as part of an ongoing criminal organization. RICO was enacted by section 901(a) of the Organized Crime Control Act of 1970, Pub. L. No. 91-452, 84 Stat. 922 (1970, October 15).
- <sup>8</sup> Harpold, J. A., & Feemster, S. L. (2002, September). Negative influences of police stress. *FBI Law Enforcement Bulletin*, 3.
- <sup>9</sup> Chapter V: Long-term victim needs. *Responding to terrorism victims: Oklahoma City and beyond*. Retrieved September 30, 2006, from [www.ojp.usdoj.gov/ovc/publications/infores/respterrorism/chap5.html](http://www.ojp.usdoj.gov/ovc/publications/infores/respterrorism/chap5.html)
- <sup>10</sup> On-the-job stress in policing: Reducing it, preventing it. (2001, January). *National Institute of Justice Journal*, 19-20.
- <sup>11</sup> Ibid.
- <sup>12</sup> Miller, L. (n.d.).
- <sup>13</sup> Sheehan, D. C., Everly, Jr., G. S., & Langlieb, A. (2004, September). Current best practices: Coping with major critical incidents. *FBI Law Enforcement Bulletin*, 4.
- <sup>14</sup> Cops 4 Cops. (2006). Retrieved October 16, 2006, from [www.cops4cops.org](http://www.cops4cops.org)

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# Decisionmaking and the Police Use of Deadly Force

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A precarious relationship exists between democratic societies and the police agencies that have been created for the purpose of maintaining law and social order. In an attempt to maintain law and order, police officers may be required to use force in their day-to-day contact with the public. Police have at their disposal the capacity to act as judge, jury, and executioner, if need be. Force that is legitimately and properly applied serves as an essential ingredient in maintaining an ordered society (McLaughlin, 1992; Ross, 2002).

The decision to use deadly force, however, is of such significance that, if at any time a death results, the appropriateness of the action will always be questioned. Police use of lethal force can only occur in those few situations in which no other reasonable option is available. When an officer is issued a firearm, the expectation is that it will only be used in very limited circumstances. The vast majority of police officers within the United States and Canada will complete their entire careers, without having to shoot or utilize potentially deadly force (Griffiths, Parent, & Whitelaw, 1999). In those rare instances when deadly force is used, however, the decisionmaking by the officer is often complex, multifaceted, and instantaneous.

When police officers use firearms against individuals, it is assumed that they are using lethal force. Police officers within the United States and Canada are trained to shoot to kill contrary to the common notion that training involves techniques in wounding assailants. Police firearms training emphasizes hitting the target's centre of mass to eliminate a potentially lethal threat; however, the majority of people shot by police do not die (Parent, 1996, 2004).

Generally, officers who discharge a firearm or utilize other potentially deadly force are attempting to immediately incapacitate a perceived threat. This decision-making process will usually transpire when the individual officer is under stress, allowing for the influence of both physiological and psychological factors (Parent, 2004).

In North America, both law and policy govern police use of force. The use of deadly force by the police must occur only within the parameters of state and federal legislation as well as organizational policies. Within this legal framework, the police are also empowered to utilize discretion. Geller and Scott (1992) define *official discretion* as an authority conferred by law to act in certain situations in accordance with an official's or an official agency's own considered judgment and conscience. Government legislation and organizational policies within the United States and Canada serve to provide only the outer limits of police discretion in using force.

There is no obligation for the police to use force whenever it would be legally justifiable. The use of force, including deadly force, is dependent upon both the unique circumstances of the incident and the unique decisionmaking of the officer. If two officers are faced with the exact same circumstances, one individual officer may decide to employ deadly force while the other may choose a nonlethal method of dealing with the perceived situation. Thus, both discretion and perception may vary between individuals.

## **Incident Evaluation and Force Options**

Prior to reacting to any situation with the application of force, a police officer is required to evaluate the incident. Through analysis of all of the information known, a police officer will attempt to select the most appropriate use-of-force response. By law, and by profession, the response must be the *least violent option available* that will safely gain control of the situation (JIBC, 1992, 2006).

When police officers find themselves facing a violent individual or superior numbers, the level of potential danger is increased significantly. As a result, the police officer must quickly disable the attacker(s) and improve the likelihood of control. In these instances, compliance tools, such as pepper spray and impact weapons, may provide the necessary means for the police officer to control the situation.

When a police officer determines that physical force is necessary to establish control, the officer must compare his or her own physical abilities with those that are exhibited by the subject. Since there is no *field test* by which an officer can “measure” their subject, a visual evaluation occurs. Factors that will contribute to the police officer’s assessment of the subject include the individual’s size, gender, demonstrated skills, muscular development, and age. In conducting this rapid field assessment, the officer will compare his or her potential for achieving control to the subject’s potential to resist. A police officer who reasonably believes that he or she possess a physical advantage will generally be able to gain control of the subject with a minimal level of force (Griffiths et al., 1999; JIBC, 1992, 2006).

## **Demonstrated Threats**

Individuals who police officers confront can demonstrate various levels of potential danger. These dangers are typically in the form of weapons or levels of resistance. When dealing with weapons, both the type of weapon and the manner in which it is carried or held can influence an officer’s perception of potential danger.

The dangers associated with levels of resistance can quickly change within the context of any particular incident, and as such, police must be alert to all possibilities. Levels of resistance can be broken down into six distinct categories:

1. *Nonverbal Intimidation* – Gestures and facial expressions that present an aggressive position
2. *Verbal Noncompliance* – Threats, arguments, or refusal to obey a lawful request
3. *Passive Resistance* – Dead weight, linked arms, sit-ins, etc.
4. *Defensive Resistance* – Physical actions that impede the police officer

5. *Active Aggression* – Actual assault upon the officer(s) by way of punching or kicking
6. *Deadly Force Assault* – Active aggression that places the officer(s) at risk of death or grievous bodily harm (includes, but not limited to, assaults with various types of weapons)

### **Levels of Response**

Individuals often have no control over the situation(s) they face; however, some control can occur by exercising an appropriate level of response. These responses include five distinct force options that are available to all individuals, not only police personnel:

1. *Presence* – The mere presence of an individual may alter the behavior of the participants at an altercation, thereby facilitating control.
2. *Dialogue* – Verbal and nonverbal communication skills may resolve the conflict and result in voluntary compliance.
3. *Empty Hands* – Physical force is issued to gain control.
4. *Compliance Tools* – Empty hands are insufficient to gain control, and as a result, equipment or weapons must be used.
5. *Deadly Force* – The situation requires complete incapacitation of the subject in order to gain control. As a result, deadly force is the only option available to reduce the lethal threat.

### **Theoretical Explanations for the Police Use of Deadly Force**

Within this framework, researchers in the United States have attempted to explain the underlying reasons for extreme violence including police use of deadly force (MacDonald, Kaminski, Alpart, & Tennenbaum, 2003; White, 2003). In their attempts, researchers have derived a number of theoretical perspectives, each providing a viewpoint that must be considered within the unique circumstances of individual lethal force incidents. Wolfgang and Ferracuti's (1967) "subculture of violence" is one of the most cited theories of violence. These authors present the concept that there exists in different communities "subculture(s) with a cluster of values that support and encourage the overt use of force in interpersonal relations and group interactions" (p. 314).

Geller and Scott (1992) state that the structural theory asserts the significance of "broad-scale" societal forces, such as lack of opportunity, institutional racism, persistent poverty, demographic transitions, and population density; these combine to determine both homicide rates and to influence the police use of deadly force. It is argued that these factors serve to facilitate violent crime within a community, thereby influencing the propensity for police use of deadly force (MacDonald et. al., 2001).

The interactional theory focuses upon the character of relationships that escalate into homicide. Police use of force is seen as resulting from the interaction process itself. The act of the participant precipitates the acts of the police officer. This may result in an escalation of conflict that culminates in deadly force being utilized. In their 1982 study, Best and Luckenbill state that the most severe form of violence, murder, takes a sequential form. In his analysis of 70 murder cases, it was noted

that in every case, the killing was a culmination of an interchange between the offender and the “target” (victim).

The transaction of violence would occur in a sequential form. The “target” would act in a manner that the offender deemed to be offensive. In response, the offender would typically retaliate with a verbal or physical challenge. These events would establish a “working agreement,” favoring the use of violence. A battle would then ensue, typically leaving the target dead or dying (Best & Luckenbill, 1982, pp. 161-166).

In applying Luckenbill’s theory to police use of deadly force, the police officer would typically take on the role of the target. A police officer unknowingly attending the scene of an in-progress crime or, attempting to intervene in a violent situation, is typically perceived as the “offensive individual” by threatening the goal of the perpetrator.

As this interaction commences, it becomes apparent to both the target (police officer) and the offender (suspect) that each individual favors *opposing outcomes*. The police officer, if allowed to fulfill his or her role, will not only terminate the offender’s progress towards his or her goal but will also hold the offender accountable for his or her actions. In most instances, this accountability will occur in a court of law with consequences that may include punishment and the possibility of imprisonment.

It is within this context that the offender retaliates with the use of violence or the threat of violence. The offender sees the option of surrender or compliance as being an unsuitable means of settling the confrontation (Hannon, 2004; Luckenbill, 1977).

The offender’s actions, or inaction, will ultimately determine what level of force is required by the police officer. Should the offender choose to display a real, or perceived, potentially lethal threat towards the officer or another individual, then it is likely that police personnel will respond with their firearms or other appropriate levels of force.

Violence by police is also said to be situational in nature. In each particular situation, there is a unique set of dynamics that include personality, stress, and danger. Parent (1996, 2004) significantly emphasizes that, in some instances, the police officer is forced to react within seconds, and there is little that the involved officers can do differently to alter the nature of their encounter.

An essential factor in controlling this situation is the obligation of individual police officers to check for specific factors as they approach the scene of a potentially violent encounter. The mere presence of a police officer may serve to intensify and escalate the situation into which they are entering. Researchers have noted that a key factor in increasing the amount of time available to an officer is the training in violence reduction (JIBC, 2006; Parent, 1996). This would include such matters as deciding upon how, and when, to enter a situation, and what precautions to take including developing a habit of checking in-progress crime scenes for the purpose of identifying dangers, options, and bystanders (Geller & Scott, 1992; JIBC, 2006).

## Physiological Influences upon Decisionmaking

It is also important to recognize that an officer engaged in a potentially lethal encounter will experience a variety of perceptual alterations. Tunnel vision may occur, which, in effect, nullifies the officer's peripheral vision. The officer may require this vision in order to see other dangers and other alternatives to deadly force or to become aware of the presence of innocent bystanders (Klinger, 2001; Sheehan & Warren, 2001).

Researchers have cited "time distortions" and "increased auditory and visual acuity" among other physiological effects of high-stress confrontations. The physiological changes (more commonly known as the "fight or flight syndrome") are intrinsic within human beings, acting as survival mechanisms (Klinger, 2001; Sheehan & Warren, 2001). Murray and Zentner (1975) note that the "alarm stage" is an instantaneous, short-term, life-preserving, and total-sympathetic-nervous-system response that occurs when a person consciously or unconsciously perceives a danger-inducing stressor.

Upon stimulating the sympathetic nervous system, epinephrine is released from the adrenal medulla and, at the adrenergic nerve endings, is transported to target areas. The cardiovascular rate and output are increased, making more blood available. At the same time, the blood supply is shunted to the brain, heart, and skeletal muscles. The respiratory rate and depth are increased to ensure adequate oxygenation. The individual's metabolism is increased up to 150%, providing immediate energy and producing more body heat. Muscle tone is increased so that activities may be better coordinated. Pupils dilate so that maximum light can be used in viewing the situation. Vision is initially sharp. Finally, less essential functions such as digestion and excretion are diminished and sphincters tighten (Murray & Zentner, 1975).

These physiological changes enable the individual to act appropriately upon being faced with a perceived danger; however, there are times when, with the intensification of stress, opposite physiological changes can occur. Cardiovascular output may diminish, and respiration may become difficult with hyperventilation and dizziness occurring. The person may feel nauseated and hungry, muscle tone may relax to the extent that incoordination results. Pupil dilation may become fixed causing blurred vision. Finally, an individual's sphincter tone may diminish to the extent that involuntary defecation or urination occurs (Klinger, 2001; Murray & Zentner, 1975).

Individual officers who have been involved in shootings have detailed how the often split-second incident appeared to unfold in "slow motion" with their only focus being upon the actions of the assailant. In most cases, the police officers have responded to the perceived threat in an "automatic" manner, based upon their repeated training in dealing with life-threatening situations. In the vast majority of cases, a potentially violent encounter will develop into a lethally violent situation in just a matter of seconds (Klinger, 2001; Parent, 1996, 2004; Sheehan and Warren, 2001).

The perceptual alterations that occurred within the officer (usually within seconds) are frequently met in an equal amount of time by the deployment of deadly force.

This situation has typically caused police investigators and external reviewers, such as the courts, to take the view that it would be unrealistic and unfair to expect that a police officer, facing a perceived threat to his or her life or that of another individual, must take the "time" to explore all the options and variables present. Owing to the dynamics of a typical shooting situation, both the police and courts have tended to view any controversial hindsight as being unrealistic (Klinger, 2001; Parent, 1996, 2004).

This is not to say, however, that police officers should be relieved of their obligation to check for specific factors as they approach the scene of a potentially violent encounter. The police officer must invoke information-gathering and tactical decisionmaking prior to the onset of a violent encounter. The rapid timing and physiological effects that occur during the violent encounter will reduce the force options available to the officer, often leaving him or her with no alternative but the use of deadly force.

## **The Influence of Stress upon Decisionmaking**

Stress is a physical and emotional state that is always present in a person but is intensified when environmental change or threat occurs to which the individual must respond. An individual's survival depends upon constant negotiation between environmental demands and the person's own adaptive capacities (Klinger, 2001). Human performance under adverse conditions has been the focus of research for a number of years. Schade, Bruns, and Morrison (1989) state that experimentation and observational examination of threat, stress, and anxiety suggest that elevated stress levels negatively affect any performance. These authors note that physical and social settings serve to heighten anxiety including dark or poorly lit places, high crime and violence areas, angry or upset people, and nonsupportive social structures. While these factors affect all individuals, police officers are likely to experience even higher levels of anxiety, as they often have little choice in entering a dangerous situation.

Skolnick (1966) stated that in reaction to the pressures they face, police officers develop "perceptual shorthand" to identify certain kinds of people as "symbolic assailants." These symbolic assailants are individuals who use specific gestures, language, and attire that the officer has come to recognize as a prelude to violence. This may also apply to symbolic settings that the officer has come to recognize as having the potential for danger.

The responding police officer's arousal level will be heightened upon confronting a perceived symbolic situation. This recognition and arousal pattern may serve to "trigger" the use of deadly force, whether it is actually required or not. An officer's preconceived expectation may serve to alter facts, thereby creating an improper situational assessment and response. Symbolic situations may additionally provoke fear within an individual officer. This fear may include the fear of serious injury, fear of disability, or fear of death (Klinger, 2001; Sheehan & Warren, 2001).

Additional stressors within policing include the recent deinstitutionalization of the mentally ill and the increased usage of mind-altering and hallucinogenic drugs. These two factors alone have forced the police to deal with more disturbed and violent individuals. The recent widespread manufacture and distribution of

methamphetamine has also added to this situation, frequently causing the user to be aggressive and violent. Police officers, more than ever before, are likely to encounter violent or deranged individuals on a frequent basis.

In the past 15 years, large numbers of distressed individuals suffering from diseases such as schizophrenia have been released from institutions. Many of these individuals are now living on the streets and are frequently encountered by the police (JIBC, 2006; Parent, 2004). The behavior exhibited by a mentally ill individual can easily be misinterpreted as an aggressive act, indicating the requirement for the use of force. In many instances, police officers must be able to assess and interpret the cues of an individual (often within seconds) in order to ascertain the correct procedure in dealing with him or her. For example, a mentally distressed individual waving a knife in the air, while shouting and raging, may be “talked down” by a police officer using verbal communication techniques.

This same mentally distressed individual, however, may cause another officer to perceive that his or her life is in danger, thereby requiring the use of deadly force. Police officers are now increasingly placed in the precarious situation of being required to assess correctly and instantaneously the people they confront on the street.

Finally, these events have been exacerbated by the perception that the corrections system releases untreated dangerous offenders prematurely into the community. The prognosis for many of these individuals is that they will offend once again. Nevertheless, legislation requires that offenders be released into society upon the completion of their sentence. This situation further serves to intensify both the fear and stress level(s) of individual police officers. The police may unknowingly have to deal with a released dangerous offender, one who has demonstrated the potential for violence (Griffiths et al., 1999).

## **Conclusion**

Modern-day police agencies are faced with having to deal with both contemporary crime and a general public who often expect immediate solutions to problems that are deeply rooted within society. These solutions must be achieved within the parameters of legislation, constitutional guarantees, and the complexities of our criminal justice system. The police are additionally expected to maintain a level of service that is considered to be professional, accountable, and transparent to all individuals within society.

Unlike other occupations within society, however, realistic “street” conditions within the United States and Canada have caused the police to be preoccupied with the potential for violence during their day-to-day duties. Police agencies within North America perceive that they are tasked with policing a violent society, an ineffective criminal justice system, and offenders who may be armed with superior weaponry. Added to this situation, technology has created cheap and effective monitoring devices available to all members of the public. Police officers are not only expected to uphold the law, but their very behavior in doing so is frequently monitored and criticized by the public (Griffiths et al., 1999; JIBC, 2006; Skolnick & Fyfe, 1993).

In conclusion, the various theories and empirical studies surrounding the police use of deadly force and potentially deadly force have been analyzed and discussed. Throughout these various explanations, it is clear that no single theory serves to explain why the police use of deadly force occurs.

The noted levels of stress and fear faced by police officers may serve as explanatory variables in police use of deadly force. An officer who perceives a threat will act on that perception. The physiological and psychological changes that occur to police officers under stress may also serve as important factors in an officer's decision to deploy deadly force.

In many instances, organizational, physiological, psychological, and sociological forces combine to influence and direct the individual police officer in the deployment of deadly force. These same physiological, psychological, and sociological factors may equally influence and direct the role of the victim, leading to his or her demise in a deadly force encounter. Future research regarding decisionmaking and the police use of deadly force will hopefully provide additional insight and solutions to a complex social problem.

## References

- Best, J., & Luckenbill, D. F. (1982). *Organizing deviance*. Englewood Cliffs, NJ: Prentice Hall.
- Geller, W. A., & Scott, M. S. (1992). *Deadly force: What we know - A practitioner's desk reference on police-involved shootings*. Washington, DC: Police Executive Research Forum.
- Griffiths, C., Parent, R., & Whitelaw, B. (1999). *Canadian police work*. Scarborough, Ontario, Canada: ITP Nelson.
- Hannon, L. (2004). Race, victim-precipitated homicide, and the subculture of violence thesis. *Social Science Journal*, 41(1), 115-121.
- Justice Institute of British Columbia (JIBC). (1992). *Police use of force, the "comprehensive" model: Progressive guidelines for BC municipal police officers*. Vancouver, British Columbia: Author.
- JIBC. (2006). *Police recruit training manual. Block I and block III*. New Westminster, British Columbia: Author.
- Klinger, D. (2001). *Police responses to officer-involved shootings*. St. Louis, MO: U.S. Department of Justice.
- Luckenbill, D. F. (1977). Criminal homicide as a situated transaction. *Social Problems*, 25, 176-186.
- MacDonald, J., Kaminski, R., Alpert, G., & Tennenbaum, A. (2001). The temporal relationship between police killings of civilians and criminal homicide: A refined version of the danger-perception theory. *Crime & Delinquency*, 47(2), 155-177.

- MacDonald, J., Manz, P., Alpert, G., & Dunham, R. (2003). Police use of force: Examining the relationship between calls for service and the balance of police force and suspect resistance. *Journal of Criminal Justice*, 31(2), 119-127.
- Manolias, M., & Hyatt-Williamson, A. (1986). *Study of post shooting experiences in firearms officers*. London, UK: Home Office.
- McLaughlin, V. (1992). *Police and the use of force: The Savannah Study*. Westport, CT: Praeger.
- Murray, R., & Zentner, J. (1975). *Nursing concepts for health promotion*. Toronto: Prentice Hall.
- Parent, R. (1996). *Aspects of police use of deadly force in British Columbia: The phenomenon of victim-precipitated homicide*. Unpublished master's thesis, Simon Fraser University, Burnaby, British Columbia.
- Parent, R. (2004). *Aspects of police use of deadly force in North America: The phenomenon of victim-precipitated homicide*. Unpublished doctoral dissertation, Simon Fraser University, Burnaby, British Columbia.
- Ross, D. L. (2002). An assessment of *Graham v. Conner*, ten years later. *Policing: An International Journal of Police Strategies & Management*, 25(2), 294-318.
- Schade, T., Bruns, G., & Morrison, G. (1989). Armed confrontations: Police shooting performance in threatening environments. *American Journal of Police*, 8(2), 31-49.
- Sheehan, D., & Warren, J. (2001). From critical incident stress to police suicide: Prevention through mandatory academy and on-the-job training programs. *Suicide and Law Enforcement*. Washington, DC: U.S. Department of Justice, FBI.
- Skolnick, J. (1966). *Justice without trial: Law enforcement in a democratic society*. New York: Wiley and Sons, Inc.
- Skolnick, J., & Fyfe, J. (1993). *Above the law: Police and the excessive use of force*. Toronto: Maxwell MacMillan.
- White, M. D. (2003). Examining the impact of external influences on police use of deadly force over time. *Evaluation Review*, 27(1), 50-78.
- Wolfgang, M. E., & Ferracuti, F. (1967). *The subculture of violence: Towards an integrated theory in criminology*. New York: Tavistock.

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# Enhancing Use-of-Force Training

**Curtis Jeff Cope, Program Administrator, California Commission on Peace Officer Standards and Training Institute of Criminal Investigation, Instructor Workshop Series**

Use-of-force training is a requirement for law enforcement to prepare officers to deal with the multitude of dangerous circumstances that they may face on a daily basis. Typically, recruits in the academy and active duty police officers are trained in the use of a variety of weaponless control techniques, disarming techniques, and searching techniques. They are also trained in the use of chemical agents, batons, electrical devices, and deadly weapons. In academy and advanced officer training sessions, officers spend time refining skills in searching and handcuffing suspects; practicing how to retain their firearm when a suspect grabs it; and many other skill-building, life-saving exercises. Officers are trained via scenarios or simulations on whether to shoot or not shoot. Hours and hours are spent on the shooting ranges or in shooting houses so that officers are able to master firing their duty weapons so that they will be prepared for the time when their on-duty use is required. Officers are trained to punch, kick, and restrain suspects and to do so only using that force considered *objectively reasonable*<sup>1</sup> to the circumstances. What then is missing from law enforcement's use-of-force training?

When an officer uses force in the line of duty, he or she needs to be able to document the circumstances surrounding its lawful use. The general public, the media, the litigators, and the police administrators expect officers to be able to recount each and every force application with clarity. There seems to be a general assumption in law enforcement that officers required to use force will know how to write a factual, clear, concise, complete, and factual<sup>2</sup> use-of-force report. Agencies assume that their officers have been trained in the academy on how to write reports and consider a use-of-force report as just another police report. In many police organizations, once the recruit has left the academy, very little is done to equip the officer on how to write an accurate report describing what occurred before, during, and after the use of force. How can the police administrators and trainers maximize preparing their officers to be able to recall a peak stress event that is typically tense, uncertain, and rapidly evolving?

One remarkable and tragic event that significantly changed law enforcement training was the April 6, 1970, murder of four California Highway Patrol officers in a fire fight known as the Newhall Incident. This extraordinarily violent incident was the genesis for changes in law enforcement training, tactics, equipment, and policy throughout the professional law enforcement community. One of the key lessons learned in the Newhall Incident was that police training failed to prepare the officer for the eventualities of such a violent confrontation. It is now well known that officers react to their training in these peak stress events. Effective trainers rely on actual incidents to create training that replicates real-world events that have occurred, so officers can learn from the apparent successes or mistakes. This type of training is outstanding in that it allows officers to safely develop skills, under controlled circumstances, that might prove to be life-saving during the very next car stop.

We in law enforcement need only watch the evening news to view some new law enforcement event, whether it is a pursuit, use of force, or shooting, to see circumstances that could be used as training tools because they are real events that officers are facing. In these events, the officers are required to use critical thinking skills, tactical planning, cover and concealment, and the multitude of other law enforcement tools and skills to manage the event. In one recent incident, two police officers in the City of Long Beach, California, were making a traffic stop on a vehicle. When the suspect stopped his car, he immediately exited it and took the officers under fire wounding both. That event resulted in a very extensive man hunt in southern California. Within a few days, the suspect was tracked to a strip mall in the City of Santa Ana, California, where officers attempted to take the suspect into custody. Again, those events lead to another officer-involved shooting, only this time it was the suspect who was shot and killed. Not all of the tactics used have been made public at this point in time. Imagine building a training exercise replicating those events and allowing officers to experience the tactics used by those officers under controlled circumstances. I believe that any responsible administrator or trainer in law enforcement would agree that this type of training would provide officers much needed skills because they will be faced with similar situations again and again.

So how can we make this realistic training even better? One method that should be effective is to adopt a new idea of how training can be taken to the next step. Let's examine a typical scenario-based firearms qualification course. An officer is given a scenario by the range master that describes that the officer is to visualize that he will be entering into a room where a domestic violence situation has been reported. The range master provides the officer with the information that includes the fact that the reporting party had heard screams coming from within a room and heard the victim yelling at the suspect to "put the gun down." Current teaching would then have the officers enter into the simulated room and react to whatever was seen confronting them, whether that be a target of a hostage or an armed suspect facing them, etc. The expected outcome of that type of training situation is for the officers to exit the room in one piece and hopefully disarm or shoot the bad guy and save the victim. This training is generally accepted as outstanding if the officer hits the target without getting shot and saves the victim. While this training is better than some, it is missing a major component of realism that faces any officer who would be involved in a real-world incident. Consider taking this training a step further. Why not train the officer to complete the entire event, which includes report writing or verbally recounting the events? In real-world events, the officer has to make a statement to some investigating entity or write a report that documents what the officer knew going into the confrontation, what the officer faced upon entering the location, what the officer took in the way of action, and most importantly the justification for doing what was done. This is what we expect officers to be able to do in a real on- or off-duty situation, but we do not do a good job of training them to perform accordingly. Of course, the immediate question is "won't this take too much time?" Writing the report may consume too much time, so if that is a valid concern, rather than requiring the officer to write the report, have the officer give a verbal account. Giving a verbal account will require the person running the scenario to either have the ability to listen to the account or have another assistant act as a supervisor to whom the officer reports. Another method might be for the officers to tape-record or videotape their recollections and turn it in for review. Scripting of the event before putting it into practice would be important so that all of the persons participating would gain the same training experience. It would be a

good idea to prepare a checklist of typical questions asked by investigators during these types of incidents and responses that an officer might make to the situation. The acting supervisor could then check off correct responses and note whether the officer may need additional remediation on the deadly force training scenario.

This same concept can be used when an officer is going through arrest and control training. Again, let us look at a typical arrest and control training scenario that an officer might face. An officer is told that he is to enter into a room and be prepared to take action on whatever he is faced with. He might be given additional information to simulate a call for service or details about what the officer might observe from a radio car. Regardless, the officer enters a room and is immediately confronted by a hostile aggressive suspect who starts yelling at the officer. Perhaps the suspect is wearing a red man suit and starts to attack the officer forcing the officer to resort to the use of a baton or chemical agent. The expected outcome for this type of training event is for the officer to react with the appropriate law enforcement tactics and weapon systems to overcome the resistance of the suspect, prevent escape, and take the suspect into custody<sup>3</sup> using *objectively reasonable* force.<sup>4</sup> Again, taking the next step to enhance the realism and training, the officer should be required to exit the training session and write a report documenting what had occurred and the lawful actions taken to overcome resistance, prevent escape, and effect the arrest during the training event. If time is an issue during the training session, the officer could be required to verbally identify the circumstances encountered when entering into the room, the steps taken to overcome the resistance, and the justification for making the arrest. There would be a need for an assistant instructor to play the role of a supervisor so the person being trained could have a live person to report to. Scripting the training event is a precursor to ensure that all participants receive the same training benefit.

Depending on what type of strategy the agency selects for training will determine what the officer should be able to write when writing the report or state when giving an accounting of the event. If the agency is training officers in a scenario that requires the officer to use deadly force, part of the expected accounting should include factors that are outlined in the United States Supreme Court case decision *Tennessee v. Garner*.<sup>5</sup> In the *Garner* decision, the court held a Tennessee statute unconstitutional insofar as it authorized the use of deadly force against an apparently unarmed, nondangerous fleeing suspect: "such force may not be used unless necessary to prevent the escape and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others." The Federal Court established the following standard of care for an officer using deadly force to capture a fleeing suspect.

- Life-Threatening Escape – "Where the officer has probable cause to believe that the subject poses a threat of serious physical harm, either to the officer or others . . ."
- Life-Threatening Felony – ". . . if the subject threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction of serious bodily harm . . ."
- Give Warning When Feasible – ". . . the court imposes a constitutional requirement that some warning be given prior to the use of deadly force where feasible . . ." "Halt, police! Stop or I'll shoot!"

- If Necessary to Prevent Escape – “. . . in order for deadly force to be constitutionally permissible, there must be probable cause to believe that the use of deadly force is reasonably necessary . . .”<sup>6</sup>

Officers should also be able to recall and explain any state law or department policy that applies to the situation. None of these needs to be verbatim, but the officer needs to be able to supply his or her reasoning and reliance on those laws or policies that affected his or her decisions during the training encounter.

If the training is of a nature of something other than the use of deadly force, then the expectation would be to include some of the rational mandated by *Graham*. In the *Graham* court decision, the court told law enforcement that, “all claims that law enforcement officials have used excessive force—deadly or not—in the course of an arrest, investigatory stop, or other seizure of a free citizen are properly analyzed under the 4th Amendment’s *objectively reasonable* standard, rather than under a substantive due process standard.”

The court found in part that the reasonableness inquiry is whether the officers’ actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The court indicated uses of force should be looked at and that one must consider the “totality of circumstances” to justify that particular sort of seizure.

The court also stated that the “reasonableness” of a particular use of force must be judged from the perspective of a “reasonable officer” on the scene, rather than with 20/20 vision of hindsight. The court went on to state, “the calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.”

By adopting this new idea of training, requiring an officer to give a verbal accounting or writing a proper report, agencies emulate what they expect officers to do in their regular everyday duties. Replicating reality should enhance officers’ learning of proper procedures, the recollection and retention of the peak stress facts that officers experienced while in the controlled environment, and the ability to apply those lessons should they ever be presented with a real-life situation.

## Endnotes

- <sup>1</sup> See *Graham v. Connor*, 490 U.S. 386, 104 L Ed 2d 443, 109 S. Ct. 1865 (1989).
- <sup>2</sup> See California Commission on Peace Officer Standards and Training Basic Academy Workbook Series, Learning Domain 18, Investigative Report Writing, Chapter 1-10.
- <sup>3</sup> See California Penal Code, Section 835 a.
- <sup>4</sup> See *Graham v. Connor*, 490 U.S. 386, 104 L Ed 2d 443, 109 S. Ct. 1865 (1989).
- <sup>5</sup> See *Tennessee v. Garner*, 471 U.S. 1, 85 L Ed 2d 1, 105 S. Ct. 1694 (1985).

<sup>6</sup> See California Commission on Peace Officer Standards and Training, Basic Academy Workbook Series, Learning Domain 20, Chapter 3

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# On Paper, It's Forever: Police Testimonial Deception in the 21st Century

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## Introduction

Deception in the sworn testimony of police officers is an age-old paradox and has been a phenomenon of intense, albeit periodic, interest to academics, criminal justice administrators, and public opinion. The notion that those entrusted to uphold the law might engage in the widespread practice of what has been termed “testilying” (Mollen Commission Report, 1994) has always been troublesome, considering that most police deception occurs within the context of courtroom testimony, report preparation, and evidence collection. As we are faced in 21st century America with ongoing tension between the Federal Executive Branch and the judiciary regarding the extension of a secretive and intrusive wartime paradigm of search, seizure, and detention to United States citizens, this phenomenon assumes an even greater degree of urgency than perhaps ever before. It is a propitious time to revisit the issues, research, and future implications of the inconvenient truth that our agents of public safety do, at times, engage in testimonial deception at every step of the legal process. In the June 2006 issue of *The Justice Quarterly*, Peter Kraska challenges the community of criminal justice scholars to build “criminal justice theory” rather than remain exclusively focused on crime theory, and there have been few attempts to frame the determinants of testilying within conceptual boundaries that transcend a focus upon the “little corruption” and instances of brutality that are brought to the fore approximately once each decade.

Previous research suggests that there is a tendency for police officers to engage in deception when crimes involve acts that are considered especially abhorrent within the subculture of policing—especially drug offenses and crimes of extreme interpersonal violence. Moreover, these practices are motivated at least in part by the desire that justice be done; the use of illegal methods of deception are often considered expedient means to achieve the worthy end. Logical decision-making processes among police officers are, in effect, hijacked to achieve the ultimate ends of retribution and deterrence for drug traffickers and violent predators. Along with drug trafficking and violent crime, the pursuit of terrorism in the 21st century often provides cover for legal and quasilegal shortcuts. One need look no further than briefs filed in recent Supreme Court cases by the Department of Justice to find overt arguments supporting the erosion of traditional standards of 4th, 5th, and 14th Amendment protections.

Empirical research into this important topic is dated and therefore somewhat deficient in the present context. The available literature, a body of which has been reviewed herein, indicates that these practices derive most importantly from an overwhelmingly universal belief among police officers that they face an uphill battle in a legal process that has become biased in favor of criminals, in terms of the current judicial interpretation of the Bill of Rights. In short, they are only

doing what they believe to be absolutely necessary to fulfill their mandate—the apprehension and incapacitation of factually guilty criminals. To illustrate the magnitude of this widely held attitude, one veteran officer expressed a belief that deception—using any and all available methods in order to remove criminals from the street—is “doing God’s work” (McClurg, 1999, p. 394).

Against the present backdrop of the complex and evolutionary judicial treatment of the various implications of the Patriot Act and other extraordinary measures passed over the last several years, there is an implicitly greater motivation for the foot soldiers in the law enforcement industrial hierarchy to shape the truth according to the perceived guilt of the accused—but perjury is criminal behavior. The challenge of future research would be to explore the mechanisms that enable police officers to retain their identity as agents of the state, sworn to uphold the law and constitution of the United States at the same time that they violate these fundamental obligations.

On the macro level, it is often assumed that society’s tolerance for police misconduct of any stripe is predicated upon the role of the police in supporting and maintaining the dominance of the powerful at the expense of the lower strata. We can now surmise that a certain element of fear—the trauma and popular belief that the nation is under attack by powerful forces that seek our destruction—has become integrated to the culture of federal law enforcement. To date, the most comprehensive research in this subject has been undertaken through the application of sociological inquiry, but wider explanations should be pursued through a multidisciplinary approach. It would be wholly inadequate to attribute the phenomenon of police testimonial deception to factors explained by any single discipline within the broad category of the social sciences. I propose that a greater degree of explanatory power can be obtained through the construction of an analytical framework that integrates relevant propositions framed by the disciplines of social psychology, sociology, and legal theory.

At the micro level, sociological determinants are essentially conflated with psychological factors such as the processes of decisionmaking as well as subcultural norms that develop within the milieu of the law enforcement organizational structure. For after all, though the macro perspective provides some explanatory background for this phenomenon, it is the culture of the police that fosters its propagation and survival. Beyond this perspective, some attempt at measuring and quantifying individual motivational factors at the elemental level will at some point need to be addressed. It is difficult to operationalize the choice between crime and noncrime at a level that would enable the construction of experimental designs for empirical research, but it is probably not impossible.

The discourse of decision science may be of some value to this end; future research may pursue the development of quasiexperimental designs that target the impact of emotion and rationality upon the decision by social control agents to break the laws they are sworn to uphold. In their discussion of goal systems theory, Kruglanski et al. (2002) cite empirical support for the degree to which secondary/alternative goals may inhibit commitment to the primary goal. Means become conflated with ends; therefore, the alternative goal (or means) of gaining acceptance within the peer group of the law enforcement culture may then interfere with the level of commitment to uphold the law.

Legal theoretical discourse targets testifying with a view toward solutions, but legal remedies for this ingrained and enduring issue cannot be crafted in a vacuum. The powerful influence of subcultural norms must be given careful consideration and can best be evaluated by an integrative theoretical analysis. Moreover, the decision-making process that enables testimonial deception must be closely examined if the Gordian knot that secures the entrenched position of this widespread practice within the criminal justice complex in contemporary America is to be severed. James March (1994) argues that there is a fundamental dichotomy in the motivation of decision makers. Decision makers process choices through the application of rationality in order to maximize gain or choose according to adherence to a set of rules that are appropriate to the identity of the decision maker or his or her social/organizational identity. If March is correct, then it is axiomatic that either process may be quite salient to the issue of police testimonial deception. The expected maximization of outcome in police work is that the guilty be punished. A rational choice approach on the individual level would seem to indicate a decision to take the necessary measures to ensure this outcome. Cultural expectations extend and embed these expectations to the group level; the expectation that whatever is necessary will be done to achieve the punishment of the guilty is also coupled with the organizational level, at least loosely.

John Crank (1998) provides an overview of the impact of cultural norms on testifying. In his analysis, the existence of deception in police practice can begin at the very outset of the criminal process, when warrants are applied for (p. 241). The likelihood of warrant-application perjury is correlated with the nature of the offense; drug offenses are overwhelmingly most likely to prompt falsification of warrant applications. Sympathetic judges are sought after so that the applications won't be scrutinized, and they are often aware that the warrants are illegal (p. 242). Crank also cites Skolnick's (1982) study on the impact of *Mapp v. Ohio*<sup>1</sup> and reflects on Skolnick's conclusion that the exclusionary rule had the effect of enhancing police officers' propensity to fabricate evidence in order to fulfill the requirements of the new standard. Crank posits that testimonial deception pervades each level of the criminal process as a cultural imperative, even going so far as to suggest that police officers "*construct* crime in order to uncover wrongdoing" (p. 249). An aspect of policing that is often ignored is that police are encouraged to employ lies, deception, trickery, and subterfuge in order to achieve the cultural imperative of success in crime suppression (Crank, 1998; Librett, 2005; Marx, 1988). Testifying is a natural expression of this imperative.

If testifying is truly as ubiquitous as some research indicates, the exploration of remedial strategies must be undertaken. In the 1990s, several well-publicized incidents of police deception brought the issue to the public fore:

- The scandalous behavior of members of the Los Angeles Police Department in the investigation of the O. J. Simpson murder case, with one detective ultimately convicted of perjury.
- The return of an almost endemic pattern of "meat eating" corruption in New York City, ultimately revealed in graphic detail through the Mollen Commission Report in 1994. This report appeared to validate earlier accusations by Alan Dershowitz, and others, that police perjury was a widespread, endemic, and

structurally accepted practice (Cunningham, 1999; Foley, 2000; McClurg, 1999; McDonald, 1999; Slobogin, 1996).

- The case of *United States v. Bayless*.<sup>2</sup> In a suppression hearing relative to the seizure of a tremendous quantity of cocaine, Judge Harold Baer held the testimony of the police to be inconsistent, unconvincing, and not credible. The seizure of a major quantity of cocaine was negated. The subsequent outpouring of rancor from the media, law enforcement, and the threat of impeachment in the Congress had the effect of causing the judge to reconsider the testimony, and he reversed his own decision. McClurg argues that the practice of police deception has become a tacit component of legal procedure and is accepted as a necessary evil by the majority of judges and prosecutors. By this logic, a judge that refused to tolerate what he perceived to be police perjury was labeled as deviant by his *peers* and forced to recant.

This article reviews several propositions raised in contemporary literature. There is substantial agreement that police officers who commit perjury and employ other forms of deception are motivated by the desire that the guilty not go free. Outright perjury committed with the intention that a person known to the police as innocent might be convicted is exceedingly rare (McClurg, 1999; McDonald, 1999). It is not often suggested that such bald-faced misconduct is a pervasive element of policing, but within the context of the phenomenon of the “thin blue line,” Chin and Wells (1998) posit that police officers will not hesitate to lie under oath in order to evade legal sanction for either their own misconduct or that of other officers.

It is also argued that most police officers are “honorable, moral persons,” and further that “many of these same police officers lie in the course of their official duties” (McClurg, 1999, p. 391). McClurg believes that many persons accept the veracity of both of these propositions, however irreconcilable they may appear. In fact, the preponderance of the literature suggests that in the interest of crime control, society as a whole may be prepared to accept that the restrictive standards of due process may leave the police little alternative in order to conform their testimony to legal standards so that the guilty do not go free. In short, there is widespread belief among police officers and society in general that criminal procedure, as it exists today, unreasonably hampers the ability of police to gather admissible evidence (Foley, 2000). It is, therefore, understandable that there is a paucity of public demand for remedial action. The public has little desire to see the guilty go free because the “constable has blundered.”<sup>3</sup> In today’s world, it can be argued that the public has even less interest in seeing strict standards of constitutional protection applied to cases such as that of John Walker Lindh.

The literature includes similar definitions of police deception. To clarify the behaviors that can be characterized as the most widespread forms of deception, Foley (2000) distilled his conceptual understanding of police deception to include several variations of the technically illegal yet widespread shortcuts employed by police officers. These include altering official documents, planting drugs or weapons upon the person of suspects, enhancing weak evidence, trumping up charge decisions, testilying, and a laundry list of other acts that fall under the loose definition of “noble cause” corruption. There are vast opportunities for police to parse their deception in euphemistic terminology that facilitates the acceptance and dissemination throughout the police subculture of these behaviors.

## Psychological Perspectives

Social psychological analysis is key to understanding both the processes that facilitate testifying as well as the remedies that may be available. It is logical to assume that deceptive behaviors of any stripe can be traced to the fundamental principles of the “looking glass self” developed by Cooley (1902) and elaborated upon by Mead (1934) through the development of what became known as “symbolic interactionism” in the early part of the 20th century. How do police officers, for the most part honest and moral persons, manage to internalize the justification for the use of illegal and immoral means in the pursuit of justice? Is there a personality type that is more likely to be predisposed to engage in testifying? And if so, does this personality type tend to self-select into police careers? What methodologies might be employed in order to reduce the prevalence of deception in the practice of law enforcement? Ultimately, given that future research may support the findings contained in the literature reviewed for this article, is it even possible to address this issue without substantial change in the nature of the adversarial legal system and the elimination and/or modification of the “exclusionary rule” as an interpretation of the 4th Amendment?

Cooley (1902) proposed that one’s conception of self is a product of one’s social transactions with others and society. There is no sense of *I* without relation to the concepts of *you*, *(s)he*, or *them*. Thus, Cooley argues at the most basic level that behavior is grounded in socially constructed communicative norms. How we are seen by others, how our appearance is judged, and what we perceive that others are thinking about us are the elemental building blocks of behavior. Multiple and complex life perspectives result and enable equally complex and sometimes counterintuitive behaviors, such as police officers engaging in deliberate testimonial deception.

Mead (1934) introduces the concept of the relationship between the creative self (*I*), which symbolizes the disorganized, aimless tendencies of the self and the conventional self (*Me*), which reflects the internalized social beliefs of others. As people grow and are socialized through interactions with others, Mead posits that “symbols” are identified that become the basis for social life. The use of symbols prompts a sense of self; meanings are derived from people, not objects. Eventually, the interaction through the use of these symbols engenders the development of a sense of self, as persons perceive how they are seen by others. Unconscious communication within the context of the social process, expressed through the “symbols” of language, gestures, and appearance, informs the process of the definition of self-perception and may also explain how a police officer comes to believe that breaking the law is necessary if justice is to be served.

Goffman (1959) provides a complex description of the establishment and maintenance of social identity. His analysis is grounded in the symbolic interactionist perspective and introduces the concept of “dramaturgy,” or the analogy of stage performance as applied to the presentation or projection of self. In Chapter III of his analysis, Goffman (1959) employs data obtained through ethnographic research conducted in the Shetland Islands in support of his proposition that the “presentation of self” can be explained through the dramaturgical model of “front,” “back,” and “outside” stage behaviors (pp. 107-112). The “backstage” is the region in which the actor prepares his or her presentation for the front; normative performances in the frontstage are the product of what the actor perceives to be expected of him or her, contingent upon the audience. Goffman also addresses the concept of “teamwork,” which is quite relevant to any analysis of police occupational culture. He argues

that the cooperation between a group of persons that have acquired the status of a team with common goals can be explained most effectively through the metaphor of region, with the goal-oriented behavior of a team becoming further enhanced by the intragroup dynamic of unanimity of purpose. Hence, peer pressure within policing can also engender the use of deception under oath, when the goals of both the wider society (e.g., crime control, suppression of terrorist activity), as well as the "team" (e.g., apprehension and incapacitation of factually guilty, dangerous offenders) is at stake. The frontstage region is realized through the trappings of state represented by the formal criminal process; presence of the jury; and bit players, such as the judge, prosecutors, defense attorneys, and the courtroom working group as a whole. Backstage preparation within the police "team" consists of behaviors most likely to ensure a conviction and, perhaps most important, the avoidance of embarrassment or degradation before the court.

Modeling behaviors are also quite influential on the phenomenon of paradoxical behaviors such as testilying. Following Bandura (1986), Trevino and Youngblood (1990) researched the impact of the "bad apple/bad barrel" analogical framework on ethical decisionmaking. As will be discussed in a later section, there is some debate as to whether the corrupt police officer is either predisposed to deviant behavior (rotten apple) or becomes corrupted through influences of the police organizational environment (rotten barrel). If the rotten apple theory were correct, as would be the preferred explanation of the police institutional discourse, then increasing the efficacy of pre-employment screening would provide the most effective method to avert the prevalence of testilying. If the opposite is true, however, then it is the structural nature of the occupational milieu that would seem to be in need of greater scrutiny. Of course, the analysis of Bandura, Barbaranelli, Caprara, and Pastorelli (1996) blurs the line between these definitions. The concept of "moral disengagement" (p. 371) is a good fit for the rotten apple argument, the rotten barrel argument, or *both*:

If moral standards are disengaged from transgressive conduct, it can be carried out free from restraints of anticipatory self-censure. Through cognitive reconstruals and disownment of a sense of personal agency, negative self-sanctions are unlikely to be activated. There is little reason to engage in self-reproof for behavior that has been rendered acceptable or for which one professes no responsibility. Indeed, the findings confirm that the better the moral disengagement, the weaker the felt guilt and the less the need to undo any harm caused by detrimental behavior. (p. 371)

Trevino and Youngblood's study concluded that ethical decisionmaking in organizations seemed to be linked with rewards (punishment) for ethical behavior. Mild punishments for misbehavior appeared to have little deterrent effect. Reward for ethical behavior did increase the magnitude of cognitive moral development, and harsh punishments for transgressions did correlate negatively with unethical behavior (p. 382). In police work, however, the civil service protections enjoyed by officers combined with the cultural tolerance for testilying ensures that punishments for this behavior will most likely be mild, *except under circumstances in which the larger reputation of the agency or the occupation itself is at stake*. When that occurs, a series of events is set into motion in which an individual or group of individuals is identified as the guilty party. They are then subjected to a ritual of degradation, marginalized, and finally separated from service amid a clamor of publicity. Moreover, there is certainly little motivation for police organizations

to reward correct conduct, which can be viewed internally as tantamount to an admission that the opposite occurs frequently.

The discourse of decision science offers yet another perspective with which to explore the motivational underpinnings of lying. March (1994) notes that decision makers are often more likely to engage in satisficing strategies rather than maximizing strategies when faced with an array of alternative choices (pp. 18-19), but he allows that purely satisficing or maximization strategies are not often observed in decision-making scenarios. For example, in the context of this article, officers are often unable to select the optimum of all possible outcomes (obey the law/ensure incarceration of the criminal). Faced with the possibility of an unsatisfactory outcome, both rational choice motivation as well as satisficing procedure prompts the decision maker to do the following:

- Address maximization concerns through obtaining conviction.
- Employ satisficing through the use of testimonial deception. Although a purely maximization strategy would include lawful means to the end, satisficing enables acceptance of an alternative that is good enough to get the job done.

Though neither is sufficient to account for testifying, both are necessary. As March observes, . . .

A satisficing decision maker faced with a host of poor alternatives is likely to try to find better ones by changing the problem constraints. A maximizing decision maker is more likely to select the best of the poor lot. (p. 29)

Within the context of a complex and hierarchical organization, multiple actors, teams, and dyadic partnerships come into play as variables in the process of decisionmaking in general. In March's analysis, there is a two-step process in the arena of multiple actor decisionmaking. Initially, there is conflict between the actors in terms of possible solutions or actions, which is resolved through bargaining and negotiation. The second stage implements the agreed upon strategy consistent with the reconciliation. In the organizational culture of policing, an identity of vocational service is fostered; the conviction of criminals is a vocationally embedded cause. March argues that individual identities within hierarchical organizations are organized or even created by the incremental accumulation of authority, but they can be subject to influences that are inconsistent with organizational beliefs, values, and even preferences that are elaborated for public presentation. Attitudes are therefore "shaped by the roles they are required to play and by the responses of others to these roles" (p. 113). March goes on to posit three aspects of the effects of hierarchical organizations upon inconsistencies in decisionmaking (pp. 113-114):

1. Link between the hierarchical structure and career path (of managers in March) – This analysis extends to the success of police agents in their career paths.
2. Process of co-optation within the hierarchy – Here, March's emphasis on the "join 'em or fight 'em analogy" is especially salient to the culture of policing when one considers that one's personal, physical safety may depend on the degree of acceptance that is achieved among one's peers and superiors (refer to Crank, 1998; Librett, 2005; Manning, 1997, 2002).

3. The role of departmentalization in creating and fostering inconsistency – Each subcultural grouping within policing has its particular ax to grind, and power relationships within these organizations can be subject to the primacy/subordinations of interests of one group vis a vis another, or several other, groups. March posits that one group may define itself “in opposition to other groups” (p. 117), which is consistent with the way that police units often engage in competition for funding and staffing. Street crime units may invade the jurisdiction of vice units; community police units invade the jurisdiction of all other units.

Further elaboration of March’s analysis in relation to police organizations includes an emphasis upon rule-following behavior. It will be seen in a later section of this article that the Weberian sense of order, with a division of labor that is designed to facilitate the efficiency of operations, predominates in the law enforcement milieu. March reflects upon the impact of a definitive division of labor in his introduction of the concept of “limited rationality” (p. 10). Limited rationality implies a modification of the principles of rational choice in order to accommodate the difficulties of reconciliation among the various strata within a hierarchical organization. Moreover, thinking and decisionmaking based on an agreed upon set of rules is implicit to a militarily organized occupation such as policing in which individual identities are to remain subordinate within a larger organizational identity (pp. 57-58). It is important to note that rule-following behavior is not always predictive of behavior. As March argues, persons are inclusive of many different identities. The law-abiding (and upholding) police officer may harbor a culturally constructed identity as a crime crusader, with the attendant obligation to reduce the incidence of crime and the liberty of criminals to commit it. The organizational identity may well be permissive of deviation from the *de jure* standard in order to facilitate a *de facto* order of social tranquility in officers’ specific jurisdictions. The deviation from the public/*de jure* obligation to obey the law is most emphatically framed by the organizationally defined imperative of *enforcing* the law.

Police organizations are utilitarian by nature. When following a rule provides less utility than breaking it, improvisation is encouraged, and rule avoidance is overlooked. As noted by Jonathan Baron (2000), rule utilitarianism allows for the substitution of a higher moral value for the intrinsic value of rule-following behavior in the interest of the furtherance of morality itself. Rules can be ignored if necessary in the interest of maximizing utility, if it is assumed that utilitarianism is a fundamentally moral process.

The involvement of public officials in what is essentially criminal behavior next begs the question of risk. How risky is it to commit perjury and falsify police reports and warrant application? Police officers have not traditionally been vigorously prosecuted, even when caught; therefore, as explained by Baron (2000), the Bayesian logic of exposure to a very small risk of sanction, given the culturally sanctioned gain of obtaining a criminal conviction, provides an apt framework to explain the willingness of police to engage in this behavior. It also explains the willingness of prosecutors to countenance it. The willingness to place oneself at risk may indicate an altruistic motivation for testifying on several levels. First, the police officer that lies in court does so in order to adhere to the norms that have been arrived at through the process of constructing a “group identity.” The possibility of self-sacrifice in order to advance the organizational cause of the “war on drugs” can

be explained in part by the almost religious devotion that inheres to this area of law enforcement, both within the organizational culture as well as the wider society.

Baron argues that people in general have a desire for justice and fairness. Experimentation has established that equity is a sought after outcome; Baron cites one study (Kahneman, Knetsch, & Thaler, 1986) that found that 76% of participants were willing to equally divide money available in a “dictator game” rather than retain the larger share. The subjects were also willing to sacrifice a share of their winnings in order to sanction a participant that had made the unfair choice. Wilson and Herrnstein (1985) applied equity theory and the equity equation to their theory of crime. It is equally applicable to this inquiry, as the perceived gains of the unpunished criminal (impunity) create a condition of tension with the unachieved, but deserved, outcome for the police officers of justice. Wilson and Herrnstein (1985) argue that the larger the disparity in perceived levels of equity, the greater the chance that crime decisions will trump noncrime options.

When there is tension between partner officers as to whether or not to tailor testimony or written statements to the end of conviction at any cost, the cooperative/defection alternatives addressed by research in games theory is of some value. The “prisoners’ dilemma” can easily be employed to construct a scenario in which two or four police officers are faced with a choice of lying under oath/criminal conviction as opposed to telling the truth under oath/acquittal of factually guilty criminal. Various permutations might be included in an experiment of this type:

- Both officers commit perjury>criminal convicted>10 year sentence
- One officer lies/one contradicts>criminal convicted anyway>2-year sentence> officer loses job/has convicted herself of crime
- Both officers testify truthfully>criminal possibly convicted of lesser offense/possibly acquitted>1-year sentence or freedom for criminal

Per this scenario, it can be hypothesized that the cooperative behavior of both officers crafting and adhering to an enhanced version of events will be the inevitable outcome. Given the likelihood of the favorable outcome of conviction carrying no realistic risk of apprehension and sanction, and given the higher and more unacceptable risk of marginalization within the organizational culture if branded as a “snitch” against a fellow officer, there is little doubt of the result of this proposed experimental model.

March (1994) includes both the rational choice model as well as the rules-based perspective in his discussion of the “prisoners’ dilemma.” He argues that the aggregate conclusions of empirical research support the conclusion that either rational thinkers or rule-following players will tend to increase the incidence of cooperative decisions with repeated scenarios. This makes sense when placed within the context of police intra-unit relationships and especially partnerships in which very close working identities are forged. It also provides some explanatory framework for the socialization and initiation of new officers into the normative environment within which the potentially risky behavior of testifying predominates. In the anecdotal lore of policing, “the truth is always the truth—once it’s on paper” (Librett, 2005, pp. 148-149).

Wilson and Herrnstein (1985), Wishnie (1977), and other behavioral scientists have proposed theories of crime generation based upon the principles of social psychology. They have advanced the concepts of "future orientation" and "time discounting," which encompass the simple deferment of pleasurable acts. This aspect of self-control seems to mediate the likelihood that an individual will engage in criminal activity or deviance. The lack of such an ability engenders a state in which the future itself is sacrificed for the short-term gain offered by the activity in question. Baron (2000) concurs with this proposition and cites empirical research performed both with animal subjects as well as children (pp. 469-470) that tends to support the notion that a predisposition to discounting the future, in terms of the risk of loss of job and/or imprisonment, may be quite relevant to police testimonial deception. The short-term gain of a prison sentence for a criminal known to be guilty may be so attractive for an altruistic, cooperating police officer that the future gain of job retention, reputation acquisition in the larger society, and promotion to a higher position may be trumped by the immediate gratification provided by the termination of the criminal's activity.

McClurg (1999) applies principles derived from social psychology to his analysis. Dissonance theory is introduced in order to provide one possible explanation for the paradox of law abiding, idealistic, and even altruistic police officers breaking the law. He also proposes remedial strategies, likewise grounded in cognitive dissonance theory, that he believes would have probative value in reducing the incidence of police deception. Briefly, McClurg summarizes the theories of Festinger (1957) and Aronson (1972) in seeking to define the mechanism by which police officers conciliate the illegality of perjury and other deception with their self-image of upholders of the law. According to McClurg's interpretation, . . .

[Dissonance theory] holds that when one experiences dissonance, a negative drive state is created, similar to that created by thirst or hunger. To minimize this unpleasant feeling, the person strives to reduce the conflict to make the world appear more consistent. Dissonance reduction can be accomplished directly by changing one's discrepant attitude or behavior, or indirectly through defense mechanisms and mental tricks such as self-justification, denial, and distortion. (pp. 392-394)

When a person experiences two simultaneous cognitions (i.e., ideas, attitudes, beliefs, opinions) that are "psychologically inconsistent" (Aronson, 1972 as cited in McClurg, 1999, pp. 424-426), the resulting tension is unpleasant, and one is driven to reduce it. It is not possible to hold two conflicting cognitions simultaneously; it is absurd.

McClurg (1999) goes on to apply this theoretical formula to both the use of deception by the police as well as society's acceptance of it. He argues that society's fear of crime has engendered the suppression "by rationalization or denial" of the dissonance that should result from the knowledge that law enforcers are themselves breaking the law. Dissonance theory also is useful in explaining the widely held belief among police that the end justifies the means. McClurg's interpretation of Aronson's concept of "self-justification" extends Aronson's analysis of the explanations for prejudice (Aronson, 1972, pp. 179-182) to the phenomenon of police perjury. End-means rationalization is the mechanism by which police reduce the dissonance that would otherwise result when a police officer lies under oath. McClurg's (1999, pp. 415-417) analysis posits

that an officer who “testifies” will “shift the culpability for his wrongful conduct to the criminal” by assuming that . . .

- “I am an honorable, moral person.”
- “I put a criminal in jail.”

instead of . . .

- “I am an honorable, moral person.”
- “I lied in the course of my official duties to uphold the law.”

McClurg assumes that police lie under oath in order to facilitate the conviction of the guilty; he also concludes that it is *not only the guilty that are convicted* (p. 418).

Aronson’s emphasis upon the “self-concept,” when applied to the moral self, leads to the conclusion that a moral person will experience dissonance when committing an immoral act. McClurg, therefore, recommends that police training incorporate elements of cognitive dissonance therapy in order to prevent the onset of habitual rationalization of deception. Integrity training techniques such as role-playing scenarios (i.e., mock courtroom testimony in which a trainee officer is directed to testify to conduct that is known to nullify the admissibility of inculpatory evidence) are believed to provide some degree of inoculation against susceptibility to influence by the pervasive police cultural tradition of testifying. It would “prepare cadets for the type of dilemmas they are likely to face in the real world” (p. 433).

This is not sufficient as a stand-alone remedy, however, even if there is great interest in the administrative ranks of the organization to reduce or eliminate deception. McClurg goes on to apply Aronson’s “self-concept” analogy within the criminal justice arena. Another means of self-justification is proselytizing, and McClurg believes that recruit officers should receive rookie officers as first-year mentors rather than experienced, jaded, and hypocritical officers that would initiate the recruits to the culture of deception. McClurg likens such a system to Alcoholics Anonymous (AA) sponsorship. It would have the dual benefit of rekindling the commitment to integrity in the first-year rookie officer that most recruits possess following graduation from the academy. The first-year officer, though possibly influenced by the erosion of his or her own academy experience, would be forced into the position of setting a positive example for the recruit in terms of moral behavior. This would, if Aronson’s interpretation of cognitive dissonance theory is correct, have the effect of inducing the mentor to reject hypocrisy. The new recruit would be sheltered, at least for a time, from the tainted values of more cynical, experienced officers. McClurg refers to the reciprocal nature of the AA sponsorship relationship as an analog of his proposal for the police; he points to the generally accepted conclusion that AA has achieved a degree of success and infers that the technique may hold some potential as a palliative in the reduction of police deception.

McDonald (1999, pp. 17-19) hypothesizes that 13 factors may affect the magnitude of police deception:

1. Size/urbanization of jurisdiction (confirmed by research)
2. Perception of high crime rate (confirmed by research)

3. Assignment to investigatory duty
4. Belief that arrest statistics are important to departmental evaluation
5. Experience in narcotics enforcement
6. Belief that the legal system restricts effectiveness of police (confirmed by research)
7. Factual guilt of defendant (confirmed by research)
8. Number of arrests made by officer
9. Belief that prosecutors tolerate deception
10. Belief that judges tolerate deception
11. Likelihood of plea bargaining in case (confirmed by research)
12. Job dissatisfaction
13. Demonstration of an "extroverted-neurotic personality" with an "undisciplined self-image" (confirmed by research)

McDonald employed a research design that involved the administration of a survey questionnaire to 444 participants, all serving police officers and detectives. He obtained a pool of participants from police academies and academic institutions conducting recertification classes for experienced officers across the country.

Class populations represented a variety of police agencies, ranks, ages, backgrounds, and experiences, insuring a nonbiased, nonparticular sample. The anonymous nature of the setting, well-removed from the participants' departments, peers, and supervisors, helped control for the problems associated with secretive and threatening topics. (McDonald, 1999, p. 51)

The questionnaire tested the first 12 hypotheses; he administered the Cattell 16 Personality Factor Test to measure the personality traits of the participants (H-13), arguing that Girodo's (1991, 1992) research had identified the Cattell 16 as an effective empirical measure of "personality traits associated with corrupt and unethical practices among undercover police officers" (p. 59). The Cattell 16 measures 21 personality factors and characteristics. Each score is measured based upon a 10-point interval scale with the mean fixed at 5.5. The test assesses each participant's "extroversion-introversion" characteristics, as well as what is termed the "disciplined self image" (p. 63).

Along with his description of the sociological factors that contribute to the phenomenon of police deception, grounded in what is essentially a Mertonian analysis of deviance among the police, McDonald offers an interesting psychological analysis based upon the theories of Albert Bandura and Michel Girodo. McDonald's analysis is consistent with the other work referred to in this article, but it shouldn't be gainsaid that there is also a great deal of sociological/criminological theoretical basis for the existence of deviance within policing—and well beyond the rather elemental "strain theory" analogy upon which he relies heavily.

McDonald introduces Girodo's argument that "unethical police behavior occurs when police officers with a unique combination of individual personality traits interact with specific situational factors conducive to corrupt practices" (McDonald, 1999, p. 15). The argument specifically posits that socially outgoing and uninhibited persons that exhibit high levels of anxiety (classified as "extroverted-neurotic" personality types), when combined with an "undisciplined self-image" (poor impulse control, little regard for social demands and rules), will be predisposed to misconduct when exposed to situational factors conducive to corruption

(pp. 15-16). The McDonald study tests this hypothesis by assessing the personality characteristics of police officers that self-report involvement in deception. His results did in fact include data that seemed to indicate a positive correlation between undisciplined self-image, high levels of anxiety, and corruption in the form of testimonial deception (pp. 242-243).

McDonald contrasts the relative merits of the “rotten apple” argument for the existence of police misconduct with those of the “rotten barrel” theory. The “rotten apple” argument posits that police officers who are predisposed to corruption are so because they possess character flaws that predate their employment as police officers. Proponents of this theory make the argument that more effective background screening would eliminate “bad people” from becoming “bad cops.” The “rotten barrel” theory blames police misconduct upon environmental factors within the culture of policing. McDonald, however, debunks both perspectives as exclusive predictors of police misconduct. His findings indicate that 38% of the police officers included as participants in the study engaged in some level of testimonial deception. When one considers that the New York City Police Department enforces a fairly stringent background verification standard, it would seem unlikely that the “rotten apple” theory alone would suffice as explanation for the high degree of prevalence of deceptive practices in that department. It may be a necessary factor; it is not sufficient. Indeed, McDonald discounts exclusively environmental explanations (p. 204). He explains that although it might be argued that the dichotomy between the goals society sets for the police and the means legally authorized for the realization of those goals may influence some officers to employ deception, it cannot account for the finding that “at least half of all participants denied all use of testimonial deception in all circumstances” (p. 204). In part, Girodo’s theory provides some explanatory value for the frequency of the phenomenon.

McDonald (1999) goes on to evaluate the salience of Albert Bandura et al.’s (1996) theory of social cognition and his theory of moral learning (see also Bandura, 1997). Complex social behaviors such as moral thinking and conduct cannot be explained simply by the notions of learned responses to environmental influences or personal character in combination with associated psychological processes. McDonald argues that a process termed “reciprocal determinism” mediates the mutual interplay of three factors:

1. Social structural forces
2. Behavior or anticipated behavior
3. A person’s cognitive functions

According to McDonald, three aspects of Bandura’s argument would be helpful in understanding why essentially moral and honest police officers engage in what McDonald terms “the clearly immoral and unethical practice of testimonial deception” (p. 210):

1. Behavioral norms are acquired primarily through a process of vicarious observational learning “in a phenomenon termed ‘modeling’” (Bandura, 1997 as cited in McDonald, 1999, p. 211). Bandura’s theory, as outlined by McDonald, posits “the observations of the conduct of others primary to the development of moral reasoning” (p. 212).

2. A moral self-regulatory system, or “a cognitive framework for the processing of information about the modeled behavior,” allows self-regulation of future behavior (Bandura, 1997; Bandura et al., 1996; as cited in McDonald, 1999, p. 212). This process, once established, is resistant to change. It enables self-regulation of conduct through three cognitive subfunctions:

- (1) Self-monitoring
- (2) Self-judgment
- (3) Self-reaction

Persons evaluate their conduct against personally internalized moral standards, and “socially defined standards represent behavioral goals to be achieved” (p. 213). Expectations of positive reinforcement result from actions that satisfy these goals; expectations of negative reinforcement result from failure to achieve them. Following Bandura (1996), McDonald argues that persons entering police service generally “have moral regulatory systems representative of at least the standards of behavior commonly found in society.” In fact, the experience of the police academy and field training serve to reinforce and enhance the moral development of police officers (p. 214).

Police officers recognize the immorality of testimonial deception and the resultant negative consequences for their acts, but when faced with “appropriate environmental stimuli,” they “evaluate the options in anticipation of the consequences of each” (p. 215). By this line of reasoning, police officers should opt to tell the truth, but McDonald found that as many as 50% of the participants in the study engaged in some degree of deceptive practices (p. 216).

3. McDonald goes on to apply Bandura et al.’s (1996) reasoning that social pressures and circumstances can influence the internalized moral regulatory system in ways that can reduce or even eliminate its ability to self-sanction (p. 216). Moral justification can be particularly powerful in nullifying self-sanction; structural arguments for the need for immoral behavior “or the social portrayal of immoral conduct as in the service of a highly valued social goal can bring about a moral redefinition of the wrongful act” (p. 217). McDonald offers the argument that the policy approach to eliminating violent crimes involving victimization (e.g., rape and narcotics trafficking) has been assigned both the label and status of “war,” with the attendant implication that because war constitutes “the definitive threat to society’s survival, [it] generates the ultimate social moral imperative—victory at any cost (Barker, 1994; McNamara, 1997, 1996, as cited in McDonald, 1999, p. 221). Bandura’s theory, as applied by McDonald, implies that the enormously popular contemporary sentiment supporting the often draconian enforcement of social order at least in part informs the tolerance of police testimonial deception (p. 218).

McDonald’s psychological analysis concludes by introducing Bandura’s (1997) concept of “self-efficacy.” Bandura assigns the term *self-efficacy* to define “an individual’s belief in his ability, by his own actions, to accomplish a particular goal through the appropriate moral behavior” (as cited in McDonald, 1999, p. 229). Police officers that have a high level of self-efficacy will not engage in testimonial deception. They will instead devise innovative strategies that will enable the realization of societal goals in law enforcement through legal means (pp. 232-234).

Foley (2000) provides an interesting analysis of police deception employing a relatively sophisticated methodology (a factorial survey). This design employs vignettes that contain randomly generated categories of variables from a list of possible vignette characteristics that the author believes to be salient to police deception. A computer program randomly selects one variable from each mutually exhaustive and exclusive category and then inserts them into a skeleton that has been arranged to display the characteristics of the vignette (Foley, 2000, p. 55). Foley contends that this methodology is particularly effective "to explore the structure of social judgments and to measure norms" (p. 59). The vignettes themselves consisted of short portrayals of hypothetical circumstances about which respondents were asked to render a judgment.

Foley's research employed a sample that was obtained through the cooperation of the New York City Police Department. He administered the survey instrument to subjects selected for firearms qualifications. There was a degree of randomization alleged to the selection of participants; he administered the survey to police officers from the New York City Police Department assigned to firearms qualifications during the summer of 1996. Because the process of assignment to these classes is solely dependent upon the expiration of certification periods, and the process of assignment to the classes provides a cross-sectional and fairly representative sample of officers, Foley seems to have assembled a viable sample. His methodology included a pretest, which indicated the necessity for controls for nonvariability in responses as well as untruthful responses. Foley employed the Crowne-Marlowe Social Desirability (Lie) Scale (Crowne & Marlowe, 1980), as a control for untruthful responses. This instrument included a 13-query scale that was included in the questionnaires. Foley also included a nine-question neutralization scale that is designed to verify the responses provided by respondents who show little variability in their responses, indicating invalid cases due to respondent apathy. In addition, Foley included five commonly cited excuses for delinquency within the neutralization scale that derive from Sykes and Matza's (1957) theory; his results indicate support for the association of neutralization and testifying. Also included in the test were two questions designed to measure perception of the "metaphor of the ledger" (p. 63) and the defense of necessity and two questions measuring moral judgment and feelings of guilt. His data was obtained from a sample of 508 officers and detectives assigned to duties through which there would likely be the opportunity for the employment of deception.

Foley's research is not theoretically grounded in either the psychological or the sociological aspects of lying. It is a descriptive study that is primarily concerned with the differential rates of police deception across assignment, tenure, and demographic characteristics of the respondents. He does include a brief segment on the psychology of lying that is, at any rate, germane to the discussion. Foley (p. 22) contends that people lie to others in order to . . .

- Comfort and help them.
- Protect their emotional well-being.
- Mislead them as to their own motives or actions.
- Deceive.
- Obtain a sense of power.
- Resolve role conflict.
- Manipulate behavior.
- Create a sense of identity.

- Avoid punishment or rejection.
- Protect ourselves, our emotions, and self esteem.
- Reduce our fear.
- Protect others and their feelings.
- Enhance our ego.
- Further our self-interest.

Foley characterizes lying as a learned behavior that is developed early in life. He labels it as immoral behavior, yet allows that it might be considered a “natural action, which enables an individual to adapt and survive in an ever changing environment” (Lewis & Saarni, 1993, as cited in Foley, 2000, p. 22). He posits that if lying is a learned behavior at an early age that is perfected throughout life as a survival mechanism, then it follows that lying will carry over into professional life (p. 23). When this natural predisposition to lie is combined with the principles of Sutherland’s Theory of Differential Association (p. 24), lying in policing, or indeed any profession, will occur in proportion to the interaction within the group that produces an excess of definitions favorable to lying. Social learning theory (Akers, 1985) is also relevant to this argument; however, although social learning as a theoretical determinant of testifying does include some psychological components, it is generally thought of as a criminological theory and will be discussed in the next section of this article.

Foley cites studies (Crank et al., 1993; Hunter, 1999) that indicate the “attitudinal reinforcement of behavior by peers and supervisors is a double-edged sword that can result in acceptance of inappropriate behavior by police personnel as well as serving as an effective means of inhibiting such behavior” (p. 25). Foley’s illustration of the psychological and sociological underpinnings of police deception is consistent with the propositions of McClurg and McDonald, and he reported similar conclusions. Some of the more notable findings are as follows:

- The crimes of narcotics sales, rape, and assault were found to be statistically significant in officers’ decisions to commit perjury. Female officers did not assign salience to crime definition.
- Ethnicity was not significant in the decision to commit perjury in male officers; female officers did report an increased likelihood that they would commit perjury.
- Effective supervision can reduce the likelihood that officers will commit perjury. This is in contrast with McDonald’s study, which concluded otherwise.
- Officers that are known to be liars or engage in “creative report writing” are highly likely to commit perjury.
- Officers identified by other officers as “good cops” (without further articulation of the criteria for this label) are unlikely to commit perjury.
- Consistent with previous research, uniformed officers were more likely to commit perjury than detectives and plainclothes officers.
- Male officers had higher neutralization scores than females. This might indicate that males are more likely to rationalize or justify deviant acts.
- Females are more likely to report misconduct than males.

Neither Foley nor McDonald offered much in the area of possible remedial possibilities for the issue of deceptive police practices. McDonald served up a familiar litany of enhanced and more accurate background investigations of recruits, random testing for substance abuse, heightened levels of supervision, and assessments of the

ability of potential officers to “deal with the conflict between the social pressures for productivity and the realities of the criminal justice process” (McDonald, p. 247). One novel concept suggests that supervisors include officers’ testimonial conduct as a category in performance evaluations. These recommendations target the “bad apple” officer as well as the “bad barrel” environment, which according to McDonald’s own analysis are not the primary determinants of police misconduct. His proposal for the development of an instrument that might assess the degree of self-efficacy a person possesses, however, seems to be the most promising of his recommendations. Foley’s proposals are more narrowly focused and for the most part are coupled with each of his research findings.

The conflicting conclusions regarding the impact of supervisory intervention upon the prevalence of deception merits some discussion. Foley’s factorial design includes a variable (level) in the organizational dimension queries the respondents on the likelihood of committing perjury when “told not to lie or embellish on arrests or reports” (p. 92). This finding was significant at the  $\leq .001$  level across the board of all individual level variables and the vignette variable with a negative coefficient, a noteworthy finding that offers strong support for the influence of effective supervision on the prevalence of testifying.

McDonald’s findings seemed more opaque. He concludes that “police supervisors do not play an important role in individual police officers’ use of deceptive testimony” (p. 156). He based this conclusion on results obtained from four queries:

1. “Most supervisors encourage the use of testimonial deception by police officers.”
2. “Most supervisors ignore the use of testimonial deception by police officers.”
3. “Most supervisors allow the use of testimonial deception by police officers.”
4. “Most supervisors discourage the use of testimonial deception by police officers.”

The responses were coded through the use of a modified Likert Scale that contained four possible responses: (1) “strongly agree,” (2) “agree,” (3) “disagree,” and (4) “strongly disagree.” The results were hardly conclusive. The first query resulted in only 5% of respondents answering either strongly agree or agree, but the second query yielded the result that 33% of officers either strongly agreed (3%) or agreed with the statement. The third variable indicated that 22% of the respondents either strongly agreed (1%) or agreed, and the fourth statement showed that 22% of officer respondents disagreed that supervisors discourage the use of testimonial deception. McDonald’s data analysis consisted of measurement of means, medians, standard deviation, and frequencies. He employed inferential analysis to obtain correlations (p. 62). There was no test for significance; therefore, it would seem that his conclusion that supervision does not influence police use of deception is not as strongly supported as are Foley’s conclusions, which are supported by a more sophisticated methodology.

## **Sociological/Criminological Perspective**

Criminological theory is generated in order to explain crime; therefore, it is reasonable to evaluate police testimonial deception, which is a felony in every state, through the lens of criminological theory. Explanations for testifying can be found in the underlying precepts and definitions of several schools of thought

within criminology. Tracing the strain theories of Merton (1957) and Agnew (1992) to Durkheim's fundamental concept of normlessness and uncertainty allows an understanding of the breakdown in standards of personal behavior. This can be imputed to the phenomenon of police perjury. The Mertonian explanation of crime can logically be extended to police perjury, as McDonald (1999) posits. Socialization processes within the narrow milieu of the police culture result in the collective and occupationally cherished aspiration that the guilty should be punished. It cannot be denied that the wider society shares this aspiration, and when constitutional privilege defeats the process of justice, it is unsurprising that police officers resort to the "innovative" strategy (Merton, 1957) of committing perjury.

Weberian analysis (1978) assigns preeminence to bureaucracies as the most logical organizational structures for the management of the hierarchical division of labor in occupations such as the police and other governmental agencies. Weber's theory, however, also introduces the caveat that the benefits of increased efficiency may be outweighed by the cost of the depersonalization of these professions to the extent that the division of labor creates an overriding sense of loyalty to the order of the hierarchy as well as a sense of self-worth that is invariably derived from the idea of work for the sake of work itself. The imputation of the Calvinistic sense of duty and mission (Weber, 1958) to police work is also quite relevant; the concept of mission implies that extraordinary means are acceptable to achieve the ultimate end.

Differential association (Sutherland, 1947) and social learning (Akers, 1985) theories provide a perhaps more robust foundation for understanding how police officers come to believe that it is acceptable to commit serious crimes in order to attain just outcomes for the betterment of society. Sutherland emphasized that criminal behavior is learned behavior, and it is behavior that is learned as a process of interaction with other persons. Definitions either favorable or unfavorable to the commission of crime are arrived at as a result of this process, and crime results when an excess of definitions favorable to crime overrides the tally of definitions of crime unfavorable to crime. In this instance, the crime is perjury, and definitions favorable to engaging in this practice are obtained through the processes of socialization and acculturation that characterize the experience of policing.

Akers' (1985) social learning theory incorporates thinking derived from the social psychological constructions of modeling and symbolic interactionism. The process of transformation that police officers experience is a process of integration within a hierarchical, militaristic organization. Beginning with the very first day in the police academy, acceptance into the police milieu is contingent upon new officers' success in role modeling and a sincere quest for acceptance. Following Mead and Bandura, Akers relates concepts such as the exchange of symbols, language, meanings, imitation, and reinforcement to criminal behavior. Social learning elaborates and builds upon Sutherland's theory; there is no departure from the principle of social structural relevance in the commission of crime, but Akers argues that the comingling of behavioral variables results in a more powerful explanatory vehicle.

Police misconduct under the guise of testimonial deception assumes a position within the lexicon of American justice somewhat akin to "white collar crime." Both are sometimes tolerated with a "wink and a nod." There are times, however, when these varieties of crime result in scandals punctuated by strident calls for remedial action, followed by the establishment of commissions. Recommendations

of the commissions invariably provide some palliative additions to the affected institution's structure; subsequent episodes generate similar "solutions." White collar crime as well as crime committed by society's agents of social control raise issues of class as a determinant of criminal behavior. Insofar as white collar crime and police misconduct seem to be enduring phenomena, the relevance of a conflict perspective upon testifying should not be overlooked.

Durkheim and Marx addressed the causation of crime; the underlying principles of social strain and anomie theory (Merton, 1957) can be traced to Durkheim's concept of the strain that is engendered by the breakdown of the fabric of societal norms and expectations. Of course early 20th century and present-day Marxist criminological theory (Bonger, 1969 [1916]; Quinney, 1980), as well as conflict theories (Chambliss & Seidman, 1982; Turk, 1969) propose that class conflict and the capitalist economic order are in themselves criminogenic. According to Quinney (1980), testifying would be classified as a "crime of domination" or a "crime of control" that is instrumental in the suppression of the working classes. It is a logical argument that class domination and the hegemony of power elites are influential determinants of the generally lenient treatment afforded to white-collar offenders within the criminal justice system. I argue that it can be an equally salient argument for the explanation of police testimonial deception. According to Quinney's analysis, crimes of the ruling classes are inextricably linked to crimes of the agents of social control; by this logic, police officers will engage in whatever conduct that is deemed necessary in order to maintain their status within the hierarchy of the power elite.

Linkage between police and upper class interests can be facilitated by other players, and ultimately by the judge, within the courtroom working group. Dorfman (1999) posits that prosecutors often turn a "blind eye" to police perjury when they believe that the defendant is guilty. The socially constructed definition of the desired moral characteristics of police officers as opposed to those of defendants often prompts judges to "[harbor] a presumption in favor of police testimony," often viewing defendant testimony as "inherently tainted by self-interest and criminal propensity" (Dorfman, p. 503). Donald Black's (1976) theory of law argues that the imposition of the legal sanction varies directly according to the "respectability" of the defendant. In other words, stigmatization as a deviant is accompanied by a proportionately increasing degree of imposition of criminal sanction at all levels of the process according to the perception of the defendant's status as defined by offense type, class origin, and race. Police officers, prosecutors, and judges all have a stake in the established order; all have discretion to either impose or facilitate the imposition of the weight of the law. When the testimony of a police officer is supportive of these aims, it would be illogical to expect that it would be disallowed, even if factually untrue.

The psychological component of this article refers to Sykes and Matza's (1957) theory of neutralization. Michael Foley (2000) draws an apt analysis between the commitment of most police officers to socially accepted norms and Sykes and Matza's theory as applied to gang behavior. Neutralization theory holds that a gang member cannot engage in antisocial behavior unless the mechanisms of neutralization are effectively internalized to the extent that the actor's beliefs regarding the rightness or wrongness of his or her actions are rendered irrelevant or counterproductive. Foley's study was an interesting and methodologically innovative inquiry into the motivational underpinnings of this aspect of policing

in which officers feel justified in breaking the law. I go a bit further in proposing an analytical framework that encompasses the notion that the factors enabling police officers to neutralize the ingrained normative predisposition to obey the law and tell the truth are quite similar to those tracing the pathways to criminal behavior in gangs. Future research into the shared cultural norms of the two groups would provide interesting and provocative insight into many aspects of policing.

Foley includes five questions drawn from Sykes and Matza's (1957) theory:

1. Denial of responsibility
2. Denial of injury
3. Denial of the victim
4. Condemnation of the condemners
5. An appeal to higher loyalties

Police officers and gang members share many similarities in terms of outward manifestations of self-expression and symbolic display. The point here is that police officers have the capacity to commit crimes, and the process of neutralization is a necessary (and perhaps even sufficient) element that facilitates police perjury, in much the same way as it facilitates gang members' commission of other types of crime.

## Legal Directions

Any legal analysis will begin, and end, with some debate on the effect of the exclusionary rule upon police perjury and other forms of deception. Motivation to lie under oath is also grounded in loyalty to the "thin blue line" mentality that continues to be an important predictor of police behavior. As the empirical research indicates, there is a perception by police that the regime of criminal procedure favors the factually guilty criminal. As noted by Slobogin, ". . . lying to evade the consequences of the exclusionary rule is so common and so accepted in some jurisdictions that the *police themselves* have come up with a name for it: 'testilying'" (The Mollen Report, 1994, as cited in Slobogin, 1996, p. 1040). Hence, a relaxation of this standard might bring about some discussion of the effect upon police deception. The Slobogin article introduces the standard, publicized examples of police deception that are also cited in the introduction to this article. McClurg (1999), McDonald (1999), Cunningham (1999), as well as Slobogin quote from the writings of the civil libertarian attorney Alan Dershowitz. Dershowitz presented the accusation, well prior to the O. J. Simpson case or the Mollen Report, that "'almost all' officers lie to convict the guilty" (Dershowitz, 1983, as cited in Slobogin, 1996, p. 1041). While the studies included for discussion don't support this contention, they certainly don't refute it.

In any case, Slobogin contends that while testilying can occur at any stage of the criminal process, it most often takes place in the investigative/pretrial stages. It is often an attempt to cover up improper evidence-gathering practices, but it can also occur at the very first step of the process, when the police officer completes an arrest report (reportilying). Police officers are mindful of the fact that most prosecutions are concluded through the plea-bargaining process; reports are often dispositive. This observation supports one of McDonald's (1999) findings, which noted that officers are more likely to employ deception in cases likely to be disposed of by plea bargain. Slobogin also agrees that the motives of justice, peer

pressure, and institutional pressure to produce “results” are quite salient in the decisions of police officers to commit perjury (p. 1044). The solutions proposed both by Slobogin and Cunningham, however, differ from those offered by McClurg, Foley, and McDonald. According to the legal discourse, police officers believe that they can employ deception with impunity, in large part because the courts, both prosecutors and judges, often turn a blind eye to it. Both Slobogin (1996) and Cunningham (1999) cite studies conducted in Chicago by Myron Orfield, which indicate the widespread knowledge among judges, prosecutors, and defense attorneys who not only are they aware of the existence of testilying and other forms of police deception, a majority of the respondents believed that the prosecution “tolerated it” (Slobogin, p. 1046). Though Cunningham notes that the Orfield studies are based upon small samples, their significance cannot be discounted. Slobogin argues that the study must be afforded a degree of credibility due to the unique composition of the sample, which included members of all three groups within the criminal bar.

Chin and Wells (1998) argue that the “blue wall of silence,” an “unwritten code in many departments that prohibits disclosing perjury or other misconduct by fellow officers” (p. 237) has been judicially abetted by appellate decisions that can be traced to Justice Brandeis’ prediction that in *Olmstead v. United States*<sup>4</sup> that “to declare that in the administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure conviction of a private criminal—would bring terrible retribution” (p. 250). Chin and Wells go on to point out that police perjury may also result in the acquittal of the guilty (p. 256). The slant of recent judicial ideology, however, is weighted against a stricter standard of scrutiny of police testimony. Justice Brandeis’ *dissenting* opinion in 1928 was vindicated some 70 years later by the appellate ruling in *Bush v. United States*.<sup>5</sup> The *Bush* court held that the testimony of narcotics officers should not be subjected to a greater degree of caution and suspicion than other police officers. Chin and Wells discuss several additional decisions that bolster the ability of the police to avoid a higher standard of courtroom accountability. In a New York case,<sup>6</sup> Judge Irving Younger imposed a stringent standard of scrutiny in the case of “dropsy evidence,” but Judge Younger’s decision was overruled on appeal. In *People v. Berrios*,<sup>7</sup> the court refused to concur with the McMurty court’s opinion that police officers were systematically employing courtroom deception to circumvent the restrictions arising from the *Mapp* decision.

The courts seem to be more amenable to addressing the issue of the “thin blue line,” however, when improper police use of force results in charges of civil rights violations. In a 1988 decision,<sup>8</sup> a federal appeals court held that biased police testimony could be inferred through independent testimony that indicated the existence of a code of silence within the Long Beach Police Department. Chin and Wells (1998) suggest that increasing judicial acceptance of extrinsic evidence that refutes biased and false police testimony is a positive development and should be extended to other forms of official testimonial deception.

Slobogin (1996) concurs with McClurg’s (1999) remedial propositions, in that he calls for the sensitizing of the police, “through training, to the immorality and dangers of perjury” (p. 1048). He calls for prosecutors to stand upon the high ground of morality and set a firmer example for police officers. Cunningham (1999) goes even further, suggesting that if “despite extensive training, counseling, and lost cases, an officer persists in testilying in future cases,” he should be prosecuted (p. 36). If a

particular police department proves particularly problematic regarding deceptive practices, Cunningham suggests that prosecutors decline to subpoena the entire department. Slobogin offers several suggestions that he believes may have some merit in the interest of reducing the prevalence of testilying in some of its forms.

- Expansion of the Warrant Requirement – Expansion of the warrant requirement to “all non-exigent searches and seizures” may render the manufacture of probable cause more difficult because the police won’t know what the search will uncover.
- Informant Production – This would require that police officers produce informants before the judge issuing search warrants.
- The Panch System – This would be modeled on a system developed in India and also employed in France that would require lay observers to accompany police when executing search warrants. This system might also be extended to interrogations and other types of searches.
- Videotaping – Police might be compelled to videotape all searches, seizures, and undercover operations.
- Subjecting the Police to Lie Detection – This would occur when credibility is at issue as part of a suppression hearing.

He also cautions, however, that all of these suggestions are impractical for various reasons. Most importantly, Slobogin makes the argument that even if implemented, these measures would have little probative value.

Slobogin goes on to argue that even stronger measures are needed to reduce the powerful incentives for police to practice testilying and the reluctance of prosecutors to address the issue. He concludes his discussion with three proposals that he believes would prompt a reduction in deceptive police practices through systemic change (pp. 1054-1059):

1. Adoption of a system of rewards for truth telling, balanced against a harsher punishment for deception
2. Flexifying probable cause – The intuitive observations of experienced police officers should be afforded greater weight in the definition of probable cause.
3. Abolition of the exclusionary rule – Slobogin argues that it is difficult, if not impossible for prosecutors and judges to dismiss “worthy charges” when the police employ “instrumental adjustments,” or elaboration of the facts. According to Slobogin, elimination of the exclusionary rule wouldn’t necessarily result in increased levels of police violations of the constitutional rights of citizens. Slobogin suggests the substitution of civil sanctions, such as the possibility that police could be held financially liable for illegal testimony. It should be noted that legal scholar Amar agrees with this argument. Amar (1994) concurs with Slobogin’s contention that police officers are unreasonably fettered, especially regarding the warrant application process, in the degree to which their intuition, experience, and expertise are excluded from consideration.

## Discussion

The research and literature reviewed in this article are valuable descriptive studies of the phenomenon of police testimonial deception. Empirical data yielded by McDonald's study is more varied than Foley's, though the design is less sophisticated. Both contain valuable findings. The psychological analysis as contained in McClurg's article and McDonald's study is most salient to the development of a typology of police officers or police officer recruits that might predict the likelihood of this conduct. McClurg's recommendations offer a possible remedy from the social psychological perspective. There is a related issue that would appear to merit some degree of exploration yet only appears as a tangential inference in Slobogin's analysis. Consideration might be given to the notion that causal factors that contribute to institutionally entrenched acceptance of testifying may be inherent to the nature of the adversarial system itself. It would be both interesting and informative if comparable data to those contained in the McDonald and Foley studies could be obtained in civil law jurisdictions that employ the inquisitorial system of prosecution.

It is far beyond the scope of this article to suggest that the United States simply discard our traditional system of common law solely to reduce the prevalence of deceptive practices of our police officers, even if research were available that supported that contention. It is noteworthy, however, that unlike in inquisitorial systems, American police officers find themselves in limbo—they are subordinate to prosecutors, yet not integrated into the fact-finding process as full partners, which may also contribute in its own way to a perceived sense of dissonance experienced by police officers. This may provide some food for future thought. In any case, the literature to date offers little support for Slobogin's (1996) legalistic argument that the existence of the exclusionary rule is the primary source of police perjury.

Neither purely sociological nor psychological explanations, standing alone, suggest adequate solutions. Solutions suggested in legal scholarship and by law enforcement organizational scholarship are likewise not sustainable as pathways to mitigation of this phenomenon; it should be clear that no unitary disciplinary approach can provide either an adequate descriptive framework of the antecedents of testifying or proscriptive remedy in order to prevent it. Police are motivated to lie for many of the same reasons that any other person lies, but the enormous social harm caused by society's putative guardians engaging in this reprehensible and blatantly illegal behavior certainly indicates the need for further inquiry as to its causes and possible remedies. To be sure, explanations will not be found in any one disciplinary approach. Instead, this age-old and seemingly intractable paradox requires a much more eclectic focus of inquiry. The integrative power of the most relevant aspects of sociological, psychological, and legal theoretical approaches are much more likely to provide explanatory power and possible solutions than each upon its own.

## References

- Agnew, R. (1992). *Foundation for a general strain theory of crime and delinquency*. *Criminology*, 29, 47-88.
- Akers, R. (1985). *Deviant behavior: A social learning approach* (3rd ed.). Belmont, CA: Wadsworth.

- Amar, A. (1994). Fourth Amendment first principles. *Harvard Law Review*, 107, 757.
- Aronson, E. (1972). *The social animal*. Stanford, CA: W.H. Freeman and Company.
- Bandura, A. (1986). *Social foundations of thought and action*. Englewood Cliffs, NJ: Prentice Hall.
- Bandura, A. (1997). *Self-efficacy: The exercise of control*. New York: W. H. Freeman and Company.
- Bandura, A., Barbaranelli, C., Caprara, G., & Pastorelli, C. (1996). Mechanisms of moral disengagement in the exercise of moral agency. *Journal of Personality and Social Psychology*, 71, 363-374.
- Baron, J. (2000). *Thinking and deciding* (3rd ed.). Cambridge and New York: Cambridge University Press.
- Black, D. (1976). *The behavior of law*. San Diego and London: The Academic Press.
- Bonger, W. (abr. by Austin T. Turk). (1969 [1916]). *Criminality and economic conditions*. Bloomington: University of Indiana Press.
- Chambliss, W., & Seidman, R. B. (1982). *Law, order, and power*. Reading, MA: Addison-Wesley.
- Chin, G. J., & Wells, S. C. (1998). The "blue wall of silence" as evidence of bias and motive to lie: A new approach to police perjury. *University of Pittsburgh Law Review*, 59, 233.
- City of New York. (1994). Commission to investigate allegations of police corruption and the anti-corruption procedures of the police department. *The Mollen Commission Report*. New York: Author.
- Cooley, C. H. (1902). *Human nature and the social order*. New York: Scribner's.
- Crank, J. P. (1998). *Understanding police culture*. Cincinnati, OH: Anderson.
- Crowne, D. P., & Marlowe, D. (1980). *The approval motive: Studies in evaluative dependence*. Westport, CT: Greenwood.
- Cunningham, L. (1999, Winter/Spring). Taking on testilying: The prosecutor's response to in-court police deception. *Criminal Justice Ethics*.
- Dorfman, D. N. (1999). Proving the lie: Litigating police credibility. *American Journal of Criminal Law*, 26, 455.
- Festinger, L. (1957). *A theory of cognitive dissonance*. Stanford, CA: Stanford University Press.

- Foley, M. O. (2000). *Police perjury: A factorial study*. Unpublished doctoral dissertation, City University of New York.
- Girodo, M. (1991). Drug corruption in undercover agents: Measuring the risk. *Behavioral Science and the Law*, 9, 361-370.
- Girodo, M. (1992, October). *Understanding and managing stress of undercover agents: Theory and practice*. Paper presented at the University of Ottawa, School of Psychology.
- Goffman, E. (1959). *The presentation of self in everyday life*. New York and London: Anchor Books.
- Kraska, P. B. (2006). Criminal justice theory: Toward legitimacy and an infrastructure. *Justice Quarterly*, 23(2), 167-185.
- Kruglanski, A. W., Shah, J., Fishbach, A., Friedman, R. S., Chun, W. Y., & Sleeth-Keppler, D. (2002). A theory of goal systems. *Advances in Experimental Social Psychology*, 34, 331-376.
- Librett, M. L. (2005). *The spoils of war: Divergent lifeworlds and identity formation among undercover/vice cops in the 'burbs*. Unpublished doctoral dissertation, City University of New York.
- Manning, P. K. (1997). *Police work: The social organization of policing* (2nd ed.). Prospect Heights, IL: Waveland Press.
- Manning, P. K. (2002). *Policing contingencies*. Chicago, IL: The University of Chicago Press.
- March, J. G. (1994). *A primer on decision making: How decisions happen*. New York: The Free Press.
- Marx, G. T. (1988). *Undercover: Police surveillance in America*. Los Angeles: University of California Press.
- McClurg, A. J. (1999, Winter). Good cop, bad cop: Using cognitive dissonance theory to reduce police lying. *U.C. Davis Law Review*, 32, 389.
- McDonald, W. H. (1999). *Testilying – The psychological and sociological determinants of police testimonial deception*. Unpublished doctoral dissertation, City University of New York.
- Mead, G. H. (1934). *Mind, self, and society*. Chicago: The University of Chicago Press.
- Merton, R. K. (1957). *Social theory and social structure*. Glencoe: The Free Press.
- Quinney, R. (1970). *The social reality of crime*. Boston: Little, Brown.
- Quinney, R. (1980). *Class, state, and crime* (2nd ed.). New York: Longman.

- Slobogin, C. (1996, Fall). Testilying: Police perjury and what to do about it. *University of Colorado Law Review*, 67, 1037.
- Skolnick, J. (1982). Deception by the police. *Criminal Justice Ethics*, 1, 40-54.
- Sutherland, E. (1947). *Principles of criminology* (4th ed.). Philadelphia, PA: J. P. Lippincott.
- Sykes, G., & Matza, D. (1957). Techniques of neutralization: A theory of delinquency. *American Sociological Review*, 22, 664-670.
- Trevino, L. K., & Youngblood, S. (1990). Bad apples in bad barrels: A causal analysis of ethical decision-making behavior. *Journal of Applied Psychology*, 75(4), 378-385.
- Turk, A. (1969). *Criminality and the legal order*. Chicago: Rand-McNally.
- Weber, M. (1958). *The protestant ethic and the spirit of capitalism* (T. Parsons, Trans.). New York: Scribner.
- Weber, M. (1978). *Economy and society (wirtschaft und gesellschaft): An outline of interpretive sociology*. (E. Fischeff, Trans.). G. Roth & C. Wittich (Eds.). Berkeley: University of California Press.
- Wilson, J. Q., & Herrnstein, R. (1985). *Crime and human nature*. New York: Simon and Schuster.
- Wishnie, H. C. (1977). *The impulsive personality*. New York: Plenum.

## Endnotes

- <sup>1</sup> Mapp v. Ohio. 371 U.S. 643 (1961). This United States Supreme Court decision established the "exclusionary rule," whereby illegally obtained evidence was excluded from inclusion in courtroom testimony under most circumstances.
- <sup>2</sup> United States v. Bayless, 913 F. Supp. 232, 921 F. Supp. 211, Southern District of New York (1996).
- <sup>3</sup> People v. Defore, 150 N.E. 587 (1926).
- <sup>4</sup> Olmstead v. United States, 277 U.S. 438 (1928) at 485.
- <sup>5</sup> Bush v. United States, 375 F. 2d 602 (D.C. Cir. 1967).
- <sup>6</sup> People v. McMurty, 314 N.Y.S. 2d 194 (1970).
- <sup>7</sup> People v. Berrios, 270 N.E. 2d 709 (1971).
- <sup>8</sup> Osborne v. City of Long Beach, no. 87-6262, 1988 WL 141391 (9th Cir. 1988).

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# 2005-2006 United States Supreme Court Term: Cases of Interest to Law Enforcement

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## Introduction

The decisions of the United States Supreme Court have a direct effect on the everyday work of professional police officers and managers throughout the nation. For that reason, staying abreast of the Court's decisions is essential. In its most recent term, the Court decided cases on key law enforcement issues, providing guidance on exceptions to the search warrant requirement in cases involving exigent circumstances and consent to search, explaining the penalty for failing to knock and announce prior to search warrant entry, discussing the use of search warrants granted in anticipation of illegal conduct, and further discussing the limits on the introduction of testimony from witnesses who fail to appear at trial. What follows is a case-by-case synopsis of these cases, and others, from the Court's last term, cases which are likely to impact the day-to-day business of fighting crime in America.

## 4th Amendment Cases

### Exigent Circumstances

In *Brigham City v. Stuart* (2006), the Court dealt with the meaning of the exigent circumstances exception to the search warrant requirement. The facts of the case are straightforward. Responding to a loud party call, officers heard loud noises from inside the house. Going around to the back, they saw juveniles drinking alcohol in the backyard. Entering the yard, they saw a fight ongoing in the kitchen, where a group of adults were attempting to control a teenager. As the officers watched, the youth broke free and hit one of the adults in the mouth, causing his mouth to bleed. At this point, officers announced themselves and, getting no response, entered the kitchen and stopped the fight.

According to the Supreme Court, the issue was "whether police may enter a home without a warrant when they have an objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with such injury." The Court answered the question in the affirmative, treating the question as a settled principle of law:

Nothing in the 4th Amendment required them [the police officers] to wait until another blow rendered someone unconscious or semi-conscious or worse before entering. The role of a peace officer includes preventing violence and restoring order, not simply rendering first aid to casualties; an officer is not like a boxing (or hockey) referee, poised to stop a bout only if it becomes too one-sided. (*Brigham City v. Stuart*, 2006, at 16).

## Consent to Search

In the case of *Georgia v. Randolph* (2006), the Court addressed the question of who among cotenants may permit a search of the common areas of a shared residence. Janet Randolph took her son, left her husband, and went to stay with her parents in late May of 2001. She returned in July. On July 6, she called for police assistance, telling police that following an argument, her husband had left with her son. When police arrived, she told them that her husband was a cocaine user. Scott Randolph returned to the house, explained that he had taken his son because he was afraid his wife was going to leave with the child again, denied using cocaine, and instead said Janet was the drug user. Police and Janet went to retrieve the boy. On returning to the house, police asked Scott for consent to search the house, which he denied. Police then asked Janet for permission, which she gave. She then led officers to the bedroom where suspected cocaine residue was located. The sergeant took the evidence outside and contacted the prosecutor, who advised him to get a search warrant. When the sergeant returned to the house, Janet withdrew her consent for the search. Officers then sought and received a warrant, which they executed, finding additional evidence of drug use.

Scott was indicted for possession of cocaine and moved to suppress the evidence, arguing that the search was based on consent that he had denied and that his wife could not override. The Georgia Supreme Court agreed with him, finding that his refusal to grant consent could not be overridden by the consent of another person with common authority over the property.

The United States Supreme Court agreed. After discussion of the origins of the rule that allows one cotenant to consent to a search of the common areas of residential property, the court holds that the consent of one cotenant cannot override the refusal of a “physically present resident.” According to the Court, “a physically present inhabitant’s express refusal of consent to a police search is dispositive as to him, regardless of the consent of a fellow occupant” (*Georgia v. Randolph*, 2006, at 38).

The Court made it clear that this rule does not require the police to seek other cotenants to ask them for consent, even if they are nearby; however, police may not remove the potentially objecting tenant for the sole purpose of making sure that he or she is not present to object to the search.

## Knock and Announce

With a warrant authorizing a search for weapons and drugs at Hudson’s home, officers in the case of *Hudson v. Michigan* (2006) went to the home, knocked and announced, waited three to five seconds, entered, and searched. They found both drugs and weapons. Arguing that the police had not waited long enough to enter and had therefore violated the knock and announce rule, Hudson moved to suppress all of the evidence. His motion was granted by the trial court, a decision that was reversed by the Michigan Court of Appeals. The Court of Appeals ruled that, even if the entry made pursuant to the warrant violated the 4th Amendment’s knock and announce requirement, the exclusionary rule did not apply to the evidence that had been seized. The Michigan Supreme Court refused to hear the case, and the matter was appealed to the United States Supreme Court.

The Supreme Court did not address whether the officers had waited long enough prior to entry because the parties had agreed that the entry had been made too quickly and in violation of the knock and announce requirement. The Supreme Court held, 5-4, that the evidence was nevertheless admissible, holding that the exclusionary rule is inapplicable to violations of the knock-and-announce rule. The Court reviewed the history of the exclusionary rule, finding that suppressing evidence was appropriate only when doing so served the interests protected by the constitutional guarantee that was involved in the case at hand. In this case, the protected interests involved in the knock-and-announce requirement (the protection of life and limb, one's privacy and dignity that are impacted by the sudden entry of police), are interests that are unrelated to the seizure of evidence, and therefore the exclusionary rule is inapplicable.

The Court's decision rested in part on its belief that law enforcement officers are much better trained about individual civil rights these days and that agencies are much more careful that they once were to ensure that officers do not violate the rights of individuals. According to Justice Scalia, . . .

. . . we now have increasing evidence that police forces across the United States take the constitutional rights of citizens seriously. There have been wide-ranging reforms in the education, training, and supervision of police officers. Numerous sources are now available to teach officers and their supervisors what is required of them under this Court's cases, how to respect constitutional guarantees in various situations, and how to craft an effective regime of internal discipline. Moreover, modern police forces are staffed with professionals; it is not credible to assert that internal discipline, which can limit successful careers, will not have deterrent effect. [*Hudson v. Michigan*, 2006, at 24 (citations omitted)].

Police officers need to be aware that the Court clearly pointed out that the person whose knock-and-announce rights have been violated has an available and effective remedy—federal civil rights litigation against the officer and the agency.

### **Anticipatory Search Warrants**

Responding to the Ninth Circuit Court of Appeals' rejection of an anticipatory search warrant, the Supreme Court made clear in *United States v. Grubbs* (2006), that such search warrants comply with the 4th Amendment. In this case, Jeffrey Grubbs ordered a child pornography videotape from an undercover postal officer. An anticipatory search warrant (conditioned on acceptance of delivery of the tape) was applied for and received. Following delivery of the tape, the warrant was served. Grubbs sought to suppress the evidence, failed, and pleaded guilty, reserving his right to appeal.

On appeal, the Ninth Circuit Court of Appeals struck down the warrant, repeating Circuit precedent that an anticipatory search warrant must contain the triggering clause (the contingent event—in this case, the delivery of the pornographic tape) in order to meet the 4th Amendment's particularity requirement. The warrant in this case did not include that information. According to the Ninth Circuit, this failure could be cured only if the contingency was included in the original search warrant

affidavit and given to the person whose property was being searched prior to the commencement of the search, which was not done in this case.

The Supreme Court reversed. The Court first clarified that anticipatory search warrants are themselves constitutional, as long as they meet the requirements that apply to all warrants. The Court then looked to the plain language of the 4th Amendment to find that the particularity requirement applies only to the “place to be searched” and the “persons or things to be seized.” The Court reversed the Ninth Circuit’s effort to apply that requirement to the conditions precedent to an anticipatory search warrant, making it clear that the warrant itself need not include the triggering condition in order to be valid.

### **Searches of Parolees**

Finally, the Court dealt with the issue of searches of parolees in *Samson v. California*, (2006). Samson was a California inmate released on parole. California law requires every parolee to sign an agreement subjecting the parolee to search or seizure by a parole or peace officer at any time of day or night with or without a warrant or cause. Under this provision, and for no other reason, an officer stopped and searched Samson, finding him in possession of methamphetamine. The Supreme Court upheld the search, finding that a parolee such as Samson, who had notice of the plain terms of the parole search condition, did not have an expectation of privacy that society was prepared to recognize. Finding that California law protected against searches that were arbitrary, capricious, or harassing, the Court found that the search was reasonable under the 4th Amendment.

## **6th Amendment (Confrontation Clause)**

### **Testimonial v. Nontestimonial Statements**

In 2004, in the case of *Crawford v. Washington* (2004), the Supreme Court made it clear that the Confrontation Clause of the 6th Amendment bars the use of testimonial statements of a witness who does not appear at trial, unless the witness is unavailable to testify and the defendant has had a prior opportunity to cross-examine the witness. The *Crawford* decision has led to a significant amount of litigation over the definition of a “testimonial statement.” In this term’s decision, in *Davis v. Washington* (2006), the Court begins to provide that definition.

The *Davis* decision resolved appeals in two separate cases. In *Davis*, the victim called 911 to report an assault. Officers responded and made an arrest. The victim did not appear at trial; the trial court admitted the recording of the 911 call, and Davis was convicted. In the second case, *Hammon*, officers responded to the report of a domestic disturbance. When they arrived, the victim denied that anything was wrong. The victim and suspect were separated, and the victim completed and signed a battery affidavit. When she did not appear at trial to testify, her affidavit and the officer’s testimony concerning her statements were admitted, and the defendant was convicted.

In each case, the defendant objected to the admission of the victim’s statements, arguing that admitting the statements violated the Confrontation Clause of the 6th Amendment, as defined by *Crawford* because the statements were testimonial.

Without trying to provide an “exhaustive classification of all conceivable statements,” the Court held, . . .

Statements are nontestimonial when made in the course of police interrogation under circumstances objectively indicating that the primary purpose of the interrogation is to enable police assistance to meet an ongoing emergency. They are testimonial when the circumstances objectively indicate that there is no such ongoing emergency, and that the primary purpose of the interrogation is to establish or prove past events potentially relevant to later criminal prosecution. (*Davis*, 2006, at 16)

Applying this criteria, the Court found the first part (but probably not the second part) of the 911 call to be nontestimonial and therefore admissible. During that portion of the call, the victim was speaking about events as they happened, facing an ongoing emergency, providing information necessary to be able to resolve the present emergency, and responding to questions asked in an informal rather than a formal setting (rather than in an interrogation room following *Miranda* warnings, for example).

On the other hand, the Court found the written battery affidavit to be testimonial and therefore not admissible at trial in the absence of the availability of the victim for cross examination. The Court described the written statement as prepared after the emergency had been resolved, when there was no immediate emergency, and for the purpose of prosecution.

### **Consular Notification**

The Court also addressed a lingering question regarding the impact of the Vienna Convention on Consular Notification. This treaty, which the United States has signed, requires police officers who have arrested a noncitizen to determine whether the noncitizen’s country has signed the treaty, to determine whether the country is a mandatory notification nation or a voluntary notification nation, and to either notify (if mandatory) or offer to notify (if voluntary) the citizen’s consulate that the citizen has been arrested. (A list of nations who are signatories and full information about compliance with the treaty by law enforcement officers is available at the U.S. State Department website at [http://travel.state.gov/law/consular/consular\\_753.html](http://travel.state.gov/law/consular/consular_753.html)).

In *Sanchez-Llamas v. Oregon* (2006), the Court addressed the question of what happens if these rights under the Vienna Convention are violated by the police. Two cases were resolved in this decision. In each case, the defendant was a citizen of another country at the time he was arrested by police for a violent crime, gave an incriminating statement to the police, and then sought to have that statement suppressed because he was not provided his “rights” under the Vienna Convention on Consular Notification.

Without deciding whether the Convention creates judicially enforceable rights, but assuming for purposes of these cases that it does, the Supreme Court decided that the exclusionary rule was not the appropriate remedy for violation of the treaty’s provisions and refused to suppress the statements.

## Other Cases of Interest

In addition to the cases discussed above, the Court decided a number of other cases that may be of interest to law enforcement officers and administrators.

### EEO Violations – Retaliation

Expanding the concept of retaliation under Title VII of the 1964 Civil Rights Act, the Court resolved a conflict among the lower courts in *Burlington Northern and Santa Fe Railroad Company v. White* (2006). Some lower courts had held that there could be no finding of retaliation unless an employee had been stripped of a tangible job benefit, such as compensation or job title. The Supreme Court made it clear that Title VII's anti-retaliation provisions are not limited in this manner and that retaliation may be found in lesser changes to an employee's terms and conditions of employment. At the same time, the Court held that trivial events do not amount to retaliation; retaliation requires actions that would be considered materially adverse by a reasonable employee or applicant. In this case, transfer to a less desirable job, even at the same pay and benefits, was upheld as retaliation. Similarly, the Court upheld a finding that a suspension without pay for 37 days was retaliatory, even though the suspension was reversed with back pay.

### 1st Amendment: Public Employees

In a significant case involving public employees and the 1st Amendment, *Garcetti v. Ceballos* (2006), the Court held that when public employees make statements pursuant to their official duties, they are not speaking as citizens for 1st Amendment purposes, and the Constitution does not insulate their communications from employer discipline.

### 1st Amendment: Drug Importation

The religious group known as UDV may, under the Religious Freedom Restoration Act, import the Schedule I substance hoasca for religious use even if the importation violates international treaties, at least until the government demonstrates in further litigation that there is a compelling governmental interest in denying the importation of the drug in question. The Court does not. In this decision, *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal* (2006), the Court further defines what facts might rise to the level of establishing that compelling governmental interest.

### Insanity Defense

In *Clark v. Arizona* (2006), the Court upheld Arizona's insanity statute, which tests insanity solely in terms of the capacity to tell whether the act charged as a crime was right or wrong. In addition, Arizona's decision to limit testimony of a professional psychologist or psychiatrist to the insanity defense and to prohibit the consideration of such testimony on the element of mens rea was also permissible.

## **Cases Involving the Rights of Prisoners**

In the context of a civil rights claim alleging violation of the 1st Amendment, the Court held in *Beard v. Banks* (2006), that Pennsylvania prison officials set forth adequate legal justification for withholding access to newspapers, magazines, and photographs from its most “dangerous and recalcitrant” inmates.

In *United States v. Georgia* (2006), a case involving a paraplegic inmate allegedly assigned to a cell too small to permit him to turn his wheelchair around, the Court found that suits filed under Title II (accessibility in public programs and services) of the Americans with Disabilities Act may be brought against states, at least for conduct that *actually* violates the 14th Amendment (here, the ban on cruel and unusual punishment of the 8th Amendment).

Finally, in *Woodford v. Ngo* (2006), the Court held that the Prison Litigation Reform Act requires a prisoner to exhaust administrative remedies before resorting to federal court [42 U. S. C. §1997e(a)]. After consideration of both habeas law and general principles of administrative law, the Court determined that “exhaustion” means actual use of the administrative procedures and compliance with the deadlines within those processes. To rule otherwise, according the Court, would make the exhaustion requirement meaningless, allowing a prisoner to exhaust administrative remedies solely by ignoring those remedies prior to filing suit.

## **Shifting the Burden of Proof**

According to the Court in *Dixon v. United States* (2006), shifting the burden of proof, by a preponderance of the evidence, to the defendant to prove her duress defense in a firearms case is not a violation of due process.

## **Assisted Suicide**

The Court held in *Gonzales v. Oregon* (2006) that federal drug laws do not provide a basis for the federal government to stop doctors from proceeding under the Oregon physician-assisted suicide law.

## **Death Penalty Challenges**

An inmate may use 42 U.S.C. § 1983 to raise an 8th Amendment challenge to the method of execution (here, the order of injection and effect of the chemicals to be used), according to the Court’s decision in *Hill v. McDonough* (2006).

In *Kansas v. Marsh* (2006), the Court held that the Kansas death penalty statute was not unconstitutional merely because it imposes the death penalty when aggravating and mitigating factors are equal.

## **Right to Counsel**

A defendant has a constitutional right to paid counsel of the defendant’s choice and, when that right is denied, reversal of the jury’s verdict is required, according to the Court’s decision in *United States v. Gonzalez-Lopez* (2006).

## Evidentiary Rules

In *Holmes v. South Carolina* (2006), the defendant sought to introduce evidence, including witnesses, whose testimony would have asserted that another man committed the murder the defendant was charged with committing. The trial judge refused to admit the evidence. The South Carolina Supreme Court affirmed, holding that the forensic evidence in the case was so strong that the defendant's evidence regarding the third party did not raise a reasonable inference as to the defendant's innocence, and was therefore not admissible.

The U.S. Supreme Court disagreed, finding the rule applied by the South Carolina Supreme Court to be arbitrary, in that it interfered with the defendant's meaningful opportunity to present a complete defense. The defendant's conviction was reversed and the case remanded.

In *Oregon v. Guzek* (2006), the Court found that a defendant does not have the right, under either the 8th or the 14th Amendment, to present new live alibi evidence at a capital sentencing hearing when that evidence is inconsistent with his prior conviction, sheds no light on the manner in which he committed the crime, and is not new evidence that was unavailable to him at the time of trial.

## Sentencing

In *Washington v. Recuenco* (2006), the Court held that sentencing errors under *Blakely v. Washington* (2004) are not structural errors that require automatic reversal.

## The 2006-2007 Term

The United States Supreme Court has two new members and a docket in its upcoming term that will present the newly constituted Court, the "Roberts Court," to define itself. The impact of the new members of the Court remains to be seen, though many believe that the Court will be more conservative and to the liking of those involved in law enforcement. It will certainly take a term or two to find that out . . . stay tuned . . .

## U.S. Supreme Court Case Citations

Beard v. Banks, 126 S. Ct. 2572 (2006).

Blakely v. Washington, 542 U.S. 296 (2004).

Brigham City v. Stuart, 126 S.Ct. 1943 (2006).

Brown v. Sanders, 546 U.S. 212, 126 S.Ct. 884 (2006).

Burlington Northern and Santa Fe Railroad Company v. White, 126 S.Ct. 2405 (2006).

Clark v. Arizona, 126 S. Ct. 2709 (2006).

Crawford v. Washington, 541 U.S. 36 (2004).

Davis v. Washington, 126 S.Ct. 2266 (2006).

Dixon v. United States, 126 S. Ct. 2437 (2006).

Garcetti v. Ceballos, 126 S.Ct. 1951 (2006).

Georgia v. Randolph, 126 S.Ct. 1515 (2006).

Gonzales v. Oregon, 126 S. Ct. 904 (2006).

Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal, 126 S.Ct. 1211 (2006).

Hammon v. Indiana, sub nom., Davis v. Washington, 126 S.Ct. 2266 (2006).

Hill v. McDonough, 126 S. Ct. 2096 (2006).

Holmes v. South Carolina, 126 S.Ct. 1727 (2006).

House v. Bell, 126 S. Ct. 2064 (2006).

Hudson v. Michigan, 126 S.Ct. 2159 (2006).

Kansas v. Marsh, 126 S. Ct. 2516 (2006).

Oregon v. Guzek, 126 S. Ct. 1226 (2006).

Samson v. California, 126 S.Ct. 2193 (2006).

Sanchez-Llamas v. Oregon, 126 S.Ct. 2669 (2006).

United States v. Georgia, 126 S.Ct. 877 (2006).

United States v. Gonzalez-Lopez, 126 S. Ct. 2557 (2006).

United States v. Grubbs, 126 S.Ct. 1494 (2006).

Washington v. Recuenco, 126 S. Ct. 2546 (2006).

Woodford v. Ngo, 126 S. Ct. 2378 (2006).

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