Community Policing: Immigration

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Associate Editors (cont.)
Gene L. Scaramella, PhD
Dean of Graduate Studies, Ellis College of New York Institute of Technology
Wayne Schmidt
Director, Americans for Effective Law Enforcement

Editorial Production
Document and Publication Services, Western Illinois University, Macomb, Illinois

Production Assistant
Linda Brines

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Single mother Elvira Arellano arrived in the United States illegally in 1997 with many hopes of reaching her American dream. She was deported to Mexico shortly afterward but returned and settled in Chicago in 2000, taking a job cleaning planes at O’Hare International Airport. She was arrested in 2002 at O’Hare and convicted of working under fraudulent documents. She sought refuge at a church and did not leave its property until she decided to travel by car to Los Angeles to speak at a rally where she was arrested again and deported. There are thousands of similar cases of intertwined issues of immigration, law enforcement, and human rights every year, and the numbers are going up. The Elvira Arellano case clearly demonstrates the increasing political component to immigration, complicating law-enforcement response and increasing the probability of misunderstandings in the community.

For the nation that has been formed by and has benefited more from migration than any other country around the globe, there is no surprise that this issue is under political scrutiny. James Madison, in his speech at the Federal Convention of August 13, 1787, made an accurate observation that “America was indebted to immigration for her settlement and prosperity. That part of America which had encouraged them most had advanced most rapidly in population, agriculture and the arts.”

A complicated law enforcement response to the immigrant community is not new in the history of the criminal justice system. For decades and decades, police officers have been challenged to embrace the cultures and perspectives of the growing immigrant communities within their jurisdictions. Today, the scale, diversity, and highly dynamic trends in immigrant populations with multiple cultures, languages, and often negative perspectives in regards to the police present local law enforcement with new, critical, and comprehensive tasks. Although local law enforcement focuses on developing effective and positive interactions with immigrant communities, the complexity of each new wave of overseas populations presents significant obstacles and should be addressed. Even more challenging are the attempts by police to find ways of collaborating with and assisting illegal immigrants, whose numbers are unknown, and to find the budgetary means, which are often underestimated, to accomplish these attempts. Complexity multiplies when an illegal immigrant is the victim of a crime, and local police must deal with immigration issues along with the crime itself. A significant presence of illegal immigrants automatically increases latent and unreported crime in the community.

This issue of the Forum focuses on immigration and the related problems confronting local, state, and federal law enforcement agencies within the U.S. and in many nations throughout the world. This collection of articles provides an overview of the topics surrounding immigration, both legal and illegal; presents valuable information on the current resources available to law enforcement; and examines the concerns and obstacles that currently surround the discussion over immigration enforcement by the law enforcement community. It is our hope that this collection of articles will prove to be a useful tool for all readers.

Vladimir A. Sergevnin, PhD
Editor
Law Enforcement Executive Forum
Immigrant Women, Domestic Violence, and Community Policing

Edna Erez, Professor and head, Criminal Justice Department, University of Illinois at Chicago
Julie L. Globokar, Academic Chair, Kaplan University

A central goal now held by most United States law enforcement agencies is the development of a collaborative relationship with the community members they serve. Heavy emphasis is placed on fostering bonds of trust and cooperation in the implementation of community policing initiatives. As the United States population continues to diversify, law enforcement personnel find themselves working to develop partnerships with members of immigrant communities. While some studies have shown that immigrants hold more favorable views of the police than native-born residents (Davis & Hendricks, 2007), immigrants may be hesitant to work with the police due to mistrust, language barriers, or concerns related to immigration status. Immigrant crime victims may be reluctant to report crimes and cooperate with authorities due to an intricate combination of cultural, social, and legal factors (Davis & Erez, 1998). This may be a significant issue in cases of domestic violence. Historically under-reported by the public-at-large (Erez, 2002a), battered immigrant women may be particularly reluctant to call the police for this crime (e.g., see DasGupta, 2000).

The current study investigates these issues and documents the experiences of battered immigrant women with the police. We begin by reviewing the literature on immigrant victims of domestic violence and the factors that impact their willingness to contact the police. Using in-depth interviews of battered immigrant women from a variety of communities regarding their experience with justice agents, we discuss the multifaceted ways that the immigration context shapes women’s experiences of abuse and, in turn, influences their interactions with police. Based on the findings, we make recommendations for working with battered immigrant women within the framework of community policing.

Immigration and Domestic Violence

The U.S. remains one of the most desirable places for migrants to settle. According to the 2000 census, 11.1% of the United States population is foreign-born (Malone, Baluja, Constanzo, & Davis, 2003), the highest percentage since 1930 (U.S. Census Bureau, 2000). Approximately 31.1 million residents of the United States were born in a different country (Malone et al., 2003), with significant immigrant populations found in all regions of the U.S. These demographic patterns make it pertinent for local police agencies to study the dynamics that characterize immigrant communities.

Violence against women, or gender violence, has been recognized as a special risk for immigrant or refugee women (Erez, 2001; Kelly, 1999; Perilla, 1999). Patterns of migration often exacerbate the gender-linked vulnerability of women, increasing their dependence upon others, particularly upon their husbands and intimate partners (Erez, 2001). Recent research in the U.S. has confirmed that violence against women is one of the most common types of victimization experienced by
immigrants (Davis & Erez, 1998), yet there has been little attention directed toward police responsiveness to domestic violence within immigrant communities. The dilemmas battered immigrant women face in deciding whether to invoke the justice system must be understood for police to respond in the most effective manner.

Concerns relating to immigration status can add complexity to police interactions with immigrants, and particularly with battered immigrant women. As of the 2000 census, 40.3% of the legal foreign-born population had been naturalized as citizens (Malone et al., 2003), with the remainder (59.7%) not holding citizenship. As of 2002, there were also an estimated 9.3 million undocumented immigrants in the U.S. (Passel, Capps, & Fix, 2004); undocumented individuals would be particularly hesitant to reach out to the police for assistance in violent situations.

Contextual Factors Shaping Battered Immigrant Women’s Interactions with Police

Battered immigrant women are deterred from calling the police, even in cases of severe violence, for a variety of cultural, social, and legal factors. Consistent with other cases of domestic violence, battered immigrant women are often economically dependent upon their abusive partners and fearful of the implications of leaving their relationship, but some elements of the immigrant experience serve to magnify this dependence and fear. As will be demonstrated, the total context within which battered immigrant women reside contributes to immigrant women’s reluctance to report their abuse and cooperate with criminal justice agents (Erez, 2002b; Menjívar & Salcido, 2002; Raj & Silverman, 2002).

Battered immigrant women are highly isolated due to their immigration circumstances (e.g., Abraham, 2000; Menjívar & Salcido, 2002). Immigrant women often move to follow their husbands, leaving behind their familial and social support systems (Erez, 2000). Cultural dictates and economic considerations lead immigrant women to live with or close to their husbands’ families (Abraham, 2000; Raj & Silverman, 2002). In some cases, the husband’s family supports the abuse or abuses the victim themselves (Huisman, 1996; Supriya, 1996), leading victims to fear retaliation from their in-laws should the abuse be reported (Shim & Hwang, 2005).

For recently arrived immigrant women, language barriers can present a significant source of isolation (Menjívar & Salcido, 2002; Orloff, Jang, & Klein, 1995), making women reluctant to contact the justice system (Davis & Erez, 1998). Communication difficulties can undermine even the justice system’s best efforts to provide assistance. With interpreters rarely available in crisis situations, police act on incomplete information mediated through scared or unsympathetic family members, or the husband himself (Erez, 2000). Family members may be unfamiliar with legal terms and meanings, or they may directly or inadvertently convey their disapproval of a woman seeking outside help to deal with sensitive family matters. Children are sometimes asked to translate; such requests may endanger the children as the abuser may view them as colluding with the mother. Children may be uncooperative if they disapprove of the mother’s decision to resort to official channels for assistance (Erez, 2000).

Exacerbating the dependence of immigrant women is that they frequently lack the linguistic and occupational skills necessary to enter the workforce. Similar to other
domestic violence victims, battered immigrant women are often economically dependent and financially insecure, relying upon their husbands as their sole means of support. In many immigrant families, the husband is the breadwinner and conducts all communication with the outside world (Erez & Copps Hartley, 2003). Leaving an abusive husband would often mean relinquishing financial resources, such as home and personal effects; vital practical services, such as childcare by family or friends (Currie, 1995; Erez, 2000); and the connections to the broader social world that had been facilitated by the husband.

Despite severe and extended abuse, battered immigrant women tend to remain in abusive relationships for a long time. In some cultures, women who leave their husbands not only lose their economic support but also become stigmatized and isolated, and have very limited chances of remarriage (Erez, 2000). Returning to their country of origin is not a viable solution as women may be subject to retaliation by their own families or, more often, by their husbands’ families. In many countries, gender is a barrier to adequate employment (Orloff et al., 1995), presenting women with tremendous difficulties in providing economic support for themselves and their children.

In cultures where family integrity and strict adherence to role obligation are highly valued, the risk of disgrace or losing face is serious enough to prevent a woman from leaving her husband (Erez, 2000; Shim & Hwang, 2005). Women in some immigrant communities perceive calling the police as tantamount to pursuing divorce, anticipating that the action would not be forgiven by their husbands (Shim & Hwang, 2005) and would be disapproved by their families. If the woman leaves, even following severe abuse, she is typically deemed responsible for the end of the marriage. Her family of origin may not accept her back because such an act brings shame and disgrace on the family name and mars the collective perception of the family’s honor (Ciurak, 1985; Narayan, 1995; Supriya, 1996).

Immigrant women often long for social contact in the new country. Membership in religious institutions, such as churches, mosques, or temples, can provide them with a sense of community, much needed continuity, and support. At the same time, cultural norms and religious prescriptions may not offer battered women the support and encouragement needed to escape from violence in the home (Kelly, 1999; Okin, 1998). Religious values and institutions may reinforce traditional responses to woman battering and act as disincentives to reveal the abuse or to contact the justice system (Erez, 2000; Okin, 1999). Social pressures to remain a “good wife” (Narayan, 1995) and avoid the reputation of the “shameful wife” are strong, and often prevent a woman from calling the police or extricating herself from the violence.

Within immigrant communities, there is a preference to treat interpersonal conflicts as private matters to be resolved internally, even in the extended family network (Erez, 2002b). Immigrant communities commonly object to exposing abuse in their midst for fear of directing attention to their community. Attempts to reveal family violence in immigrant communities can lead to insistence that such problems are only endemic to “Western” marriages and a denial that they exist within “our tradition” or “our families,” or a claim that women who disclose domestic violence are a very small contingent of “deviant, rebellious women” (Erez, 2000). These factors lead battered immigrant women to exhibit a strong reluctance to reveal the abuse to social service agencies, religious leaders, or any outside family...
members as it will bring shame upon themselves, their husbands, their children, and their community (Erez, 2002b). This tendency for secrecy and denial of abuse may result in a weaker system of supports and aid for abused immigrant women in the United States than would have been present in their countries of origin.

Negative experiences with the police and the justice system in their countries of origin can also color battered women’s willingness to call the police for help in their new country (Davis, Erez, & Avitabile, 2001; Menjivar & Salcido, 2002), particularly for those who have migrated from authoritarian regimes (Shim & Hwang, 2005). Immigrant women may hold legitimate concerns that they will be subjected to differential treatment because of their ethnicity, gender, and immigration status (Erez, 2002b; Pogrebin & Poole, 1990). Many fear that deportation or loss of resident status will lead to loss of legal custody of their children to the abusive father (Orloff et al., 1995; Raj & Silverman, 2002); this is the overriding rationale behind the reluctance of many immigrant women to report their abuse to authorities (Erez, 2000; Menjivar & Salcido, 2002). Deportation or return to their own country often means loss of custody rights in favor of the father and never seeing their children, again. Battered immigrant women sometimes believe, often because their abusers have told them so, that separation or divorce in the new country will have the same result.³

Battered immigrant women are sometimes afraid that official action will lead to the deportation of their abusers, which they believe could mean loss of their own dependent immigrant status (Erez, 2002b). Few women are aware of recent U.S. laws that can offer abused immigrants an avenue to attain legal immigration status independent of their abusers such as the Violence Against Women Act. Batterers use immigration status to intimidate and coerce their partners to stay or comply with their demands (Anderson, 1993; Raj & Silverman, 2002). Abusers of undocumented immigrant women routinely threaten to call immigration authorities if the victim reports the abuse (Dutton, Orloff, & Hass, 2000). Leaving can be particularly difficult for undocumented women because without immigration papers they cannot work legally and, in the U.S., may not be entitled to welfare assistance, including housing. Even for documented women, the threat of deportation may be powerful enough to prevent them from leaving.

**Battered Immigrant Women and the Role of Arrest**

For immigrant women, the decision by police to arrest the batterer serves as a double-edged sword. Battered women who call the police for protection from violent episodes may not want their abusers arrested due to emotional and/or financial dependence, embarrassment, or fear of retaliation; for battered immigrant women, there are additional immigration-related considerations that deter them from seeking their abuser’s arrest. While there are legal protections in place to facilitate the obtainment of citizenship for women when they have been battered by their spouses, these provisions are often so complex and documentation-based that they provide no practical advantage—for example, by requiring the submission of affidavits from medical personnel even in situations where the victim may not have access to health care (Shim & Hwang, 2005). This contributes to fear that the arrest of the batterer could result in negative implications for the immigration status of the victim. Dual arrest practices that call for the arrest of both involved parties instead of the primary aggressor (e.g., Miller, 2001) may adversely affect prospects
of battered women who act in self-defense, having an even greater deterrent effect on battered immigrant women who might otherwise seek police assistance.

Cases that do not result in arrest, or which police may perceive as “failed” due to dropped charges or lack of “cooperation” by victims, may still be successful in empowering victims, legitimizing their complaints, creating necessary documentation of the abuse, and generally sending a message to abusers that their behavior is not tolerated (Wittner, 1998). Some battered immigrant women who call the police may be looking for an officer to report to the scene or stop the abuse, with the understanding that police intervention, even short of arrest, will be enough to deter their abuser from future violence (Menjívar & Salcido, 2002; Shim & Hwang, 2005).

In spite of these reasons for exercising prudence in the decision to arrest, it is also the case that arrest may serve as the woman’s only protection from potentially life-threatening violence. While many immigrants originate from societies within which domestic violence has traditionally been “normalized” or overlooked, it does a great disservice to battered immigrant women to presume that arrest is not warranted on this basis (Adelman, Erez, & Shalhoub-Kevorkian, 2003). As Ferraro (1989) highlights, when the public is dichotomized into “normal” citizens and those for whom violence is assumed to be acceptable, including immigrant populations, it leaves immigrant women without options to turn to once they are ready to escape the abuse. Community policing agencies face a “delicate balance” between “respecting [cultural] difference” and enforcing state laws in a “nondiscriminatory fashion” (Adelman et al., 2003, p. 121), and they must ensure that all community members have access to their services.

Review of this immigration context suggests that to respond appropriately, police need to consider the combination of cultural, legal, and practical concerns that underlie battered immigrant women’s behavior and decisionmaking in mobilizing the justice system. Police need to be sensitive to the ramifications of various available legal options, remedies, and actions for abused immigrant women. Particularly complex is balancing attempts to help the women extricate themselves from the violence without further isolating them from their communities. In the next sections, we provide the voices of battered immigrant women about their experiences with the police, and based on the findings, we offer specific suggestions for community policing efforts in immigrant communities.

Methodology and Data Collection

Interview data were collected in states with large numbers of recent immigrants and with a diversity of potential respondents in terms of ethnicity, national origin, and size of community of residence (urban and rural). California, New York, Florida, Texas, Michigan, Wisconsin, and Iowa were selected as sites for data collection, and various social service agencies that provide services to immigrants were identified and the directors of the agencies contacted. Those who agreed to participate in the study were provided with sets of questionnaires and instructions for conducting the interviews. The researchers also identified and contacted social service providers from other parts of the country based on their attendance at annual meetings for organizations that provide services to abused immigrant
women. Several providers from New Jersey, Ohio, and Washington who expressed interest in participation were added to the sample.

The bilingual social service providers in the participating agencies contacted battered immigrant women clients with whom the providers had previously established helping relationships and trust, and they informed them about the study, asking whether they wished to participate. The providers’ relationship with the immigrant clients was an important consideration in the data collection phase. Abused immigrant women are commonly hesitant to confide in strangers and are particularly reluctant to talk to strangers about domestic violence and immigration-related problems. Therefore, the optimal way to receive the immigrant women’s consent to participate and obtain valid responses was to have the providers interview their immigrant clients. The providers were not only familiar with the immigrant women’s problems but also shared their language and culture.

The interviewees (n = 137) were immigrant women who sought help related to their immigration or domestic violence problems. This was a convenience sample of battered immigrant women who had overcome their fear to reveal their abuse to outsiders or whose violence was so severe that they had decided to seek help; the results are therefore not representative of all battered immigrant women. Given that the respondents were self-selected and contacted only through those organizations who had agreed to participate in the study, the results should also not be interpreted as representative of all immigrant women who seek help. There were several organizations that did not wish to participate for practical or logistical reasons, could not afford the resources or time to conduct lengthy interviews, or were not successful in identifying battered immigrant women who were willing to participate. The value of the results reported in this study lies in the informed descriptive accounts of battered immigrant women’s interactions with police.

The interviewers worked in or were affiliated with various nonprofit social service organizations. They were bilingual employees or volunteers who either had training in social services or, in some cases, were themselves survivors of domestic violence who had become battered women advocates. The questionnaires, which were written in English, were sent ahead of time to the agencies so that interviewers could become familiar with their content and could be prepared, if necessary, to conduct simultaneous translations. The involvement of bilingual staff enabled most of the interviews to be conducted in the women’s native language, which were reported by the interviewers to include Arabic, Armenian, Bengali, Farsi, French, Haitian, Hindi, Japanese, Malaysian, Portuguese, Russian, Spanish, and Turkish. English was used in some interviews in part or throughout the interview if the woman being interviewed was well-versed in English. The interviews lasted between 45 minutes and two and one-half hours. They included closed- and open-ended questions about the women’s demographic characteristics, history of violence in their home country, circumstances of their arrival in this country, and experiences with abuse and violence in the U.S.

The immigrant women were offered a modest pay for their time ($20.00). The interviewees most commonly responded to the interview schedule in one session, but a few requested to complete the interview at another time. Some of the women chose not to answer certain questions because they felt uncomfortable discussing issues they considered to be private. All their requests were honored.
All interviewees were paid for the full interview, even if they did not answer all of the items or if they could not come for a second session to complete the interview. Despite a long and extensive interview schedule, most women responded to many questions in detail; other questions were only briefly addressed, if at all. Translation problems invalidated some of the responses or resulted in partial responses. These issues all work to limit the generalizability of the responses, again highlighting that the strength of this study lies in providing qualitative accounts of battered immigrant women’s interactions with police.

**Results**

The majority (65%) of the women noted that in their home country domestic violence is not viewed as a crime, and the police do not intervene in abuse incidents. Regardless of the ethnic or national origin of the women, interviewees stated that in their culture or country, women do not seek help as abuse is a “normal” or “natural part of family life.” According to many interviewees, in their home country, “women are expected to tolerate it, be loyal to their family, and self-sacrifice for their children.” They felt pressured “… to save the face of the family, paying high costs [for it].” One woman summarized the stark contrast between how battering is perceived and handled back at home compared to how it is treated in the U.S.:

> A man can do anything, he is the head of the family, and a woman should always sacrifice to make things work. … Our culture does not welcome outside intervention. We don’t involve outsiders in family issues. We do not consider domestic violence as a crime; police do not get involved. We don’t go to shelters. Legal system does not get involved.

Many of the women sought support or advice from sources other than the police. The most frequent person(s) the women approached to discuss the abuse had been a friend (56%), followed by relatives (40%), members of their immigrant community (36%), and religious leaders (30%). The women tried to avoid resorting to authorities: “We feel ashamed to involve strangers in our personal lives. We don’t like publicity.” Over half of the women (54%) stated that they did not call police for help because of cultural or religious reasons.

Nonetheless, due to the severity of violence, the police got involved in a substantial number of abuse incidents (61%), and for about half of these victims (48%), the police were called for help during multiple violent episodes. In over one-third (35%) of the cases in which the police participated, someone other than the victim alerted the police; this was most often a neighbor or a family member (e.g., a victim’s son, mother, or in-law), and in some cases, a hospital. Women described the situations in which the police were called as times in which they feared for their lives: “I was scared … but felt I had no other recourse at the time but to report the physical abuse—he choked me!”

In one-quarter (25%) of the cases, professional interpreters were available for women who could not speak the language. In the rest of the cases, relatives of the women (e.g., nephew, sister-in-law, sister’s husband, cousin), children (mostly sons), individuals from the community (e.g., neighbor, special agency staff), or bilingual
police officers served as interpreters. One-tenth of the women reported at least one incident in which the police inquired about the victim’s immigration status.

The majority (75%) of the women evaluated their encounters with the police positively. A small minority (4%) had mixed evaluations, and about one-fifth (21%) of the women interpreted their encounter negatively. Those who were satisfied with the encounters most often highlighted that the police helped them feel “safe,” “secure,” “comfortable,” and “protected.” One woman succinctly stated: “They were very helpful, nice, and protective. They saved me and scared him.”

The interviewees cited specific reasons for being satisfied with the police response. The women appreciated instances in which the police provided them with information regarding the legal and social resources available to them such as phone numbers for community resources. One woman explained, “They told me things I did not know about.” Women referred to the police encounter as a turning point which either deterred the abuser from further violence or helped the women with the decision to leave. For some victims, interaction with the police forced them to rethink their life with the abuser or move on with their lives. One woman described the following of her interaction with the police: “It was positive because [the encounter] makes me realize how my life was in danger with him by my side.” Another woman similarly stated, “The police resolved my problem—I was able to leave him.”

While many women reported shame in calling the police and fear in the presence of police, no women wholly disapproved of the police decision to arrest their abusers. To the contrary, many women reported this as a positive element of the police encounter as they felt that their abusers were held accountable for their actions through arrests or the issuance of warnings. They welcomed the protection provided by the police. One stated, “I was scared that when they left he would hurt me again. They arrested him so that he wouldn’t hurt me.” But for some women, the abuser’s arrest was worrisome due to fears about the husband’s reaction upon release: “I was so scared for the future; since I called the police, I knew he [would] be very angry and hurt me.”

The women reported feeling empowered when they learned that they could rely upon the police for help. One woman stated, “They made me feel like I had rights and that the law was on my side.” Others took comfort in simply “knowing I can call the police” and “knowing there is help out there.” They felt good about being taken seriously, and felt reassured as their abusers were deterred from further violence by the prospects of police intervention.

There were a few women who reported negative encounters with the police. They stated that they were made to feel like a “criminal” or a “crazy mother.” Others felt “uncomfortable” or “foolish.” Some women reported being disappointed with specific elements of the police response; they felt that the police did not take their circumstances seriously, or they were upset because police told them “not to bother the abuser anymore” or to “be a good wife.” In one encounter, a woman had heard the police tell her abuser, “For what she told you, I’ve seen other men kill their wives.” Other complaints pertained to slow response times, failure to arrest, and the lack of interpreters and bilingual officers. One woman, who had to rely on her son for translation, noted, “I could not talk to the police, and how can I tell my son everything that happened?” Another complained that the police listened
more to the abuser because “he is a citizen and speak[s] much better English.” Other women found themselves intimidated in their encounters with the police. The interactions were described as “scary” simply “because they are the police.” Some women reported being confused, unsure of what was going to happen, or uncertain of legal concepts such as what it means to “press charges.”

When asked how police could improve encounters with the women, battered immigrants cited many wishes consistent with abused women of any immigration status: “Hold the batterer accountable,” “do not ask the woman to charge the abuser but to do it on their own,” “respond fast,” and “keep him locked [up] for a long time or do something to him so he is scared.” They also provided suggestions unique to immigrant women, however. Most commonly, the women recommended that officers implement procedures to overcome language barriers, suggesting that agencies employ “more bilingual officers” or “have translators available.” Several women highlighted that officers should increase their cultural competence to better respond to domestic violence cases in immigrant households: “They [police officers] need to understand that we women sometime don’t tell the truth as we are ashamed of our husband’s bad behavior.” Another woman stated, “Police should understand why [battered immigrant women] don’t report details—police need to be trained in our culture.” Many stressed that immigrant women should be treated equally regardless of their citizenship status.

Women expressed fear of immigration consequences or other adverse outcomes for their abuser, their children, or themselves if they reported the abuse. Three-quarters (75%) of the women reported that their abusers had used their immigration status against them. In many cases, the abusers had told the women they didn’t have any rights in the United States and had threatened to report her status to authorities, have her deported, withdraw her petition for citizenship, or have her kids taken away. One woman explained, “He said that I was going to be deported, that INS would send me to Mexico, and they would take my children. He made fun of me about my status.” Interviewees also reported fear of “the consequences for him (the immigrant abuser) . . . [and] being deported and losing my child.” They felt that calling the police could “complicate matters” in unpredictable ways. They particularly feared the unknown consequences of involving the police as this contact was likely to result in the loss of their only support networks in their new country—those of their family and community.

Discussion and Conclusion

In areas with immigrant populations, police must appreciate the hesitancy that battered immigrant women experience in contacting the police for assistance. Some of the factors that influence immigrant women’s willingness to involve the police are common to all domestic violence victims; other factors are unique to the context of immigration. Immigrant women may fail to seek assistance from police or be otherwise “uncooperative” due to pressures from social networks, cultural expectations, linguistic barriers, and concerns over immigration status. They may also be misinformed regarding the implications of calling the police, or have a distrust of legal authorities due to experiences in their home country.

There are some proactive steps that community policing efforts might adopt to better serve battered immigrant women. Respondents in this study frequently pointed
out communication as a significant barrier in their interactions with police. While most immigrants and their children eventually acquire a reasonable command of the English language, the 11 million individuals who are still struggling with the language (Shin & Bruno, 2003) can suffer from social and occupational isolation, feel trapped in abusive relationships, and be intimidated from seeking help from outside agencies. The employment of a neutral interpreter or the availability of a bilingual officer can help battered immigrant women feel more comfortable calling the police, facilitating a smoother police encounter for victims and responding officers. For women who have historically been reliant upon their husbands for communication, the ability to effectively communicate with law enforcement can be empowering in both practical and symbolic ways. When interpreters are employed, they should be professional and unbiased; drawing interpreters from the victim’s own community can inhibit an immigrant woman’s willingness to provide complete information about a specific violent episode or the chronology of the abuse.

Police in general, and particularly officers who are called to the scene, might assist with advertisement of services that can support immigrant women throughout the legal process. For instance, police can provide informational brochures in immigrants’ native languages, legal counseling on immigration-related issues, or connect immigrant victims with a caseworker who would walk them through the court process in their native language (see Davis & Erez, 1998, p. 3). The availability of such information can work to reduce the fear and uncertainty of battered immigrant women who may not be familiar with the legal system in the U.S.

Community policing efforts should include clear communication with agencies, services, and organizations within the immigrant community regarding what steps will be taken in response to a domestic violence call. Battered immigrant women who call the police do so based on a complex consideration of the costs and benefits of police involvement. When social agencies misinform immigrant women about the possible outcomes of calling the police, it can contribute to distrust not only of the police, but of the agencies that had provided the misinformation as well, risking further isolation for battered immigrant women (Shim & Hwang, 2005). Battered immigrant women’s satisfaction with the police is most closely tied with whether the outcome of the call (arrest versus non-arrest) was consistent with the victim’s preferences (Hickman & Simpson, 2003). Helping battered immigrant women know what to expect when they call the police for assistance can increase their likelihood of utilizing police services, reducing their fear of the “unknown” that looms large in battered immigrant women’s reluctance to report their abuse. Such information can help women in making decisions that are in their best interest and reduce the frustration of responding officers in understanding the women’s decisions or choices.

Many of the women in this study reported a fear of being turned over to immigration authorities if they made contact with the police (see Orloff et al., 1995; Wachholz & Miedema, 2000). To help more immigrant women overcome fears related to immigration status, both community policing officers and immigrant residents need to be educated on relevant immigration laws. Officers should be aware of the potential implications of their responses to domestic violence on the well-being and the immigration status of battered immigrant women and their families. Educational materials should be provided to inform women of their ability to pursue and obtain citizenship independently of their abusers through self-petition or other options provided by the law (e.g., the Violence Against Women Act).
The women in this study expressed a need for community policing agencies to be educated in regards to the cultural traditions of the immigrant communities within their jurisdiction. The women reported being hesitant to describe the nature of their abuse due to the shame connected with revealing the circumstances to others; an understanding of this reluctance by the police can build greater trust. Communication with leaders, social service providers, or concerned members of the immigrant community may support the police in the development of a culturally competent approach to domestic violence, which, in turn, will increase battered immigrant women’s willingness to engage the police in addressing their abuse.

Community policing agencies can support battered immigrant women by informing them about options and resources that may have long-term effects on the reduction of domestic violence. The availability of educational resources aimed toward developing language skills and increasing women’s prospects of employment can empower immigrant women who are often isolated and economically dependent on their spouses. By working with community organizations, adopting educational programs within the agency, and evaluating the practices of responding officers in cases of domestic violence, police can help to reduce battering and empower immigrant women. Community policing efforts anchored in an understanding of community members’ predicaments and choices can support informed and sensitive responses that not only benefit battered immigrant women but also the community at large.

Endnotes

1 The research was conducted with Grant #98-WT-VX-0030 from the National Institute of Justice. Views expressed in this article are those of the authors and do not represent the views of the funding agency.

2 A “shameful wife” is one who violates normative expectations against revealing family members’ unbecoming or improper behavior, such as abuse, to outsiders (Maglizza, 1985).

3 According to U.S. law, the contrary is often the case. The courts are likely to award custody to the non-abusive parent even when she does not have legal immigration status (American Bar Association, 2000).

4 See Erez and Hartley’s (2003) article for a discussion of the concept of cultural competency as it relates to police responses to domestic violence.

5 Of the almost 47 million Americans who speak a language other than English in the home, more than 35 million are also able to speak English “very well” or “well” (Shin & Bruno, 2003).

References


**Edna Erez** is professor and head of the Criminal Justice Department at the University of Illinois at Chicago. She has a Law degree from Hebrew University of Jerusalem and a PhD in Sociology/Criminology from the University of Pennsylvania. Her research areas include victims in the justice system; violence against women, including immigrant women; and women in terrorism, and she has published in professional journals such as *Criminology, The British Journal of Criminology, Justice Quarterly, Crime & Delinquency, Criminal Law Review, Studies in Conflict, Terrorism*, and others.

**Julie Globokar** is an academic chair at Kaplan University. She has taught at a number of institutions in the areas of criminal justice and social theory. Ms. Globokar holds a Master’s degree in Criminal Justice and is presently ABD status in the PhD program at the University of Illinois at Chicago.
Immigration Enforcement by Local and State Police: The Impact on Latinos

Michele Waslin, PhD, National Council of La Raza

Introduction

Enforcement of immigration laws has historically been the sole purview of the federal government; however, the terrorist attacks of 9/11, increasing frustration with the nation’s broken immigration system, renewed focus on enforcement by the federal government, and anti-immigrant sentiment have resulted in unprecedented involvement by local and state police agencies. Those that advocate for an increased role for local and state police argue that the federal government needs the increased capacity—or “force multipliers”—that local and state agencies provide in order to assist in their efforts against terrorism and unauthorized immigration. Critics argue, however, that policies that involve local police in the enforcement of federal immigration law lead to increased discrimination and racial profiling; stretch the limited resources of law enforcement; and erode—rather than promote—the trust between immigrant communities and the police, thus endangering public safety.

Expanding the role—and even the perception—of local police acting as immigration agents has detrimental effects on the entire community that should be considered before pursuing such a strategy. First and foremost is the likelihood of adverse consequences for legal immigrants and U.S. citizens, not just undocumented immigrants. Because immigration law is complicated and subject to frequent changes, mistakes are likely, and many legal immigrants live in fear of deportation for some previously unknown reason or change in the law. Furthermore, because many immigrants live in “mixed-status” families, meaning that U.S. citizens, legal immigrants, and undocumented immigrants often live within the same households, even citizens and lawful residents are afraid that extra scrutiny may have unforeseen consequences for their close family members.

As a result, the erosion of trust between community members and the police undermines community policing. Because the concept of community policing requires active and engaged participation by the community, local and state immigration enforcement not only excludes the undocumented from community policing, but it also affects their family members.

In addition, criminals are known to prey on the fear within the immigrant community and target immigrants for crimes, knowing they will be unlikely to report the crime. This tendency is exacerbated when local police act as immigration agents, with adverse consequences for the entire community. Added together, the effects of involving local law enforcement in the enforcement of immigration law go far beyond the undocumented immigrant community and pose serious threats to all Latino immigrants, U.S. citizens, and the entire community that suffer the consequences of unsolved and undeterred crimes.

This paper examines the trajectory of local and state police involvement in the enforcement of federal immigration laws over the last decade, describes the impact
that these policies have had on the Latino community and on the relationship between the police and the Latino community, and highlights best practices for improving this relationship.

Legal and Historical Overview

The Constitution of the United States grants Congress exclusive authority over federal laws concerning the admission of immigrants. The Secretary of Homeland Security has been granted exclusive authority to enforce these laws. Agents given this power by the Department of Homeland Security (DHS) must complete immigration law and enforcement training before receiving the authority to arrest individuals for civil or criminal violations of the Immigration and Nationality Act (INA). An immigration agent must also have a “reasonable cause” that can be articulated in order to interrogate any person believed to be an undocumented immigrant as to his or her right to be or remain in the United States; the Supreme Court has ruled that the reasonable cause must not be based solely on racial heritage or ethnic appearance.

Moreover, the federal government has repeatedly addressed the distinction between criminal and civil enforcement of immigration law. As early as 1978, the U.S. Department of Justice (DOJ) took the position that local police should refrain from detaining “any person not suspected of a crime, solely on the ground that they may be deportable aliens.” In 1989, the DOJ Office of Legal Counsel (OLC) issued an opinion that confirmed that local police were lawfully permitted to detain and arrest immigrants only for criminal violations of the INA and did not have the power to arrest merely on suspicion of civil immigration violations. A second OLC opinion in 1996 declared, “state police lack recognized legal authority to arrest or detain aliens solely for purposes of civil immigration proceedings, as opposed to criminal prosecution.”

Only in certain circumstances, and with specific procedural safeguards in place, has Congress authorized local police to arrest and detain an individual for criminal violations of federal immigration law if such authority exists under state law. For example, the Anti-Terrorism and Effective Death Penalty Act (AEDPA) of 1996 explicitly authorized local and state police to arrest and detain immigrants who are unlawfully present in the U.S. (a violation of civil immigration law) and have “previously been convicted of a felony in the United States.” These immigrants would be deportable based on their criminal behavior, and the law does not authorize local and state law enforcement officers to arrest or detain non-citizens simply because they are unlawfully present. In doing so, this law once again made an explicit distinction between enforcement of civil immigration law and criminal immigration law. AEDPA also, for the first time, permitted the FBI to include records related to previously deported felons in the National Crime Information Center (NCIC) database, thereby granting local and state police the authority to detain or arrest this narrow class of immigrant offenders.

Also in 1996, Section 133 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), also known as Section 287(g) of the INA, created a new method to engage local and state police in the enforcement of federal immigration law. Section 287(g) allows the Secretary of Homeland Security (or the Attorney General prior to 2003) to enter into agreements to delegate immigration powers to local police, but only through negotiated agreements, documented in
Memoranda of Understanding (MOUs). These MOUs are negotiated between the DHS and the local authorities and include delegation of authority to a limited number of police officers. In authorizing these MOUs, Congress specifically required that any officer or employee of a state performing a function under the agreement should have written certification that she or he has received adequate training regarding the enforcement of relevant federal immigration laws. The statute also requires that any and all local law enforcement officials performing these functions shall be subject to the direction and supervision of the Secretary of Homeland Security. The statute clearly does not authorize local law enforcement officials who have no training or experience in immigration laws to enforce these laws during their normal course of business.

The Courts and Immigration Law Enforcement

The courts have consistently ruled that the federal government has the exclusive power to regulate immigration and create immigration law.\(^1\) The question of whether local law enforcement has the authority to enforce federal immigration laws has been brought up many times, however. For example, one key case on this issue is Gonzalez v. The City of Peoria, a civil rights suit brought by 11 plaintiffs of Mexican descent who challenged the practice of police enforcement of federal immigration law.\(^1\) In Gonzalez, the Ninth Circuit Court of Appeals held that local police are precluded from enforcing the civil provisions of the INA. The civil provisions constitute “a pervasive regulatory scheme as would be consistent with exclusive enforcement domain of the INS and include unlawful presence and unauthorized employment in the United States.” “Expiration of a visitor’s visa, change of student status, or acquisition of prohibited employment”\(^1\) are examples of civil violations of the INA for which local police cannot make arrests.

In the League of United Latin American Citizens (LULAC) v. Wilson,\(^1\) the Ninth Circuit Court struck down those portions of California’s Proposition 187 which required state agents to question applicants for state services about their immigration status; to obtain and examine documents relating to their immigration status; to identify “suspected illegal” immigrants and report them to state and federal authorities; and to instruct these individuals either to obtain legal status or leave the country. The court characterized these provisions as a “comprehensive scheme to detect and report the presence and effect the removal of illegal aliens” and found that they were preempted by federal law.\(^1\)

Most recently, a federal court struck down an ordinance adopted by the City of Hazleton, Pennsylvania, aimed at reducing undocumented immigration on the grounds that it was preempted by federal law and violated due process protections. The Illegal Immigration Relief Act would impose fines on landlords who rent to illegal immigrants, require tenants to register with City Hall and pay for a rental permit, and deny business permits to companies that gave them jobs. A federal judge struck down the ordinance on July 26, 2007. In his 206-page opinion, Judge James Munely said,

Whatever frustrations officials of the City of Hazleton may feel about the current state of federal immigration enforcement, the nature of the political system in the United States prohibits the City from enacting ordinances that disrupt a carefully drawn federal statutory scheme.\(^1\)
New Tools for Immigration Law Enforcement

While federal preemption on immigration issues has been consistently upheld, and local police’s authority to enforce civil immigration law has been rejected, new laws and policies have blurred the lines and have resulted in a greater de facto role for local and state police. In addition, 9/11 provided the opportunity to reignite the debate over the authority of local and state police to enforce civil immigration law. In June 2002, Attorney General Ashcroft announced that local and state police have the “inherent authority” to enforce civil and criminal violations of immigration law. The new policy was based on a then new and unreleased OLC opinion (which was not released until years later as the result of a lawsuit) that declared that local and state police have the “inherent authority” to enforce civil and criminal immigration violations of immigration law—a stunning departure from the 1996 OLC opinion. Without making the legal opinion public, the announcement indicated that the DOJ had reinterpreted the law and overturned decades of legal precedent.

While efforts to increase the role of local police in immigration law enforcement had increased prior to the 2002 OLC opinion, it had been done in a narrower manner. The use of two policies in particular—the National Crime Information Center (NCIC) database and 287(g) MOUs—has increased in recent years, and these tools have allowed federal immigration authorities to cooperate more closely with local and state police.

NCIC Database

As cited above, in 1996, Congress changed the statute and allowed the FBI to include records related to previously deported felons in the NCIC database thereby granting local and state police the authority to detain or arrest this narrow class of immigrant offenders. Since 1996, Congress has not amended the NCIC statute to allow entry of any categories of civil immigration violations other than previously deported felons. Yet, in December 2001, the Immigration and Naturalization Service (INS) Commissioner told Congress that INS would enter thousands of “absconder” records—persons with outstanding orders of deportation, exclusion, or removal—into the NCIC. It is important to note that two-thirds of deportation orders are issued in absentia to people who may not know that a final hearing had been scheduled and therefore did not appear. Several months later, in June 2002, at the same time as the “inherent authority” announcement, Attorney General Ashcroft announced the creation of the National Security Entry-Exit Registration System (NSEERS) and indicated that those who fail to comply with NSEERS would be added to the NCIC, be subject to removal, and may possibly be subject to criminal prosecution. Local and state police officers, through their access to NCIC, would have the authority to arrest and detain individuals for failing to comply with the registration requirements.

Several days later the issue was further muddled when, on June 24, 2002, then White House Counsel Alberto Gonzales released a letter stating that “state and local police have inherent authority to arrest and detain persons who are in violation of immigration laws and whose names have been placed in the National Crime Information Center (NCIC)” (emphasis in the original). While Gonzales’s interpretation of the law was narrower in scope than Ashcroft’s more sweeping statement about
“inherent authority,” the intention to use the NCIC for immigration violations was clear.

In 2003, DHS announced it would soon include data about student visa violators and persons deported for minor criminal offenses in the NCIC, and legislation in Congress would have further expanded the use of the NCIC for immigration enforcement purposes. No new categories have been added, however. The NCIC Immigration Violators File (IVF) currently includes three categories of immigration violations: (1) persons previously convicted of a felony and deported, (2) persons allegedly subject to a final deportation order (“absconders”), and (3) persons allegedly in violation of the NSEERS program.

In March 2003, the DOJ exempted the NCIC database from Privacy Act standards meaning that NCIC records no longer were required to be “accurate, timely, and reliable.” This was particularly troublesome given the very high error rates contained in immigration files. The DOJ knowingly decided to input potentially inaccurate immigration data into the NCIC, creating the possibility that police could erroneously detain thousands of individuals with detrimental implications for the victims of such errors, community policing efforts, and use of the limited resources of law enforcement agencies. Indeed, NCIC immigration files have received a large number of “hits.” The most recent available data from the Legal Enforcement Support Center (LESC) shows that between 2002 and 2004, there were a total of 20,876 immigration hits from local and state law enforcement agencies; LESC confirmed 12,128 (58%) of the hits and did not confirm the remaining 8,748.

287(g) MOUs

Early attempts at MOUs under the 287(g) process following the passage of IIRIRA in 1996 were not successful. Proposed MOUs in Salt Lake City, Utah, and Marshalltown, Iowa, in the late 1990s were rejected by local law enforcement authorities, in large part due to opposition from the Latino community and by the local officials themselves. After 9/11, however, MOUs appeared more desirable, and Florida and Alabama became the first states to enter into MOUs in 2002 and 2003, respectively.

While these first MOUs were linked to efforts to combat terrorism or domestic security issues, recent MOUs are in direct response to the national immigration debate. In recent years, armed with additional funds, the DHS has prioritized the 287(g) program and has been actively pursuing MOUs with law enforcement entities around the country. Other cities and states have proposed legislation to compel local and state governments to enter into MOUs with DHS. Such laws have passed in Georgia, Oklahoma, and North Carolina, and in cities such as Springfield, Arkansas, and Herndon, Virginia. Currently, as a result of DHS efforts and local and state legislation, approximately 22 MOUs have been executed, approximately 319 police and correctional officers have been trained, and more than 65 agencies have requested 287(g) training. The program has become so popular that DHS has had difficulty executing the large number of MOUs that have been requested, and are evaluating requests on a case-by-case basis. In an effort to deal with the large number of requests, in August 2007, U.S. Immigration and Customs Enforcement (ICE) announced the creation of the ICE ACCESS (Agreements of Cooperation in Communities to Enhance Safety and Security) program. The program allows ICE
and local law enforcement agencies to choose the type of support and collaboration that is most relevant for the specific needs of the community. While 287(g) is one possibility, specific programs for border communities, child exploitation, document fraud, incarcerated criminal aliens, and others allow for collaboration with ICE. ICE’s increasing selectivity regarding its ACCESS is telling. If wholesale delegation of its authority to local/state law enforcement was truly an efficient and effective means of enforcing the immigration laws, one presumes that it would allocate whatever resources are required to meet rapidly growing demand. The fact that it is carefully evaluating requests, and it is also encouraging more limited partnerships, at least raises questions about how seriously the agency takes the program beyond its obvious public relations value.

The various official statements, legal interpretations, and policies issued since 2001 have resulted in a great deal of confusion regarding the actual authority of local and state police to enforce federal immigration law. Currently, there appear to be at least three contradictory interpretations of the law offered, resulting in a great deal of confusion among immigrant communities, immigrant and civil rights advocates, and law enforcement agencies: (1) local police lack the legal authority to enforce civil immigration law generally, and an MOU is needed if they are to achieve additional authority; (2) local police have the inherent authority to enforce civil immigration law; and (3) local police have limited authority to enforce civil immigration law only if the violators’ names have been placed in the NCIC database.

Citing the ambiguity caused by the multiple interpretations of the law, Congress has attempted to re-enter the debate. The Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act would have provided statutory authority for recent executive actions and for expansion of the policies already set in motion. The CLEAR Act would confirm the inherent authority of local and state police to enforce all criminal and civil immigration laws, provide financial incentives for compliance, and grant them limited immunity from lawsuits. In addition, it would criminalize all immigration violations and would enter the names of violators into the NCIC database. While the CLEAR Act has not become law, its provisions have become regular fixtures in legislative debates.

Perhaps the most important new development in the field emanates from the explosive growth of local ordinances and state laws calling for heightened local/state law enforcement involvement in immigration enforcement. Even prior to the failure of Congress to enact a comprehensive immigration reform bill there was a noticeable upward trend in local/state legislation related to immigration. Since federal immigration reform legislation stalled in spring 2007, this trend has accelerated. The National Conference of State Legislatures (NCSL) reported that as of July 2, 2007, at least 1,404 bills related to immigrants and immigration were introduced in state legislatures—2.5 times more than in 2006. Between January 1 and July 2, 2007, 170 bills were passed into law in 41 states. Although the content of these ordinances and laws varies greatly, at least some require or authorize greater involvement of local/state police officials in immigration law enforcement. Of the bills introduced, 148 concerned law enforcement, and 11 of these were enacted in seven states.
The Impact on the Community

The strong opposition to local police enforcement of immigration laws in general, and the CLEAR Act in particular, has come from across the spectrum—advocates for victims of domestic abuse, faith-based organizations, conservatives, immigrant rights groups, elected officials, and law enforcement officials. Criticism generally falls into three categories: (1) the increased potential for costly mistakes and discrimination, (2) the stress on the already limited police resources, and (3) the harmful impact on community relations and community policing.

Mistakes, Profiling, Discrimination, and Litigation

Involving local police in immigration law enforcement activities is likely to lead to mistakes, racial profiling, discrimination, and costly litigation. Immigration law is extremely complex and subject to constant change. Documents used to prove immigration status are not uniform. Even with extensive training and experience, mistakes are very likely, and legal immigrants and U.S. citizens can be the victims of costly errors. Experience has shown that when local law enforcement gets involved in immigration enforcement, particularly without proper training and experience, people are often targeted on the basis of their accent or appearance. This can lead to serious violations of the civil rights of legal permanent residents and even U.S. citizens. Puerto Ricans, naturalized citizens, and others have frequently been the victims of such abuses.

These civil rights violations, in turn, may result in costly litigation. The case of Chandler, Arizona, is instructive. In July 1997, local police and INS agents worked closely in planning a community-wide roundup of suspected undocumented immigrants. Certain areas received multiple searches in the operation, and a number of individuals were stopped in their cars and on the street several times by police and INS. Chandler police acted outside of their jurisdiction and attempted to enforce immigration law. The Arizona Attorney General later found that residents were stopped repeatedly “for no other apparent reason than their skin color, or Mexican appearance, or use of the Spanish language.” Despite purported INS policies to stay off of school campuses and outside of business establishments, individuals were stopped or questioned just outside of schools and businesses. Police patrolling on bicycles harassed and detained Hispanic-appearing individuals in their cars, walking on the street, and sitting in their homes. The Attorney General’s report further stated that these numerous stops “violated the Constitutional rights of American citizens and legal residents to equal protection and to be free from unlawful searches and seizures.” The subsequent lawsuit cost the city $400,000 in settlement fees.

In November 2003, the Mexican American Legal Defense and Education Fund (MALDEF) settled a case with the City of Rogers, Arkansas, where Latinos were allegedly improperly stopped and investigated based on their ethnicity and perceived immigration status. Under the settlement agreement, the City of Rogers was ordered to publish a general order regarding “prohibition and prevention of racial/bias profiling” and prohibit officers from engaging in profiling of persons based on their race, national origin, citizenship, religion, ethnicity, age, gender, or physical or mental disability for the purpose of initiating law enforcement action—except to determine whether a person matches a specific description of a particular
suspect. The City also agreed to prohibit police action against an individual based solely on his or her actual or perceived immigration status.\textsuperscript{36}

There is great concern that increased use of the MOU process, the NCIC database, and certainly claims of “inherent authority” will result in more discrimination, profiling, and errors. Since the Ashcroft announcement in 2002, the Latino community has also feared that inclusion of immigration violations in the NCIC would lead to increased errors, profiling, and discrimination as law enforcement officers were more likely to stop minorities, or those perceived to be immigrants, with the intention of querying NCIC for immigration violations. In fact, false positives and disparities in the national origin of “hits” do appear to be problematic. The recent Migration Policy Institute report documents the use of the immigration files of the NCIC by local and state police forces from 2002 to 2004. Among their findings, 42\% of all NCIC immigration hits in response to policy queries were “false positives” where DHS was unable to confirm that the individual was an actual immigration violator. False positive rates varied from 90\% in Maine to 18\% in California.\textsuperscript{37}

In addition, the report found that despite the purported emphasis on national security, not a single NSEERS received a hit; 85\% of all alleged immigration violators identified through the NCIC were from Latin America, and 71\% were from Mexico.\textsuperscript{38} The report concluded,

the immigration records in the NCIC are not effective for widespread use. Not only do these inaccurate records clutter the database, they also appear to divert officer time and attention from local public safety priorities. The increasing frequency of local police recording NCIC immigration hits almost certainly results in more police detentions and arrests for civil immigration violations, consuming increasing amounts of police resources over time. Wrongful detentions and the high rate of absconder arrests seem likely to undermine community trust in local police. Additionally, demographic information of immigrants identified by NCIC indicates that the NCIC immigration files are not being used to further a targeted anti-terrorism agenda, the principal justification offered for the DOJ’s policy. Rather, the use of these records has mostly resulted in indiscriminate arrests of Mexican and other Latin American nationals.\textsuperscript{39}

\textbf{Stretching Limited Resources}

The terrorist attacks of 9/11 and consequent security concerns placed a large burden on already overburdened cities, counties, and states. New policies encouraging or requiring local and state police departments to enforce civil immigration law add to the strain on resources. Training, arrest, processing, detention, and transport all require additional officer time, supervision, and money. Time spent processing immigration violations is also potentially time away from emergency responses, criminal investigations, and other critical needs.

Because of narrowly constructed eligibility criteria and lack of Congressional appropriations, localities and states are already habitually denied State Criminal Alien Assistance Program (SCAAP) reimbursements,\textsuperscript{40} and the federal government is not promising any additional funding to pay for the new responsibilities.
Under an MOU, while ICE does cover instructors’ time and training materials, the federal government does not cover officers’ salary during the training period (approximately five weeks). In addition, the federal government does not pay for technological costs associated with connecting local MOU partners to federal databases or other coordination. This does not even take into account related or collateral costs of implementation. For example, narrowly tailoring an immigration enforcement program to effectively target unauthorized immigrants while minimizing the adverse effects on community policing or abuses of U.S. citizens would require both public education campaigns and careful training and monitoring.

Furthermore, a local or state decision to engage in immigration law enforcement will almost inevitably entail litigation costs. For example, California Ballot Proposition 187 was subject to frontal challenge, and eventually largely declared unconstitutional. Arizona’s Ballot Proposition 200 was also challenged, and while its major provisions were largely upheld, litigation continues on several fronts. A number of local ordinances have also been subject to frontal challenges in both state and federal courts. Moreover, even if these ordinances and laws survive direct challenges, by their very nature their implementation exposes jurisdictions to additional litigation alleging discrimination based on national origin. Rarely do local/state lawmakers advocating for immigration enforcement appear to take into account the full range of potential costs associated with these policies.

In part, as a result of the potential drain on resources, elected officials and law enforcement officers have been critical of measures requiring them to enforce immigration law. The National Association of Counties (NACo) described the resources issue in the following way:

Counties are facing a serious budget crisis. *Counties in Crisis*, a report issued by NACo in February, showed that 72% of counties are facing budget shortfalls. The report further showed that jails and corrections were among the most affected by state cutbacks. In addition to enforcing civil immigration laws, states and counties would have the new and onerous reporting requirements in a field that is neither our responsibility nor our expertise. Additional responsibilities placed on our sheriffs and police departments would only exacerbate the crisis. We have already shouldered substantial costs associated with other aspects of homeland security. 41

South Tucson Arizona Police Chief Sixto Molina succinctly stated, “We don’t have the time and the personnel to be immigration agents. Murderers, rapists, robbers, thieves, and drug dealers present a much bigger threat than any illegal immigrant.” 42

**Loss of Trust in Police**

Perhaps most notably, the mere suggestion that local police may have the authority to enforce immigration law sends a chill through Latino and immigrant communities, resulting in increased unwillingness to cooperate with law enforcement, to report crimes, and to come forward as witnesses. Fear is not limited to immigrants in violation of immigration law; millions are affected when law enforcement officers, who may be untrained in immigration law, stop and question Latinos and other
Americans who “look” or “sound” like they might be foreign. As a result of potential mistakes, discrimination, and profiling, the trust and communication built between the police and large segments of the community erodes.

Anecdotal evidence that immigrants are fearful of reporting crimes is mounting. In 2003, the *Tampa Tribune* reported on the murder of a Mexican national named Petra Martinez and her son Urel Martin. The local police department believed that some members of the community had information on the case but declined to come forward for fear of immigration-related repercussions (Florida has an MOU in place). Clearwater Police Department’s Hispanic Outreach officer William Farias said he “wasn’t surprised people were hesitant to talk. . . . [C]ultural differences and fear of deportation often keep undocumented immigrants from coming forward.”

The *Los Angeles Times*’ headline recently read “Immigrants Deported After Calling Police” after a woman in Carrollton, Georgia, was arrested by police in late July 2007 when she called for help after being attacked in her home. The Georgia Security and Immigration Compliance Act, which requires law enforcement officers to investigate the citizenship status of anyone jailed for a felony or driving under the influence had taken effect on July 1, 2007, heightening immigrants’ fear of police in that state. Rich Pellegrino, director of the Cobb Cherokee Immigrant Alliance, which worked with the police department’s crime prevention unit persuading immigrants to report crimes, said “We spent months building up trust, and now we’ve got to start all over again.”

Notable law enforcement officers and elected officials across the country have publicly opposed the various policies and have said that they will not involve themselves in immigration enforcement because they recognize the detrimental effects that the loss of community trust can have. Rick TerBorch, President of the California Police Chiefs’ Association said, “in order for local and state law enforcement organizations to be effective partners with their communities, it is imperative that they not be placed in the role of detaining and arresting individuals based solely on a change in their immigration status.” Boston Police Commissioner Paul Evans stated, “The Boston Police Department, as well as state and local police departments across the nation have worked diligently to gain the trust of immigrant residents and convince them that it is safe to contact and work with police. By turning all police officers into immigration agents, the CLEAR Act will discourage immigrants from coming forward to report crimes and suspicious activity, making our streets less safe as a result.”

**Regaining Community Trust**

Much of the call for local and state police enforcement of immigration laws is based on misguided fears of high crime rates associated with increased immigration. For example, Mayor Lou Barletta of Hazleton, Pennsylvania, cited an increase in crime attributed to a recent increase in undocumented immigration as his motivation for passing the Hazleton Illegal Immigration Relief Act. Facts have shown, however, that in recent years, crime rates had dropped substantially, particularly in immigrant and minority communities. In Hazleton, between 2000 and 2005, there was a 30% increase in the overall population, yet total arrests declined as did reported rapes, robberies, homicides, and assaults. Many local and state police
officers attribute these successes in part to new community policing strategies that earn the trust of immigrant and Latino communities. Reaching out to immigrant communities—in their own language and through more diverse police departments—has successfully built trust. On the other hand, policies that involve local and state law enforcement officers in the enforcement of federal immigration authorities erode this trust, leaving U.S. communities less safe.

One alarming example of the need for police departments to reach out to the communities they protect is the case of the 58 deaf and mute Mexican workers who were found living in virtual slavery in New York in July 1997. Most of these immigrants were tricked into coming to the U.S. and were subsequently exploited by their smugglers. Forced to live in crowded apartments, the individuals were beaten, raped, traded, and shocked into submission with stun guns. The immigrants feared going to the police because they were undocumented and their smugglers threatened to report them to the INS. The workers were found only after two of them managed to give a written statement about their working and living conditions to the police. Although neighbors of the deaf Mexicans witnessed some of the abuse that occurred in the building, they also feared calling the police despite the New York City ordinance prohibiting police from providing information to the INS about an immigrant who is the victim of a crime. One of these neighbors who did not feel that the police would respond to calls said, “We speak with an accent; we can hardly make ourselves understood. They are not going to come here just because we call and complain about something that is happening to one of us.”

There have been many notable attempts to reach out to the Latino community and encourage cooperation with the police. One example is from Clearwater, Florida. Several years ago, the City of Clearwater experienced a dramatic increase in the city’s Spanish-speaking Hispanic population, yet the city had only five bilingual officers on its 250-officer police force. It was also clear that the Hispanic community had an inherent fear of the police, and crimes were not being reported. According to Deputy Chief Dewey Williams, “Have an audience, and if the audience won’t come, go to them.” In response to these challenges, in 2001, the Clearwater, Florida Police Department launched a community policing program—Operation Apoyo Hispano (Hispanic Support)—to reach out to the city’s growing Hispanic population. The goals of Operation Apoyo Hispano are to reach out to Hispanic residents, to improve communications between the police and the Spanish-speaking population, to increase the number of bilingual police officers and staff, and to work together with the community to positively resolve law enforcement issues. Elements of the program include translation and interpretation services, a mobile outreach program that attends community events and provides informational presentations, Spanish-language television and radio outreach, recruitment of bilingual officers, and basic Spanish for law enforcement officers and police employees.

In another exemplary effort, the City of Durham, North Carolina, and the Durham Police Department together with community leaders created the Hispanic Outreach and Intervention Strategy Team (HOIST) in 1997. HOIST was created to “bridge the gap between municipal services, especially law enforcement, and the rapidly expanding Latino community” and to build community trust in the police department and create more community engagement. Every four months,
meetings are held between Latino and African American community members, the Mayor’s office, the police chief’s office, and other service providers. During these meetings, leaders discuss issues such as decreasing crimes against Latinos, multicultural awareness, and Spanish language training. HOIST representatives also follow up with crime victims to link them to City-provided services, provide translation and interpretation support, and generally work as liaisons between individuals and the police.

HOIST also sparked the creation in 2003 of a six-week Spanish-speaking-citizens’ police academy in which police commanders have the opportunity to share their core mission and explain their goals and practices to Spanish-speaking city residents: “This initiative has helped strengthen the Durham Police Department’s community policing philosophy and the level of trust between law enforcement and the Latino community.”

In 1995, the Los Angeles Police Department initiated the Hispanic Outreach/El Protector Azul (the Blue Protector) program to improve communication between the Traffic Division and the City’s Spanish-speaking population. El Protector Azul aims to reduce traffic arrests and crashes by providing traffic safety instruction targeted to Spanish-speaking drivers. During the first year of the program, 74,551 Spanish-speaking residents attended 151 educational presentations; traffic crash reports involving Hispanics dropped from 65% in 1994 to 29.4% in 1995; DUI arrests of Hispanics declined from 68% to 48.4%; and alcohol-related collisions involving Hispanics decreased from 68% to 58.2% during the same time period.

Reaching out to the Latino community is essential, but outreach alone will not placate community members who fear that they or their family members will be deported, profiled, or harassed if local law enforcement is known to collaborate with DHS on immigration enforcement. Perhaps the most important component of outreach to the Latino community is an assurance—ideally in Spanish and English—that the police will not question individuals about their immigration status unless it is part of a specific criminal investigation.

Approximately 50 counties and cities and three states have passed ordinances or “confidentiality policies” that prohibit or limit the circumstances under which the police may inquire about the immigration status of people who have not committed crimes (sometimes inaccurately referred to as sanctuary ordinances). These cities have come under a great deal of scrutiny as efforts to expand the use of local and state police have increased. Elected and law enforcement officials have defended their policies, however, because they allow immigrants to feel free to come forward and report crimes or suspicious activity, and the federal government has found that the policies do not violate Section 642 of IIRIRA.

Of course, while desirable, it is not absolutely necessary for a city to have an official ordinance mandating noncooperation in order for community-based policing to be successful. What is essential is for residents of a neighborhood to hear explicitly from police officers and other officials that they are not the DHS and that they have no intentions of reporting them, their family members, or their neighbors to the DHS for civil immigration violations. Likewise, it may not be enough for a local police officer merely to abide by an ordinance against cooperation with the DHS; it must be complemented by an explicit and culturally and linguistically
appropriate indication to the community that the police will not report immigrant victims or witnesses to the DHS and will not stop individuals on the suspicion of immigration violations.

If such a policy is not in place and widely broadcast to the Latino community, the undocumented, as well as many legal immigrants and U.S. citizens, will be reluctant to talk to the police and to report crimes and suspicious activity.

**Conclusions**

Recent policy changes have resulted in increased involvement of local and state police in immigration enforcement. These policies have been widely criticized by a wide spectrum of interests and have had a notably harmful impact on immigrant and Latino communities. Mistakes, discrimination, and racial profiling are potential problems that negatively affect the entire Latino community, not just those in violation of immigration law. As a result, local police collaboration with ICE, or even the perception that local police will act as immigration agents, diminishes trust between the police and the communities they protect and serve. Lack of trust and cooperation coupled with thinly stretched resources means that the entire American community becomes less safe.

These concerns are important in the context of a growing trend toward increased involvement of local/state officials in immigration law enforcement, but especially given the almost complete lack of evidence that such policies actually enhance the enforcement of the nation’s immigration laws. For example, notwithstanding the purported national security benefit, the inclusion of immigration data in the NCIC database has yet to produce a single “hit.” Moreover, there is little evidence that, in practice, the “force multiplier” benefit theoretically associated with these policies produces any demonstrable enforcement results, even when accompanied by MOUs with training from ICE.

Many of the local and state enforcement efforts outside the ICE ACCESS context are of questionable constitutionality and, thus, unlikely to ever be implemented. When they are implemented, they are likely to result in profiling and discrimination as the Chandler, Arizona, and Rogers, Arkansas, cases demonstrated.

NCLR has several recommendations for localities, states, and the federal government that we believe will have a positive impact on the Latino population and on overall public safety.

On the local and state level:

- Localities and states should generally resist the temptation to enact immigration-related legislation, ordinances, and policies that will have a harmful impact on immigrant communities, and which will have a negative effect on public health and safety.

- Localities and states should refrain from entering into an MOU with ICE and should not take steps toward enforcing federal immigration law.
• Localities should implement confidentiality policies or make a strong statement that they will not enforce civil immigration law or share with ICE the immigration information of people who have not committed crimes.

• Local police should make efforts to reach out to the Latino community, recruit Spanish-speaking officers, encourage them to report crimes, and work with local Latino leaders and others to foster a positive environment.

On the federal level:

• The Administration should rescind its questionable 2002 OLC opinion and adhere to the 1996 OLC opinion which states that “state police lack recognized legal authority to arrest or detain aliens solely for purposes of civil immigration proceedings, as opposed to criminal prosecution.”

• The Administration must lift the NCIC exemption to the Privacy Act and make efforts to improve the quality of the immigration databases.

• No new categories of civil immigration violations should be added to the NCIC, and the statute must not be changed to permit additional immigration categories.

Endnotes

1 The terms Latino and Hispanic are used interchangeably by the U.S. Census Bureau and throughout this document to identify persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, and other Hispanic descent; they may be of any race.


3 Prior to 2003, immigration services and enforcement were housed in the Immigration and Naturalization Service (INS) within the Department of Justice (DOJ). The INS was abolished by the Homeland Security Act of 2002 (Public Law [P.L.] 107-296), and as of March 2003, immigration functions are now housed in several agencies within the Department of Homeland Security (DHS). Throughout this article, I use INS to refer to the agency prior to March 2003, and DHS for events related to the post-March 2003 period.


7 P.L. 104-132
The NCIC database is a computerized index of criminal justice information operated by the FBI as a service for local law enforcement agencies.

P.L. 104-208


Gonzales v. The City of Peoria, 722 F. Supp. at 475.

Ibid at 476.


The OLC opinion was finally made public in 2005 when the U.S. Court of Appeals for the Second Circuit affirmed a prior District Court ruling directing the release of the document. See National Council of La Raza v. U.S. DOJ, 411 F.3d 350 (2d Cir. 2005) (directing release pursuant to the Freedom of Information Act). It is available at www.aclu.org/ImmigrantsRights/ImmigrantsRights.cfm?ID=19039&c=22. An analysis is available at www.aclu.org/FilesPDFs/ACF3189.pdf.

A lawsuit has challenged DOJ’s ability to expand the categories of immigration violations included in the NCIC. The suit is pending appeal after the judge granted the defendant’s motion to dismiss. See NCLR v. Ashcroft, No. 03-CV-6324.


NSEERS required all persons from certain designated countries arriving in the U.S. on nonimmigrant visas to register and submit fingerprints at the point of entry followed by further registration requirements. Finally, those who registered would be required to notify the INS of their departure from the U.S. The NSEERS program was modified in December 2003, and several elements were terminated. Departure registration, registration at ports of entry, and the government’s authority to use call-in registration remain in place.

LESC is staffed by operators 24 hours a day to verify the information contained in the NCIC. If LESC confirms that the individual has an immigration violation, it issues a detainer notice and requests the police hold the individual. If LESC informs the officer that the NCIC information is erroneous, the individual is released (absent any other grounds for detention).


See the U.S. Immigration and Customs Enforcement’s (ICE) website for additional information about the partnership program: www.ice.gov/partners/287g/Section287_g.htm.

See *DHS Fact Sheet*, Section 287(g), Delegation of Immigration Authority; Immigration and Nationality Act, June 22, 2007.


Ibid.

ICE. (2007, August 21). *New ICE ACCESS program helps local law enforcement ensure public safety* [News release].


Ibid.


For a recent example, see “Native was threatened with deportation: Arlington woman jailed for unpaid tickets mistaken for illegal immigrant.” (2007, September 1). Associated Press.


Ibid.
Lopez v. the City of Rogers (U.S. District Court Case No. 01-5061).

Gladstein et al. (2005), pp. 12, 20.


Ibid, p. 4.


Ibid.


Ibid.


Ibid.


Ibid.

This is a list of laws, resolutions, and policies instituted across the U.S. limiting the enforcement of immigration laws by local authorities. Prepared by the National Immigration Law Center. Retrieved October 10, 2007, from www.nilc.org/immlawpolicy/LocalLaw/tbl_local_enfrcmnt_0704.pdf.

Section 642 of IIRIRA states that, notwithstanding any other provision of law—including city, county, or state ordinances—a public employee cannot be prohibited by his or her employer from reporting immigration-related information to the DHS gathered during the course of his or her job. The section further outlines the obligation of the DHS to respond to inquiries made by local, state, or federal government agencies to verify the citizenship or immigration status of an individual. Additionally, Section 404 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P.L. 104-193, requires certain state and federal entities to notify the DHS of any individual the entity “knows” is not lawfully present in the United States.


Michele Waslin, PhD, is the director of Immigration Policy Research at the National Council of La Raza (NCLR), the largest national Hispanic civil rights and advocacy organization in the United States. In this capacity, Ms. Waslin tracks and analyzes immigration-related legislation at the state and national levels, advocates on behalf of the Latino community, conducts public education and media outreach, and provides technical assistance and training to community-based organizations. She has authored several publications on immigration policy and post-9/11 immigration issues. Ms. Waslin appears regularly in English and Spanish-language media. Previously she worked as Policy Coordinator at the Illinois Coalition for Immigrant and Refugee Rights. She received her PhD in 2002 in Government and International Studies from the University of Notre Dame, and holds an MA in International Relations from the University of Chicago and a BA in Political Science from Creighton University.
Immigration Policy and Law in the Post-9/11 Era: A Study of Civil and Human Rights Concerns

Deena Anders, MPA, Director of Planning and Collaboration, Domestic Abuse Project
Jasna Burza, MPP, USAID’s Farmer to Farmer Project
Carrie Coslin, MPP, Research and Dissemination Coordinator, Institute for Community Integration
Paul Kresser, MPP, Management Analyst, City of Boston
Eleni Messiou, MPP, Program Manager, Elderberry Institute
Selena Nelson-Salcedo, MPP, Paralegal, Minneapolis, Minnesota
Amy T. Morris, MPP, Resident Director, Border Studies Program, Earlham College
Megan Pidduck, MPP, 2006 Graduate, Humphrey Institute of Public Affairs, University of Minnesota
Kathryn Sharpe, Master’s Candidate, Geography, University of Minnesota
Kelly Sowards Opot, MPP, Fellow, Headwaters Group Philanthropic Services
Lisa Wissbaum, MPA Candidate, Community and Economic Development, University of Minnesota

Introduction

According to a March 2006 Gallup Poll, more than half of adults surveyed worried about illegal immigration a “fair amount” or a “great deal.” With intense debate in the halls of Congress and the streets of the United States, immigration law and policy are primary concerns of these times. For the astute observer of immigration policy, it is clear that this tense climate surrounding immigration has been building since September 11, 2001, but that it has intensified since 2003 when the Immigration and Naturalization Service (INS) was transitioned into the Department of Homeland Security (DHS).

During the spring of 2006, as the research for this study was being conducted, there was a drastic increase in visible mobilization of immigrants and their advocates in opposition to the strong enforcement-focused immigration legislation being debated in Congress. The movement was driven by the fear around the potential consequences of the legislation becoming law. This mobilization—millions of people marching in the streets of cities around the U.S.—represented an intense national mood and policy climate.

In an era of infringements upon the civil liberties of all Americans, we must be vigilant to ensure that the rights of undocumented individuals, who are among the least able to advocate for themselves, are protected in the manner guaranteed by the U.S. Constitution.

The authors of this article began the research project by analyzing potential infringements upon the rights of immigrants in the State of Minnesota. Initially, the researchers examined a case of a potential civil rights violation taking place in
Worthington, Minnesota. The local newspaper in this small Nobles County town in southwestern Minnesota at times includes a “Most Wanted” insert in a local paper. This insert depicts faces with details of charges against those pictured who have missed a court date in the county court. While the Hispanic population in Nobles County (11.2%) is significant compared to that of the rest of the state (2.9%), the racial makeup of the individuals on the insert is clearly disproportionate. On one insert of 50 suspected criminals, more than two-thirds are Latino or possess Spanish surnames, and three others are individuals of color with surnames of African or Southeast Asian derivation. Taken as a percentage, 76% of the people featured are non-white, while according to census data, 18.2% of Nobles County residents are non-white.

This insert, taken in the current context of immigration law and policy, prompted serious concerns about discrimination based on national origin and immigration status, making the researchers question whether these practices might be more widespread than is commonly acknowledged. This, in turn, led to the consideration of other types of discriminatory practices that may have been occurring as a result of the local and national climate surrounding immigration. Based on discussions within the research group and consultation with representatives from local immigrant rights advocacy groups, the researchers developed a series of points of inquiry to guide the research about these concerns:

- Much has been made of the post-9/11 “shift” to a “culture of enforcement” in the implementation of immigration law and policy. What evidence of this shift can be seen in Minnesota and around the country?
- What constitutional rights do undocumented individuals enjoy in the United States? Is there evidence of any violations of those rights?
- How are immigrants’ interactions with law enforcement officials different from those of non-immigrants?
- Are immigrants subject to racial profiling in Minnesota? If so, is this practice being used to also enforce federal immigration law?
- Is there cooperation between local law enforcement and federal immigration officials? If so, what impact does that have on immigrants and all residents of Minnesota?
- Is law enforcement using qualified interpretation appropriately? If not, what are the potential consequences?
- Does federal law preempt local regulation of civil immigration statutes? Does a separation among local, state, and federal responsibilities in immigration enforcement efforts have positive effects?

In the “Analysis” section, concerns that primarily relate to interactions between local and state law enforcement with immigrants are addressed. The researchers begin by describing the methodology for this study and providing a discussion of the climate related to immigration enforcement and the 2006 legislative arena. Following the analysis of key areas of inquiry, the researchers draw conclusions about the concerns raised and offer some policy recommendations. It is the sincere hope of the group that at this critical moment in U.S. history, this study can offer some insight and guidance to policymakers that will have a positive impact on the lives of immigrants and long-time citizens alike in Minnesota and around the country.
Methodology

The research for the study was atypical in that the group did not begin with overarching questions about law enforcement practices as they pertain to immigrants. As mentioned in the “Introduction,” the research began with legal inquiry regarding the “Most Wanted” newspaper insert from Worthington, Minnesota. As the focus of the study turned to depictions of immigrants in Minnesota and law enforcement practices and legality, the researchers developed questions to further explore the topic. Communications with individuals and organizations that work closely with immigrants in Minnesota revealed some generalized trends that the group used as the basis of research. The researchers examined the legality of racial profiling and the questionable language interpretation methods used by law enforcement by comparing accounts of local law enforcement interactions with immigrants to documented legal cases from around the U.S.

Initially, the group focused on developing a means to collect information from individuals who experienced such interactions; however, it was promptly determined that this method could put undocumented immigrants at great risk. Instead, the researchers interviewed legal and social service workers who work closely with immigrants. Further, the group applied a legal framework analysis to the informal information received from community and immigrant advocacy organizations. Over the course of the study, the researchers employed the following methods in the research process:

- Literature review of current works related to immigration law and policy
- Interviews/consultation with legal counsel
- Attendance at community fora and events related to immigration
- Investigation of pertinent case law
- Consultation with area social service providers working with immigrant clients
- Review and analysis of costs and benefits of immigration

Background

Culture of Enforcement

The shift to a culture of enforcement in immigration law and policy can be observed on many levels. Perhaps the easiest window for understanding this shift is through governmental language around the restructuring of federal immigration enforcement agencies. Realizations about failures in intelligence gathering and inter-agency communication in the period preceding the 9/11 terrorist attacks prompted President George W. Bush to create the Department of Homeland Security (DHS) as an umbrella organization to oversee and coordinate intelligence and national security efforts. In his Executive Order, issued October 8, 2001, less than a month after the attacks, he outlined the mission of the DHS as follows:

Mission: The mission of the Office shall be to develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks. The Office shall perform the functions necessary to carry out this mission, including the functions specified in Section 3 of this order.5
In the DHS 2004 Strategic Plan, the DHS’s Mission was further refined:

**Mission:** We will lead the unified national effort to secure America. We will prevent and deter terrorist attacks and protect against and respond to threats and hazards to the nation. We will ensure safe and secure borders, welcome lawful immigrants and visitors, and promote the free-flow of commerce.\(^6\)

In 2003, the INS transitioned from an independent federal agency into DHS and underwent a restructuring and renaming process, making it more focused on security concerns than it had been in the past. Services previously provided by INS were divided into three areas: (1) border enforcement executed by the U.S. Customs and Border Protection (CBP), (2) interior enforcement of immigration law executed by the U.S. Immigration and Customs Enforcement (ICE), and (3) administrative citizenship and immigration services executed by the U.S. Citizenship and Immigration Services (USCIS).\(^7\) This transition marks an organizational shift for USCIS and the focus of immigration law and policy. USCIS materials themselves are useful in examining this shift:

In support of the DHS overall mission, the priorities of the USCIS are to promote national security, continue to eliminate immigration case backlogs, and improve customer services. The USCIS will continue efforts to fundamentally transform and improve the delivery of immigration and citizenship services. [emphasis added]\(^8\)

Here, USCIS delineates its role in the promotion of national security and support for the overall mission of DHS, addressing the increased preoccupation with the link between immigration and national security.

### 2006 Legislative Evidence

During the period of this research project, the spring of 2006, immigration legislation came before the U.S. Congress and Minnesota State Legislature that provided further evidence for this shift to a culture of enforcement. Proposed legislation in 2006 included control and enforcement elements that were more severe than any new law since 1996. The House of Representatives had already passed a bill, HR 4437,\(^9\) often known simply as the “Sensenbrenner bill,” because it was authored by Representative Sensenbrenner of Wisconsin. HR 4437 was the most restrictionist proposal to come before Congress in recent years and criminalized the actions of many immigrants and those who provide them even basic services. Specifically, this bill would have made unlawful presence in the United States an aggravated felony, making criminals out of millions of undocumented persons and their families.

The Senate and the President brought forth a variety of proposals that included “Guest Worker” programs that provide more legal avenues of entry to the U.S. for workers. The Senate debate over immigration policy revolved around comprehensive immigration reform rather than strictly enforcement measures. Important comprehensive immigration reform bills were introduced by Senators McCain (R-AZ) and Kennedy (D-MA) and Cornyn (R-TX) and Kyl (R-Z).\(^10\) In April 2006, the Senate engaged in a roller coaster policy debate over these bills and adjourned for Easter Break before making any decision regarding the proposals.
In Minnesota, proposed legislation and action on the part of the Governor implied that there is a similar shift taking place and that the current local climate was similar to the national climate. In December of 2005, the Office of Strategic Planning and Results Management of the Minnesota Department of Administration presented a report to Governor Pawlenty entitled *The Impact of Illegal Immigration on Minnesota: Costs and Population Trends.* This report created great tension around the issue of immigration in Minnesota as it focused solely on the costs generated by undocumented individuals in the state and ignored any benefit to the community or economy. Many immigrant rights advocates saw this as confirmation that policymakers were failing to fairly assess the total effect of immigrants on the state.

In the wake of this report, in March of 2006, H.F. 3308 was proposed in the Minnesota House. This bill contained the Governor’s immigration policy initiatives. Among other proposals, H.F. 3308 included the following:

- A human trafficking task force and enhanced penalties for human trafficking offenses
- Increased penalties for and the creation of new crimes related to the use of fraudulent documents
- Creation of a Special Crimes Unit, which would permit the Commissioner of Public Safety to enter into memorandums of understanding (MOUs) with federal immigration officials and to require the collection of citizenship and immigration status data for all arrestees
- Prohibition of separation ordinances that currently exist in Minneapolis and St. Paul barring local law enforcement from investigating an individual’s immigration status upon apprehension for an unrelated crime
- Authorization of state agencies to impose fines on employers that violate federal immigration laws

Advocacy groups, such as Minnesota Advocates for Human Rights, the Immigrant Workers Freedom Network, the AFFIRM Coalition, and others, strongly opposed the bill and predicted that, if passed, the legislation would have a negative impact on the state’s immigrant population.

This shift in climate in regards to immigration law and policy is of tremendous significance to many people here in Minnesota and across the nation. On March 28, 2006, an estimated half million people took to the streets of Los Angeles, protesting the Sensenbrenner bill and other punitive immigration enforcement proposals. In the days following, similar protests took place across the country with as many as 100,000 people marching in Chicago, 300,000 in Dallas, 50,000 in Denver, 20,000 in Phoenix, 40,000 in St. Paul, and elsewhere. These protests were led and attended by immigrants and their supporters in protest of what many regard as anti-immigrant legislation proposals.

**Analytical Framework**

The researchers used a variety of legal instruments to assess the legality of the actions relayed to the group throughout the research process. These instruments include sections of the U.S. Constitution, *Minnesota State Statutes,* and other federal
law. It is important to explicitly outline the primary instruments used prior to exploring the cases of potential rights violations at hand.

The 4th and 14th Amendments of the U.S. Constitution

The 4th and 14th Amendments of the U.S. Constitution are relevant to the issues under consideration. A closer look at these amendments sheds light on how they can be applied to the cases that will be outlined in more depth in the next section.

The 4th Amendment provides for the protection of persons and their possessions from unreasonable search and seizure, stating

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.18

The 14th Amendment of the U.S. Constitution is considered the legal basis of equal rights, equal protection, and due process. It states,

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.19

With limited exceptions, rights guaranteed by these two amendments and the Constitution as a whole extend to all individuals residing in the United States, regardless of their immigration status.20 This interpretation is clear from the language of the Constitution (such as the use of the word “any person” in the 4th Amendment) and from Supreme Court decisions.21 Furthermore, rights of equal protection under the law have been defined by state and federal legislation related to discrimination based on national origin, making it relevant to any discussion of the treatment of foreign-born individuals in the U.S.

The Civil Rights Act of 1964

The 1964 Civil Rights Act is also relevant to the case studies. Title VI of the Act prohibits discrimination in federally financed programs based on national origin. Since local and state law enforcement entities receive federal funds, the provisions of this federal legislation apply to interactions between immigrants and law enforcement officials. The relevant text of Title VI reads,

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.22

The term “persons” in the Civil Rights Act, similar to the interpretation of the Constitutional language, has been interpreted by the courts to mean all those present in the U.S., regardless of their legal status.23
Minnesota Racial Profiling Statute

On a state level, the *Minnesota Statutes*, Section 626.8471, is pertinent as it addresses the need to avoid racial profiling in law enforcement activities. This statute defines racial profiling in the following way:

“Racial profiling” means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than: (1) the behavior of that individual; or (2) information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement’s use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

Actions that fall under this definition of racial profiling are, first and foremost, a violation of the 14th Amendment’s provision for equal treatment under the law, the 4th Amendment’s provision for search and seizure based on probable cause, and the Civil Rights Act’s prohibition of discrimination based on national origin by agencies receiving federal funds. The definition in this statute is particularly useful because it illustrates the specific Minnesota state legal definition of the type of actions that constitute racial profiling and discrimination by law enforcement officers.

Analysis

Federal Preemption

To assess the constitutionality of local law enforcement involvement in enforcing civil immigration law, the exclusive power of the federal government to regulate immigration must be examined. One source of federal immigration authority is the U.S. Constitution’s “Naturalization Clause.”

Arguments in favor of the exclusivity of federal jurisdiction over immigration often hinge on the concept of federal preemption as found in the Constitution’s Supremacy Clause, which affirms that when Congress occupies a field of law, it precludes states from legislative activity in that field. Congress’s intent to preempt state activity in a particular field of law can be either explicit or implied. In *Pennsylvania v. Nelson*, the Supreme Court determined that federal “occupation in the field” is evident when the scheme of federal legislation is “pervasive” and leaves “no room for states to supplement it.” Accordingly, when Congress has not expressly prohibited state legislation, the Supreme Court must decide if a sufficiently complex statutory scheme exists to determine if Congress occupies the field in question, thus making preemption in the field implicit in the nature of the federal legislation.

The detail, precision, and exactitude of immigration law provide a strong case for the argument of implied preemption. The Immigration and Nationality Act (INA), enacted in 1952, compiled the various existing immigration statutes into a single body of law.

While contained within the U.S.’s *Code of Federal Regulations*, the INA stands as a body of law in and of itself. The U.S. Citizenship and Immigration
Services’ (USCIS) website provides a non-exhaustive list of important immigration and naturalization legislation,\(^\text{29}\) listing 142 statutes before 1996, as well as over 80 public laws passed since 1996. In addition to being a vast body of law, the INA also assigns specific categories to immigrants, refugees, asylees, students, and workers, delineating the rules that apply to each category and specifying administrative processes that must be followed for each group.

Complementing the obviously voluminous and complex nature of the INA, there is also a tradition of case law dating back to the 1800s, which supports the concept of federal authority over immigration.\(^\text{30}/\text{31}\) Consequently, many local law enforcement agencies do not have the resources necessary to be responsible for the implementation and enforcement of such a complex body of law, and it is also doubtful whether they have the authority to do so. Throughout the analysis, federal preemption plays an important role as an assumption within the assessment of legality of law enforcement practices.

### Separation Ordinances

Despite the long-standing, albeit at times contested, tradition of federal preemption in the field of immigration, the post-9/\text{11} policy shift towards an enforcement culture led the Bush Administration to seek ways to prevent terrorist activities through enhanced enforcement of immigration policies. Consequently, the DHS has sought MOUs with local law enforcement authorities. Such an MOU “allows the Attorney General to ‘deputize’ state and local authorities to formally involve them in immigration enforcement.”\(^\text{32}\)

While local and state authorities are not required to enter into MOUs, if they do choose to do so, the MOU must include provisions to certify adequate training in enforcement of federal immigration law.\(^\text{33}\) In Minneapolis, St. Paul, and other cities throughout the country, local officials have declined to deputize local authorities, instead establishing “separation ordinances” for city employees, including law enforcement officials. These ordinances stipulate that city employees may not engage in questioning related to immigration status or arrest individuals for federal civil immigration laws, except when criminal activity is involved.\(^\text{34}/\text{35}\)

While the language of these ordinances does not preclude certain types of cooperation between local law enforcement agents and DHS, many municipal and state governments oppose local enforcement of immigration law because they believe their services are better applied elsewhere. Enforcing immigration law may detract from local officials’ primary duties of promoting safe communities. As police focus on federally mandated civil immigration laws, attention would likely be diverted from local law enforcement involvement in more urgent community needs.

Erosion of trust between immigrant communities and law enforcement is also likely to follow the repeal of separation ordinances. For this reason, the mayors and police chiefs of both St. Paul and Minneapolis have all spoken out against the lifting of separation ordinances.

President Bush has also expressed a need to bring immigrants “out of the shadows of society”\(^\text{36}\) for a safer and more secure country. Affording local officials the right to investigate immigration status may set a dangerous precedent by inadvertently
increasing racial profiling in the state. Later analysis suggests that one’s race or limited English proficiency is used by law enforcement officials in determining suspicion regarding immigration status, thereby subjecting individuals to more scrutiny based on their appearance or language abilities. Engaging local law enforcement agents in the implementation of federal immigration law would very likely exacerbate the problems already faced in these communities.

Racial Profiling

Prevalence of Racial Profiling as a Practice

Traffic stops by local law enforcement agents, based on the assumed pretext of immigration violations, were identified as a problem during a January 2006 community forum in Worthington, Minnesota. Many immigrants present at the forum expressed concerns about arbitrary questioning by local law enforcement officials. For example, some shared accounts of individuals being asked to produce proof of legal residency during routine traffic stops. It is alleged that others made allegations of pretextual stops of people who appear to be immigrants. These fall under the category of racial profiling.

In one such case, a young man, who identified himself as a citizen and former U.S. Marine, discussed an unwarranted search by a local police officer while he and a friend were loading his car after a trip to the lake. His passenger, a legal resident with limited English proficiency, was questioned about his immigration status and the Marine’s car was subsequently searched. He said he felt like they were “questioned for no reason and . . . violated. And that’s what these people are afraid of.” In defense of the search and questioning, the officer said there had been high incidences of theft in the area lately. At the forum, documented immigrants appeared as concerned as undocumented immigrants about the apparent obtrusive questioning of their immigration status.

A local community advocacy leader, who works with the immigrant community in Worthington, confirmed that, in addition to the testimony from the forum, many other individuals have also reported traffic stops and similar questioning by local law enforcement based on seemingly arbitrary pretenses. In the advocate’s opinion, the chief of police supports immigrant communities; however, she does not rule out the possibility of individual officers pursuing their own immigration-related agendas.

Rosita Balch, from the Resource Center of the Americas in Minneapolis, reported that many of the people she works with report traffic stops that seem unjustified. Additional reports of local police stopping drivers who appear to be immigrants for minor violations and questioning them about their immigration status come from professionals at Minnesota Advocates for Human Rights, area immigration attorneys, and other local organizations that work with immigrant communities. The overall trend from these reports suggests an informal cooperation between local law enforcement officers and immigration officials.
profiling by law enforcement officers across the state of Minnesota. Because most of the instances discussed in this report occur within the Latino immigrant population, the researchers reviewed the report’s conclusions on the incidence of Latino profiling (see Figure 1). The profiling report discloses the rate at which Latinos are stopped and searched, compared with what would be the proportionate rate of stops for Latinos as a percentage of the population. The actual rate at which Latinos are stopped is higher than proportionate, in spite of the fact that Latino drivers are found in possession of contraband at a much lower rate than would be proportionate. If the report’s findings are accurate, it could be concluded that racial profiling is a very real problem in Minnesota. It appears reasonable to consider the reported unwarranted stops of Latinos in Minnesota and the Upper Midwest as examples of racial profiling since witnesses often disclose that they are not provided a reason for the stop, or the given reason seems pretextual.

Figure 1. Minnesota Racial Report

<table>
<thead>
<tr>
<th>Relative Difference Between Observed and Expected Values for Latinos</th>
</tr>
</thead>
<tbody>
<tr>
<td>150.00%</td>
</tr>
<tr>
<td>Stops</td>
</tr>
<tr>
<td>Latino 95.03%</td>
</tr>
</tbody>
</table>

Legal Issues Related to the Practice of Racial Profiling

Racial profiling is illegal on a variety of levels. The practice runs contrary to the Minnesota Racial Profiling Statute which aims to prevent discriminatory law enforcement based on race or national origin. Furthermore, because local and state law enforcement agencies receive federal funds, they are subject to federal regulations under the Civil Rights Act’s provision against discrimination based on race or national origin, making profiling illegal under federal law. In addition, the practice of racial profiling can be analyzed as a possible violation of the 4th and 14th Amendments.

Established U.S. case law based on these constitutional amendments point to arguments related to racial profiling and immigration-related traffic stops as it pertains to undocumented immigrants as well as U.S. citizens and legal permanent residents. A landmark Supreme Court case, U.S. v. Brignoni-Ponce, addresses the use of race as a factor in stopping and questioning suspected immigrants. Brignoni-Ponce was convicted in Southern California for “knowingly transporting illegal
immigrants into the country.” The Ninth Circuit Court of Appeals overturned his conviction, however, finding that the only reason given for the stop was Brignoni-Ponce’s apparent Mexican ancestry.

The Supreme Court affirmed the Ninth Circuit’s decision, stating

The 4th Amendment . . . forbids stopping a vehicle, even for the limited purpose of questioning its occupants, unless the officers have a “founded suspicion” that the occupants are aliens illegally in the country. The court refused to find that Mexican ancestry alone supported such a “founded suspicion.”

The opinion further affirms that stops involving Border Patrol must be contingent on more than the driver’s ethnicity; however, race may be used, along with other critical factors, to form a list of articulable facts that would create reasonable suspicion to make a stop. Therefore, the Border Patrol, according to the Supreme Court’s opinion in this case, had the right to consider race, along with other factors, when monitoring traffic movement close to the Mexican border, although it is unclear from this opinion whether the Supreme Court extends such discretion to local and state police officers.

What is important to note, however, is that the Supreme Court clearly states that race alone does not constitute sufficient grounds for suspicion of a criminal infraction. Although this case has often been cited in decisions since 1975, it is troubling that race should ever be allowed as a consideration in forming a suspicion of someone’s guilt, even in concert with other articulable facts. Such a precedent can lead to unequal treatment under the law. In its most liberal interpretation, two people engaged in the same suspicious activities may receive a different response by law enforcement officials premised on their race.

With respect to the concerns identified above, in U.S. v. Montero-Camargo, the Ninth Circuit stated that race should not be used as a factor in finding “reasonable suspicion” to justify a stop, even as part of a totality of circumstances forming a suspicion. The opinion states,

At this point in our nation’s history, and given the continuing changes in our ethnic and racial composition, Hispanic appearance is, in general, of such little probative value that it may not be considered as a relevant factor where particularized or individualized suspicion is required [under the 4th Amendment].

In Farm Labor Organizing Committee, et al. v. Ohio State Highway Patrol, the Sixth Circuit Court also addressed possible cases of racial profiling that may occur when local and state police engage in efforts to enforce immigration law. In this case, Ohio State Trooper Kevin Kiefer pulled over legal permanent residents José Aguilar and Irma Esparza for driving with a faulty headlight. Although Aguilar presented a valid Illinois driver’s license, Trooper Keifer ordered him out of the car. Further investigation ensued, including a drug-sniffing dog that falsely alerted the troopers to the presence of narcotics. Eventually the troopers seized the green cards of both plaintiffs, which were held for four days. The plaintiffs argued, and the court agreed, that the troopers violated the individuals’ 4th Amendment rights because the seizure of their personal property was not based upon probable cause.
In *Farm Labor Organizing Committee, et al. v. Ohio State Highway Patrol,* it could also be argued that the actions taken by the troopers were based upon the national origin of the suspects since they were without a “race-neutral” reason for these actions. This indicates a violation of the 14th Amendment’s Equal Protection Clause making the troopers in this case culpable of discrimination based on national origin, misinterpreting their role in enforcing federal immigration law, and engaging in an intrusive action toward legal permanent residents.

**Use of Border Patrol for Interpretation Services**

**Prevalence**

In researching traffic stops and racial profiling concerns related to the immigrant community in Minnesota, the researchers spoke to a variety of professionals from immigrant rights organizations as well as professional interpreters. Through these interactions, the group discovered that in situations in which limited English proficient (LEP) individuals were stopped for an alleged traffic offense, sometimes without being informed of any offense, by local or state law enforcement officials, in many instances, Border Patrol agents were called to the scene to interpret for the LEP.

In addition to reports by community groups, the researchers also interviewed Judge Dierkes from the Bloomington, Minnesota, Executive Office for Immigration Review (EOIR) court who reported this practice to be widespread. When asked about instances of local enforcement using Border Patrol to interpret, the judge asserted that this practice generates many cases that come through his courtroom. Since there are only two immigration judges in the Minnesota-North Dakota-South Dakota region, this statement implies that these cases are prevalent in the area.

Furthermore, *United States v. Flores-Sandoval,* from the Eighth Circuit Court of Appeals, illustrates the practice of using Border Patrol officers as interpreters for LEPs in interactions with local law enforcement officials. The subject under debate in this case is not the legality of using Border Patrol agents as interpreters but that it provides evidence of the practice and will be used to illustrate our analysis. The case states that,

> Appellant Oscar Flores-Sandoval was taken into custody on July 13, 2003 by local law-enforcement officials in Elk Point, South Dakota. . . . According to Flores-Sandoval’s original motion to suppress [statements made after being taken into custody], local law-enforcement officers in Elk Point were questioning Flores-Sandoval, and because he primarily speaks Spanish, the officers called an agent of the United States border patrol to act as an interpreter. [emphasis added]

As the facts of the case clearly demonstrate, the only reason given by the local law enforcement officials for contacting Border Patrol was “because he primarily speaks Spanish.” The role of the Border Patrol in this situation was to act as interpreter for the interaction between local law enforcement and Flores-Sandoval.
Legal Issues in the Use of Border Patrol Agents as Interpreters

More difficult to determine than whether this practice takes place is whether or not it is legal. When called to the scene of an LEP’s alleged traffic violation, Border Patrol has the perfect opportunity to also inquire about the individual’s immigration status, using a stop made by local law enforcement to carry out federal duties. The complex body of federal immigration law provides the authority for federal agents alone to administer immigration enforcement, preempting local activity in this field without special prior authorization.

Presently, separation ordinances in the Twin Cities prohibit local enforcement of civil immigration laws. Those who support an increased local enforcement effort would like to see these ordinances lifted. Proposals to permanently implement the practice of local enforcement of civil immigration laws as well as the current practice of using traffic stops to make immigration-related inquiries, entail a number of policy implications. In greater Minnesota, though, where many of the alleged cases of using Border Patrol agents as interpreters originate, there are no such separation ordinances. Thus, we must turn to other legal documents to determine the legal guidelines for interpretation.

Legislation at the state and federal level guarantees individuals involved in apprehensions and legal proceedings the right to an interpreter because it is impossible for someone to understand the reason for a stop or citation or to be apprised of his or her constitutional rights if he or she is not proficient in the English language. In order to ensure equal treatment under the law as well as full understanding of any charges, it is necessary in many instances for a qualified interpreter to assist in law enforcement activities.

In Minnesota, state law requires qualified interpreters for LEPs in legal proceedings and at the time of apprehension and arrest because “the rights of persons handicapped in communications cannot be fully protected unless qualified interpreters are available to assist them in legal proceedings.” At the federal level, the Department of Justice (DOJ) states that, “Language barriers can prevent LEP individuals from understanding their rights, complying with the law, and receiving meaningful access to law enforcement services and information.”

Furthermore, other legislation applying to those handicapped in communications, such as the Americans with Disabilities Act, can be applied to LEP individuals in the same manner as the Minnesota Statutes recognize a variety of conditions that would limit someone’s ability to communicate. The DOJ clarifies that the entities that are bound by these provisions are all agencies receiving federal funds and specifically lists among these local and state law enforcement entities.

Based on these requirements for interpretation, there is reason for concern about Border Patrol agents’ qualifications as interpreters. An unqualified interpreter may be as much of a liability for quality law enforcement as no interpreter at all. Interpreting is a professional practice, and misinformation can be communicated if the interpretation has even a slight inaccuracy. Of course, this is particularly grave in law enforcement situations that become intertwined with suspected immigration violations.
There are few formal laws that specify who is or who is not qualified to interpret; however, interpreter groups such as the National Council on Interpreting in Health Care and private interpreting and translating companies often choose to adopt a code of ethics to protect both interpreters and clients. These codes address issues such as impartiality, confidentiality, and professionalism. Additionally, the DOJ provides a useful phrase by which to measure the qualifications of an interpreter or “auxiliary aid,” stating that, in order for an individual with communication difficulties to enjoy equal protection under the law, an interpreter must be able to perform interpretation tasks “effectively, accurately and impartially.” Additionally, in the State of Minnesota, there is a set of professional standards for interpreters, and the Minnesota Supreme Court has developed a best practices manual for court interpreters which addresses many important guidelines for court interpreters. In Minnesota, there exist state-mandated guidelines related to the practice of quality interpretation for LEPs when their legal rights are at stake.

It is important to adopt such standards regarding who should or should not be allowed to interpret during interaction with law enforcement officials; such standards support the intent of state and federal legislation regarding interpreting, which is to protect an individual’s rights under the Constitution. If the interpreter is not able to interpret “accurately,” then there is no assurance that the LEP individual has actually understood his or her rights. Although the Minnesota Statutes on interpreters does not use the word “impartially,” it does include mention of the importance of confidentiality. Furthermore, the importance of impartiality can be inferred from the language relating to professionalism and the quality of the interpretation. If the interpreter is not impartial, it cannot be guaranteed that he or she will not have an interest in the outcome. Such partiality may affect his or her ability to interpret on behalf of both parties. The integrity of an interpretation is therefore suspect if the interpreter has any bias towards either party involved in the interaction.

The criteria established by the DOJ for interpretation in agencies receiving federal funding (including local and state law enforcement agencies) include this statement about impartiality:

When using interpreters, recipients [i.e.: agencies receiving federal funds] should ensure that they understand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor or other roles (particularly in a court or law enforcement context).

When a Border Patrol agent is requested for interpreting services, then he or she necessarily has another “role” in the interaction. On the other hand, when a Border Patrol agent who speaks in another language undertakes his or her duties of enforcing immigration laws, he or she is not acting as an interpreter but as an officer proficient in another language; in this case, an interpreter is not necessary. This, however, is not the case when a local law enforcement agent initiates the interaction and needs an interpreter. There is a clear violation here of the established rights of the LEP individuals to a qualified and impartial interpreter in interactions with law enforcement officials.

Aside from the qualifications of an interpreter and the legality of using a Border Patrol agent as an interpreter, there are also questions regarding discrimination in
this practice. The DOJ states that, “Title VI’s prohibition of discrimination on the basis of national origin has been interpreted by courts to include discrimination on the basis of English proficiency.”

Questioning regarding immigration status also goes beyond the scope of a traffic stop as the Eighth Circuit ruled in U.S. v. Hernandez-Hernandez. Thus, the practice of involving Border Patrol in traffic violations, as described here and in the Flores-Sandoval case cited above, exceeds the lawful scope of such stops and discriminates against LEP individuals. The scope of the stop is necessarily exceeded at a disproportionate rate for individuals who need interpretation since Border Patrol agents regularly initiate questioning beyond the original offense.

Since part of the Border Patrol’s official mandate is to enforce the Immigration and Nationality Act, questioning LEPs during routine traffic stops about their immigration status due to their limited English proficiency is a clear misuse of the circumstantial overlap of the roles of local law enforcement and Border Patrol. Given the established prevalence of racial profiling for these stops in the first place, immigrants are clearly discriminated against since they are more likely to be stopped and therefore also have their immigration status questioned.

Conclusions

While this study primarily focused on local events, immigration policy and its effects clearly impact the U.S. on every governmental level, from local to federal. Therefore, the mostly local issues raised in this report must be couched within a broader national context. In addition to assessing the economic impacts of treating immigration as primarily a security issue, the U.S. must confront political, social, and cultural implications as well. The very fiber of U.S. culture relies on a willingness to embrace the diversity that is the product of an increasingly interconnected world as is evident in the example of Minnesota and its changing demographics.

This study began with the attempt to address a number of questions revolving around the issue of the implications of the post-9/11 shift to a “culture of enforcement” in the implementation of immigration law and policy. The analysis indicated that there is evidence of this shift in Minnesota and around the country. Elements of this shift have infringed upon some of the constitutional rights shared by all residents of the U.S.—in this case, with specific evidence pointing to violations of the rights of immigrants.

There is a compelling indication that immigrants’ interactions with law enforcement officials differ from those of non-immigrants, with a strong suggestion that immigrants are often subject to racial profiling in Minnesota, possibly in an attempt to open a window for federal enforcement of immigration law. This enforcement of federal law seems to suggest a level of implicit cooperation between local law enforcement and federal immigration officials, which has a potentially negative impact on both foreign and native-born individuals. As cooperation increases, a level of trust between immigrants and local and state law enforcement erodes. Evidence indicates that this implicit cooperation does not contribute to either the safety of communities or the security of the country. If immigrant groups, documented or undocumented, are afraid to initiate contact with police given anxiety over potential questions relating to their
immigration status, they will be much less willing to report crimes and contribute to public safety efforts. Crime may increase as criminals become aware that immigrant victims or witnesses are less likely to report criminal behavior given the potential for repercussions due to their immigration status. At the very least, it is clear there is a perception that this risk increases when an interaction with local or state law enforcement occurs.

The negative impact of racial profiling extends beyond the interaction between law enforcement and immigrants to affect the public's perception of immigrants and their contributions to our society. As the researchers observed in the examination of the "Most Wanted" insert in the Worthington newspaper, there is a perception of high levels of criminality among the immigrant community. The general public does not have the information necessary to analyze the real reasons behind these perceptions, which are based largely on racial profiling and discrimination.

When designing immigration policy, it is essential to prioritize healthy communities. Healthy communities grow out of environments of trust, understanding, fair treatment, and equal rights. It is evident from the research contained in this report that reforms are needed within existing immigration policy before large-scale reform can occur in the system as a whole. To that end, policy recommendations follow.

**Policy Recommendations**

Well-defined comprehensive federal immigration policy reforms and state and regional practices can support federal laws and policies that are politically and culturally responsive, without losing sight of national security, economic growth, and human rights. On a federal level, policies should **support an immigration system based on realistic demands for workers that provide sufficient legal avenues for immigrant workers to enter the United States** to avoid further criminalization of immigrants. Furthermore, federal policies should **more equally distribute the financial costs of immigration** since local and state governments currently absorb most of those costs while the federal government retains most financial benefits. Lastly, **only trained immigration authorities at the federal level should perform immigration enforcement.**

As a result of the findings, the researchers have concluded that policy must clearly delineate jurisdiction, responsibilities, and immigration enforcement procedures between local, state, and federal authorities. Local and federal entities must receive full funding and effective training in order to carry out their jurisdictionally appropriate responsibilities. In addition, efforts can be made at a local level to build understanding and respect among various sectors of the community. Thus, the researchers offer the following recommendations for action:

1. The State of Minnesota should create a specific law and policy council to assist with state policy design and implementation as it relates to immigrant communities. The responsibilities of this council should include, but not be limited to, the following:

   - Design best practices for law enforcement interactions with immigrants based on successful initiatives in other states.
• Develop recommendations for state government agencies regarding policy and procedure assisting with immigrants’ social, economic, and cultural integration, ensuring that immigrants become contributing members of the state’s economy more easily.

• Work with local and state law enforcement agencies to design programs that would educate newly arrived immigrants about law enforcement and their rights in interactions with local authorities.

• Maintain strong connections with leaders in the immigrant and immigrant advocacy communities as well as the local and state law enforcement agencies. Encourage and facilitate channels of positive communication between them.

2. Strengthen and uphold existing local separation ordinances to maintain safety and trust between immigrant communities and local law enforcement officials.

3. Establish policy and procedure for local and state law enforcement officials to effectively conduct routine questioning of LEP individuals without federal immigration enforcement authority involvement. These efforts could include a multilingual flip-chart with statements commonly used in traffic stops, access to a list of certified interpreters, policy enforcing their use, and other measures.

4. Increase prevention efforts and penalties for local and state law enforcement officers who conduct traffic stops where no race-neutral suspicion exists.

5. Conduct education programs for local and state law enforcement agencies about unique issues of working with immigrant communities, including, but not limited to, language and interpretation, documentation, federal preemption, and so on.

6. Hold regular community forums in communities with large immigrant populations to ensure openness in communication; understanding of issues facing the community; and accountability among local government, businesses, media, and citizens.

The post-9/11 shift to a primary focus on security and enforcement in immigration law and policy has potentially serious ramifications for all individuals living in the United States as indicated through this analysis of interactions between immigrants and local and state law enforcement officials. The recommendations proposed above represent a call for policymakers to prevent further civil rights violations related to the enforcement of immigration laws without sacrificing essential national security requirements.

Endnotes


2 Ibid.

3 “Wanted by the law enforcement agencies of Nobles County” (2005).
Further information regarding the specific responsibilities of these new agencies can be found at their websites: CBP: www.cbp.gov; ICE: www.ice.gov; and USCIS: www.uscis.gov.

The full text of HR 4437 as it was passed in the House can be accessed at http://thomas.loc.gov/cgi-bin/query/z?c109:H.R.4437: Last viewed on April 30, 2006.

Full text of S. 1438, the Cornyn/Kyl bill as it was introduced in the Senate can be accessed at http://thomas.loc.gov/cgi-bin/query/z?c109:S.1438; and full text of S. 1033 as it was introduced in the Senate can be found at http://thomas.loc.gov/cgi-bin/query/z?c109:S.1033.

Office of Strategic Planning and Results Management, Minnesota Department of Administration (2005).

AFFIRM is the Alliance for Fair Federal Immigration Reform of Minnesota, which is a coalition of labor, faith, and human rights organizations in the state.

U.S. Constitution, 4th Amendment. Full text of the U.S. Constitution and its amendments can be viewed on the following website: www.usconstitution.net.

U.S. Constitution, 14th Amendment, § 1.

"The Supreme Court has addressed this term in the context of challenges brought under the 5th and 14th Amendments. See, e.g., Plyler v. Doe, 457 U.S. 202 (1982); Mathews v. Díaz, 426 U.S. 67 (1976). The Supreme Court has held that undocumented aliens are considered “persons” under the equal protection and due process clauses of the 5th and 14th Amendments. See U.S. Department of Justice (DOJ), Civil Rights Division (1998).
DOJ, Civil Rights Division (1998).

Minnesota Statutes §626.8471(2).

U.S. Constitution, Article I, §8, cl. 4: Gives Congress the power to “establish a uniform rule of naturalization.”

U.S. Constitution, Article VI, cl. 2: “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the Contrary notwithstanding.”


“The McCarran-Walter Bill of 1952, Public Law No. 82-414, collected and codified many existing provisions and reorganized the structure of immigration law. The Act has been amended many times over the years, but it is still the basic body of immigration law” (USCIS, 2006a).

USCIS (2006b).


Ibid.

Ibid.

City of St. Paul Administrative Code, Chapter 44.

City of Minneapolis. Code of Ordinances, Title 2, Chapter 19.

State of the Union Address (2004).


Ibid.

Phone interview, February 7, 2006. Minneapolis, MN.

Balch, Rosita. Interview, February 9, 2006. Minneapolis, MN.

Garnett McKenzie, M., from Minnesota Advocates for Human Rights. (2006, February 27). Presentation attended by authors for Humphrey Institute of Public Affairs course PA8081, University of Minnesota, Minneapolis, MN.

43 Ibid.

44 Some contacts have described reasons like a taillight out, the wrong type of license plate frame, or a tire that appeared to need more air as some of the explanations given when stopped by police or state troopers. Others have stated that the officer did not tell them why they were stopped and simply asked for identification.

45 Minnesota Statutes, §626.8471(2).

46 1964 Civil Rights Act, Title VI, §601: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

47 U.S. Constitution, 4th Amendment: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

48 U.S. Constitution, 14th Amendment, §1: “No state shall . . . deny to any person within its jurisdiction the equal protection of the laws.”


50 Ibid.


53 Ibid.

54 U.S. Constitution, 14th Amendment, §1: “No state shall . . . deny to any person within its jurisdiction the equal protection of the laws.”

55 See Garnett McKenzie (2006). Garnett McKenzie, Minnesota Advocates for Human Rights, informed us that she knew of several cases in the Sioux Falls area in which local law enforcement had called Border Patrol to provide interpretation services; Balch, Rosita. Interview, February 9, 2006, Minneapolis, MN. Balch told us that many of the people she works with have reported stops by the police that seem pretextual. She also talked to us about a working group of immigrants whose focus is to address police issues with immigrant communities, including the lack of interpreting capabilities.

56 Dierkes (2006). Please note that Judge Dierkes’ comments reflect his own personal views and not those of EOIR, the USCIS, or any other governmental legal body.

57 U.S. v. Flores-Sandoval. 422 F3d 711 (8th Circuit, 2005).

58 Ibid.
Ibid.


U.S. Constitution, 14th Amendment, §1: “No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.” Also, U.S. Constitution, 6th Amendment: “In all criminal prosecutions the accused shall . . . be informed of the nature and cause of the accusation.”

Minnesota Statutes, §611.30-611.34.

According to Minnesota Statutes, §611.31, a “‘person handicapped in communication’ means a person who: (a) because of a hearing, speech or other communication disorder, or (b) because of difficulty in speaking or comprehending the English language, cannot fully understand the proceedings or any charges made against the person, or the seizure of the person’s property, or is incapable of presenting or assisting in the presentation of a defense.”

DOJ (2006c).

42 USC 12181 et seq.

DOJ (2006b).


Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327, 42 USC 12101-12213 and 47 USC 225 and 611), §36.104: “Qualified interpreter means an interpreter who is able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary.”

Minnesota Statutes, §611.33.

Minnesota Supreme Court Interpreter Advisory Committee (1999).

Minnesota Statutes, §611.33, subd. 1 addresses the importance of accuracy in defining interpreter qualifications, stating that “No person shall be appointed as a qualified interpreter unless said person is readily able to communicate with the handicapped person, translate the proceedings for the handicapped person, and accurately repeat and translate the statements of the handicapped person to the officials before whom the proceeding is taking place.”

Minnesota Statutes, §611.33, subd. 4: “An interpreter . . . shall not, without the consent of the person handicapped in communication, be allowed to disclose any privileged communication made by the person or any privileged information gathered from the person which was communicated or gathered during the time of service as an interpreter.”

DOJ (2006b).
1964 Civil Rights Act, Title VI, §601: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

DOJ, Office of Justice Programs (2006a).

U.S. v. Hernandez-Hernandez. 384 F.3d 562 (8th Circuit, 2004). At the district court and on appeal in the Eighth Circuit, the courts suppressed initial statements made to a state trooper and Border Patrol agent called to interpret during a traffic stop because “the questioning exceeded the scope of the traffic stop.”

“Immigration and Nationality” (8 USC 12), U.S. Code Collection.

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Civil Rights Act 1964, Title VI, §601.


Dierkes, J. (2006, April 17). Presentation at Humphrey Institute of Public Affairs in PA8081 (007), University of Minnesota, Minneapolis.


Minnesota Statutes, Section 611.30-611.34, 626.8471 (2).


*United States v. Flores-Sandoval.* 422 F3d 711 (8th Circuit, 2005).


**Biography of Researchers**

The researchers completed this study as part of a Master’s level Capstone project at the Humphrey Institute of Public Affairs at the University of Minnesota in Minneapolis, Minnesota.

**Deena Anders**, MPA, is the director of Planning & Collaboration at Domestic Abuse Project in Minneapolis, and Coordinator for the Hennepin County Domestic Fatality Review Team.

**Jasna Burza**, MPP, has just returned from Mozambique where she was writing about groundnut value chain in Nampula province as part of the USAID’s Farmer to Farmer program.

**Carrie Coslin**, MPP, is a research and dissemination coordinator for the Institute for Community Integration with the University of Minnesota–Twin Cities.

**Paul Kresser**, MPP, is a management analyst with the City of Boston’s Office of Budget Management.

**Eleni Messiou**, MPP, is a program manager for Elderberry Institute, a national resource center for organizations that work with elders located in St. Paul.
Selena Nelson-Salcedo, MPP, is currently working as a paralegal for an immigration attorney in Minneapolis.

Amy T. Morris, MPP, is the resident director of Earlham College’s Border Studies Program located in El Paso, Texas/Cuidad Juárez, Mexico.

Megan Pidduck graduated from the University of Minnesota’s Humphrey Institute of Public Affairs in Spring 2006 with a Master’s of Public Policy.

Kathryn Sharpe is a Master’s student in Geography at the University of Minnesota, completing a thesis on the immigrant rights movement and community response to immigration raids.

Kelly Sowards Opot, MPP, is a fellow with Headwaters Group Philanthropic Services in St. Paul, Minnesota.

Lisa Wissbaum will receive her Master of Public Affairs (MPA) in December 2007 with a concentration in Community and Economic Development.
Grappling with Ambiguities in a Police and Immigrant Encounter in Finland

Egharevba Stephen, Diploma in Criminal Law, MA in International Relations, PhD ongoing

Introduction

Policing citizens in a democratic state is not only expected to control crime and protect lives and property, it also involves treating all citizens fairly and equally. Hence, fairness and equality are necessary in order to shape the law enforcement practices that are both effective and fair to all citizens, including immigrants. In Finland, the general perception of policing has been to focus on police activities and the practices of individual police officers, with a strong emphasis on impartiality and objective law enforcement through the criminal justice systems without much attention being paid to the encounters the immigrant minorities experience with the police within the society (Eghareveva, 2005). Despite the lack of such investigations involving immigrants, one thing stands out clearly: There are various differences from country to country in regards to minority encounters with the police, and these differences tend to emerge from real-life situations in different democratic settings; therefore, any attempt at comparing these issues with other countries may be difficult or even impossible due to the differences in democratic and cultural settings.

The present study is geared towards shedding light on the issue of the disrespectful behaviour of the Finnish police and their use of stereotypes, which some segments of the citizens and immigrants often experience in their encounters with the police. According to Holdaway (1997a), the essence of police use of stereotype is a rigid, one-dimensional presentation of a more diversified, multifaceted phenomenon (p. 24). Police work requires that officers correctly assess complex and often ambiguous situations within a split second. This requirement facilitates or rather reinforces stereotypes, which often result in some instances of disrespect and unfairness. In the case of this study, this disrespect is reviewed as it pertains to police interactions with African immigrants in the City of Turku, Finland.

This kind of problem has been researched earlier by W. E B. DuBois (1969), who once reminded us that the greatest challenge many societies are faced with, which is still true even to an extent today, was the problem of a colour line, using America as an example (p. 41). Finland is no exception to this kind of problem, especially as this problem appears to have been mounting in the country for some time now due to the continued increase in the number of immigrants, although the exacerbation of the situation may have resulted as a consequence of some segments of the Finnish population not paying much attention to these kinds of problems earlier on. It wasn’t until the late 1990s that the issue of tension between citizens of immigrant background and public officials was considered to be a large enough problem to warrant a major area of research in this country. Presently, this is beginning to be acknowledged through research findings on racial inequality and immigrants’ antagonism towards public officials (Egharevba, 2005, 2006; Pitkänen & Kouki, 2002). Accusations of police disrespect are rampant among immigrant
groups in this country. If these allegations are indeed true, it would be contrary to the widely held view that “all men are born equal.” In the present study, it is argued that the discussion of police racism or disrespectful behaviour in Finland is still underdeveloped.

This underdevelopment is due to the existence of tension and conflicts between the police and the visible minority in Finland, based on some of the respondents’ answers to questions regarding their encounters with the police in Turku. Hence, the author’s interest was on investigating and bringing the background of immigrants’ experiences with the police to the public consciousness in order to stimulate a constructive academic debate regarding immigrant encounters/interactions with the police in Finland. The Finnish public has the right to be better informed about the existence of tension between the police and the immigrants of African origin in Turku.

In sum, it is going to be argued that, despite the constant influx of different immigrant groups into the country, the policymakers are still skeptical about taking a hard look at the issue of police disrespect, which is alleged to be a menace in the lives of immigrants in Finland. It would appear that the sudden arrival of many immigrant groups from different parts of the world has taken many policymakers in the country by surprise, as many of them are still unwilling to learn from the experiences of countries such as South Africa, Australia, and Ireland (among others) that have taken significant steps to overcome the apparently intractable conflicts between ethnic and racial groups in their societies. In spite of the availability of these kinds of examples, when examined more carefully, it is not surprising to find in some segments of the general public the notion that unfairness is not problematic—especially if this concerns the marginalised groups within the society in regards to the issue of police disrespect toward some of these immigrants.

Nonetheless, the notion may not be farfetched due to the police’s raison d’être as many of these groups are the first target of police in the event of any alleged crime being committed simply due to stereotypes—for example, the suspicions expressed toward those that are different (visible immigrants), young people with a hip hop style of dressing who spend much of their time in the city centre with their friends, those young people driving certain brands of car, or the animal rights activists. While the police have been studied in many contexts, for example, in rural and urban contexts in countries such as England (Cain, 1973), the issue of the disrespectful behaviour of police towards immigrants has not been empirically researched in any detail in Finland.

Examining the African immigrant minority’s encounters with the police in Finland is an attempt to fill this gap by using the experiences of an immigrant minority to help us understand the thinking among these groups about the police. Their prior knowledge/experiences enable citizens to reconstruct images of themselves within society. Hence, in everyday situations, without our deeper understanding of African immigrant minority members’ prior knowledge and experiences, it would be difficult, if not impossible, to determine how they judge their encounters with the police. This is because most citizens often seek relevant information from the world around them cautiously, thus reducing the complexity created by the huge amount of available information. These complexities become necessary as
citizens start to process this information individually on a rational or emotional basis, which they then activate as part of the accumulated experiences which often results in a citizen recalling the encounters he or she has had with the police in the past.

These encounters do contribute to a more complex and integrated view of the police as has been shown by Egharevba (2005). For example, if a citizen’s encounter with the police in the past was positive, the citizen is bound to see the police as more friendly (Mastrofski, Reisig, & McCluskey, 2002). These previously held views of the police do not change easily, and these views seem to influence subsequent interpretations of any experiences the immigrant minority member has of the police. That said, positive experiences with the police do often go toward neutralising previous negative contacts. Even though personal contact with the police happens rarely, when it does take place, it plays a significant role in how immigrants interpret police conduct. One probable cause of tension between the police and the immigrants in Finland is that many of the African immigrant minority lack awareness of the working methods of the police in general. Moreover, a citizen of African immigrant background often uses his or her past experiences to view, interpret, and process information from latter experiences, which subsequently influence his or her judgment of the behaviour of the police (Egharevba, 2005).

The above finding is similarly important when we consider that Cain (1973) has earlier indicated that rural police officers most probably allowed local norms to influence their enforcement attitude. She then posits the premise of overcoming this problem by offering suggestions to counteract this local influence on the police. Her suggestion included endorsing organisational conscription that strips rural police of the informal foundation for law enforcement. This has implications for our understanding of how members of the police force in every country reflect on their social-cultural surroundings. What we must not forget is that the police are humans who, in most cases, are drawn from the majority within the localities. In this sense, the argument that local norms do influence police attitude is enough to warrant an investigation into the issue of the disrespect suffered by the immigrant minority in any encounter with the police in Finland. This is in addition to exploring the respondents’ experiences and their willingness to report police disrespect to the Finnish authorities. Thus, this study is set in the context of alleged police disrespect of African immigrants caused probably by cultural differences in interpreting and understanding experiences within new societies.

Some available empirical research findings posit that police disrespect is not uncommon in the relations between police and ethnic minorities throughout the world (Cain, 1973; Miller, 1975; Tyler, 1990). As a prelude to understanding the issue of disrespect alleged by African immigrants in Turku over the past years, the notion of police disrespect was posed as a question to a group of African immigrants in Turku to ascertain their encounters/experiences with the police with regard to the disrespectful behaviour they claimed to have suffered. The study findings indicate that the majority of African immigrants have encountered police disrespect in police stations, public places, and on the street. These data can be seen in Tables 1 through 3 in the Appendix. The findings also suggest that there is a low level of education within the studied groups. This might be responsible to some extent for certain misconceptions toward police disrespect in Turku. Based on African immigrants’ claims, this conduct is perpetuated in unclear or subtle manners, for
instance, by expressing certain dislikes, looking down on immigrants at the police station knowingly or unknowingly, treating them harshly or subjecting them to derogatory words/racial slurs, or being insensitive to cultural differences when dealing with African immigrant clients in general. These actions are not among the legitimate rules and training the police are taught while in the Finnish police training school.

The immigrant minority of African origin, as we will observe during the analysis, were willing to defer to public authorities until the public authorities, such as the police, eroded their trust and withheld the privileges of belonging to the majority population as was substantiated in a sample of the research findings of Miller (1975) and Tyler (1990). Their encounters with the police could be reflective of all African immigrants in Finland; therefore, their concise views should help us understand the shape/direction which these encounters have taken in Finland with regard to Finnish police conduct. This present study will first offer a brief description of the city where this study was carried out, followed by a review of previous studies, African immigrant experiences within Finland, the police and public opinion, the methodology, the findings and discussion, and the conclusions that have been drawn.

The City of Turku

Turku is a metropolitan area consisting of 175,059 people and is the fifth largest municipality in Finland. The city is located 168 kilometres west of the capital city Helsinki and occupies a total area of 306.4 square kilometres. It has a land surface of 243.4 square kilometres and, of this, 89.3 is planned. The population per square kilometre was 719 according to the 2003 estimate. The age and educational level of the population is as follows: 149,629 are over 15 years old; and 35.4% have completed primary education, 37.9% have completed secondary school, and 26.7% have completed tertiary education. Turku is an interesting city through which to study how race is negotiated in everyday interactions. Historically, Turku was the capital of Finland until the great fire that destroyed part of the city in 1827 when the capital city was moved to Helsinki. Turku is the oldest University City in Finland. It is a port city and also serves as the capital of southwest Finland. Most importantly, Turku has the second largest immigrant population after Helsinki and its surrounding cities. This city also acted as the first “Chamber of Police” in 1816 immediately after Finland became a Grand Duchy of the Russian Czar, which gave it the duty of keeping order, preventing crime, and acting as a court for minor offenses. After Turku, other major cities created their own chambers of police.

Previous Research

Most research on immigrant/police encounters has focused on metropolitan areas with large minority ethnic populations. According to Waddington (1999), in the United Kingdom, black and ethnic minority immigrants who migrated after the Second World War were often considered as targets by law enforcement. This is similar to the situation alluded to by some of the participants in the present study in Finland because African and other immigrant groups are unemployed or have low status jobs, and they are powerless; therefore, they are the group to be policed more within the country (Egharevba, 2006). The present study is not much different from the previous studies that have examined police behaviour on a large
scale (Black 1980, 1995; Harring, 1983; Tyler, 1997, 2000). Their research suggested that the penal code is a solid means of defining individuals as violators of the law. Thus, to an extent, their empirical assessment of police responses to disputes in the public domain does suggest that the police have the power of discretion and authority in determining any cases in the penal code. Police disrespect is not part of the penal code or legal norm in Finland, however, even though disrespect does probably impose harm on its victims by treating its victims in negative/biased ways due to stereotypes, thereby putting those citizens of immigrant origin in an unequal position within the society as has been indicated earlier by Black (1980, p. 138). The exact degree of punishment attached to a given crime by the police in different societies could also be culturally related. For example, among African immigrants in either Turku or Helsinki, the act of spousal abuse or graffiti-drawing on public buildings or even urinating in public places might bring severe punishment to anybody caught. Whereas in their country of origin (Africa), these kinds of acts or conduct may not even carry a warning from the local police. In other words, every society has its own values and norms.

For most African immigrants, these differences in value interpretation or conduct understandably lead to problems in adjusting to these new realities in Finland and knowing what is considered right or wrong. While disrespect shown by the police and experienced by African immigrants might be considered fairly mild in many instances, this disrespect could be due to police perception that the immigrants have not acted appropriately in regards to the prevailing values in Finnish society. No matter what form disrespect takes, however, in the eyes of the affected immigrants, disrespect is a severe abuse of police power as these perceptions do not take place in a vacuum. For example, in the opinion of some of the respondents, the act of police disrespect is mostly perpetuated whenever African immigrants encounter the police either on the street, in public places, or after being a victim of assault as well as when stopped and searched on a routine traffic stop. It is logical, therefore, to assume that the police could be sympathetic to the immigrants involved in such incidents by the officer showing restraint without any kind of impolite questions being asked of the immigrants such as “Where is your passport?” “How long have you been in Finland?” and “Where are you from?” Some respondents have alleged that they still experience police disrespect with such unwarranted lines of questioning. We have to take this point with caution as there were no other immigrant groups, for example, those from Russia; Eastern, Central, or Southern European countries; or Asian or Latin American countries, in the present study to substantiate this.

In spite of the lack of other immigrant group input in the present study, it will be wrong for the reader to accept that the police are correctly carrying out their duty based on the experiences of Africans that alluded to the notion that the police are being insensitive to immigrant feelings by the above line of questioning. What is clear, however, is that no matter what their duties are, the Finnish police are trained to show respect and sensitivity in certain circumstances involving citizens. In many of the immigrant citizens’ countries of birth, the local police treat almost all citizens with disrespect. Due to this fact, the police in Finland should be acquainted with firsthand knowledge of the utterly different background experiences with the police that such citizens have as a result of the different policing styles.
Another point of importance is that the police attitudes towards immigrant minorities depend also on the constitutional guarantee available in any given country and the penal code or criminal law, which varies in degree from country to country. What is similar in various penal codes, however, is that there is no mention of the act of disrespect (e.g., the Finnish Penal Code [578/1995]). Notwithstanding these differences, however, when disrespect is viewed from a human rights angle, the act of disrespect is a form of deprivation of a person’s dignity (Anderson, 1999). In the two examples above, what is being articulated is that disrespect is more intrusive and provocative than threat (Flynn, 1977, p. 89). Therefore, for us to be able to understand how laws are enforced, we have to focus on a largely unexamined range within the broader scope of the penal possibilities available to the police.

To this end, we could see from a wide range of research on police culture that culture strongly influences how policemen or policewomen think and act (Bouza, 1990; Skolnick & Bayley, 1986). Police officers usually take on definitions, procedures, and justification for their actions; this is what Chan (1997) indicated as dictionary, directory, recipe, and axiomatic knowledge (pp. 63-65). For instance, it was suggested that the police generally socialise with each other and are secretive to outsiders, being conservatives who think that things are better the way they are and afraid to accommodate new changes and practices. There is also the issue of comradeship—that is, looking out for each other’s interests and protecting colleagues no matter the circumstance in order to avoid criticism (Harring, 1983). According to Black (1995), the enforcement of law could be by social space such as location in a vertical sphere, where he suggested that we differentiate between people by their educational level and wealth of experiences, and in the horizontal sphere, where we can also distinguish people by their social status such as employment, housing, and their neighbourhood. In the cultural sphere, this can be measured in terms of how much a given culture has impacted citizens or, rather, whether the culture is conventional or not. Finally, the normative sphere is defined by the various ways of exerting social control—for example, over citizens and non-citizens by the law enforcement officials. Nevertheless, how an individual is exposed to different forms of social control varies, as this study will indicate.

According to Goffman (1956), the act of disrespect also serves societal as well as individual purposes. When certain segments of the Finnish society are viewed critically, especially in their attitude and behaviour and their way of life in some instances, it might be concluded that the Finnish society itself is an agent of disrespect. Often, the Finnish majority citizens tend to distribute disrespect in selective ways—for example, at the social, cultural, economic, and religious levels. Even the police, as agents of the state, are not averse to this conduct. These analyses are not peculiar to Finland alone. This is also a familiar phenomenon throughout the Western world. The question is, do police encounters with African immigrants reinforce these problems? If so, does disrespect reinforce the larger structural inequality associated with racism and discrimination in society? Answering these questions could shed some light on these allegations and accusations of disrespect and racial discrimination (Russell, 1998; Walker, Spohn, & Delone, 1996). Individual police behaviour may amplify respect or disrespect towards citizens with an immigrant background. Although his or her initial intention may not have been to show any disrespect, this might become endemic due to other colleagues in the system, through their inconsistent enforcement of the precinct laws, independent
of the existing legal standards. The police are trained to be fair and humanitarian, and laws are supposed to be universally enforced (Hagan, 1989). Centralised law enforcement in theory is supposed to remove any justification for prejudice in law enforcement in the locality (Morgan & Newburn, 1997).

African Immigrants’ Experiences in Finland

In the recent past, Finland had experienced an extraordinary influx of different immigrant groups into the country either as asylum seekers, students, or through family unifications. At the time of these huge influxes in the early 1990s, the Finnish economy was going through a recession, and these new immigrants were often blamed for the economic and social problems in Finland (Egharevba, 2004). This is similar to findings from other Western European countries by Entzinger (1985), Ogden (1991), and Silverman (1991). As a result of the downturn in the economy, there were heightened debates about reducing the number of migrants allowed into the European Union (EU) (Hammar, 1985; Ogden, 1991). This very debate about immigration continues today long after all the European economies have recovered from the recession of the early 1990s. Another major problem for immigrants in the EU is the electoral success of extreme right wing parties in local and national elections in the UK, Sweden, Austria, and the Netherlands. As a result of the electoral successes of these extreme parties and the constant problem of racism and discrimination, a large segment of the population demanded more debate about immigration problems (Entzinger, 1980, 1985; Ogden, 1991). These efforts have not succeeded despite ongoing debates about the aging population in many of the EU countries. Let us now turn to some of the available definitions of prejudice and the form in which this phenomenon occurs.

Prejudice has been defined by Allport (1954) as “hostility based on faulty and inflexible generalisations” (p. 9). Another definition of importance is by Ashmore (1970), who distinctively separates the notion of antipathy or hostility from the generalisations or stereotypes. He therefore defines prejudice as “a negative attitude toward a socially defined group and toward any person perceived to be a member of that group” (p. 253). When these arguments were developed, the aim was to explain this hostility or prejudice toward those who were different, for example, African Americans, and how these arguments could be used to reduce prejudice in social relations in the United States. Consequently, a contact hypothesis was proposed by Williams (1979); and similarly other authors, such as Sherif and Sherif (1953), argued that, “We must specify: What kind of contact? Contact in what capacity?” (p. 221). This led Allport (1954) to specify four key conditions that affect intergroup contacts and the conditions that affect the relationship between contact and prejudice, stating that intergroup contact will only have positive effects on reducing prejudice if (1) there is equal status; (2) there are common goals being pursued by the group members; (3) there is intergroup cooperation; and (4) there is support from the authorities, law, norms, customs, etc.

1. Equal Status: This condition was developed by Allport (1954) and subsequent researchers to support this contention, even though the term equal status may have different meanings to different people at different times in their lives (Riordan, 1978). Others emphasised the premise that equal status enables both groups to expect and perceive the situation on an equal basis (Cohen & Lotan, 1995), while others focussed on equal group status while coming into
the situation (Brewer & Kramer, 1985). These kinds of arguments led Jackman and Crane (1986) to conclude that negative effects from contact with out-group members of lower status is an outcome of these situations. Unsurprisingly, in research on a racially mixed high school by Patchen (1982), he obviously came to the opposite conclusion—especially to that of Jackman and Crane—that equal status was less important within his respondents’ situation.

2. **Common Goals**: Prejudice can be reduced through contact-oriented efforts. An example of these are football players (Miracle, 1981) because in the football team’s quest for victory, the team needs every member in order to achieve the team’s set goal without any distinction to difference at that particular time and place such as in winning the local or national league cup or trophies. This furthers the process of the common goal.

3. **Intergroup Cooperation**: Contrary to the above explanation, in any set goal there should not be intergroup competition. Sherif (1966) demonstrated this effort quite correctly in his study of Robber’s Cave Field. Another example, intergroup cooperation in schools, should provide strong evidence of this by the students thriving cooperatively for the common goal of the school. An example of this can be found in Australia (see Walker & Crogan, 1997).

4. **Support of Authorities, Law, Norms, or Customs**: With explicit penal sanction, intergroup contact is more readily acceptable and does have positive effects. This is because it will show that the authorities do support and implement the established norms. Examples include the military, business, and religion (Landis, Hope, & Day, 1984; Parker, 1984).

Several attempts have been made by other authors to test for the significance of these conditions (Amir, 1969; Pettigrew, 1971, 1998). Conditions brought forward by other researchers include the opportunity to disconfirm negative stereotypes (Amir & Ben-Ari, 1986; Watson, 1950)—in other words, developing positive perceptions of the other group as a result of contact that is pleasant and rewarding between the members of the majority group with higher status members of the minority group does facilitate the negation of negative stereotypes.

### Police and Public Opinion in Finland

Before focussing on police disrespect, we should examine the available statistics on the opinion the majority of the Finnish population has of the police. The police are held in high esteem by 90% of the population. The Finnish Police Security Barometer of public opinion is commissioned and documented by the Supreme Police Command once every two years. The aim of the Security Barometer is to ascertain the level of police relevance within the Finnish population. The analysis for the year 2001 is as follows: Those that agreed that the police have discharged their duties fairly successfully was 90%; in the area of licensing, it was 79%. Those that also agreed with the fairness of the police in carrying out its duties in the area of emergency calls were 82%, while 88% considered the police to be understanding. Finally, 86% agreed that the Finnish police are impartial and very professional (Finnish Police Barometer 2001, 2002).

The question then is, with all these high ratings, why are the African immigrants alleging disrespect in their encounters with the Finnish police? Have the police tried
or encouraged research into how citizens with immigrant backgrounds felt about encountering police officers in Finland? And are we to believe these allegations, bearing in mind this high percentage rating of the police effectiveness? Or, are the citizens with immigrant backgrounds fabricating these incidents? Our answers could either be positive or negative depending on when and how the immigrant minority in Finland are questioned on these subjects. We could have different responses when they are compared to the majority. Just as research findings among ethnic minority police officers in the United States have indicated, it was suggested that minority police officers were more inclined than white police officers to admit police misconduct against minority citizens (Weisburd, Greenspan, Hamilton, Bryant, & Williams, 2001); however, whether this is true or false is beyond the scope of the present study to examine. There are no known visible immigrant police officers in Finland, even though some have tried to enter the police school. What is certain, however, is that there seems to be continuing disrespect according to many of the respondents in the study. If this is true, disrespect could be taken as police insensitivity. This may be due to lack of regular contact between both parties, probably because of the unpleasant circumstances in which African immigrants are typically encountered by the police. Moreover, another reason could be because many immigrants are still skeptical about enlisting in the Finnish police force even though they possess the required language proficiency.

In spite of these alleged acts of disrespect, however, many of these immigrant groups still expect the police, who are the custodians of the state’s monopoly of legitimate force, to always respond to their confusions and fears in a dignified manner. African immigrants appreciate being treated with the utmost respect as fellow citizens. Obviously, this seems not to be the case, as our data have indicated so far during our interviews concerning the circumstances of African immigrants. We must emphasise that police work in many cases places police officers in difficult situations regarding citizens. Frequently, these citizens have to be told to do things they would rather not do on their own. Some of these citizens may be in a bad mood, lonely, recovering from depression, or isolated and excluded from mainstream society. This is especially true of many Africans in Turku. Disobeying police orders can be met with police reaction of some sort, whether appropriate or inappropriate. The police in Finland are not immune from human inclinations. For instance, in many democratic states, such as Canada, the UK, and the United States, the available empirical studies have demonstrated (Brogden, 1985; Jefferson, 1991; Tuck & Southgate, 1981) that police officers are not free from societal norms in their treating people according to their own social, cultural, and economic worldview. For example, our reflection on the African immigrant minority population has led us to the conclusion that this may be true also of Finnish employers who rely on stereotypes—especially on those from Africa—and are unwilling to employ Africans in banks and office jobs. They have simply ignored African applicants in filling job openings. This is despite the fact that African immigrants are making strenuous effort to learn and speak one of the official Finnish languages fluently. The Finnish employers’ stereotypes about African immigrants is that they are too lazy to learn or have other ulterior motives for coming to Finland, which, in other words, means that the stereotypical way of viewing Africans in Finland follows the typical Western European mentality of not according respect to their cultural differences.

Consequently, a major difficulty with stereotyping is that people are frequently only interested in seeking information that is consistent with the stereotypes they are
familiar with and ignoring other facts surrounding such information. Employers, too, are most likely influenced by stereotypical information in making decisions concerning whether or not to hire immigrant citizens, while at the same time avoiding information that challenges their stereotypes. The consequence of such stereotyping is that it appears to be both a principle and a practice for the employers and the police, which should be a major concern to all within the society. There are instances of police officers across the world adopting stereotyping as a normal procedure. It is not possible to challenge this kind of conduct via senior police officers as they are not involved often in the day-to-day policing on the beat. Even if senior police officers were to be confronted with this problem, many would likely deny this as a policy, especially in Finland, probably because of the high rating of the police. A similar experience has been reflected in an early study by Bucke (1995), and according to Holdaway (1997b), in most routine situations, race as a social construct acts as a tool for differentiation which seems relevant to a white police officer (p. 395). In this sense, team members accept the rank-and-file definition and practice of police work and the values that underpin it, including the idea of how the society should be policed, which, in turn, can lead to stereotyping of the immigrant minority (p. 393). What is argued here is that common attitudes and beliefs are valuable practical resources for police officers, but they should be aware that they can have a negative effect, too, on their conduct or behaviour. Lee (1981) was right when stating that to be overpoliced sometimes means to be underprotected (pp. 53-54).

The negative results of stereotyping are numerous, but one concrete example is the frequent use by police of “stop and search” of members of particular groups more frequently than others. Empirical studies tend to suggest that ethnic minorities are more than four times more likely to be stopped and searched by the police than whites. This is the first study of its kind in Turku, and our findings revealed that members of immigrant minorities are frequently stopped and asked what they are doing, where they are coming from, and where they are going. This kind of conduct is not being discussed or debated in public discourses, and for this reason, some officers may still consider this to be a normal and harmless way of carrying out police work despite the fact that their asking these kinds of annoying questions of immigrant citizens has consequences. As more African immigrants encounter this kind of behaviour, they develop a significant negative perception of the motives behind such questioning, which causes anger and resentment among many African immigrant citizens. Similarly, Holdaway (1996) has argued that although police stop and search exercises may be accepted as a routine practice by officers, this conduct disproportionately exposes immigrant minorities to an infringement of their liberty and thereby disadvantages them, which amounts to indirect discrimination (p. 19). At this point in time, the police are likely to face a hostile individual while carrying out their function in the society, and as a precaution, they ought to be on their best behaviour (Reiss, 1971, p. 48).

Going by this argument, it would seem much more difficult for the police to be neutral. For instance, immigrants and ethnic minorities are generally sensitive to the act of police stop and search as well as police suspicions as studies in the United States have indicated (Skolnick & Bayley, 1986). The police stop and search as well as their suspicions of ethnic minorities have also been analysed across Canada and Europe (Holdaway, 1996; Reiss, 1971; Skogan & Hartnett, 1997). This gave rise to the concept of community policing, which is aimed at improving relations between communities and the police. Research findings in the UK by Skogan and Hartnett (1997), for example,
stressed the need for community policing. According to these authors, community policing goes beyond civil relations between the police and the public. It also includes the call for mutual cooperation, friendly relations, as well as a partnership between the police and the citizens in solving crime problems within the society. In theory, all these are the attributes of good police institutions across the world. A good police institution should include a section that continues to build and work on the relationship between the police and the citizenry. This tenet is also adhered to in the political spectrum. Where this does not happen, all inappropriate acts or actions by the police immediately undermine their credibility in the eyes of the public. One example would be the Rodney King beating perpetrated by four white Los Angeles police officers in 1992, and the Stephen Lawrence inquiry in the UK in 1993, which resulted in a media scrutiny of the two police institutions in regards to police racism. This has undoubtedly led to campaigns in the U.S. to improve police behaviour (Cooper, 1999). Whether the Finnish police have been disrespectful to the African minority in the recent past is the aim of this study, which may lead us to prevent tensions in the relations between the two groups. Our emphasis will now shift to the methodology applied in this research.

**Method**

Volunteers were solicited in a number of places visited by African immigrants, ranging from African shops, cafes, the University library, and restaurants. Many of these interviews were, in fact, conducted in student restaurants. By nature, racism among the police is a controversial area of inquiry because of the high rating the Finnish police get among the population. The second obstacle was the people who were to be interviewed for the research. Some few courageous colleagues even warned me that because of the sensitive nature of this kind of research, I should not be surprised to see that my papers are often rejected for publication as most Finns are still unwilling to accept their police being criticised openly about bias policing. Fortunately, the opposite seems to be the case. During the time the author spent talking to both African immigrants and the Finnish police, he could sense an eagerness on both sides to share their experiences with the author.

**Participants**

One hundred and twenty African immigrants living in Turku were selected in a manner that reflected as closely as possible the local distribution of Africans: by the region they came from in Africa, and by their number and religion, and then they were asked to complete questionnaires (Egharevba, 2005). As the immigration of a large number of Africans into Finland and the City of Turku is a recent phenomenon, it was not surprising that a plurality of the respondents were refugees (39; 40%). They had also lived in Finland for more than six years prior to the data collection (a condition for inclusion in the study). The naturalised citizens numbered 27 (28%), and those with permanent resident status were 31 (32).

The present study data on the impact of disrespectful police behaviour on the respondents in their encounters with the police can be divided into these general categories:

1. Sample of African immigrants in which they were asked to specify how they would respond to a variety of different hypothetical scenarios involving disrespectfulness and unfairness in their encounters with the police
2. The analysis of the filled-in questionnaires and interview questions
3. Literature reviews dealing with police discretion, stereotypes, and prejudice

Measurement Instrument

The coding is presented as an overview of the dependent and independent variables in the present study and was designed to access the respondents’ views of their encounters. The respondents’ encounters with the police were measured by their perceptions of whether the police were responsive, fair, and respectful and if they cared about the citizens’ safety, or were simply there to maintain their mandate of enforcing the law and order. The respondents were also asked to use a four-point Likert Scale, ranging from “very strongly agree” to “very strongly disagree.” The choice of the respondents’ encounters with the police as a dependent variable requires some clarification. This is because the purpose of this study was dictated by the number of assaults the respondents alleged they had experienced in Turku in the 12 months prior to the data collection stage. The author was of the opinion that the number of assault incidents would be crucial to the theoretical argument that was being employed in the present research study. The data suggest that previous experiences with the police prior to the respondents’ arrival in Finland intensified many of the respondents’ lack of trust in the police even in Finland. This conclusion should not be taken to mean that there are no discriminatory tendencies among certain groups of police officers in Finland, however.

Dependent Variables

Encounters with the Police Prior to Coming to Finland

A combination of four items were used, which included the following questions:

- In your country of origin, do you trust the police to be fair and just in their dealings with you? How fair and respectful are they to you as citizens?

- Would you agree or disagree in this situation that the police are not able to do a good job of making sure the citizens are safe at night due to the corrupt practices among its rank and file?

- Would you also agree or disagree that the police officers involved in such activities do not care much about citizens’ safety in any sense of the word? How serious do you think this is? In spite of these kinds of problems associated with policing in many of your countries of origin, do you still trust such a police organisation to treat you fairly and respectfully?

- On an individual level, do you think that the police in Finland provide you with protection against violations of your rights as a human being? This is despite your experiences with the police in your country of origin prior to coming to Finland.

- Do you consider being stopped and searched by the police in Finland to be an infringement of your rights and freedom of movement within the country?
What do you think about the lack of recruitment of immigrant minorities into the police force in Finland? Would you agree or disagree that this could be partly responsible for the unsympathetic behaviour of the police toward you in this country?

Independent Variables

Information was collected on four demographic variables: (1) age, (2) gender, (3) education, and (4) race. The race variable was coded as 1= Arab and 0= Black African. For the purpose of the analysis, an attempt was also made to look at crime-related variables such as victim of assault, fear of crime, disorder in the neighbourhood, and the collective security concept.

Victim of Assault/Battery: This was measured by five items to which the respondents’ answers were either “yes” or “no.” Four other items were specifically listed in property damage, including smashing of car windscreen, car vandalism, bicycle theft, storage areas being burgled, and personal items being damaged or stolen.

Fear of Crime: This was assessed by asking the respondent questions such as “Since you have resided in Finland, have you had any cause to be afraid or worried about your being a victim of crime? How many times have you felt afraid in the past 12 months?” This line of questioning was chosen because, unlike other measures that have been used in research of this nature, the concept of fear as used here should be understood as a background to the dependent variables. This was to assess whether African immigrants were actually afraid or worried over the potential of being a victim of assault on the street or at home.

Disorder in the Neighbourhood: This was measured using Skogan’s (1987, 1990) models in which items comprise physical disorder (e.g., “garbage”) and social disorder (“teenagers hanging out on the corner of the neighbourhood”). The respondents were asked whether the above-mentioned disorder was 1 “a big problem”; 2, “some problem”; or 3, “not a problem.” The reliability of these answers was tested by analysing the percentage of those who agreed that this behaviour was a problem.

The Collective Security Concept: This was measured by items regarding the willingness of the respondents and their neighbours to assist the police by providing the police with information in order to resolve crimes and by their reporting of any suspicious behaviour to the police. This was assessed using a four-point “Agree” or “Disagree” Likert Scale to test this concept.

Procedure

Data was collected in Turku for a period of 17 months (between 2001 and 2002) with the help of a completed questionnaire by 120 African immigrants. In addition, volunteers were solicited to canvas a number of places visited by African immigrants in the City of Turku, ranging from African shops, cafes, and the University library. Semistructured interviews were conducted with 97 volunteer African immigrants who had resided in Finland for at least six or more years prior to the data collection and those that satisfied the criteria set for the study: being refugees, naturalised citizens,
or those with permanent resident status. The interviews centered on the issues of police disrespect and unfairness. Each interview lasted between 60 to 90 minutes on a one-on-one basis or in a group of five persons. The semistructured interview format that was used relied heavily on a sequential probe to pursue leads provided by the respondents. This method allowed African immigrants to identify and elaborate on important encounters they have had with the police. The data was analysed using a qualitative method for their encounters with the police prior to coming to, and while in, Finland. The respondent ages range from 20 to 50+. Out of this number, 65 (67%) were male and 32 (33%) were female. The first question focussed on African immigrants’ encounters with the local police prior to coming to Finland. The second question was in regards to African immigrants as a target of policing in Finland. The final question concerned the location where most of these acts of alleged disrespect toward the participants occurred. Of the total number of respondents who filled in the original questionnaires, 23 had their questionnaires discontinued because of incomplete or missing vital information and also because of their reluctance to participate in the one-on-one interview due to their fear of reprisal. This analysis is therefore based on N=97 respondents’ responses.

Findings

Retrospective consideration of the research data and its interpretation in the present study raises an issue at the heart of the research. The author was not surprised that many of the participants agreed that this was a much-needed research project at the very outset of the investigation. The principal issue of interest was that of police disrespect. The focus of the present contribution is the reliance on age, gender, marital status, education, religion, and broader cultural distinctions, which appeared to be appropriate in this context. Some of the problems examined were quite specific, such as police encounters with African immigrants especially in unpleasant situations, either after a fight or after encountering battery on the street, or after being refused entry to a restaurant or being verbally abused on the street. All these experiences have consistently affected the way African immigrants view the Finnish police (Egharevba, 2005). These assertions by African immigrants are contrary to the opinion of the majority of Finns, yet it was not the aim of this study to dwell on this aspect of the majority’s encounters with the Finnish police, for that is beyond the scope of this present work. This is not to say that the police do not disrespect some of the Finnish majority citizens, too, but the alleged disrespect of African immigrants is the focus here.

Table 1 consists of the characteristics of the respondents in the study. Of the 97 African immigrants who participated in semistructured interviews, 65 were male (67%) and 32 (33%) were female; 71% were black Africans and 29% were North Africans; 40% were refugees, 28% were naturalised citizens, and 32% were holders of permanent resident status. Of the total, 69.8% were married. According to some of the respondents, the disrespect and unfairness they had encountered was overwhelmingly subtle in nature not overt—for example, in their being looked down upon and frequently being treated impolitely. Twenty-nine males in the age bracket 31 to 40 (44.6%) felt that they had experienced disrespect in an encounter with the Finnish police, and an additional 23 persons in the male, age 20 to 30 category (35.4%) also claimed to have experienced disrespect. This amounts to 80% of the males having experienced disrespect. In the female category, 13 persons in the age 20 to 30 category (40.6%) have encountered disrespect, while another 11 persons in the age bracket 31 to 40
(34.4%) alleged the same. This means 75% the female group have experienced similar disrespect from the local Finnish police. What is clear is that some of the respondents’ level of understanding of the Finnish language was still poor: 18 males and seven females (24.7%).

By Finnish standards, the refugees were on the whole poorly educated: 49.2% of the males had completed only 12 years of formal education, while in the female category, lower education accounted for 59.4%. In the data analysed, a majority of the 97 respondents, 51 (53%), had received their formal vocational education in Finland, compared with 30 (31%) who had some sort of formal education prior to coming to Finland. In the religious category, 35.4% of the males were Christians compared to 40.6% of the females; the total percentage of Christian respondents was 37.1%. In the Moslem category, 47.7% were males, while the females accounted for 53.1%; the total Moslem respondent percentage was 49.5%. In the male category, those believing in other religions formed 16.9% of the total, and in the female category, 6.3%. The total percentage of respondents in this category was 13.4%.

Table 2 is based on the question of how frequently African immigrants had encountered police disrespect in Turku as well as the locations where these encounters took place. While questioning the respondents, our emphasis was on investigating whether they often encountered the police after an incident of battery/assault on the street or after verbal abuses in public places. The author was of the opinion that this line of questioning would go a long way towards shedding light on the frequency in which the respondents encountered such incidents and how they experienced such incidents. The answers sought from the respondents were “often,” “somewhat often,” “not often,” and “never.” Their response ranges were “often,” 38.1%, and “somewhat often,” 19.6%. Together, these comprise a majority opinion of 57.7%. Those that answered “not often” and “never” accounted for 42.3%. The next questions were “How often have you encountered police disrespect at the police station or in a stop and search situation in the 12 months prior to this study?” and “If you have experienced such incidents prior to this interview, what have you done about it?” The positive responses to this question (“often” and “sometimes”) comprised 63.9%. Those who felt that these acts do not happen and had not experienced such conduct (“not often” and “never”) accounted for 36.1%.

The final question was in regards to the Finnish criminal justice system: “Do you think the penal code interpretation by the police is unfair or fair towards immigrants in Finland?” Those who felt that the criminal justice system was unfair to them represented 55.6%. This feeling was especially pronounced among those who could not understand the Finnish language and those with a low level of education. Those who were satisfied with the criminal justice system as it is presently enforced were 44.4% of the total. What was interesting was that we found respondents with basic education in this group and those who seem to understand the Finnish language; however, 57% of the respondents indicated that they had experienced disrespect in an encounter with the police on the street during stop and search, while over 63% had also encountered similar disrespect at the police station. This means that the relations between the police and African immigrants in Turku are not cordial, regardless of their perception of the fairness of the criminal justice system overall.
Table 3 was based on the respondents' willingness to report police disrespect to the authorities. The variables used to test their willingness to report their encounters include age, language skills, place of residence, population, and their encounters with the police on gender lines. The questions used to test these variables were “How would you rate your language skills?” and “What is your level of understanding of the Finnish language?” The answers sought for the language questions were “excellent,” “good,” and “bad.” In the male group, 13.9% of the respondents answered “excellent,” while in the female groups, 28.1% claimed their Finnish language skills to be of that level. Those who answered “good” in the male group were 20% of the total; in the female group, it was 40.6%. In total, then, those who stated that they spoke Finnish at a level of “good” or “excellent” accounted for a total of 51.3%. Despite these language proficiencies, sizeable numbers of the respondents failed to file a report of police disrespect to the authorities. The subsequent question was, “How would you characterise your encounter with the police in Turku in terms of their behaviour and attitude towards you as a visible immigrant?” Those who answered positively in the male group were 24.6%, while in the female group it was 59.4%; in total, 42% seem to have had excellent encounters with the police in Turku. The neutral in both cases were 17.8% of the total respondents in the study. Those who have had a negative encounter with the police accounted for 22.4% of the total. The second question was “How would you characterise your encounter with the population in Turku?” Possible answers were “cordial,” “somewhat cordial,” “bad,” and “cannot say.” In both categories, those who had answered positively were 26%, while the neutral were 21%; the negative answers accounted for 14% of the total respondents. As to the question of how they would characterise their encounters on gender lines, in the male category (A), those that answered positively were 21.4%, the neutrals were 38%, and those who answered in the negative were 19.3% of the total. In the female category (B), the positives were 31%, the neutrals were 17.9%, while the negative answers were 20.1% of the total.

Discussion

Before proceeding, the reader should be aware of the pattern of many African immigrant experiences with the police prior to coming to Finland. The majority of these African immigrants had either themselves been victims of some form of police harassment or some close family members had been victims. The form this harassment took ranges from verbal harassment to pushing and shoving to brutal assaults. By far, the most common incidents were unnecessary delays and extortion of monies from citizens by the police on the highways.

In this study, the author’s intention was to point out some of the crucial issues which led him to perceive African immigrant experiences of disrespect in Turku as being problematic. A closer look at their experiences reveals that members of the African immigrant community in Turku were only marginally positive about their encounters with the police. It has long been acknowledged in Finland that community satisfaction with the police is a vital indicator of Finnish policing outcomes. The fact that of the 97 respondents in the study with higher education, 4.6% have experienced disrespect but took it lightly because of cultural differences in viewing things compares to 49.2% of those with lower education in the male group and 59.4% in the female group. This warrants attention. Another important point is that those respondents who had been educated in Finland seem to have the issue of disrespect under control compared to those who were educated abroad. This is quite understandable, bearing in mind that those educated here in Finland are able to understand the Finnish culture and
the Finnish way of life better than those who had been educated abroad. These latter individuals sometimes result to isolating themselves and avoiding mixing with the majority because of the fear of being disrespected. This is very disturbing. As suggested by Kusow, Wilson, and Martin (1997), the essence of community policing has always been to increase police and community interactions, which of course cannot alone be expected to reduce crime nor protect African immigrants from experiencing police disrespect (p. 657). A cordial relationship with the police must come prior to implementing a strategy of recruiting police officers of visible immigrant background into the Finnish police force.

It is a fact that with the increasing number of immigrants being granted Finnish citizenship, the police forces should also reflect these differences in terms of having police officers of various ethnic backgrounds in their ranks. As Finland strides towards multiculturalism, the Finnish police will continue to have a need for people with practical information on different cultures. Looking at racism in a local setting and reading both the local and private discussions about those who had experienced this phenomenon should give us an insight into African immigrants’ thinking and how they deal with such circumstances. Many of their approaches lie, in the first instance, outside the formal channels of complaining altogether. Yet these informal channels should not be neglected in research. In localities such as the one in which this research took place, where there are individualistic stances, this kind of thinking is quite strong among those who had experienced racism. Secondly, the idea of having knowledge constitutes a critical and important point, for it is here that opinions are first formed about events, especially dramatic ones, such as the caricature cartoons of the prophet Muhammad in Denmark’s *Jyllands-Posten* newspaper in September of 2005 (Maykuth, 2006). Luckily, in Finland, we never had to experience such destruction of properties in the Finnish embassy abroad as witnessed by Denmark.

It is true that in societies such as Finland, individuals often live highly segmented lives, embedded in local traditions and networks. It is also true that these networks are vital in any area of interest to the majority. Thus, events and issues can only become public when the means exist in which relatively separate worlds of professional opinion are brought into relation with one another. We have been reminded once by Gouldner (1973) that all social theories contain a “domain assumption” about the society which is embedded in them. It is argued here that the experiences of many immigrant minorities contain powerful images of the Finnish society at their heart. These images may be diffused and untheorised in any elaborate sense, but they do serve to condense and order the view of society in which ideologies are active. They constitute both unquestioned elements of truth that carry convictions and, thus, are the source of their emotional force and appeal. These images produce and sustain an uncodified but still powerful conservative sense of Finnishness and the Finnish way of life or Finnish viewpoint which a majority of the Finns share to some extent.

It is not my intention to argue that there is an exhaustive inventory of the traditional Finnish ideology but only to identify some of the major images around which this traditionalist definition of Finnishness is constructed and organised. It is hoped that this will bring forward sustained scientific debates and counterarguments. If we turn to respectability, this concept is different to different social classes, and yet it is a universal social value. This concept touches the complex social ideal; it also touches the core notion of self-respect—for example, the saying “those who do not respect
themselves cannot expect respect from others.” This same respectability touches the core values of the world at large as it is connected to swift self-discipline, living a fulfilled life, and upholding what is generally held to be upright and decent conduct. In other words, this can be connected to the idea of self-help and self-reliance in conformity with the established social standard existing in society. According to Engels’ (1951) research findings, which is still true today, the notion that “in all ideology domains tradition forms a great conservative force. But the transformations which this material undergoes springs from class relations” (pp. 344-346).

Furthermore, the actions of some police in the area of stop-and-search, such as ordering all the African immigrant occupants out of the car and then frisking them all, does give the wrong impression to that immigrant minority group as this seems like they are being treated as criminals or at least as suspects. In addition, their being asked while driving late at night, “Where are you coming from?” seems to question one of the most cherished freedoms, freedom of movement, which the constitution guarantees to everyone within the country. This is especially problematic when immigrants are not forthcoming in answering this question. Certain groups of African immigrants feel they are treated with hostility and disrespect by the Finnish police in some instances when they are called “Nekeri” (Nigger). Of course, one is not disputing the fact that Finns have many terms for describing Africans. As some African immigrants remarked (in an interview on August 24, 2002), one has to get use to its nastiness as they are often asked to produce their car documents. According to Becker (1967), much of social control is not about the enforcement of the law but of demonstrating respect. The same author once reminded us that sociologists should side with the vulnerable within the society in order to fight the “hierarchy of credibility because . . . credibility and the right to be heard are differentially distributed through the ranks of the system” (p. 241).

One does not need to doubt this position, though first advocated many years ago, because it is still very relevant today due to the sociopolitical climate in Finland that seems to have changed dramatically due to the influx of immigrants. The question is, “Is there antagonism or tension in the relations between the police and visible immigrants in Finland?” The few available studies that have touched on this issue of African immigrant experiences with the police in Finland (Egharevba, 2005, 2006) have begun to fill in this gap by arguing that African immigrants constantly experience verbal abuse/harassment and racial attacks/racial slur abuses. The issue of disrespect becomes especially important during immigrant encounters with the police. The participating Africans in the present study seem to expect a more sympathetic Finnish police, not one that harasses. The stop-and-search described above will attest to this point that perceived harassment influences their perception of the police, which often then leads to disrespect. This depends on the level of perceived police behaviour rather than on any actual intention on the part of the police.

One does not need to be reminded here that often the professional role of the policeman or policewoman affects his or her attitude towards immigrants. This perspective can be based on a social view of prejudice. If prejudice is an attitude of citizens within the society, the police, being citizens themselves, may be expected to share this same attitude. The question is, “How are we certain that this is not true of the police in Finland?” To answer this question, we have to view individual members of the police force within the general framework, and the specific organisational role of police prejudice as a structural explanation of police/African immigrant relations that has been adopted for this present study. For instance, if
the individual policeman or -woman is constrained by his or her organisation, they
are also constrained by the society to which they belong. This is because the police
enforce and apply the law while at the same time upholding the public order. As
a result of this, the policeman or -woman sees themselves as acting on behalf of
society. Thus, in most cases, the policeman or -woman may be sensitised to any
shift in public feelings in terms of anxieties and concerns in regards to the increase
in immigration. According to Young (1999), the police tend to see themselves as
representing the desires of a “normal,” decent citizen, whenever, wherever, and in
the manner they enforce the laws.

The key areas of discretion are often influenced by the prevailing social situation
within the society. Since the influx of different immigrant groups to Finland in the
early 1990s, certain segments of the society have had strong reservations about these
increases. It is now clear that even the Finnish police were sensitised in the area of law
and order in the context of anti-immigrant feelings. Some of the most shocking fears
expressed by the police were their concerns about crime increases such as vandalism
and anti-social behaviour by skinheads and an increase in related crimes (Egharevba,
2005). Contributing to these anti-immigrant feelings are the notions that immigrants
are in Finland to misuse the welfare assistance benefits and to take away jobs. There
was a fear that the influx of so many new immigrants would become a social problem
within the society. This is still true to some extent even today. This brings us to the
fact that the police, despite being members of the Finnish population, are expected
to be less prejudiced than other members of the society. Yet, the reverse seems to
be the case, because their duty brings them into contact with every segment of the
population and more often with the immigrant minority.

This role affords the policeman or -woman the opportunity to reinforce his or
her prejudices and give them legitimacy more than other members of the society.
In addition, the police lack general normal contact with the immigrant minority,
interacting usually solely during the execution of their official duties. This also
reinforces stereotypes about these groups in Finland (Egharevba, 2005). This
becomes the norm due to the nature of policing as a profession. Police are noted as
being conservative, macho, and alienated from the general public, partly due to the
public attitude towards the profession and partly due to their inherent suspicion
of citizens as potential criminals. The police are trained to make up their minds
about a person very quickly, and to determine a suitable manner of treating such
an individual. Unfortunately, the immigrant minority is their easiest target.

Hence, the strategy should be to improve police credibility as servants of the entire
Finnish population. Bearing in mind the importance placed on the police by the
citizen in resolving crimes in our society, there is a need for this to be reflected in
police training. The police depend on the public to provide them with tips or clues
that usually lead to the apprehension of criminals in order for us as citizens to live
secure lives in a safe environment. If these vital links are lacking between the police
and immigrant citizens, the police might be caught in the middle of misconceptions
of the conservatism of the entire society. The police reflect in many ways the societal
norms and customs. For this reason, they are usually seen by the immigrants as
carrying out the mandate of the majority; thus, the police are always in control of
the immigrants as well as of the citizens in Finland as is the case in other Western
countries. An example of this is the United States as studies on African Americans
in the 1960s and early 1970s have all suggested. For example, white American
vigilantes used physical force, including death, to control African Americans who dared to confront them or would not conform to local customs. The police at that time did not offer protection to these victims of abuse. Instead, the police were tasked to impose restrictions on African Americans, and they did so regardless of their personal conviction. This is probably why the civil rights confrontations between the police and African Americans still have a profound impact on the attitudes of African Americans towards the men and women in police uniform even today.

The part played by the media is another dimension to the problem. Researchers have long suggested that it is imperative to research media-minority relations because the media play an important role in the creation of social identity (Hendry, 1995). The media provide the sources of information through which citizens gain knowledge about their countries. For African immigrants, however, attitudes and beliefs are shaped by what the media discern as public knowledge. In other words, the Finnish media are directly responsible for the way immigrants interpret the Finnish way of life, as well as the way it is considered and evaluated by its residents. The media influence attitudes in Finland by its manner of portraying immigrants and selecting the information the general public receives that people then use to make choices about their day-to-day realities. The negative depictions of African immigrants in Finland tend to be evaluated by many Finns in general as indicating that African immigrants are threatening and irrelevant to nation-building. These portrayals are damaging to the psyche of immigrants in Finland because these can effectively serve to instill inferiority complexes, especially among immigrants of African background. One example is a study done by MacGregor (2004) on the visible minority women in Canada in MacLean’s magazine over a 30-year period. It revealed the invisibility of women of colour in the national magazine. In other words, the lack of a visible minority in the Canadian media could have been because of their portrayals. A similar process could also be responsible for the lack of African immigrants in the Finnish media. Not only are specific groups excluded from the media as well as from joining the police due to the language requirements, the consequences are that media and police representation of cultural mixing has still not succeeded in Finland. There is a perpetuation of stereotypes in the ways African immigrants have been homogenised in the Finnish print media and magazines.

The lack of employment possibilities for African immigrants in Finland is quite possibly based on their race, education, and their social status as well as on their behaviour towards the majority Finns. For instance, in many cases, the way African immigrants present themselves in any encounter with the police is easily misunderstood in the societal expectation of what is right or wrong just as Goffman’s (1956) study indicated earlier. According to Black (1995), a citizen’s behaviour is seen in a normative social sense, while the normative social sense is seen by the police to be a sensitive issue. What is clear is that the sphere of police duties is centered on preventing threats to public order and on the security of persons and properties as well as their own authority and safety (Herbert, 1998; Manning, 1989). Other studies also exist, showing that police officers are more inclined to a punitive response when citizens are disrespectful (Reiss, 1971), especially when they are under the influence of alcohol, emotional stress, or mental illness (p. 51) and also when there is evidence of wrongdoing (Mastrofski, Snipes, & Supina, 1996). The most serious of police responses is suspicion that a citizen has committed a crime. Therefore, the ways African immigrants present themselves to the police tend to support the contention that the police are perceived by them as behaving in a disrespectful and discriminating manner—not only towards them but also towards other immigrants groups in Finland. While the range of the police behaviour may differ
from one individual police officer to another, it does suggest that these behaviours are unacceptable and very unfair to immigrants. The behaviours of some police officers, or their being disrespectful, is a major headache to immigrant citizens, and is interpreted to mean a method of selective enforcement of the law. Any lack of courtesy during an encounter with the police, the idea of looking down on African immigrants in cases involving them and Finns, is unacceptable in this society. Naturally, this would have to be proven in a court of law by those alleging these kind of conducts.

Selective Enforcement of the Law

This is a difficult concept to discuss with some African immigrants because the issues of race and income are distressing factors (Hawkins, 1987; Reiss, 1971; Smith, Graham, & Adams, 1991). The main issue here is the overt disrespect and discrimination tendencies that African immigrants have encountered in Turku. Certain participants alleged that some police officers who had investigated some of their battery cases have not been able to explain to them, the victims, why the investigation is taking so long to complete, nor the legal reasoning behind the discontinuance of some of the cases. These long investigatory periods are often taken by the respondents as a bad sign and as police insensitivity towards the victims of battery and assault. This lack of awareness on the part of immigrant citizens could be responsible for these allegations, which are, in most cases, not substantiated about police procedures. I am not arguing here that immigrant citizens do not have the right to complain of public official public misconduct, but there is the need for most of these groups to be made aware about the procedure in filing such complaints with the authorities in Finland.

These are unfortunately taken as a sign of police discrimination because it is not clear to most immigrant citizens that there is a set of rules and procedures that every reported crime has to undergo in order for the police to investigate and evaluate the cases on a case-by-case basis and to come to a firm conclusion as to whether to go to court or to discontinue the case due to lack of merit. Another dimension to the frequent misunderstanding of these long investigatory periods is the belief among some of the respondents that the police enforce all laws especially strictly when the victims are members of a visible minority group, which appears not to be consistent with the way the Finnish police carries out its duties in the wider society.

African Immigrants and the Lack of Courtesy in Any Encounter with the Police

This very concept has been empirically researched in the literature, and the bulk of this research is centred on the manner in which minorities are disrespected by the police. In the case of the respondents in this study, one possible issue is that it could be assumed that the allegations are based solely on assumption, not on fact. A significant number of the respondents claimed to have encountered police disrespect, however, especially those who had been a victim of the crime of battery and assault on the streets in Turku. The failure of the police lies in not exercising courtesy with the victim of the crime when they arrive at the crime scene, despite knowing full well that they are the victims of crimes; this behaviour may well stem from racism. Instead, the victims are asked by the police to produce their identification documents and their passports, while the attacker who has actually committed the crime is ignored until the issue of the victim’s identification is resolved. Why is this so? Are the police suspicious of the status of immigrant
citizens who happen to be the victim of the crime in question? Or are these questions asked solely because of the race of the victims?

It is not surprising that there are numerous answers to the above questions available in the literature of ethnic minority relations with the police. According to Bessent and Tyler (1991), research findings in the United States suggest that African Americans were more likely to report police harassment and to know someone who had been a victim of police misconduct (see also Kappeler, Sluder, & Alpert, 1994). The subtle nature of Finnish police looking down on African immigrants is similar to what African Americans believed they experienced; they felt that they received a lower level of protection than their white American counterparts (Apple & O'Brien, 1983; Cox, 1996; Egharevba, 2005; Miller, 1997; Smith & Gary, 1983; Weitzer, 2000). Nevertheless, the result of the acts of disrespect had a profound impact on the views of African immigrants and others in regards to the police. If this trend is allowed to continue and left unaddressed, it could exacerbate the fear of victimisation in addition to the already increased fear of differential treatment among African immigrants in Finland. It seems probable that this preconceived notion of the Finnish police is why it is very difficult sometimes for African immigrants to call the police for assistance in times of crisis. There is no disputing the fact that some African immigrants have experienced some form of disrespect and discrimination at the hands of the police—for example, by being called names or being insulted or for not being able to speak the Finnish language in their interactions with the police when trying to resolve a problem. Despite these issues, the police still have a duty to protect all citizens without any distinction to race or creed as the constitution of the country states.

Conclusion

Everyone deserves respect and the ability to earn respect morally or legally in any given society; sometimes this concept can be elusive in the majority population as well as in the minority. In theory, in the contemporary world in which we now find ourselves, the notion of whether a person is a member of the majority or the minority should not arise because if we are able to look at our own personal track records, of which we are not proud, they may also have included negative reactions, fears, stereotypes, and prejudices. If we then reflect on this courageously, perhaps we will be able to gain an important insight into our own behaviour. What has been discussed so far in the study points to the fact that there is a trend, that policing across the world faces similar challenges, despite the regional, cultural, and legal differences of many countries.

The findings from this study confirm the importance of a more detailed investigation that could shed some light on the social and legal analysis and situational characteristics that shape African immigrants’ attitudes towards the Finnish police. As stated in the methodology, various variables, including age, resident status, martial status, education, language proficiency, occupation, and religion, were found to be a significant predictor of African immigrants’ allegations of police disrespect. Respondents who only spoke their mother tongue at home and lacked the basic Finnish language skills were more likely to encounter disrespect than those who spoke and understood the Finnish language. This is because the lack of spoken language skills can easily be misunderstood. Those respondents who spoke and understood Finnish and were better educated tended to discount disrespect because they were able to follow all the various debates and discussions concerning immigrant issues
in the country. Among these groups of respondents were those who were active in gatherings such as civil society debates and seminars and, thus, those who frequently made contact with the Finnish citizens in the majority.

The core of this problem is that police organisations, including the one in Finland, have limited resources; therefore, there is a need to prioritise how the police relate to immigrant minority groups within the country. This is similar to Collins’ (1986) research that explored the notion that marginalised people offer a contrasting and a unique perspective on the social situation occurring within a white-dominated organisation because the majority perceive activities and behaviours from the vantage point of both nearness and being within the organisation without the detachment of being cast as outsiders within the population. Similarly, Rhode (1989) has correctly noted in his work that racial minorities experience similar subordinate treatment based on ascribed attributes and, as a result of such treatment, internalise the social values that maintain such subordination.

The present research findings on African immigrants indicate that some of the respondents are of the view that they are primarily subordinated by their lack of language skills and low education. The constitutional guarantees of equal protection and due process of the law are not privileges only for the majority; they are also internationally recognised human rights principles that apply to everybody regardless of the legal status of the individual in the society. It must be emphasised that African immigrants encountering disrespect from the police might well be influenced by the action of an individual police officer on the street or at the police station. Hence, it has become even more important that a fair advisory committee and known procedure for processing such issues of police disrespect be in place in order to avoid potential friction between the police and the African immigrant community in Turku. This much-needed programme may not have the desired effect if individuals, especially members of the African immigrant minority, are not being treated fairly in their encounters with police officers.

In view of the continuing naturalisation of African immigrants in Finland, the provision of fair, equal, and nondiscriminatory treatment to all the citizens of immigrant background should be a high priority for police officers across the country and not just for the Turku police alone. Criminological research using the structural function paradigm has suggested that one function of the police is to exercise social control and encourage people to abide by the norms of the society, bringing to justice those who do not obey the law (Brogden, 1985). If so, it is logical to ask what purpose disrespect serves in society. In this context, our analyses have indicated that disrespect may serve as a weapon or symbol of authority for the individual police officers in any encounter with African immigrants, just as the criminal serves as job security for the police.

Police officers are trained in general to be flexible and adaptive to various situations that may involve or lead to violence on the street level; however, deviation by the police from administrative orders is not only accepted but often encouraged due to the lack of accountability of some police officers, the lack of sufficient resources in their working environment, and the strong comradeship among police officers (Crank, 1998; Ron, 2000). Similarly, in other research findings, it was suggested that policing is a difficult task in general (Skolnick & Bayley, 1986; Walker, 1998; Wilson, 1989). The present author agrees totally with these arguments, but what can be seen is that, even
in developed countries like the United States, Britain, and Canada, law enforcement agencies are often faced with a lack of resources, weak support by the immigrant communities, and even criticism (Cole & Gertz, 1998; Ron, 2000). Therefore, as our study findings suggest, African immigrants’ behaviour towards the police depends on how police officers present themselves to the African immigrant(s) as well as the circumstances in which these encounters took place and the emotional state of mind of both parties. For example, African immigrants who have just encountered battery/assault on the street could be expected to be angry and also to have a negative attitude stemming from such an incident at that particular time and place.

Furthermore, the lack of regular contact between police and African immigrants tends to support the assumption that the police have yet to accept African immigrants as fellow citizens in Finland. This unfortunate fact has resulted in many African immigrants being unwilling to consider the vital role of the police in society. As an example, whenever there is a problem between a Finn and an African immigrant, these misconceptions may well lead to the erroneous conclusion that the police may not provide the security immigrant citizens need. This tends to exacerbate the tension, which usually leads to general negativity on the part of African immigrants. Secondly, during the course of the interviews, what became very clear was that some of the respondents who had been victims of assault and battery sometimes saw the attitudes of the police towards them as being that they were responsible for starting the incident that took place.

These wrong impressions lead to other suspicions. Many of the respondents tended to believe that a lack of progress in the investigations subsequently undertaken is evidence of police wrongdoing. So, in the respondents’ view, the police cannot be trusted to carry out their duties professionally under these circumstances. Thirdly, the social position of African immigrants in terms of their age, gender, education, language skills, and employment does have a profound role in their relationship with the Finnish police. Fourthly, the circumstances under which most police officers and African immigrants interact are, unfortunately, frequently highly unpleasant. Finally, we should also understand that depending on who the individual African immigrant is, his or her background and previous experience with the police can condition his or her perception of the police as being disrespectful.

Although the Finnish police are well-trained and the authorities are investing a great deal of time and effort in their training on the issues of diversity, more still needs to be done by engaging immigrant groups in Finland in mutual discussion in order to improve the police and immigrant relationship. It is logical to conclude that policing is a difficult job, sometimes one in which the police have to face life or death situations, but a more sensitive approach to treating people of different cultures and backgrounds might well serve a far better purpose than that which is presently practised.

References


**Egharevba Stephen** is a research student at the University of Turku. He received his Diploma in Criminal Law in 2003, his Certificate in Human Rights Law in 2002, and his MA in International Relations in 1998. Currently, he is at the final stage of defending his PhD dissertation in Sociology of Law at the Faculty of Law, University of Turku. He has published extensively on research focusing on comparative criminology, ethnic minority relations, and police behaviour.
### Table 1. Characteristics of the Sample Respondents

<table>
<thead>
<tr>
<th>Age</th>
<th>Male</th>
<th>Percentage</th>
<th>Female</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-30</td>
<td>23</td>
<td>35.4</td>
<td>13</td>
<td>40.6</td>
</tr>
<tr>
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<td>29</td>
<td>44.6</td>
<td>11</td>
<td>34.4</td>
</tr>
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<td>20.0</td>
<td>8</td>
<td>25.0</td>
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<tr>
<td>Total</td>
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<td>32</td>
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<table>
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<tr>
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<td>71.1</td>
</tr>
<tr>
<td>North African</td>
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<td>28.9</td>
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<table>
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<th>Percentage</th>
</tr>
</thead>
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<tr>
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<td>65</td>
<td>67</td>
</tr>
<tr>
<td>Female</td>
<td>32</td>
<td>33</td>
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<table>
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<tr>
<th>Resident Status</th>
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<tr>
<td>Refugees</td>
<td>39</td>
<td>40</td>
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<tr>
<td>Naturalised citizens</td>
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<td>28</td>
</tr>
<tr>
<td>Permanent residents</td>
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<td>32</td>
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<table>
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<th>Marital Status</th>
<th>Male</th>
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<th>Percentage</th>
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<tbody>
<tr>
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<tr>
<td>Cohabitation</td>
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<td>6.4</td>
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<tr>
<td>Divorced</td>
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<td>36.9</td>
<td>9</td>
<td>28.1</td>
</tr>
<tr>
<td>Single</td>
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<table>
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<th>Percentage</th>
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<td>Lower education</td>
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<td>Secondary education</td>
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<td>35.4</td>
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<td>21.8</td>
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<td>Vocational education</td>
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<td>12.5</td>
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<td>3</td>
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<td>2</td>
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<table>
<thead>
<tr>
<th>Finnish Language</th>
<th>Male</th>
<th>Percentage</th>
<th>Female</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
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<td>13.9</td>
<td>9</td>
<td>28.1</td>
</tr>
<tr>
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<td>13</td>
<td>20.0</td>
<td>13</td>
<td>40.6</td>
</tr>
<tr>
<td>Fair</td>
<td>25</td>
<td>38.5</td>
<td>3</td>
<td>9.4</td>
</tr>
<tr>
<td>Poor</td>
<td>18</td>
<td>27.7</td>
<td>7</td>
<td>21.9</td>
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<tr>
<td>Total</td>
<td>65</td>
<td>100.0</td>
<td>32</td>
<td>100.0</td>
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</table>

<table>
<thead>
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<th>Religion</th>
<th>Male</th>
<th>Percentage</th>
<th>Female</th>
<th>Percentage</th>
</tr>
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<tr>
<td>Christians</td>
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<td>35.4</td>
<td>13</td>
<td>40.6</td>
</tr>
<tr>
<td>Moslems</td>
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<td>47.7</td>
<td>17</td>
<td>53.1</td>
</tr>
<tr>
<td>Others</td>
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<td>16.9</td>
<td>2</td>
<td>6.3</td>
</tr>
<tr>
<td>Total</td>
<td>65</td>
<td>100.0</td>
<td>32</td>
<td>100.0</td>
</tr>
</tbody>
</table>
Table 2. African Immigrants’ Rate of Encounter with the Police

Places of Encounter: African immigrants only encounter the police after an incident of battery and assault.

<table>
<thead>
<tr>
<th></th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street</td>
<td>37</td>
<td>38.1</td>
</tr>
<tr>
<td>Police station</td>
<td>19</td>
<td>19.6</td>
</tr>
<tr>
<td>Restaurants</td>
<td>32</td>
<td>33.0</td>
</tr>
<tr>
<td>Never</td>
<td>9</td>
<td>9.3</td>
</tr>
</tbody>
</table>

Target of Policing: How often have you encountered disrespect at the police station? Or during a routine stop and search situation? Would you consider this kind of conduct to be as a result of your race? If your answer is yes, are you supposed to tolerate this act?

<table>
<thead>
<tr>
<th></th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>39</td>
<td>40.2</td>
</tr>
<tr>
<td>Sometimes</td>
<td>23</td>
<td>23.7</td>
</tr>
<tr>
<td>No</td>
<td>28</td>
<td>28.9</td>
</tr>
<tr>
<td>Never</td>
<td>7</td>
<td>7.2</td>
</tr>
</tbody>
</table>

Criminal Justice System: Is the Finnish criminal justice system fair or unfair towards you as an immigrant in Turku?

<table>
<thead>
<tr>
<th></th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fair</td>
<td>37</td>
<td>38.1</td>
</tr>
<tr>
<td>Somewhat fair</td>
<td>17</td>
<td>17.5</td>
</tr>
<tr>
<td>Cannot say</td>
<td>35</td>
<td>36.1</td>
</tr>
<tr>
<td>Unfair</td>
<td>8</td>
<td>8.3</td>
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</tbody>
</table>
Table 3. Respondents’ Willingness to Report Police Disrespect to the Authorities

<table>
<thead>
<tr>
<th>Age</th>
<th>Male</th>
<th>Percentage</th>
<th>Female</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-30</td>
<td>23</td>
<td>35.4</td>
<td>13</td>
<td>40.6</td>
</tr>
<tr>
<td>31-40</td>
<td>29</td>
<td>44.6</td>
<td>11</td>
<td>34.4</td>
</tr>
<tr>
<td>41-50+</td>
<td>13</td>
<td>20.0</td>
<td>8</td>
<td>25.0</td>
</tr>
<tr>
<td>65</td>
<td>65</td>
<td>100.0</td>
<td>32</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Languages
How would your rate your Finnish language skills?

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Percentage</th>
<th>Female</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>9</td>
<td>13.9</td>
<td>9</td>
<td>28.1</td>
</tr>
<tr>
<td>Good</td>
<td>13</td>
<td>20.0</td>
<td>13</td>
<td>40.6</td>
</tr>
<tr>
<td>Fair</td>
<td>25</td>
<td>38.5</td>
<td>3</td>
<td>9.4</td>
</tr>
<tr>
<td>Bad</td>
<td>18</td>
<td>27.7</td>
<td>7</td>
<td>21.9</td>
</tr>
<tr>
<td>Total</td>
<td>65</td>
<td>100.0</td>
<td>32</td>
<td>100.0</td>
</tr>
</tbody>
</table>

How would you characterise your encounters with the Finnish population in Turku?

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Percentage</th>
<th>Female</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cordial</td>
<td>13</td>
<td>20.0</td>
<td>9</td>
<td>28.1</td>
</tr>
<tr>
<td>Somewhat cordial</td>
<td>14</td>
<td>21.5</td>
<td>1</td>
<td>34.4</td>
</tr>
<tr>
<td>Cannot say</td>
<td>19</td>
<td>29.2</td>
<td>4</td>
<td>12.5</td>
</tr>
<tr>
<td>Not so cordial</td>
<td>11</td>
<td>17.0</td>
<td>3</td>
<td>9.4</td>
</tr>
<tr>
<td>Bad</td>
<td>8</td>
<td>12.3</td>
<td>5</td>
<td>15.6</td>
</tr>
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</table>

How would you characterise your encounters with the police in Turku?

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Percentage</th>
<th>Female</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>7</td>
<td>10.8</td>
<td>11</td>
<td>34.4</td>
</tr>
<tr>
<td>Good</td>
<td>9</td>
<td>13.8</td>
<td>8</td>
<td>25.0</td>
</tr>
<tr>
<td>Cannot say</td>
<td>13</td>
<td>20.0</td>
<td>5</td>
<td>15.6</td>
</tr>
<tr>
<td>Not so good</td>
<td>17</td>
<td>26.2</td>
<td>3</td>
<td>9.4</td>
</tr>
<tr>
<td>Bad</td>
<td>19</td>
<td>29.2</td>
<td>5</td>
<td>15.6</td>
</tr>
</tbody>
</table>

How would you characterise your encounters with police on gender lines? (A=Male)

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Percentage</th>
<th>Female</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>12</td>
<td>18.5</td>
<td>7</td>
<td>21.9</td>
</tr>
<tr>
<td>Good</td>
<td>11</td>
<td>16.9</td>
<td>9</td>
<td>28.1</td>
</tr>
<tr>
<td>Fair</td>
<td>23</td>
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<td>40.6</td>
</tr>
<tr>
<td>Bad</td>
<td>19</td>
<td>29.2</td>
<td>3</td>
<td>9.4</td>
</tr>
</tbody>
</table>

How would you characterise your encounters with police on gender lines? (B=Female)

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Percentage</th>
<th>Female</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
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<td>Excellent</td>
<td>27</td>
<td>41.5</td>
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<td>15.6</td>
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<td>Fair</td>
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<td>21.9</td>
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<tr>
<td>Bad</td>
<td>16</td>
<td>24.6</td>
<td>9</td>
<td>28.1</td>
</tr>
</tbody>
</table>
License Plate Recognition (LPR) Technology: Practical and Legal Issues for Police Implementation

Ross Wolf, Assistant Professor, Department of Criminal Justice and Legal Studies, University of Central Florida
Arthur Gordon, Commander, Orange County Sheriff’s Office

License Plate Recognition

Technology has been advancing at an astronomical pace over the past several decades, and much of it continues to find its way into law enforcement use. These advancements in technology can be seen inside any modern police agency’s patrol cars, where there are laptop computers with wireless air-card Internet access and dispatching software; cell phones with push-to-talk capability, which often act as emergency back-ups to police radios; LED flashlights; conducted energy weapons; and even handguns made from polymer materials. Even so, there have also been technological developments overlooked by many policing agencies, which are proving to be advantageous in fighting street-level crime.

One technological area which has been largely ignored by police agencies in the United States has been the advancements made in License Plate Recognition (LPR) software and hardware. Though not completely perfected yet, the technology available today can be deployed in fixed or mounted positions to detect suspicious, stolen, or wanted vehicles. Touted as a tool that could revolutionize the way police get information (Manson, 2006), LPR may someday replace the use of the radio or mobile data terminal to run license plates. Known by many other names, including Optical Character Recognition (OCR) for cars, Automatic Number Plate Recognition (ANPR), Automatic Vehicle Identification (API), Automatic License Plate Reading/Recognition (ALPR), Plate Identification System (PID), and Car Plate Recognition (CPR), among many others, the concept of this technology is to assist law enforcement by utilizing cameras and computer software to “read” a vehicle’s license plate and then compare the observed plate to records stored in a computerized list or with those listed with state and federal databases.

Each system is usually composed of several cameras that are mounted to obtain images of vehicles from positions where license plates are visible. LPR technology visually interprets the image of a license plate as seen through a digital camera into corresponding letters and numbers that are then run through a database check. The computer software focuses on the license plate and uses OCR software to interpret the string of numbers and letters. While early versions of the systems had severely low recognition rates, the technology available today is user-friendly and much more accurate. Gips (2006) reported that while “the technology works close to 100 percent in the lab” (p. 20), accuracy drops to 80 to 90% in the field, even with unobstructed, clear, and clean plates. In earlier hardware and software configurations, the digital cameras were large and bulky and connected by cable to large computer processors; these cameras had to be mounted in fixed locations with access to large power sources. Newer, smaller technology has greatly reduced
the size of these devices, allowing them to be placed in concealed locations on marked or unmarked vehicles.

While LPR has been in use in Europe for decades, the technology in the U.S. initially utilized it in parking lots for access control, and for toll road charges and violations by recording license plates. Newer systems are still in use for these purposes, but now even greater technology is employed (Zalud, 2006). The Munich Airport in Germany, for example, recently deployed a system that not only stores the vehicle data and license plate, but also records a photograph of the driver’s face (“License Plate Recognition Systems Deployed,” 2007). Systems like the one in Munich capture and recognize vehicle plate information at both the entrance and the exit of parking facilities and can be used to verify that fees were collected. Government or high-security private facilities also can use LPR as a form of initial site security. LPR software can check entering vehicle tag information against a predetermined list of registered vehicles stored in the server, and allow or deny entry accordingly. An advantage of this system is that security administrators cannot only review data if a potential security breach occurs, but they can monitor the system in real-time. While LPR products vary by manufacturer, all systems have data storage for future reference. These systems have been adapted to assist in traffic fine enforcement (including red-light running), but they have also been extremely useful in border control and in identifying wanted vehicles.

Auto theft, in particular, can be combated with the use of LPR technology. Vehicle theft is a multibillion dollar per year criminal industry, accounting for a large portion of every consumer’s automobile insurance premium. Law enforcement agencies throughout the U.S. consistently seek tools to locate and recover stolen vehicles, with the objective of making arrests that solve open auto theft cases as well as other crimes. Crime analysts often track auto theft as a precursor to robberies, so it is no wonder law enforcement agencies actively seek ways to increase apprehensions and lower auto theft rates in their respective jurisdictions (Gordon & Wolf, 2007).

While law enforcement agencies and traffic planners and engineers may approve the use of this technology, citizen groups are not always delighted about the implementation. Profit-making corporations have formed so that drivers can “fight” what is felt to be the too-long arm of the law. One such company sells a clear spray that claims to make the license plate invisible to LPR technology, particularly the cameras used to enforce toll-booth violations and red-light running. Citizen action groups are also keeping a watchful eye on police use of the technology, fearing that the images captured by the cameras might be used for unauthorized purposes or for illegitimate, unconstitutional, or wrongful prosecution.

Literature Review

Deployment of LPR technology occurred in Europe long before its use in North America. In response to IRA attacks, London set up a “Ring of Steel” of LPR devices in the early 1990s, which continue today to monitor the plates of every vehicle entering the city. One feature that made possible the early deployment of these devices in England was the relatively large size of European license plates (Manson, 2006). Britain will shortly become the first country in the world where “every journey of every vehicle will be monitored and recorded” (Gordon, 2006, p. 15).
There was not much widespread police or government use of LPR technology in North America until early 2000, when Border Patrol agents in the U.S. and Canada supported the use of a $1.2 million USD Automated Commercial Environment, which included both license plate reader equipment and cargo x-ray scanners (Gordon & Wolf, 2007; Tower, 2000). Largely as a result of political interest and in the name of national security, in 2005, U.S. Border Patrol stations along the Mexican border integrated license plate reader technology (U.S. Customs and Border Protection, 2005).

While the use of LPR technology has certainly grown over the last two decades, there has been very modest academic research on the technology. One of the most complete studies, published by the Ohio State Police Research and Development Unit, was released in February of 2005. The study, using a four-month evaluation period in 2004, was designed to determine the effectiveness of the technology in the identification of license plates. During the study, which evaluated over 1.8 million scans, the software produced 3,286 alarms, of which only 108 alarms proved to be valid matches to the “hot” list. Of particular interest in the report was the fact that stacked or small characters on a license plate could not be discerned by the reader device (Ohio State Highway Patrol, 2005).

Another report on the use of the LPR technology in the U.S. appeared in the Law Enforcement Technology journal (Simon, 2004). While this article was mostly descriptive, it reports that the Grand Larceny Auto Video (GLAVID) system had difficulty in discerning damaged plates, or plates obstructed by trailer hitches or bicycle racks. These findings were supported by Gips (2006), who reported that plates with red characters and plates with graphics (such as the Florida tag embossed with one or more colorful oranges in the center) were difficult for OCR technology to identify.

The British Home Office also conducted a study on LPR technology, reporting much more success. Through their “Crime Reduction Programme,” English Police spent £4.65 million (approximately $8,099,202 USD) on equipment and software for each of its political subdivisions. Their pilot study showed that English police officers using mobile LPR technology produced 100 arrests per officer per year, or 10 times the national average. In April of 2004, the Police Standards Unit celebrated the 10,000th arrest, claiming more than £6 million ($10,457,589 USD) of illegal drugs were recovered (Police Reform, 2004).

The Technology

Vendors of LPR technology each claim to use proprietary hardware that makes their particular system better than the competition. While some systems use color cameras, others use an infrared spotlight and infrared camera system. The advantage to an infrared system is that it is able to be used in darkness or in poor weather conditions; however, infrared systems produce only black and white photos of vehicles. The advantage to color systems is that they can be mounted inside a vehicle and acquire images through the glass, whereas infrared cameras must be mounted outside the vehicle (Manson, 2006). Whichever type of camera is used, the resultant image is then fed into a central processor unit (CPU) that then interprets the image, converting the photograph into data through the use of OCR, which is then matched against a list of plates listed in a database. While very recent systems were
not able to conduct live inquiry into a government database, many vendors claim that their systems are or will soon be able to conduct those inquiries. Currently, daily downloaded information is used to keep queries to the National Crime Information Center (NCIC) and state databases to a minimum. A result of the query is then sent to an agency-supplied mobile data terminal (MDT), usually a laptop.

Departments must be aware of the operating software the LPR software requires as some may necessitate the newest versions of operating systems, or faster data and memory chips in laptops, and may have elaborate, memory draining displays. Some vendors have taken the opposite approach and developed very slim software applications that run in the background on almost any operating system. Because the information database is closed, the software is then able to speed requests through the CPU and quickly determine if a vehicle plate matches a downloaded list of stolen vehicle plates or plates with listed alerts such as suspended registrations, felony vehicles, vehicles of interest, Amber Alert postings, sexual offenders, absconders, and sexual predators.

There are two general types of LPR units: (1) fixed (for mounting on light/sign posts) and (2) mobile (for mounting on a vehicle). Fixed configurations are generally used for areas that pose special law enforcement or traffic concerns and require a central dispatch location to verify alarms that go off from multiple locations. The central dispatch also may act as a storage facility and as a central server for the LPR cameras. Whether in a fixed platform or in mobile units, the verification of automated alarms is crucial. Even though some LPR companies tout accuracy rates at 95% or higher, software accuracy issues produce false alarms that must be verified. Personnel must be assigned to monitor the fixed LPR to confirm automated transactions, such as a criminal database check, and to verify through visual review of the plate photograph that the OCR software correctly interpreted the image. As an additional consideration when mounting fixed LPR devices, some LPR units can only read plates when vehicles are traveling less than 35 mph. Governmental and police agencies should investigate locations that are appropriate for equipment limitations before deploying them to the field.

LPRs can also be deployed by permanently mounting them on police, security, or government vehicles or they can be temporarily mounted, allowing transfer between vehicles. Permanent-mounted mobile units can be permanently installed onto a marked patrol car’s light bar; temporary-mount units make use of magnets and are positioned atop the vehicle’s roof. The magnet-mounted systems seem to work well with unmarked tactical units as the device can be easily transported and mounted on a variety of vehicles and is easily transferred to another vehicle when the need arises. An advantage of the permanently affixed light-bar unit is that there are consistent camera angles, and a single user can become very familiar with the equipment. Vendors are also now producing covert devices that can operate in a variety of conditions and applications. The applications of the covert/disguised LPR units would be limited in use only by the imagination of the agency desiring the purchase.

A majority of the units take photographs of the license plate and the vehicle simultaneously, and some vendors have global positioning system (GPS) technology built in. Photographs and data results can be stamped with the location of the LPR unit at the time the camera retrieved the information. The combination
of the photograph, GPS coordinates, time, and date stamp can aid in the location of the vehicle or in further investigation at a later time. The photographs take very little storage space, alleviating some storage space concerns of computer network administrators. Because of the capability of the collected data, downloading the information for further criminal analysis may prove beneficial.

These units have many additional potential uses in the law enforcement environment. One example can be found in the deployment of an LPR unit in a geographical area where serious crimes are routinely occurring. Investigators or analysts could compare the information collected from the LPR using the selected grid coordinates and develop a list of likely leads for further investigation, or they can place a suspect’s vehicle in close proximity to the crime. This type of application holds a great deal of potential for the end user; however, there are concerns of privacy with such a technology, and some privacy advocates may consider the storage and analysis of such information akin to “big brother.” Detractors of this technology insist that the government will track the comings and goings of ordinary citizens without regard to privacy. Because of these concerns, agencies should be aware of their constituents’ concerns and develop policies and procedures regarding storage, dissemination, and destruction of the data gathered.

Uploading and downloading of information to and from the system is critical; agencies need to enlist the assistance of their criminal justice information administrators for daily information dumps (e.g., list of stolen vehicles, license plates, felony vehicles, vehicles of interest, etc.). Stand-alone units require either a connection to the agency’s network via a LAN, WAN, or wireless air card (e.g., CDPD or 802.11g secured site); systems can also be tied together with a dedicated server in which information is collected in real-time from criminal justice networks and then relayed to the LPR. To answer community concerns, agencies must also consider when to destroy photographic and other data recovered during each shift, and to create written policy and protocols (Gordon & Wolf, 2007).

A positive “hit” on a plate usually will include information found in a records check, including the vehicle description, date of theft, originating agency, hazards associated, and suspect information associated with the vehicle theft. Depending on the type of system and settings, the system may also produce an audible or visible alarm. In addition, some vendors have developed functions that allow investigators to set up special protocols. One example is the ability to set the system up so that it does not generate an alarm for the LPR unit that encountered the vehicle of interest; rather, the system sends an alarm to the investigator who had previously requested the information.

For fixed units, “geo-fencing” of a location can be considered for investigation of certain types of crime. An example of geo-fencing could be in the monitoring of sexual predators as this classification of offender is usually forbidden from certain common types of locations such as schools, playgrounds, parks, and childcare centers. An agency could decide to geo-fence one or several of these locations through the use of stationary LPR cameras. Offender license plate information can be listed in the LPR database, and the system could send an alarm on a sexual offender present in the geo-fenced area to a central dispatch location, to marked patrol vehicles, or to a designated investigations unit. Officers could then investigate and verify if a violation has occurred by the offender being in the area.
Conclusion

In summary, the use of LPR technology has some legal considerations, and it needs additional improvement in accuracy; however, no technological tool is perfect, especially one so new. The current technology can improve the quality of police service to the community, providing an efficient use of personnel. Of considerable importance to agency administrators and departments considering this tool would be community concerns over recorded data, including considerations of how long to keep the data. Even the perception of abuse with LPR camera data could undermine an agency’s reputation with a community.

While the LPR software and equipment are far from perfect, police agencies should consider this technology as a significant resource for combating crime. There continues to be potential for significant growth in the resources available to law enforcement in this area, making LPR a practical tool for police in combating terrorism, auto theft, and many other criminal activities.

References


Ross Wolf is assistant professor of Criminal Justice at the University of Central Florida and holds a Doctorate degree in Higher Education Administration and Education Leadership. He has over 16 years of experience as a law enforcement officer, having served in patrol, criminal investigations, and with a plainclothes tactical unit with the Orange County (Florida) Sheriff’s Office. Dr. Wolf holds several advanced training certificates from the Florida Criminal Justice Standards and Training Division, including Law Enforcement Instructor, Criminal Law, and Investigative Interviewing. Dr. Wolf continues to serve as Division Chief with the Orange County Sheriff’s Office Reserve Unit and continues to teach at the Criminal Justice Institute Police Academy in Orlando. Dr. Wolf has focused his research on tourism policing, campus law enforcement, police use of force, police management, and international policing.

Arthur Gordon is a commander with the Orange County (Florida) Sheriff’s Office and has been in law enforcement for over 20 years. Commander Gordon earned a Bachelor’s degree from Columbia College, and a Master’s degree from the University of Central Florida. Most recently, Commander Gordon supervised an undercover tactical auto-theft recovery unit. He began his career with the Broward County Sheriff’s Office as a Detention Deputy Sheriff and then worked with the Florida Highway Patrol as a State Trooper, assigned to the Fort Lauderdale’s Troop L and Turnpike Troop K. During his tenure with the Orange County Sheriff’s Office, he has worked a variety of assignments, ranging from uniform patrol to undercover narcotics and vice enforcement.
Cluster Efficiency Analysis and the Effects of the Operating Environment on the Technical Efficiency of Police Organizations in the State of Florida

Jeffrey W. Goltz, PhD, Commander, Professional Standards Division, Orlando Police Department

Police Service Delivery

The delivery of a good or service by government employees is known as direct government. Direct government is deeply rooted in American history, and a classic element of this concept involves police functions (Leman, 2002). Leman emphasizes that direct government is particularly appropriate in situations where performance cannot be easily left to chance and where no effective market exists. Furthermore, direct government uses bureaucracy to mobilize and carry out decisions, does not have to create its own special administrative apparatus to produce its effects, forces individual or group behavior, structures and delegates formal authority, integrates around a culture and mission, sanctions personnel, secures and accounts for financial resources, and is quite visible. Undoubtedly, the delivery of police services meets all of the characteristics of direct government.

Police organizations use bureaucracy to mobilize and carry out decisions, and to secure and account for financial resources. They are the most visible form of government in today’s society (Leman, 2002). Moreover, police departments operate in open systems and confront ever-shifting and changing environments. A natural open systems model suggests that an organization’s structure is based on the requirements, or “contingencies,” of its environment. In open systems, an organization’s interaction with its environment affects its performance (Wan, 1995). The greater an organization’s fit between the environment and structure, the better its performance (Hendrick, 2003). Additionally, an open system places great emphasis on the environment as both a source of input to the organization and a consumer of the organization’s outputs (Fyfe, Greene, Walsh, Wilson, & McLaren, 1997). Simply stated, an organization’s inputs and outputs makes up technical efficiency and this efficiency is contingent on its service environment.

A police department is the most fundamental local government agency, representing the ultimate power of government (Poole, 1980), and is an extremely expensive enterprise (Walker & Katz, 2002). Like any other government service, policing is essentially a business activity and requires the allocation of scarce resources, priority setting, and cost control. Police budgets have grown much faster than the rate of inflation (Poole, 1980) because personnel costs consume about 85 to 90% of a police department’s budget (Walker & Katz, 2002). Because doing more with less has become a reality for a number of police departments, police administrators are being challenged to demonstrate the cost-effectiveness of operations. Police budgeting is strategic, managerial, financial, and a political activity that involves intense competition for funds among government departments (Fyfe et al., 1997). Undoubtedly, the scientific
measurement of police service delivery at the organizational level is a very important and contemporary topic that is still in its exploratory stages.

**Police Performance Measurement**

Although the scientific analysis of police organizational efficiency is developing, the performance of police service delivery has been a topic of discussion since the late 1800s. Early attempts to arrange policemen and patrol beats were based on guesswork, and police chiefs at the turn of the last century took the brunt of taxpayers’ demands when they wanted to know what they were getting for their money. By the 1920s, Berkeley (CA) Police Chief August Vollmer had his patrolmen keep records of the type of duties they performed and the amount of time it took for each particular job. In the 1930s, Wichita (KS) Police Chief O. W. Wilson devised a plan for determining patrol districts based on the number of complaints, arrests, and property losses due to crime. By the 1970s, the conscientious study of police performance measures and their impact on police organizations were a new phenomenon (Young, 1978). Since the 1980s, governments at all levels have focused on performance to make government more productive and responsive (Hendrick, 2003), and the performance of the police should be judged in terms of efficiency: the benefits and costs of police activities.

Efficiency has become a priority as governments search for operational methods that are cost-effective due to budget concerns, and public and political scrutiny of expenditures (Salamon, 2002). Furthermore, efficient performance maximizes outputs with limited inputs and saves taxpayers’ money while avoiding waste. Measures that directly address the efficiency and quality of police services can be of considerable value in the search for top performers and standards of performance (Ammons, 2001). Operating performance provides an evaluative reference and an indication of past and present adaptation of an organization to the environment. The investments made in the police must be examined in relation not only to its population and the territory served, but also to the unique responsibilities of this service industry, especially in regards to the number of crimes and to citizen calls for service (Bayley, 1994).

**Study Purpose**

The purpose of this study is two-fold: (1) to introduce and examine technical efficiency of police organizations and identify efficiency performance, and (2) to confirm the effects of several environmental constraints on police organization efficiency in the State of Florida. To comprehensively discuss and illustrate both purposes, the study is divided into two analytical sections. The first section discusses technical efficiency, or the combination of multiple inputs and outputs, and introduces a nonparametric statistical technique called Data Envelopment Analysis (DEA) that generates a relative efficiency score for each police organization in the study. The second section introduces a confirmatory multivariate model used to illustrate the effects of two exogenous constructs, Propensity of Crime and Social Economic Disparity, on police organization efficiency. For the first time, DEA and Structural Equation Modeling (SEM) have been used together to identify efficiency of police organizations and confirm the causal effects of environmental constraints on the technical efficiency of police organizations. Previous studies of police technical efficiency have not employed comprehensive perspectives, and this methodology can resolve the limitations of conventional statistical methods.
Analytical Section I: Technical Efficiency in Police Services

The work and process methods performed by an organization defines an organization’s technology. According to Pugh, Hickson, Hinings, and Turner (1995), technology is defined as the sequence of physical techniques used upon the workflow of the organization. Organizational scholars define technology more broadly to include social technologies. Social technologies in policing are the result of strategic decisions about how police work should be accomplished, and the core technology of the police centers on encounters with citizens (Maguire, 2003). Furthermore, this technology is described as the sum of the ways the police handle or respond to these encounters, and the enduring core technology of policing, basic patrol, and investigation services has only evolved slightly over the past half century (Brodeur, 1998).

Organizational researchers have regularly employed measures of technology in models of organization structure and process, and technology has been measured in a variety of ways by researchers (Maguire, 2003). Moreover, technology has become increasingly important as a determinant of organizational structure and function (Pugh et al., 1995). In policing, technical efficiency is a combination of multiple inputs and outputs and is a comprehensive measure of performance. The core technology of policing has not changed much over time, but its measurement has now intrigued many government officials and the public, and it is quite complex. The analysis of production relationships in the police service industry dates back to the early 1970s and has burgeoned since the mid-1990s.

As the trend to study police service has evolved over the past few decades, a number of studies in the police literature have assessed efficiency, many utilizing DEA. Table 1 lists prior studies that have employed DEA and the technical performance indicators used in the studies.

Table 1: Police Service DEA Studies

<table>
<thead>
<tr>
<th>Study</th>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thanassoulis (1995)</td>
<td>Number of crimes (violent, burglary, other), number of crimes cleared, staffing</td>
</tr>
<tr>
<td>Carrington et al. (1997)</td>
<td>Inputs – police officers, civilian employees, capital equipment (police cars) Outputs – arrests, recorded offenses, summons, car accidents, kilometers traveled by police cars</td>
</tr>
<tr>
<td>Nyhan &amp; Martin (1999a)</td>
<td>Inputs – department costs, total staff (sworn and civilian) Outputs – crimes, response time, crimes cleared</td>
</tr>
<tr>
<td>Drake &amp; Simper (2000, 2002)</td>
<td>Inputs – employment costs, operating expenses, capital Outputs - clearance rates, traffic offenses</td>
</tr>
<tr>
<td>Drake &amp; Simper (2001)</td>
<td>Inputs – employment costs, capital Outputs – beat patrol time, clearance rates, calls for service, response times</td>
</tr>
<tr>
<td>Sun (2002)</td>
<td>Inputs – number of officers, recorded crimes Outputs – number of crimes cleared</td>
</tr>
<tr>
<td>Drake &amp; Simper (2004)</td>
<td>Inputs – staff costs per member, transport costs, capital costs Outputs – crimes solved, emergency calls</td>
</tr>
<tr>
<td>Drake &amp; Simper (2005a)</td>
<td>Inputs – number of crimes, budget revenue Outputs – offenses cleared, sick days lost</td>
</tr>
<tr>
<td>Drake &amp; Simper (2005b)</td>
<td>Inputs – number of crimes Outputs – offenses cleared</td>
</tr>
</tbody>
</table>
Most DEA studies of police efficiency over the past decade have been conducted in England and Wales. As an example, Thanassoulis (1995) assessed 43 police forces from England and Wales with DEA by setting their crime clearance levels against crime and staffing levels. In one of the first studies to analyze external factors of operating environments to explain the variation in technical efficiencies across police patrols, Carrington, Puthucheary, Rose, and Yaisawarng (1997) assessed 163 police patrols in New South Wales using a two-stage procedure: DEA and regression. Their results indicated that differences in operating environments, such as location and socioeconomics, did not have a significant influence upon the efficiency of police patrols in Wales. Similar to the results in the Carrington et al. study, Sun (2002) assessed 14 police precincts in Taipei City, Taiwan, using DEA and regression and discovered that differences in the operating environments, such as resident population and location factors, did not have a significant influence on the efficiency of the precincts.

Nyhan and Martin (1999a) introduced the first police services DEA study in the United States. This exploratory study assessed the performance of municipal police services of 20 police departments. The input variables in the study included total department costs and total FTEs (full-time equivalent employees), and the output or performance variables were total Uniform Crime Report (UCR) Part 1 crimes per 1,000 population, average response times to calls, and percent of UCR Part 1 crimes cleared. Similar to the study conducted by Carrington et al. (1997), Nyhan and Martin included uncontrollable input variables in their DEA analysis: population, median income, and geography (square miles of city). Nyhan and Martin concluded that DEA was able to assess the relative performance of municipal police services using multiple input and performance variables, derive optimum weights for all input and output performance variables without relying on the priori assignment of weights, identify benchmarking opportunities for inefficient police departments in the study, and estimate potential cost savings. That same year, Nyhan and Martin (1999b) also published a qualitative article that discussed the significance of DEA as a powerful analytical tool capable of identifying best practices in the public sector.

From 2000 to 2005, Drake and Simper have published at least six DEA studies from their research in the United Kingdom and one qualitative article that discussed the evaluation in the choice of inputs and outputs in the efficiency measurement of police forces. Undoubtedly, they appear to be the leaders in police efficiency research using DEA due to their extensive focus and research efforts: optimal size and structure of police forces (2000), advancement of a hybrid model that utilizes data from reactive and preventive methodologies (2001), police force efficiency analysis using parametric and nonparametric techniques to determine X-efficiency and scale economies (2002), use of DEA to analyze allocative efficiency as well as technical efficiency (2004), a nonparametric modeling strategy to demonstrate that environmental factors can have a significant impact on the efficiency of individual police forces (2005a), and relative efficiency measurements in the context of a pure production approach relating the inputs of crime to the corresponding outputs of clearance of crime.
Data Envelopment Analysis Defined

DEA has a long history in the private sector and is becoming an increasingly valuable tool for the comparative performance of government operations, including police service delivery (as indicated in Table 1). DEA is particularly appropriate for the public sector where performance data are widely available and there is no single bottom line to determine efficiency (Nyhan, 2002). The main forces behind the wide range of applications and the rapid development of DEA are mathematics, economics, operations research, and management science (Quanling, 2001). DEA has been successfully employed for assessing relative performance and comparative efficiency of a set of decisionmaking units (DMU), or homogenous operating units, that use a variety of identical inputs to produce a variety of identical outputs (Ramanathan, 2003; Thanassoulis, 2001). Most important, DEA estimates relative efficiency and does not measure absolute efficiency or compare DMUs to a theoretical maximum. In other words, DEA determines how good a DMU is doing compared to its peers in the same analysis.

DEA is a nonparametric mathematical programming technique and is similar to ratio analysis because it uses paired input and performance variables and rank orders service providers based on their relative performance (Nyhan & Martin, 1999b). DEA uses linear programming to determine the DMUs with the highest combination of input to output ratios (Nyhan, 2002). The strength of DEA is its optimal weighting characteristics. Rather than requiring the subjective and controversial task of assigning weights to the ratios by policymakers or administrators, DEA assigns mathematically optimal weights to all input and performance (output) variables. The decision criteria used in DEA assigns more weight to variables on which a DMU compares favorably to other providers in the study, and less weight to those variables on which a DMU compares less favorably (Nyhan, 2002; Nyhan & Martin, 1999a, 1999b). DEA produces a single aggregate score, between 0 and 1, and this score is a measurement of relative efficiency for each organizational unit. DMUs obtaining a score of 1 are defined as maximum efficient or achieve 100% efficiency (Dacosta-Claro & Lapierre, 2003; Husain, Abdullah, & Kuman, 2000). Scores of lower than 1 are classified as inefficient. DMUs under 1, even in the most advantageous situations, do not have a group of multipliers that would allow them to achieve a maximum performance score (Dacosta & Lapierre, 2003).

DEA is also a body of concepts and methodologies that has been incorporated into a collection of models (Charnes, Cooper, Lewin, & Seiford, 1994). The two most common DEA models, the Charnes, Cooper, and Rhodes (CCR) Model and the Banker, Charnes, and Cooper (BCC) Model, are based on differing returns to scale (Nyhan & Martin, 1999b). The CCR Model assumes “constant returns to scale,” while the BCC Model assumes “variable returns to scale.” In the CCR Model, it is assumed that all providers, large or small, will produce the same amount of output for a given amount of input: one unit of input results in one unit of output. The BCC Model assumes that an agency’s size is important. For a given amount of input, it is assumed that large providers will produce more output than smaller providers (Nyhan & Martin, 1999b; Martin, 2002). One other aspect of modeling in DEA is measures of input and output efficiency. DEA is able to provide both measures depending on whether inputs or outputs are controllable.
To enhance validity to the study’s efficiency results, the police organizations have been divided into five clusters (A through E) based on their number of sworn officers (law enforcement only—does not include corrections officers, court officers, etc.), and BCC-Input modeling is used. Table 2 lists the study cluster sizes and the number of Florida police organizations in each cluster. A total of 113 police organizations are included in this study.

Table 2: Study Clusters

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Frequency (N = 113)</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Police Organizations</td>
<td>84</td>
<td>74.3</td>
</tr>
<tr>
<td>County Police Organizations</td>
<td>29</td>
<td>25.7</td>
</tr>
<tr>
<td>Number of Sworn Officers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cluster A: Over 500</td>
<td>10</td>
<td>8.8</td>
</tr>
<tr>
<td>Cluster B: 200-499</td>
<td>22</td>
<td>19.5</td>
</tr>
<tr>
<td>Cluster C: 100-199</td>
<td>22</td>
<td>19.5</td>
</tr>
<tr>
<td>Cluster D: 50-99</td>
<td>24</td>
<td>21.2</td>
</tr>
<tr>
<td>Cluster E: Under 50</td>
<td>35</td>
<td>31.0</td>
</tr>
</tbody>
</table>

Technical Efficiency Analysis

Five technical efficiency variables were used in the study: (1) input—total police budget, (2) outputs—calls requiring police service, (3) total index crimes, (4) total arrests, and (5) total traffic citations. The data for these variables come from two sources: (1) self-reported Fiscal Year 2004/2005 police organizational data and (2) the 2005 Florida Department of Law Enforcement Total Crime Index. These variables were selected based on the intent to analyze core technical police inputs and outputs, and a high survey response (a full data set was reported for these variables).

As previously discussed, DEA is a nonparametric mathematical technique that uses paired input and performance variables and rank orders service providers based on their relative performance. Therefore, it is important to illustrate the “core” technical inputs and outputs for each organization in the study to gain a better understanding of data used in this efficiency analysis. Table 3 lists each police organization’s sworn size, technical efficiency variables, and the DEA score (IOTA) relative to other organizations in the cluster.
### Table 3: DEA Efficiency Scores by Police Organization

<table>
<thead>
<tr>
<th>Police Organization</th>
<th>Sworn</th>
<th>Budget</th>
<th>Calls</th>
<th>Index Crimes</th>
<th>Arrests</th>
<th>Traffic Citations</th>
<th>IOTA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cluster A</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miami-Dade Co.</td>
<td>3,089</td>
<td>$445,550,000</td>
<td>446,893</td>
<td>59,471</td>
<td>67,140</td>
<td>116,826</td>
<td>1.00</td>
</tr>
<tr>
<td>Jacksonville-Duval Co.</td>
<td>1,662</td>
<td>$180,704,700</td>
<td>1,125,064</td>
<td>50,177</td>
<td>52,266</td>
<td>208,578</td>
<td>1.00</td>
</tr>
<tr>
<td>Orange Co.</td>
<td>1,213</td>
<td>$138,213,089</td>
<td>301,548</td>
<td>35,100</td>
<td>24,075</td>
<td>82,000</td>
<td>0.93</td>
</tr>
<tr>
<td>Hillsborough Co.</td>
<td>1,192</td>
<td>$283,734,896</td>
<td>329,423</td>
<td>33,080</td>
<td>36,742</td>
<td>31,241</td>
<td>0.43</td>
</tr>
<tr>
<td>Miami</td>
<td>1,013</td>
<td>$112,029,171</td>
<td>363,983</td>
<td>29,455</td>
<td>39,113</td>
<td>92,698</td>
<td>1.00</td>
</tr>
<tr>
<td>Pinellas Co.*</td>
<td>901</td>
<td>$106,773,271</td>
<td>165,008</td>
<td>12,642</td>
<td>23,524</td>
<td>48,591</td>
<td>0.84</td>
</tr>
<tr>
<td>Orlando</td>
<td>706</td>
<td>$92,246,093</td>
<td>181,229</td>
<td>22,027</td>
<td>18,785</td>
<td>66,332</td>
<td>0.97</td>
</tr>
<tr>
<td>Collier Co.</td>
<td>640</td>
<td>$90,034,400</td>
<td>302,475</td>
<td>6,721</td>
<td>20,819</td>
<td>56,056</td>
<td>1.00</td>
</tr>
<tr>
<td>St. Petersburg</td>
<td>540</td>
<td>$76,203,000</td>
<td>157,472</td>
<td>20,260</td>
<td>13,767</td>
<td>45,381</td>
<td>1.00</td>
</tr>
<tr>
<td>Fort Lauderdale</td>
<td>514</td>
<td>$85,000,000</td>
<td>195,646</td>
<td>12,719</td>
<td>10,911</td>
<td>21,921</td>
<td>0.94</td>
</tr>
<tr>
<td><strong>Cluster B</strong></td>
<td></td>
<td></td>
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**Cluster C**

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<td>531</td>
<td>0.24</td>
<td>$7,489,412</td>
</tr>
<tr>
<td>Daytona Beach Shores</td>
<td>35</td>
<td>14,455</td>
<td>317</td>
<td>2,137</td>
<td>1.00</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>Taylor Co.</td>
<td>33</td>
<td>28,841</td>
<td>274</td>
<td>852</td>
<td>0.98</td>
<td>$2,600,279</td>
</tr>
<tr>
<td>Lantana</td>
<td>31</td>
<td>12,200</td>
<td>636</td>
<td>270</td>
<td>0.50</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>West Melbourne</td>
<td>30.5</td>
<td>18,928</td>
<td>664</td>
<td>729</td>
<td>1.00</td>
<td>$3,412,565</td>
</tr>
<tr>
<td>Gulfport</td>
<td>30</td>
<td>17,046</td>
<td>645</td>
<td>557</td>
<td>0.52</td>
<td>$3,668,630</td>
</tr>
<tr>
<td>Holly Hill</td>
<td>30</td>
<td>20,975</td>
<td>838</td>
<td>1,549</td>
<td>1.00</td>
<td>$2,446,200</td>
</tr>
<tr>
<td>Key Biscayne</td>
<td>30</td>
<td>11,406</td>
<td>306</td>
<td>19</td>
<td>0.34</td>
<td>$4,030,712</td>
</tr>
<tr>
<td>St. Pete Beach</td>
<td>30</td>
<td>24,661</td>
<td>638</td>
<td>414</td>
<td>0.55</td>
<td>$4,045,705</td>
</tr>
<tr>
<td>Zephyrhills</td>
<td>30</td>
<td>30,840</td>
<td>728</td>
<td>604</td>
<td>0.77</td>
<td>$3,546,796</td>
</tr>
<tr>
<td>North Bay Village</td>
<td>29</td>
<td>4,655</td>
<td>259</td>
<td>359</td>
<td>0.32</td>
<td>$3,740,000</td>
</tr>
<tr>
<td>South Daytona</td>
<td>27</td>
<td>16,215</td>
<td>482</td>
<td>799</td>
<td>0.64</td>
<td>$2,897,596</td>
</tr>
<tr>
<td>Avon Park</td>
<td>26</td>
<td>13,000</td>
<td>401</td>
<td>1,120</td>
<td>0.90</td>
<td>$2,300,000</td>
</tr>
<tr>
<td>Orange Park</td>
<td>22</td>
<td>19,710</td>
<td>279</td>
<td>860</td>
<td>1.00</td>
<td>$1,959,687</td>
</tr>
<tr>
<td>Milton</td>
<td>21</td>
<td>17,865</td>
<td>440</td>
<td>418</td>
<td>1.00</td>
<td>$1,674,842</td>
</tr>
<tr>
<td>Fort Meade</td>
<td>20.5</td>
<td>6,300</td>
<td>253</td>
<td>556</td>
<td>1.00</td>
<td>$1,170,000</td>
</tr>
<tr>
<td>Alachua</td>
<td>20</td>
<td>5,496</td>
<td>362</td>
<td>272</td>
<td>0.75</td>
<td>$1,860,500</td>
</tr>
<tr>
<td>Crystal River</td>
<td>19</td>
<td>20,110</td>
<td>363</td>
<td>492</td>
<td>1.00</td>
<td>$1,700,000</td>
</tr>
<tr>
<td>Neptune Beach</td>
<td>18</td>
<td>21,070</td>
<td>225</td>
<td>344</td>
<td>0.82</td>
<td>$2,328,457</td>
</tr>
<tr>
<td>Kenneth City</td>
<td>17</td>
<td>1,205</td>
<td>205</td>
<td>63</td>
<td>1.00</td>
<td>$1,012,471</td>
</tr>
<tr>
<td>Indian Creek Village</td>
<td>11</td>
<td>211</td>
<td>0</td>
<td>0</td>
<td>0.55</td>
<td>$1,847,288</td>
</tr>
</tbody>
</table>

* Pinellas Co. is contracted to deliver law enforcement services to 10 municipalities within that county.
On its face, the efficiency scores listed in Table 3 may make public administrators, managers, and politicians jump to quick and presumptive conclusions about the performance of the police organizations in their community. Once efficiency scores and top performers have been identified, it is very important to further investigate and research the environmental effects on the efficiency scores and take into account the significance of several environmental constraints on police organization efficiency. Through the literature and comprehensive confirmatory modeling, the next section of this study is dedicated to taking police organizational efficiency analysis to a higher scientific level in order to make educated conclusions about the efficiency scores generated by DEA.

Analytical Section II: Environmental Effects on Efficiency

To assess the basic descriptive characteristics and the relationships among the variables, univariate and correlation analyser were performed on the study variables. A multivariate analysis, SEM, was used to analyze the measurement models Propensity of Crime and Social Economic Disparity, and the technical efficiency covariance structure model (Figure 1) was used to validate the conceptual framework. Lastly, path analysis determines total causal effects of the exogenous variables on the endogenous variable of technical efficiency.

Model Variables

Multiple data sources were used for the selection of the model variables listed in Table 4: the University of Florida’s Bureau of Economic and Business Research (BEBR), the 2000 U.S. Census, the 2005 Florida Department of Law Enforcement Total Crime Index, and self-reported Fiscal Year 2004/2005 organizational data from participating police agencies. BEBR posted the most up-to-date population statistics for all local and county government jurisdictions in the State of Florida in April 2005; detailed characteristics of demographics, age, social and economic status, and education of each jurisdiction’s population were obtained from the 2000 U.S. Census, and crime data come from the Total Index Crime for Florida by County, Jurisdiction, and Offense, 2005, reported by the Florida Department of Law Enforcement (FDLE).

Table 4: Definitions of Environmental Variables and Data Sources

<table>
<thead>
<tr>
<th>Variable</th>
<th>Label</th>
<th>Description</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exogenous Variables: Environmental Constraints</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population Density ($\xi_1$)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population density</td>
<td>POPDEN</td>
<td>Persons per square mile</td>
<td>BEBR</td>
</tr>
<tr>
<td>Propensity of Crime ($\xi_2$)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population age 15-24</td>
<td>AGE</td>
<td>Percent of population that is age 15 to 24</td>
<td>U.S. Census</td>
</tr>
<tr>
<td>Population age 25 or higher with no high school education or higher</td>
<td>EDUC</td>
<td>Percent of the population that is age 25 or higher with no high school education or higher</td>
<td>U.S. Census</td>
</tr>
<tr>
<td>Minority population</td>
<td>MINORITY</td>
<td>Percent of the population that is minority (African-American, Hispanic, Asian, or other)</td>
<td>U.S. Census</td>
</tr>
<tr>
<td>Crime rate per 100,000</td>
<td>CRIME</td>
<td>Crime index is composed of the rate per 100,000 population of common crimes (murder, assault, robbery, rape, burglary, larceny, auto theft)</td>
<td>FDLE</td>
</tr>
</tbody>
</table>
The development of a meaningful covariance structure model requires the theoretical specification of the variables selected for inclusion in the constructs. Furthermore, the literature must also support the inclusion of the variables. The next three subsections offer confirmation for the variables that make up the Environmental Constraints latent construct in this study, and Table 5 lists the descriptive statistics of these variables.

**Population Density**

The costs for police per square mile in densely populated areas are significantly higher than the costs elsewhere (Clark, 1970). Population growth, as experienced throughout the State of Florida, contributes to high population density. Large, dense jurisdictions are more complex, and the more dispersed the population, the more elaborate the requirements for formal structure. For this reason, population density is included and its effect on Social Economic Disparity is discussed later in the study.

**Propensity of Crime**

The exogenous construct of Propensity of Crime is made up of four indicators: (1) the percent of population that is age 15 to 24, (2) the percent of the population that is age 25 or higher with no high school education or higher, (3) the percent of the population that is minority (African-American, Hispanic, Asian, or other), and (4) the crime rate per 100,000.

When observing general crime patterns, it is evident that youth involvement in criminal activity is a serious matter. While some teenagers are labeled deviant for a while, they usually mature out of it (Pope, 1993). Weis, Crutchfield, and Bridges (1996) report that many studies have indicated that involvement in crime increases throughout the teen years, peaks at about age 17, and drops dramatically thereafter. Statistics indicate that young people are arrested at a disproportionate rate to their numbers in the population. Youths 17 and under make up about 10% of the population in the U.S., but account for 27% of the index crime arrests and 17% of the arrests for all crimes. Conversely, adults 50 and over make up 32% of the population but only account for about 10% of arrests (Siegel, Welsh, & Senna, 2006). Undoubtedly, criminal activity is more prevalent among younger persons, and the highest arrest rates are for individuals under the age of 25 (Mooney et al., 2002).

Dropping out of high school is positively associated with later criminal activity because criminal behavior increases in the year following a person dropping out from school, and it has a positive, long-term effect on criminal behavior (Thornberry, Moore, & Christenson, 1996). According to the National Center for Education Statistics, in the year 2000, 11% of 16- to 24-year-olds were high school dropouts. Compared to those that complete high school, dropouts are more likely to be unemployed and engage in criminal activity (Mooney et al., 2002).
In addition to age and educational indicators, the literature indicates that ethnicity of a community affects crime rates and the impact on police services. At the aggregate level, a disproportionate number of African-Americans and Hispanics are imprisoned in the U.S. (Mooney et al., 2002; Phillips, 1993). In agreement, Hawkins (1993) believes that one of the most pervasive facts in America in the late 20th century is the disproportionate representation of African-Americans, Native Americans, and Latinos who are arrested, convicted, and punished for crimes. Although evidence of racial bias exists in the justice system, Siegel et al. (2006) believe that it is also possible that African-American youths are arrested at a disproportionately high rate because they are currently committing more crime. Similarly, Hawkins (1993) states that the most consistently reported findings have been the high rate of crime found among African-Americans. Although African-Americans represent about 12% of the population, they account for 33% of the crime index total (Mooney et al., 2002). In their research, Cernovich, Giordano, and Rudolph (2000) report that African-Americans are more likely to be unemployed, have lower incomes than their white counterparts, report lower levels of economic satisfaction, and report higher levels of income-generating crime.

Official statistics are used to measure crime. The UCR (Federal Bureau of Investigation’s Uniform Crime Report) and its associated Crime Index is the most well-known source of information used to measure police agency productivity. The UCR Crime Index is composed of the rate per 100,000 population of common crimes, and it is only based on each jurisdiction’s residential population (Fyfe et al., 1997). Crimes exemplified in the UCR Crime Index are murder, assault, robbery, rape, burglary, larceny, and auto theft (Swanson, Territo, & Taylor, 2001). Not only does the UCR list crime rates based on the crimes committed per population, it also lists the actual number of crimes and the percentage of change over time (Mooney et al., 2002). Crime rates tend to be higher in big cities or in urban areas than in small towns or suburban and rural areas, and in 1999, both violent and property crimes were highest in southern states (Ammons, 2001; Mooney et al., 2002).

Social Economic Disparity

The exogenous construct of Social Economic Disparity is made up of three indicators: (1) the percent of population under the poverty level, (2) the percent of population that is unemployed, and (3) the percent of population that rents and does not own their residence.

A theoretical approach to establishing a framework for thinking about an individual’s involvement in crime is the investment in human capital and earning power: both achieved through education and the experience of working for income (Phillips, 1993). Unemployment rates are tied to educational status (Mooney et al., 2002). Most crime in this country is born in environments saturated in poverty, where the unemployment is highest, and where the education is poorest. Crime is heavily concentrated in the small geographic areas of inner cities and in pockets of rural poverty (Clark, 1970), and Phillips (1993) notes that a higher intelligence quotient significantly decreases the probability of arrest. Moreover, crime is more prevalent in poorer neighborhoods, and low-income citizens are the heaviest users of police services (Walker, 1992).
Housing costs represent a major burden for the poor in the United States. The lack of affordable housing has produced a housing crisis that increasingly affects the poor. In the late 1990s, rents rose about twice as much as the consumer price index, and the increases in rent now exceed inflation everywhere in the country. In 1999, more than four million households received some form of public housing assistance. The concentration of poor families who live in federal rent subsidized housing or Section 8 housing remains in low-income areas where crime is higher. Moreover, the Center for Budget Policy Priorities reports that the number of low-income renters has increased by 70% in the past 25 years (Mooney et al., 2002).

Table 5: Descriptive Statistics for Study Variables

<table>
<thead>
<tr>
<th>Variable Construct</th>
<th>Label</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population Density Construct</td>
<td>POPDEN</td>
<td>19.94</td>
<td>21,660</td>
<td>2,728.96</td>
</tr>
<tr>
<td>Propensity of Crime Construct</td>
<td>AGE</td>
<td>2.7</td>
<td>32.6</td>
<td>11.89</td>
</tr>
<tr>
<td>Propensity of Crime Construct</td>
<td>EDUC</td>
<td>4.3</td>
<td>47.3</td>
<td>18.28</td>
</tr>
<tr>
<td>Minority population</td>
<td>MINORITY</td>
<td>1.9</td>
<td>65.2</td>
<td>19.56</td>
</tr>
<tr>
<td>Crime rate per 100,000 population</td>
<td>CRIME</td>
<td>1,515.4</td>
<td>11,986.7</td>
<td>4,771.56</td>
</tr>
<tr>
<td>Social Economic Disparity Construct</td>
<td>POVERTY</td>
<td>2.5</td>
<td>33.1</td>
<td>12.46</td>
</tr>
<tr>
<td>Social Economic Disparity Construct</td>
<td>UNEMP</td>
<td>.60</td>
<td>9.5</td>
<td>3.16</td>
</tr>
<tr>
<td>Renter-occupied rate</td>
<td>RENT</td>
<td>12.2</td>
<td>70.9</td>
<td>32.3</td>
</tr>
<tr>
<td>Performance Indicator</td>
<td>IOTA</td>
<td>.24</td>
<td>1.0</td>
<td>.74</td>
</tr>
</tbody>
</table>

Confirmatory Analysis: Structural Equation Modeling

A structural equation model (Figure 1) is a confirmatory approach that specifies the causal relationships among latent exogenous and endogenous variables that have been identified from the observed variables through a measurement model. SEM defines the causal links among the latent variables and the effects of the exogenous variables factored in the measurement model. The computer program, *AMOS (Analysis of Moment Structures)* 5.0, was used to create the models in this study that are precisely confirmed. *AMOS* is a *Microsoft Windows* program made up of two modules: *AMOS Graphics* and *AMOS Basic*. Models are drawn, modified, and aligned using *AMOS Graphics*.

Although the covariance structure model is quite complex, there are four paths that are significant to this study of environmental effects on police organization efficiency: (1) POPDEN ↔ Propensity of Crime, (2) POPDEN ↔ Social Economic Disparity, (3) Propensity of Crime ↔ Social Economic Disparity, and (4) Social Economic Disparity → IOTA. Similar to the itemized illustration of study variables in the prior analytical section (Table 3), it is important to illustrate all of the environmental variables for each organization in this section to gain a better understanding of the purpose of the study model. Table 6 lists each police organization’s environmental variables and the DEA score (IOTA) relative to other organizations in the cluster.
Figure 1: Technical Efficiency Covariance Structure Model
<table>
<thead>
<tr>
<th>Police Organization</th>
<th>POPDEN</th>
<th>AGE</th>
<th>EDUC</th>
<th>MINORITY</th>
<th>CRIME</th>
<th>POVERTY</th>
<th>UNEMP</th>
<th>RENT</th>
<th>IOTA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miami-Dade Co.</td>
<td>1,244.6</td>
<td>13.3</td>
<td>32.1</td>
<td>30.3</td>
<td>5,241.2</td>
<td>10.0</td>
<td>5.0</td>
<td>42.2</td>
<td>1.00</td>
</tr>
<tr>
<td>Jacksonville-Duval Co.</td>
<td>1,136.1</td>
<td>13.9</td>
<td>17.7</td>
<td>35.5</td>
<td>6,136.9</td>
<td>12.2</td>
<td>3.3</td>
<td>36.8</td>
<td>1.00</td>
</tr>
<tr>
<td>Orange Co.</td>
<td>1,150.4</td>
<td>15.0</td>
<td>18.2</td>
<td>31.4</td>
<td>5,137.5</td>
<td>12.1</td>
<td>3.4</td>
<td>39.3</td>
<td>0.93</td>
</tr>
<tr>
<td>Hillsborough Co.</td>
<td>1,076.6</td>
<td>13.4</td>
<td>19.2</td>
<td>24.8</td>
<td>4,407.1</td>
<td>12.5</td>
<td>3.7</td>
<td>35.9</td>
<td>0.43</td>
</tr>
<tr>
<td>Miami</td>
<td>10,837.0</td>
<td>12.6</td>
<td>47.3</td>
<td>33.4</td>
<td>7,613.4</td>
<td>28.5</td>
<td>5.9</td>
<td>65.1</td>
<td>1.00</td>
</tr>
<tr>
<td>Pinellas Co.</td>
<td>3,384.8</td>
<td>9.6</td>
<td>16.0</td>
<td>14.1</td>
<td>3,098.6</td>
<td>10.0</td>
<td>2.5</td>
<td>29.2</td>
<td>0.84</td>
</tr>
<tr>
<td>Orlando</td>
<td>2,326.9</td>
<td>13.9</td>
<td>17.8</td>
<td>38.9</td>
<td>10,124.2</td>
<td>19.9</td>
<td>3.4</td>
<td>59.2</td>
<td>0.97</td>
</tr>
<tr>
<td>Collier Co.</td>
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<td>10.0</td>
<td>18.2</td>
<td>13.9</td>
<td>2,403.4</td>
<td>13.0</td>
<td>1.9</td>
<td>24.4</td>
<td>1.00</td>
</tr>
<tr>
<td>St. Petersburg</td>
<td>4,260.1</td>
<td>11.2</td>
<td>18.1</td>
<td>28.6</td>
<td>7,979.5</td>
<td>13.3</td>
<td>3.2</td>
<td>36.5</td>
<td>1.00</td>
</tr>
<tr>
<td>Fort Lauderdale</td>
<td>5,405.2</td>
<td>10.9</td>
<td>21.0</td>
<td>35.7</td>
<td>7,423.1</td>
<td>17.7</td>
<td>3.9</td>
<td>44.6</td>
<td>0.94</td>
</tr>
<tr>
<td>Lee Co.</td>
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<td>9.4</td>
<td>17.7</td>
<td>12.3</td>
<td>3,762.4</td>
<td>10.2</td>
<td>2.0</td>
<td>23.5</td>
<td>1.00</td>
</tr>
<tr>
<td>Volusia Co.</td>
<td>448.5</td>
<td>11.8</td>
<td>18.0</td>
<td>13.9</td>
<td>2,668.3</td>
<td>11.6</td>
<td>3.5</td>
<td>24.7</td>
<td>1.00</td>
</tr>
<tr>
<td>Seminole Co.</td>
<td>1,336.8</td>
<td>12.7</td>
<td>11.3</td>
<td>17.6</td>
<td>2,186.0</td>
<td>9.1</td>
<td>2.6</td>
<td>30.5</td>
<td>0.87</td>
</tr>
<tr>
<td>Miami Beach</td>
<td>13,362.1</td>
<td>10.1</td>
<td>21.2</td>
<td>13.3</td>
<td>9,936.4</td>
<td>21.8</td>
<td>4.2</td>
<td>63.4</td>
<td>1.00</td>
</tr>
<tr>
<td>Pasco Co.</td>
<td>546.2</td>
<td>9.1</td>
<td>22.4</td>
<td>6.3</td>
<td>3,280.3</td>
<td>10.7</td>
<td>2.3</td>
<td>17.6</td>
<td>1.00</td>
</tr>
<tr>
<td>Brevard Co.</td>
<td>522.6</td>
<td>10.6</td>
<td>13.7</td>
<td>13.2</td>
<td>2,602.7</td>
<td>10.1</td>
<td>2.8</td>
<td>25.4</td>
<td>1.00</td>
</tr>
<tr>
<td>Osceola Co.</td>
<td>177.9</td>
<td>13.8</td>
<td>20.9</td>
<td>22.8</td>
<td>4,073.4</td>
<td>11.5</td>
<td>3.2</td>
<td>32.3</td>
<td>0.70</td>
</tr>
<tr>
<td>Tallahassee</td>
<td>1,826.3</td>
<td>32.6</td>
<td>10.1</td>
<td>39.6</td>
<td>5,815.8</td>
<td>24.7</td>
<td>7.4</td>
<td>56.2</td>
<td>0.89</td>
</tr>
<tr>
<td>Marion Co.</td>
<td>193.1</td>
<td>10.2</td>
<td>21.8</td>
<td>15.8</td>
<td>2,535.5</td>
<td>13.1</td>
<td>2.9</td>
<td>20.2</td>
<td>1.00</td>
</tr>
<tr>
<td>Sarasota Co.</td>
<td>643.1</td>
<td>7.8</td>
<td>12.9</td>
<td>7.4</td>
<td>3,303.7</td>
<td>7.8</td>
<td>1.9</td>
<td>20.9</td>
<td>1.00</td>
</tr>
<tr>
<td>West Palm Beach</td>
<td>1,835.1</td>
<td>13.2</td>
<td>24.5</td>
<td>41.9</td>
<td>8,310.7</td>
<td>18.9</td>
<td>3.2</td>
<td>48.0</td>
<td>0.75</td>
</tr>
<tr>
<td>Gainesville</td>
<td>2,487.3</td>
<td>32.6</td>
<td>12.2</td>
<td>31.6</td>
<td>4,873.7</td>
<td>26.7</td>
<td>5.9</td>
<td>52.3</td>
<td>1.00</td>
</tr>
<tr>
<td>Charlotte Co.</td>
<td>222.0</td>
<td>7.4</td>
<td>17.9</td>
<td>7.4</td>
<td>3,768.5</td>
<td>8.2</td>
<td>1.5</td>
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Significant Findings

The DEA scores ranged from very inefficient, .24, to maximum efficiency, 1.0. Five of the 10 organizations (50%) in Cluster A, 13 of the 22 organizations (59%) in Cluster B, 10 of the 22 organizations (45%) in Cluster C, 10 of the 24 organizations (42%) in Cluster D, and 15 of the 35 organizations (43%) in Cluster E scored maximum efficiency relative to the organizations in their cluster. Furthermore, four of the five clusters have very large variations in scores: .43 to 1.0 in Cluster A, .70 to 1.0 in Cluster B, .35 to 1.0 in Cluster C, .39 to 1.0 in Cluster D, and .24 to 1.0 in Cluster E. Although four of the five clusters had a wide range of DEA scores, as a group, police organizations with 200 to 499 sworn officers appear to be the most efficient with less variation in scores. The first (Miami-Dade Co.), third (Jacksonville-Duval Co.), and fifth (Miami) largest organizations in the study scored maximum efficiency. Conversely, the other organizations that scored maximum efficiency are significantly smaller with much smaller budgets (inputs).

The technical efficiency results are explained and confirmed in the covariance structure model. First, Population Density is moderately correlated to Social Economic Disparity (Φ = .25). Second, the Propensity of Crime is significantly correlated to Social Economic Disparity (Φ = .83). The Social Economic Disparity indicators of higher poverty, higher unemployment, and higher rental rates are highly correlated to the Propensity of Crime (age, education, minority population rate, and UCR Crime Index ). Third, the exogenous construct of Social Economic Disparity has a medium positive effect on IOTA (Γ = .36). In other words, an increase in Social Economic Disparity, which is highly correlated to Propensity of Crime, leads to an increase in police technical efficiency because of increased demands on police service and more outputs (calls requiring police response, crime, arrests), thus explaining a perfect IOTA score for three large police organizations in this study that are located in urban areas with high demands for police services. It appears that Miami-Dade Co., Jacksonville-Duval Co., Miami, and the other organizations in the study that scored 1.0 in the efficiency analysis have optimum budgets (relative to other organizations in their cluster) that are an appropriate reflection of core police performance indicators of calls for service, crime, arrests, and traffic citations.

Total Causal Effect of Environmental Constraints on Technical Efficiency

The total causal effects of the Environmental Constraints on technical efficiency are determined by adding the gammas (causal effect of an exogenous variable on an endogenous variable), phi (correlation between underlying constructs), and results of several path equations together. To determine the total causal effects, the direct paths, indirect paths, and compound paths are added together:

POPDEN → Social Economic Disparity .25
POPDEN → Propensity of Crime → Social Economic Disparity .04
Social Economic Disparity → IOTA .36

This study indicates that the total causal effect of environmental constraints on the technical efficiency (IOTA) of police organizations is significant (.65).
Police Management Contributions

Because of today’s absence of police organizational performance and the inability to perform evidence-based analysis, this study makes a practical contribution to organization management and resource implications in policing. By scientifically analyzing the effects of the operating environment on police technical efficiency, police administrators can use the confirmatory results of this study to improve their “bottom line” through a contingent and strategic reallocation or redistribution of resources: resources that are deployed in ever-shifting and changing environments with an emphasis on core police outputs.

Once performance measurement data are routinely collected and reported, and the results of a study of this nature are analyzed, the next logical step for police managers and administrators is to begin comparing and contrasting the performance of their organization with similar organizations of (1) the same size and (2) with similar operating environments. This concept, known as benchmarking, is a systematic process of searching for best practices, innovative ideas, and highly effective operating procedures that lead to superior performance (Cohen & Eimicke, 1998). Benchmarking has become an essential tool for the discovery of the best performing strategies and approaches, is an improvement methodology used in a multitude of fields (Dacosta-Claro & Lapierre, 2003), and can also alert an organization to fundamental changes in its industry and the environment (Cohen & Eimicke, 1998). At a minimum, tables with data similar to those in this study (Tables 3 & 6) provide simplistic comparative analysis between organizations by police administrators.

In summary, the results of this study can assist and improve budget and resource allocation decisions and policy on the micro level to optimize police organizations as the industry moves towards an entrepreneurship model that emphasizes improved efficiency and effectiveness, increased scrutiny of resources, and a new management performance ethic—a performance ethic that focuses on evidence-based decisionmaking and daily strategic planning to improve efficiency and effectiveness of police service delivery. Undoubtedly, there is a premium on police managers with the knowledge, skills, and abilities to develop agreement on goals and strategies, and to use performance measurement information in systems for managing their organizations and programs (Wholey, 1999).

Conclusions

Two clear themes have emerged from this study. First, the study introduces and validates a multidimensional framework that explains the relationships among environmental constraints and police organizational technical efficiency by combining data from several different sources to produce a unique analysis in policing. For the first time, SEM and DEA have been used together to confirm the causal effects of eight environmental indicators on the technical efficiency of police organizations. Previous studies of police technical efficiency have not employed comprehensive perspectives, and this methodology can resolve the limitations of conventional statistical methods by further explaining environmental effects on police efficiency performance.

Second, the confirmatory results identify the effects of environmental indicators on core police performance indicators that allow police managers to make evidence-
based decisions to analyze resource deployment and improve technical performance. Undoubtedly, policing struggles with a clear definition of its “bottom line,” and the relationship of the core police service indicators to the operating environment is essential as entrepreneurship modeling becomes mainstream in this industry. As confirmed in this study, the environment drives efficiency in policing. Therefore, current and future generations of police managers must develop the analytical skills and knowledge to develop comprehensive performance measurement goals and strategies to optimize their organization’s performance in their unique and ever-changing service environments. Key strategies include (1) contingency management of police resources to meet the fluid demands of the environment; (2) routine workload analysis and deployment of resources to maximize the core policing activities of calls for service response, criminal apprehension, and traffic enforcement; and (3) garnering political and community support when primary organizational efforts focus on increased outputs to improve efficiency and safety.

Lastly, for those searching for a simplistic measure of technical efficiency in policing, DEA has much potential. The study results indicate how influential the environment is on technical efficiency, but police managers and researchers are cautioned when utilizing this relative performance measurement tool. Although the BCC modeling in DEA accounts for agency size, to reduce skepticism among managers, administrators, and practitioners in policing, it is recommended that organizations of similar size, operating in similar environments, are clustered and analyzed together. Most important, this study provides academics, researchers, and practitioners with the framework necessary to incorporate environmental indicators into police efficiency analysis to make a performance evaluation exercise comprehensive and relevant.

References


**Jeffrey W. Goltz** is the commander of the Professional Standards Division at the Orlando Police Department. He received his Doctoral degree in Public Affairs from the University of Central Florida. His research interests include the study of police organizational performance and other areas of police management and administration. This paper is adapted from the author’s dissertation research.
The Diversion of Prescription Opioid Analgesics

James A. Inciardi, PhD, Director, Center for Drug and Alcohol Studies, University of Delaware, Coral Gables, Florida
Hilary L. Surratt, PhD, Scientist, Center for Drug and Alcohol Studies, University of Delaware, Coral Gables, Florida
Yamilka Lugo, BA, Research Associate, Center for Drug and Alcohol Studies, University of Delaware, Coral Gables, Florida
Theodore J. Cicero, PhD, Professor, Department of Psychiatry, Washington University, St. Louis, Missouri

Introduction

Prescription drug diversion, best defined as the unlawful channeling of regulated pharmaceuticals from legal sources to the illicit marketplace, has been a topic of widespread commentary since the latter part of the 1990s (Inciardi, Surratt, Kurtz, & Cicero, 2007; Nagel & Good, 2001; NIDA, 2001; Thompson, 2001). Despite this recent attention, diversion is not a new phenomenon. During the 1960s, for example, it was estimated that more than 100,000 pounds of amphetamines and amphetamine-like compounds were being manufactured annually in the United States, and that half of this production was being diverted to illicit markets (Griffith, 1966; Kramer, Fischman, & Littlefield, 1967). In the 1970s, numerous studies documented the abuse and diversion of barbiturates (Chambers, Brill, & Inciardi, 1972; U.S. GAO, 1978), non-barbiturate sedative-hypnotics (Inciardi, Petersen, & Chambers, 1974; U.S. Congress, 1973), pentazocine (Chambers, Inciardi, & Stephens, 1971), and methadone (Goldman & Thistel, 1978; Inciardi, 1977; Resnick, 1977). By the 1980s, media and government attention had shifted away from prescription drug abuse and diversion to the newer “epidemics” of cocaine and crack abuse (Reinarman & Levine, 1989; Siegel, 1982; Weiss & Mirin, 1987; Williams, 1992); and in the 1990s, interest focused on Ecstasy, GHB, and other so-called “club drugs” (Goode, 1999; Jenkins, 1999).

Although much of the recent attention given to prescription drug abuse has focused on Adderall®, Ritalin®, Vicodin®, and OxyContin® (McCabe, Knight, Teter, & Wechsler, 2005; McCabe, Teter, & Boyd, 2004; Meier, 2003; NIDA, 2004; ONDCP, 2004a), existing data suggest that the abuse of many different prescription drugs has been escalating since the early to mid-1990s. For example, the National Survey on Drug Use and Health found that the numbers of new, non-medical users of prescription opioids (primarily products containing codeine, hydrocodone, and oxycodone) increased from 600,000 in 1990 to over 2.4 million in 2004, marking it as the drug category with the largest number of new users in 2004 (SAMHSA, 2005). In addition, reports from the Drug Abuse Warning Network indicate that abuse-related emergency department (ED) visits involving prescription opioids increased by 153% from 1995 through 2002 (SAMHSA, 2004c), and during the same period, abuse-related ED visits involving benzodiazepines increased by 41% (SAMHSA, 2004b). Similar increases are reflected in drug abuse treatment admissions data (Zacny et al., 2003).
For well over a decade, the Drug Enforcement Administration (DEA) has estimated that prescription drug diversion is a $25 billion-a-year industry (Conlin, 1990; U.S. GAO, 2003), and it has been suggested that diversion occurs along all points in the drug delivery process, from the original manufacturing site to the wholesale distributor, the physician’s office, the retail pharmacy, or the patient (Weathermon, 1999). More specifically, diversion occurs in many ways, including the illegal sale of prescriptions by physicians and pharmacists; doctor shopping by individuals who visit numerous physicians to obtain multiple prescriptions; theft, forgery, or alteration of prescriptions by healthcare workers and patients; robberies and thefts from manufacturers, transport companies, distributors, and pharmacies; and thefts of institutional drug supplies. Furthermore, there is growing evidence that the diversion of significant amounts of prescription opioids and benzodiazepines occurs through residential burglaries as well as through cross-border smuggling at both the retail and wholesale levels (Inciardi et al., 2007). In addition, recent research has documented diversion through other channels such as “shorting” (undercounting), pilferage, and recycling of medications by pharmacists and pharmacy employees; medicine cabinet thefts by cleaning and repair personnel in residential settings; theft of guests’ medications by hotel repair and housekeeping staff; and Medicare, Medicaid, and other insurance fraud by patients, pharmacists, and street dealers (Inciardi et al., 2007). Moreover, it would appear that pill abusing youths and young adults are obtaining their drugs from friends and relatives, through medicine cabinet thefts, medication trading at school, and thefts and robberies of medications from other students. Finally, a few observers consider the Internet to be a significant source for illegal purchases of prescription drugs (CASA, 2004, 2007).

Although national surveys and monitoring systems are documenting widespread abuse of prescription drugs, and numerous scientific papers over the years have discussed the problems associated with diversion (Bergman & Dahl-Puustinen, 1989; Blumenschein, 1997; Borsack, 1986-1987; Cooper, Czechowicz, Petersen, & Molinari, 1992; McCabe et al., 2004; Simoni-Wastila & Tompkins, 2001; Wilford, Finch, Czechowicz, & Warren, 1994; Zacny et al., 2003), empirical data on the scope and magnitude of diversion are limited. Within this context, this paper presents an overview of findings from a national diversion survey that is being conducted as part of a risk management initiative sponsored by Denver Health and Hospital Authority, a public, not-for-profit healthcare system serving the Denver MSA and the Rocky Mountain region of Colorado. The Denver Health initiative is known as the RADARS® (Researched Abuse Diversion and Addiction-Related Surveillance) System, a comprehensive series of studies designed to proactively collect timely and geographically specific data on the abuse and diversion of a number of opioid analgesics.

**Methods**

The nationwide diversion study sample includes 300 diversion investigators from all 50 states, the District of Columbia, and Puerto Rico, including rural, suburban, and urban areas (see Figure 1). Although there are reporting sites in all 50 states, it should not be concluded that this is a nationally representative sample. Of the more than 23,000 to 25,000 police departments, other law enforcement agencies, and regulatory bodies in the United States, only a very few have officers or other personnel assigned to prescription drug diversion. In fact, even among the
thousands of municipal, county, and state police agencies that place a significant emphasis on drug enforcement, few target prescription drugs. Nevertheless, the nationwide sample of agencies is geographically diverse and sufficiently sensitive, and the network is able to detect the diversion of all of the targeted drugs, including buprenorphine, which has limited availability.

Figure 1. Diversion Survey Sites

The sites participating in the diversion survey were recruited through traditional chain referral/snowball sampling strategies. Sampling began with the membership of the National Association of Drug Diversion Investigators (NADDI). Calls were made to representatives of every agency that had a NADDI member, and the purposes and methods of the project were explained. All of these individuals were asked for leads to other agencies that might be contacted. Recruitment was also achieved by “cold calls” made to municipal and state police departments, county sheriffs’ offices, and multicounty drug task forces in all 50 states. In addition, inquiries were made with county and state regulatory agencies and professional oversight organizations such as medical, pharmacy, nursing, and dental boards. County and state prosecutors offices were also invited to participate. In all, more than 9,000 police and regulatory agencies were contacted, and of these, approximately 90% indicated that they did not have officers or other staff members routinely assigned to prescription drug diversion. Many indicated that from time to time the illegal possession of prescription drugs came to their attention as the result of some other investigation or arrest but that diversion per se was not a focus of their police or regulatory work. Of the agencies identified as having one or more officers assigned to diversion, some 20 to 25% refused to participate in the study. The most common reasons for refusal included not having enough time, not being permitted to do outside work, or a general unwillingness to participate in survey research. As illustrated in Figure 2, the final sample includes a variety of different types of agencies, the majority of which are municipal police departments and multijurisdiction drug task forces.
The primary purposes of the survey are to determine the extent of the diversion of selected prescription drugs in a sample of police, other law enforcement, and regulatory jurisdictions, and to identify diversion “signal sites” for specific drugs. A “signal site” is defined as any participating jurisdiction that registers a rate of five or more diversions of any given drug per 100,000 population during any quarter of the calendar year. The drugs currently targeted include such prescription opioids as buprenorphine, fentanyl, hydrocodone, hydromorphone, methadone, morphine, oxymorphone, oxycodone, and tramadol.

On a quarterly basis, the participating investigators are sent a questionnaire that elicits an enumeration of the total number of new cases of diversion reported to and/or investigated by the diversion unit or regulatory board during the previous three months. These must be new cases that were officially put “on the books” during the previous quarter. As such, only cases in which there is a new, written complaint or report are included. Continuing cases from previous quarters that are still active do not qualify. For each of the drugs mentioned, the following information is requested: the total number of diversion cases logged in, the number of cases in which the targeted drugs were mentioned, and the dosage form (e.g., tablet, liquid, patch, or other). For the next five most diverted drugs, over and above the targeted drugs, reporters are asked to provide the number of cases in which they occur as well as the dosage form. This procedure provides a comprehensive distribution of the types and numbers of diversion cases in a jurisdiction. Diversion investigators are requested to respond even if they had no new cases during the previous quarter.

All participants in the survey are expected to report the data on the same questionnaire and in the same way. This requires some diversion units to change the way their data are organized and/or recorded. Questionnaires are mailed, faxed, or e-mailed to the participating sites, with a return date of three weeks hence. Incoming surveys are received by e-mail, fax, or pre-addressed/
stamped return envelope, and are reviewed for completeness and accuracy. When necessary, repeated contacts are made with participants to secure additional or corrected information. For unreturned questionnaires, repeated contacts are made by telephone, fax, mail, or e-mail.

Participating diversion investigators are paid a quarterly stipend for their participation. For those whose department policies prohibit them from accepting the stipend, payments are sent to their agency, NADDI, the Police Foundation, or a charity of their choice. Some agencies do not accept any type of payment but participate nevertheless. Reporters who submit completed forms for all four quarters in the calendar year are paid a bonus at the beginning of the following year.

For a number of reasons, there are limitations on the kinds and amounts of data that can be collected in a survey of this type. First, in an effort to gather information that can provide timely indicators of the prevalence and geographical distribution of the diversion of specific drugs, data requests are for new cases opened during the previous calendar quarter. As such, almost all of the data received are from “open” cases, the majority of which are still under investigation or for which prosecution or court processing is either ongoing or yet to be initiated. As a result, for the purpose of protecting the anonymity and rights of the accused, details about the alleged offenses and suspect(s) are unavailable. Second, the kinds of information contained in police reports are collected for purposes of investigation and prosecution and, as such, have only limited utility for research. For example, other than age, gender, occupation, prior criminal history, and the type of diversion (e.g., a forged prescription, street buy, or “doctor shopping”), little else is available. And third, requests for more than one or two pages of information from police officers who are burdened with multiple investigations typically result in diminishing returns. As such, the details of the offenses are not requested.

It should be noted here that a number of agencies that have agreed to participate in the study do not necessarily respond every quarter. The difficulty is that the focus of police activity is often a political decision. If additional police personnel are needed at any given time to respond to a particular crisis or perceived crisis—prostitution, methamphetamine and crack sales, a serial rapist, or a highly visible violent or property crime—resources are shuffled. In addition, since 9/11, homeland security activities have become a major part of police work in many jurisdictions. New anti-terrorism teams and task forces have been organized throughout the U.S., with units focusing on security at sporting events, concerts, other entertainment venues, and political gatherings; and harbor, river, K-9, and scuba squads have been expanded or newly established to patrol public waterways and to inspect cruise, cargo, and container ships. In addition, local police departments and sheriffs’ offices more frequently assist federal law enforcement agencies in border patrols and general surveillance at airports and seaports. Finally, an expanded emphasis has been placed on responding to citizen reports of “suspected terrorists.” Consequently, a less visible criminal activity, such as prescription drug diversion, tends to be put aside—sometimes temporarily, sometimes permanently. As such, participating agencies that fail to respond for three consecutive quarters are dropped from the survey and are replaced with a nearby jurisdiction. Overall, the number of participating agencies ranged from 200 during the first year of the study (2002) to a high of 300 during the most recent survey period (4th quarter of 2006).
Results

The diversion data in this paper are reported in terms of “scope” and “magnitude.” The “scope” of diversion is defined as the proportion of participating agencies that are reporting the diversion of a particular drug, whereas the “magnitude” of diversion is defined as the proportion of diversion cases in which a particular drug is mentioned. The data reported in this paper are limited to those opioids with the highest levels of diversion—fentanyl, hydrocodone, hydromorphone, methadone, morphine, and oxycodone.

During the 20 calendar quarters from January 2002 through December 2006, the response rate from the participating agencies averaged 72%. A total of 64,655 investigations of prescription drug diversion were initiated by these agencies, and typically, more than one drug was involved in each case. As a baseline, hydrocodone (all strengths and formulations, both branded and generic) was the most widely diverted of the drugs surveyed, having been reported by an average of 69.6% of the participating diversion agencies (scope) and mentioned in an average of 38.2% of all diversion cases (magnitude) reported over the five-year period. During the same period of time, oxycodone (all strengths and formulations, both branded and generic) ranked second, having been reported as diverted by an average of 65.1% of the agencies (scope) and mentioned in an average of 24.3% of the diversion cases (magnitude).

As noted above, hydrocodone was the most widely diverted drug, and as illustrated in Figure 3, hydrocodone was reported as diverted by the largest proportion of agencies over time, immediately followed by oxycodone. In terms of trends, the proportion of agencies reporting the diversion of both hydrocodone and oxycodone changed only minimally over the five-year period. Methadone ranked third in terms of the proportion of agencies reporting the drug’s diversion, with an upward trend apparent during the early quarters of the survey. For example, whereas only 13.9% of the agencies reported the diversion of methadone during the first quarter of 2002, this more than doubled within a year, and remained at the higher level for the balance of the survey period. Ranking fourth in scope was morphine, followed by hydromorphone. Fentanyl ranked last among these drugs, having been reported by less than 20% of the agencies during every quarter of the survey period.
Figure 3. Scope-Proportion of Agencies Reporting the Diversion of Specific Drugs

Figure 4 illustrates the magnitude of diversion—the proportion of diversion cases in which particular drugs were mentioned. Not surprisingly, hydrocodone consistently ranked first in magnitude, having been mentioned within a range of 34 to 42% of the diversion cases during the five-year period of study. Oxycodone ranked second, with a range of 17 to 28% over the five-year survey period. Fentanyl, methadone, morphine, and hydromorphone were mentioned in only small proportions of the diversion cases reported.

Figure 4. Magnitude-Proportion of Total Diversion Cases in Which Specific Drugs Are Mentioned
In terms of geography, the diversion of hydrocodone, methadone, and oxycodone was reported in all 50 states, the District of Columbia, and Puerto Rico. Moreover, the majority of sites in New England, New York, New Jersey, the Appalachian region, the Midwest, and Florida reported the diversion of these three drugs in almost every quarter. In addition, the diversion of fentanyl, hydromorphone, and morphine has been reported in the majority of states.

Importantly, it appears that there are high concentrations of diversion in many rural areas throughout the United States and particularly in New England and the Appalachian regions of the country. This was most apparent in the distribution of diversion “signal sites,” defined earlier as jurisdictions registering a rate of five or more diversions of any given drug per 100,000 population during any quarter of the calendar year. For example, during 2006, of the top ten signal sites for hydrocodone, nine were in rural communities, and eight of these were in rural New England and Appalachia. Of the top ten signal sites for methadone during this same period, nine were in rural communities, and eight of these were in Appalachia or rural Kentucky. Similar concentrations of signal sites in rural areas were apparent with oxycodone and a number of other opioid analgesics. These patterns also emerged in prior survey years.

Discussion

The abuse of opioid pain relievers has been recognized as a serious and growing public health problem and has been well-documented through estimates from the Drug Abuse Warning Network (SAMHSA, 2003b), the Treatment Episode Data Set (SAMHSA, 2004d), and the National Survey on Drug Use and Health (SAMHSA, 2003a, 2004a). In all three reporting systems, the opioids most frequently mentioned were hydrocodone and oxycodone. In the latter data, specifically, hydrocodone was the most often abused of the opioids, involving 17.7 and 21.4 million individuals in 2002 and 2003, respectively, followed by oxycodone, with 11.6 and 13.6 million persons in 2002 and 2003, respectively. This ranking is not at all surprising given that hydrocodone and oxycodone emerged in this diversion survey as the drugs most often diverted.

In addition to documenting the widespread diversion of hydrocodone and oxycodone, and to a lesser extent the other prescription opioids, the data in this survey highlight issues requiring further discussion: (1) the concentrations of diversion cases in rural areas and (2) the actual mechanisms of diversion. On the former topic, part of the problem may be related to the distribution of reporting sites, with restricted sampling from urban areas. Police departments in many small and medium-sized cities, such as Little Rock, Louisville, Phoenix, Rochester, Tampa, and numerous others, are indeed participating in the survey; however, many big cities are not, apparently because of an absence of police personnel assigned to prescription drug diversion. One could argue that the lack of diversion investigators in major urban areas is an outgrowth of (1) high rates of violent crime requiring the deployment of police officers to dangerous, “high crime” areas rather than to diversion investigations; (2) higher rates of illicit drug use rather than prescription drug abuse and diversion, requiring the assignment of police to investigations of heroin, cocaine, and methamphetamine traffickers; and, perhaps, (3) more widespread availability of cheap heroin in urban areas, thus making prescription opioids lower in demand.
Whether there are higher rates of illegal or prescription drug abuse and trafficking in urban versus rural areas is also difficult to determine. The Office of National Drug Control Policy’s (2004b) High Intensity Drug Trafficking Areas (HIDTA) Program provides federal funding to focus on drug trafficking in both urban and rural areas throughout the U.S.; however, the HIDTA Program was designed to combat drug trafficking problems associated with illegal drugs, not prescription drugs. National databases also fail to offer any clues as to the relative availability of illegal narcotics versus prescription opioids in rural as compared to urban communities. Drug mentions published in the reports of the Drug Abuse Warning Network include all types of substances, including “prescription narcotic analgesics,” but again, this reporting system focuses almost exclusively on urban communities.

Although the abuse (and, hence, diversion) of prescription opioids would appear to be a problem in many parts of the U.S., including rural, suburban, and urban areas, there are a number of demographic and cultural factors that seem to correlate with the rural communities that display high rates of abuse. For example, the abuse of OxyContin® has been well-documented (Cicero, Inciardi, & Muñoz, 2005), and it is illustrative of the situation in many rural communities. OxyContin® abuse first surfaced in rural Maine, and soon after spread down the East Coast and Ohio Valley into rural Appalachia. Areas of western Virginia, eastern Kentucky, West Virginia, and southern Ohio were especially hard hit (Bishop, 2002; Gilson, Ryan, Joranson, & Dahl, 2004; Hays, 2004; Inciardi & Goode, 2003; Regan & Alderson, 2003). The cultural context in these areas is markedly different from that in many other parts of the United States. Many of the communities are very small and isolated, and they are often located in mountains and “hollers” (small valleys in mountainous areas) a considerable distance from major highways and towns. As a result, many of the usual street drugs are simply not available for local consumption. People instead make use of the resources that are more readily available to them, like prescription drugs.

In addition, many of these areas have populations that are older and tend to suffer from chronic illnesses, often resulting from years of manual labor in perilous professions. Coal mining, logging, commercial fishing, and other blue-collar industries, which can cause serious and debilitating injuries, are major employment opportunities in many rural parts of the country. As a result, a disproportionately high segment of the population utilizes prescription painkillers. The use of pain pills may evolve as a kind of coping mechanism, and the practice of self-medication can become a way of life for many people who may not have been inclined to abuse traditional street drugs. Therefore, the use of pain medication has become normalized and integrated into the local culture (Inciardi & Goode, 2004). Furthermore, there is historical precedence for such a pattern. In John A. O’Donnell’s (1969) classic study, Narcotic Addicts in Kentucky, based on research conducted four decades ago, his sample included 266 individuals who had initiated prescription drug use for the treatment of pain or some other illness. Their drugs of choice were morphine, meperidine, paregoric, and codeine, and they obtained their drugs from friends and relatives, or through doctor shopping, forged prescriptions, illegal sales by physicians and pharmacists, or thefts. As such, what is being observed in Kentucky, at least, is but an old problem with a new panoply of pharmaceutical narcotics.

A final point requiring some discussion here involves the mechanisms through which prescription drugs are actually being diverted. Data from the Drug Abuse
Warning Network, the National Survey on Drug Use and Health, Monitoring the Future, and other national studies document that tens of millions of persons are abusing prescription opioids, yet there seems to be little agreement as to how the great bulk of prescription opioids are being diverted. Federal agencies maintain that diverted drugs come primarily from doctor shoppers, inappropriate prescribing practices by physicians, and improper dispensing by pharmacists (ONDCP, 2004c; U.S. DEA, 2005). But is it possible that physicians, pharmacists, and patients are responsible for most of the diversion?

Internet sales have been identified as a major culprit. In fact, on May 16, 2007, Joseph A. Califano, Jr., president of Columbia University’s Center on Addiction and Substance Abuse (CASA) and former Secretary of Health, Education, and Welfare, testified before the Senate Judiciary Committee about the availability of drugs on the Internet. Mr. Califano suggested that the easy availability of addictive drugs has, for many children, made the Internet a greater threat than street drug dealers. He went on to state that “the Internet has become a pharmaceutical candy store stocked with addictive drugs, available at the click of a mouse to any kid with a credit card number.”

Mr. Califano’s comments are based on the latest of several studies by CASA (2007), but it would appear that a reality check is in order. Without question, drugs can be purchased on the Internet; however, survey data suggest that this is not where abusers, including Internet-wise youths, typically go to find prescription drugs. There are places much closer to home where the drugs can be found—often for free. In fact, the Internet appears to be one of the least likely places that drug seekers go to find prescription medications to get high. For example, the most recent National Survey on Drug Use and Health, sponsored annually by the Department of Health and Human Services, found that among persons ages 12 and older who abused prescription narcotics in the past year, almost three-fourths had obtained the drugs from a family member or friend (SAMHSA, 2006). By contrast, less than 1% reported buying the drugs through the Internet. Similarly, the most recent statewide survey of Delaware 11th graders found that students who abused prescription pain killers were getting the drugs primarily from friends, family, and drug dealers, and that less than 2% were accessing the Internet for this purpose. Also, in the diversion study reported here, only 3% of police officers viewed the Internet as a primary source for drugs (Inciardi et al., 2007). Other research is showing similar patterns. In fact, our studies show that drug abusers actually avoid the Internet as a source for prescription drugs. They report that prescription medications are more available at home and on the street, where they are either free or less expensive than on the Internet. Moreover, many see the Internet as a constant source of rip-offs and feel that when using the Internet, “big brother is watching.”

The Internet is unquestionably a source for prescription drugs, but the overwhelming volume of purchases appear to be at the wholesale level. The drugs typically end up in the hands of dealers and not with “any kid with a credit card number” as Mr. Califano (2007) argued. If not the Internet, though, then where? For those abusers who report getting prescription medications from friends, relatives, and dealers, where are these latter individuals obtaining them? In the final analysis, no one really knows for sure. In many ways, prescription drug diversion is a “black box” requiring concentrated systematic study.
Endnote

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**James A. Inciardi**, PhD, is director of the Center for Drug and Alcohol Studies at the University of Delaware; professor in the Department of Sociology and Criminal Justice at Delaware; adjunct professor in the Department of Epidemiology and Public Health at the University of Miami School of Medicine; a guest professor in the Department of Psychiatry at the Federal University of Rio Grande do Sul in Porto Alegre, Brazil; and a member of the Internal Advisory Committee of the White House Office of National Drug Control Policy.

**Hilary L. Surratt**, PhD, is a scientist with the Center for Drug and Alcohol Studies at the University of Delaware; a guest professor in the Department of Psychiatry at the Federal University of Rio Grande do Sul in Porto Alegre, Brazil; and principal investigator of an HIV/AIDS prevention initiative in the U.S. Virgin Islands.

**Yamilka Lugo**, BA, is a research associate at the University of Delaware Research Center in Coral Gables, Florida, and project director of the National Survey of Prescription Drug Diversion sponsored by the Denver Health RADARS® System.

**Theodore J. Cicero**, PhD, is a professor in the Department of Psychiatry at Washington University; past president of the College on Problems of Drug Dependence; and an advisor to the World Health Organization.
Peripatetic Blame: Crime Guilt Attribution in the Fiction of Nelson Algren

Peter J. Puleo, Associate Professor, Criminal Justice, William Rainey Harper College, Palatine, Illinois

You can see his name carved above the portico on the State of Illinois library in Springfield. There, along with several other writers, he is memorialized, safe from the ravages time and fashion may otherwise inflict on his literary reputation. Nelson Algren (1909-1981) was a fairly prolific author who specialized, like an entire genre of authors, in the urban underclass. Among the cities who claim him as their scion are New York, New Orleans, and Chicago. His place within the pantheon of important writers is probably secure, and during his own life he had the rare good fortune sought but usually denied to the writer—recognition. In 1949, he won the first National Book Award for fiction with his novel *The Man with the Golden Arm*, which was later transmogrified into a major Hollywood film with Frank Sinatra as the ill-starred central character, Frankie Machine. Algren was disappointed with the film and its upbeat ending, and said in an interview, ‘…the whole thing was done out of contempt for the book and the people in it. There’s no respect for the book or the people in it” (cited in Donohue, 1964, p. 125). In addition to this award-winning novel, he also wrote *Somebody in Boots, Never Come Morning, The Neon Wilderness, A Walk on the Wild Side* (also filmed by Hollywood), *The Last Carousel*, and *The Devil’s Stocking*. His nonfiction works include *Chicago: City on the Make, Who Lost an American?, and Notes from a Sea Voyage*.

It is generally accepted that Algren belongs to the school of Naturalism in American fiction along with other notables such as James Farrell, Richard Wright, Willard Motley, and before them, Theodore Dreiser, Frank Norris, and Stephen Crane. He is usually not considered to be a crime writer as such. The question under analysis herein concerns his contributions, intentional or otherwise, to the study of crime and the treatment of crime victims.

A majority of fictional crime writers are relegated to the school of Pulp Fiction with its car chases, desperate shootouts, “hunches” by detectives, and seductions of leggy blondes by cynical, handsome cops. Arguably, there is a somewhat more literarily valuable Crime Fiction genre that would include the cerebral Sherlock Holmes or Hercule Poirot, or the world-weary Sam Spade, or the sophisticated Philip Marlowe. Nelson Algren, viewed as a crime writer, does not belong in any of these crime categories, however. He peruses the gutter.

Students of criminal justice can examine the fiction of Nelson Algren and soon realize they have been shanghaied onto a journey that will present personifications and embodiments, however fictional, that animate the dull numbers and validate, through literature, what we learn from the cold statistics of crime. Algren shows his readers what a part of the criminal world resembles. He depicts mundane, non-sensational crime and spares his readers none of the pain of sharing his insights. His stories edify readers and disabuse them of the naïve fictional portraits often painted about unlawful activity. His stories remain relevant today. Change the names from Polish, Italian,
Jewish, and Irish to African-American or Hispanic; change the skin tone and the jive of the dialect, and the stories are as pertinent today as when they were written. His characters and stories inform us about the real world of people in the milieu of crime. As Chester E. Eisinger (1963) writes about Nelson Algren and similar authors, “... the novelists and short story writers of the period tell us more about ... the struggle for survival than other investigators. They penetrate more deeply into the secret recesses of the period than poets, or critics, or sociologists” (p. 1).

A connective ligature in Algren’s fiction is the concept of guilt. It is legal guilt, certainly, but more than that in complexity. His characters are all luckless before the law, and viewed from this perspective, the guilt in his literature is peripatetic as it perambulates about its inscrutable itinerary, making offenders into victims, and victims into offenders, and all into wrongdoers without the saving prospect of any possible redemption. The guilt is legal, and psychic, and moral, and no one escapes its stain as its transference, incipient in and nourished by the social system, proliferates and marks all actors.

Most of his characters are criminals, or crime victims, or more usually hybrids of the two presented as complex binaries of commingled virtue and vice. Algren, the consummate chiaroscuroist, shows us the dim netherworld of the dispossessed, the crepuscular underbelly of the cityscape where neon ignites the way of the underclass, and the characters emerge from the gloom, and then recede.

Algren (1947) describes a police lineup that typifies the general population from which many of his characters are drawn:

And the men come on again: the flashy and the penitent, the beaten ones and the wise guys, the hangdog heel thieves and the disdainful coneroos, walking, half-crouched, through a downpour of light like men walking through rain. The frayed and the hesitant, the sleek and the bold, the odd fish and the callow youths, the good-humored bindle stiffis and the bitter veterans. (p. 21)

In yet another book, Algren (1949) holds a light to his characters:

Yet they come on and come on . . . mush workers and lush workers, catamites and sodomites, bucket workers and bail jumpers, till-tappers and assistant pickpockets, square johns and copper johns, lamisters and hallroom boys, ancient pious perverts and old brown parolees, rapoes and record-men; the damned and theundaunted, the jaunty and the condemned. Heartbroken bummies and the bitter rebel, afternoon prowlers and the midnight creepers. Peeping Toms and firebox pullers. The old cold-deckers and the young torpedoes coming on faster than the law can pick them up. The unlucky brothers with the hustler’s hearts. (p. 212)

Algren encapsulates in these paragraphs the characters who populate his settings in New Orleans and Chicago. Their conduct runs the criminological gamut from peccadillo to atrocity, but mostly they blunder, humanly, into the foibles of gambling, drug abuse, or prostitution. Yet, inevitably, these small, “victimless” misdemeanors lead in a dizzying spiral to the disaster of serious crime. In fact, almost every Algren character is at least tangentially involved in some type of criminal activity, no matter how subtle. Enhanced vigilance is required of the
reader seeking the nuances of unlawful behavior. The intimations of illegality are sometimes so delicate, so finely woven into the behavioral fabric of the lives of Algren’s people, as to escape the notice of readers, their attention carried away by the headlong flight of each character, inexorably, to catastrophe. Ironically, criminal activity so pervasive can lose its centrality of importance in the reader’s attention. Crimes becomes as much a part of the process as breathing. Indeed, in a book devoted to a critique of Algren’s fiction, the chapter examining *The Neon Wilderness* is entitled, “The Contour of Human Life” (Cox & Chatterton, 1975, p. 212).

Almost every character is a pimp or pusher, a hooker or thief, a mugger or an assailant, or a murderer. Roles of victim and criminal often invert in a strange juxtaposition, and it becomes the wolf who gets fleeced and the sheep who sups on blood. In today’s sociological jargon, his characters are steeped in cultural deprivation.

From a criminal justice perspective, it is significant that his writings are ideologically based within the naturalist tradition of environmental determinism: “Fundamentally, American literary naturalism is thought to rest upon the belief in environmental determinism and a commitment to a scientific documentation of external reality” (Giles, 1989, p. 2). Specific etiological opinions or data are conspicuously absent from the writings of Algren, however: “His allegiance is to feelings. He is indifferent to ideas, even uncomfortable with them” (Eisinger, 1963, p. 74). Algren tells us what is, but not how it comes to be. Another expert states of Algren’s writings,

>. . . we cannot aggregate sociological factors to an understanding of Skid Row; . . . the matter of why Skid Row exists is not completely comprehensible. The matter of what it is, however, is dealt with with a mastery not equaled in city fiction of the lower depths. (Gelfant, 1954, p. 254)

Eisinger (1963), another student of Algren, believes that he writes with a

>. . . conviction that the respectable classes ought to have their noses rubbed in the poverty and degradation of American life as an antidote to their self-satisfaction; it is a conviction that the poor are just as good as the rich. (p. 75)

The Algren leitmotif has certain premises. One must understand the foundation of environmental determinism to appreciate the labyrinth of guilt that Algren, perhaps unintentionally, has created. His characters are all products of their environment, and they live in a Darwinian social milieu. The reader clearly senses the attenuation of the role of volition in the actions and reactions of the characters. He attributes legal guilt from a judicial perspective, but from a focused view, the guilt is subtly transferred, shifted, mitigated, or aggravated in a complex waltz of changing partners.

Algren’s miscreants are often neither evil, nor malicious, nor even immoral as are the typical malefactors in the simplistic crime or underworld fiction. Rather, in addition to their desperation and entrapment and generally luckless existences, they are amoral. The rules simply do not, or really cannot, exist. He uses his stories of the underclass of criminal activity to press his outrage at social injustices. Activity depicted under this atrophied or, at least, altered ethical system elicits an altered observer or reader view. Sympathy is readily evoked for crime victims and, paradoxically, for offenders as well as they are more graciously forgiven or at least understood. The salient point is that the exculpation of offenders is often accomplished, perhaps unconsciously
on Algren’s part, at the expense of victims, including their stigmatization, and his fiction comes perilously close to blatant “victim blaming,” even though it is highly improbable that Algren had any such intention:

What Algren has been able to do with his horrible and horribly fascinating materials is an unquestionable achievement. He has humanized the lowest kinds of degenerates, enveloped them in pity and sympathy; . . . the atmosphere of guilt within which they move. (Gelfant, 1954, p. 257)

His characters are hurled in the tragic trajectory of their lives through the immediate agency of crime. His stories are “ecological” in that they are confined to a “small spatial unit within the city” (Gelfant, 1954, p. 188). Under a modern criminological approach, the world he examines and presents could be analyzed under environmental theory—specifically, the Routine-Activity Approach of Lawrence Cohen and Marcus Felson with their belief that crime occurs at the overlapping intersection of “. . . a suitable target, a likely offender, and the absence of a capable guardian . . .” (Adler, Mueller, & Laufer, 2007, p. 217). Algren’s social bailiwicks look virtually designed to fit into this theory. The characters, be they victims or offenders, or the strange marriage of the two, often have some type of relationship, however tenuous. This is especially true of his crimes of violence and, in this sense, it certainly mimics the reality of violent crime in the real world. Despite their status as victim or criminal, Algren, through guilt transference or dilution, creates parity in the human worth of his characters. He adulterates both innocence and culpability with small measures of each mixed.

The generic crime victim prototypes in Algren’s fiction are individuals who contribute in some measure to their own victimizations, or who somehow at least vaguely deserve victimization. He creates an empirical spectrum or continuum of relative guilt or innocence. His victims call to mind a statement made by one of the founders of scientific victimology:

Before we can develop methods which include the social as well as the medial side, we must realize the functional interplay of causative elements and their supplementary character, for they do not operate singly. That the victim is taken as one of the determinants, and that a nefarious symbiosis is often established between the doer and the sufferer may seem paradoxical. The material gathered, however, indicates such a relation. (Hentig, 1948, p. 1)

The same scholar wrote that there is “. . . a definite mutuality of some sort. In a sense, the victim shapes and moulds the criminal” (p. 384).

Another scholar writes,

Criminology and criminal justice have traditionally focused on the perpetrator of the criminal act. This one-sided concern has given rise to relatively vague, inarticulate, and misrepresented views regarding the social realities of crime . . . . (Blazicek, 1980, p. 85)

Algren demonstrates an awareness of the importance of this duet in the crimes of his fictional format. Some of his fiction predates or is contemporaneous with early victimological theory. As a representation of criminal behavior, his writing is portentous of that theory and helps elucidate the reality of the victim-offender
It is important to note, however, that Algren was a literary artist who intended his fiction as a vehicle of social protest. There is no evidence that he sought to make contributions to criminology and, probably, he despised the criminal justice system. That does not detract from the contributions he may have made, however inadvertently. Algren noticed and examined the criminal-victim dynamic before the criminologists tackled the issue, and perhaps no fictional crime writer in the English language is so deeply suffused with the complexities of the interaction.

In the frequently anthologized story “A Bottle of Milk for Mother,” Bruno Lefty Bicek fatally shoots an old man during a mugging. The aged victim is described as “the drunk” by a police sergeant. The murderer, Bruno, is more pitiable than despicable. He calls the victim “a Polak hillbilly . . . and no citizen” and relates how the victim “had his pockets full of them little bottles” of whiskey. The murder victim is no stranger to this type of adversity. He is a loser, and before being killed, Bruno states he “kept hollering how he lost his last check, please to let him keep this one.” Throughout, Algren refers to Bruno, the murderer, as a “boy” who, no less than the murdered man, is inescapably entangled in his fate. The police officers think of Bruno as a “low class Polak,” laughing openly at him (Algren, 1947, p. 78). Bruno and the victim are inescapably entangled in their fates.

In “How the Devil Came Down Division Street,” a man beats his cohabitating girlfriend to death and then hangs himself. Describing this event, one character tells another:

For it was being unwed that brought it on, at night, on the New Year. He returned from the taverns that night and beat her . . . till her wimpering became nothing . . . . The young man hanged himself in the bedroom closet. Thus it is that one sin leads to another and both were buried together. In unsanctified ground . . . with no priest near. (Algren, 1947, p. 39)

In this depiction of a murder-suicide, there is an equalization in the end result. A character tells us that both the victim and her murderer were destroyed by their sacrilegious lifestyle. She is not contradicted, and it is part and parcel of the hopeless fabric of their lives.

The ubiquitous homogeneity in his treatment of crime victims continues throughout his work. In “Is Your Name Joe?,” a woman is serially exploited, beaten, and severely mistreated by the men in her life. The story is largely a first-person narrative, and she is characterized as an obnoxious, drunken, and slightly demented prostitute (Algren, 1947).

In “Depend on Aunt Elly” (Algren, 1947), the victim of extortion at the hands of prison officials is a prostitute and a fugitive from justice. She also deceives her alcoholic prize fighter husband about her legal difficulties and criminal past.

In “He Couldn’t Boogie-Woogie Worth a Damn,” the main character is an Army deserter who batters a military police sergeant during an escape. The victim is described as “the one joker who was still bucking for promotion” (Algren, 1947, p. 101). He is one of the oppressive operatives of society, and it is significant that the reader is meant to emphasize with the offender.
In the novel *Somebody in Boots*, the protagonist, Cass McKay, embarks upon a brief and unsuccessful career as an armed robber. His first victim, a cab driver, is described as “a little man, unshaven and ragged” (Algren, 1956a, p. 193). In another robbery, the victim’s “face was thickly pimpled” (p. 203).

In “Million Dollar Brain Storm,” the main character, Tiny, is victimized by a female pickpocket. Tiny is a contemptible, washed-up boxer who wallows in self-pity and alcohol as he tries to form a sexual liaison with the woman in a bar (Algren, 1947).

The salient point is that Algren consistently portrays victims as somehow disreputable, only perhaps slightly less so than their victimizers as they grapple together in the Dantesque subculture to which the larger society has condemned them. Victims are never attractive, never evocative of sustained sympathy or empathy, but are stigmatized by Algren, as omniscient narrator, or by other characters within the story. This is the operant issue: the characters are all immersed in the guilt of society and are blemished by it; guilt is shared.

Illustrative of this is Algren’s use of symbols of stigma, which is so common in his work that it is probably intentional. It is surprising that these marks of emblematic taint are barely mentioned by Algren scholars and critics:

> The Greeks, who were apparently strong on visual aids, originated the term “stigma” to refer to bodily signs designed to expose something unusual and bad about the moral status of the signifier. The signs were cut or burnt into the body and advertised that the bearer was a slave, a criminal, or a traitor—a blemished person, ritually polluted, to be avoided. . . . He is thus reduced in our minds from a whole and usual person to a tainted, discounted one . . ., an individual who might have been received easily in ordinary social intercourse possesses a trait that can obtrude itself upon attention and turn those of us whom he meets away from him. (Goffman, 1963, pp. 1-5)

In *Somebody in Boots* (Algren, 1956a), Bryan McKay receives a vicious beating from his father. Again, the guilt is shared as Bryan is drunk and mercilessly antagonizes his father. Bryan is marked at birth, and his father screams at him:

> Yo’ elegant lyin’ son-of-a-bitch, y’ aint done lick o’ toil goin’ on eight year. Ah knowed yo’ was wuthless first time a seed yo’, yo’ weren’t never nachral. Yo’ was bo’n with a caul an’ been off plum evah since. (p. 34)

Cass McKay, the protagonist of the same novel, has a facial scar he refers to numerous times when he is being pursued by authorities or ruminating remorsefully over his past transgressions. Olin, his traveling companion, has a harelip. This character is introduced when he commits arson on a railroad car. He exits the novel shortly after committing a rape (Algren, 1956a).

Another character, Nubby O’Neill, is an amputee with one hand missing. He sodomizes “Creepy Edelbaum,” who is also called “One-Nut” in reference to his undescended testicle and perhaps stigmatized so, symbolically, in reference to his coerced partial feminization as a catamite (Algren, 1956a).
In *A Walk on the Wild Side* a pimp named Oliver Finnerty is a five foot tall homunculus. One of his whores, Reba, has a permanent squint in her right eye. A character named “Armless Charlie” is a deformed panhandler “whose face was a mask of fright and whose arms ended in delicate nibs, more like fingered fins than hands” (Algren, 1956b, p. 261). Another character variously called “Legless Schmidt” and “Railroad Shorty” is a macabre individual maimed in a railroad mishap who perambulates about on a wheeled platform of his own creation. His role as an agent of crime victim sacrifice is described later.

In “Design for Departure,” the protagonist, Mary, has a “small ragged birthmark under her right eye and always hoped, upon waking, somehow to find it gone” (Algren, 1947, p. 237). Her boyfriend, Christiano, is deaf.

In *Never Come Morning*, there is a one-eyed police captain called “One Eye Tenczara” by victims and criminals alike (Algren, 1963). It is tempting to infer that his handicap as society’s law enforcement agent is a stigmatic representation of the inability of society to clearly see the verities about its underclass and outcasts.

In *The Man with the Golden Arm*, Algren (1949) creates the repulsive character “Pig,” who is “old blind noseless . . . he gave off an odor of moldering laundry, long dead perch, and formaldehyde” (pp. 53-57). He is a small-time narcotics dealer who is instrumental in the destruction of the novel’s protagonist, Frankie Majcinek aka Frankie “Machine.”

Algren’s use of physical stigmata is too pervasive to be anything other than philosophically meaningful. Virtually all of his offenders and victims are somehow marked.

It is also possible to analyze Algren’s use of crime guilt from the interesting perspective of offender self-legitimization:

Most theories of criminal and delinquent behavior, whether attempting to define causation or association, offer only static explanations. However, since criminal behavior is dynamic, it can be explained only through a dynamic approach, where the delinquent, the act and the victim are inseparable elements of a total situation which conditions the dialectic of the anti-social conduct.

The present study tries . . . to shed some light on the role the victim plays in justification and rationalization processes, and how it is often used by the potential delinquent as a means of self-legitimization. (Fattah, 1976, p. 105)

The complexity of criminal behavior can only be understood through an interactional perspective and through an examination of the motivational approach that places emphasis on drives, rationalizations, motives, and attitudes favorable to the violation of the law. Many studies analyze how offenders self-legitimize their delinquent behavior, among them are studies by Cressy et al., Sykes and Matza, Smigel and Ross, and Dynes and Quarantelli (all cited in Fattah, 1976, p. 107).

For our purposes herein, it is important to note that Algren generally predates the work of these scholars with many empirical examples of self-legitimization within the corpus of his works. His characters repeatedly use these techniques within their dialogue and thought processes to justify their acts and to transfer guilt. In
Somebody in Boots, a cellmate tells Cass McKay, “I never did but one thing really wrong in my life, sonny. I was born in Texas with a hungry gut, an’ that was my big mistake” (Algren, 1956a, p. 61). Later, Cass ruminates:

People always lied, he had learned that. They lied to get even, or they lied to live. Almost everyone had to lie, one way or another, just to live. For someone kept cheating all the time, you had to cheat back or be robbed. As Bryan had been robbed. As Nancy and his father and Norah Egan and himself had been robbed. There was someone who cheated and all men were robbed. (p. 242)

Studies of offenders have shown that many utilize a “mental re-definitional process that serves to check social controls that inhibit deviant motivational patterns” (Fattah, 1976, p. 108). As corollary to this process, the deviant act is perceived as useful, desirable, acceptable, or even wholly justifiable. The law is perceived as illegitimate and the criminal justice system as an oppressive instrument of dominant social groups. The victim is considered as deserving of victimization, and offenders perceive themselves as victims of social injustice (p. 108):

Many techniques of neutralization use the victim as an agent of justification and auto-legitimization, such as attributing inferior qualities or virtues to the victim, faulting the behavior of the victim, devaluing the victim’s worth and making him appear as deserving such fate personally . . . or behaviorally. The psychological process of devaluing or blaming the victim is not worked out in a logical, rational, consciousness. (p. 109)

Social psychologist Melvin J. Lerner (1980) has done research validating part of this hypothesis with his Just World Posit. Among other things, Professor Lerner has demonstrated experimentally that people assuage their consciences and sometimes transfer blame “by the simple device of finding or inventing reasons why everyone got what they deserved” (p. 105).

An interesting illustration of this can be found in “Design for Departure” (Algren, 1947). Mary becomes involved in criminal activity known as the “badger game.” It becomes her job to sit in a booth of the Jungle Club bar and entice men into her room. Her accomplice, Christiano, then extorts money from the compromised men. Mary’s conscience is plagued at this trade but cynical Christiano

. . . would assure her that the fellow had just been some cheap crook of one sort or another, that all they’d done was to take something he’d taken off someone else. All the men they trapped, he assured her, had had it coming to them for a long time because of the way they treated decent people. (p. 247)

Sykes and Matza (1957) identify five of what they call “techniques of neutralization” used by delinquents for self-legitimization. These are (1) denial of responsibility, (2) denial of injury, (3) denial of worth of the victim, (4) condemnation of established authority, and finally (5) by appeal to other authority such as a gang or other subculture (pp. 664-670). This has similarly been examined by John Hamlin (1988) in “The Misplaced Role of Rational Choice in Neutralization Theory.”

Algren’s characters routinely employ these rationalizations as whole cloth. In certain contexts, Algren, as narrator, utilizes these same devices in his expositions. In “The
Captain Has Bad Dreams,” a delinquent in a police lineup says he was “speeding a car without the owner’s consent . . .” to which the police captain responds, “that wouldn’t come under auto theft, would it?” Under questioning in the same lineup, an accused responds, “I contributed to a minor.” The captain queries, “What did you contribute?” The accused answers, “Why, I contributed some candy.” And the captain says “You’re always giving little girls candy” (Algren, 1947, p. 28). These types of interchanges are pervasive throughout Algren’s work.

The technique of devaluing and depreciating the victim is so common as to be almost unnoticed and unmentioned, except by victimologists who have exposed these practices to researchers and students in the field. In all of Algren’s stories, the police and criminals, and crime victims themselves refer to crime victims as “suckers” or “tinhorns” or “marks.” In “The Children,” the thoughts of a young delinquent are succinctly revealed using this nomenclature:

If you wanted to use phony dice, slip them to a sucker and let the sucker make the passes. Then grab your hat and let the sucker try talking his way out. Let the suckers take the beatings. That’s what suckers are for. (Algren, 1947, p. 202)

As authors Bard and Sangrey (1979) describe it,

Crime victims are commonly seen as losers and failures. They have been defeated by the criminal, who has outwitted them; they have failed in their efforts to protect themselves. This judgment is probably made in one way or another by most of the people who come in contact with the victim after the crime. Some feeling of contempt for the victim is shared by practically everyone in our society. (pp. 76-77)

Algren episodically borders on the mystical in his treatment of crime guilt. In Never Come Morning, a physician with a revoked medical license plies his trade in a Chicago brothel. He is drawn sympathetically, and it is clear that he serves as society’s sacrificial emissary; he assumes the guilt even though his patients, the prostitutes, are the ones who live immorally and illegally. In an enigmatic passage, Algren writes,

Shapiro was a hulking immigrant whose capacity for pity was larger than his capacity for medicine. He had lived in the twilight land between medicine and quackery. He was more gentle with the women than their mothers had been; not one of them, even the youngest, felt embarrassment before him. Even the youngest forgave him. He did not have to apologize; their forgiveness bordered on condescension. “We know it ain’t your fault,” Chickadee told him. “Nobody’s blamin’ you, Doc,” but Shapiro blamed himself. He had other sins on his soul, and he found expiation by assuming, silently, a burden of guilt not his own. (Algren, 1963, p. 199)

Professor Israel Drapkin, a victimologist, remarks,

From the simple etymological point of view, “victimology” derives from the Latin word “victima” and the Greek root “logos.” “Victima” has two basic meanings: one implies a living creature sacrificed to a deity, or offered in performance of a religious rite. The second meaning is that used in criminology. It refers to the person suffering, injured or destroyed by the action of another.
It is precisely this plural definition which creates the possibility of studying the subject from quite a number of different, and even antagonistic, points of view. (Drapkin & Viano, 1975, p. xiii)

Bard and Sangrey (1979) write that “in some traditions the victim . . . in ritual is a blameless one who assumes the faults of the entire community and then is symbolically or actually destroyed” (p. 75). We find this in Algren.

In “The Face on the Barroom Floor,” the victim is a bartender in a tavern that caters to small-time crooks and their disreputable associates in a Chicago slum. His nickname is “Fancy.” For a putative insult, a diminutive but powerful thug named “Railroad Shorty” administers a fatal beating to Fancy. The denouement carries perverse sacrificial undertones. Fancy lies moribund as Shorty continues to beat him. Algren writes,

... till with each fresh blow, each man felt redeemed for the blow his own life had been to him. Till the face on the floor was a scarlet sponge, ... with each animal groan from the floor each man breathed more freely. (Algren, 1947, pp. 139-140)

The beating complete, Railroad Shorty says to the destroyed victim Fancy “in a hurried whisper, ‘Yer carpet rags from now on, son’ he mourned, ‘carpet rags before yer’ time like me’n all the peoples” (pp. 139-140).

A similar scene is enacted in A Walk on the Wild Side in which the character Dove Linkhorn is viciously beaten by Legless Schmidt. (It is interesting to note that the male victims in these sacrificial beatings have effeminate names, e.g., “Fancy” and “Dove.” The question is, “Is this a literary device Algren uses to enhance the victim’s image of defenselessness or vulnerability?”) In this victimization, Dove is not killed but is permanently blinded. Again, the undertone of victim sacrifice is unmistakable:

The cripple held Dove face down to the floor, steadying him as he floundered. Then lifting him between his great hands, gave his hands that twist of a coiling spring. Dove hit the floor on his side, one arm out-flung and the other across his eyes.

“He’s had it,” somebody said. It was true: they crowded in to see . . . he lay like some animal whose final defense lies in complete helplessness, eyes bright and unseeing, open to anyone’s blows.

Kitty pushed in, and put her ear down to Dove’s broken mouth, that was trying to speak through swallowing blood.

“He says if you let him go . . .”

“I’ll say a prayer for you . . .”

“He’ll say a prayer for you” [Kitty repeated]

“Tell him to save his prayers,” Schmidt told her. . . . And though, when Schmidt’s fist was raised again everyone thought “relent”—panderers and cripples and fallen girls, yet when it fell all felt a heartbroken joy. As though each fresh blow redeemed that blow that his life had been to him.
Later, a woman who saw that the face on the floor was no longer a face but a mere paste of cartilage . . . recalled: “It went through my mind, Why give him a chance?” (Algren, 1956b, pp. 341-342)

And on it goes. Algren’s characters ec dysiastically shed their guilt and blame, which is assumed, willingly or not, by other characters within the stories. Even police Captain Bednar expiates the sins and crimes of others in his own private Gethsemane as he seeks redemption:

> The city had filled him with the guilt of others; he was numbed by his charge sheet’s accusations. For twenty years . . . he had recorded larceny and . . . Arson, sodomy and simony, boosting, hijacking and shootings . . . blackmail, terrorism, incest and pauperism till the finger of guilt turned at last to touch the fibers behind the Captain’s eyes. So that though by daylight he remained the pursuer there had come nights . . . when he had dreamed he was being pursued. (Algren, 1949, p. 7)

Algren continues throughout the *The Man with the Golden Arm* to push the weary Captain up the Golgotha of his mind:

> “Come down off that cross yourself,” he counseled himself sternly, like warning another. But the captain couldn’t come down. The captain was impaled. (p. 215)

As always, Algren shifts blame, this time to mystical heights by his portrayal of Captain Bednar as a Christ-figure accepting, however reluctantly, culpability for the misdeeds of others. It is the ultimate guilt transference.

A proper understanding of the fiction of Nelson Algren, and others of his genre, requires a criminological analysis heretofore neglected if not denied by both the literary and criminal justice communities. Much work remains to be done, and it is hoped that scholarship in this area will blossom.

**References**


Peter J. Puleo is associate professor of criminal justice at William Rainey Harper College in Palatine, Illinois. He was formerly adjunct instructor of criminal justice at The University of Illinois at Chicago and at Triton College in River Grove, Illinois. He holds an MA in Criminal Justice from the University of Illinois at Chicago and an MS from Loyola University of Chicago. He is a graduate of the Northwestern University School of Police Staff and Command. Puleo retired after 25 years of service with the Schiller Park, Illinois Police Department, having served from 1993 to 2000 as Chief of Police.
Surviving Firearm Assaults at Domestic Violence Calls

Richard R. Johnson, PhD, Assistant Professor, Department of Criminal Justice, Washburn University

Introduction

Domestic violence calls pose serious safety hazards to police officers in North America. According to the Federal Bureau of Investigation (FBI) Uniform Crime Reports, between 1980 and 2005, more than 224,900 police officers in the United States were physically assaulted while handling domestic violence calls. More than 780 of these assaults involved the use of a firearm against an officer. During this time period, 157 police officers were murdered while handling domestic violence calls. In these assaults, every year, hundreds of officers are injured and between five and seven are killed (FBI, 1985, 1995, 2005).

The danger to police officers posed by firearms in the handling of domestic violence calls is great. Therefore, research is needed to fully understand these firearm assault incidents and what factors are correlated with the survival of these shooting incidents. Identifying what factors are associated with surviving firearm assaults at domestic violence calls could assist police agencies in developing policies and procedures to improve officer safety.

The present study involved a detailed analysis of 143 firearm assaults against 225 police officers handling domestic violence and family disturbance calls in the U.S. This study investigated what incident characteristics, assailant characteristics, and victim officer characteristics were correlated with whether or not the victim officer survived or was killed as a result of the assault. It was hoped that through logistic regression analysis, specific factors could be identified as key to the survival of officers who experienced these assaults, and that these factors could help inform law enforcement training and procedures for handling domestic calls.

Firearm Assaults on the Police

In the U.S., firearm violence in general is very prevalent with between 7,000 and 8,000 homicides caused by firearms each year (UCR, 2006). Police officers are also frequently the target of firearm violence. It is estimated that each year several hundred firearm assaults are committed against the police, resulting in the deaths of 40 to 50 officers each year (FBI, 1995, 2005). Many more officers are wounded in these shooting incidents and survive, yet there is a dearth of empirical research analyzing exactly what factors are associated with whether or not the officer survived the shooting encounter.

Several studies have compiled descriptive statistics about firearm assaults on officers in general (Builta & Ward, 1995; Pinizzotto, Davis, & Miller, 1998; Wilson & Meyer, 1991). According to these studies, the majority of police officer shootings have occurred on weekends, during hours of darkness, and in citizen contacts resulting from officer-initiated stops rather than from handling calls for service.
The most common firearm assault situation occurred when the officer being ambushed was involved in an activity that did not include citizen interaction such as being shot in his or her patrol car while completing paperwork. The other most common officer activities at the time of firearm assaults were responding to robberies in progress, attempting to handcuff or search a suspect, stopping a suspicious person, or performing traffic stops. Most of the shootings occurred when the officer and the assailant were no more than ten feet apart.

The typical assailant in police shootings was a male in his early 20s with only a high school education. Almost 50% appeared to be suffering from a personality disorder and about 75% were under the influence of alcohol. A majority of the assailants were unemployed at the time of the attack and had a prior criminal record. More than 70% of the assailants used a handgun in the assault and reportedly regularly carried a handgun on their person. The description of the typical victim officer fired upon matched the description of the typical police officer in the U.S. More than 80% of the victim officers were male. Most were white, married, in their early 30s, and had at least a high school education. The average number of years of police experience was eight years, and the majority of the officers were assigned to uniformed patrol duties at the time of the assault (Builta & Ward, 1995; Pinizzotto et al., 1998; Wilson & Meyer, 1991).

While the previous literature has discussed the descriptive statistics related to shooting incidents in general, few studies have attempted to use social scientific methods to identify those factors which may contribute to the murders of police officers. Pinizzotto and associates (1998) collected detailed qualitative data on officers who were killed in firearm assaults. From their analysis, they suggested that the officers who were killed tended to be more friendly and lenient with citizens than the officers who survived shooting incidents. Also it was suggested that the officers who survived their shooting incidents had an unusually strong will to survive.

Wilson and Meyer (1991) conducted an empirical study to try to determine what factors were correlated with officers surviving a firearm assault in ambushes and robbery call situations. After analyzing a number of situational factors and assailant characteristics, they found that the only factors correlated with officer death were the offenders’ socioeconomic and employment status. Officers were more likely to be killed in the assault if the assailant was unemployed and of low socioeconomic status. This suggests that assailants are more deadly when they have less to lose, but it does little to help officers develop better tactics for surviving lethal force encounters.

To date, however, no study has looked specifically at officers assaulted with firearms while handling domestic violence calls, even though these calls carry a high potential for danger to police officers. Uchida, Brooks, and Koper (1987) studied assaults against the police in Baltimore County, Maryland, and found that family disturbances ranked as the third most dangerous type of call for officers. Stanford and Mowry (1990) studied the rate of injury from assaults at various types of calls handled by the police in Tampa, Florida. They found that family disturbance calls produced the highest rate of officer injury from an assault per call. Finally, Ellis, Choi, and Blaus (1993) analyzed the rate of assault and injury per call for the police in Ontario, Canada, finding that family disturbance calls ranked
third in both likelihood of officer assault and injury. Domestic violence calls are clearly dangerous situations for officers.

Furthermore, no study has ever looked at what factors were associated with officer survival in firearm assaults at these domestic violence calls. What characteristics about these shooting incidents are correlated with whether or not the officer survived the encounter? Are there characteristics about the assailant that are associated with a more lethal assault? Are there characteristics about the victim officers that are connected to whether or not they survived the shootout? Finally, can any steps be implemented to improve the chances of officers surviving these encounters? The present study sought to answer these questions.

**Methods**

The present study sought to analyze a sizeable sample of incidents in the U.S. where police officers were fired upon with a firearm while handling a family disturbance or domestic violence call. The intent was to gather enough detail on the circumstances, assailants, and victim officers in the incidents to conduct an empirical analysis of what factors were correlated with whether or not the officer survived the shooting encounter. In order to do this, the sample had to include both cases where officers were killed by gunfire and cases in which the officers survived.

Unfortunately, collecting detailed data on firearm assaults against police officers handling specific types of calls is a difficult task for a number of reasons. First, there is no comprehensive database for assaults on police officers in the U.S. While the FBI (2005) collects detailed data on all police officers killed in the line of duty, it only collects very limited data on assaults in which the officer survives, even those involving firearms. Second, due to concerns about civil liability and biased media coverage, police executives are frequently reluctant to divulge details to the public or researchers about incidents in which their officers have discharged firearms (Adams, 1996; Garner, Buchanan, Schade, & Hepburn, 1996). As a result of these factors, a variety of data gathering techniques were employed to identify and collect detailed data on firearm assaults against police officers at domestic violence calls.

For the assaults in which at least one officer was fatally injured, the primary source of data was the *Law Enforcement Officers Killed and Assaulted* (LEOKA) reports published annually by the FBI on all officers killed in the line of duty. These reports are compiled from data provided by all law enforcement agencies in the U.S. which have sustained a line of duty death of an officer in the previous year. The reports covering years 1999 through 2003 were reviewed for information on all fatal assaults of police officers involving the use of a firearm and that resulted from a domestic violence incident. The information about officer murders included in these LEOKA reports is quite detailed and also contained a narrative account of each incident. Unfortunately, these reports only offer extremely brief, aggregated data on non-fatal assaults. Therefore, other data sources had to be used to identify non-fatal firearm assault incidents.

The primary source used to identify incidents not involving an officer fatality were newspaper articles. A number of studies have investigated the accuracy of local
newspaper coverage of criminal events in the U.S. Evaluations of crime-related newspaper articles have consistently found that newspapers focus disproportionately on violent crimes, especially cases of serious violent crime involving victims who are white, children, women, or police officers (Boulahanis & Heltsley, 2004; Menifield, Rose, Homa, & Cunningham, 2001; Meyers, 1994; Paulsen, 2003; Thompson, Young, & Burns, 2000). This was not a drawback for the present study as the cases that needed to be identified were one of the types of crimes (a serious violent crime against a police officer) that were most likely to be reported.

Newspaper articles have also been used in the past as a primary data source for empirical criminal justice research in other situations where, like the present study, there was no official data source to access or official data was limited. Prasad (1994) used newspaper articles to identify and analyze incidents of dowry-related spousal abuse in India because such cases were often not properly reported in official government statistics. Olzak and Shanahan (1996) relied primarily on newspaper accounts to identify incidents of race riots in the U.S. to determine their primary precipitating events. As in the present study, newspaper accounts were used because of the lack of a central database on this topic and the difficulty in locating witnesses to the precipitating events.

Fothergill (1999) supplemented interviews of battered women’s shelter workers with newspaper accounts in the study of spousal abuse in one community in the wake of a major natural disaster. McGurrin and Kappeler (2002) used searches of newspaper article databases to identify and analyze incidents of sexual assault involving police officers as perpetrators. Finally, Messing and Heeren (2004) used newspaper databases to collect details on incidents of mass and serial murder involving female killers. All of these studies involved rare cases that were difficult to detect through other means. The present study also relied heavily on newspaper accounts for the same reasons.

Following the methods previously employed by McGurrin and Kappeler (2002) and Messing and Heeren (2004), article searches were conducted using the Lexis-Nexis newspaper article database. This database taps into the searchable archives of over 300 U.S. newspapers. Searches were conducted for the five-year period of January 1, 1999, through December 31, 2003, using various combinations of the keywords “police,” “officer,” “shot,” “shoot,” and “domestic.” Once an article was located that described a firearm assault on a police officer in connection with an incident of domestic violence, further searches for this specific incident were conducted using both the Lexis-Nexis database and other Internet-available archives of newspapers from the region of the country where the assault had occurred. The researcher also contacted the law enforcement agency involved in each incident, explaining the purpose of this study and requesting a copy of the investigative case summary. Unfortunately, less than 10% of the agencies involved cooperated with this request, requiring the researcher to rely almost solely on the newspaper accounts.

While all of the fatal assaults discovered through the LEOKA reports were included in the sample, non-lethal incidents were only included in the study if they met three criteria. First, at least three independent newspaper articles had been found covering the incident or the criminal trial resulting from it. This was done to help confirm information accuracy and reliability. Second, the articles had to verify that an actual firearm assault had occurred. This was accomplished by only including
cases in which the assailant actually discharged a firearm at a police officer rather than simply menacing with a weapon—possibly in a “suicide by cop” attempt to provoke the officer(s) to shoot. Third, there had to be no evidence that the officers involved were ever formally accused by a court or grand jury of inappropriate use of force in the incident. These criteria strengthened the likelihood that the incident was a true assault on the officers and that accurate data would be collected.

Using these methods, data was collected on 143 separate incidents involving firearm assaults against 225 victim police officers. This produced an average of 28.6 domestic violence call firearm assault incidents per year. It could be assumed that this is a conservative estimate since some non-fatal incidents may have been missed because of areas of poor print media coverage. There is also evidence to suggest that violent crimes in very large cities are underreported by the media when compared to smaller cities and rural areas because of the sheer volume of possible news stories available (Menifield et al., 2001). Therefore, some of the incidents in large urban areas and remote rural areas (especially incidents where both the officer and assailant escaped injury) may have gone undetected by the search methods employed here.

Analysis

Table 1 displays the descriptive statistics of the variables used in this analysis. The dependent variable, whether or not the assaulted officer survived the encounter, is displayed first. As can be seen in the table, the vast majority of the officers involved in these assaults (86%) survived the encounter. In 53% of the assault incidents, all of the officers involved escaped injury, while in 47% of the incidents, at least one officer was wounded or killed by gunfire. Of the 67 incidents where an officer was hit by gunfire, 40% involved at least one officer being fatally wounded. Of the 225 individual victim officers in the sample, 126 (57%) avoided being hit by the gunfire, 65 (29%) were hit by gunfire and survived, and 31 (14%) were killed by gunfire.

<table>
<thead>
<tr>
<th>Table 1. Sample Descriptive Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dependent Variable</strong></td>
</tr>
<tr>
<td>Victim Officer Survived the Firearm Assault</td>
</tr>
<tr>
<td>Yes 194 (86.2%)</td>
</tr>
<tr>
<td>No 31 (13.8%)</td>
</tr>
<tr>
<td><strong>Independent Variables</strong></td>
</tr>
<tr>
<td>Season When Assault Occurred</td>
</tr>
<tr>
<td>Winter 51 (22.7%)</td>
</tr>
<tr>
<td>Spring 74 (32.8%)</td>
</tr>
<tr>
<td>Summer 49 (21.8%)</td>
</tr>
<tr>
<td>Fall 51 (22.7%)</td>
</tr>
<tr>
<td>Assault Occurred on a Weekend</td>
</tr>
<tr>
<td>Yes 75 (33.3%)</td>
</tr>
<tr>
<td>No 150 (66.7%)</td>
</tr>
<tr>
<td>Shift When Assault Occurred</td>
</tr>
<tr>
<td>Day shift (7:01 AM – 3:00 PM) 45 (20.0%)</td>
</tr>
<tr>
<td>Evening shift (3:01 PM – 11:00 PM) 117 (52.0%)</td>
</tr>
<tr>
<td>Midnight shift (11:01 PM – 7:00 AM) 63 (28.0%)</td>
</tr>
<tr>
<td>Status</td>
</tr>
<tr>
<td>--------</td>
</tr>
<tr>
<td>Initial Call Indicated Violence Had Already Occurred</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Location of Call Was a Residence</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Number of Civilian Witnesses Present</td>
</tr>
<tr>
<td>Maximum</td>
</tr>
<tr>
<td>Assailant's Sex</td>
</tr>
<tr>
<td>Female</td>
</tr>
<tr>
<td>Assailant's Age</td>
</tr>
<tr>
<td>Maximum</td>
</tr>
<tr>
<td>Assailant Had Prior Criminal Offense Convictions</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Assailant Had Prior Domestic Violence Offense Convictions</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Assailant Had History of Mental Illness</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Assailant Had Been Consuming Alcohol</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Assailant Had an Active Order of Protection</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Assailant Weapon Was a Handgun</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Number of Shots Fired by Assailant</td>
</tr>
<tr>
<td>Maximum</td>
</tr>
<tr>
<td>Assailant Was Waiting in an Ambush Position</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Victim Officer's Sex</td>
</tr>
<tr>
<td>Female</td>
</tr>
<tr>
<td>Victim Officer's Age</td>
</tr>
<tr>
<td>Maximum</td>
</tr>
<tr>
<td>Victim Officer’s Years of Police Experience</td>
</tr>
<tr>
<td>Maximum</td>
</tr>
<tr>
<td>Victim Officer Assigned to Patrol Officer Duties</td>
</tr>
<tr>
<td>Victim Officer Was Outdoors When First Fired Upon</td>
</tr>
<tr>
<td>Victim Officer Was Without a Backup Officer</td>
</tr>
<tr>
<td>Number of Feet Between Victim Officer and Assailant When First Fired Upon</td>
</tr>
<tr>
<td>Number of Shots Fired by the Victim Officer</td>
</tr>
<tr>
<td>Victim Officer Was Wearing Body Armor</td>
</tr>
</tbody>
</table>

Table 1 also reveals the independent variables included in the analysis. At the incident level, the majority of the officers were assaulted in the spring while working an evening shift, and although most of the officers were assaulted on a weekday, the proportion of assaults that occurred on a weekend (33%) indicates an elevated risk for assaults on the weekend. The majority (63%) of the original calls where these assaults took place were designated as domestic violence situations rather than simply domestic disturbances or disputes. More than three-quarters of the incidents occurred at a private residence, and most had between two and three other citizens (victims and witnesses) present at the scene.

At the assailant level, the overwhelming majority (96%) of the officers were assaulted by a male. The assailants had a wide age range, but the majority of them were in their 30s. Most had a prior criminal record, including prior convictions for domestic violence offenses, and 17% had an active order of protection against them. Very few (11%) had a documented history of mental illness, but approximately two-thirds had been consuming alcohol at the time of the assault. Almost one-third were laying in wait to ambush the officer and most fired multiple shots. While slightly more than half of the officers were assaulted with a handgun, this was significantly different from general incidents of firearm assaults on police. In general, approximately 74% of the firearm assaults on the police in the U.S. involve a handgun (Builta & Ward, 1995), suggesting that firearm assaults at domestic calls are significantly more likely to involve a rifle or a shotgun.

The descriptive statistics of the assaulted officers appear to portray the average police officer in the U.S. who would be handling a domestic call. They were 94% male, with an average age of 35 and an average of 11 years of police experience. Most were uniformed patrol officers (88%) and backup officers were present when the assault began. While the majority of the calls occurred at private residences, more than two-thirds of the officers were first fired upon when they were in an outdoor location. While more than 70% of the general firearm assaults on police officers occurred when the assailant was less than 10 feet away (Builta & Ward,
1995), 60% of the officers assaulted at domestic calls were more than 10 feet away from the assailant when he opened fire, with the average distance being about 15 feet. Finally, the vast majority of the officers in this sample (92%) appeared to be wearing body armor.

In order to investigate what factors were statistically correlated with the survival of the victim officers in these assaults, whether or not the officer survived was regressed on the incident-level characteristics, assailant characteristics, and victim officer characteristics using ordinal logistic regression. Table 2 reveals the findings from the logistic regression involving the incident-level characteristics. The low Nagelkerke Pseudo \( R^2 \) value of .157 suggests that the incident-level characteristics do little to explain why some officers survived these shooting encounters and others did not. Only about 16% of the difference between the officers who survived and those who did not can be explained by these characteristics. The only incident-level characteristics in the model that were significantly associated with improved odds of survival were the number of civilians present and whether the assault occurred on a midnight shift. For every civilian witness present at the scene, the victim officer’s odds of surviving the shooting incident were about 1.2 times higher. When the assault occurred during the midnight shift, the victim officer’s odds of survival were almost five times higher.

Table 2. Logistic Regression of Incident-Level Characteristics

<table>
<thead>
<tr>
<th>Variable</th>
<th>Coefficient (SE)</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring</td>
<td>0.234 (.457)</td>
<td>1.263</td>
</tr>
<tr>
<td>Summer</td>
<td>-0.418 (.517)</td>
<td>0.659</td>
</tr>
<tr>
<td>Weekend</td>
<td>0.074 (.439)</td>
<td>1.077</td>
</tr>
<tr>
<td>Evening shift</td>
<td>0.598 (.457)</td>
<td>1.819</td>
</tr>
<tr>
<td>Midnight shift</td>
<td>1.586** (.606)</td>
<td>4.886</td>
</tr>
<tr>
<td>Violence reported</td>
<td>0.460 (.407)</td>
<td>1.584</td>
</tr>
<tr>
<td>Residential location</td>
<td>-0.072 (.494)</td>
<td>0.930</td>
</tr>
<tr>
<td>Civilians present</td>
<td>0.209* (.102)</td>
<td>1.232</td>
</tr>
<tr>
<td>(Constant)</td>
<td>0.211 (.650)</td>
<td></td>
</tr>
</tbody>
</table>

Model \( \chi^2 = 20.424^{**} \)
Nagelkerke Pseudo \( R^2 = .157 \)
Significance Levels: *\( p < .05; **p < .01; ***p < .001 \)

Table 3 reveals the results of the logistic regression involving the assailant’s characteristics. As can be seen in the table, the Nagelkerke Pseudo \( R^2 \) for the assailant-level characteristics (.080) is even lower than for the incident-level characteristics, suggesting that less than 10% of whether or not the officer survived the shooting encounter had to do with the assailant. The only assailant characteristic that was significantly associated with the victim officer’s odds for survival was the attacker’s age. The older the assailant was, the more likely the victim officer was to survive. Specifically, for every year of assailant age, the officer’s odds of surviving the shooting encounter increased by one.
Table 3. Logistic Regression of Assailant-Level Characteristics

<table>
<thead>
<tr>
<th>Variable</th>
<th>Coefficient (SE)</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>0.701 (.201)</td>
<td>2.016</td>
</tr>
<tr>
<td>Age</td>
<td>0.031* (.018)</td>
<td>1.031</td>
</tr>
<tr>
<td>Criminal record</td>
<td>0.824 (.790)</td>
<td>2.279</td>
</tr>
<tr>
<td>Prior domestic violence offenses</td>
<td>0.158 (.599)</td>
<td>1.172</td>
</tr>
<tr>
<td>Mental illness</td>
<td>-0.925 (.599)</td>
<td>0.397</td>
</tr>
<tr>
<td>Consumed alcohol</td>
<td>-0.444 (.454)</td>
<td>0.641</td>
</tr>
<tr>
<td>Protective order</td>
<td>-0.683 (.527)</td>
<td>0.505</td>
</tr>
<tr>
<td>Used handgun</td>
<td>-0.161 (.454)</td>
<td>0.851</td>
</tr>
<tr>
<td>Number of shots</td>
<td>0.019 (.019)</td>
<td>1.091</td>
</tr>
<tr>
<td>Barricaded ambush</td>
<td>-0.406 (.446)</td>
<td>0.666</td>
</tr>
<tr>
<td>(Constant)</td>
<td>-0.329 (1.921)</td>
<td></td>
</tr>
</tbody>
</table>

Model $\chi^2 = 9.899$

Nagelkerke Pseudo $R^2 = .080$

Significance Levels: *$p < .05$; **$p < .01$; ***$p < .001$

Table 4 reveals the results of the logistic regression involving the victim officer’s characteristics. The Nagelkerke Pseudo $R^2$ in this table reveals that the officer’s characteristics explain the most difference between the officers who survived the shooting encounter and those who were killed. More than 42% of the differences in survival can be explained by the characteristics of the individual officers. The most influential factor in the officer’s survival was clearly the use of body armor. When the officer was wearing body armor, his or her odds of surviving the shooting encounter were more than six times higher. The second most influential factor was the distance between the shooter and the officer. For every foot of distance between the officer and the shooter, the officer’s chance of survival was 1.97 times higher. For example, an officer 20 feet away from the shooter would have a chance of survival that was almost 20 times higher than an officer 10 feet away from the shooter.

Table 4. Logistic Regression of Victim Officer-Level Characteristics

<table>
<thead>
<tr>
<th>Variable</th>
<th>Coefficient (SE)</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>0.568 (.950)</td>
<td>1.765</td>
</tr>
<tr>
<td>Age</td>
<td>-0.092* (.052)</td>
<td>0.912</td>
</tr>
<tr>
<td>Experience</td>
<td>0.101 (.064)</td>
<td>1.107</td>
</tr>
<tr>
<td>Patrol officer</td>
<td>0.672 (.736)</td>
<td>1.958</td>
</tr>
<tr>
<td>Outside location</td>
<td>0.393 (.529)</td>
<td>1.482</td>
</tr>
<tr>
<td>No backup</td>
<td>-0.271 (.565)</td>
<td>0.783</td>
</tr>
<tr>
<td>Distance to shooter</td>
<td>0.676** (.236)</td>
<td>1.967</td>
</tr>
<tr>
<td>Shots officer fired</td>
<td>0.511** (.172)</td>
<td>1.667</td>
</tr>
<tr>
<td>Body armor</td>
<td>1.802** (.773)</td>
<td>6.061</td>
</tr>
<tr>
<td>(Constant)</td>
<td>-1.493 (2.195)</td>
<td></td>
</tr>
</tbody>
</table>

Model $\chi^2 = 62.417$***

Nagelkerke Pseudo $R^2 = .422$

Significance Levels: *$p < .05$; **$p < .01$; ***$p < .001$
The third most influential factor was the number of shots the officer fired back at the assailant. For every shot the victim officer was able to fire back, the officer’s odds for survival increased by about 1.7 times. Therefore, officers who were able to fire back with three shots at the assailant tended to be five times more likely to survive than officers who were unable to get a shot off at the assailant. Finally, the officer’s age was negatively associated with the officer’s odds of survival, with younger officers being more likely to survive the shooting encounters than older officers. For every year older the victim officer was, the victim officer was .9 times less likely to survive the shooting encounter. As a result, an officer who was age 25 at the time of the assault would be nine times more likely to survive than a similar officer who was age 35.

**Discussion**

The present study suggested that wearing body armor, maintaining a safe distance from the suspect, and firing back at the assailant were all significant predictors of surviving the shooting incident. Obviously, wearing body armor can increase an officer’s survivability by stopping many kinds of ammunition from penetrating vital organs. While body armor cannot protect all vital areas of the body, and most body armor styles worn by patrol officers will not stop most rifle ammunition, the officers in this study who wore body armor were far more likely to survive. While 61% of the officers in this study who were killed were wearing body armor, 96% of the officers who were hit by bullets and survived were wearing body armor.

Distance to the suspect was also an important factor in survival. While 71% of the officers who were killed were within 10 feet of the assailant when the attack began, 65% of those officers who survived were more than 10 feet away from their attacker when the shooting began. The farther away the officer is from the assailant, the smaller a target he or she presents, and the more opportunities there are for cover and concealment between the officer and the attacker. Additionally, many of the shootings involved pistols and shotguns, which have a less lethal capability at greater distances. Since most rifle bullets were designed for hunting or warfare, however, they generally remain highly lethal at the distances an officer on a domestic violence call would encounter.

One should be careful in interpreting the fact that the more rounds an officer fired back the more likely he or she was to survive. This finding had more to do with whether or not the officer was able to return fire at all, as 87% of the officers killed were unable to get off a shot, and 72% of those who survived were able to fire back. There was no support for the argument that sending bullets wildly down range will keep the assailant’s head down and prevent him from firing back. As displayed in Table 1, the average number of shots fired by the victim officers was between two and three. Of the four officers who were killed who fired at their assailant, only one (25%) hit his target. Of the 140 officers who survived the encounter and fired back, 111 (79%) hit the assailant at least once. Firing back with well-placed shots that hit the assailant were what increased the odds for survival.

The final officer characteristic that influenced the odds of survival was the officer’s age. It is unlikely that this had anything to do with the assumed aggressiveness of younger officers or their greater attention to officer safety as the victim officer’s years of police experience was not significantly correlated with survival. It is more
likely that younger people are better able to withstand the physical trauma of a gunshot wound. Further evidence to support this interpretation was the fact that the average age for the officers who were killed was 40 years while the average age of those officers who were hit but survived was 33 years. 

The other characteristics that were significantly correlated with the officer’s survival were the assailant’s age, the number of civilians present, and whether or not the assault occurred on the midnight shift. The assailant’s age could possibly be a factor because of the effects of age on one’s psychomotor skills with a firearm, making older assailants less likely to hit their targets. Another interpretation could be that younger offenders are more aggressive. Unfortunately, the current data available cannot shed any more light on a possible answer to why this finding occurred. The reason that the presence of more civilians increased the officer’s odds for survival can be explained by the impact these witnesses had on warning the officer(s) about potential dangers. The details revealed in many of these cases support this theory as frequently the witnesses and victims warned the responding officers about the location of the suspect, whether or not the suspect was dangerous, and whether or not the suspect had a firearm. 

The final characteristic associated with the officer’s survival was whether or not the assault occurred during the midnight shift. Approximately 71% of the officers assaulted during the day shift survived, 82% of the officers assaulted during the evening shift survived, and 92% of the officers assaulted during the midnight shift lived. Perhaps this finding could best be explained by the assumption within police culture that the midnight shift carries more danger (Adams, McTernan, & Remsberg, 1980). It is possible that the officers assigned to the midnight shift perceive more danger than their colleagues working other shifts and therefore proceed more cautiously or make better use of cover on their approaches to calls. It is also possible that because the midnight shift involves the largest period of darkness, and the majority of these assaults occurred in outdoor locations, this shift offered officers the greatest degree of concealment through hiding in the shadows during their approach and after being fired upon. 

Conclusion

The present study sought to investigate what factors were associated with surviving firearm assaults on police officers at domestic violence calls. The factors that were correlated with surviving these shooting incidents included wearing body armor, the distance from the suspect, whether or not the officer returned fire, the age of the officer, the age of the assailant, the number of civilian witnesses present, and whether or not the shooting occurred during the midnight shift. Fortunately, the findings revealed that the majority of the factors associated with survival are, at least in part, within the officers’ control. 

Officers can choose to wear their body armor, they can try to maintain a safe distance from the suspect, and they can practice returning fire quickly with well-placed shots. Although officers cannot turn back the clock of time, they can work to maintain a good level of physical fitness so that they are more likely to survive the trauma of a gunshot wound like a younger person. They can also approach their domestic violence calls with the same level of heightened vigilance they would have if they were handling the same call while working a midnight shift.
Therefore, through good training, exercise, and officer safety tactics, officers can increase their odds of surviving a shooting encounter at domestic violence calls.

Unfortunately, the data utilized in this study did not permit the analysis of several important factors that may also be related to these incidents. For example, how did the officers utilize cover and concealment, and did this make any difference? How were fire and maneuver tactics used? How did officers using contact and cover tactics react? How much, and what type, of officer safety training had the victim officers received before the shooting incident? Had the victim officers had prior contact with the assailant or the address where the shooting occurred? and How many of the assailants knew that the police had been summoned and were on the way? Perhaps future research will have better cooperation from the law enforcement agencies and officers involved so that these questions can be answered.

References


Richard R. Johnson, PhD, is an assistant professor of Criminal Justice at Washburn University in Topeka, Kansas. He holds a Bachelor’s degree in Criminal Justice from Indiana University, a Master’s degree in Criminology from Indiana State University, and a Doctorate in Criminal Justice from the University of Cincinnati. Prior to pursuing an academic career, Dr. Johnson served as a sworn police officer in Indiana and Illinois. His research interests are in the areas of officer safety, domestic violence, and first-line field supervision.
Terrorism today is characterized by a global, border-transcending reach; nihilist or fundamentalist ideology; and uncompromising zeal. It applies extensive suicide terror tactics and has greater access to hazardous materials and lethal, non-conventional agents. Most are fully aware that terrorism is now a matter of vital, rather than marginal, security concern for a growing number of countries, corporations, and individuals.

Nations as a whole, and their critical infrastructures in particular, such as transportation systems, power plants, refineries, pipelines, and air and marine ports, as well as hotels, residential areas, commercial quarters, national monuments, and recreation parks, are innately vulnerable to terrorist attacks. Furthermore, mega events, such as major sporting events, concerts, and political rallies that have large crowd concentrations and flow of citizens, are also prime targets for attack.

Worst-case scenario analysis was once an accepted basis for security assessment and planning; however, today, due to the vast range and scale of threats, such as militant intent to use weapons of mass destruction, and limited resources to address those threats, it is widely recognized that risk-based decisionmaking is the best tool to determine appropriate security measures by governments, corporations, and private entities.

In order to understand and confront the risk at hand, it is important to correctly identify the threats to such assets; their vulnerabilities; and the related human, economic, and symbolic consequences.

Risk-based decisionmaking is a systematic and analytical process to consider the likelihood that a functional, administrative, or security breach will endanger an asset such as a system, installation, facility, event, or individual and to identify actions to reduce the vulnerability and mitigate the consequences of a breach. This risk-based decisionmaking should normally be done in a systematic manner by trained experts and decisionmakers.

In the following paragraphs, we suggest a systematic method of assessing security risks.

Methodology

Based on an analysis of professional literature and personal experience, we have developed the following six components for a step methodology:
Step #1: Information Gathering
The first element in the risk assessment is to gather all the relevant information about the assessed object. This information is to be gathered by means of a methodological survey and will serve as an integral part of the data required to carry out subsequent criticality, threat, vulnerability, and consequence assessments. As such, the information gathered must focus on the essence of the assets and address the plausible threats, vulnerabilities, and consequences as they are perceived by the surveyed entity. The gathering process must be assisted by the management and personnel of the assessed entity. It is important to receive updated intelligence throughout the process.

Step #2: Criticality Assessments
Based on the information gathered, the next step is to carry out a criticality assessment. This assessment is a process designed to systematically identify and evaluate an entity’s assets with respect to the importance of its mission or function, the group of people at risk, or the significance of its structures. The evaluation of the criticality levels can be facilitated by assessing such factors as the mission of the surveyed target, what effects could be projected if the target or its component was damaged, and what recovery efforts would be required to completely restore such damage. The importance of this part of the risk assessment is to concentrate and focus on the critical areas and structures that require higher or special protection from an attack, rather than generalizing the assessment to an entire system as a whole.

Step #3: Threat Assessments
Next, it is necessary to analyse the full, yet plausible, spectrum of threats and scenarios relevant to the surveyed objects. The threat assessment is based on the capability of potential perpetrators and the intensity of their intention to attack the critical targets (Threat = Capabilities × Intentions). The analysis should be based on evaluating past incidents, proven and assumed capabilities, and intentions and by assessing future trends. By doing so, we can assess the likelihood of an attack’s occurrence. For the sake of order and clarity, the threats can be categorized and assessed in accordance to different scopes. For example, threats of terrorism can be distinguished by three main modes: (1) conventional, (2) unconventional (CBRN), and (3) cyber terrorism, with each of these categories having a number of subcategories. Such categorization can facilitate scenario formulation.

Threat assessments, however important, are accurate to the time they are made at best and need to be updated periodically as the capabilities and motivations of attackers change. Threat assessments alone are insufficient to support the key judgements and decisions that must be made; however, in conjunction with criticality, vulnerability, and consequence assessments, decisionmakers and leaders can prioritize the identified security risks and improve their decisions based on this risk management approach.
Step #4: Vulnerability Assessments

A vulnerability assessment, which is the next key element of the risk assessment, is a process that identifies weaknesses in physical structures, personnel protection systems, or other areas that may be exploited by terrorists. In an attempt to accurately identify such weaknesses, it is necessary to evaluate the visibility and accessibility of the potential attacker to the target and the ability to control plausible scenarios by the security array. In practical terms, the vulnerability assessment is the most important component of the risk assessment process. While the conceptual motivation to attack and the operational capabilities of potential attackers are usually beyond the scope of a security array’s influence, vulnerability is a factor that can actually be affected and mitigated by the forces on the ground. A security array that is well-trained and equipped, and is able to control the access to and visibility of critical areas can also lower the level of vulnerability of targets and, as a byproduct, mitigate the risk. Obviously, attackers prefer to attack more vulnerable targets than to risk an unsuccessful mission.

Step #5: Consequence Assessments

The final element in the methodological process before computing the level of risk is to assess the level and type of consequence that an effectively executed attack may entail. As mentioned above, the consequence elements may include casualties as well as economic, environmental, public, political, and other effects. The weight given to each factor is to be ranked in descending order determined by its importance. There are threats with an imminent likelihood due to their feasibility and the motivation to carry them out; however, if the consequence of such threats is marginal, then the risk is not high. For example, an anonymous hoax phone call threatening to bomb a sensitive facility is a threat that is very easily executed, and there are many potential attackers that may be motivated to do so; however, since the consequences of such a discomforting incident are not grave, neither is the risk. On the other hand, a dirty bomb explosion at a major international port is more difficult to carry out than a hoax phone threat, but its ramifications are so significant that the risk of such a scenario must be considered higher.

Step #6: Risk Scoring & Prioritization

In conjunction with the qualitative threat, vulnerability, and consequence assessments described above, a quantitative calculation of the risk is to be conducted.

This calculation is the product of the threat, vulnerability, and consequence of a given breach (Risk = Threat × Vulnerability × Consequence), where the importance of the weight given to each variable, based on operational experience, professional know-how, and intuition is crucial in producing accurate results. The importance of the quantitative scoring is to facilitate the prioritization process of the assessment. By depicting the threat, vulnerability, and consequence in a qualitative and quantitative manner, it is more feasible to provide security planners with practical definitions and directions concerning the order of priorities and risk urgencies.
Contemporary security threats present vast and varied challenges to peace-seeking societies. These threats mainly stem from radical ideologies that have accrued extensive hands-on experience and are facilitated by global networks. Networks that disseminate their ideology acquire capabilities and recruit militants by means of a developed information age—militants who are willing and eager to plan and carry out a martyrdom strategy of mass destruction.

The risk assessment methodology detailed above can be applied by military and security personnel, leaders, and decisionmakers as a resource allocating tool for a vast range of risk managing concerns—varying from the risks to critical infrastructures to the challenges of accurate terrorism risk assessments for insurance policies. Through this solid and systematic risk assessment process, security planners will more easily be able to suggest relevant security solutions that can mitigate security risks.

Endnotes


6 For further guidance, refer to Part A, Section 15.5, of the *International Ship and Port Facility Security Code (ISPS Code)*. The ISPS Code can be downloaded/purchased from its official site: www.imo.org (International Maritime Organization) or from other sites such as http://marsec.mardep.gov.hk/pdf/isps_code.pdf.


8 Ibid.


Ophir Falk is a partner at the Naveh, Kantor, Even-Har Law Firm and a research fellow at the International Institute for Counter-Terrorism in Herzlyia, where he has written on counter-terrorism policies and legal precedence, and suicide terrorism, as well as maritime and CBRN threats. Mr. Falk served as a member of a counter-terrorism team commissioned by the International Olympic Committee to provide threat and risk assessments for the 2004 Olympic Games and has taken part in scores of risk assessments on critical infrastructures in Europe. He holds a BA in International Relations and degrees in Law and Business Administration (MBA).
Mr. **Lior Lotan** is a senior researcher at the International Institute for Counter-Terrorism (ICT) at the Interdisciplinary Center in Herzlyia and was the general director of ICT from April 2005 to October 2006. Mr. Lotan is a Colonel (Res.) in the Israel Defense Forces, with operational experience in counter-terrorism, and an expert in hostage-barricade situations and hostage negotiations. In 2002, in the run-up to the 2004 Olympic Games in Athens, he was a member of a professional team of operations and intelligence experts, which conducted threat and risk assessment analysis reports in the field of terrorism for the Olympic Committee.

Mr. Lotan lectures on counter-terrorism, insurgency, and crisis negotiation at the Lauder School of Government and Diplomacy at the Interdisciplinary Center in Herzlyia, and at other international academic and professional forums. He is also a lawyer, specializing in mergers and liquidations.
Bioterrorism Preparedness: The Ideal Models of Preparedness: What Does It Take to Be Prepared?

Fee F. Habtes, Dr PA, MHSA, MPH, Senior Program Policy Advisor and Freedom of Information Officer, Illinois Department of Public Health

Introduction

The greatest payoff in fighting biological warfare is in improving our preparedness response to an incident. This requires preparedness plus detection and surveillance, laboratory analysis, emergency response, and communication systems. In addition, relationships between medical departments and public health professionals, and ongoing partnerships with emergency management, the military, law enforcement, and the general public are necessary to fight bioterrorism.

The Domino Effect Model

The Domino Effect Model is about resources, coordination, cooperation, teamwork . . . basically, it’s about efficiency and effectiveness. The Incident Command System (ICS) works together with the local, state, and federal emergency management systems. ICS is about responsibility and coordinating efforts to prevent, respond, and recover. Initially, information comes to the local emergency management agency and is distributed accordingly to the state and federal systems based on the seriousness of the incident and the resources at hand. The ICS is what organizes all the different entities and bureaucracies. All departments cooperate with the partner organizations as designated in the emergency plan in place. The organizational hierarchy, the process of information dissemination, and the resources are defined and organized by the ICS of each department in all the three different levels. The figures included here (Figures 1-4) describe the ICS at each level: local, state, and federal.

The critical element in any preparedness program is a surveillance system that can provide ahead-of-time warning of an imminent attack of bioterrorism against the public (Institute of Medicine National Research Council, 1998). Planning ahead provides public health department staff with the advantage needed to act and prevent threats of bioterrorism against the public. Different stakeholders have specific functions. Preventing an attack is also the job of law enforcement—the local and state police, FBI, and other law enforcement departments.

The preparedness level in hospitals depends on the biological agent used in an attack. Because a sudden surge in demand could overwhelm an individual hospital’s resources, hospitals collaborate with other facilities in their area in order to respond to a bioterrorist attack on a citywide or regional basis. Hospitals are required to maintain disaster preparedness plans and to practice applying them as part of responding to bioterrorism. Specific plans for bioterrorism have been added to the latest accreditation requirements of the Joint Commission on Accreditation of
Healthcare Organizations (JCAHO). In an emergency, local medical care capacity will be supplemented with federal resources.

In short, preparation against bioterrorism requires coordination among agencies and resource availability. Some of the main departments and organizations in local and state government depend on the leadership and funding of federal departments such as the Federal Emergency Management Agency (FEMA), Centers for Disease Control (CDC), Health and Human Services (HHS), and the Environmental Protection Agency (EPA). The local, state, and federal governments should coordinate and network with public health departments and with private and nonprofit organizations to develop a working partnership to fight bioterrorism in their jurisdictions. The implementation of broad support networks could facilitate crossover resources and adequate financial support (FEMA, 2006).

Preparedness, response, and recovery are the shared responsibility of all partners in the local, state, or federal jurisdictions. The local government, which is mostly composed of public health departments, police, firefighters, and emergency medical services (EMS) personnel, are the first responders in any case where natural, biological, or chemical disasters occur. It is responsible for dealing with any emergency within its capability. The ICS for the locality is aware of the emergency plan and knows what resources are available and what is needed to contain a particular incident and keep control. In a scenario where the local government response is inadequate, the next level, the state, takes charge and responds to the disaster. If this level fails, the governor of the state declares a disaster and requests federal aid and assistance.

Preparedness is a collective effort between private, local, state, and federal sectors. Some of the keys to preparedness are to educate the public, develop communication channels, arrange enough security (police), equip firefighters, prepare EMS, secure enough prophylaxis, have ample vaccination available, ready medical systems (hospitals) for times of emergency, and evaluate in advance of a crisis to smooth out the effects when it actually hits.

Among other things, educating the public is central. The city police must work with all the different departments, local businesses, and residents to educate them about the importance of surveillance. The public has the responsibility to report any or all suspicious activities regardless of the magnitude. The police have to be trained in hazardous material inspections, in the activities of the environmental crime task force, and in chemical and biological weapons of mass destruction (WMD).

A city is responsible for coordinating and training its employees, volunteers, and the public in general. Effective communication and training of the public makes the city’s job and response to any emergency easier. A trained public will act properly and follow instructions in case of emergency. An unprepared and untrained public may panic and react in a chaotic way. The city must develop effective and continuous communication with the public through radio, television, and the newspaper. The training should include what the public needs during an emergency. It should address where to go to secure needed resources, what items need to be kept at home, where to watch for instruction, where to go for safety, and who to call for further help (DHHS, 2004). Coordinating emergencies under calm
conditions leads to more positive results. The public may ask, “What should I do to be prepared?” According to Secretary Thompson of the Department of Health and Human Services, people should not be scared into thinking they need a gas mask, and hoarding medicine in anticipation of a possible bioterrorist or chemical attack is not necessary. In the event of a public health emergency, local and state health departments will inform the public about actions individuals need to take.

The local, state, and federal governments and the private sector must establish a strong network to gain more knowledge, communicate effectively, and be aware and alert for “unpredicted” bioterrorist activities. Effective coordination in the war against terrorism seems to be one of the more powerful tools in preventing, protecting, and acting immediately in emergency situations at all levels of government and nongovernment departments. Strong networking, contact development, and effective communication among all partners at different levels may be a positive indication of preparedness to act and respond in a case of bioterrorism.

To save lives and minimize bioterrorist attacks, the need to have an effective strategic preparedness plan in place is a must. A core function of that is to form a foundation of detection, investigation, and response against bioterrorist threats. The development of these core functions requires investing in communication facilities, administrative support, and personnel capacities. This supports the public health system’s effort to contain and eradicate epidemics, such as those caused by bioterrorist attacks, in a timely manner (Cilluffo, Cardish, & Lederman, 2001). Close working relationships with many different departments at the nonprofit, private, local, state, and federal levels are important.

The city police department and other stakeholders have to have specific functions. Preventing an attack is the job of law enforcement—the local police, state police, CIA, FBI, and other law enforcement agencies. The city police mainly are responsible for security. In case of citywide chaos and uncontrolled fear and frustration, police have to enforce the order of the law, working closely with the county and state. The National Guard can also be helpful in a time of disaster. The police must conduct regular training in biological threats, and if there is one, should respond to it and secure the area immediately. The need for involvement of police with other departments is very crucial. There is also a need to participate in interjurisdictional activities with fire and EMS personnel as part of preparedness. Information sharing with local, state, federal, and military agencies is part of the preparedness protocol. The city police, as well as the state and federal agencies (FBI and CIA), have to distribute terrorism intelligence information, which includes information pertaining to national and international terrorist threats.

The city fire department has to continue to coordinate with the police department, public health, EMS, and others to prepare and prevent any attack. Trained and skilled firefighters are needed in the area of operational response to any unknowns—for example, suspicious packages. Extra training is needed for rescue operations in the event of chemical or biological warfare agent release, mass decontamination, HAZMAT team in WMD operations, and technical rescue. The city firefighters, EMS personnel, and police would all need similar skills in any rescue attempt.

All EMS personnel should have an increased awareness when responding to an emergency, using effective communication with the police, fire, and public health
departments. Increased security should be available and strictly assigned to the public utilities such as water supply and sanitary sewer services. Access control mechanisms and video surveillance should be in place to monitor facilities 24/7. All water pump stations and above-ground water tanks need to be fenced and locked. Water must be tested daily.

Prepared and ready medical systems (hospitals) in times of emergency are important in saving lives. Hospitals must be prepared. The lack of funding is an issue. There is minimum funding for hospitals and clinics and, in general, healthcare organizations in the private and not-for-profit sectors are unable to add more emergency rooms or hire healthcare employees beyond the current market demand.

Doctors must have training in biological warfare organisms, and lack of training is a big problem in itself if terrorists attack. Correcting shortages of emergency rooms in the hospitals and enlarging emergency rooms, at present, are not cost effective for a for-profit or a not-for-profit hospital. Ventilators to aid respiration are in short supply. Buying equipment such as ventilators and hiring more people to do less, and basing all these decisions on speculation in anticipation of bioterrorism, are poor decisions for healthcare executives. There is a need for research and development programs for biodefense (Johnson, 2001).

There is also a need for prophylaxis and vaccinations, which are currently in short supply. The state and federal levels are challenged to deliver vaccinations to first responders at the local level. So far, what is on hand is only enough to vaccinate the military who are disbursed in Europe, Asia, and the Middle East.

Any city government would need to work closely with FEMA’s mitigation and risk management team in assisting them and in restoring structures and facilities—not only for the present but also in planning for the future to achieve disaster-resistant communities. Mitigation is used to reduce or eliminate the suffering of people and destruction of property, and to maintain the well-being of the community in general. Money spent in mitigation and risk management is intended to fix the present and prevent a future vulnerability of people, businesses, and communities to future disaster (FEMA, 2006).

Preparedness is a preventive measure to minimize loss and save lives and property against any natural or manmade disaster. This requires cooperation at any level, using human resources, technical and financial support, and healthcare readiness with a comprehensive plan to save lives in case of bioterrorism attacks. An adequate response is to be as effective and efficient as possible in responding to any emergency of biological nature. The response has to follow quickly and bring immediate recovery, however. The actions and activities that enable disaster victims to begin rebuilding their homes, replacing properties, and going about their normal lives without disruption is the process of recovery (FEMA, 2006). Recovery begins immediately and can be accomplished through a short- or long-term plan. FEMA is responsible for coordinating mitigation (risk management), preparedness, response, and recovery through the local and state governments in case of any disaster.

At present, the local and state governments’ responsibilities are much larger than before the September 11 attack. At the local and state levels, governments must
continue to develop and expand their capability to respond to bioterrorism. More financial and personnel resources are needed from the state and federal agencies for the city to manage and execute response in time of need.

Natural disaster is part of life. One of the most damaging and devastating hurricanes occurred in 1900. The hurricane struck and destroyed Galveston, Texas, and claimed 6,000 lives (Robin, Hildreth, & Miller, 1998). This disaster led to a new policy, which dealt with a new public management of reconstruction. In addition, a new form of city government—the commission form—was created. Most disasters cause public officials to think about prevention and protection in the event such disasters occur in their jurisdictions in the future. The dilemma here is that the cities, states, and country are facing new threats that can be preventable but demand a lot of finance, time, energy, and human resources.

A city has to be ready and be able to monitor any suspicious activities which may lead to terrorism. There are seven steps to dealing with terrorism: (1) surveillance, (2) elicitation/seeking information, (3) tests of security, (4) acquiring supplies, (5) noting suspicious people who do not belong, (6) dry run/trial run, and (7) deploying assets/getting into position (State of New Jersey, 2006). It is well-known that terrorists study and monitor activities in order to select their targets. Through surveillance, they attempt to determine the strengths and weaknesses of the security and the accessibility of the targeted area. Secondly, they seek information about desired areas or individuals through mail, fax, and telephone, or in person. Terrorists test the security of sensitive areas usually by driving through the area and even by penetrating into the sensitive areas to see and judge the security measures. They acquire supplies such as explosives, weapons, or ammunition and purchase harmful chemicals to use in the mission. It is always necessary to profile an individual whose behavior is suspicious. Watch for the dry run; it is the planning stage of terrorist activity before the damage begins. The “real thing” is deploying assets—that is, getting into position. This may occur at any time, and the responsibility is to alert the authorities no matter how insignificant what’s being witnessed may appear.

The responsibility of city preparedness is much more challenging, however, and limited resources can be a problem in meeting all the necessary requirements. The city, to be ready, must have an emergency operations center where people can go for shelter. Along with this component of preparedness, having an emergency management organization in place to assist needy people during a disaster is essential. Examples of such a plan are the ICS (Incident Command System) and the EOP (Emergency Operation Plan). Special plans for schools should be in place, especially plans for the evacuation of children to a safe zone in case of a high-level disaster and/or emergency. Having trained volunteers is always an advantage to the city in an emergency situation.

An emergency response plan needs to be well-developed and commonly practiced as a unified force among local, state, and federal entities. In short, bioterrorism defense is about partnership. For the partnership responders, the five most feared terrorist weapons are biological, nuclear, incendiary, chemical, and explosive (B-NICE). The acronym B-NICE is a simple way to remember these terrorist WMD. The favorite areas of attack include public assembly, public buildings, mass transit systems, places with high economic impact, telecommunications facilities, and places with historical
or symbolic significance (State of Illinois, 2005). Generally speaking, in terms of response, we are looking at hazardous materials and mass casualty incidents.

**Emergency Response**

When an emergency call comes in, it goes directly to the local and regional emergency center. This center is open 24/7 to respond to any emergency call and communicate with all the responsible partners. The emergency center activates all relevant responders, such as local EMS, police, and firefighters, and it informs the Illinois Emergency Management Agency (IEMA). Figures 1 and 2 below describe the system and how it functions at the local level.

**Figure 1. Local Emergency Response**

![Diagram of Local Emergency Response]

**Figure 2. Local Government Emergency System**

![Diagram of Local Government Emergency System]
Since 9/11, most local governments are prepared with the needed response to natural and manmade disasters. They have a plan in place and have practical drills. They can be expected to have on hand prophylaxis and vaccinations where it is required. The regional IEMA administrator is on call to coordinate and disburse information where assistance is needed. City and county public health departments can assist with healthcare materials such as prophylaxis. Police should be ready to secure all incidents, and firefighters and EMS personnel need to be prepared to attend to the injured. The local departments have emergency dispatchers 24/7 to disseminate information to different partners. An 800 number (1-800-782-7860) can be called for any threat, suspicious act, and/or incident in Illinois. Local governments are part of these networks.

Local government should have an Emergency Operation Plan (EOP) in place to deal with any disaster at any level. The EOP is responsible for direction, control, communications, alert warnings, notification, emergency public information, evacuation, mass care, resource management, and health care in times of a terrorism situation. Even though the assistance of the state and federal governments are welcomed and needed, the local EOP focuses on the essential measures for protecting the public. On the state level, the EOP has three roles: (1) assisting local jurisdictions whose capabilities are overwhelmed by the emergency, (2) responding to certain emergencies that may be serious or need immediate attention, and (3) cooperating with the federal government to ensure the safety of the citizens of the state (State of Illinois, 2005). The Robert T. Safford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, authorizes the federal government to respond to local and state governments to save lives and to protect public health, safety, and property. The Federal Response Plan (FRP) was developed to expedite necessary assistance when disaster occurs and a state has limited resources and insufficient power to deliver the services needed for the victims. In June 1995, Directive PDD-39 (Presidential Decision Directives) was given which is the U.S. policy on counterterrorism. This directive measures and looks at how to respond, reduce, and strengthen the capabilities to prevent and manage the consequences of terrorist use of nuclear, biological, and chemical (NBC) weapons, including WMD.

Directive PDD-39 discusses and addresses crisis management and consequences management. Crisis management is the law enforcement response, and it deals with the criminal aspects of the situation. The preventive component of this management plan is to anticipate, prevent, and resolve a threat of any terrorist act. Crisis management involves law enforcement at the local, state, and federal levels, and calls for the FBI to act as the lead investigator. Consequences management is a response to disaster, and it focuses on alleviating damage, loss, hardship, or suffering. Specific components of consequences management are to protect public health and safety, restore essential government services, and provide assistance to all private and public sectors. Consequences management includes local, state, federal, and volunteer and private agencies. FEMA has the lead role in consequences management. In time of emergency, FEMA notifies the federal agencies, activates the FRP, coordinates the delivery of federal assistance, and establishes liaison operations with the FBI. The FEMA director consults with the governor of the state to determine the scope and extent of the disaster. Finally, the FEMA director assembles representatives from the primary federal agencies to respond to the disaster-stricken areas, establishes a field office, and initiates operations.
First Responders

The first responders in the local departments request assistance from the county if the situation is more than they can handle. If a disaster is much larger than the capabilities of the county, then the state will be contacted. The lead agency in the state for immediate and further assistance is the IEMA. The IEMA dispatcher directly informs the specific partner of what is happening and the need to act on it. Simultaneously, information is shared with the State Governor’s Terrorist Task Force and FEMA, including the FBI and state agencies. In this scenario, if the local department is in short supply of prophylaxis, IEMA directly informs the Illinois Department of Public Health (IDPH) to assist the local departments. The IDPH duty officer who is available 24/7 will pass this information to the director of the IDPH and follow the proper protocol in addressing the emergency. Prophylaxis may be the IDPH’s responsibility, but delivering it is not. IDPH is the “can do it” department between IEMA and the local health departments. The IEMA duty officer dispatches and informs the other partners regarding the situation. If needed, the IDPH will call on the Illinois State Police (ISP) for security and the Illinois Department of Transportation (IDOT) for transportation of the needed resources. IDPH, ISP, and IDOT’s responsibilities are to bring resources to the local areas; the security and the delivery are up to the local departments such as the local public health agency, the city police, EMS, and other related departments. Each local entity should work with local emergency management, such as police, fire, EMS, and public health, to develop a plan and to secure local medical services for the given area. It is a primary requirement to first protect yourself and your family and then to provide service to others.

Most of the activities are in response to the expressed needs of the different levels of government and are “event driven.” The state emergency preparedness system is demonstrated below in Figure 3, which explains how the state responds.

Figure 3. State Emergency Response
If the incident is too big for local health and, in general, for the state, there is a need to bring in the big players and have the decisionmakers become involved. When IEMA receives the information from the local area, the Emergency Management duty officer immediately informs the Governor’s Terrorist Task Force. Further, IEMA informs the main players such as FEMA, the CDC, and the FBI. Immediately, there will be a conference call about how to deal with the situation at hand. The governor makes a judgment call, and he may decide to declare a disaster. In the meantime, the local departments and the state departments respond to the area and provide what is needed based on their specialties. Their “brain trust” answers questions and provides information until further aid arrives or the situation is brought under control.

**Summary**

For the most part, the Emergency Management System is designed to send information regarding bioterrorism from the local government through ICS to the local, state, and federal governments. It is crucially important for the local government EMS to inform and pass along information at the grassroots level. The state and federal levels are responsible for providing needed resources in a timely manner in case of emergency.
The Domino Effect Model is a chain of information and response between the three levels of government. This dependency and interdependency may be the most effective way of preparedness in the event of an emergency on a large scale. This model is a theory to study the preparedness of the systems in a community. The model developed in this study evaluates the local, state, and federal governments. The model demands instant action, reaction, response, effectiveness, and efficiency when disaster occurs. The Domino Effect Model demonstrates the systems of the governments and how they need to act simultaneously without any interruption in time of emergency. Break down or malfunction based on dependency or interdependency may demonstrate lack of preparedness.

Bibliography


**Dr. Fee Habtes** at present serves as a Senior Program Policy Advisor and Freedom of Information Officer for the Illinois Department of Public Health in the Office of the Director. Before that, he served in different capacities as Illinois Department of Public Health Division Chief for the Division of Health Assessment and Screening and Chief for the Division of Injury and Violence Prevention. Among many other responsibilities, he also served as a mentor for the Mid-America Regional Public Health Leadership Institute (MARPHLI) for the Executives Fellowship Program at the University of Illinois at Chicago.

Dr. Habtes has been teaching, training, and consulting for a quarter of a century in different areas of management and administration. He presented professional papers on different occasions, including the annual American Public Health Association (APHA) in Washington, DC. He was also invited to visit Cuba to study public health and public administration with 30 other professionals from the United States.
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