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Errata

In the last issue of the *Law Enforcement Executive Forum*, *9*(4), we misinterpreted a revision request sent to us by Dr. Thomas Gilly for his article, "Questioning the Principle of Proportionality in Armed Conflicts: A Case for Ethics—Proportionality, Terrorism, and Ethics." We apologize for this error. Below please find the corrected paragraph. The sentences that have been revised are italicized:

> So, as modern people might be tempted to condemn that call for a total war, so they might condemn Hebrew Scripture for what they might call its disproportionate radicalism. The shift from the disproportionate radicalism of law to the condemnation of Judaism and the Jewish nation is easily done. This culminates in the opinion that a nation which is governed by laws that provide for disproportionate radicalism in warfare can hardly be presumed to demonstrate real concern for peace. What is involved here is the process by which the false interpretation of Deuteronomy is interpreted against the background of the actual conflict. *The result is that the "radicalism" of Hebrew Scripture serves as a basic element for the ideological construction of a nation which, because of Judaism's radical fundamentalism, can never really want peace and, therefore, be a serious partner for peaceful engagement. And this is false, too. Indeed, total war has had only one function and it is of historical interest only.* According to Solomon (2005),
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>> The text itself limits the herem ban to the "seven nations." This kind of war is of historical interest only, and does not serve as a model within Judaism; a formal declaration that the "seven nations" are no longer identifiable was made by Joshua ben Hananiah, around 100 CE. (p. 296)

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Slumping tax revenue and overspending have resulted in budget shortfalls in almost every region of the nation. The current economic crisis is forcing governments to take dramatic steps to balance budgets in nearly all categories by laying off employees, cutting services, reducing overtime, and eliminating expenditures.

As the financial crisis has deepened, the pressure for law enforcement agencies to face the new realities of shrinking budgets, layoffs, and decreasing services to the public has grown. Local, state, and federal law enforcement departments have devoted vast efforts to surviving the crisis. In the meantime, in this environment of heightened financial scrutiny and audit volatility, police executives face particular risks when communicating with personnel and making judgments about financial issues. When such a large number of officers are facing layoffs, it brings another level of problems to law enforcement administrators and requires very specific and ethical approaches. Concerned and honest executives have done the right thing, explaining that jobs are at risk and that nobody can count on job security at a time like this and that those who might be able to find another position should make plans just in case. Some police organizations are warning that deeper cuts may be coming.

Police departments all over the nation are streamlining patrols, reducing training, evaluating the non-personnel-related expenses, and cutting back on some programs as their budgets fall victim to the struggling economy. Cuts to programs and training might affect the departments' abilities to meet the standards of professionalism. Any plan for elimination or reductions in service must include specifics about how the changes will affect the community. Protecting public safety is a fundamental obligation of law enforcement agencies. But how can they continue to provide a high degree of public safety during difficult economic times? While crime rates have continued to decline over the last decade, there has also been significant concern from the homeland security perspective.

The key current issue for law enforcement administrators should be the need to develop new strategies aimed at maintaining public safety while reducing expenditures without any drawback on quality of policing.

This issue of the *Forum* focuses on the impact of the budget cuts and the related problems confronting local, state, and federal law enforcement agencies within the United States and in many nations throughout the world. This collection of articles provides an overview of the topics surrounding current financial trends and security, presents valuable information on the current resources available to law enforcement, and examines the concerns and obstacles that currently surround the discussion over possible solutions and remedies. It is our hope that the collection of articles presented in this issue will prove to be a useful tool for all readers.

Vladimir Sergevnin, PhD
Editor

Crime, Policing, and Diminishing Resources: Prospects for the Future

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Introduction

Any discussion of the impact of the economy on policing and rising crime rates must begin with a discussion of the structure of American federalism and the ability of various levels of government to produce funding for the police powers. Why? Because federalism provides the context for policing in America. Federalism is the overarching feature of the environment in which American policing functions (Elazar, 1987)

American federalism is a method of dividing powers so that the general and regional governments are each within a sphere, coordinate, and independent. Both central and regional governments (states) can enforce laws directly on individuals. There is a general umpire of central and regional conflicts and disputes. Ever since *McCulloch v. Maryland* (1819), which is the precedent for the Supremacy Clause that tipped the balance of power to the federal government, the umpire of federal/state disputes has been the U.S. Supreme Court, which is, of course, a branch of the federal government. Since federalism was established, and, the manor in which it has evolved over the years, in practice, while acknowledging the role of the states in governance, federalism has steadily increased the federal power of the national government (Peterson, 1995). Current federalism is a product of Constitutional provisions (enumerated and implied powers) and U.S. Supreme court interpretations and the way state and federal authority disputes have been resolved (e.g., Little Rock, Arkansas). Administratively, intergovernmental relations between local, state, and federal governments set the parameters around which public policing must deal.

The relationship between the three major governmental actors in the U.S. both politically and financially is different as well. In the case of the political dimensions, the state/federal government relationship, as we have said, is expressed in federalism. The local/state relationship is unitary—that is, the state (North Carolina, California, etc.) is the source of all derived power. All units of local government in the U.S. are regarded in a strictly legal sense: "creatures of the state." In fact, local government is not even mentioned in the U.S. Constitution, and from a legal perspective, they derive their existence from state government action usually through charters of municipal incorporation which outlines their powers. In fact, it falls to the state to outline the powers of local governments, and the courts have held that in the case of such disputes, the courts will rule in favor of the states. Dillon's rule, which is the major legal precedent in this regard, is a major factor in American law. It states explicitly that state government grants local governments their very right of existence. From a macroeconomic dimension, there is an important difference as well. The federal government utilizes primarily

U.S. income tax for revenue and is obviously not required to balance their budget, hence, deficit spending occurs. State government relies primarily on sales tax augmented by, in most states, the income tax. Local government relies primarily on property tax (Walker, 2000).

Impact on Policing

Why is the previous discussion important to policing in the U.S.? Stated simply, the net effect of the previous factors makes local government constitutionally and economically inferior to higher levels of government in the federal system. At the same time, the impact of crime prevention and abatement falls heavily on the citizens of the local government, which is the level of government with the tax revenue most vulnerable to economic recession, especially in an environment of unprecedented foreclosures and growing tendency of business toward the outsourcing of jobs (Peterson, 1997). All of the factors previously discussed are impacting the states and local government. States must balance their budgets, and this at a time when states differ vastly in their ability to provide funding for policing. For example, the per capita spending by the states reported by the National Tax Foundation in 2007 ranges from $13,508 in Alaska to $3,831 in Texas. This disparity creates vast differences in the ability of states to help their local governmental units. Some states are in dire circumstances. States are in many ways distinct economies that must generate the revenue to produce any public policy. California, for example, after a series of budget proposals were rejected by the people of the state, may have to release "between 40 thousand to 57 thousand non 'violent' prisoners" (Quach, 2008) as well as a thousand teachers after federal judges ruled that the state prison system is severely overcrowded The impact of this policy is not yet understood; however, common sense suggests that this decision will cause long-range problems for policing.

These factors, of course, leave the federal government as the government of last resort in any attempt to transfer revenue to the states and local governments in our political system. This fact comes at a time when the federal government has never been in less of a position to do so. Why? First of all, in the U.S., the federal deficit is $11.8 trillion and rising. This is a staggering amount and unsurpassed in our history. This figure alone suggests a diminished capacity of the federal government to transfer funds to states and local governments for policing and fighting crime. Secondly, we are embarking on a proposal for national health insurance. The costs and benefits of this proposal as of this writing are the subject of much debate; however, few believe national health care will be budget neutral. In fact, some economists project an enormous budget commitment at a time when such commitments are unwise. Thirdly, we are fighting two wars, and as yet do not have a time line for when either will truly be resolved. Finally, as the recent tea party movement by the body politic illustrates, the body public is revolting to the bailouts for banks, new federal initiatives of any type, and increased taxation. These facts in and of themselves should give anyone much to ponder about. Where will the money come from to fund policing at current levels in the future? Continued borrowing? A robust economy that can eliminate the deficit? Moreover, if you look at the federal budget and exclude deficit spending, you will note much of that spending does not allow a great deal of latitude by the federal government. First of all, about 21% of the budget goes to Social Security (**Note:** an entire article could be written on the declining demographics necessary to fund this program

in the future), 23% goes to Medicaid/Medicare, and 21% to Defense, with over 8% going to interest on the national debt. Even President Obama acknowledges we are running out of money.

Figure 1. U.S. Federal Spending – Fiscal Year 2008 ($ Billion)
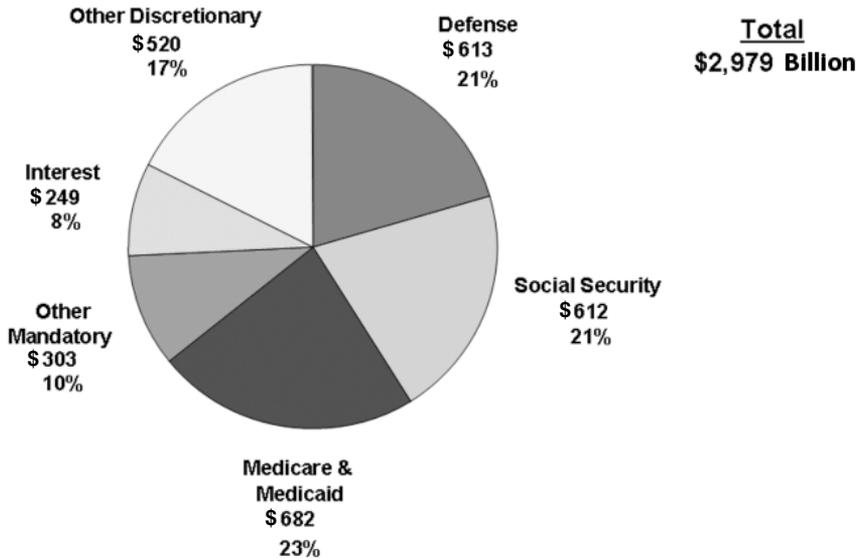
Clearly, the federal government's stimulus program is a short-term solution to a long-term problem. America risks becoming a debtor nation if it does not stop its enormous deficit spending. When we reach this realization, the continued flow of money from the federal government to the states and local governments will cease or be drastically reduced. We will be forced to stop "eating our seeds"—that is, accumulating debt that we pass on to future generations who will not have the ability to incur new debt because they are encumbered with our debt. This will result in an increased tendency of the states and their local governments "to go it alone." In other words, more and more states and local governments will have to tackle the problems of crime and social control based upon what are, in essence, differing revenue streams. Policing will be forced to maximize efficiencies. We would be well-advised to begin now before the inevitable is upon us.

Moreover, the recession we find ourselves in does not appear to be responding to fiscal mechanisms of Keynesian economics, at least as fast as was once promised. The Council of Economic Advisers argues that we are coming out of the recession (Executive Office of the President, 2008); others believe the recession will be bimodal—that is, a slight improvement up, followed by another slight move down, then a clear path upward. No one's crystal ball is clear enough to tell us when, in what form, or how long this will take. Moreover, even if the recession was

over tomorrow, we will still have to deal with a looming deficit. Finally, the effects of globalization on the American economy are only beginning to be understood.

Unemployment and Crime: A New Paradigm?

Drastic times result in drastic measures. Those familiar with the crime literature in the social sciences know well the prevailing paradigm is that the relationship between crime and economic recessions is weak. Among the most influential of these arguments are that crime rates rose during the early years of the Great Depression only to fall subsequently as well as Wilson and Kelling's (1982) classic work, "Broken Windows." Many more examples could be cited. Two facts should be underscored about these prevailing explanations of the relationship of crime and economic recession: (1) most of these data do not come from experimental evidence (they cannot by definition) but from data based on statistical controls and the analysis of past trends; and (2) these arguments assume that past data are accurate predictors of present circumstances. I have already made the point that I believe that these assumptions are incorrect. In effect, we are facing unique variables, an unresponsive recession, drastic federal budget problems, and globalization. These factors are not likely to be resolved in the short run. Moreover, the effects of the massive debt incurred since the Bush Administration and continued by the Obama Administration will last for some time to come, diminishing even more so a federal response to curb the crime trends many scholars see coming.

Additionally, recent studies are raising questions about the economic behavior of the Main Street American consumer. Specifically, has the recession changed their future buying habits? The answer seems to be yes ("The American Consumer Meets Minimalism," 2009). This fact, of course, has significant impact on the sales taxes on which many states rely. In a recent survey by Gallup, they found that 48% of Americans making $60,000 or less would be unable to make a big purchase if they had to. Americans are saving more and spending less—a sound individual strategy but not one that bodes well for an economy driven by consumer spending. To amplify this point, a recent article in the *Christian Science Monitor* (Gardner, 2008) documents changes in behavior brought on by the recession. The article underscores the fact that Americans are buying less and spending more wisely, which is problematic in that state revenues rely significantly on sales taxes generated by consumer purchasing. Another article, "The Impact of a Recession" (2008), documents the following factors that are produced by an economic recession and that have financial implications for policing in America:

- *Rising Unemployment*—Often unemployment is a delayed factor—that is, it takes time for unemployment to rise, but even when the economy is recovering, it takes time for unemployment to fall.

- *Rising Government Borrowing*—A recession is bad news for the government budget. A recession leads to lower tax revenues (lower income tax and corporation tax revenues) and higher government spending on unemployment benefits. The UK is forecast to borrow £60 billion; a recession could make this borrowing even worse in 2009. This borrowing means higher taxes and higher interest payments in the future.

- *Falling Share Prices*—Generally, a recession leads to lower profitability and lower dividends. Therefore, shares are less attractive. Note, share prices often fall in anticipation of a recession. For example, the recent falls in share prices are largely because the market expects a recession. During the actual recession, share prices often increase in anticipation of the economy recovering. Note, also, that falling share prices don't always mean a recession; falling share prices can occur for many other reasons.

- *Lower Inflation*—Typically, a recession reduces demand and wage inflation. This should result in a lower inflation rate. However, this recession is complicated because of rising oil prices. Therefore, the forthcoming recession may actually occur simultaneously with higher inflation—a term known as *stagflation*. But a recession will definitely reduce demand-pull inflation pressures and will encourage price wars on Wall Street as firms seek to retain consumers.

- *Falling Investment*—Investment is much more volatile than economic growth. Even a slowdown in the growth rate (economy expanding at a slower rate) can lead to a significant fall in investment.

Is Crime on the Rise?

A quick Google search finds nine articles that answer this question with a yes. Moreover, the nature of crime is changing in terms of the type of crime and the socioeconomic background of the criminals. The National Retail Foundation (2008) reports organized crime is targeting retail stores: "The survey results include responses from 99 retailers representing all sectors of the industry, including drug, supermarket, general merchandise, home improvement, apparel, department, and specialty stores. Nor is this exclusively an American problem. In a recent article entitled "Britain Faces a Summer of Rage" (Lewis, 2009), the position is put forth that the economic downturn in England is likely to turn into riots over the lack of employment and the declining economy. Finally, it is not that the Obama Administration is not providing stimulus money to law enforcement; it is. The question is, with the state of the economy, how long can they sustain this effort? If states and local governments are left to their own tax bases, there is no doubt that a decrease in policing will occur—at exactly the time it is most needed.

Conclusions

If there is any mantra that is appropriate to our times it is "to do more with less." This is not just a saying. In the next few years, this will become a reality in policing. A curious correlation may emerge: Just as crime is rising, our financial ability to deal with it may be diminishing. One very important aspect of the solution to policing in the future is what I call "navigating the silos." We need to be less territorial and more proactive in policing. Some scholars recognize these facts (Friedmann & Cannon, 2007); they argue that since 9/11, the dominant paradigm in policing has changed from community policing to fighting terrorism. While terrorism is a crime by every standard that could be applied, its nature and its effects on policing and intergovernmental funding are different. It is not that the Department of Homeland Security (DHS) is at this point in time bad for local policing. In fact, the DHS has invested over $300 billion in state and local programs. The obvious question raised by this article is how long can this be sustained? Friedmann and

Cannon go on to say that the perception that the missions of DHS and community policing are different paradigms is illusory. In fact, the major feature of community policing, which could be characterized as more effectively putting boots on the ground by integrating itself into the life of the community, is actually necessary for fighting terrorism as well as to fight crime in the more traditional sense. This is because community policing is better networked to provide information necessary to DHS's mission. In other words, for both DHS and local efforts to fight crime, they need information for effective crime fighting strategies. However, to get the most efficiency from these perceived separate strategies toward policing, the silos that separate them must come down. This is necessary not only to fight crime more effectively, but also to maximize the forthcoming diminishing resources required to do so. We are currently facing many threats to our society—crimes of a more traditional nature, victimization of all forms, assaults, and foreign terrorism—and, as such, we should no longer make distinctions between these types of crimes, either conceptually or administratively. In order to address crime successfully in the future, we need to bring to the forefront all of the resources at our disposal—Homeland Security, community policing, and any other agency that addresses the problem.

We need to break down the silos that create separate territories and inefficient use of resources. We must be generous with sharing information and cooperating between and among agencies. Organizational walls must fall, and organizational unity must prevail. The sheer scope and magnitude of the threats to our nation are numbing. We will clearly be doing more with less. We need to maximize our resources if we are to provide citizens with the security they desire.

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Policing in Times of a Tarnished American Dream—Is It More than Economics?

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Theories that view social and economic conditions as the basis for crime claim that current conditions in the United States might be considered evidence that crime increases when the economy is in a recession. In contrast, the U.S. Department of Justice (2007, 2009) reports that other than for a slight increase in the burglary rate, the 2008 crime rate decreased from 2007. This article is not about crime rates; rather, it is about challenges that are currently facing police across the nation in both their communities and personal lives. In this article, the significant challenges to policing during times in which society seeks to regain balance in their communities and states that has been lost due to necessary social realignments will be discussed. Police are part of their community, and they are charged with upholding the law—a law that may often be used against their neighbors who have lost their employment and their homes, and who are now labeled as marginal citizens.

Universalism

It appears that no town, city, state, or country has escaped the financial meltdown of the last five years. While surviving is a laudable feat, the affect of those paralyzed by this recession is seen as depression, substance abuse, relationship violence, school violence, and loss of self-esteem. Additionally, the wars in Iraq, Afghanistan, and the African continent pose another layer of strife to military, reserve, and National Guard communities. As resources become scarce, racism- and hate-related behaviors are promoted through communication technologies that facilitate anonymity of financial support and inflammatory actions.

We are now well aware of the perils of globalization and how crisis is no longer relegated to one site. The economy of one community, state, or nation is important to the survival of others; so is the opportunity for criminality. Policing our communities goes beyond crime control to serving the communities and trying to address recalcitrant social issues. What is the impact of simultaneous financial losses to all classes of society?

The Homeless Problem and Law Enforcement

The 2009 Gallup Poll taken in June found that only 19% of adults had a great deal of confidence in the courts or the justice system. The United States has little inducement to control the free market, and most legislation about criminality has been limited to street crime and, more recently, terrorism. Congressional control over financial institutions has been difficult to legislate, difficult to pass, and even more difficult to sanction. Shaming financial institutions such as AIG and Bank of America into changing their policies about bonuses and fees appears temporary at best. Braithwaite's (1989) theory might work on juveniles or tax evading individuals

but not when Forbes-type wealth and power are combined. For those individuals, their reintegration is about returning to their previous status—not making amends to those they have harmed. Hopefully, we have learned that the social problems of one group are felt within all levels of society, and there are markers that identify a previous contributing citizen from a marginal one (Wilkinson & Pickett, 2009, p. 504). Law enforcement has no discretion to mitigate the multitude of issues associated with the current economic crisis: bank failures, industrial plant closings, loss of employment, foreclosures and evictions, insurance terminations, and the demise of pensions and retirement accounts.

The U.S. Conference of Mayors reports that while some cities are aggressively arresting the homeless and passing "no-sleeping" ordinances, other cities collaborated in writing model policy addressing the homeless (U.S. National Law Center on Homelessness and Poverty and the U.S. National Coalition for the Homeless, 2009). Included in this policy is the role police officers will have in keeping the tent cities safe (U.S. National Law Center on Homelessness and Poverty, 2009b). They are expected to uphold the Model Police Order for tent cities and act as social services agencies that are able to recognize and differentiate mental illness from physical illness and respond appropriately (U.S. National Law Center on Homelessness and Poverty, 2009a). This heralds an important change in the way a "troubled population" has required city planners to address a social problem that previously may have resulted in incarceration. It is also recognition that previous class distinctions no longer can be sustained. Those forced to live in these circumstances have few comforts and numerous challenges to their well being.

For instance, those currently without health insurance in a time that has numerous catalysts for illness are not eligible for treatment. Poor health and mental illness lead to other issues of violence and criminality for which intervention was or might have been possible prior to the loss of insurance. Eventually, we are all impacted by the financial maneuvers of those on Wall Street when homes are lost and there are few alternatives. New housing developments sit idle for drug dealers as staging areas; established communities watch as neighbors leave their homes vacant to live with family members or in tent cities. What remains are those one or two families who hope that the economic and foreclosure crisis does not force them to abandon their homes as well. Where do these "neighbors" go when they have no family to move in with nor any income? How do unpaid workers get the money owed to them for work completed?

These displaced workers can also expect to meet the police when demonstrating against former employers who callously left unpaid salaries, unpaid bonuses, and closed plants within 24 hours. Here, police officers are mandated to support the law and the court orders as presented to them. While they recognize the frustration of their neighbors, there is little they can do but uphold the law. This economic crisis has also resulted in loss of employment, loss of rank, and other personnel decisions that stress the families of police officers. Historically, it was common for officers to join the military reserve or National Guard to increase income, serve with their fellow officers, and enhance their skills. In the last decade, this decision has added to the challenges faced by local law enforcement. It is not a choice when the benefit of serving in the military is the one thing that allows the family to remain in their home.

Tent cities or shelters are growing in demand by families and the expected increase of 1.5 million homeless persons over the next two years no longer classifies them as vagrants or slothful (Toth, 2009). Some of these tent cities, such as those in Nashville, Tennessee; Fresno, California; Champaign, Illinois; and Lacey, Washington, include sanitation, portable toilets, water, social services, and police protection provided by local government. The "beat cop" has a new venue, and his or her ability to engage in conversation with the citizens while providing protection is one source of normality for these homeless people. It is about respecting this citizen as a means of providing safety for that community and recognizing the similarities rather than the differences in aspirations between the officer and the tent city citizen (Levits, 2009).

Another tactic has been to move the homeless into empty apartments and vacant homes as efforts are made to expand subsidized housing. Beginning with families, Fresno, California, has placed homeless citizens in empty apartments and homes while planning new subsidized housing. Rent is free or subsidized for four months along with the provision of social services and employment assistance. Placements are distributed throughout the city in consideration of schools, services, transportation, and preserving neighborhoods (Boyle, 2009). These efforts maintain social bonds with the community and, more importantly, with the local police. However, it is not solely about a place to live but also the conditions in which families thrive that are important to the safety of the community and its future.

Policing in a Time of War

Currently, the Iraq and Afghanistan wars create a myriad of problems for local law enforcement. First, a cut in federal funding for local law enforcement has diminished their ability to protect the community. Clearly, technology and sound administrative skills have helped to mediate the impact, but resources are currently lacking and little relief is expected in the next two years. A number of local newspapers and media outlets are reporting that police officers in all sizes of departments are being deployed to Iraq or Afghanistan. For example, Pennsylvania is one of the states to feel the impact of law enforcement deployments on communities and public safety. Some departments have learned to regionalize as a result of the challenge, while others rely on the state police to take over some of the patrolling and calls for assistance. Cuts in local and state funding for law enforcement have not allowed for replacements. Instead, the Department of Homeland Security has taken over providing the resources for new programming. While some law enforcement departments have been able to secure training and purchase a number of technological items, these do little to address new street crime or crime prevention, particularly in small communities.

A second effect of the Global War on Terrorism is that the returning veterans and their families (whose need for support equals that of the veterans) hope for a return to a former way of life. There is the issue of repeated deployments as well as veterans returning with post-traumatic stress disorder (PTSD) and minimal brain damage from their injuries. This is a tiered challenge. Some veterans who were previously police officers return to policing without seeking needed counseling because of the risk a diagnosis may pose to their employment. A third effect of the large number of individuals participating in military service is that law enforcement responds to calls where the offenders and/or victims are dealing with the aftermath of the

war experience, yet the officer must uphold the law when an arrest is required. In jurisdictions such as Buffalo, New York; Pittsburgh, Pennsylvania; Janesville, Wisconsin; Madison County, Illinois; and Tulsa, Oklahoma, Veteran's Courts are responding to these issues, and district attorneys support the diversion of veterans to treatment (Lewis, 2008; Marek, 2008; Schmidt, 2009; "Special Courts for Veterans," 2009).

Theses courts are challenged by those who see the special status for veterans or those who have served in combat as unfair and risky to the larger community. Supporters point to the Vietnam era and the mass influx in the correctional system of veterans who needed treatment and support rather than imprisonment. Others believe that criminal behavior must be sanctioned rather than diverted. Eligibility for the Veteran's Court comes with a number of conditions as to treatment, type of offense, prior criminal history, victim's permission, and local practices. Both should comprehend that the criteria as devised by prosecutors, judges, and community members first serve the safety of the community and then the treatment of the veteran. Some criteria are provided through statutes, while other treatments are designed to meet specific standards as determined by the resources in the community. For instance, if a hospital or a rehabilitation center refuses to provide progress reports even with the veteran's permission, then the veteran must find another provider or be incarcerated. Another concern is that of an abuser who is arrested by the police, diverted to a 52-week batterer's program, and redeployed before completion of the treatment.

Determining the source of the treatment poses a dilemma:

- Should it be the Veteran's Hospital or services that are provided on base for those on active duty?

- Who pays for those who are back from reserve duty or the National Guard when there is no insurance or money?

- When family violence results from PTSD and reintegration of the family, should the perpetrator and the victim be encouraged or required to attend treatment and family counseling?

- Can a victim or the entire family be ordered to attend treatment when it is the spouse who has exhibited the violence?

In the general community, police find that some individuals who are in military service continue because they cannot find other employment (Scott, 2006). They are often young, with minimal education, and their frustration at the local employment opportunities often spills into the community and into their family. Approximately 11% of Iraq veterans are unemployed and often return to deployments as a way of supporting their family (Zoroya, 2009). Yet another issue is that redeployments and troop rotation plans stress families, places of employment, communities, and law enforcement agencies, and there is little that can be done with no resources (Tyson, 2006). In situations where the nondeployed parent is working more than one job in order to remain financially solvent, children are often being left to their own devices for care.

Policing Family Violence and Child Abuse

According to Szep (2009), "While some agencies report a decrease in child abuse and family violence, a March poll by Mason-Dixon Polling and Research showed [that] 88 percent of 607 sheriffs, district attorneys, and chiefs of police nationwide expect a rise in child maltreatment based on similar rises in previous recessions." Trauma centers and children's hospitals are confronted with the reality of this law enforcement-anticipated abuse daily. The decline in funding for social services, family services, afterschool and juvenile programs, and placement alternatives are causing frustration that leads to serious neglect and abuse of children. Shaken baby syndrome has increased according to national centers such as Boston Children's Hospital, Seattle Children's Hospital, and Syracuse University Medical Center (Szep, 2009). Lifelong disabilities from shaken baby syndrome may come from 20 seconds of abuse (National Center on Shaken Baby Syndrome, 2009). Illinois has likewise reported an increase in child abuse, and law enforcement is the leading reporter of the abuse (Illinois Department of Children and Family Services, 2008). Neighbors, family members, and witnesses often call law enforcement when children are abused more readily than child protective services. The lack of confidence concerning the response of a social services agency is evident as citizens expect police to "do something" about the life of the victimized child. The impact of seeing such abuse is difficult for law enforcement as there is little to offer the victim as they investigate and make an arrest only to hear the children often begging to return to the abuser's custody or hearing that the complaint was not sustained.

The disintegration of the family is evidenced in stressed relationships that lead to violence. Unemployment is not the excuse, nor should it be, but the extent of joblessness from months into years, the moves to new locations hoping for employment, and the repeated disappointments take a serious toll on families, children's education, and childhood. Once again, police are expected to intervene with only statutes and ordinances on their side rather than the resources to facilitate relief from the circumstances.

Families who once had routines, and children who once had mentoring and guidance, now face long periods of absences from any type of adult supervision. Those parents who are employed part-time due to the economic crisis may be forced to hold two or three part-time jobs in order to meet financial obligations. The consequence is that the elder child is left to care for the others or a child is simply left alone. Why? With unemployment at 9.8% (15.1 million unemployed), 9.2 million workers are "fortunate" to be able to find such temporary employment (Bureau of Labor Statistics, 2009). While the Department of Labor recognizes that this results in further social issues, any alternatives are similarly grim.

Children are raising their siblings, and often the stress results in sibling abuse or neglect. Yet again, police will be called to address this issue with little ability to offer relief. A number of agencies do not see this situation as urgent as, for example, a child who presents with shaken baby syndrome. Educational systems report that children are not attending school because of the responsibilities of child care for siblings, and that more children are arriving at school in need of breakfast, clothing, and medical support. These children are not from families where criminality, substance abuse, or risky lifestyles are common. Rather, they

are from families who are affected by the economic downturn, families that are hoping and trying to prepare for economic recovery. Any threat to an employment opportunity is a threat to their family.

Policing in Times of Discrimination and Hate

The FBI classifies hate crimes by race, religion, sexual orientation, ethnicity/national origin, and disability (U.S. Department of Justice, 2007). Race is the primary reason for hate crimes, but crimes against groups because of ethnicity or national origin have increased irrespective of their citizenship. For police, being able to identify and charge a criminal with a racial hate crime is not always preferable to charging them with an assault. Some believe that a charge based on race inflames both the victim's and the perpetrator's communities.

For instance, the recent case that took place at the Cracker Barrel in Georgia resulted in the arrest of Troy Dale West, a Caucasian, for allegedly "screaming racial slurs while beating an [African-American] Army reservist in front of her daughter outside of a restaurant in Morrow, Georgia. Mr. West was originally charged with the misdemeanors of battery and cruelty to children and released" (Matteucci, 2009, p. 1). Two weeks later, after prosecutorial review, the perpetrator was charged with aggravated assault, false imprisonment, first degree cruelty to children, two counts of battery, and two counts of disorderly conduct because of his actions. Now facing felony charges, the perpetrator was denied bond. An important caveat to this change in circumstances is the 150 demonstrators (NAACP and community activists) that rallied at the Court House urging denial of bond. In Georgia, the issue of hate crime legislation is unresolved. Witnesses related facts that were clearly about the victims' race and gender. The FBI may investigate the incident to make a final determination if the victims' civil rights have been violated. The increase in hate groups and their willingness to openly threaten target groups and share their biased opinions is a threat to law enforcement. For example, outsourcing of employment and the hiring of immigrants leads to the charge that anyone who is different in the community might be an illegal worker; this exacerbates violence against specific groups.

Hate crimes against Hispanics have risen by 40%. One example is that of Suffolk County, New York, where the Southern Poverty Law Center (SPLC) reports that this violence is fostered by community leaders and law enforcement practices, (Potok, 2009). Latino immigrants in Suffolk County are routinely the target of violent attacks, harassment, and abuse driven by a virulent anti-immigrant climate. Some may question the veracity of the report, but the SPLC has held more legitimacy about hate crimes in America than any other organization or governmental agency. Law enforcement has increasingly had to face demonstrations from angry and frustrated citizens based on hate crimes. Furthermore, the clear absence of effective federal intervention either empowers racists or threatens those eligible for hate and racial bias victimizations. Those who demonstrate using inflammatory language and garb demand protection, and police are placed in the middle of the strife. The issue remains for the police to uphold everyone's rights until legislation or case law further define hate crimes. It remains their duty to arrest and for the prosecutors to charge under existing statutes if it is a hate crime rather than wait for the FBI to intervene.

What Now?

Law enforcement agencies are using collaboration and sound administrative principles to address community issues. While mandatory training is expected, there is little financial or departmental support for such training or continued education. Using Web-based sessions may offer some opportunities, but certification and accreditation is not about "seeing what someone can catch" on their computer. Smaller regional conferences offer one solution as does collaborating with local universities. Numerous professors are expected to attend conferences and conduct research while serving their professional community; they are one potential source that can keep departments current and assist with addressing social issues by sharing the best practices of other agencies.

Regionalization is another tentative solution. The prevailing difficulty is finding organizations that will willingly give up authority and share resources. Here, too, the professionalism of the agency and its officers becomes an issue in terms of prestige. Merging is facilitated when states have a mandatory academy along with the completion of higher education credits. A very strong department may hesitate in sharing authority and grandfathering in those in command who lack education. Shared strike forces formed from local, state, and federal agencies have proven invaluable when addressing drugs, weapons, terrorism, and human trafficking. The spoils from the Racketeer Influenced and Corrupt Organizations (RICO) Act (1970) should be shared by all as an encouragement for continued collaboration. While RICO can be applied to individuals, businesses, political protest groups, and terrorist organizations, it is founded on a cooperative effort by all agencies. Placing a number of agencies under one regional police force is beneficial as there are automatic satellite stations available for deployment. The preferable solution is that all agencies that have decided to regionalize bring something to the new organization.

Unemployment and the recession are exacerbating the stress of living in a country that has been at war without a declaration of victory. Few are left untouched by the current social problems and the reality that all of us (except for the very wealthy) are moving closer in status and prestige (or lack of) is difficult to comprehend. Law enforcement is left to mediate, collaborate, and encourage communities whose status is tentative. Additionally, the natural disasters of floods, tornados, fires, hurricanes, and landslides leave little time to patrol the community, let alone become a part of said community. There is no off-duty time and what there is may be spent seeing social distress and unrest.

Now is a time for command and funding sources to plan for increased resources. While slow in coming, prioritizing needs in terms of equipment and benefits for police officers are important tasks. Included in that list should be a friendlier schedule for officers and their families, increased opportunities for training, and plans for the longevity of the department.

Conclusion

A number of social problems resistant to change and the alternatives used to address them in real time have been discussed here. Further, these challenges indicate commonalities among and between regions, police departments,

and communities. Other than for the wars, the social problems addressed are sustained for a number of reasons besides economics. The value system promoting materialism has been replaced with one of survival and minimal expectations. It is possible that our communities will incorporate what they have noted into lessons learned and change their lifestyle. It remains to be seen how long that change will be sustained. Irrespective of the result, law enforcement will continue to do what they are trained to do—protect and serve their communities.

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Community Policing: America's Economic Downturn with an Increased Aging Population

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Introduction

In the last years of the first decade of the 21st century, America found itself in an economic crisis, the magnitude of which had not occurred since the Great Depression of the 1930s. According to economists, this economic crisis, referred to as a recession, began in late 2007 or early 2008.

In 2008, the print and electronic media focused on the economic crisis which was dominated by falling housing prices, rising default and foreclosure rates, and the financial failure of large investment banks. At the same time, the Federal Reserve Bank and the U.S. Treasury were in the process of handing out huge bailouts to big banks, like Bank of America and CitiBank (Gwartney & Connors, 2009, p. 63). The stock market, which many companies and states had investments in for their pension funds, had dropped several thousand points. Unemployment increased substantially, approaching 10%, with some states or geographical areas reaching 20% when those no longer receiving unemployment benefits were counted with those receiving unemployment benefits. Small businesses and stores went out of business. General Motors, which until recently sold more automobiles than any other company in the world, received a financial bailout from the U.S. government along with the Chrysler Corporation. Both companies went bankrupt after the federal government's bailout but were able to get out of bankruptcy after a few months.

The wealth of many Americans were substantially reduced with the additional concern that the recession, which is severe, may be lengthy, with the possibility that the next decade could be an economic loss.

The economic crisis of the last years of the first decade of the 21st century not only affected the federal government but also a vast majority of the state governments. Only a few states, Texas for one, had a surplus. Most of the states had a deficit. They spent more money than they were taking in as taxes. Not only were small businesses going out of business, but large corporations were laying off workers. In Wichita, Kansas, Boeing Aircraft and Cessna Aircraft were laying off a substantial number of workers. With a poor economy and the most serious economic downturn since the Great Depression, states were not receiving the revenue they were expecting from a strong economy. Not only are states having economic difficulties, so are the cities. The City of Wichita has a hiring freeze and is laying off workers. Non-sworn police officers may find themselves unemployed or at a minimum not replaced if they leave their positions. There is discussion in many cities and states, such as the City of Wichita and Kansas, of employees taking a pay decrease or being furloughed.

The hard economic times will create a hardship for police departments. Most municipal police departments are having financial problems and may be forced to lay off police officers, to refrain from purchasing needed equipment, or to decrease officer salaries and benefits. Of course, the state or federal governments, if they can find the monies, may be assisting municipal police department financially. During the summer of 2009, federal legislation known as the COPS Hiring Recovery Program, which was part of the stimulus bill passed in the early weeks of the Obama Administration, was used to assist some police departments. For example, the federal grant allowed eight police departments in the Tampa area of Florida to hire 50 police officers (Alexander, 2009, p. 8B).

During the summer of 2008, the Police Executive Research Forum (PERF) recognized that the national economic crisis was having a major negative impact on police departments. In a survey conducted by PERF, 39% of responding police agencies reported that they were experiencing a decreasing operating budget. Six months later, in December 2008, PERF followed up with a second survey focusing on the economic recession. This survey emphasized the influence of the recession on police agencies' budgets. The December 2008 survey revealed that financial support for police agencies was deteriorating rapidly. PERF found that 63% of the responding police agencies were in the process of developing plans for a budget cut for the upcoming fiscal year. The PERF study found that 88% of police officials were informed by city government officials that they could expect a smaller budget for the next fiscal year. These police officials were told to expect a budget decrease of 6.24% for the coming fiscal year (*Violent Crime and the Economic Crisis*, 2009, p. 1).

Generally, municipal police departments are the last of the city government agencies to take financial cuts. The fact that police agencies were informed in the early stages of the economic recession that there would be budget decreases is a good indicator of how serious the economic crisis is. The December 2008 PERF survey revealed how the police agencies were trimming back on specific areas:

- *Overtime*—62% said they had already cut overtime spending.

- *Hiring Freezes*—53% of responding agencies said they already had implemented a hiring freeze for non-sworn personnel, and 27% said they have implemented a freeze for sworn positions.

- *Increased Fees*—52% said they were considering increasing fees for police services.

- *Technology*—49% of the responding agencies said they had already cut back or eliminated plans to acquire technology.

- *Training*—47% of the police agencies said they already had reduced or discontinued various types of training.

- *Recruits*—34% said they had discontinued, reduced the size of, or delayed classes for new recruits.

- *Take-Home Cars*—29% of departments had discontinued or reduced the use of take-home cars.

- *Attrition*—24% of agencies said they were already reducing police employment levels through attrition.

- *Layoffs and Furloughs*—12% said they were considering laying off police employees or forcing retirements. Further, 10% said they had already used the furlough of employees to reduce spending, and 7% said they had already laid off officers or forced retirements during the past year. (*Violent Crime and the Economic Crisis*, 2009, pp. 1-2)

The preceding information obtained from the PERF survey indicates that the 2008-2009 economic recession is hitting the financial budgets of police agencies extremely hard. Yet, during difficult economic times, the workload may be expected to increase. Police agencies will be expected to maintain their level of service with decreased resources. During these difficult economic times, the police will have to work smarter.

With many states having from 10 to 20% unemployment, it should be expected that disorder and crime, both violent and nonviolent, would be on the rise. For example, street crimes, such as robberies, assaults, and burglaries, in all probability will see an increase. We can anticipate gang activities and violent crime to increase. For example, the City of St. Petersburg, Florida, reported a 9% increase in crime (Thalji, 2009, p. 6B). Financial crimes will also be on the rise. With high unemployment occurring during a recession and those unemployed being unable to obtain loans, crime may offer their only opportunity to obtain money.

Older Americans

There are many segments of society that need police protection and services. These include juveniles, the poor, and victims of domestic abuse. These segments of society will need police protection and security regardless of the economic situation of the country during any specific period of time. One segment of society which will require and even demand police protection and security in the near future, and even more so in the distant future for decades to come, are older Americans. An examination of the aging of America should clearly point this out.

Americans 65 years and over are referred to as senior citizens, the older population, or the elderly. People 65 and older are becoming the largest minority in the country. In the latest figures available in 2007, the elderly numbered 37.9 million, which represents 12.6% of the population of the United States. One in eight Americans is 65 years and older. Centenarians, those individuals who have reached 100 years old, numbered almost 81,000 (Administration on Aging, 2008, p. 2).

Centenarians are expected to grow at more than 20 times the rate of the total population by 2050, making them the fastest growing age group. America is expected to have more than 600,000 centenarians by mid-century ("More Living to 100 and Beyond," 2009, pp. 1, 6A). In every foreseeable decade, the older population will be expected to increase. In 2010, expectations are that the older population will reach 40 million; in 2020, it will reach 54 million; and in 2030, it will reach 72 million (Administration on Aging, 2008, p. 3).

In 2007, approximately 20% of older Americans were minorities with about 8% of these African American; 6.6%, Hispanic; about 3.2%, Asian or Pacific Islander; less than 1%, Native American or Native Alaskan; and a mere 0.06% identifying themselves as being of two or more races. The majority of all older Americans, 52.4%, are found in nine states: California, Florida, Illinois, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Texas. In ten states, Americans 65 and older comprise approximately 14% or more of the population. For example, they make up 18.5% of the population in Florida, 15.8% in Pennsylvania, 15.8% in Rhode Island, and 15.0% in Iowa. Also, the vast majority of older Americans, 80.5%, live in metropolitan areas. About 63% of older people lived outside of the inner cities, while about 37% lived in the cities (Administration on Aging, 2008, p. 6).

The police, along with social services agencies, will in all probability deal more with older people than any other government agency. First, with the economic change sweeping America, the days of early retirements may be over. The day may be ending when a police officer can retire with 20 or 25 years of police service. More and more we find that the private sector does not want to provide employees with either health or retirement benefits. Since the public sector follows the private sector in benefits, it may not be long before the local and state governments do away with their benefits. It may become too expensive for local and state governments to support health and retirement benefits. This may be even more likely if the federal government passes a health plan for all Americans. Police departments may keep their older police officers longer. Police officers may decide not to retire during the age period when they traditionally would have been retiring. Police departments offer their employees security, and if there is no retirement pension or if employment when retiring is slim or nonexistent, police officers may stay longer than they have in the past. If police officers are remaining longer, then police departments need to maintain continuous training programs for older officers. There will be a need to provide health and wellness programs. There is no doubt that older officer who have more experience than a young, recently employed officer may defuse situations and solve problems more efficiently than less experienced officers because of their maturity. Older police officers who are in good physical and mental health can be a continuing asset to their police department.

Volunteerism

As previously mentioned, Americans are becoming older. In retirement or near retirement, America has three generations who, based on their maturity and experiences, have a great deal to offer. We have the Greatest Generation, also known as the World War II Generation; the Silent Generation who followed the Greatest Generation and who preceded the Baby Boom Generation; and the Baby Boomers, those born between 1946 and 1964. With the vast majority of older Americans residing in metropolitan areas, this is an opportunity for police departments to recruit older retired citizens. Older retired people with their vast education and professional background can offer many services to police departments. Senior citizens have backgrounds in banking, insurance, marketing, education, computer programming, and counseling to name a few professional areas that could be beneficial to the police. During difficult financial times, older retired Americans could work in developing computer programs for the department, could assist in training, and could provide community service for the department.

Senior citizens could be trained in the 13-week Citizens Police Academy programs, which many police departments operate, in which they would obtain a basic understanding of police operations. Once the Citizens Police Academy has been successfully completed, they could work in almost any capacity with the police organization. Police departments need to be creative and open to outsiders. Of course, some activities need to be kept confidential, such as information obtained during a criminal investigation, but this applies not only to civilians but also to other members of the department.

A good example of a successful senior citizen program is the Senior Liaison Officers (SLO) Program. The Arvada, Colorado, Police Department initiated an SLO program customized to provide services to older Americans 60 years of age and older. SLOs work proactively with seniors to identify concerns and service needs, resolve problems, and obtain appropriate services. The long-range goal of the program is to reduce the fear of crime among seniors and to provide quality police service to senior citizens. The SLOs maintain a high visibility in retired senior facilities and make weekly visits to senior citizens (Palmiotto, 2000, p. 299). Services that SLOs provide include the following:

- Regular visits to senior housing facilities

- Security at selected senior activities such as cultural events

- Identification of seniors who are abused or neglected, or who can no longer adequately care for themselves, and assistance in helping them locate a facility

- Personal safety classes for seniors

- Referrals to social services agencies which can assist seniors with their problems

- Personal contact with seniors who are victims of a crime (Hoffman, n.d.)

Elderly Victims

With an older population growing we can expect that abuse and mistreatment of senior citizens will be on the rise. Abusers may be family members such as spouses, children, and grandchildren; neighbors; and healthcare workers. There are several types of abuse that confront older people. Richard Douglas (1995), in a report prepared for the American Association of Retired Persons, outlines several types of abuse:

- *Passive Neglect*—The unintentional failure to fulfill a caretaking obligation. For example, not providing food or health services.

- *Psychological Abuse*—The infliction of mental anguish. Examples include name calling, treating as a child, insulting, ignoring, humiliating, and threatening.

- *Financial Abuse*—The illegal or unethical exploitation and/or use of funds, property, and other assets belonging to older people.

- *Active Neglect*—The intentional failure to fulfill a caretaking obligation, including conscious attempts to inflict physical or emotional stress or injury on the older person. Active neglect includes abandonment, denial of food or health services, or depriving dentures or eyeglasses.

- *Physical Abuse*—The infliction of physical pain or injury, or physical coercion. Physical abuse involves slapping, bruising, sexually molesting, cutting, lacerations, burning, physical restraint, and pushing. (pp. 3-4)

A recent study of older adults between the ages of 60 and 97 sponsored by the National Institute of Justice found that 4.6% of adults over 60 reported some form of emotional mistreatment in the past year. However, only 8% of older adults reported this mistreatment to the police. The percentage of abuse categories was 2% physical abuse, 1% sexual abuse, 5% neglect, 5% financial abuse by a family member, and 7% financial abuse by a stranger (Acierno, Hernandez-Tejada, Muzzy, & Steve, 2009, pp. 2-3).

The National Institute of Justice found that financial exploitation by family members and by strangers was higher among the physically disabled older adults. Perpetrators of physical and sexual abuse of older people generally have high unemployment, substance abuse problems, and a likelihood of mental health problems. The study also found that low income, poor health, and poor social support led to a lack of connection to the community and neglect. Also found was that the rate of financial exploitation was extremely high, with one in twenty reporting financial abuse in the recent past (Acierno et al., 2009, pp. 73-74).

Elderly Offenders

With a substantial increase of older Americans, we may expect an increase of crimes committed by them, although it will remain substantially lower than those committed by offenders in their teens and 20s. As people grow older, they are less likely to commit crimes. Older people are generally mellower than younger people and less prone to outbursts and violence. They may be physically fragile and lack the ability to commit aggressive acts. However, early stages of mental deterioration may be the cause of violent outbursts by the elderly (Price, 2000).

The June 10, 2009, shooting of a security guard at the U.S. Holocaust Memorial Museum was committed by an octogenarian gunman (Rvane, Dugga, & Williams, 2009). Generally, the elderly are the least violent of all the age groups in American society. Of the 17,040 homicides listed in the United States in 2007, the elderly, those 65 and older, committed 156 murders or less than 1%. The only age group that was found to have committed fewer crimes than the elderly were young people under the age of 12 (Tucker, 2009). Very little is known about the elderly offender; most studies deal with young offenders, 13 and over, who commit most of the crimes.

In a study of elderly homicides in Chicago, the researchers found that little was known about elderly victims and offenders, especially when it came to homicide. The researchers did a 31-year study of homicides involving offenders 60 and older. The study found that elderly offenders were predominantly white and would commit suicide after the murder. The victims were most likely to be spouses, and females over 60 years of age (Fazel, Bond, Gulai, & O'Donnell, 2007, p. 629).

A study of elderly crime patterns and trends from 1980 to 2004 found that elderly offenders are involved primarily in alcohol-related crimes. These include public drunkenness, driving under the influence, and minor assaults in which alcohol may have been involved. They are also involved in minor thefts such as shoplifting. The study found that the crimes committed by the elderly have a traditional pattern and are not new nor seem to be on the rise. The elderly may not be deeply involved in crime because, as they get older, they decline physically in energy and strength. Their psychological drive may also decline. Further, the elderly may make lifestyle changes and may have fewer opportunities to commit crimes, and they may consider incarceration a poor option (Feldmeyer & Steffensmeier, 2007, p. 318). Feldmeyer and Steffensmeier drew four conclusions from their study:

1. The elderly contribute only modestly to the nation's arrest rate.

2. In contrast to recent claims by some commenters, elderly crime rates have not increased in level or seriousness in recent decades.

3. Our analysis documents the general contours of the age-crime curve that has long been observed.

4. Age differences may be built into enforcement policies and criminal statutes, such as diversion for elderly offenders, which may contribute to lower levels of elderly crime. (pp. 317-318)

A review of the *Uniform Crime Reports* from 2004 to 2007 on crimes committed by individuals who are 65+ reveals that the elderly commit crimes in every crime category recorded by the FBI. The *Uniform Crime Reports* indicate that the crime rate in most categories of crime remained consistent. For example, when compared with all crimes committed, the total crime committed by the 65+ age group was consistent at 0.6% for the four years examined. The 65+ age group committed a total of 0.7% of all violent crimes and 0.5% of all property crimes. The highest number of murders occurred in 2005 at 119, while 2007 had 83 murders. The 65+ age group not only committed murders but fortifiable rape, robbery, larceny, sex offenses, and burglaries. Driving under the influence had the highest number of arrests for those in the age group 65+. Other high arrest crimes for this age group included property crimes, assaults, and drug offenses. Crime is committed by the elderly, but not at as high a rate as by those in their 20s or 30s.

Although there is a lack of data supporting the increase in elderly crime, the coming decade with its growing elderly population and poor economic conditions may see an increase in elder crime.

Cop Recommendations

With the expectation that the current economic situation may take years to correct itself and with the number of older citizens increasing substantially in the coming years, police departments need to develop a partnership with older adults. They currently comprise almost 13% of the U.S. population, but more importantly, they are a community. They have a sense of membership—a feeling of belonging—and with this comes influence (McMillan & Chavis, 1986, p. 9).

Police departments need to assign police officers, and some already do, who work primarily with older adult issues. However, with this population increasing in the coming decades, older adult volunteers can make a great contribution in developing and promoting a working cooperation and partnership between the police and older adults. Community policing concepts should be implanted to partner with older adults. Police departments have at their disposal a large core of educated older people. They are social workers, educators, psychologists, sociologists, medical doctors, nurses, accountants, and everyday workers who would be willing to work with the police to help their fellow older adults. They speak the same language; they come from the same culture; and they generally communicate better with older adults than a young police officer from a different generation would. In addition, there are local, state, and federal retired law enforcement officers who could make a contribution in assisting local officers in training them in solving financial crimes and in the investigation of other criminal acts. These retired professionals could train not only older adults in crime prevention strategies and techniques but also other police officers in a wide variety of issues related to policing.

Who better to work with older adults than other older adults? The communication channels between older adults can be of value in obtaining information related to the various forms of mistreatment committed against older adults. Older adults may be able to communicate with those who have been abused or taken advantage of to report their mistreatment to the police so that the culprits can be prosecuted.

Conclusion

Currently and into the foreseeable future, America will have financial issues. The economy in all probability will pick up, but with the country in debt for trillions of dollars along with a majority of municipal and state governments, financial resources for law enforcement may not be there. It may be a while before police departments receive the resources they received when the economy was doing well. The community policing concept can be applied to the older adult community. A partnership between the older adult community and the police should be developed and built upon to gain the older community's support and cooperation—not only in solving older adult issues but also as a viable volunteer unit of the municipal police department. Since older Americans live either in cities or in the surrounding communities, older citizens can provide services to local police departments during a period of limited resources. Older citizens, with their varied life experiences, can provide input into police operations that police departments may no longer be able to afford. Older adults could work to assist other older adults in providing financial guidance along with providing recommendations to them for medical and health issues. With retired older adults from every profession and vocation from nurses to plumbers, a large pool could assist their fellow older adults and improve the strategies of community policing. Older adults could be integrated into nonsensitive areas of the police department and assist in such areas as public relations, budgeting, recordkeeping, and as greeters to the public as they enter the police department. They also could perform practical work that police officers have performed such as issuing parking citations, checking parks and other areas that concern the police, and reporting suspicious incidents to the police.

Many older Americans already volunteer, and many of them in all probability would be willing to volunteer to assist the police if they were encouraged. Police departments should be creative in soliciting the assistance of this substantial community who generally support the police and who have a wealth of experience to offer.

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Criminal Justice Funding in North Carolina: A System in Crisis

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The following article was originally written in late 2006 and early 2007 when the national economic downturn was in its infancy and funding for local and state criminal justice programs was only beginning to suffer dramatic reductions. Since this time, the situation has endured and in many cases gotten worse with law enforcement agencies and other criminal justice system agencies experiencing hiring freezes, layoffs, and annual budgetary reductions in excess of 3%. Despite the use of American Recovery and Reinvestment Act funds, the criminal justice system is still reeling from the aftershocks, and current federal funding proposals for fiscal year 2009/2010 are bleak, offering level funding at best. The situation in North Carolina mirrors much of the nation with major capitol expenditures and new and innovative programmatic ideas being placed on hold or cancelled altogether in order to use existing funds to simply continue basic patrol coverage, keep courthouse doors open, and offer the minimum level of care and services. While Congress is no longer discussing steroids in baseball, discussions about criminal justice support remain far and few with numerous other issues dominating the headlines and halls of Congress and the states' legislative bodies.

Introduction

Since the crime rates have been dropping, key public policy figures, politicians, the media, and members of the general public have erroneously assumed that crime and the operation of the criminal justice system are no longer pressing nor significant problems or topics for public policy debates and discussions. Numerous other, albeit still important, issues dominate the headlines and have consequently bumped criminal justice further down the proverbial public and social "To Do" list. The war in Iraq, terrorism, the state of the economy, gas prices, hurricanes, health care, education, ethics, immigration, presidential appointments, judicial nominees, and even steroids have been on the collective minds of Congress.

As a result, federal funding for the criminal justice system has been on the decline, with numerous block grant programs and state-level initiatives either being recommended for "zeroing out" or experiencing dramatic and sizeable cuts in the amount of allocated funds after the budgets are finalized and certified. The amount of available federal funding for North Carolina's criminal justice system has declined every year since 2002, experiencing a significant and drastic 43% decline during this short-term period of five years. The most substantial cuts have occurred in the federal juvenile justice and Byrne/Justice Assistance Grant (JAG) programs, which are the primary federal funding source for the state's criminal and juvenile justice systems. These funds have been utilized by law enforcement, courts, corrections, and juvenile justice agencies to start, and maintain, numerous and varied programs which have been enormously beneficial for preventing and reducing crime as well as for the development of statewide and multi-agency information sharing programs. Despite the successful application of these funds, the Bush Administration "zeroed" them out at the initial 2006 budgetary planning cycle, and it is projected that the next budgetary period will begin in a similar

fashion with zero funds originally allocated for the Byrne/JAG program and the Juvenile Accountability Incentive Block Grant (JAIBG) program.

For years, local and state criminal and juvenile justice agencies, as well as those agencies providing services to crime victims, have relied heavily on these federal funds. Unfortunately, this reliance has produced a situation in which these funds have been perceived as supplanting state funding for the criminal and juvenile justice systems. Many have erroneously assumed that federal funding can adequately maintain these systems and argue that state funding should be directed elsewhere. This over-reliance on federal funding has contributed to a lag in state-level justice appropriations.

One of the best examples of this supplanting effect has occurred within the realm of the state's Criminal Justice Information Network or CJIN. The disparity between state and federal support has been substantial, with $91.7 million in federal funds being expended for developing the critical and much needed infrastructure for the state's vitally important criminal justice information technology components. By contrast, during the same decade, the state's CJIN contribution has lagged at only $24.1 million. Thus, for every federal dollar invested in CJIN, the state invests one quarter and one penny (North Carolina Criminal Justice Information Network Governing Board, 2005).

Other examples include the disproportionate amount of federal funding at the expense of state allocations for the juvenile justice system and the judicial branch. Federal funds have been instrumental for implementing numerous recommendations and strategies of the state's juvenile justice reform effort especially in the area of providing funds for the local Juvenile Crime Prevention Councils or JCPCs. The state's courts have also been forced to rely on federal funds for nearly all of their automation efforts with little or no support from state-level funding.

The federal funds administered by the Governor's Crime Commission (GCC) have historically been used as "seed monies," starting new and innovative programs with the intent and anticipation that successful programs will be "watered" or picked up with state appropriations. Unfortunately, a long-term drought has occurred and, as a result, many of the seeds have not prospered and developed to their full extent. As an example, federal funds were used to devise, implement, and expand the Statewide Automated Fingerprint Identification System or SAFIS. This is arguably one of the most significant and important law enforcement tools allowing agencies to capture, share, and compare digital fingerprint images on an almost real-time basis. The SAFIS infrastructure desperately needs to be substantially upgraded in order to remain operational. The GCC recommended $20 million for this work in its last legislative agenda to the General Assembly with no forthcoming effect (North Carolina Department of Crime Control and Public Safety, 2004).

While criminal justice funding has dropped, the workload or activity of the system has risen—a rise that has been dramatic in several areas. Adult arrests have increased nearly 3% since 1995, with juvenile arrests growing 10.6%. Felony case filings in the state's courts rose from 83,417 to 101,509 (21.7%) during this same period, while misdemeanor filings experienced a 6.4% increase. Prison admissions

grew from 24,625 in 1995 to 26,603 a decade later (8.0%), while the state's prison population swelled from 29,495 to 36,620 (24.1%) during the last decade. Probation entries significantly expanded from 49,720 to 63,399 (27.5%), with a corresponding 14% increase in the total number of probationers in 2005 (114,438) contrasted with the number in 1995 (100,381) (North Carolina Administrative Office of the Courts, 1995, 2005a; North Carolina Department of Correction, 2006; North Carolina Department of Justice, 1996, 2005).

The cumulative effect of the current economic and fiscal funding situation in conjunction with rising system activities and expenditures is producing, and if trends continue will further exacerbate, a system in crisis. This paper outlines recent criminal justice funding trends at the state level and the impact that this has produced for the entire state system and for each of its major justice and public safety components.

State Appropriations

An analysis of the state general fund reveals that Education appropriations account for over one half of the entire fund, with Education growing from 54% of the 2000/2001 budget to 58% of the 2004/2005 budget. Health and Human Services accounted for 21% of the budget in fiscal year 2000/2001 and grew to 24% in 2004/2005. While the total Justice and Public Safety (JPS) allocation increased from 2000/2001 to 2004/2005, the growth in this fund category did not keep pace with the growth in Education and Health and Human Services, thus the JPS allocation dropped from 11% of the total 2000/2001 budget to 10% of the total 2004/2005 state general fund (North Carolina General Assembly, 2005).

Growth rates have varied considerably across these fiscal categories since 2000/2001. The highest rate of growth has occurred in the Health and Human Services allocation, which grew 30.6% since 2000/2001 or an average annual growth rate of 7.7%. Education funds grew 21.8% during this period for an average annual increase of 5.5% per year. JPS allocations experienced the least amount of growth (11.6%), only increasing an average of 2.9% over the last five years (North Carolina General Assembly, 2005).

An analysis of the JPS budgets for the corresponding years indicates that prisons and their associated operating costs account for the largest portion of the justice and public safety allocation. Prisons absorbed 52% of the total FY 2000/2001 JPS allocation ($1,486,930,528). By FY 2004/2005, the portion of the JPS budgetary allocation dedicated to prisons swelled to 56% of the total budget at the expense of declining allocations to the courts and to other correctional programs (North Carolina General Assembly, 2006).

Obviously, health and human services and educational programs are necessary for maintaining the state's vitality and for enhancing quality of life. Fiscal growth in these areas should be encouraged and is representative of progress and improvement. The same can be said for increasing JPS funding, which is also imperative for improving the vitality of the state's communities and for promoting a safer and more secure quality of life for its citizens. Have the major public safety agencies been able to keep pace with crime and criminals or continue to perform their respective core missions despite this slower rate of growth in JPS funding?

Have these agencies been able to effectively achieve their goals and objectives? Have they been able to plan proactively in order to get ahead of the proverbial curve or are they just keeping their heads above water? How will reductions, level funding, or even slight increases in their allocations impact these JPS agencies during the coming years? The following section will address these issues for each of the major criminal and juvenile justice system components.

Juvenile Justice

The state appropriation to the Department of Juvenile Justice and Delinquency Prevention fluctuated significantly between FY 2001/2002 and the current FY 2005/2006. The largest appropriation occurred in FY 2001/2002 with a final certified budget of $140,980,433. This allocation dropped 8.8% the following year to $128,585,062. While the department's allocation did rise, the following three years, the current appropriation for FY 2005/2006 is still $602,767 less than it was in 2001/2002.

The state's current fiscal condition combined with inadequate and lagged JPS funding has negatively impacted the agency's ability to carry out its core mission. The fiscal situation and reduced funding has inhibited the department's effort to provide a seamless system of juvenile justice for the state's youth and their families. Reduced funding has hindered community prevention efforts by the local JCPCs. These JCPCs have never been fully funded at an adequate and necessary level despite documented need. The GCC recommended funding at $40 million going back to 1998, yet these councils have never received more than $20 million. Last year, the GCC advocated a $20 million increase, to be funded with additional revenue from the cigarette tax hike, to no avail. Lower allocations have also forced the department to slow down and phase in a 2003 audit mandate to replace its youth development center beds as opposed to being able to fulfill this mandate quicker with a full implementation plan.

If the current funding trends continue and/or further cuts are incorporated, the department's effectiveness will be further strained as its ability to control, educate, and rehabilitate the state's youth will be compromised. Limited or insufficient resources will force the agency to only be able to maintain current services at current levels, with the worst impact occurring on the most important mission—prevention.

Ultimately, long-term budgetary reductions will undermine the intent of the 1999 Juvenile Justice Reform Act which sought to enhance prevention and intervention efforts and reduce the number of children who are committed to the state's youth development centers. If funding is not increased, it is highly plausible that the needs of youthful offenders and their families will not be fully met. Lacking adequate treatment and resources to alleviate educational deficits, many more youth may become more deeply involved in criminal activities and, consequently, become further engaged in the state's juvenile justice system. The same holds true for mental health reform which lacks adequate funding. The GCC has recognized this as a significant juvenile justice issue and has endorsed the need for significantly enhanced funding to address the varied mental health issues which many delinquent children possess and to improve services in this area. Without

adequate treatment for the behaviors that brought them into the system, recidivism rates will rise as well.

Again, the same holds true for those offenders who are housed, and will be housed, in the state's youth development centers. Many of these children are serious, chronic, and extremely violent offenders who suffer from a host of severe mental health issues and other cognitive and behavioral disorders. Lacking rehabilitation, they will recidivate as teens, continue their criminal careers into adulthood, and ultimately exact a higher cost to society.

Corrections

Since 2001/2002, the state allocation to the Department of Correction (DOC) has expanded 11.5% or 2.3% per year. However, the majority of this increase has been directed to prisons at the expense of other treatment-oriented programs and alternatives to incarceration. While this year's final allocation closely parallels the original request, a greater degree of divergence between the two amounts occurred in the past with a 7.9% difference occurring in 2001/2002 and a 5.5% differential the following year. While the trend data suggest slight improvements in the short-term fiscal situation, the longer-term trend suggests that the DOC will be playing catch-up in order to compensate for the cuts which occurred at the beginning of the decade.

North Carolina's prison population has experienced tremendous growth during the last decade, and projections indicate that this trend will continue well into the future. The prison population has grown three times faster than the general population and ten times faster than the state's crime rate since 1984.

Despite the construction of three new facilities and three more on the way, these prison beds will quickly be filled with an imminent 6,000 to 10,000 bed shortage looming on the horizon of the next decade. Based on today's construction cost of $80,693 per bed, the state will have to allocate between $484,158,000 and $806,930,000 to cover the projected shortage. Operating costs will run another $109,800,000 to $183,000,000 per year.

A rapidly rising and aging inmate population and a significant increase in the number of offenders under community supervision will place a strain on the state's correctional system. If state allocations only target the prison bed shortage via construction and do not address other correctional issues and needs, deleterious consequences will occur and current problems will only persist and be further exacerbated. Consequently, it is imperative that appropriations continue to parallel needs and rise proactively in order to prevent, or at least minimize, the following problems which will occur if funding is reduced or persists at current levels:

• Increasing staff turnover due to lower and noncompetitive salaries

• An inability to meet rising medical costs for an older and less healthy inmate population

• Significant reductions in prison rehabilitative programs

- Downsizing community correction programs such as drug treatment courts, residential substance abuse treatment, and prisoner reentry initiatives

- Increasing probation caseloads which will produce less time for officers to adequately supervise potentially dangerous offenders in the community

- Increasing prison violence due to an inability to adequately separate and monitor rival gang members

Law Enforcement

The gap or differential between the original North Carolina Department of Justice (DOJ) budgetary request and the final authorized allocation has widened since the beginning of the decade. For the 2001/2002 cycle, the DOJ's final allocation was only 4.4% below the original requested amount. For the current fiscal year, this differential nearly doubled with the DOJ's final allocation being 8.3% lower than the original request. Since the beginning of the trend period, the DOJ's budget has grown 5.7% or 1.1% annually. Comparatively, the DOJ's needs as derived from its original request grew 10.2% during this period or 2% annually.

Despite this widening gap, the DOJ is committed to providing the highest quality and most cost-effective services possible to the general public. Reduced funding has created strain and produced hardships for this agency, and a continued decline in funding could affect the manner in which services are delivered and impact the DOJ's ability to provide innovative services in an expeditious manner. Continued reductions and/or dramatic and significant budget cuts could lead to the following:

- *An inability to adequately process fingerprint and crime scene evidence and drug samples in a timely manner*—On May 18, 2006, the State Bureau of Investigation (SBI) lab had 15,200 unworked drug cases and an additional 1,100 unworked cases in its latent fingerprint section. The average processing time for a drug case is nine to ten months, and it takes seven to eight months for latent fingerprint cases. Consequently, this has already produced backlogs in the criminal court dockets as prosecutors cannot proceed to trial or discuss plea arrangements without lab results (North Carolina DOJ, 2006).

- *An inability to investigate and manage emerging crime problems such as clandestine methamphetamine production labs and cyber crimes (e.g., identity theft and using the Internet to lure children)*—Over $1 million in federal funds has been targeted at the state's meth problem in the last two years ($1,575,538).

- *Critical infrastructure collapse of the Statewide Automated Fingerprint Identification System (SAFIS) which would necessitate a regression back to paper-based fingerprinting*—This would return the state to an antiquated condition in which suspect identification would take weeks versus the current timeframe of several days.

One of the tragic lessons learned from 9/11 was that responding police and fire departments as well as other public safety agencies could not communicate with each other and, consequently, could not mobilize, operate, rescue, nor proactively

respond in a timely and coordinated manner. This inability to communicate not only lost valuable time, it also translated tragically into lost lives. The same situation exists today in North Carolina with an inability on the part of public safety agencies to communicate during both man-made and natural disasters. The solution to this is VIPER, or the Voice Interoperability Plan for Emergency Responders, which will facilitate true statewide voice communications for every public safety agency in the state. Investing in an interoperable communications system will significantly enhance the effectiveness and efficiency of law enforcement not only during crises but during normal working conditions as well.

The Judicial Branch

Comparative analyses of the nation's judicial systems indicate that North Carolina's courts are indeed facing a crisis of a significant magnitude and that this crisis will only become worse in the coming years. According to a recent national study conducted by the National Center for State Courts, North Carolina has fewer judges (1.3) on a per capita basis than the national average (3.0 per 100,000) and ranks next to last on a state-by-state comparative basis. These judges also have a substantially higher incoming caseload with the median number (3,085) being nearly three times greater than the national incoming caseload per judge (1,626). North Carolina is also higher than the national median for incoming civil cases, and the projected number of incoming criminal cases on a per capita basis (19,188) is more than three times greater than the projected national median of 6,615 incoming criminal cases. This puts North Carolina in first or, depending on how you want to view it, last place among those states that have two-tiered judicial systems (Schauffler, LaFountain, Kauder, & Strickland, 2005).

Perhaps the greatest impact of the state's budget crisis has manifested itself on the judicial system and the courts' ability to provide the public with the level of service that they rightfully deserve and expect. Severe underfunding and budgetary cuts have produced a situation in which the courts do not have sufficient funds to adequately meet staffing, equipment, technology, and other operational needs in an effective and efficient manner. The proportion of the general fund dedicated to the judicial branch has historically been low and has even dropped over the course of the last decade from 2.95% in 1994/1995 to an all time low of 2.61% in 2003/2004 (North Carolina Administrative Office of the Courts, 2005b).

Paradoxically, while the courts actually generate revenue through the collection of fines, restitution and child support payments, alimony, and other "court" costs, these funds do not go back to the judicial system but are reallocated back into the general fund or dispersed for other nonjudicial purposes. In 2003/2004, the courts collected over $246 million for local and state governments, including $147.9 million which went directly into the general fund and $83.7 million which was earmarked for local schools.

Currently, funding for the judicial branch is regulated and controlled by the legislative branch, an issue which many see as an abrogation of the separation of powers clause. Independent funding for the judicial branch was a key recommendation of the Court Futures Commission's report and was endorsed by the Governor's Crime Commission.

Continued underfunding and budgetary cuts have already had disastrous consequences and will further exacerbate a crisis in the courts unless funding is restored and enhanced in the immediate future. Not only has funding for statewide expansion been denied, but cuts have been imposed on nationally recognized, innovative, successful, and cost-effective programs such as family and drug treatment courts, and mediation and arbitration programs. Staff salaries have not kept up with the competitive legal markets and, consequently, prosecutors cannot recruit and retain the brightest young lawyers who decline work in the state's judicial system for higher wages in the private sector. In fact, a young law school graduate can start as an entry-level attorney in a private law firm and make more than our state's judges who are the lowest paid in the Southeast. The lack of adequate personnel has plagued the courts, with requests for additional personnel, from administrative staff to district attorneys to even judges, being denied repeatedly.

Low JPS allocations have negatively affected the courts' technology plans, and stifled funding in this area has actually hurt initiatives that, if implemented, would be more cost effective; produce greater cost savings; and in the face of an expanding workload, slow the need for more expansion. The need for courtroom automation and technological enhancements is demonstrated by the fact that by next year, over one half of the computers across the state's courthouses will be more than five years old, statewide criminal and financial automated systems are 20 years old, and telephone systems in 36 courthouses are over 10 years old. Without increased state funding, automation needs and equipment upgrades cannot be completed. While grant funds may have enabled initial planning and some implementation, over-reliance on these funds is not advisable and even risky given today's turbulent and unstable federal budgetary outlook. State funds have not been sufficiently allocated for maintaining and enhancing vital automated systems such as the statewide warrant repository (NCAWARE), the eCitation project, and the highly effective Statewide Automated Victim Assistance and Notification (SAVAN) program. As a result, federal funds have been overwhelmingly used to support information technology initiatives for the courts, with over $2 million alone being allocated for SAVAN and nearly $6 million for other projects during the period of lagged state funding.

The impact of long-term underfunding combined with recent and sharp budgetary cuts has exerted the most profound impact on the general public and has undermined their confidence in the state's judicial system. Citizens, businesses, victims, and witnesses face overcrowded courtrooms and bulging case dockets on a daily basis, which translates into multiple delays and case continuances, which, in many cases, require individuals to return to court numerous times for a single issue or case. The lack of an automated system for tracking payments frustrates the citizenry and can create accounting and auditing nightmares in which the courts do not know who has and has not paid their required fines.

Multiple court appearances produce unnecessary economic drains and contribute to lost personal wages, productivity, and time. Victims and witnesses may experience lengthy, painful, and psychologically damaging experiences as closure or resolution is prolonged and drawn out. Defendants spend excessive pre-trial time in jail with each delay, which, in turn, has produced overcrowding in many of the county jail facilities. Further undermining and compromising of the judicial

system occurs when overworked and understaffed prosecutors are forced to plea bargain cases to simply clear dockets and make room for an ever-expanding number of incoming criminal cases. Many of these pleas could have been averted if resources were available to prosecute to the fullest extent of the law and obtain and sustain more convictions for the original charge(s).

Conclusion

This article has documented the impact of reduced state and federal funding on the North Carolina criminal justice system and has demonstrated the potential for further and even more profound problems if funding is not restored and substantially enhanced over the coming years. While each component of the system faces unique problems, issues, and challenges as a direct result of this funding shortage, the net effect invariably impacts the other components and has cumulatively produced a system in crisis. This crisis has been felt by the general public and will only continue to negatively impact the citizens' views of our criminal and juvenile justice systems in the future. What will the next decade hold for the system? Will funding be restored and expanded to adequately and sufficiently meet the outlined needs or will continued declines occur and grind the wheels of justice to a halt, producing a compromised, ineffective, inefficient, criminal **in**justice system in which the citizens lose faith, trust, and the belief that they will obtain adequate and fair justice?

The opinions and viewpoints expressed in this article are those of the author and do not necessarily reflect those of the Department of Crime Control and Public Safety nor the Governor's Crime Commission.

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Improving Communication Between Criminal Justice Scholars and Practitioners During Times of Economic Instability

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Introduction

With some trepidation, several years ago Gregory Stolcis and I set out to question the "specious" relevance of academic research in public administration (see Bolton & Stolcis, 2003). Two years later, Bennis and OToole (2005), took up the charge in the private sector, lamenting that business schools were increasingly "institutionalizing their own irrelevance" (p. 101) by relying too much on the instruction of tenure-track professors trained in the scientific process, but who "had never set foot in a business except as customers" (p. 101). That same year, Quelch (2005), a Harvard Business School scholar, expressed concern that "rigor is pursued by one group of faculty members, relevance by another, with no attempt to regard those goals as complementary or to pursue them in tandem" (p. B19). And in medicine, a year later, Rajan (2006) complained that many medical students view the first two years of traditional medical programs as irrelevant "impediments" in their progress toward becoming doctors because their instructors often had never actually practiced medicine (p. B20). These brief examples are part of a growing number of "How is this relevant to my profession?" questions increasingly appearing in publications geared toward those disciplines with joint academic and professional features.

Given the unpredictable state of our current economic situation, and given the increasing public interest in the rising costs of a university education, it is reasonable to assume criminologists will experience greater pressure to work more efficiently and become more transparent in demonstrating how society will benefit from their work, while facing increasing demands to expedite the results of their studies.

Because the putative "gap" or "schism" between scholarship and practice may grow worse during tough financial times, it is fair to state that if not addressed soon, disciplinary turf protection, where it appears, and especially if manifested by lack of positional empathy for responsibilities faced both by criminal justice scholars and professionals, will drastically damage future interactions between both camps. To pursue this issue further, my intent is to keep practical relevance center stage, but to use an approach that suggests applied criminal justice may be far more complicated than many academics believe; and conversely, to strongly argue that practitioners err gravely when they dismiss the real-world value of carefully designed, competently conducted academic research.

That said, having spent nearly equal time spent in law enforcement and the academy, I occasionally question excessive reliance on positivism and "scientific

rigor" in the social sciences—particularly when empiricism is believed to be *the* privileged means of knowing. Indeed, when overstated, scientific rigor may be a catalyst fueling acrimony between academics and practitioners. For example, William Bratton, Los Angeles Police Chief, in addressing participants at a Justice Department research and evaluation conference in Washington, DC, expressed disappointment with empirical work done by the scientific community, often viewing results as having limited or no value in preventing or reducing crime (Bolton & Stolcis, 2003).

In the midst of "real live shooting wars going on in urban communities" (Bolton & Stolcis, 2003, p. 626), Bratton complained about the frustration of waiting for outcomes of academic research produced at glacial speed, with results couched in the esoteric language of social science so as to render findings nearly impossible to interpret. Indeed, Bratton's exasperation with attempting to make sense of complicated research findings was so strong, he remarked that social scientific methods were of little help to him and his officers. Instead, he relied on studies, assessments, and evaluations done by in-house staff—civilians and police officers assigned to research and planning units. Moreover, his experience also led him to conclude that when it came to crime in our cities, executive decisionmaking based on solid management principles, not science, had the most impact.

It is possible Bratton's low opinion of academic research is shared by other executives in the law enforcement community. Regardless, I feel the crux of the matter isn't entirely one of dubious relevance in criminal justice research and pedagogy, but, rather, it is a problem with conflicting identities, wrought by a clash of institutional cultures, filtered by two vastly different lenses for examining crime and criminal behavior. Indeed, it is reasonable to say the reason goals and objectives of scholars fail to mesh with those of criminal justice managers may be because the two are simply incompatible. In an attempt at sense-making, Stolcis and I (Bolton & Stolcis, 2003, p. 627) traced the incompatibility dilemma to what we believed were several pivotal factors: (1) the creation of theoretical versus pragmatic knowledge, (2) the use of data-driven versus logic-driven information, (3) the use of scientific method versus case studies, (4) the prestige of academic-oriented versus practitioner-oriented journals, and (5) the pressures of academic tenure versus the need for organizational effectiveness.

Moreover, in addressing law enforcement executives' dismay with the futility of academic research as a managerial problem-solving tool, we also felt it was necessary to point out how, when done correctly, the nature of scientific inquiry is such that while it may be of limited value in resolving management *crises du jour*, it can be enormously helpful for gaining long-term insight into serious social problems. In fact, we agreed with the following insights from Weiss and Bucuvalas (1980):

- Research takes time and may not be ready when critical issues must be resolved.

- Researchers simplify problems to make them more amenable to study; managers deal with problems in their multifaceted complexity.

- Researchers often conceptualize problems to fit methodologies rather than fit the nature of the questions or needs of the decisionmakers. (pp. 17-19)

Accordingly, in the next section, I take up the equally compelling issue of what I feel is a growing lack of earnest two-way communication between our criminal justice and academic communities, driven in many instances by what I perceive as the self-serving "turf protection" exercised by members of both.

Positional Empathy: Preventing Toxicity of the Privileged Perspective

Positional empathy—that is, the willingness to try to empathize with someone coming from a different professional perspective—is critical to meaningful dialogue. When it isn't present, the give-and-take of healthy communication is impossible. At occasional conferences I've attended, I've observed what appeared to be poorly concealed rancor and an absence of mutual respect for other participants. Should interactions of this nature continue to occur during a recession or depression, I believe the consequences will impact both groups much more seriously than in the past. For illustration purposes, I offer a seminar I attended where the opportunity for rich dialogue between practitioners and academics eventually broke down, leaving some participants disappointed they'd ever attended.

Titled "The Nature and Influence of Intuition in Law Enforcement: Integrating Theory and Practice," the seminar was held at Marymount University in June 2004. While I don't recall its advertised purpose, from what I could tell the two-day, by-invitation-only colloquium, jointly sponsored by the FBI and Marymount, was an effort to explore the heretofore elusive concepts of "hunch," "ESP," "gut feelings," or more generally, the "intuition" many law enforcement officers rely on as a perceptual shorthand mechanism for detecting criminal activity and in protecting themselves and peers from sudden violence.

I am not sure how participants were selected, but prior to the seminar, the FBI had identified several officers with reputations among coworkers for quickly spotting the unusual; the peculiar; indeed, the extraordinary in human behavior. Generally, I took this to mean these officers were possessed of an ability to approach individuals or groups and, with greater accuracy than their peers, sense the presence of weapons, drugs, or stolen goods. In criminal investigations, many of these same officers were also reputed to have better than average acumen in spotting evidence missed by colleagues.

Conversely, it was also my understanding that scholars were chosen based on their research on deception, sensory perception, and so on. In sum, then, streetwise cops reputed to have sixth-sense instincts were paired with accomplished academics in an attempt to explore the elusive, ever-confounding mystery of intuition in matters related to crime and criminal justice. As one might imagine, the seminar promised to be very intriguing, and, indeed, it should have been. In my opinion, however, the seminar ended up a bust.

On its face, what seemed like a sincere effort to stimulate dialogue on an eminently worthwhile topic soon disintegrated into the silent "turf and border protection wars" I noted above. By the end of the first day, my enthusiasm for the seminar had begun to wane; by the next afternoon, it was gone. Any hope of collaboration vanished as a few recalcitrant members of both camps staked out their respective positions, signaling they were unwilling to seriously consider opposing viewpoints. A few less vocal supporters docilely followed their lead. Not surprisingly, some of

the officers argued that even though visceral reactions may never be accurately captured and measured scientifically, "gut feelings" have real merit in helping fathom nuances in human behavior. In response, a handful of academics reacted by exalting empiricism and by dismissing the police perspective much as they would irrationality, superstition, magic, parapsychology, or other "fluffy" points of view.

Although it would be improper to write off the seminar as a total waste of time, I felt it clearly did not achieve its potential for providing insights into intuition—one of the most perplexing mysteries facing law enforcement. This was unfortunate, but not unusual, especially when empathetic interpersonal communication is weak or nonexistent.

In this regard, a somewhat similar situation can arise when the views of individuals with self-images as erudite scholars whose main interests are crime causation and theory-building clash with those of "criminal justicians," individuals interested in theory but equally or more curious about the applied, operational, and legal aspects of the criminal justice system. To be fair, most of the time there is little or no rancor between these specialists: educators and researchers with preferences in disparate areas of research and education generally get along quite well. However, in those few instances when this is not the case, petty bickering and internecine squabbles can wreak havoc among colleagues in different disciplines, particularly when located within the same department.

For instance, this topic was indirectly covered last year in a report based on information taken from the 2008 American Sociological Association's (ASA) annual meeting (Jaschik, 2008). The article explained how faculty in Criminology and Criminal Justice programs are increasingly separating from their sociological "mother discipline" and forming their own departments. Although the statistics are slightly dated (2001-2006), they indicate the number of bachelor's degrees for Criminology (34,209) exceed those for Sociology (31,406); moreover, while master's degrees in Sociology declined 15%, Criminology and Criminal Justice master's degrees rose 135.5 and 56.5%, respectively.

Without belaboring the point, a key issue at this year's ASA conference was the drop in enrollments for master's degrees in Sociology. Between 1970 and 2006, the number of master's degrees across all disciplines increased 159%, but fell by 13% in Sociology (Jaschik, 2009, p. 12). Also interesting is the ratio of bachelor's to master's degrees in the social sciences: 2.9 to 1 in Political Science, 4.9 to 1 in Psychology, 7.4 to 1 in Economics, and 18.4 to 1 in Sociology. Despite this trend, one example was provided of how over half of 600 undergraduates majoring in Sociology at a public university with five concentrations chose Criminal Justice as their primary area of focus, yet only 3 of 30 faculty members in that department actually specialize in criminology (Jaschik, 2008, p. 23).

In addition, somewhat akin to the FBI/Marymount scenario, choice of academic major or concentration was not the only troubling issue at the conference. One anonymous professor quipped that some peers consider it a "badge of honor to dismiss criminology," an opinion other sociologists may harbor, especially those who feel that keeping criminal justice aligned with sociology "weakens" the latter's "standards" (Jaschik, 2008, p. 23). I'll have more to say about this later, but to some extent the disparity is driven by a belief held by some scholars that

their criminal justice colleagues are academically less-prepared "pracademics," with backgrounds in the field such as retired police officers, detectives, and federal agents possessed of "cop shop" mentalities and hired to entertain eager, naïve undergraduates with their war stories (p. 24).

If the portrait of criminal justice scholars is one of being held in low esteem by some of their sociological colleagues is correct, then close scrutiny of the facts may be illuminating. Data taken from the same survey (2001-2006) indicate a slight 3.1% growth in PhDs awarded in Sociology, while during the same period, Criminal Justice doctorates increased by 88.1%. (I realize some scholars will contend that doctorate-level Criminology/Criminal Justice programs are not as rigorous as those in Sociology, although I'm confident substantial information exists indicating otherwise. This issue is best left for a different time.)

In any case, I've said enough about these illustrations and use them only to suggest that if not faced, the communication gap will become so damaging and the demarcation between "pure" sociological/criminological scholars, "pracademic" criminal justice scholars, and criminal justice professionals likely will impact the knowledge-exchange so strongly that the justice system itself, as I discuss next, may come to be viewed as wholly ineffective if not useless.

One way to prevent this from happening is to improve communication and to encourage department chairs and deans to consider specific ways to increase mutual understanding. A few suggestions (see Bolton & Stolcis, 2006) that might be helpful are as follows:

- Periodically including "practice-relevant" agendas for program/departmental meetings to ensure that some discussion is given to this topic—There are many benefits and a few drawbacks to establishing closer alliances with the practice community; put them on the table for discussion. Internal and external guests with specialized professional expertise can enrich these conversations.

- Inviting input on the traditional three-prong teaching, university service, and scholarship criteria for tenure and promotion to include an equally weighted fourth prong for criminology professors: contribution to practice

- Reviewing program/department mission statements to determine that convincing language is in place clearly describing the intended connection between instruction, research, and practice

- Conducting periodic focus groups with master's and doctoral students specifically to determine if instruction is helping them see the practical relevance of what is being taught—To obtain a better "read" on whether this is being done, contact alumni for their assistance in designing questions.

- Reviewing goals, objectives, and rubrics used for strategic planning, institutional effectiveness, and program assessment and evaluation to ensure the existence of language clarifying how graduate instruction and research are specifically geared to improving the practice of public safety

- Examining syllabi in theory courses to ensure that course objectives are present describing how students must be able to demonstrate application of theoretical concepts to practice—In instances where this is not happening, ask instructors to provide rationales for leaving it out.

- Creating capstone courses which would be team-taught by practitioners and scholars, or by scholars and scholars with extensive field experience (Quelch, 2005)—With the support of faculty mentors teaching these courses, exemplary projects completed by students conceivably could be showcased for presentation at national/regional conferences and/or for journal publication.

- Inviting practitioners to be a "professor for a day," holding office hours to meet with students and faculty (Peterson-Kramer, Johnson, Crain, & Miller, 2005, p. 78)

- Encouraging faculty to engage in collaborative scholarship with practitioners, co-authoring articles for academic and professional journals

- Eliciting practitioner input in writing an instructional management case to be analyzed and discussed in class jointly with a full-time faculty member

- Arranging relaxed social gatherings between academics and practitioners in order to facilitate informal storytelling and insights into the explicit and implicit aspects of each other's worlds (Ospina & Dodge, 2005)

- Revising faculty hiring policies to require possession of a terminal degree *plus* a minimum of five years experience in the field

- Revising admission policies for doctoral programs to require a minimum of three years of experience in the field

- Revisiting faculty development policies to determine the feasibility of finding ways through funding, sabbaticals, release time, etc., to support professors lacking management experience to gain personal exposure to up-close decision-making in government agencies—The ideal would be to locate agencies where experience-deficient faculty can become intimately acquainted with various aspects of the real-world "ownership" of one's decisions.

- Identifying incentives—reduced tuition among them—to encourage senior practitioners to pursue advanced academic study

- Reviewing existing lesson plans for research methods courses to ensure that statistical techniques and other quantitative approaches utilize clear examples of their applicability to practical problem solving

- Reviewing existing lesson plans for criminal justice research courses to ensure that instructors are not privileging models based on positivism and, in fact, are increasing exposure to interpretive approaches such as case studies narrative and collaborative inquiry

- Inviting practitioners to participate in projects designed to package stories and anecdotes from management and leadership that would appeal to students and practitioner audiences (Ospina & Dodge, 2005)

- Surveying alumni to gather input on identifying aspects of their graduate education they found deficient or especially helpful in their professional careers— Seek their suggestions on ways they feel graduate and doctoral programs could further improve the performance of graduates in public service.

- Creating a professional advisory board or council, consisting of successful managers from myriad sectors of criminal justice—Engage them and your faculty in identifying ways the quality of education your students receive can be enhanced.

- Encouraging practitioner involvement in student events; conversely, asking practitioners to volunteer to have occasional field trips scheduled to their offices (Peterson-Kramer et al., 2005, p. 78)

- Seeking practitioner input and contributions to marketing and fundraising campaigns

- Having candid discussions with peers concerning the benefits and drawbacks to having the current and future direction of your school, department, or program under the leadership of a professional educator who has not served as a criminal justice professional

- Offering to step up to the plate and have your department lead the way as a university model for bridging the theory-practice gap (pp. 70-72)

I believe establishing these relationships through positional empathy and demonstrating to students, parents, citizens, and other stakeholders that these newly formed relationships are active, not mere window dressing, is imperative. Up to now, scholars have been accountable only to other scholars. Significantly more important, the issue of exclusion of the practitioner voice is exacerbated when results of scholarly efforts are disseminated only through internally controlled academic journals and conferences. Interestingly, a myopic irony is operating here when scholars and professional writers fail to broaden the scope of their intended audiences in order to reach an eclectic readership. Comparably regrettable, the academic culture exacerbates this situation when it loftily champions the idea that addressing the needs of practitioners not only will not yield a scholarly reputation but "may, in fact, actually jeopardize rank and tenure aspirations" (Ospina, El Hadidy, & Hofmann-Pinilla, 2008, p. 4). Forging these alliances is important but not easily attained. Next, I discuss potential consequences of ignoring efforts to create and sustain sincere, mutual appreciation for the work being done in academic and applied professions.

When Efforts at Building Positional Empathy Falter or Fail

It is conceivable that despite sincere hard work to improve positional empathy, the result may not be as rewarding as expected. Nevertheless, efforts to bridge these relationships should continue because "a communication gap may open so

that academe and practice do not connect or influence each other at all" (Ospina & Dodge, 2005, p. 409). Clearly, the criminal justice system, frequently center stage in policy debates, is not impervious to such a breakdown. In fact, if the schism widens during a perilous financial time for academe, especially if cutbacks in university budgets and public impatience with questionable academic productivity rise simultaneously, it is conceivable drastic reforms not seen before may impact both criminal justice research and teaching.

Myriad explanations exist for possible causes. However, I also feel Ospina and Dodge (2005) are not missing the mark in situating the connectedness problem within the asymmetrical power relationships I described above: credentialed academics doing most of the research and teaching, and practitioners assuming subordinate roles as consumers or recipients, not contributors, of information.

Management scholars Bennis and O'Toole (2005) see this as a major factor forcing public leaders to look elsewhere for reliable problem-solving information. This is understandable, particularly when professionals and scholars are not building and monitoring alliances to ensure active bidirectional conversations. In terms of the *practice* of criminal justice, academic credentialing at the doctorate level increases the chance degree holders will publish in peer-reviewed journals but does little to help find solutions to the nagging, sometimes profoundly complex problems managers face daily (Quelch, 2005). As a consequence, Quelch further insists credentialed scholars must "ensure that their work is relevant, and that it is grounded in, and has the power to affect practice. Otherwise their efforts will serve only the interests of other scholars" (p. B9). Without doubt, this change will become necessary as Criminal Justice programs become tailored to meet the needs of quirky financial markets.

Moreover, when scholars exacerbate the sort of noxious alchemy I observed at the FBI/Marymount conference, particularly when they presume that phenomena which is not capable of being operationalized, quantified, measured, and analyzed is valueless and lacking in importance, they may cause practitioners to lose interest in further dialogue. This is made manifest when scholars deny the value of practitioner storytelling as a powerful research tool (Ospina & Dodge, 2005), and potential truths are nullified by their insistence on traditional methods of social science research.

Nonetheless, it is folly to imply that academic research has no place in "real world" criminal justice practice. In fact, I concur with Ospina et al. (2008) that practitioners generate enmity when they "minimize or ignore the contributions scholars bring to serious theoretical thinking" (p. 5). I will discuss this more extensively in the next section, but professionals should understand that scholars who devoted years to lengthy, rigorous graduate programs ought not be expected to focus their efforts on ad hoc problem solving. As Stolcis and I noted above (Bolton & Stolcis, 2003), and as Ospina and Dodge (2005) have also argued, basic social science research designed to advance theoretical development must not be confused with the sort of inquiry criminal justice leaders assign in-house staff to conduct in order to handle urgent problems facing their organizations. When practitioners ignore these contributions—or worse yet, shortsightedly scorn their potential benefit— the schism is deepened and two-way collaborative communication is further damaged.

To understand this dilemma more clearly, then, insights into how competing, and sometimes contradictory, social and organizational factors form the "working" identities of criminal justice professionals and scholars may be helpful. Accordingly, a glimpse at how these incongruent institutional cultures may struggle during tough economic times may be instructive. If misunderstood, scholars may find themselves arguing against pressure to vocationalize the field. Accordingly, I take up the issue of criminal justice programs as job farms next.

The Devolution of Criminal Justice Programs into Job Farms

Reputable sources (far too many to list here) variously report that the economy will stagnate, slowly recover, or worsen. At the time of this writing, global financial crises have cycled in and out of all of these stages. As indicated earlier, until now, the debate seems to have pivoted on scholars believing that academic research should not be centered on *crises du jour* problem solving and policy development (Streib, Slotkin, & Rivera, 2001). Doing so invariably hinders academe's role in pursuing larger conceptual issues, with implications that extend far beyond individual organizations. Nevertheless, until this is made clear, practitioners will continue to assert that relevance and practical application are so much the cornerstone of the field and that ignoring or minimizing their importance is reckless. To this end, Schrecker (2009) argues that academics can no longer assume that the significance of their scholarship and teaching are "self-evident" (p. B11). Equally important, "if the public views the nation's colleges only as sources of economic development and individual mobility, those institutions' obvious failure to produce during an extended downturn could destroy their base of support" (p. B11).

With regard to teaching, up to now the country has looked to higher education to innovate and take the lead in generating socially beneficial change. However, in terms of evaluating what professors actually teach, we need to seriously question whether colleges are truly providing anything approximating a useful and socially beneficial education. This further suggests that until colleges provide evidence of students' abilities to articulate complex ideas, conduct competent analyses, and skeptically examine results and attendant claims, colleges are not complying with their missions (Hersh, 2005). Advanced education in all disciplines provides valuable service to young people, yet given our fear of violent crime, and more recently, threats of attack on the homeland, we must be mindful that nowhere has this become more important than with the horrendous challenges faced by individuals serving in our law enforcement agencies.

Moreover, if the rate of unemployment continues to rise and begins to impact crime levels, then it is reasonable to assume that both criminal justice research and education soon might become politically charged, hot button issues, drawing unprecedented media attention. And academic researchers may feel the full brunt of this, especially when under pressure to meet politically defined deadlines. Faced with fears of a worsening recession, it is conceivable researchers accustomed to conducting carefully designed, time-consuming studies that must pass the close scrutiny of peer review may have to modify their techniques and methods in order to reduce time to completion. This can happen partly because the nation's commitment to science has been sporadic, shallow, and at times cynically manipulated by media professionals and politicians who may "work as much

through stimulating deep emotional responses as through any kind of rational processing of information" (Henig, 2008, p. 243).

What will make all this especially difficult for academia, of course, is that although a tacit social contract exists between the professoriate and society, scholars can be awkward, and at times incompetent, in justifying what they actually do (Hamilton, 2009). As a consequence, during periods of rapid market change, particularly when faced with major budgetary reductions resulting from reduced taxpayer support for higher education and social scientific research, scholars may find themselves at a disadvantage in defending themselves. In fact, as Freidson (2001) observes, "the perceived breach of the social contract may happen because professors place too much emphasis on the rhetoric of rights, job security, and good intentions" (p. 2), which are belied by the "patently self-interested character of many of their activities" (Hamilton, 2009, p. 3). Clearly, this depiction of academic work is unfair and inaccurate; nevertheless, it reinforces a misguided characterization—and in some instances, artificial reality—of scholars as self-serving intellectuals who isolate themselves from the problems of the real world.

Self-serving or not, I use the term "Job Farms" in this section's heading to highlight how relevance and practical application may eclipse the previous role theory, rigor, and positivism have played in criminology and criminal justice research and in related educational courses. In developing a portrait of the professoriate under these circumstances, Hamilton (2009) suggests that despite the best efforts of university scholars and administrators, market forces may restructure the nature of academic work toward the type of regulatory and employer control typical of other occupations, implying that the nature of academic employment itself may alter what professors do now, transforming them into "technical experts subject to the dominant market model of employer control over work" (p. 8). There may be some empirical support for this prediction: A recent survey examining the utility of scholarly publications conducted by Gabbidon (2009) indicates that while research published in peer review articles continue to play some role in graduate courses (60.6%), in undergraduate classes, where most students seeking entry-level jobs are likely to pursue their degrees, this is clearly not the case, with only a scant number (6.7%) used by instructors as resources (p. 7).

Should strong market forces demand more technical expertise from the academy, the customary role of professors indisputably will undergo a dramatic change. Indeed, warranted or not, the reputation of scholars to plod along ignoring the needs of preservice students while remaining indifferent to timelines and deadlines (Henig, 2008) no longer will be acceptable to taxpayers nor their elected representatives.

To reiterate, however, I think great caution needs to be exercised before tampering with the academy's traditional role in challenging doctrinal thinking, probing status quos, and disputatiously seeking truth. Hence, while it will be necessary for scholars to find ways to continue to adhere to scientific principles, inference review, and the informal norms of the academy, they may find that rules of research in the future will have to be eased so that study outcomes can be made more transparent in terms of their intended practical application. Moreover, these outcomes probably will have to be disseminated more expeditiously than in the past, meaning, of course, that some study results may have to be released before

their final analyses are completed. In order to meet this new requirement, scholars will pay a price but not necessarily a monumental one. Specifically, the real risk here is that rapid dissemination of study findings before their normal maturation has the potential risk not only of distributing shoddy, unformed outcomes but also of weakening the custom of rigorous independent review of study outcomes before they are ready to be admitted into the public arena.

Discussion

If past is prologue, much can be learned about the impact of the previous dark economic periods in higher education. First, in an article titled "The Bad Old Days: How Higher Education Fared during the Great Depression," Schrecker, (2009) notes that, contrary to popular belief, individuals did not flock to colleges to forestall unemployment: enrollments followed predated patterns of expansion (p. B10). Second, students avoided fields of study such as architecture, engineering, education, and business administration where jobs were hard to find, opting instead for a classical education. Third, in many instances, faculty slots were trimmed; more adjuncts were hired; travel and research grants were reduced; and sabbaticals were phased out or offered without pay. And fourth, professors were assigned larger classes and took on more administrative chores.

More directly, to what extent the economy will affect criminal justice organizations is unknown, but given the circumstances described above, a safe bet is that the impact will be narrowly defined and agency-dependent. With law enforcement, for example, some online sources describe the occupational outlook for police officers, detectives, and federal agents as "recession-proof" or one of the "top ten recession-proof" jobs, while others report layoffs and hiring freezes. Nevertheless, if economic conditions continue to deteriorate and lead to increases in crime, it is fair to surmise that employment opportunities in criminal justice will become attractive to more individuals, even those who have not considered criminal justice careers in the past.

Equally important, a major issue I partially covered above, but which must be tackled head-on if criminal justice scholarship and teaching are not to suffer irreparable harm, is the question of whether academics alone should retain the mantle of gatekeepers to information gathering in criminal justice. As noted, department chairs and deans are ideally positioned to challenge the norm that faculty be key producers of research, with practitioners kept on the periphery as subjects or consumers, not partners with scholars. This ideological change should be undertaken fairly soon because, justified or not, the image of universities as "perpetrators of social hierarchies through control over knowledge and entitled claims-making" (Ospina et al., 2008, p. 2) in seeking truth will severely hinder future efforts to establish liaisons with practitioners.

To facilitate these interactions, in addition to the list of recommendations in the list above on positional empathy, I suggest university scholars and criminal justice managers seek each other out to identify mutual areas of concern that could be addressed by engaging in productive, lasting partnerships. Agencies could gain some relief in terms of cost reductions from expensive projects typically handled by in-house researchers; and conversely, professors might very well welcome the opportunity to obtain greater access to data for themselves and their graduate

and doctoral mentees in need of social science data analysis, report and grant writing experience, and methodological and statistical experience (Sanders, 2009). A potential secondary benefit for a criminal justice agency partnering with a local university would be the opportunity to recruit bright, motivated students. And, of course, an interested university Criminal Justice program could gain from having access to actual cases and to professional speakers with practical experiences as guest lecturers in classes. Factors to be discussed during those early meetings might include (1) identifying projects of mutual interest, (2) identifying local agencies and universities that may be amenable to collaboration, (3) clarifying expectations of both parties, and (4) determining compensation and possible funding opportunities (pp. 58-61).

As the economy continues its perplexing vacillations, befuddling the world's best economic and financial experts, I feel criminal justice executives need to reach out to local university officials for assistance. Simultaneously, I cannot overstate my concern that the domination of knowledge traditionally held by universities will fade rapidly in the future unless faculty and administrators accept as their new mission what Reason (1999) argues will be that of helping "ordinary people regain the capacity to create their own knowledge in the service of their practical purposes" (p. 207).

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Understanding the Recession's Impact on Law Enforcement: A Preliminary Examination

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Examinations of how the economy affects law enforcement are usually performed from a historical perspective. That is, in most cases, data are not readily available for the current time period. Instead, researchers use datasets that reflect a particular period in history, and these data may reflect such things as crime trends, patterns of police employment, and trends in expenditures on policing-related activities. Compiling the data and making them available for analyses are time-consuming processes and, therefore, these datasets are typically made available several months after an annual data collection period.

In relatively stable economies, reflecting on historical data and then planning for (at least) the short-term future are relatively unproblematic tasks for most police administrators. Not only are resources reasonably predictable in stable economies, public safety is a priority in local, state, and federal budgets. New programs, services, and initiatives are more likely to be established during stable and growing economies when resources are abundant.

But this is not a stable economic time period, and the immediate future looks no better. Recessions exist in varying magnitudes and are said to occur about every five years (Potter, 2006). The magnitude of the current recession has been described as the worst since the Great Depression (e.g., see Willis, 2009). As a consequence of this deep recession, what was once customary budgetary practice has fundamentally changed. Tough economic times have forced a reexamination of priorities. Although public safety continues to be a principal social concern and budgetary priority, legislatures are cutting budgets, and mayors and police chiefs are considering lay-offs, furloughs, reducing police services, and, as a last resort, terminations. Historical assessments do not provide the kind of information police administrators need to make difficult decisions today. They are being told to do more with fewer resources.

Most economists agree that the recession began in December 2007 (National Bureau of Economic Research, 2008), several months after local and state budgets were approved for fiscal year 2008. The effects of the recession were slow at first. While local and state budgets for 2009 were being negotiated, the full effects of the recession were still not manifested and, therefore, not fully understood in many localities and states. Now it is believed that the recession will continue well into 2010. Therefore, it is the 2010 budgets—those that are currently being developed and negotiated during a declining economy—that have the potential of causing a profound impact on law enforcement. The purpose of this paper is to examine how the current economy appears to be affecting law enforcement. To do this, we first examine law enforcement in a historical context by looking at what appears to explain the relative decline in crime rates during

a robust economic period. Then, we examine data available today to gain insight into how the economy may be affecting law enforcement's ability to protect the public.

A Stable and Robust Economy and Crime

The question of how the recession is affecting law enforcement may be best understood by looking at how law enforcement was affected during a period of sustained economic growth. The 1990s is an excellent period upon which to focus. It not only had sustained economic growth (Jorgenson, 2007), there was also marked declines in crime (Federal Bureau of Investigation [FBI], 2000). Median household income increased by 35.9% from 1990 ($29,943) to 1999 ($40,696) (U.S. Census Bureau, 2007). The violent crime rate dropped by 28.3%, from 729.6 in 1990 to 523.0 in 1999. The property crime rate had a similar decline: a 26.2% drop from 5,073.1 in 1990 to 3,743.6 in 1999.

A stable and robust economy has the resources to reinforce society's priority of providing public safety to its citizens. It will become clear to the reader that of the three components of the justice system—(1) law enforcement, (2) the courts, and (3) corrections—law enforcement has received far more resources than the judiciary and corrections. As can be seen in Figure 1, $19 billion was spent on law enforcement in 1982. That's more than the combined $17 billion in expenditures for the judiciary ($8 billion) and corrections ($9 billion). By 1990, expenditures on law enforcement nearly doubled to $36 billion. By 1999, expenditures for law enforcement reached $65 billion. This trend continued into 2006 when direct expenditures approached $100 billion. Neither judicial expenditures nor correctional expenditures have approached the levels achieved in law enforcement. About $8 billion was spent on the judiciary in 1982. By 1990, direct expenditures for the judiciary more than doubled ($17 billion) what it received in 1982, but it was only half that spent on law enforcement (i.e., $36 billion). Expenditures on the judiciary nearly doubled again by 1999, reaching $32 billion. In 2006, $47 billion in direct expenditures were spent on the judiciary. Direct expenditures on corrections nearly doubled from $26 billion in 1990 to about $50 billion in 1999. In 2006, direct expenditures on corrections reached a staggering $69 billion, yet this figure falls $30 billion shy of what was spent on law enforcement in that same year (U.S. Department of Justice, 2008b).

A recent, comprehensive study by Levitt (2004) found that one of the most important variables in explaining the decline in crime in the 1990s was expenditures on law enforcement. Levitt found that it was not necessarily a particular style of policing that brought the crime rate down. Instead, what was important was the number of police officers on the street that correlated strongly with declines in the crime rate. As can be seen in Figure 2, there is a general upward trend in the number of local and state law enforcement officers. The most profound increase in law enforcement is found at the local level. In 1982, there were slightly more than 529,000 officers, but by 1990 the number had jumped to more than 660,000 officers. By 1999, there were 814,000 officers, a 23% increase over the number of officers in 1990 and twice the percentage increase observed at the state level. By 2005, there were 869,000 police officers at the local level. At the state level, the number of officers climbed from 76,000 officers in 1982 to 89,000 officers in 1990 to 100,000 officers in 1999. From 1990 to 1999, there was a 12% increase in the number of police officers at the state level, and in 2005, there were more than 104,000 law enforcement officers at the state level (U.S. Department of Justice, 2008a).

Figure 1. Direct Expenditures by Justice Function, 1982-2006
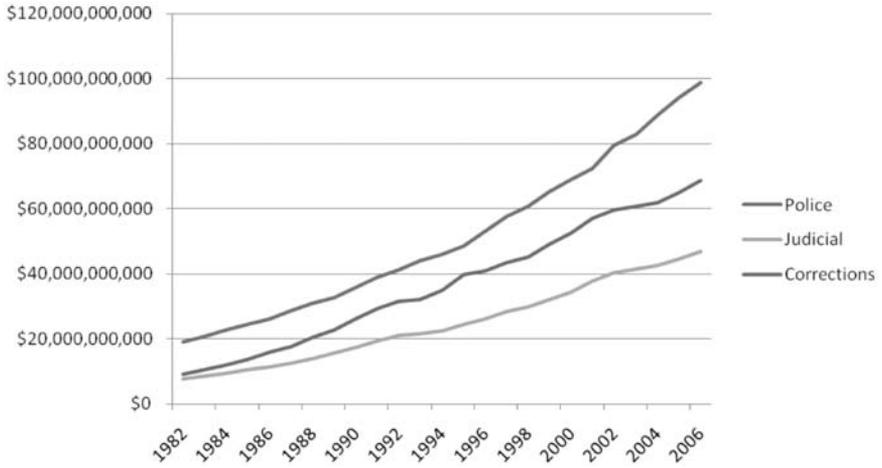
Figure 2. Number of Police Officers Employed by Local and State Governments, 1982-2005
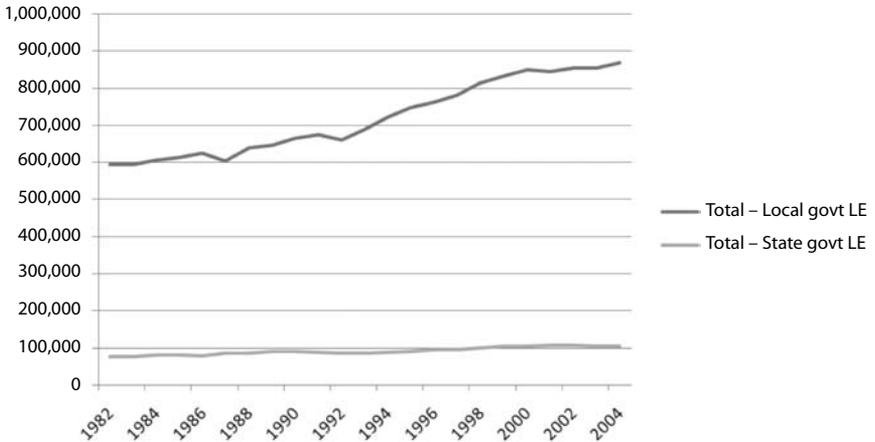
The second most important predictor of reductions in the crime rate, according to Levitt (2004), is the use of incarceration sentences. When prison sentences are used extensively, then offenders are isolated from the public and unable to victimize those in the free society (i.e., the incapacitation effect). Figure 3 provides insight into the use of incarceration sentences from 1980 to 2007.

Figure 3. Incarceration Rates, 1980-2007
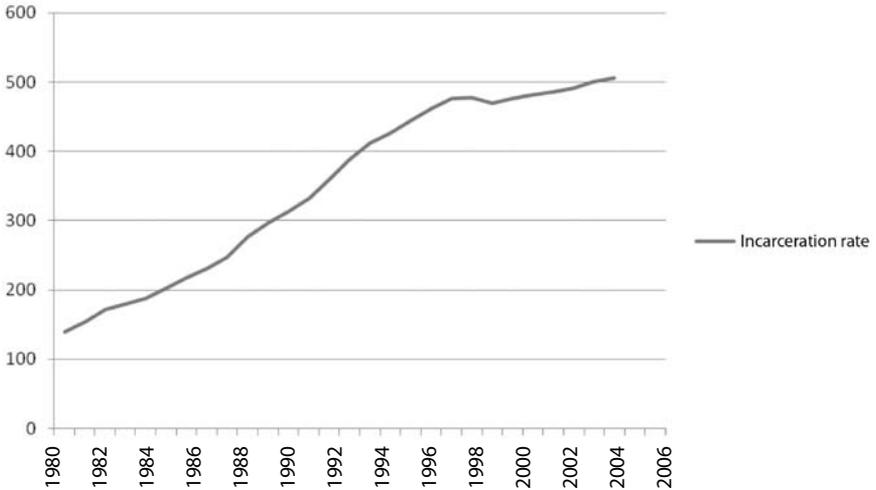
Source: U.S. Department of Justice (2009)

The use of mass incarceration began in earnest around 1980. From 1980 to 1989, the incarceration rate increased by 99%, from 139 to 276, respectively. From 1990 to 1999, the incarceration rate increased by about 60%, from 297 to 476, respectively. Although incarceration sentences continued to be popular from 2000 to 2007, the rate at which the U.S. incarcerates prisoners is considerably lower than in the two previous decades. For the first eight years of 2000, there was a 6% increase in the incarceration rate, from 478 in 2000 to 506 in 2007 (U.S. Department of Justice, 2009).

The Recession and Law Enforcement

What does the current state of the economy mean for law enforcement and crime? Let us first examine those factors that were found to be related to reductions in crime in the 1990s: the number of police officers and the use of mass incarceration.

The Number of Police Officers

In early 2009, the Police Executive Research Forum released the results of a survey of 233 local and state police departments from across the United States (Wexler, 2009). While the results largely reflect responses from larger police departments, they provide insight into how much the recession is affecting local tax bases. A majority of departments (63%) indicated that they were anticipating cuts to their overall budgets and preparing plans to adjust to those changes. Nearly 9 out of 10 departments (88%) indicated that they have already been told by those who control their budgets to expect about a 6% cut to their overall funding.

Of the approaches described to respond to the recession, respondents indicated the following:

- About one half have instituted hiring freezes for non-sworn personnel, and about one quarter of respondents indicated that they are not hiring to fill vacant sworn positions.

- About 60% have cut back on overtime expenses, and most respondents indicated the overtime staffing was used to meet "safe" staffing levels.

- About one half indicated that they have either cut back on the acquisition of technology or entirely eliminated it from their current plans.

- About one half said that they have either reduced or discontinued officer training, and about one third indicated that they have reduced or eliminated basic training expenses.

- About one in ten respondents are reducing staffing levels through layoffs, forced retirements, and unpaid furloughs.

Forty-four percent of police departments that responded to the survey reported that they were experiencing increases in crime that they attributed to either the recession or to changes in the police department as a result of budget cuts. One third or more of these police departments reported increases in financially motivated crimes: robberies, burglaries, and thefts. Wexler (2009) indicated that while past increases in crimes were frequently thwarted by flooding hot spots with patrols, for example, staffing levels may not allow for such a response in many jurisdictions today.

Mass Incarceration

While 95% of all inmates will be released back into society today (Hughes & Wilson, 2003), about 75% returned to society in 1999 (Glaze, 2003). Hundreds of thousands of inmates reenter society annually, with more than 550,000 prisoners released on parole in 2007 (Glaze & Bonczar, 2008). Additionally, while there were more than 780,000 jail inmates on the day of the national jail census in 2007, there were an estimated 13 million jail inmate admissions and nearly as many releases over the course of that year (Sabol & Minton, 2008). Further, it is estimated that 100,000 juvenile offenders are released from secure and residential facilities every year (Sickmund, 2000). Even though prisoner reentry—the release of inmates into society and the process of community transition—is not new, its magnitude is unprecedented, and the circumstances surrounding the process of reentry are a reflection of decades-long sentencing practices and contemporary political and economic influences (Chayet & Brown, 2009).

The significance of the "mass reentry" of prisoners is that more than half of all prisoners will recidivate within three years of their release (Hughes, Beck, & Wilson, 2001). Most reentering prisoners are considered high-risk offenders. They suffer from mental health disorders, and they have substance abuse and dependency issues (James & Glaze, 2006). And given the sheer numbers of offenders reentering society, there is almost assuredly going to be an impact on the

magnitude of the crime problem. This would be challenging to any police force, but to those agencies that have experienced substantial downsizing, the challenge may be insurmountable.

Other Considerations

There is antidotal information to suggest that domestic violence shelters are experiencing increases in clients. We know that the economic strain brought about by the loss of jobs can increase the likelihood of domestic violence, child abuse, and child neglect. Law enforcement may see increases in domestic violence and child abuse and neglect over the coming year. Unfortunately, making matters worse, programs intended to address these types of crimes may be subject to reductions in financial support from local and state budgets or from private agencies.

Conclusions

Police administrators are in the unenviable position of making decisions about public safety at a time when resources are limited and there is an influx of prisoners reentering society. Making matters even more complicated is the reality that many inmates are reentering society at a time when finding a job is difficult even without a felony record.

Police administrators may consider how they might marshal the energies of volunteers and citizens. Calling for increased volunteerism and a resurgence of neighborhood watch activities, for example, may help to fill in the voids that are created when police services are reduced or eliminated. Community involvement can also help promote community engagement across all segments of society, and this can contribute to the overall social order. It may also be appropriate to consider programs that engage youth in pro-social activities and provide opportunities for responsible adults to serve as role models for our youth. Religious and secular grassroots organizations already exist, and many of them are available and highly motivated to serve wherever there is a need.

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Prospective Consideration of Changes in Police Services Delivery Systems: From Contracting Out to Consolidation

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Never before have public decisionmakers been held more accountable for finding better ways to provide governmental services. Local governments are being stressed by demands for resources at a time when pressure to lower taxes, tax delinquencies, lowered revenues, a slide in tax base, and declining state and federal aid are common. Local governmental budgets have experienced all the economic influences of a recession economy. Add to that the rising cost of providing services to the public and it is no wonder that local governments are looking for ways in which to economize. At the same time, constituents are asking for more services.

As a result, the authors conducted interviews and focus groups with stakeholders and interested parties in a prospective study to identify players and issues that often arise from proposals to change the delivery of police services through shared service or contracting out as well as through the merger and consolidation of two or more existing police departments. Some of the participants had not considered such actions previously, while others had considered various plans to restructure their local police service, some successfully and others without reaching agreement. While no police department represented in the prospective study had deigned to agree to consolidate two or more police organizations, some had successfully reached shared service agreements for investigative services and training and others had consolidated communication/dispatch operations.

The language of outsourcing, takeover, mergers, and acquisitions has become commonplace. The public is well-versed in the effectiveness and impact of such actions in the private sector. Many have personally felt the aftermath, adjusting to new ways in providing and/or receiving goods and services. It is not surprising then that citizen taxpayers, their representatives, and service providers are considering the efficacy of pursuing new mechanisms for providing law enforcement and police services through joint endeavors, mergers, contracting out services, or even through the elimination of services. Where in the private sector such considerations are driven by profitability, the elected official and taxpayer as shareholders in the enterprise of governmental services are more likely to focus on cost reduction as the impetus for consideration of a new police infrastructure. Whether that focus produces an analysis of intraorganizational change such as forecasting the impact of reduction in force or an interjurisdictional solution like contracting to another law enforcement agency or consolidation of two or more police departments, the change process involves many more players in the public sector than in the private.

Unlike the private sector which operates on a competitive market philosophy in which the best service/lowest cost principle dominates, police services exist in an environment of perceived overpayment. Taxpayers focus on the fact that they are paying four units of government for police protection—local, county, state, and federal. It is inevitable that the idea of creating a larger or regional police force would arise, at the very least that smaller local governmental entities might consider that they might be well-served to contract out their policing needs to the sheriff's department. The historic argument that local control was necessary to ensure that the police department operation reflected community beliefs and needs may no longer be true as residents take a more global perspective on how goods and services are provided. Issues of cost seem to be much more compelling than having a police department identified with one's home government.

Every community and governmental organization exists in its own unique political and economic environment. Some units of government have more compelling reasons or immediate needs that drive public officials and citizens to read and learn about new options for providing police services. Providing public safety services is almost universally the largest percentage of any local governmental budget. The driving force behind investigating consolidation or agreeing to contracting out or shared services arrangements usually comes from either a public policy agenda at the legislative or executive level or, less often, from a management agenda at the administration/operations level. There appears to be more immediacy in the second situation and frequently less political opposition. While public policy debates may occur regardless of budgetary cycles or programming structure, management requests often demand fairly quick responses and are likely to be more incremental or specific to a limited goal than proposals put forward by those in executive or legislative positions.

Often the intent of a police administrator is much more mundane. For example, a police manager may need to investigate ways to share the cost of an expensive piece of equipment. The intent is to procure something that the police department realizes it has little chance of getting on its own. Exploring shared or consolidated opportunities can raise the issue of considering a much larger or encompassing approach or reorganization of the police department. It is rare for a police administrator to initiate the call for consideration of consolidation of police agencies. In a professional environment which not only requires collegial cooperation in everyday operation but has a culture that respects the long-standing practice of regard for geopolitical boundaries and the norm of police services linked to community, most police administrators support the status quo. Historically, the precedent for interagency police cooperation has existed beyond geographical boundaries and outside of formal contracts. Local governmental officials need to recognize that informal consolidated and shared services already exist between police agencies, perhaps as a result of

- Informal mutual aid
- Mutual aid compacts and statutory obligations
- Short-term task forces
- Planned and scheduled coordination meetings in utilizing and supporting the same contracted source of training programs or dispatch software
- Command and coordination in the aftermath of a crisis or emergency situation

The call to consider radical changes in the structure and delivery of police services most frequently emerges from the ranks of elected officials. Some of the common

motivations for governmental officials at the executive and legislative levels to consider police consolidation/merger or shared services proposals identified by researchers include the following:

- Being on the cutting-edge of government reengineering and cost containment
- Taking initiative rather than simply reacting to crises
- Getting ahead of mandates for expanded or new police services
- Avoiding duplication of services
- Improving or increasing services
- Reacting to circumstances that require joint action
- Following the example of other government agencies that have carried out a shared services arrangement
- Getting reelected on a platform of fiscal conservatism

Whatever the motivation, the public explanation is most likely to center around the following publicly acknowledged goals which are deemed to be politically and socially acceptable:

- To reduce costs
- To avoid duplication of services
- To improve or increase services

It is then difficult for the police administrator to oppose or object to consolidation or a contracted or shared services plan as these goals are above reproach. Any opposition implies a lack of administrative responsibility. Often the issue for consideration of a structural change in police agencies is coupled with discussions of tighter budgets or the possibility of staffing reductions. This usually results in some form of public opposition from the police administrator and most always the personnel affected. When the discussion turns to contracting out, especially when such an action involves dismantling units within or eliminating the police department altogether, police administrators feel unfettered by the need to be seen as a compliant public service manager and are likely to be much more forthcoming in presenting negative data or arguments regarding the planned action and taking a much more active role in public discourse. Therefore, it is incumbent on the police administrator to understand upfront the issues and concerns of all stakeholders in any attempt to change the structural manner in which police services are delivered.

There is rarely one catalyst for a successful outcome of change in police services delivery. More often, a combination of forces coalesces and results in some governmental action. The driving forces in this process generally include one of the following six elements:

1. Leadership
2. Political factors
3. Scale or magnitude of the problem that led to consideration of a new alternative
4. Complexity of the problem such as number of participating governmental entities
5. Opportunity
6. Timing

The Importance of Leadership

When leadership is the catalyst behind a proposal to change police service delivery, administrators frequently chose to recruit others to a specific plan. Some reported choosing to form a police services interest group, a task force, or a subcommittee without stipulating a specific goal or timetable. It then became the group's job to identify and evaluate opportunities. The more representative the group, involving elected officials, citizenry, as well as police management, staff, and union members, the less controversial the process appeared.

Bringing the players to the table to discuss a proposal was essential to the success of the process of changing police services structures. It was important to plan the approach to other stakeholders carefully. Care was also needed because at this stage those who have been through the process found that the media picked up on preliminary discussion concerning their proposal and became interested in covering it, sometimes jumping the gun to inform the public. Informing the public of one specific alternative frequently resulted in media coverage leading to backlash opposition at the very outset of the process. It was difficult then to introduce other alternatives in a studied manner having expended considerable energy and attention to the "public" target of discussion. Taxpayers and police officers were quickly seen to align themselves in opposition to any change whatsoever.

Those interviewed stressed that media announcements and press conferences should come only after the stakeholders have been informed and asked to participate. They recommended communicating with the stakeholders on as personal a basis as soon as possible, such as in person, to develop rapport and to allow for questions and brief discussion to begin to elicit concerns. One recommendation was to use a facilitator for this part of the process, at least at the first meeting. A qualified facilitator comes to the table with no "baggage" and no hidden agenda. Even the perception of a hidden agenda or vested interest was seen as having the potential for derailing the planning process, much less a proposal. It was noted that being seen as neutral, a facilitator can avoid digressions from the issues being considered and be more forceful about maintaining a civil level of discussion.

Each government entity will have differing views on the mechanism by which it would be willing to enter into a shared or contracted government service arrangement. Agreements are often formed using traditional government tools of implementation. These include public policy directives found in operating or capital budgets, contracts, letters or memoranda agreements and stipulations, and enabling legislation (e.g., ordinances, codes, and statutes). The instruments of agreement generally follow the manner in which the government had historically formalized its policy decisions, and it was noted that frequently the procedure was different between governmental bodies. Many smaller units of government would choose to implement an agreement in the budget rather than incur extensive legal costs. Those interviewed thought that enabling legislation, even when modeled after other arrangements entered into by previous police consolidation or contracting efforts, would still require more discussion due to the political aspects involved and therefore would take longer to develop. This is because all parties would need to carefully assess their relative circumstances as they review specifics of implementing the agreement. For example, consolidation of police departments often involves communities with differing population numbers and demographics, geographic

size, housing densities, miles of roads to be patrolled, and crime rates, as well as special attention sites such as malls, larger commercial or industrial complexes, patterns of commuter traffic, and other physical and service factors that affect cost.

It is often not apparent in the process that these cost differentials exist until the specific items are estimated and allocated in a budget process. Therefore, the crux of the budget process was often identified as the negotiation over the allocation of costs for contracted services or among the partners. The simplest allocation was thought to be per capita, or per unit of population. While this is one of the easiest approaches, it was felt that this equation might not yield a fair distribution to all parties. Concern was frequently voiced about being forced into expanding the level of service simply by virtue of being involved in the arrangement. One consequence of this circumstance that was noted was that the governmental entity might face a large immediate expenditure rather than a more gradual budget increase.

The Importance of Political Factors

The political environment can produce situations that compel special consideration of innovative ways to deliver public services such as policing. Some of these might include loss of external aid, government mandates, citizen calls for tax cuts, increased demand that overburdens current service providers, or potential political gain. A local government that lacks sufficient funding, manpower, or equipment may elect to establish a different method for meeting police service obligations. The current economic downturn makes such consideration more significant and raises its importance on the public agenda. Citizens expect, even demand, that elected officials invest considerable effort in reviewing and considering methods that are not only fiscally responsible but financially advantageous. There is an expectation that business as usual is unacceptable and that elected and executive officials conduct an exhaustive review of all potential alternatives to delivery of governmental services that will reduce the tax burden. Whether significantly affected by the current economic situation or not, good government is expected to consider all options for change in the way business is conducted. For the first time, the argument that there is a difference between private and public administration was no longer acceptable. The public wants to know that their leaders/managers have considered all the options that they themselves face, including the following:

- Reduction in force or of work hours
- Mandatory and voluntary layoffs and furloughs
- Hiring freezes for new or replacement staff
- Suspension or elimination of selected services

The Impact of Scale and Complexity

Law enforcement is an area that has always called for interjurisdictional collaboration—for example, in sharing fingerprint or criminal record databases. A local police department that lacks sufficient funding, manpower, or equipment may have already sought to establish a services arrangement with another group or agency. Police departments have always been cooperative and collaborative to a point. They also have been competitive. Over the years, police managers have had to defend their organization every time budgetary crises loom. While not adversarial, such occasions have underscored that the most complex issue is

politics, not practice. Police services and law enforcement practices are virtually the same no matter the jurisdiction. Constrained by state and federal statutes and case law, the practice of policing is very similar no matter which police department is observed. Even local ordinances are very similar. There is only a slight differentiation in decisions of application.

What seems to be the sticking point is smaller local governmental agencies and police departments fearing being consumed and overridden by larger entities. Complexity increases as the number of participating governmental units are considered. Economies of scale, unless given high priority by the economic situation, may not be enough to override opposition.

The Importance of Opportunity and Timing

Opportunities involve situations that provide an impetus to consider a change. For example, a police chief's retirement could spark a discussion of ways to reconfigure law enforcement services, which might lead to disbanding the police department and contracting out or consolidation. In other cases, the opportunities may not relate to specific needs, but may promote a general discussion of ways to share services. Often, the election calendar, impending changes in statutes, laws, or budgets make timing the main motivator for a discussion of new services arrangements.

Since the 1970s, numerous experts in police management and study groups have recommended the consolidation of smaller agencies as a way to increase coordination among departments, limit unnecessary duplication, and reduce per capita expense. Despite a few notable exceptions, consolidation proposals have been soundly defeated at the polls as few communities are willing to relinquish local autonomy and control. But society has changed in the last 40 years. People are more mobile and are less attached to the communities and counties in which they live. Some people are more afraid of being responsible for paying higher taxes than they are of "big government." The days in which residents felt that they might be given a "home advantage" break from their community police department has waned.

Most police administrators were content with the operation of the department, the services provided, and the quality of the personnel they employ. The same was true of the police officers. From their viewpoint, there is no reason to change or consolidate their department. Consolidation was a hot-button issue as it was felt to bring uncertainty to the status of their employment and the nature of their jobs. Understandably, many of these officers and officials would argue against any effort to consolidate their department with others. While these arguments may be seen as self-serving and perhaps not in the interest of a more cost-effective and professional police service, they are a legitimate expression of the fear of change and the need to preserve the status quo.

An opportune time to bring police chiefs and officers on board with considering a change in police service delivery was suggested to be as part of a larger, more compelling issue such as the need to reduce the force, to initiate the practice of furloughs, or to forego costly police technology.

Stakeholders

The following are the three principle groups of stakeholders concerned with the manner in which police services are rendered in a community:

1. *Government bodies*—executive and legislative branches
2. *Citizens*—taxpayers, residents, private sector businesses and their employees in the jurisdiction, and other customers/consumers/users such as shoppers, commuters, and police equipment vendors
3. *Staff*—management and labor, including labor unions

Concerns of Legislative Body

Will the new arrangement . . .

- Affect the legislative's role as a public policymaker?
- Have an impact on public policy workload?
- Highlight strengths or weaknesses of current system?
- Strengthen or undermine relationships between legislative and executive bodies?
- Increase or decrease the level of control?
- Affect ability to forecast future needs or conditions?
- Change thinking about jurisdictional boundaries or turf?
- Create disparity of authority between different levels of government?
- Affect political visibility or identity?
- Increase or reduce the level and cost of services?
- Involve start-up costs?
- Entail planning and analysis costs?
- Provide enough detail?
- Offer a realistic solution to the problem?
- Shift, remove, or redefine other issues?
- Upset or anger my constituents?

Concerns of the Executive Branch (e.g., Mayor, Council or Board President/Chair, County Executive)

Will the agreement . . .

- Increase or decrease workload?
- Highlight strengths and weaknesses of present administration?
- Strengthen or weaken leadership or control?
- Change visibility and identity?
- Eliminate positions?
- Affect Civil Service requirements?
- Affect labor contract requirements or reconciliation of differences?
- Affect cost documentation?
- Have an impact on administrative effectiveness?
- Result in the loss of my position or upward mobility opportunities?

Every type of contracted, shared, or consolidated police service arrangement has an impact on others besides those in elected positions in the local government. Most persons potentially affected may be completely unaware of, disinterested

in, or simply reluctant to express an opinion about the plans under discussion. Each type of shared service proposal had a different composition of players and nonparticipants. Players were those who will become participants in the police services planning and evaluation process. Stakeholders included the players as well as the nonparticipants in the process. Although some stakeholders were only indirectly involved, they were placed in the position of reacting to the change in services, either favorably or unfavorably. It is important to look for both the perceived and the real reasons stakeholders may or may not wish to involve themselves in planning a new method of police service arrangement. A frequently noted error committed by those who have gone through such a process was to simply accept the interpretation of either an issue's advocates or opponents. Some matters of stakeholder interest were reported to be more obvious than others; and frequently they are noted in the media. Issues to consider in analyzing stakeholders' interests seemed to vary depending upon the category of stakeholder. Some stakeholders were perceived to be more important to planners or decisionmakers than others. Stakeholders' concerns may have been real or imagined, solvable or intransigent. The impacts of the agreement on stakeholders are real, however, and not considering and responding to their concerns significantly affected not only the decisionmaking but the implementation process as well.

Concerns of Taxpayers/Residents

Will the agreement . . .

- Increase or decrease real costs of policing?
- Increase or decrease taxes?
- Affect input, control, and accountability of police organizations?
- Affect the quality of life?
- Affect the stability of a particular service?
- Affect local identity?
- Consider ethics, fairness, and liability?
- Expand or limit options for police services in the future?
- Foster independence or dependence on other governmental agencies?

Concerns of Other Customers/Consumers/Users

Will the agreement . . .

- Change costs or user fees?
- Change entitlements or access to service?
- Change the quality or level of service?
- Affect service availability and eligibility requirements?
- Affect equity, fairness, or parity?

Concerns of Staff Management

Will the agreement . . .

- Change job titles or the number and level of positions?
- Expand or reduce level of control?
- Increase, freeze, or cut salaries?

- Increase or decrease workloads?
- Increase or reduce promotional opportunities?
- Increase or decrease responsibilities?
- Promote more or less flexibility?
- Result in demotion or elimination of my position?

Concerns of Personnel/Labor Union

Will the agreement . . .

- Increase or decrease salaries?
- Increase or decrease workloads?
- Increase or decrease costs related to employment (e.g., uniforms, commuting expenses)?
- Change pay and/or benefits?
- Change promotional, assignment, or scheduling opportunities?
- Require training or skill upgrades for employees?
- Cover Civil Service protections and considerations?
- Change performance standards?
- Affect seniority considerations?
- Call for adjustments in the work environment?
- Result in elimination of positions?
- Change the status and/or authority of the union?

There was a benefit seen in becoming familiar with the frequently expressed comments of stakeholders. This allowed anticipation for identifying potential impediments that might arise as others reacted to the proposals under consideration. All comments are legitimate and must be addressed if a successful agreement is to take shape. By anticipating stakeholders' reactions, the proposal can be crafted to meet and overcome their objections and concerns. Such advance planning was reported to facilitate collaboration and helped to expedite the process.

Those interviewed frequently cited the difficulty experienced when politically charged buzzwords were used in introducing the agenda of consideration for revamping police service delivery. Just the mention of contracting out or consolidation tended to result in a backlash of defensive rejection before any rational analysis of the situation or potential alternatives were proffered. "Let's consider shutting down the police department and contracting with the Sheriff" often resulted in energy being wasted on political skirmishes instead of doing the work of administering to the public.

Reengineered Structure

Obviously, there are other alternatives that could and should be explored when addressing the question of changing the delivery system of police services. Participants were asked to report all efforts, successful or not, in which discussions had been conducted informally or formally concerning restructuring the delivery system of police services. They then listed pros and cons to suggested proposals. In focus group discussions and in the individual interviews, participants were also asked to consider several types of delivery systems and hypothesize potential pros and cons. Their responses are listed below without regard to weighting frequency of response.

Consolidation into One Delivery System

This includes consolidation of a segment into a whole, a single function within an organization, several departments, whole communities, and regional governments.

Pro

- Costs are shared.
- Reflects the ultimate in economies of scale.
- Service improves with bigger, better-equipped staff.
- Service levels are more consistent.
- Tends to be more permanent than other types of agreements.
- Oversight is vested in an independent board.
- Enhances potential for creativity based on fresh input from combined staff, elected officials, and citizen boards.

Con

- Reduces representativeness of policymaking bodies.
- Results in loss of autonomy.
- Can cause difficulties meshing policies, personnel, quality of equipment, etc.
- Start-up arrangements may be costly.
- May require creation of new governance structure.
- One party may end up paying more than the others.
- Achieving equity becomes more difficult with more parties involved.
- Some staff may be cut.
- Possible inconvenience for clientele when offices are physically relocated.
- Citizens affected will need an adjustment period to become aware of the new arrangement.
- Residents may lose their sense of community as geographic boundaries change.
- A bigger governmental body is not necessarily better for residents.

Other Alternatives

- Creation of a separate entity to employ personnel; may involve new or existing personnel or a surrogate employer (such as a private security agency)
- Consolidation into one governmental facility
- Interjurisdictional contract for professional service delivery between two government entities
- Joint contract for professional service delivery to a third party—a public or private consortium
- Two or more governmental bodies may merge to create a new government to lead and administer all services, not just policing

Pro

- Costs for non-essential equipment can be shared, duplication eliminated, employee training costs reduced, machine downtime reduced, and equipment used more.
- May lower insurance costs.
- Increases economies of scale.

- Base user charges on actual usage.
- Simplifies contractual arrangement.
- Subsidizes costs with potential for user charge income.
- Gives more control over selection and purchase as it may lower price-per-unit cost as number of units increases.
- Gives less knowledgeable parties access to expertise.
- May reduce liability.
- Reduces time and cost.
- Increases potential pool of machinery, equipment, and staff.
- Improves quality of staff.
- Facilitates use of flex time and other scheduling options.
- May present advantages to employees who want to broaden their range of experience and career ladders.
- More resources could improve employee morale.

Con

- Costs of developing and implementing the agreement may be high.
- May result in possible overbuying to meet one party's needs.
- May lose ability to renegotiate for different terms if situation changes.
- May be forced to accept elements (e.g., telecommunication or computer systems) that are not one party's preferences.
- More time may be required to reach an agreement.
- Writing specifications to meet all parties' needs may be difficult and time-consuming.
- Standardization of qualifications, job descriptions, equipment, training, and salary levels may be difficult and costly.
- Employees with two different employers may encounter different sets of expectations.
- Conflicts may result due to differences in work processes and to policies that could affect parties' relationships.
- Administrative overhead could rise.
- Embroilment in union or labor/management disputes or conflict could be time consuming and costly.

Examples of Stipulations Discussed Regarding New Police Services Delivery Arrangements

It may also have . . .

- Been proposed as a pilot.
- Included selective pull-out, lock-in, or bailout provisions.
- Included a 90-day notification requirement.
- Included a recision (revision) clause.
- Set acceptable error rates or response times.
- Set budget caps.
- Set an acceptable time schedule.
- Established benchmarks or quality standards.
- Set liability limits.

Conclusion

Scanning the environment for shared services ideas and opportunities is an ongoing responsibility of today's government. The bottom line is that the parties involved must be willing to make a commitment that will weather the storms of criticism, financial difficulties, or other challenges that may arise. Past participants in shared government services arrangements found that, like any commitment, these agreements require constant attention and compromise but are well worth the rewards.

Those who have undertaken efforts to change police delivery organizations suggested that the parties must prepare to address follow-up issues that arise after shared, contracted, or consolidated services are implemented. No agreement can exist without some modification or fine-tuning. All parties, not just the police, should recognize that unknown, hidden, or obscure gains and losses frequently appear and can cause ill feelings. Complex managerial tasks such as meshing two organizations' staffs or reaching union accord also influence the successful implementation of a new order for police business. It was recommended that a mediation process be agreed upon to resolve ongoing problems and that thresholds for renegotiation be identified. The parties must also have some way of incorporating new stakeholders as they come forward or of sharing revenue if such an opportunity occurs.

Source

Faust, W., & Dunning, C. (1998). *Sharing government services: A practical guide* (Extension Publication G3677). Retrieved October 21, 2009, from http://learningstore.uwex.edu/pdf/G3677.pdf.

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The Drunk Trap: Bureaucratic vs. Political Accountability in Local Law Enforcement Management

Casey LaFrance

Standard operating procedures are deeply ingrained in the day-to-day operations of a law enforcement agency. Political pressures are also pervasive in these operations. A local law enforcement manager's adherence to these respective forces demonstrates two distinct accountability considerations: (1) bureaucratic accountability and (2) political accountability (Romzek & Dubnick, 1987). Unfortunately, these two accountability mechanisms do not always work in tandem. Often, a local law enforcement manager is forced to choose one at the expense of the other. In order to better understand how these managers make tough decisions when these two accountability streams intersect, this study explores the decisionmaking processes, and ultimate decisions, of the 12 county sheriffs and 18 municipal police chiefs in the context of a mock scenario. The key questions of interest in this study are twofold: (1) What differences, if any, exist between the accountability decisions inherent in county sheriffs' and municipal police chiefs' scenario responses? and (2) What effect, if any, does a political threat have upon each manager's decision?

I will first introduce political and bureaucratic accountability, and then place the scenario in the context of literature focused on drunk driving as a criminal offense. Afterward, I will operationalize the variables of interest and articulate my preliminary propositions. Finally, in pursuit of the research questions mentioned above, I will compare sheriffs' and police chiefs' responses to the scenario and a follow-up question.

Bureaucratic Accountability

Romzek and Dubnick (1987) explain bureaucratic accountability as the process by which public administrators adhere to the expectations of their superiors and the standard operating procedures (SOPs) of their respective agencies. As mentioned in earlier studies, SOPs serve several purposes for a law enforcement agency, including (1) protecting the agency from legal liability, (2) coordinating the work of an agency toward overall goals, and (3) ensuring the agency's professionalism by providing guidelines for discretion.

Political Accountability

Romzek and Dubnick (1987) define political accountability as a public administrator's responsiveness to his or her constituents. This definition, the authors explain, is deceptively simple because a public administrator's constituency can include "the general public, elected officials, agency heads, agency clientele, other special interest groups, and future generations" (p. 230). Thus, political accountability is comprised of at least two subforms of accountability: (1) electoral, or democratic, accountability to citizens and (2) accountability to elected officials. This study focuses on the first form.

The Context of the Scenario

Drunk driving is a ubiquitous criminal offense in the United States that accounts for approximately 36 deaths and over 700 injuries every day (National Highway Transportation and Safety Administration [NHTSA], 2006). Pointing to these numbers, activist groups, such as Mothers Against Drunk Driving (MADD), have pushed for heavy-handed DUI (Driving Under the Influence) enforcement activity from local law enforcement agencies as well as harsh legislation from local and state policymakers (e.g., mandatory incarceration for drunken drivers) aimed at deterring DUI behavior (Ross, McCleary, & LaFree, 1990). Additionally, Kenkel (1993) explains that federal government legislation such as the Alcohol Traffic Safety Act of 1983 and the Federal Uniform Drinking Age Act of 1984, "provided new incentives for states to change their drunk driving and alcohol policies" (p. 878). These changes in DUI legislation have certainly affected local law enforcement agencies' standard operating procedures related to drunken driving enforcement, and it can be surmised that these legislative changes might also have altered officers' attitudes about the importance of DUI enforcement.

Some groups and individuals believe that DUI enforcement has become too draconian, however, leading officers to intimidate citizens as they lie in wait for patrons to leave taverns and nightclubs (Drivers Against MADD Methods [DAMM], 2008; Orlowski, 2005; Taylor, 2005, 2006). Such concern is well-summarized in a sentence from Judge James G. Colins' dissent from the Pennsylvania Commonwealth Court's decision in *Martin v. Commonwealth of Pennsylvania, et al.* (2000). Here, Judge Colins argues, "We do not want a police state, and it seems we are on the precipice of becoming one, in the name of DUI."

Out of awareness of these two competing views of enhanced DUI enforcement, I crafted a scenario that juxtaposes bureaucratic and political accountability.

Method

As part of a larger project, this study uses qualitative data obtained through in-depth interviews with 12 county sheriffs in Iowa (4), Illinois (5), and Wisconsin (3), and 18 municipal police chiefs in eight of these states' counties. This study explores the choice patterns of county sheriffs and municipal police chiefs elicited from their responses to a scenario that places legal accountability at odds with bureaucratic accountability to the agency's SOPs. Additionally, I will compare the mechanisms that sheriffs and chiefs use in order to keep their policies updated.

Case Selection and Process

Cases were selected based on two criteria. First, in order to hold constant any regional effects on law enforcement decisionmaking, I used a purposive sampling method that targeted sheriffs and police chiefs in three Midwestern states. Second, in order to capture variation in decisionmaking based on agency size, I chose only counties with an Urban Influence Code (UI) score of 2 or 5 (see Table 2).

In the recruitment phase (April to October 2008), I mailed cover letters, made phone calls, and sent e-mails to 16 sheriffs and 43 police chiefs. In the end, I successfully recruited 12 sheriffs (75% participation rate) and 18 police chiefs (42%

participation rate). Eight sheriffs came from UI-2 counties, and four sheriffs came from UI-5 counties. Fourteen police chiefs came from UI-2 counties, and four came from UI-5 counties. Once recruited, interviews were conducted in the managers' offices or via telephone.

Respondent Characteristics

Out of space considerations, the most pertinent data reflecting respondent characteristics appear in Table 1. Most generally, all law enforcement managers were males. All sheriffs were white, and only two chiefs were non-white (both were African American).

The Scenario

Each manager was asked to respond to the following scenario:

> Big Bill and some of his diehard customers have a bone to pick with you. As you know, Big Bill's Bar and Grill is the most happening place in town. Every weekend, hundreds of patrons come to Big Bill's to drink, dance, and blow off steam. However, Big Bill and his patrons complain that one of your officers waits just across the street from the bar's parking lot every Saturday night, hoping to snag a DUI offender. Big Bill says that the constant police presence is a threat to his business revenue, and advises you to make it go away if you expect any of his money or influence in the upcoming election [or, for chiefs, if you don't want him to complain to the city manager, mayor, and council]. After this conversation, you meet with your officer to get his take on the situation. His response is, "You see, Sir, that's where all the drunks are. The SOP says to stop and arrest drunk drivers. Isn't that my job?"

What is your response to the officer?

Competing Models of Managers' Responses

Because sheriffs obtain office via wholly different means (election) from police chiefs (appointment), it might be expected that each type of manager would consider political accountability in a unique fashion from his elected or appointed counterparts. Political accountability is a multifaceted construct; however, it is difficult to propose how these potentially divergent considerations will manifest themselves in each manager's decisionmaking behavior. In fact, either of two competing groups of propositions is in order.

The first group of propositions argues that electoral selection of sheriffs will amplify sheriffs' perceived obligation to demonstrate responsiveness to Big Bill's and his patrons' requests to curtail surveillance of the bar, while merit selection of chiefs will result in chiefs enjoying a relative degree of insulation from direct accountability to residents, leading chiefs to ignore such requests. In this proposition group, sheriffs are expected to choose political accountability in the form of direct electoral accountability over bureaucratic accountability, while chiefs are expected to choose bureaucratic accountability over political accountability.

Table 1. Respondent Characteristics of Sheriffs and Chiefs

Type of Manager	Mean Age	Education Distribution	Median County Residence (in Years)	Median Years in Current Position	Median Years in Current Dept.	Median Total Years in LE	Median Total Employees	Median Sworn Officers	Mean Total Training (Local + State + National + Workshops)	Mean Total Professional Association Memberships (Local + State + National)
Sheriff	54 Range 45 to 61	HS diploma: 1 AA degree: 2 BA degree: 7 MA degree: 2	46 Range: 24.5 to 61	7 Range: 1 to 16	26 Range: 1 to 40	31 Range: 20.5 to 40	183 Range: 46 to 558	58 Range: 17 to 449	2.5	2.5
Police Chief	51 Range: 38 to 64	HS diploma: 1 Some college: 1 AA degree: 1 BA degree: 7 MA degree: 7 PhD degree: 1 JD degree: 1	29 Range: 2 months to 64 years	4.5 Range: 2 months to 27 years	10 Range: 2 months to 34 years	29.5 Range: 11 to 40	59 Range: 10 to 540	46 Range: 9 to 438	2.28	2.39

Ironically, arguments that constitute the second group of propositions are also derived from each manager's selection method. In this proposition group, the electoral selection of the sheriff is expected to afford the sheriff a greater degree of autonomy from political pressures, especially pressures from other elected county officials, than the autonomy granted to a police chief. Thus, this group of propositions argues that police chiefs will choose political accountability in the form of indirect accountability to elected municipal officials over bureaucratic accountability, while sheriffs will choose bureaucratic accountability.

Finally, a wholly null hypothesis would argue that sheriffs and police chiefs might choose the same accountability orientation for the same reason (e.g., sheriffs and chiefs might cite pressures from elected local officials as the basis for a common choice of political accountability). In short, I have no *a priori* reason to expect a specific behavior from sheriffs or chiefs.

 In an effort to judge the utility of these competing propositions, I will next present managers' responses to the scenario and an analysis of these responses.

Scenario Responses (see Table 2)

Managers' responses to the scenario can be grouped into five broad categories along a continuum of political accountability: (1) take proactive prevention efforts, (2) move cars out of sight, (3) do nothing, (4) enhance officers' presence at the bar, and (5) give equal time to patrolling all bars. At one pole, managers actually prefer to enhance their officers' presence at Big Bill's establishment in order to assert the agency's authority. An example of this behavior is found in the response given by a county sheriff in an urban county who explained that, despite the fact that he does not envision himself as "one who believes we should station someone outside of a business like that,"

> if [Big Bill] came to me and said that . . . I would probably put two or three officers there across the street at closing time, just to make the point that he's not going to run our department.

A similar response came from a municipal police chief in another state, who said,

> I support the officer 100% and I'd tell Big Bill that if he has drunks leaving there he should not be over-serving. Not only will I have the officer continued to be placed there, but I'd also send more officers into the area because this seems like an ongoing problem with this place, [and there are] community safety issues at its heart. OWI, drunk driving, is the leading cause of death and injury related to traffic crashes and a leading cause of property damage. So, I'd give the officer a pat on the back and a hearty "high-ho silver, good job," and if Big Bill wanted to bring this to the public forefront . . . let's go. Matter of fact, let's grab a newspaper and a TV reporter [to come along] to the meeting and let them record him complaining that my officers are protecting the citizens of this community from his drunks. . . . [N]obody is going to come to the defense of drunk drivers. It's so dangerous and so politically unacceptable and so inappropriate in our community today. It's an area where we can encourage all kinds of great initiatives without having to defend the officers for being heavy-handed. Heavy-handed on OWI enforcement? Give me a break!

Table 2. Managers' Scenario Responses

Type of Manager	Proactive	Move Cars Out of Sight/A Few Blocks Down	Do Nothing	Enhance Presence	Give Equal Time to All Bars/Patrol But Don't Sit
Sheriffs	6	2	0	1	7
Chiefs	8	3	4	1	7

Note: Some managers gave multiple, complementary responses.

At the opposite end of the response spectrum, managers see the developing conflict with Big Bill and his patrons as a prime opportunity to engage in proactive public safety efforts. Responses in this vein cite the importance of preventing a drunk-driving offense rather than punishing the offender. Fourteen managers (six sheriffs and eight police chiefs) suggested that they would engage in such proactive efforts as (1) providing training to Big Bill and his wait staff about the proper limits of alcohol serving; (2) providing free rides home to bar patrons, usually on especially festive occasions such as New Year's Eve; (3) preventing visibly inebriated patrons from entering their vehicles and offering options such as a minor citation for public intoxication or suggesting that the person call a friend or taxi to get home; and (4) passing out "decision wheels" that estimate a person's impairment by matching body weight to the number of drinks that person has consumed.

Such proactive behavior, many of these managers suggested, helps to prevent the development of animosity between bar owners, bar patrons, and law enforcement agencies such as the conflict mentioned in the scenario. One chief's response provides an example of this larger goal. Here, the chief said that he would encourage his officers to find an intoxicated citizen a ride home instead of allowing him to drive drunk, because

> [i]f we can prevent someone from getting arrested for OWI, that's great. . . . How many points do we earn with that person in the community if we can prevent them from driving drunk . . . if we can help them? My experience, especially in Iowa, which has a lot of small towns, is that I'll have to deal with that person again sometime down the road. . . . [I]f they walk away with a good taste in their mouth, it helps solidify relations with the community.

Another chief offered a similar perspective:

> I'd explain to the officer and to Big Bill that this is a public service . . . if we can stop someone from driving. . . . I'm not looking for the actual DUI arrest. . . . [I]f we save that person from a DUI and write them for public intox instead, we can save Big Bill and his brandy hop from some type of collision [that might result in a lawsuit filed against Big Bill for over-serving the drunken driver]. . . . [T]he officer needs to do something preventative instead of just waiting for somebody to drive drunk.

Another chief echoed this sentiment:

> We are in the prevention business as well as the enforcement business. You don't wait until they get in the car and leave the parking lot because the possibility exists that someone could be hurt or injured, particularly if you know the person is drunk. . . . [The officer] needs to be proactive.

Half of the sheriffs in the sample (6 out of 12) were also quick to mention the long-term benefits of their officers' proactive efforts. For instance, one sheriff explained that "Education is the key to helping the bar owner see [the sheriff] not as an antagonist but as someone with compatible goals" because "bar insurance is affected by the linkage between accidents and the service of alcohol in his establishment." Because of this linkage, the sheriff asserted, "preventing a drunk-driving crash is as much a service to Big Bill as it is to the sheriff's office and the community, so everybody can win."

Another sheriff cited both legal liability and professional ethics in his response:

> It's a liability issue, and I believe there's a moral responsibility beyond the law to the safety of our citizens. . . . [W]hy wait for [a drunk driver] to get on the road? Why not stop him before he starts his car? If you see someone staggering out and getting behind the wheel, you have an obligation to not let that crime occur. What happens if they get on the road and hit a car and kill three kids? More important than arresting drunk drivers is keeping them off the road. If we can keep them off the road, I could care less about making another DUI arrest. You wouldn't sit outside a convenience store and watch someone armed rob it. How long are you gonna wait? Do you let them go in and rob it just so you can catch them in the act? What if they shoot a patron? You have to be proactive. It goes back to our mission. Our mission is to prevent crime. Everything we do should be proactive because once we failed to prevent it, there's a victim down the road who pays a terrible price.

Between these two response categories are a menu of response options. Four police chiefs chose to do nothing about Big Bill's complaint, citing their trust in their respective officers' professional autonomy. One chief couched his response in conventional departmental norms:

> If there's [sic] no other factors involved, the officer is correct. . . . Big Bill may indeed be upset, but if there are, indeed, drunk drivers coming out of the place, I don't think [the officer is] abusing any authority or harassing anyone by watching the traffic as it leaves. It's done all the time.

Another chief, speaking to the fictional officer in the scenario, replied to the officer's query ("The SOP says to stop and arrest drunk drivers; isn't that my job?") by saying, "Absolutely. That is your job." This chief went on to explain that "While I don't like that they are staking out a place . . . I'm not going to tell my officers not to do their jobs. Stopping drunk drivers is part of it."

A third chief echoed this sentiment, citing the fact that "There are a lot of reasons for that officer to be there: [to] preserve the public safety, promote traffic safety, and reduce crime. I am not going to tell that officer he can't sit where he wants."

A fourth chief honed in on the legitimacy of DUI stops, asserting,

> I support my police officer, and it doesn't matter if [he is] sitting across from the bar or [sees] them on the street and getting behind the wheel. It doesn't matter. If they're drunk and behind the wheel . . . [in this state], it's illegal to be intoxicated and drive. I support the officer.

Three chiefs and two sheriffs suggested they would ask their officers to move out of sight or a few blocks down. One sheriff reasoned that doing this would help the officer to "develop probable cause" for stopping the driver as he left the tavern parking lot. Another sheriff explained that he would advise his officer to "sit down the block" because "they're gonna know you're there, but it won't be in their face."

This sheriff went on to explain that his county's cultural norms regarding DUI enforcement have changed during his 30-year tenure, mainly as a result of "a tragic accident [in which] a drunk driver killed a secretary from the state's attorney's office." This accident, the sheriff claimed, "changed the perspective on DUI enforcement here. Ever since, it's been more aggressive."

A chief from another county explained that

> It is the officer's job [to arrest drunk drivers], but the truth is, for legitimate OWI arrests, you don't have to sit on bars. You can be three blocks away or five blocks away. . . . [T]hey make themselves known.

Fourteen managers (eight chiefs and six sheriffs) explained that they would order their officers to engage in patrol without sitting outside of any one bar. One sheriff seemed furious at the idea of his officer staking out a bar, exclaiming, "It's chicken-shit for my officers to be sitting on bars! They have better things to do. [If someone suggested that my officers were doing this], I'd say, "That's bullshit. My officers don't do that."

Another sheriff expressed political and legal liability concerns in his response. From the political perspective, he claimed,

> As long as I've been here, we've told our folks that you don't sit outside of bars. You can patrol a neighborhood, but you do not park outside of bars. They are a legitimate business, selling a legitimate product, and unless there's a complaint where there's a call to the bar, don't park there.

From the legal perspective, this sheriff proffered a morality tale in the form of an anecdote from his county:

> [An officer] told an individual to go home because he was staggering to his car outside the bar, waited for him to get in his car, let him pull away, and then stopped him from drunk driving. That officer is now unemployed. . . . [H]e knew [the drunk driver] would commit a crime . . . waited for him to do it . . . actually encouraged him to do it.

Another police chief explained that accusations similar to the one being made in the scenario have been quite common during his tenure at a municipal police

department: "We've run into that. I've had multiple conversations with bar owners throughout my career here . . . as a corporal, a sergeant, a lieutenant, and as a chief." Part of the reason for this perennial tension, the chief argued, is "no matter where you stop a car on [the business route through town], it would be in front of a bar and [the bar owner would] complain." In an attempt to find some resolution, the chief advised that he would "talk to the officer about discretionary measures . . . and about not being as obvious." The chief also instructs his officers to avoid sitting on bars. Speaking to the officer in the scenario, the chief instructs him, "By all means, do your patrol route. However, we expect you to do more than just drunk driving arrests." Speaking about his general advice, the chief continues, "I notify [my officers] not to sit across the street [from bars]. I don't want them to. It's not their job. Their job is everything else."

Echoing this notion, a sheriff explained some tension he has had with his full-time DUI officer:

> We've had [this situation] time and time again because we have a full-time DUI officer and that's what he does. I've advised him that there are enough drunks in and around the city that you don't have to intimidate or threaten the bar owner or the patrons. It just gives the wrong impression to sit outside the bar's parking lot. It gives the appearance that you're a threat. I say don't do it. Period. That's it. Don't intimidate normal citizens just going in to blow off a little steam and have a good time.

However, this sheriff revealed that this approach is conditional, depending on the reputation and incident history of a given establishment:

> [I'd give the same response] whether it's a mom and pop operation or a night club. Now, if it's known that a club gets too rowdy, [and there are] fights every single night at a 3 o'clock [closing time] bar . . . I would say have a presence there. But a normal bar that never has any problems . . . and you're just obviously sitting there waiting on people to come out and get in their cars . . . don't do it.

Reflections on the Scenario and Implications of Scenario Responses

In developing a scenario that juxtaposed bureaucratic and political accountabilities, I failed to consider that, whether normatively appropriate or not, a manager's level of political accountability might fluctuate between groups of citizens. Indeed, one might imagine differences in a manager's willingness to accommodate an elderly lady whose kitten has become stuck in a tree and the bar owner in the scenario. In fact, a handful of sheriffs were quick to mention that the "bar crowd" might not make up the most active voting bloc in their counties. Despite this limitation, this scenario is strong because it is so ubiquitous. In response to this scenario, almost every manager accused me of having read their local paper before our interview conversation. These interviews have impressed upon me that there is, indeed, a tension between bar owners and patrons and local law enforcement officials.

More interesting are the variety of approaches that local law enforcement managers in my sample chose as most appropriate to deal with the tension mentioned in the scenario. It is ironic that the two polar opposite responses on the response

continuum are aimed at the common goal of reducing drunk driving, whether via enhanced enforcement activity (one extreme) or proactive prevention efforts (the other extreme). This preliminary evidence suggests that sheriffs and chiefs are much more likely to espouse proactive prevention efforts than they are to espouse enhancing their officers' presence at bars, though the rationale for doing so is certainly not uniform.

Some managers choose to engage in proactive policing in order to avoid the liability associated with allowing an intoxicated bar patron to enter his vehicle and drive out of the parking lot. Others justify proactive prevention efforts in terms of professional ethics. Others want to "leave a good taste" in the mouths of potential offenders because they might encounter these same citizens in the future. Because they tap into two other accountability streams, legal and professional, the liability and professional ethics rationales serve to highlight the difficulties found in trying to consider only two accountability streams at a time.

Even among the five managers who suggested that they would ask their officers to move out of sight or move a few blocks down, justifications for this request are quite different. Some managers choose this course of action in order to ensure that probable cause is established before a traffic stop is made. Responses in this vein demonstrate a manager's focus on appropriate procedure, a hallmark of bureaucratic accountability. Other managers emphasized the legitimacy of the bar as a business that should not feel threatened by law enforcement officials' presence. This justification demonstrates an awareness of political accountability. This sentiment seems to manifest itself in the second modal response category in which managers ask their officers to engage in the patrol of an area without focusing on any one specific establishment.

Conversely, the four managers who chose to take no action in response to the scenario all cited a common reason: intervening would infringe upon their officers' sense of professional autonomy and the attendant discretion that comes along with it. These responses demonstrate an allegiance to professional accountability defined as deference to the expertise of members of a common profession (Romzek & Dubnik, 1987).

Taken as a whole, these managers' responses indicate an awareness of political accountability demands and demonstrate a myriad of methods by which these demands can be met.

Sheriffs' vs. Chiefs' Scenario Responses

Contrary to the expectations inherent in either model of accountability behavior introduced above, there are no statistically significant differences between sheriffs' and chiefs' responses, with the exception of a marginally significant ($p = 0.079$) finding that suggests chiefs are more apt to "do nothing" (see Table 3). Each is equally likely to take proactive preventative efforts (50% of sheriffs and 44% of police chiefs) and to ask their officers to patrol rather than sit on a specific establishment (50% of sheriffs and 44% of police chiefs). One of 12 sheriffs (8%) and one of 18 chiefs (6%) decided to enhance their officers' presence at Big Bill's. While these responses were virtually identical, they are also the least common. Two sheriffs (17%) and three police chiefs (17%) chose to move patrol cars down the block or out of sight, again showing a very similar, albeit not very common, predilection for this course of action.

Table 3. Measures of Association by Manager Type and Response Category

	Proactive (1, 0)	Move Cars (1, 0)	Do Nothing (1, 0)	Enhance Presence (1, 0)	Patrol Equally (1, 0)
Sheriff (1, 0)	0.055	0.08	-0.320†	0.055	0.191
p value	0.765	0.661	0.079	0.765	0.296

†= *p* is marginally significant

When reviewing the data, the only response category that shows any potential for a difference between each type of manager is the "Do Nothing" category. Here, four of 18 chiefs (22%) chose to do nothing, while no sheriff gave this response. It might be speculated that these chiefs are better insulated from local politics than their county sheriff counterparts. However, it might also be posited that chiefs simply value professional autonomy or bureaucratic accountability more than appeasing citizens and business owners. Indeed, as mentioned above, analysis using Chi-square and Phi rules shows a marginally statistically significant difference between sheriffs and chiefs in this response category.

Response Categories and County Urban Influence Code (see Table 4)

It might be queried whether the size of the county in which a manager works influences his response to the scenario. For instance, smaller counties might have more close-knit political interactions than larger ones, leading a rural manager to demonstrate a greater degree of political accountability than an urban manager. However, only one response category showed a statistically significant co-variation with county urbanization: proactive preventive policing. While there is no literature that would have led me to propose this difference, I can think of a rational, *post hoc* argument. Drunken driving in more urbanized counties presents a greater degree of potential harm because there are more potential victims with whom a drunken driver might interact (i.e., collide). Thus, managers in more urban counties might be quicker to take proactive, preventative action to reduce the probability that a drunken driver would injure or kill another resident.

Table 4. Measures of Association by Urban Influence Code and Response Category

	Proactive (1, 0)	Move Cars (1, 0)	Do Nothing (1, 0)	Enhance Presence (1, 0)	Patrol Equally (1, 0)
UI Code (2, 5)	-0.413*	0.207	-0.015	-0.161	0.191
p value	0.024	0.257	0.935	0.377	0.295

*= $p < 0.05$

Response Categories and Manager Characteristics

Of all the biographical variables, only two share a significant relationship with a response category (see Table 4). A "Do Nothing" response is positively and significantly associated with a manager's education level (Rho = 0.459, *p* = 0.011).

This relationship might exist because a higher education level typically reflects more professionalism. It is important to note that only chiefs gave this response, and chiefs generally have more formal education than sheriffs.

A "patrol all establishments equally" response is positively and significantly associated with a manager's years in his current position (Rho = 0.392, p = 0.032). This latter finding might be a result of a manager's awareness of his turf and lack of a particularly troublesome bar. Unfortunately, I can offer no theoretically grounded explanation for these relationships.

The Importance of Big Bill's Threat

No manager even pretended to be concerned about Big Bill's threat to complain to local government officials about police presence near his establishment. It simply did not matter. One sheriff explained why this threat carried so very little weight with him:

> We have some words with the local tavern league on a pretty regular basis. . . . [I]t got to the point that I don't even go any more. . . . [I]t's the same 2 or 3 that are always accusing me of this . . . and usually when they show up to the meetings, they're half in the bag to begin with. I tell them, I have 820 square miles to patrol and I've got 5 squad cars out there. . . . [Y]ou think that one of them has the time to sit across from your place? [Y]ou're in a world I would like to be in . . . 'cause I would love to have those kinds of resources.

> I also let them know that that's their job. . . . [U]ntil the emergence of prescription drug abuse in [X] County, drunk drivers caused the majority of unnatural deaths . . . and these were big numbers for a long time. They are finally starting to go down . . . but this is a heavy drinking community. . . . [B]etween the police department and sheriff's department, we probably make 500 OWI arrests every year. That's a lot for a county of 68,000 . . . and I think . . . the guys here know that if they have a good night making OWI arrests, they get a candy bar in their mail box from the sheriff. . . . I reward that kind of stuff.

This sheriff went on to explain how the drinking culture of his county has exacerbated DUI problems, saying, "You can't have an event here without having alcohol at it. Even the church picnics have beer." The sheriff also mentioned the chief of the county seat's police force shares some of his misgivings about cultural attitudes toward alcohol. In the following exchange, this chief explains why Big Bill's threat has such a minimal effect on him:

> CL: You don't expect that the mayor or the manager would call you . . . [if Big Bill complained to them]?

> Chief: No and in [state name], they have to have just cause, and I think that has been one of the protections and I think that's true of most vocations . . . you know, that that type of complaint doesn't carry a lot of water. . . . [W]e have had that scenario. . . . I don't know if you know this, in [state name], the tavern league is probably the most effective lobby. . . . [D]rink specials are not banned here; you can have happy hour right up to closing.

[O]ur biggest criminal issue revolves around alcohol abuse. In [state name], they don't schedule class on Friday at the colleges because of the poor attendance. Every church here . . . every summer they have a church picnic and they sell beer. I remember when I first came here I thought, "Wow, the special liquor license board will never approve of this one," but they did. . . . [T]hey'll have the Miller Lite logo on the side because if they don't, nobody will show up. And that's the contention that they're dealing with here in [city name].

I'm on the [drug abuse prevention committee] here, and we just had a round table yesterday. You hear stories . . . [but] they would rather have no party than a party without [alcohol]. I mean, in [this state], you can take your twelve-year-old child with you and buy them a drink in the bar. There is more brandy consumed per capita in [this state] than anywhere else in the world. The average in the nation for people who have four or more drinks is fifty percent. [This state] is number two, and it's seventy-two percent. It's just a permissive deceptive attitude.

CL: So it has something to do with the culture of the community?

Chief: Yeah.

While these two managers disregard Big Bill's threat out of a common allegiance to changing cultural attitudes about alcohol abuse in their county, many other managers disregard Big Bill's threat because these cultural attitudes have already changed. Many managers explained that tolerance for alcohol abuse, especially in the context of DUI, is all but gone. One sheriff commented that the days of the funny, "Otis Campbell" type of drunk are gone.

Several other chiefs and sheriffs could remember when a drunken driver would be given a ride home rather than being arrested, or when officers would "look the other way" at drunk driving in order to avoid the paperwork associated with enforcement. Indeed, the literature on DUI enforcement cites an enhancement of public awareness of the dangers of drunk driving during the last quarter century (Jacobs, 1988; Murry, Stam, & Lastovicka, 1993). This public awareness, spearheaded by groups such as MADD, has led police organizations to develop stricter DUI policies, which have had a moderate effect on decreasing drunken driving (Eisenberg, 2003).

Rethinking Accountability Perceptions in this Scenario

Ostensibly, this scenario is very innocuous. Drunk driving has been sufficiently stigmatized throughout the United States to make it an indefensible behavior, and for good reason: Drunk driving is deadly. For instance, the National Highway Transportation Safety Administration (2006) estimates that approximately 13,000 traffic fatalities resulted from drunk driving in 2007. Thus, the local law enforcement manager might greet the subject matter of this scenario with a great deal of relief compared to other scenarios that tackle such prickly issues as racial profiling and respond with less hesitation and defensiveness than in the other scenarios.

Still, alcohol consumption is an American institution supported by powerful interest groups such as the American Beverage Institute (Eisenberg, 2003; Jacobs,

1988). Furthermore, Big Bill's bar only exists because residents spend money there. Thus, the scenario conveys an undercurrent of two distinct forms of direct political accountability: (1) accountability to the anti-alcohol lobby and (2) accountability to the pro-alcohol lobby. This is important to note because creation of, and adherence to, drunk driving policies in police organizations are manifestations of the organization's desire to please constituent groups (Eisenberg, 2003). In many ways, then, this scenario truly juxtaposes these two forms of political accountability, begging the question, "Accountability to *which* constituents?" Furthermore, the scenario exemplifies the interconnectedness of each accountability stream.

Conclusion

This study provides preliminary evidence suggesting that sheriffs and police chiefs use very similar rationales in response to the mock scenario and are equally likely to choose any response within the continuum. The variety of responses along the continuum shows that there is no uniform method of handling a particular crime problem. While some managers cited professional ethics or legal accountability as the impetus for their responses, most managers' responses indicate that political accountability to Big Bill and his patrons, in one form or another, is an important consideration.

The most deserving lesson to be carried away from this study, though, has little to do with the managers' responses. Instead, this lesson is encapsulated in the difficulty I found in juxtaposing bureaucratic and political accountabilities in my scenario. As discussed above, the advent and codification of enhanced DUI enforcement tactics in local police organizations' standard operating procedures is just as much a reflection of the organization's political accountability (to the anti-alcohol lobby) as it is of a manager's choice to placate Big Bill and his patrons. This example shows that the lines between accountability streams are often blurred as each stream influences the other three.

Acknowledgments

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Risk Management for Law Enforcement Agencies: Organizational Issues and Strategies

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Researchers would be hard pressed to find a single law enforcement agency in the United States that has not experienced at least one civil lawsuit against its officers or suffered from some form of administrative failure or weakness in the management of their operations. Such civil litigation costs countless sums to law enforcement agencies, their units of government, and taxpayers. Other types of risk factors for law enforcement, such as employee misconduct, can also generate losses to organizations as lawsuits have increased during the past three decades. Studies indicate, however, that law enforcement organizations can take proactive steps that may reduce their exposure to risk.

Most of the attention to risk management has focused on civil lawsuits, financial losses associated with the impact of court decisions, and court settlements. These experiences have forced many law enforcement administrators to focus on broader organizational issues ranging from recruitment to termination policies, procurement and acquisitions, and a host of other administrative and managerial functions that could reduce their agency's exposures.

By definition, risk management is a process for reducing an organization's exposure to financial loss due to litigation. In law enforcement, the major civil litigation costs stem from fatal shootings, excessive physical force, and high-speed pursuit incidents (Dunham & Alpert, 2010, p. 192). In a broader perspective, risk management includes a system of identifying assets that should be safeguarded and liabilities that should be controlled through loss prevention measures. In today's organizational context, management of risk factors is an all-encompassing and strategic responsibility that should be vested in all aspects of management and throughout the organizational structure of law enforcement. The failure to manage risks usually translates into financial losses. Consequently, contemporary law enforcement agencies should focus equally on implementing policies and procedures that will positively impact an organization's ability to manage assets and people proactively for multiple organizational benefits.

A survey of police chiefs in 20 cities with populations over 100,000 found the top litigation issues to be as follows (Meadows, 1999):

- Use of force
- Auto pursuit
- Arrest/search
- Employee drug test
- Hiring and promotion
- Discrimination based on race or age
- Recordkeeping and privacy
- Jail management (p. 156)

Elements of Risk Management

No one in law enforcement is immune from the decisionmaking process that is largely dominated by politics. Therefore, decisionmakers in law enforcement and their management philosophies are greatly influenced by local political management as well as by their own instincts. Much of law enforcement also suffers from following reactive management principles. It is generally too late to stop the bleeding when major problems arise from the lack of proper planning and preparedness. On the other hand, proactive management embraces important measures such as crime prevention, community involvement, and data-driven management with use of modern technology. Whereas humanist concepts and democratic principles are useful to enhance morale and produce contemporary policies, they must be dealt with within the context of the traditional bureaucratic structure (Thibault, Lynch, & McBride, 2007).

The extent of proactive management versus reactive management within the law enforcement environment has not been studied extensively. The advent, however, of community-oriented policing and major technological advances has produced more proactive management practices than probably any other initiative in the past century. Nevertheless, there still remains a significant amount of evidence to suggest police function both operationally and administratively with a reactive orientation. This has produced an environment that is ripe for the growth and proliferation of risk factors that eventually produce huge financial losses with concurrent organizational and human deficiencies. Ultimately, law enforcement organizations should achieve a culture of safety and an atmosphere in which supervisors and officers take ownership to hold each other accountable for their actions. Risk management is perceived to be a good investment when management understands that reduction measures contribute to the achievement of organizational goals and objectives.

According to Local GovU (2009), a major insurance company studied the types of law enforcement activities involved in lawsuits against law enforcement officers. The study identified the top 12 lawsuit issues, the so-called deadly dozen. Focusing policies and training on these will maximize return on investment:

1. Transportation of prisoners
2. Arrest and field interrogations
3. Sexual harassment
4. Secondary employment
5. Domestic violence
6. Execution of search warrants
7. Use of force
8. Firearms and less-lethal weapons
9. "Emergency" driving
10. Patrol driving
11. Vehicle stops
12. Canine usage

From a management perspective, proactive measures, including proper training, supervision, accountability, and documentation, could help alleviate risks inherent in these activities.

"Section 1983 Litigation" refers to lawsuits brought under Section 1983 of Title 42 of the *United States Code*. Section 1983 gives an individual the right to sue state government employees and others acting "under color of state law" for civil rights violations. Section 1983 has spawned a tremendous amount of interest and litigation in American law enforcement (Zimmerman's Research Guide, 2009). Under civil rights theory, claims or allegations against law enforcement officers are common. In addition to those risks or actions already listed, "claims" include illegal search and seizure, denial of counsel and illegal interrogation, failure to read a suspect their rights, denial of medical attention, failure to train, and failure to supervise (Local GovU, 2009).

Organizational Controls

A proactive police management model could significantly contribute to the reduction of risk factors and behaviors within the environment of a law enforcement agency. In order to accomplish that, law enforcement administrators must focus on five major principles that are commonly known to managers but not necessarily practiced on a daily basis:

1. Screening, selection, and placement
2. Policies and procedures
3. Training
4. Supervision
5. Accountability (Local GovU, 2009)

A recruiting and selection process is critically important to the success of both organizational performance and the performance of individual police officers. Implementing professional standards, such as minimum four-year degree requirements, will go a long way to ensuring professional conduct among police officers. Furthermore, there should be proper personnel assessment tools to determine the appropriate placement of individuals within the police organization. As examples, not all police officers possess the aptitudes or suitability to be investigators or community policing officers. Both require exceptional skill sets to be effective.

The need for and implementation of policies and procedures are commonplace in American law enforcement. A deficiency seems to exist for many law enforcement agencies that do not have contemporary or current policies and procedures and consequently operate from outdated mandates and practices. Furthermore, most police officers lack familiarity with their own agency's policies and procedures. Therefore, in many instances, mistakes are made and risks are enhanced because of the officers' improper actions.

Training in law enforcement is both a function and an organizational process that is critical to the success of employees and the organization. Simply put, law enforcement conducts most of its training in operational and technical areas such as enhancing officer survival skills and the technical procedures related to equipment operation. In reality, there is a substantial lack of emphasis on training and preparing officers to become supervisors and managers. The transition from officer to supervisor is a challenging and difficult process. It requires incumbents who are suited to proper supervisory paradigms and who understand the

importance of human relations skills. Not only do law enforcement agencies spend an insufficient amount of time on management preparedness, most of them promote many of their officers to supervisory positions primarily on the basis of proficiency in technical skills.

Enhancing managerial and supervisory skills with support from organizational policies and programs will contribute enormously to the accountability within an organization's leadership. Holding employees accountable for their actions is central to minimizing risks proactively and building a sound infrastructure within an organizational context.

To manage risks properly within an organizational setting requires a basic understanding of a control process that includes both the external and internal environment. Developing a strategic plan for a law enforcement organization and its community is vitally important to the successful control of risks within the department-community setting. Every department must have a basic understanding of community needs and expectations, and those values must be integrated within each department's strategic plan. As an example, a community that has a higher than national average of minority citizens will expect the police department and its officers to comply with civil rights laws by protecting the civil rights of its citizens. Therefore, the police department must ensure that there is compliance with laws and policy as they relate to serving and protecting its citizens. Views expressed by the community and from within the law enforcement organization must be reflected in the strategic plan, thereby serving as a guide to manage organizational behaviors within the framework of cultural diversity.

Leadership and Organizational Change

A leader's vision of an organization's future state can play a compelling role in successful organizational change (Baum, Locke, & Kirkpatrick, 1998). A vision, described by Champoux (2003), offers powerful imagery of the future (p. 407). The ability of law enforcement to change and evolve from a traditional model of policing to a more democratic and community-based model lies within the expertise of its leaders to move the organization and its systems toward desired outcomes under which its members share power and authority. In order to achieve that, leaders must be well-prepared when they assume their positions of increased responsibility. As previously discussed, most promotions within the law enforcement structure reward officers for their technical abilities, with less emphasis on their human relations skills or their abilities to conceptualize broad organizational issues and problems. The leadership in most police organizations can become overwhelmed with rigid bureaucracies and strong command and control principles. A proactive model for law enforcement requires leaders to be highly trained and well-prepared for the complexities and challenges of the future. An organization's ability to manage risks requires leaders who are skilled with technical capabilities and who also demonstrate their abilities to think in terms of merging organizational systems and implementing performance benchmarks that are widely known throughout the organization.

Conflict is an inevitable part of organizational life. Research says that we spend 20% of our daily energy dealing with some type of conflict (e.g., interpersonal, intrapersonal, functional, or organizational stress). Conflict can be found in competition for

resources, different goals and priorities, task interdependence, unclear statements of responsibilities, status issues, poor interpersonal communication, and individual traits. The presence of risk factors and the inability to deal with the consequences often add to organizational conflict (Southwest Training Institute, 2009).

Sources of conflict within the law enforcement context are numerous; they are based on specializations and formal groups such as police unions. When management practices shift, devoting energy to risk reduction strategies that reduce financial losses and enhance organizational performance, the changes also contribute to conflict management by reducing or in some cases eliminating conflict sources. Leaders who are well-educated and highly trained, with an assessment of their skill potentials prior to promotion, contribute significantly to the success of an organization and its contribution to professionalism.

Policy

The need for sound policies and procedures within the law enforcement organization has been well-documented and understood by most law enforcement administrators for the past three decades. Conditions always exist, however, for civil lawsuits based on an inferior policy or procedure. Consequently, law enforcement agencies must ensure that their policies and procedures are current, contemporary, and reflect both community and organizational values. A comprehensive policy system must be based on those attributes to help minimize risks within a law enforcement agency.

According to Local GovU (2009), seasoned leadership is the backbone of agency culture. Leaders serve to . . .

- Demonstrate that management responsibilities are taken seriously.
- Communicate the chief's expectations consistently.
- Help avoid liability and serve as defense against civil suits.
- Help officers with decisionmaking.
- Shift liability from officer to government by preserving officer good faith defense.
- Establish clear officer accountability.
- Tell the community where the agency stands.
- Act as a response to community needs.
- Involve all levels of the agency.

A proactive view of risk management will help ensure that the purpose of policies and procedures is to enhance performance of the officers and protect them from legal consequences. The law enforcement culture, to a certain extent, creates the perception that the purpose of policies and procedures is to catch the officers making mistakes. Again, proactive management will help ensure that such a perception is minimalized or perhaps eliminated within a more professional law enforcement culture.

Accreditation

The national law enforcement accreditation process is governed by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). Law enforcement

agencies may voluntarily choose to subscribe to more than 460 standards relating to their operations and administration. One benefit of becoming accredited is to reduce areas of exposure from civil lawsuits. In a December 2002 Project Summary, the Tennessee Municipal League (TML) Risk Management Pool of Brentwood, Tennessee, reported the results of a risk management study of insured members of TML comparing the loss experiences of CALEA-accredited law enforcement agencies with non-accredited agencies. They compared loss histories of five accredited agencies against 23 non-accredited agencies. The agencies were examined for the same eight-year period—July 1, 1994, through June 30, 2002 (CALEA Online, 2009).

The following four exposure areas were examined by CALEA: (1) Workers' Compensation, (2) Law Enforcement Liability, (3) Police Auto Liability, and (4) Police Auto Physical Damage. The police agencies examined were from municipalities within a population range of 10,500 and 55,500 (according to the 2000 Census), employing between 18 and 193 certified police officers. The 23 non-accredited agencies employed an average of 45 police officers serving an average population of 19,493 citizens, or one police officer for every 433 people. The five accredited agencies employed an average of 114 officers serving an average population of 35,762 citizens, or one police officer for every 313 people. The analysis showed the following results:

In **Workers' Compensation** coverage, the 23 non-accredited agencies experienced a rate of 27.21 claims per 100 insured officers, while the 5 accredited agencies experienced a rate of 22.56 claims per 100 officers, or 17.1% less than the non-accredited agencies. The annual loss rate incurred by the non-accredited agencies was $89,389 per 100 officers, while the accredited agencies experienced losses of $72,565 per 100 officers, or 18.8% less than the non-accredited agencies.

In **Law Enforcement Liability** coverage, the non-accredited agencies experienced a rate of 2.231 claims per 100 insured officers, while the accredited agencies experienced a rate of 1.093 claims per 100 officers, or 51.0% less than the non-accredited agencies. The annual law enforcement liability loss rate incurred by the non-accredited agencies was $34,205 per 100 insured officers, while the accredited agencies experienced losses of $30,434 per 100 officers, or 11.0% less than the non-accredited agencies.

In **Police Auto Liability** coverage, the non-accredited agencies experienced a rate of 4.486 claims per 100 insured officers, while the accredited agencies experienced a rate of 3.081 claims per 100 officers, or 31.3% less than the non-accredited agencies. The annual police auto liability loss rate incurred by the non-accredited agencies was $13,799 per 100 officers, while the accredited agencies experienced losses of $9,462 per 100 officers, or 31.4% less than the non-accredited agencies.

In **Police Auto Physical Damage** coverage, the non-accredited agencies experienced a rate of 3.189 claims per 100 insured officers, while the accredited agencies experienced a rate of 1.267 claims per 100 officers, or 60.3% less than the non-accredited agencies. The annual police auto physical damage loss rate incurred by the non-accredited agencies was $5,193 per 100 officers,

while the accredited agencies experienced losses of $2,164 per 100 officers, or 58.3% less than the non-accredited agencies. (CALEA Online, 2009)

As a result of this analysis, the TML Risk Management Pool concluded that encouraging police agencies to seek standardized practices and policies through accreditation was a cost-effective investment of time and resources. All eight rate comparisons over the eight-year study period clearly showed that the accredited agencies performed 11.0% to 60.3% better than the non-accredited agencies (CALEA Online, 2009).

CALEA, in another example, reported a study conducted by the Colorado Interlocal Risk Sharing Agency (CIRSA). It compared both Property/Casualty and Workers' Compensation claims of 22 state and CALEA-accredited member police departments to the claims of 22 non-accredited member police departments for calendar years 1999 through 2001. Non-accredited members were matched as closely as possible to accredited members based on geographic region, number of full-time officers, and municipal population. (Broken windshield and weather related Property/Casualty claims were not included due to their nonpreventable nature.) All the claims were valued as of September 2002.

Based on the data used, CIRSA reported the following results:

- The accredited police departments had 8.3% fewer Property/Casualty claims per fulltime police officer than the non-accredited police departments during the time period chosen.

- The accredited police departments had 7.5% fewer Workers' Compensation claims per fulltime police officer than the non-accredited police departments during the time period chosen.

- The accredited police departments per officer incurred costs for Property/ Casualty claims were 52.2% lower than the non-accredited police departments. (CALEA Online, 2009)

These two comparative statistical reviews report a positive correlation between CALEA accreditation and loss reduction, and they further provide quantitative evidence that CALEA accreditation significantly impacts a law enforcement agency's ability to prevent and reduce loss in the area of professional liability. When the reports are viewed in combination, it becomes clear that accreditation

- enables law enforcement agencies to more effectively defend themselves against lawsuits and citizen complaints;

- gives the chief executive officer a proven management system of written directives, sound training, and clearly-defined lines of authority that support decision-making and resource allocation;

- provides an agency with an organizational change device and the framework for self-audit; and

- gives an agency a preparedness plan and verification of excellence. (CALEA Online, 2009)

Clearly, CALEA's accreditation process, which includes hundreds of professional law enforcement standards, can contribute significantly to the professionalization of law enforcement agencies through the promulgation of policies and procedures and the adherence to national standards. The strict adherence to policies and standards helps to ensure that agencies can minimize their risks and avoid technical deficiencies in their efforts to safeguard important assets and their financial statuses.

Conducting Risk Assessments

A risk assessment identifies, analyzes, and weighs all the potential risks, threats, and hazards to a business's internal and external environment. By identifying the threats that currently are being mitigated versus threats that are not, an organization can compile a list of recommendations for improvement (Mehta, 2008).

As risks to the organization are identified and evaluated, the organization's vulnerability to these risks will be rated. A risk assessment will also (1) identify what prevention practices are being used, (2) define and implement safeguards to mitigate risks, (3) conclude the overall risk to the organization, and (4) build a case for strategy selections (Mehta, 2008). Conducting risk assessments within the law enforcement enterprise targets mainly facilities and buildings. Those types of structures typically include expensive operations and equipment such as communication centers, jail detention facilities, property and evidence holding facilities, and general equipment storage.

The following steps are necessary to complete a risk assessment: (1) identify threats/risks and vulnerabilities, (2) analyze risks to determine vulnerability, (3) identify mitigation and recovery operations, and (4) evaluate and choose options (Mehta, 2008).

A risk assessment process can be applied to virtually any phase or operation of a law enforcement organization. As an example, the risk assessment process could easily assess and evaluate the training function with a comprehensive strategy, including lesson plan reviews, class lecture observations, administration survey, and reevaluation reviews.

Conclusions and Recommendations

Law enforcement agencies throughout the United States have experienced significant losses in the past three decades because of claims and lawsuits brought against their organizations and officers. Many of these lawsuits have amounted to multimillion dollar judgments that few agencies are prepared to pay.

Many law enforcement agencies therefore have adopted risk management principles and have incorporated them into the functions of staff inspections, audit and compliance, professional standards, or quality assurance programs. Regardless of the name of the function or related positions, the principles of risk management discussed in this article should be incorporated within the fabric of

a law enforcement agency. There are numerous options and strategies to consider when organizing the functions of risk management into an organizational component. Law enforcement organizations should follow, however, some important recommendations that would enhance their organizational control measures through risk reduction strategies.

The first step in establishing a risk management strategy is to form a centralized risk management team, representing the organization's major divisions. In conjunction with the organization's strategic plan, directed toward identifying programs and recommendations for implementation, the administration should grant sufficient authority to team members to conduct a risk assessment.

A law enforcement agency should consider involving selected key persons from the community on the risk management team. Some examples could include representatives of the medical profession, public relations profession, business community, and legal community. Such team members would help ensure that the external environment is fully represented which is an integral part of the strategic planning process.

The next step is to prepare a risk management plan based on the results of assessment surveys that should have been previously disseminated. The plan should include other related sources of information from the organization's policies, procedures, reports, and forms.

Risk management information is next incorporated into a regular schedule for routine inspections. This step is relatively easy for organizations that have existing staff or internal inspections functions. In smaller law enforcement agencies lacking similar components within their organizational structures, administrators can use the risk management plan as a way to ensure a routine and regular schedule for inspections of items and personnel.

A review of current insurance coverage and court awards or settlements is at the very core of the risk management review process. Based on that review, determination can be made as to the areas of threats and vulnerabilities requiring immediate remedies.

An internal training program should be developed based on the review process to ensure that administrators and officers are aware of their critical duties and responsibilities, particularly with police-citizen encounters and when exercising any use of force. Training programs should require periodic instruction to ensure there is broad understanding and acceptance on the part of all employees.

An evaluation component is one of the final steps in all risk management plans. As a cornerstone to the success of the plan's implementation, there should always be opportunities to modify goals and objectives listed in the risk management plan in order to avoid some noncompliance issues or to recognize progress that might exceed stated expectations. This would involve periodic reviews of progress reports, training initiatives, and compliance with goals and objectives.

Lastly, incorporating a contingency plan for crisis management would ensure the organization is prepared for major disasters of natural or human origins. Most

law enforcement agencies experience frequent crises, and many of them are not sufficiently prepared to deploy the resources that are required for critical incidents or major criminal investigations. Contingency plans should be reviewed at least annually to avoid any shortcomings in providing for resource allocations and general public safety needs.

The Risk Manager

The role and responsibility of the person identified as the organization's risk manager should be clearly specified in the risk management plan. The incumbent should be able to communicate across division lines in order to exercise control over the process and to help ensure there is adequate flow of information both vertically and horizontally within the organization. The risk manager should also be able to communicate directly with key persons in the community who are vital to the success of the strategic planning process.

The risk manager should set goals by providing information to key elements both within and external to the law enforcement organization. The goals should consist of ways to communicate information, identify reporting systems, and determine the frequency of reports and critical information that would be disseminated to various users. Among other things, the information emanating from the risk manager's office should help identify an assessment and anticipation of risks, monitor trends, identify causes and loss, recommend options to control losses to decisionmakers, and assist management with loss prevention and claims management (Local GovU, 2009).

Certain core competencies are vital to the risk manager's position. They include the disciplines of planning, training, emergency management, loss prevention, human resources, and operational and administrative functions of the law enforcement organization (Local GovU, 2009).

Risk Management Structure

The majority of major metropolitan law enforcement organizations include elements of the risk management process within their existing organizational structures. The following three examples are worth discussion since these departments have elevated their risk management responsibilities at the highest levels within their structures and have assigned a sufficient amount of resources for staffing of those units:

1. *Los Angeles Police Department*
   The Los Angeles Police Department (LAPD) has established a Risk Management Bureau that reports directly to the Chief of the LAPD. This unit was established following the discovery and disclosure of the Rampart Area Corruption Incident by the LAPD in the late 1990s. The U.S. Department of Justice notified the City of Los Angeles that it intended to file a civil suit alleging that the department was engaging in a pattern or practice of excessive force, false arrests, and unreasonable search and seizures (LAPD, 2009). The significance of the Risk Management Bureau is once again that it reports directly to the chief of police, which helps to ensure that such a direct reporting structure can avoid delays in investigations, and that the highest priority has been placed on its responsibilities.

2. *Metropolitan Police Department (MPD), Washington, DC*
   Similarly, the nation's capital police have the Office of Risk Management reporting directly to the Chief of Police. The sections of Compliance, Outside Employment, and Safety are housed within the office. Monitoring and oversight responsibilities by the U.S. Department of Justice prompted management to elevate the importance of risk management at the highest level within the MPD structure (MPD, 2009).

3. *Chicago Police Department*
   Chicago PD's risk management function, although not easily identified on the organizational chart, appears to be spread out among several important organizational components such as the Bureau of Professional Standards (Office of Management Accountability), the Office of Ethics, the Civil Rights Section, and the Office of Legal Affairs (Chicago Police Department, 2009).

These models should assist law enforcement agencies, particularly those classified as major metropolitan agencies, to evaluate their management priorities as they relate to risk management and risk reduction strategies.

Lastly, the implementation of sophisticated management strategies are critically important in today's law enforcement and public safety environments. Without a proactive approach to resource management, most agencies are almost doomed from the beginning. They must ensure their visions capture the importance of accountability and performance measures within an organizational framework and within the context of community-based policing. The citizens demand fair and equitable treatment and expect the police to be held accountable for their actions. The 21st century has ushered in a new era for American law enforcement. The principles of social involvement and accountability are at the very center of this new era. Risk management strategies will help ensure there are enhancements in accountability and responsibility among law enforcement agencies and their members.

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Ethnic Differences in Violent Crime Experience

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Introduction

Approximately 13 million people (nearly 5% of the U.S. population) are victims of crime every year. Approximately one and a half million are victims of violent crime. The General Assembly of the United Nations (1999) defines *victims* as "persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are violations of national criminal laws" (p. iii). Statistics provided in *2008 Crime in the United States* (FBI, 2008) include the following:

- An estimated 1,382,012 violent crimes occurred nationwide in 2008.
  - There were an estimated 454.5 violent crimes per 100,000 inhabitants in 2008.
  - When data for 2006 and 2005 were compared, the estimated volume of violent crime increased 1.9%. The five-year trend (2006 compared with 2002) indicated that violent crime decreased by 0.4%. For the ten-year trend (2006 compared with 1997), violent crime fell 13.3%.
- Aggravated assault accounted for the majority of violent crimes: 60.4%. Robbery accounted for 32.0% and forcible rape accounted for 6.4%. Murder, the least committed violent offense, made up 1.2% of violent crimes in 2008.
  - In 2008, firearms were used in 66.9% of the nation's murders, in 43.5% of the robbery offenses, and in 21.4% of the aggravated assaults. (Weapon data are not collected for forcible rape offenses.)
  - In 2008, there were an estimated 89,000 forcible rapes reported to law enforcement.
- An estimated 16,272 persons were murdered nationwide in 2008.
  - Murder constituted 1.2% of the overall estimated number of violent crimes in 2006.
  - There were an estimated 5.4 murders per 100,000 inhabitants.

Because of the number of crimes and the violent nature of those crimes, growing numbers of men and women are faced with having to adapt to the mental, physical, and emotional consequences associated with being a victim of a crime. There is consistent support in the literature indicating the deleterious effect that prior victimization has on the psychological trauma experienced by victims (Achilles & Zehr, 2001; Green & Diaz, 2007; Green, Streeter, & Pomeroy, 2005; Lurigio & Resick, 1990). Additionally, the seriousness of the crime has been shown to be positively correlated with the victim's psychological distress such as helplessness, powerlessness, and vulnerability (Weaver, 1995). Green et al. (2005) noted that victims experience crime differently with low to high distress. They observed

that the high distress group was significantly more likely to be composed of female victims, personal crime victims, victims of violent offenses, and victims and offenders who were family members or well-known to each other. While these studies indicate that understanding the role of stress and coping is vital to practitioners involved with victims of crime, it still seems unclear about the role of ethnicity.

According to the FBI's (2008) *Uniform Crime Reports*, in 2006, about 50% of murder victims were African Americans. In 2008, the rate of violent victimization against African Americans was 26 per 1,000 persons age 12 or older; for Caucasians, 18 per 1,000; and for persons of other races, 15 per 1,000. African Americans were victims of rape/sexual assault, robbery, and aggravated assault at rates higher than those for Caucasians. To understand these statistics, we have to keep in mind that African Americans are more than twice as likely as Caucasians to live in a central city within a metropolitan area and three times as likely as whites to live in poverty. In addition, during 2008, Hispanic persons were victims of about 565,000 crimes of violence: rape/sexual assault, robbery, or aggravated or simple assault.

Studies identify the struggles with the crosscultural challenges that frequently arise in criminal justice, including racial profiling, disproportionate minority incarceration, or culturally defined responses to criminal behavior (Foscarinis, 1996; Freudenberg, 2001; Jacobson, 2005; Lamberti, Weisman, & Faden, 2004). However, while studies appear to focus on how to respond to offenders with various cultural backgrounds, what seems to be lacking in the literature is the exploration of the role of ethnicity on one's experience of a crime—the experiences of the victims with various cultural backgrounds. Ogawa (1990) stated,

> The effectiveness of counseling for minority victims of crime can only derive from the cultural appropriateness of the treatment being offered. There must be a correspondence between how the victim identifies the most important aspects of a crime's impact and how these are addressed. (p. 253)

There is a rich discussion on the meaning and achievement of cultural competence in the social work literature (Cross, Bazron, Dennis, & Isaacs, 1989; Lum, 2007; Robbins, Chatterjee, & Canda, 2006; Schaffer, 2003; Weaver, 2004). While three critical aspects of cultural competence—knowledge, skills, and values of practitioners—are identified in the discussions, scholars emphasized the importance of recognizing a client's culture (i.e., in this case, a victim's culture) and its influence on the helping process to be able to provide culturally congruent services (Green, 1999; Mason, Benjamin, & Lewis, 1996; Ronnau, 1994). According to the National Organization for Victims Assistance, several issues should be considered in the provision of culturally competent victim services: the role of the family, community values, gender roles, death perceptions and attitudes, migration and immigration experiences, religious and spiritual beliefs, education and employment, language, and level of assimilation (Green et al., 2005).

It is important for law enforcement and victim service providers to become culturally competent and aware of social diversity in the provision of services to victims of crime.

Method

This study investigated the stress and coping process for crime victims from an integrated theoretical perspective. The theoretical framework for the study is guided by Lazarus and Folkman's (1984) stress and coping theory grounded in an overarching systems theory. The stress and coping process for victims of crime includes the examination of the victims' appraisal, social support systems, levels of distress experienced, coping strategies used, and subjective well-being.

Participants

Participants in this study were violent crime victims who included individuals encountering the crime event or an individual within the immediate family for crimes of homicide. Participants were adult individuals (18 years or older) who were connected to the following crime(s) that were reported to FBI (2008) *Uniform Crime Reports* by a County Sheriff's office in the incident report: homicide, assault, aggravated assault, sexual assault, aggravated sexual assault, elder abuse, manslaughter, intoxication manslaughter, aggravated robbery, family violence, and intoxication assault. A nonprobability purposive sampling strategy was used.

Measurement

Well-Being

Subjective well-being was measured utilizing the Mental, Physical and Spiritual Well-Being Scale developed by Vella-Broderick (1994) and Vella-Broderick and Allen (1995). This is a 30-item scale that measures overall well-being through the incorporation of mental, physical, and spiritual subscales. Each response set ranges from 5 to 50, with higher scores indicating greater well-being. Over a one-month interval, the Mental subscale has a test-retest reliability of 0.94, the Physical subscale has a test-retest reliability of 0.81, and the Spiritual subscale has a test-retest reliability of 0.97. Coefficient alphas are 0.75, 0.81, and 0.85, respectively.

Coping

Lazarus and Folkman's (1984) intra-individual approach was used to assess coping strategies using the Coping Inventory for Stressful Situations: Situation Specific Coping (CISS:SSC) (Endler, 1988; Endler & Parker, 1988). The CISS:SSC is a 21-item, self-report instrument measuring problem-focused coping, emotion-focused coping, and avoidance-oriented coping. Internal consistency for the task-oriented, emotion-oriented, and avoidance-oriented coping scales was 0.88, 0.89, and 0.82, respectively. Test-retest reliability over a six-week period was 0.72, 0.70, and 0.59 for these same scales.

Social Support

Social support was assessed using a 24-item scale developed by Kaniasty (1988) and Kaniasty and Norris (1992) for use with victims of crime that was developed based on the Inventory of Socially Supportive Behaviors (Barrera, Sandler, & Ramsay, 1981). Alpha coefficients have been reported to range from 0.58 to 0.80, and test-

retest coefficients range from 0.46 to 0.65 over a four-week period (Kaniasty & Norris, 1992). The scale evaluates emotional, tangible, and informational help.

Depression

Depression was measured using the compilation of scores on the Center for Epidemiological Studies–Depressed Mood Scale (CES-D) (Radloff, 1996). The CES-D is a 20-item scale which assesses mood and level of overall functioning during the last week; coefficient alphas range from 0.81 to 0.89.

Post Traumatic Stress

The Impact of Events Scale (IES) (Zilberg, Weiss, & Horowitz, 1982) was used to operationalize post traumatic stress. The IES is a 15-item self-report scale which measures emotional reactions, specifically avoidance and intrusion following a traumatic event such as crime. Split-half reliability for the scale has been reported at 0.86. Internal consistency of the subscales has been reported ranging from 0.79 to 0.92, with the average for the avoidance component reported at 0.86 and the average for the intrusion component reported at 0.90 (Horowitz, Wilner, & Alvarez, 1979).

Anger

Anger was assessed with the State-Trait Anger Expression Inventory (STAXI) (Spielberger, 1983). The S-anger scale consists of a 20-item, 4-point, Likert scale. Based on studies of general medical and surgical patients ($n = 913$), prison inmates ($n = 563$), and military recruits ($n = 1,868$), the alpha coefficients have been reported at 0.93. The STAXI has demonstrated convergent construct validity as evidenced by reported correlations of this scale ranging from 0.88 to 0.91 with other anger and personality scales (Spielberger, 1996).

Data Analysis

Preliminary analysis of the data consisted of basic descriptive statistics. Chi-square and one-way analysis of variance were conducted to identify differences between ethnicity, which could account for any differences found in the analysis of the common effects of victimization. Descriptive statistics also allowed for a preliminary examination of underlying assumptions for multivariate techniques.

Multiple Analysis of Variance (MANOVA) was used to answer the research question "Does culture affect one's experience of crime?" Statistical significance was found with the MANOVA procedure; therefore, to control for the experiment-wide error rate, univariate analyses were performed to analyze the individual independent variables.

Findings

Demographic Characteristics

The sample from the study was composed of 88 victims of violent crime. Table 1 presents demographic data on the sample of victims. For the sake of analysis,

the two minority groups—African Americans and Hispanics—were combined; the groups needed to be more even and there was no significant difference found between all of the cultures. Consequently, this study examined the role of ethnicity in one's experience of crime between two major ethnic groups in the United States: African Americans/Hispanics vs. Caucasians.

Table 1. Demographic Information

Variable	Frequency	Percentage
Gender		
Male	30	34.1
Female	58	65.9
Ethnicity		
Caucasian	49	55.7
African American/Hispanic	39	44.3
Marital Status		
Married	43	48.9
Divorced	11	12.5
Widowed	5	5.7
Separated	2	2.3
Never Married	27	30.7
Prior Crime		
Yes	29	33.0
No	59	67.0

Results of MANOVA

The multivariate analysis of variance established that there were significantly different overall main effects between ethnicity. Following this procedure, subsequent ANOVAs were performed on each dependent variable. Table 2 and Figure 1 present the means and standard deviations for the variables in the study. Minority victims had a higher mean score on social support. There was a statistically significant difference between the two groups.

Table 2. Means and Standard Deviations

	Caucasian Crime Victims	African American/Hispanic Crime Victims
Social Support*		
Mean	51	57
Standard Deviation	6.40	7.16
Appraisal**		
Mean	3.89	3.13
Standard Deviation	1.00	1.09
CESD-Depression***		
Mean	45	58
Standard Deviation	12.73	12.02
IES-PTSD****		
Mean	33	41
Standard Deviation	9.36	8.31
STAXI-Anger******		
Mean	22	17
Standard Deviation	6.93	5.61
Emotion-Focused Coping********		
Mean	23	34
Standard Deviation	5.85	5.71
Problem-Focused Coping*********		
Mean	25	14
Standard Deviation	6.10	5.40
Spiritual Well-Being***********		
Mean	24	31
Standard Deviation	2.49	2.11

*	ANOVA results	$F = 6.31$; df = 1, 87; $p < 0.05$
**	ANOVA results	$F = 2.56$; df = 1, 87; $p < 0.002$
***	ANOVA results	$F = 1.67$; df = 1, 87; $p < 0.01$
****	ANOVA results	$F = 3.56$; df = 1, 87; $p < 0.005$
*****	ANOVA results	$F = 1.23$; df = 1, 87; $p < 0.05$
******	ANOVA results	$F = 1.58$; df = 1, 87; $p < 0.01$
*******	ANOVA results	$F = 1.87$; df = 1, 87; $p < 0.05$
********	ANOVA results	$F = 1.24$; df = 1, 87; $p < 0.01$

Figure 1
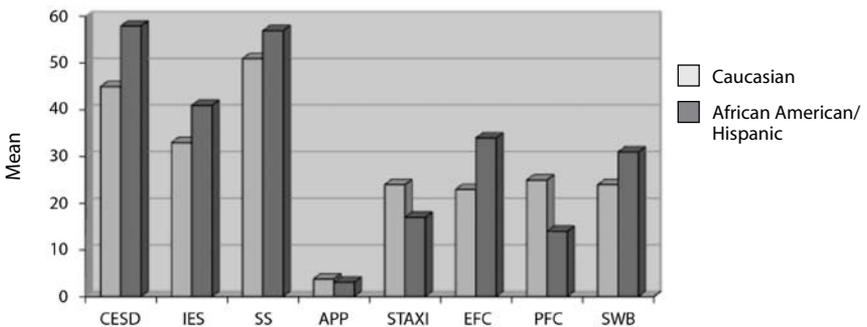
It was expected that there would be an overall difference in levels of distress experienced. A significant difference was found as expected between Caucasians and African Americans/Hispanics on the measure of traumatic stress. Interestingly, the partial Eta^2 correlation was 0.29, indicating that 29% of the variance in distress is attributed to the ethnicity.

Additionally, a significant difference was found between ethnicity on the measure of anger. Caucasians had higher levels of anger than African Americans and Hispanics. Means and standard deviations for measures of coping are presented. While differences were found on two measures of coping—(1) emotion-focused coping and (2) problem-focused coping—African American and Hispanic crime victims reported using emotion-focused coping more often than Caucasians, while Caucasians reported using problem-focused coping more often.

Spiritual well-being was the only measure that revealed a statistically significant difference between the two groups with 8% of the variance in spiritual well-being being attributed. Caucasians reported a more positive appraisal of the crime event than African Americans and Hispanics. Additionally, there was a significant difference in levels of depression, with African Americans and Hispanics reporting higher levels.

Discussion

The findings from this study suggest that race plays a role in significantly different experiences in the initial aftermath of the crime event. As expected, significant differences were found on all three measures of distress. While minority victims tended to use emotion-focused coping, Caucasians tended to use problem-focused coping. Violent crime victims often experience a sense of a loss of control and, consequently, utilize problem-focused coping less often than victims of nonviolent crime. Perhaps minorities feel that there is little hope in receiving help in the aftermath of experiencing a crime as compared to what Caucasians expect to receive. A significant difference was found on measures of spiritual well-being, but no significant difference was found on physical well-being. One possible reason for this finding could be that the measure did not capture the immediate physical impairment that a victim might experience but, instead, captured the general "health" of an individual. One reason for the difference found on the measure of spiritual well-being may be that people in general have the assumption that the world is a benevolent place (Janoff-Bulman, 1992). When encountering a crime, this assumption is often challenged.

Conclusion

The needs and stresses confronting victims of crime are complex and often overwhelming. Social, cultural, and economic conditions have significant and measurable effects on violence in the United States. One result is a growing awareness of the demands of services needed by victims of crime, including social work services. Social workers should develop treatment interventions for victims of crime that discourage feelings of helplessness and encourage feelings of confidence and hopefulness. Social work interventions that incorporate the strengths perspective could provide victims with a sense of empowerment, reduce fear and anger, and engage victims in the recovery process. The loss of control

and helplessness experienced by many victims of crime can be ameliorated by reframing the recovery experience as a heroic effort on the part of the victim and family. Additionally, interventions based on the restorative justice paradigm also indicate positive impacts related to empowerment of crime victims; victims are more likely to report feeling less fearful of revictimization and view the process as a journey of healing (Bazemore & Schiff, 2005; Umbreit, Coates, & Vos, 2002; Umbreit & Vos, 2000; Umbreit, Vos, & Coates, 2005). However, given the lack of research on victims of violent crimes and ethnic difference, more research is needed.

This study has attempted to add to the body of research on victims and on the stress and coping process through the examination of a well-established coping model with one modification, the use of well-being as an outcome. While offenders remain a focus of research, victims must begin to become a prominent focus of research as our society continues to experience the effects of violence and how costly these effects are to society. Society needs to acknowledge and examine the whole concept of victimization. Although there is a limitation to generalizing the findings, the results of this study provide a new direction in an approach to stress and coping research with victims of crime by adding the role of ethnicity in one's experience of crime; an intervention should be designed with cultural sensitivity in mind to lower levels of distress and to increase levels of well-being

A key issue involves a fuller understanding of the dynamic relationships among the variables in the current framework. Social support and coping theories need to incorporate longitudinal research designs that encompass the complexity of the interpersonal, intrapersonal, and situational factors associated with well-being; the role of ethnicity is one of them. More research is needed on how different types of coping and social resources influence each other, levels of distress experienced, and ultimately, the importance of well-being throughout the recovery process and over time. Equally important, the dialogue on victimization and the different experiences among various ethnic groups should be encouraged to promote a culturally competent approach for victims of violent crimes. Each victim will travel at his or her own unique speed and will navigate using the tools provided by culture, experience, and faith. In the end, victims will be forever changed by their journey.

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Racism and Race-Based Traumatic Stress: Toward New Legal and Clinical Standards

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Psychology has shaped and influenced the law in a variety of societal domains (Barrett & George, 2005; Roesch, Hart, & Ogloff, 1999; Sales & VandenBos, 1994; Scheirer & Hammonds, 1982). In several societal domains, psychologists have provided research and interpretations of research that have been used to shape and guide existing law and legislation. The domains include family law, education, criminal justice, forensic assessment, business industry, civil rights, employment rights, and so forth (Barrett & George, 2005; Roesch et al., 1999; Wang, 2006).

Much of the race-related civil rights law in education and employment has been influenced by psychological science (Goodman-Delahunty, 1999; Wang, 2006). For instance, in the domain of race-related public policy in education, Kenneth Clark, a Black psychologist, played a significant role in the *Brown v. Board of Education* (1954) Supreme Court decision by testifying about the psychological effects on Black children of the then separate school systems (see Bell, 2000). His testimony, along with other factors, assisted the court in the decision that prohibited legal segregation in schools in the United States. Psychologists have also helped identify subtle practices in various settings (e.g., school, work, home) that have been shown to have psychological and emotional effects. Much of the existing racial law involving psychology has focused on various aspects of racial discrimination (Barrett & George, 2005).

One purpose of the paper is to discuss the psychological and emotional effects of racism in the form of racial discrimination and harassment on People of Color. We will distinguish between two types of racism and will argue for a distinction that does not currently exist in the law (Bell, 2000). In current legal practice and public policy, racial harassment is a form of racial discrimination. We will integrate psychological models and research on race and trauma with legal policy to advance the cause of racial justice. It is our contention that a major contributing factor to the problem of racial injustice is a failure to clearly understand the emotional, physical, and psychological effects of chronic racism on its targets or victims as well as its perpetrators (Carter, 2007; Carter & Forsyth, 2009). The new paradigms that we propose have workplace application as well as affirmative action in education and criminal justice issues. We contend that targets of racial injustice suffer physical and psychological harm in the form of stress and other symptoms as a consequence of chronic and persistent racism (Carter, 2006; Williams, Neighbors, & Jackson, 2003). Furthermore, it is clear that for many people, *racism* has become a broad and indistinct term with shifting meaning. We believe that in order to create a new paradigm that will contribute to reducing entrenched racial injustice, it is necessary to unpack or deconstruct racism (Carter, 2007). Therefore, we offer a way to specify aspects of racism by distinguishing between racial discrimination and racial harassment in order to (1) facilitate recognition by targets and others of systematic, overt, subtle, and unconscious forms of racism; (2) guide analysis of court cases and

chart new strategies; and (3) study and gain a more accurate understanding of the perceptions of both targets of racism with claims and complaints and those who work on their behalf or participate in the legal process.

Another purpose is to discuss some of the current and historical factors that we think contribute to the lack of attention in psychological and legal scholarship given to race-based stress, its causes, and its effects. Lastly, we show that racism is a stressor and, as a stressor, it has psychological and emotional effects that harm its targets (Williams & Mohammed, 2009). The stress of racism in the form of discrimination and harassment is not currently recognized in psychology or psychiatric diagnostic systems (Carter & Forsyth, 2009).

Unpacking Racism

We have noted that racial discrimination can be distinguished from racial harassment when *racial discrimination* is a form of *averse or avoidant racism* (Carter, 2007; Carter & Helms, 2002). It is defined as behaviors, actions, policies, and strategies that have the intended or accidental effects of maintaining distance or minimizing contact between members of the dominant racial group and members of nondominant racial groups (Darity, 2003; Feagin & McKinney, 2003; Klonoff & Landrine 1999). Racial harassment, on the other hand, is related but different. It is defined as a form of *dominative* or *hostile racism* that involves actions, strategies, and policies that are intended to communicate or make salient the target's subordinate or inferior status due to his or her membership in a nondominant racial group (Carter, Forsyth, Williams, & Mazzula, 2007; Carter & Helms, 2002; Feagin & McKinney, 2003; Jones, 1997; Kovel, 1970).

Racial harassment is often characterized by active race-based hostility, which might include the commission of or implied or actual institutional permission to commit flagrant acts of racism. It might also occur as a form of pressure to "fall into line" with institutional racial policies as a condition of continued employment, education, or social participation (i.e., *quid pro quo*). The distinctions are important for both legal and mental health professionals because both may be consulted by targets for legal or psychological relief (Carter & Forsyth, 2009).

When a person experiences racial discrimination or harassment, he or she can seek a legal remedy. Many people subjugated to discrimination or harassment may first present to a psychologist or helping professional for relief from the symptoms associated with their experiences. In other instances, they may consult an attorney to explore their options for redress. The attorney then might solicit psychological or psychiatric assessments of the person's psychological/emotional state as it relates to his or her experience of racial discrimination or harassment.

Carter and Forsyth (2009) noted that in the legal and psychiatric literature, there isn't much written that is specifically focused on describing the psychological symptoms of racial discrimination or harassment. They reported five studies that addressed racism in the psychiatric literature. The lack of attention to the psychological and emotional consequences to racism is curious given the facts that (1) sexual harassment and discrimination have received considerable attention in the legal and psychological literature, and (2) the legal and psychological foundation for discrimination law were derived from the Civil Rights Act of 1964 (Chew & Kelly, 2006).

The Role of Psychology and the Law in Societal Racism

One way to make sense of the differential treatment of race and sex discrimination in the law and psychology is through an understanding of the history of race. We believe that race and sex are treated differently in psychology, the law, and society because of the complex interaction between race and American legislative history and its prior legal status (Bell, 2000; Guthrie, 2004).

Psychology as a discipline generated racial classification studies to help support social and scientific beliefs in the inferior status and cultural deprivation of non-white people (Carter, 1995; Guthrie, 2004: Thomas & Sillen, 1972). Thus, psychology and other mental health disciplines colluded with shaping racial law and social custom. Laws and legislative acts were central and essential in establishing race as a basis of social, legal, economic, and political difference in the Colonies and the nation (Bell, 2000; Crenshaw, Gotanda, Peller, & Thomas, 1995). Said another way, the groups and disciplines that today may be approached for relief from racial discrimination and/or harassment are the same ones that established, sanctioned, and promoted racism in our society (Feagin & McKinney, 2003).

Historical Developments in Race and the Law

Europeans employing rights presumed to exist in international law transported Africans as slaves or property starting in the 1500s to the Caribbean Islands. By 1600, it is estimated that Europeans and American colonists held a half million Africans as property with no legal rights as people in the Western Hemisphere (Stampp, 1956). It is believed that between 1619 and 1640 when Africans entered the North American Colonies, unlike Europeans who were often indentured servants with contractual rights, law and custom designated the majority of Africans and their descendants as lifelong servants (Dodson, 2002). Thus, racism was embedded in the structure of our society from its beginning. Racial harassment and discrimination evolved as socially approved forms of systemic racism.

Psychology and other social sciences documented and supported systemic racism and the idea that People of Color were inferior or culturally deprived (Carter, 1995; Gould, 1981; Guthrie, 2004). Carter (1995) described how various psychological scholars and theorists have and continue to contribute to beliefs that racial differences were and are equivalent to inferiority or cultural deprivation for nondominant racial group members' beliefs that are still prevalent today (see Carter, 2006). Thus, there are significant barriers and obstacles for psychologists and lawyers as they try to address, litigate, understand, or assess a Person of Color's experience of stress-related trauma arising from racial discrimination or harassment (Butts, 2002; Carter & Forsyth, 2009; Feagin & McKinney, 2003).

The history of race in our legal codes and social traditions affects how citizens, lawyers, and psychologists understand race. Race is socially constructed and, therefore, is defined by rules, customs, and expectations. As a consequence, people often are forced to conform to their assigned racial roles or be subject to racial harassment and discrimination for violating the rules that govern race relations (i.e., Whites who protested with Blacks during the Civil Rights era were beaten and killed; Appiah & Gates, 1999). Because these forms of socialization are so much a part of U.S. life and history, it seems reasonable that understanding the psychological

and emotional impact and injury from race-based stress and trauma would not be easily understood by lawyers and psychologists. To aid in the development of a greater understanding of race-based traumatic stress, an overview of laws and legislative acts passed to reduce racial injustice and to provide legal and civil rights to former slaves will be presented. This overview will show the persistence of racial injustice over time in the face of efforts to prohibit racial discrimination and harassment. Following the discussion of the legal history, the psychiatric and psychological nomenclature associated with race-based stress and trauma will be described and the harm and injury experienced by the individuals who are or have been targets of racial discrimination and/or harassment will be discussed.

The Laws Regarding Racial Discrimination and Harassment

There have been several legislative and administrative efforts to prohibit the type of racial injustice that was legal prior to the abolition of slavery. Prior to 1865, in general, neither slaves nor free Blacks could enter into contracts, free Blacks who worked had few if any rights, and neither had protection from physical or any other form of abuse. The Civil Rights Act of 1866 was created to implement the 13th Amendment of the Constitution. It granted all persons (especially former slaves) the same right, in private and public sectors, to "make and enforce contracts . . . as is enjoyed by white citizens" (Bell, 2000, p. 56).

The Civil Rights Act of 1866 was followed by the Civil Rights Act of 1871, which was passed to implement provisions of the 14th Amendment of the Constitution. The 14th Amendment extended equal protection from discrimination and granted citizenship to all Blacks and People of Color. Nevertheless, segregation and racial bias continued both through law and custom. For instance, *Plessy v. Ferguson* (1896) was a Supreme Court decision that upheld segregation in the South (Bell, 2000).

An effort to dismantle racial segregation occurred in the mid-20th century when in 1941 Executive Order 8802 was issued by President Roosevelt. Executive Order 8802 outlawed racial discrimination and segregation in the government and defense industries. The order was given, in part, to aid in the war effort. However, racism and discrimination remained core features of the country and, in spite of the legal prohibitions, social and economic access and opportunity were still denied to the majority of Blacks and other Americans of Color, in part due to the fact that states established laws after Reconstruction to limit the rights of Blacks and other Americans of Color. Racial segregation and discrimination continued throughout the 19th and early 20th centuries (Packard, 2002).

Social and political activism on the part of Blacks and Whites several decades later led to the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. The Acts prohibited segregation in public accommodations, assured the right to vote, and again made employment discrimination illegal. The 1964 Act provided legal options for those who were targets of racial discrimination, and a large number of legal claims were filed seeking relief from racial discrimination (Chew & Kelly, 2006).

However, over time, the Supreme Court limited the nature of remedy and narrowed legal interpretations of how plaintiffs could claim and prove racial discrimination. The Court permitted defendants what has been called the same decision or business necessity defense as a non-racial explanation to refute charges

of racial discrimination even when such actions could have had a racially biased effect (Bell, 2000). The Civil Rights Act of 1991 was passed, in part, in response to court decisions that limited legal redress provided by Title VII of the 1964 Civil Rights Act. The changes in the 1991 Civil Rights Act allowed for the provision of jury trials and attorney fees, but at the same time capped the amount that could be awarded for punitive damages. It did not restrict awards for compensatory and punitive damages for findings of intentional racial discrimination, however. As Bell (2000) noted, "[T]he 1991 Civil Rights Act reformulated standards of federal discrimination law that had been the subject of seven recent decisions of the United States Supreme Court, which had made it more difficult for employee plaintiffs to plead, prove, [or] recover for unlawful employment discrimination" (p. 807).

The Civil Rights Act of 1964 is known for its provisions associated with racial discrimination; however, there are a few things that we think are noteworthy about the laws described above, in particular, the Civil Rights Act of 1964: (1) the Civil Rights statute did not specifically define what constituted discrimination; (2) the statute did note specifically define race; and (3) Title VII, which was written to prohibit discrimination in employment, did not use or identify harassment in the statute. Thus, core notions (i.e., race, discrimination, harassment) that were the foundation of the laws were vague and undefined. The notions of harassment in the workplace or a hostile environment were not specified until the 1970s.

A racially hostile work environment was first recognized in 1972 as discrimination under Title VII in *Rogers v. EEOC* (Buff, 1995; Chew & Kelly, 2006). In 1972, the Court of Appeals for the Fifth Circuit found that it was possible for work environments to reinforce the (racial) stereotypes Congress intended to eliminate. For instance, Blacks had been and continue to be perceived and stereotyped as hostile, lazy, unintelligent, and angry.

According to Buff (1995) and Chew and Kelly (2006), the notion of a hostile work environment or harassment was extended to "sex" discrimination in 1982 in *Hensen v. City of Dundee*. In both 1972's *Rogers v. EEOC* and 1982's *Henson v. City of Dundee*, the courts took the view that psychological well-being is a term, condition, and a privilege of employment for women and men regardless of race.

Legal Liability and Psychological Injury

Even though laws prohibiting racial discrimination and harassment pre-date laws prohibiting sexual discrimination and hostile work environment claims, the standards and remedies for each type of discrimination have been different. Feagin and McKinney (2003) note, "[A]lthough the idea of a 'hostile work environment' originally extended from racial discrimination cases to sex discrimination cases, the courts have only occasionally accepted the kind of evidence to demonstrate a hostile racial climate that they accept to demonstrate a hostile sexual climate" (p. 204).

For instance, when sexual harassment is claimed, whether the perpetrator intended to harass the defendant is less of an issue. However, in the case of racial harassment, the plaintiff has the burden of establishing liability by proving that the defendant's actions were intentionally discriminatory. Thus, liability is somewhat more difficult to establish in racial discrimination and harassment claims (Bell, 2000; Chew & Kelly, 2006; Feagin & McKinney, 2003).

With regard to the issue of damages, the types of psychological harm in the case of racial harassment and discrimination is less obvious. For example, many organizations have set clear guidelines and policies regarding sexual harassment in terms of what it is and how to file claims within the organization. Similar policies and guidelines are less often available for racial harassment and discrimination (Carter & Forsyth, 2009). The differences between race and sexual harassment might exist because people have more direct experiences with gender interactions than with racial interactions. We are and have been separated by race, and we interact less often in our social and work lives than is the case for gender interactions. Therefore, the task of the plaintiff in securing legal redress for psychological injury due to racial harassment (e.g., hostile environment) or discrimination in work and education settings is more difficult since it must be demonstrated that the psychological symptoms resulting from the harassment or discrimination are severe enough to merit compensation (Chew & Kelly, 2006). This is a daunting task since there is less acknowledgement about race and racism in our daily lives and because of the contradictory attitudes and perceptions about race held by Whites, Blacks, and People of Color (Dovidio, Gaertner, Kawakami, & Hodson, 2002).

The legal standard requires that the harassment exceed the levels of what would be expected by a "reasonable person" (Buff, 1995; Chew & Kelly, 2006). However, when one considers the different histories of racial and gender groups in law, custom, and social practice, then the "reasonable person" involved might have quite different experiences and perceptions in judging whether an injury or damage has occurred. Virtually all people have the experience of being treated as a man or as a woman, but only a "racial minority" has the experience of being treated unfairly due to one's race.

Racism as a Stressor

For its targets, racial discrimination and harassment are stressors that for many lead to negative psychological and emotional outcomes (Brondolo, Brady ver Halen, Pencille, Beatty, & Contrada, 2009; Clark, Anderson, Clark, & Williams, 1999; Williams & Mohammed, 2009). Yet, when a person struggles with the experience of racial harassment or discrimination, the impact of their experience is harder to accept due to its subtle and socially accepted nature (Brondolo et al., 2009). Guyll, Matthews, and Bromberger (2001), in their study of discrimination and health, found that for Blacks women, "the experience of subtle mistreatment (discrimination) was positively related to cardiovascular reactivity, but the experience of blatant mistreatment was not" (p. 322). Moreover, many acts of racial aggression communicated through institutional or cultural practice or procedures have been and are easily explained away or dismissed. Butts (2002) put it this way: "Knowledge of the impact of racism on the psyches of African-Americans is limited by . . . the tendency among European-Americans to deny, minimize, and rationalize the existence of racism; the tendency among European-Americans to ascribe inferior status to African-Americans; [and] the application of many stereotypes and myths to African-Americans that serve to have them viewed as non-responsive to human influences" (p. 336).

The psychological and emotional reactions or impacts of racial discrimination and/or harassment are similar to the experience of other forms of psychological stress. Kessler, Mickelson, and Williams (1999) found that the relationship between discrimination and mental health was similar to that of other stressors. They note,

"discrimination is among the most important of all the stressful experiences that have been implicated as causes of mental health problems" (p. 224). Researchers have noted some differences between chronic (cumulative, long-term) and acute (short-term, singular) events of discrimination. Clark et al. (1999) also pointed out that

> there is a tendency to discount reports of racism simply because they involve a subjective component. Such a tendency to discount perceptions of racism as stressful is inconsistent with the stress literature which highlights the importance of the appraisal process. . . . [T]he perception of demands as stressful is more important in initiating stress responses than objective demands that may or may not be perceived as stressful. . . . With this in mind, the initiation of psychological stress responses as a result of perceiving environmental stimuli as involving racism would qualify [race-based] stimuli as stressors. (p. 810)

Researchers have found relationships between the experience of racial discrimination and a number of behavioral and emotional reactions; some are severe as noted above. The emotional reactions have been anger, use of alcohol, historic loss, anxiety, depression, posttraumatic stress disorder (PTSD), and somatization in Asians, Asian American war veterans, African Americans, Latinos, and American Indians. Researchers have also shown that People of Color who experience acts of racial discrimination and have had hostile encounters with Whites report such incidents as painful, damaging, and distressful. Racial stressors also have physical manifestations due to discrimination or perceived stress such as high blood pressure, heart disease, decreases in immune functioning, and increased vulnerability to an array of health outcomes (Araujo & Borrell, 2006; Gee, Spencer, Chen, Yip, & Takeuchi, 2007; Klonoff, Landrine, & Ullman, 1999; Loo et al, 2001; Mossakowski, 2003; Prelow, Mosher, & Bowman, 2006; Sellers, Copeland-Linder, Martin, & Lewis, 2006; Whitbeck, Chen, Hoyt, & Adams, 2004; Whitbeck, McMorris, Hoyt, Stubben, & LaFramboise, 2002; Williams & Mohammed, 2009).

Sanders Thompson (1996), in a study of 200 adults, found that one third of her sample reported an experience with racism within the last six months. Respondents reported subjective distress, accompanied by intrusive thoughts and avoidance behavior. Other investigators (Kessler et al., 1999; Sanders Thompson, 2006; Williams et al., 2003) have reported that psychological distress, generalized anxiety, and major depression were associated with the stress of acute and chronic discrimination.

In the case of race-based trauma, stress, fear, and helplessness typically are pervasive but may not be openly shared because the experience of stress related to harassment and discrimination at work or in seeking employment is a threat to one's life, family, and well-being (Carter, Forsyth, Mazzula, & Williams, 2005). For instance, Klonoff and Landrine (1999) studied 520 Blacks' experiences and appraisals of stress associated with racist events. They found that 96% of the participants reported an experience of racial discrimination in the past year that left them feeling stressed. Thus, it is possible to conclude that more extreme types of effects may be apparent in people who manifest symptoms of race-based traumatic stress. According to Klonoff and Landrine, "The events considered most stressful were: (a) being discriminated against by one's employer, (b) being called a racist name, (c) feeling angry about something racist that happened, (d) being accused or suspected of wrong doing, and (e) wanting to tell someone off for being racist but saying nothing" (p. 236). Many of the racist events could and often do occur while looking for employment or at the workplace.

There is evidence that race-based traumatic stress produces symptoms of PTSD, but it may not meet the full range of criteria to merit a PTSD diagnosis (see Carter, 2007; Carter & Forsyth, 2009). The *DSM IV-TR* (American Psychiatric Association [APA], 2000) describes PTSD criteria in the following manner: "[T]he person experienced, witnessed, or was confronted with an event or events, that involve actual or threatened death or serious injury, or a threat to the physical integrity of self or others" (p. 4670). In the case of race-based traumatic stress, racism may threaten the person's physical safety both in the present and vicariously through shared in-group experiences (e.g., being lynched, shot, beaten, fired from work, having your home bombed or burned, etc.), yet the core reaction is emotional pain not physical threat that leads to related symptoms of arousal, withdrawal, and intrusion, providing the experience was out of the person's control and sudden (Carter, 2007).

Psychology as a discipline participated in racial oppression and has been slow to recognize in theory and research the role of racial and cultural features of psychological and emotional health and disturbance (Carter, 1995; Guthrie, 2004; Helms & Cook, 1999). Thus, psychological and psychiatric diagnostic criteria do not include consideration of the nuances that accompany the experience of race-based traumatic stress or racial trauma (Butts, 2002).

Race-Based Traumatic Stress: Psychological and Legal Issues

In fact, for the first time, there are more references to cultural factors in the *DSM-IV-TR* (APA, 2000) then there have been in past editions of the diagnostic manual. Even with some cultural information in the manual and the list of cultural symptoms in the appendix, little guidance is provided about the unique experience of racial-cultural (i.e., African, Latino, Asian, and Native American) groups in the United States. Further, even with the inclusion of some references to culture, there is no reference to the experience of racism (Scurfield & Mackey, 2001) in *DSM-IV-TR*, and only once is the word "discrimination" used in regard to problems in the social environment (p. 31).

There are diagnoses that include environmental stressors, yet of the various stressors listed for the three disorders—Acute Stress, Adjustment Reaction, and Post-Traumatic Stress Disorder—none include any reference to racism as a stressor. Two categories—Acute Stress and PTSD—have about 36 stressors listed, and Adjustment Reaction has about 16 stressors listed. None include race-based traumatic stressors.

Although it appears that race-based traumatic stress may share some of the symptoms of the *DSM-IV-TR* stress disorders (e.g., PTSD, adjustments reaction), most of the *DSM-IV-TR* diagnoses do not quite match the etiology or symptom manifestations of persons experiencing race-based traumatic stress. Some areas of incongruence are as follows:

- Racial harassment or discrimination may involve a sudden shocking racial experience that elicits anxiety reactions.
- It may also be a form of ongoing physical and/or race-related psychological torture. Typically, the psychological abuse or assault may involve one encounter, but often it is repeated or prolonged.
- Racial discrimination and harassment may be communicated indirectly or by use of symbols or coded language (Delgado, 1982: Feagin & McKinney, 2003).

Feagin and McKinney (2003) report that in 1996 a federal Appeals Court found that Whites' use of language such as "another one," "one of them," and "poor people" in reference to Blacks constituted racially coded and discriminatory language that created a hostile work environment. In a society characterized by racism, such as in the U.S., a symbolic language (verbal and nonverbal) exists for communicating danger to subordinated racial group members. For instance, Feagin, Vera, and Batur (2001) reported that "[o]ne of the [B]lack employees of Shell said that his manager pointed out that Shell does not have a good record of promoting [B]lacks and added that he had 'shackles around his ankles' because he was [B]lack" (p. 156).

It is rare for clinicians to routinely assess clients for exposure to race-related experiences. Even though in the case of clients of Color experiences of race-based traumatic stress from discrimination or harassment of various types (e.g., housing, employment and service provision, interpersonal assaults, and racial profiling) are likely involved in the development of presenting problems or contribute to one's poor health. Researchers (e.g., Paradies, 2006) have reported that in most studies of discrimination, members of racial groups have shown some of the following adverse psychological and psychiatric effects: (1) adjustment reactions, (2) mood disorders, (3) anxiety disorders, and (4) PTSD (Butts, 2002).

The Need for New Psychological and Legal Standards

In many ways, it is difficult to help mental health professionals and lawyers to recognize the varied forms of race-based stress that its targets experience (Feagin & McKinney, 2003). We argue that to understand the various forms and effects of racism one should go beyond the strict legal standard and psychological categories used for racial experiences because the standards are race-neutral.

What is needed is a race-specific standard because a race-neutral standard such as the reasonable person standard does not capture all the complex and dynamic aspects of race-based traumatic stress or racial trauma (Flagg, 1995). More importantly, the reasonable person standard does not account for extreme differences in the experiences, perceptions, behaviors, and attitudes of members of the various racial groups. When Blacks and Whites are asked about the presence and incidence of race-based bias, researchers (e.g., Dovidio, Gaertner, Kawakami, & Hodson, 2002) investigating racial attitudes have reported that Whites and Blacks have, for more that 40 years, held opposite views about the presence and incidence of discrimination. For instance, 67% of Whites think Blacks are treated as well as Whites in society, and 72% of Blacks hold the opposite view (Dovidio et al., 2002).

What scholars and researchers have found is that racism has become subtle and often hidden from the awareness of the actor (Dovidio et al., 2002). Consideration of the shift of racism to subconscious and subtle forms of expression would suggest a disconnection between the legal and psychological standards and the experience of racial discrimination and harassment as we have defined them (Chew & Kelly, 2006). Racial discrimination and harassment may cause psychological and, therefore, indirect economic consequences rather than direct economic losses. It is more difficult for plaintiffs to make the case that they have been harmed sufficiently to justify monetary awards for damages because they must prove that ostensibly nonpersonal acts or events are responsible for their lack of psychological well-being (Nazroo, 2003).

Unpacking Racism: Clinical Implications

As we discussed previously, two general classes of racism may contribute to hostile racial environments and interactions: (1) discrimination or avoidance and (2) harassment or hostility, and we think it is important to distinguish between the two forms of treatment that derive from racism. Here we would like to emphasize that both are likely to lead to psychological distress and other reactions. Discrimination as *adverse racism* or *avoidant racism* operates to maintain distance from the undesirable group members. Thus, racial discrimination as avoidance or aversion helps dominate racial group members without overtly appearing to do so and, consequently, it is difficult to prove since business necessity or other reasons can be used to explain disparate impact and treatment (Carter, 2007).

Racial discrimination may occur at the individual level (e.g., holding "secret" business meetings, not interacting with a Person of Color), at the system or contextual level (e.g., race-based hiring or promotion, not showing homes or apartments), and at the policy level (e.g., use of tests for inclusion that unfairly disadvantage members of nondominant racial groups, setting criteria that excludes members of particular racial groups).

Researchers (Dunbar, 2001) have found racially based discrimination to include, but not be limited to, exclusion from social and work networks, dismissing or denigrating personal achievement(s), and establishing limits or restrictions to opportunities for individual achievement. Emotional responses to being discriminated against are fear, tension/anxiety, depression, sadness, anger, aggression, and PTSD-like symptoms. Many of the experiences of discrimination and harassment for Blacks have powerful historical elements that give meaning and salience to symbolic, verbal, and other subtle messages associated with race-based traumatic stress.

Racial harassment, or *dominative* or *hostile racism* as we have defined it, is the mechanism used to communicate the subordinate or inferior status due to race of nondominant group members (Carter, 2007). Racial harassment may be characterized by active race-based hostility as experienced by the targets—for instance, being characterized as less qualified due to one's race or as less capable or competent because of one's racial group membership. Racial harassment may also be thought of as a *quid pro quo* threat or pressure in that one must "fall into line" with institutional or organizational racial policies (a distinction not currently used in the law). Nondominant group members may be pressured with losing their jobs if they report flagrant incidences of harassment or discrimination (Chew & Kelly, 2006).

The parallel for racial harassment to *quid pro quo* sexual harassment is in the threat, wherein the person is expected to grant the "favor" of ignoring racism for the opportunity to work or live. Presently, identification of the links between organizational racial harassment behavior and psychological injury has not occurred in the legal system or, for that matter, in psychology nomenclature. Researchers (Carter et al., 2005) found racially based harassment to include interpersonal assaults, demeaning one's ability, and assuming one is not to be trusted. Emotional reactions to hostile treatment can be feeling anger, powerlessness, helplessness, loss of self-esteem, and suspiciousness/loss of trust.

Feagin et al. (2001) described an incident that illustrates *quid pro quo* racial harassment. White coworkers found out that their Black female coworker, Sheryl, had a birthday and learned that she was expecting a child. At her party, her cake was decorated with an image of a pregnant dark-skinned woman with the inscription, "Happy Birthday Sheryl. It must have been the watermelon seeds." Sheryl said of the experience, "When I saw the inscription, I just kind of stared at it and said 'Oh, thank you.' I didn't feel I could get angry. I had just found out I was pregnant. I needed my job" (p. 156).

Racism as aversion or hostility can be communicated as threats and experienced through symbols or coded language, which would not be recognized in many courts as acts that meet the legal standard of severe and pervasive; it also may not qualify within the *DSM-IV-TR* criteria. Moreover, all people may not understand the threats through symbols from a legal perspective since many Whites are not targets and may attach different meaning to the symbols. Consequently, actions that may not appear threatening to "a reasonable person" or as severe or pervasive may appear so to members of the threatened group. For instance, overt race-specific physical and psychological tortures carried out for centuries and continued in more subtle forms in the 20th and 21st centuries have been and continue to be associated with unspoken and accepted racial beliefs and stereotypes. Racial beliefs and attitudes are often embodied in symbols (e.g., a noose, the Confederate flag, media portrayals of Blacks as violent and criminal, etc.) as well as in coded and demeaning language such as the use of the "n" word or the reference to "boy," and so forth. Language, symbols, or attitudes reflect long-held stereotypes that are generic and not specific to the individual person such as the types of attitudes and policies used to justify racial profiling.

It is important not to treat members of any racial group as monolithic or psychologically similar in regards to their race (Carter & Gesmer, 1997; Carter & Thompson, 1997). In fact, Watts and Carter (1991) and Sellers and Shelton (2003) have found in studies of perceptions of racial discrimination and institutional racism that Black people's perception of discrimination varied as a function of the person's racial identity ego status (i.e., his or her psychological orientation to his or her racial group membership). Thus, it is important to consider racial identity status in all parties in any assessment of racial trauma or race-based stress. However, Helms' White racial identity theory suggests that the persons charged with enforcing the law or assessing persons for race-based traumatic stress may be insufficiently aware of racial history and dynamics to make an informed diagnosis. Therefore, the racial identity ego status of Whites involved in alleged racial discrimination and harassment warrants particular attention (Carter, 1995; Carter, Helms, & Juby, 2003; Carter, Pieterse, & Smith, 2008).

Conclusion

We have presented a new paradigm for racial justice that involves unpacking racism and distinguishing between racial discrimination and harassment. We have discussed the legal and psychological neglect of the experience of race-based traumatic stress. An overview of the stress associated with race and the symptoms that are associated with race-based traumatic stress has been offered. To fully understand race-based traumatic stress, it is necessary to employ a system-focused perspective that considers the person in a racial cultural and historical context that is interactive and mutually influencing. At the same time, we should not ignore the psychological variability in how one can identify with her or his race. We think

it is imperative that the psychological and emotional experience of racism not be overlooked even if there is considerable effort in our society to hide and keep racism a secret and its targets silent.

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Considerations for Arrests and Interrogations of Suspects with Hearing, Cognitive, and Behavioral Disorders

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Interrogation procedures conducted by police officers during the custodial interview process of individuals suspected of having committed a crime have warranted concern and prompted actions from the courts. For example, in 1961, the case of *Reck v. Pate* noted undesirable police behavior when arresting a teenager with mental retardation.

> [A]t the time of his arrest, Reck was a 19-year old youth with subnormal intelligence. He had no prior criminal record or experience with the police. He was held nearly eight days without a judicial hearing. Four of those days preceded his first confession. During that period, Reck was subjected each day to six- or seven-hour stretches of relentless interrogation. The questioning was conducted by groups of officers. For the first three days, the interrogation ranged over a wide variety of crimes. On the night of the third day of his detention the interrogation turned to the crime for which petitioner stands convicted. During this same four-day period he was shuttled back and forth between police stations and interrogation rooms. In addition, Reck was intermittently placed on public exhibitions in "show-ups." On the night before his confession, petitioner became ill on such a "show-up." He was taken to the hospital, returned to the police station and placed back on public display. When he again became ill, he was removed from the "show-up," but interrogation in the windowless "handball court" continued relentlessly until he grew faint and vomited blood on the floor. Once more he was taken to the hospital, where he spent the night under the influence of drugs. The next morning, he was removed from the hospital in a wheel chair, and intensive interrogation was immediately resumed. Some eight hours later, Reck signed his first confession. (Greenfield & Witt, 2005, p. 473)

A string of cases like *Reck v. Pate* (1961) documenting extreme and coercive behavior from police officers toward suspects prompted the U.S. Supreme Court to rule against police misbehavior, and in 1966, provided protections during the custodial interview process. In the 1966 landmark case *Miranda v. Arizona*, the U.S. Supreme Court ruled that defendants charged with a crime have the right to remain silent and to have a lawyer present during custodial interviews (Greenfield & Witt, 2005; Praiss, 1989). The Miranda Rights are essentially the privilege against self-incrimination granted to suspects (Vernon, Raifman, & Greenberg, 1996). Thus, since 1966, police officers in the United States are required by law to procure from suspects a waiver of their Miranda Rights during interrogations.

Miranda Rights and Waiver

Upon being taken into custody, suspects have the right to be informed by police of their legal protections under the Miranda Rights (Greenfield & Witt, 2005; Wertlieb,

1991). The Miranda ruling requires police to tell suspects that they (1) have the right to remain silent; (2) if the right to remain silent is given up, anything said can and will be used against the individual in a court of law; (3) have the right to an attorney; (4) if the suspect cannot afford an attorney, one will be appointed free of charge to represent the individual; and (5) once the interrogation has started, the individual may change his or her mind in terms of giving a statement to police. These statements must be given to suspects before police begin to interrogate them about a crime. However, administration of the Miranda Rights by police to suspects is not standardized nor closely supervised on an individual level.

In practice, the ruling requires that when suspects are taken into police custody they must be made aware of these rights and wave their Miranda Rights. In waiving their Miranda Rights, suspects indicate understanding that anything they say can be used as incriminating evidence against them. As noted by Greenfield and Witt (2005), one of the main purposes of the Miranda decision is to prevent police from coercing or tricking suspects into a confession by relieving the inherent pressure generated by the custodial setting which typically works to undermine the suspects' will to resist. However, police interrogation procedures are not always consistent with the Miranda Rights (Wertlieb, 1991). In 2003, the Supreme Court revisited the Miranda Rights by scrutinizing cases in which police failed to give suspects their Miranda Rights before interrogating them or gathering incriminating evidence (Henderson, 2003).

The test of a valid waiver rests on the premise that the suspect waived his or her rights "voluntarily, knowingly, and intelligently." Despite these protections, suspects with a range of disabilities, arguably, do not meet the three premises of *voluntarily*, *knowingly*, and *intelligently* due to their cognitive and behavioral impairments and are, therefore, consistently denied basic legal protections which all other citizens enjoy. The purpose of this manuscript is to outline characteristics of several populations of individuals with disabilities and their constitutional protections under United States law as well as to provide guidelines to be utilized by police officers during arrests and custodial interviews of suspects with disabilities.

Police Interactions with Individuals with Disabilities

It is certain that police officers will interact with suspects who have cognitive, mental, and behavioral disabilities (McAfee & Musso, 1995; Wertlieb, 1991). As noted by Debbaudt and Rothman (2001), individuals with disabilities are seven times more likely to come in contact with the law compared to their counterparts without disabilities. Thus, understanding the characteristics and rights of individuals with disabilities is critical for police officers (Praiss, 1989). By having a basic understanding of the common disabilities that they will encounter, police officers will be better prepared to respond to these individuals during the custodial interview process. Disabilities police officers may encounter in the field include hearing impairments, mental retardation, schizophrenia, autism, learning disabilities, and oppositional defiant disorder.

Suspects with Hearing Impairments

Approximately 9% of the U.S. population is deaf or hard of hearing. While police officers may have difficulties recognizing a suspect with hearing impairments,

most deaf or hard of hearing individuals are accustomed to encountering people who can hear and might accordingly adapt their communication skills. The degree of hearing loss varies depending on the individual. Some suspects may have partial hearing loss and are able to hear faint sounds, while others will have complete hearing loss. According to Vernon et al. (1996), hearing limitations of deaf people put them in a uniquely disadvantaged position when taken into custody by a police officer because they cannot hear spoken language. As a result, they are unlikely to understand the police officers and may ultimately become fearful, increasing the possibility that their fear might be interpreted by police officers as guilt. Suspects who are deaf or hard of hearing and using hearing aides or cochlear implants may be more readily identified compared to suspects who are profoundly deaf and do not use any assistive devices. Some individuals who are deaf or hard of hearing rely on lip reading or sign language as a means of communication. Importantly, however, McEntee (1995) points out that less than one third of the English language sounds are visible on the lips; therefore, lip reading is unlikely to be a sufficient way of communicating with suspects who cannot hear. However, suspects involved with the police may be reluctant to be helpful or as accommodating with their communication and, ultimately, police officers are responsible for reciting the Miranda Rights to suspects in a way that is consistent with their rights.

Suspects with Mental Retardation

Mental retardation (MR) is characterized by below average intellectual functioning and substandard adaptive skills. MR severity levels are mild, moderate, severe, and profound. Regardless of the degree of MR, in all cases, individuals with MR have an IQ (intelligence quotient) of 70 or below. It is estimated that three out of every 100 people meet the criteria for an MR diagnosis. While characteristics among suspects with MR will vary, individuals with MR are typically passive, placid, and, important for police to note, highly suggestible (Milne, Clare, & Bull, 2002). Some, suspects with MR may display aggressive and impulsive behavior (McAfee & Musso, 1995). Many individuals with MR engage in disruptive and aggressive behaviors as a response to their deficits in communicative language. That is to say, they communicate via aggressive or disruptive behavior (Kauffman, 2005). Individuals with MR may also have difficulty remembering information, focusing attention, and regulating their behavior. In fact, one of the cases leading to the adoption of Miranda Rights involved Reck, a teenager with MR.

Suspects with Schizophrenia

Schizophrenia is a severe mental illness characterized by delusions of grandeur or persecution, hallucinations, disorganized speech, lack of affect, inability to think logically, or indecisiveness (Kauffman, 2005). It is estimated that schizophrenia affects one in 100 adults worldwide. Individuals with schizophrenia often hear voices that other people do not hear, or they may believe that people are trying to read their minds, control their thoughts, or are plotting to harm them. These experiences may be terrifying to these individuals and can cause them to exhibit fear, withdrawal, or agitation. Other common characteristics apparent in individuals with schizophrenia are incoherent or bizarre speech and catatonic behavior (National Institute of Mental Health, 1999). According to the National Institute of Mental Health, if people with schizophrenia have no record of substance abuse or criminal violence before the onset of schizophrenia, then they are unlikely to commit crimes during an episode

of schizophrenia. Nonetheless, police officers unfamiliar with schizophrenia may misinterpret schizophrenic behavior emitted by a suspect with this disorder as potentially threatening. As indicated by McAffee and Musso (1995), police officers unfamiliar with disabilities misread behavior emitted by an individual with a disability as dangerous when in fact it may not be anything other than fear.

Suspects with Autism

Autism is a developmental disability characterized by social, language, and cognitive deficits. It is estimated that one in every 100 individuals has autism, and the diagnosis appears to be increasing. In the United States, it is the third most commonly diagnosed disability. Behaviors likely to be exhibited by individuals who have autism include lack of eye-to-face gaze or eye-to-eye contact; aggression toward others; reversal of pronouns (e.g., saying "me" when the person means "him"); lack of appropriate facial expressions such as smiling when sad or fearful, or glaring at something when happy; parroting or repeating something word for word; difficulty with or complete lack of spoken language; speaking in a mechanical manner without intonation; self-injury; self-stimulation; obsessive-compulsive behavior; lack of comprehension with spoken or written language; difficulty processing multiple sources of stimulation; an inability to understand consequences; and an inability to understand basic social cues (Debbault & Rothman, 2001). One important factor law enforcement personnel may consider with autism is that suspects affected with this disorder may not understand that they are speaking with an authority figure; they may recognize a police officer's uniform, but not comprehend its significance (Debbault & Rothman, 2001). Likewise, an individual with autism may not understand that he or she has broken a law or that he or she has protections such as the Miranda Rights.

Suspects with Learning Disabilities

Learning Disabilities (LDs) hinder various areas of information processing and comprehension. The term is used to explain disorders that make learning, comprehension, and application of information difficult for individuals. Roughly 5% of students in the United States are diagnosed with an LD, and 60 to 80% of those diagnosed are male (American Psychiatric Association [APA], 2000). Since an LD is an information processing disorder, it is more difficult to identify an individual with an LD based solely on appearance or behavior. People who have LDs also generally have deficits in social skills and difficulties with social adjustment. It is likely that interactions with suspects with LDs may prove more challenging for police officers because these disabilities are less obvious to the untrained eye. As Eckes and Ochoa (2005) suggest, an LD is a hidden disability. Therefore, police officers may face challenges identifying someone with an LD unless informed by the suspect or a disabilities expert. Importantly, too, characteristic behavior associated with LDs is often misperceived by parents, teachers, and law enforcement as purposefully uncooperative or confrontational when in fact that may not be the case.

Suspects with Oppositional Defiant Disorders

Oppositional Defiant Disorder (ODD) is a disability that may be particularly difficult for police to confront. Although prevalence rates of ODD are imprecise, it is estimated that 6 to 16% of boys and 2 to 9% of girls are diagnosed with some type of conduct disorder, with ODD included under these diagnoses (Kauffman,

2005). ODD is characterized by insubordinate behaviors that would ordinarily be viewed as disrespectful and rude. ODD can also be referred to as an impulse control disorder. Manifestations of ODD vary from person to person as in all other disorders, but they can also be confused with hostile behavior. Behaviors exhibited by suspects are generally more overt and can be seen as more combative when relating to law enforcement personnel. Such behaviors include fighting, stealing, vandalism, truancy, substance abuse, temper outbursts, and arguing. Female suspects may display some of the same behaviors but will often be more covert in their actions. Running away, lying, and prostitution are often activities that more commonly involve females with ODD (APA, 2000). The behaviors exhibited by individuals diagnosed with ODD increase the likelihood of police interaction (Kauffman, 2005). When dealing with police, those apprehended are expected to comply with orders and instructions; however, submitting to police orders may be especially difficult for suspects with ODD. An understanding of the characteristics of ODD becomes important for police officers to have in their repertoire when the behavior displayed is a direct result of the disorder and when that behavior breaks the law.

These profiles of suspects with various disabilities are intended to provide an overview of the types of behavior suspects may present at the time of questioning or arrest. It is important to understand that while they are separate diagnostic categories of disabilities, their behavioral and cognitive manifestations overlap. It is not likely that police officers will be able to determine a suspect's exact disability by virtue of reading or hearing about their characteristics. Rather, the intent in describing these cognitive and behavioral disorder profiles is to provide police officers with a way to interpret behavior from suspects they would otherwise construe as noncompliant or threatening. The goal, therefore, is to help police officers decrease the likelihood of inappropriate police conduct during arrests and interrogations. Case law relevant to police behavior during interrogations of suspects with disabilities is discussed in the following section.

Police Misconduct and the Americans with Disabilities Education Act

Until 1998, claims against police misconduct toward suspects with disabilities filed under the Americans with Disabilities Act (ADA) were frequently dismissed. The ADA is federal civil rights legislation extending protection from discrimination to individuals with disabilities to places of employment and public services (Sitlington, 2003; Yell, 2006). The ADA defines a person with a disability as anyone who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. The ADA prohibits public entities "from denying qualified persons with disabilities the right to participate in or benefit from the services, programs, or activities that they provide, and from subjecting such individuals to discrimination if the exclusion or discrimination is due to the person having a disability" (Thomas, 2000, pp. 249-250). However, until recently, courts consistently rejected police misconduct claims under the ADA holding that arrestees or prisoners did not meet the definition of a "qualified individual" because they did not meet the framers' intent of *voluntariness*, which the courts held were linked to the terms "eligible" and "participate."

However, in the Supreme Court's ruling in *Pennsylvania Department of Corrections v. Yeskey* (1998), the High Court clarified the definition of a disability and went

further in interpreting voluntariness, a construct used in many previous cases to the *Yeskey* ruling to dismiss claims against police officers. In 1998, an imprisoned first-time offender named Ronald Yeskey was denied admission to a motivational boot camp which, if completed successfully, would have granted him early parole. Admission to the prison program was denied to Mr. Yeskey based on a history of hypertension. Mr. Yeskey filed a claim under the ADA.

In *Pennsylvania Department of Corrections v. Yeskey,* the U.S. Supreme Court first addressed the argument that the plaintiff was not a "qualified individual with a disability," ruling that the definition included anyone with a disability, without exceptions for prisoners or suspected criminals. The court also rejected the argument that the words "eligibility" and "participation" implied voluntariness on the part of the individual seeking the benefit from the government and therefore did not apply to prisoners who were being held against their will and that, furthermore, participation in the boot camp was voluntary. Of note in the *Yeskey* case, as indicated in Brodin (2005), is the *Yeskey* ruling that even if Congress did not envision that the ADA would apply to prisoners, the fact that a statute can be "applied in situations not expressly anticipated by Congress demonstrates breadth rather than ambiguity" (p. 171). The *Yeskey* case established the application of the ADA to police actions, including arrests. In subsequent lower court rulings (e.g., *Patrice v. Murphy*), the court found support in the legislative history of ADA. Because of these rulings, it is imperative that law enforcement divisions provide regular training on the awareness of suspects with disabilities. Currently, plaintiffs can file claims against police misconduct under the ADA with the assurance that they have a realistic chance for recovery (Brodin, 2005).

Possible Claims against Police Officers under the ADA

It is clear from case law subsequent to the *Yeskey* ruling that police behavior toward individuals with disabilities must comply with civil rights laws. There are two theories, according to Brodin (2005), under which a plaintiff may state a claim against a police officer. The *wrongful arrest theory* asserts that "police officers violate the ADA when they arrest a disabled person because of actions that the individual was engaged in due to her disability" (p. 163). For example, a driver with a disability who is arrested because she cannot pass a sobriety test due to complications resulting from medications taken to treat a brain aneurysm can file a claim under the ADA's wrongful arrest theory. Certainly, driving while impaired, even if the impairment is due to medications, is not recommended. The key argument is that the arrest is wrongful because the suspect's driving impairment is not due to alcohol intoxication but rather to medication to treat a medical condition. On the other hand, claims in which there is a legitimate reason to arrest an individual with disabilities but in which police officers fail to make accommodations to meet that individual's disability fall under the *reasonable accommodation theory*. The reasonable accommodation theory is applicable during the interrogation process of suspects with disabilities.

Responding Sensibly to Suspects with Disabilities

It is unrealistic to expect that police officers will develop skills to reliably recognize autism, schizophrenia, mental retardation, learning disabilities, or conduct disorders in suspects with disabilities by virtue of reading information about them in this article. Furthermore, it is unreasonable to expect police officers to make determinations

about which disabilities suspects might have. Nonetheless, having awareness of disabilities followed by general suggestions about the ways in which disabilities manifest themselves in behaviors can be useful to police officers and will increase the repertoire of guidelines to follow when suspects with disabilities are encountered. The authors of this article offer general guidelines for police to follow that allow police officers to minimize wrongful arrests and increase their ability to make reasonable accommodations during custodial interviews with suspects who have disabilities.

The most important recommendation to police officers is that supplemental precautionary measures are needed to ensure that confessions by suspects with disabilities meet the informed and voluntary requirements stipulated in the Miranda Rights (Praiss, 1989). That is to say, simply reading the Miranda Rights to a person with a disability is an ineffective means of explaining 5th and 6th Amendment rights to suspects with cognitive and behavioral disorders (Wertlieb, 1991). Given the wide range of behaviors police officers may encounter in suspects with disabilities during arrests, it is improbable that police officers will be equipped to make appropriate accommodations to safeguard the Miranda Rights of suspects with disabilities. While it is unlikely that all police officers will have adequate preparation regarding suspects with disabilities, most police headquarters do have a trained professional with knowledge of disabilities.

Professional Disabilities Interviewer

Some law enforcement agencies employ a professional interviewer trained in disabilities. This person, unlike police officers who may at best have a peripheral understanding of disabilities, possesses extensive training in special populations. Having a professional interviewer on staff will serve to give police officers access to someone with training to conduct admissible interviews with suspects who need special accommodations, even though using a professional interviewer can pose a conflict of interest since the professional interviewer is employed by the police department (Praiss, 1989). An alternative to using a professional interviewer is to leave the responsibility of explaining the defendant's constitutional rights to legal counsel. In order to avoid unintentional coercion during interrogations, Praiss (1989) holds that the person who is better suited to explain legal rights to the suspect is the suspect's attorney because the attorney understands his or her client's individual needs and constitutional rights.

For individuals with hearing impairments, a translator who can communicate with the suspect is of the utmost importance. The translator should be someone who, while employed by the police force, is nonpartial and seeks to support the investigation of the police officers. Supplemental precautionary instructions are necessary for those lacking the cognitive ability to waive their Miranda Rights (Wertlieb, 1991). Another recommendation to consider is placing the responsibility of supplying adequate warnings to a person with MR on the suspect's attorney (Praiss, 1989).

Assuming a qualified interpreter is not available for suspects who are deaf or hard of hearing, a police officer needs to have the Miranda Rights communicated to the suspect in an alternate format (i.e., printed copy). Further communication with the suspect may need to be completed using pencil and paper or through a word-processing program. Many individuals who are deaf or hard of hearing use Teletext (TT) or a Telecommunications Device for the Deaf (TDD) to place telephone calls. Police officers need to keep in mind that the suspect with hearing

disabilities may need to make a telephone call to contact his or her lawyer or another person for assistance. Appropriate accommodations are required in these situations. Additionally, when communicating one-on-one with a suspect who lip-reads, officers should face the individual at all times to ensure lip visibility, maintain eye contact, and speak slowly and clearly.

When police officers encounter suspects who have cognitive disabilities, they must be prepared to communicate the suspect's rights so the individual fully understands the implications of the situation. Administering warnings does not end the inquiry into what constitutes a valid waiver. A suspect must also be made aware of the rights and the consequences of a waiver through warnings that are in clear and unequivocal terms (Praiss, 1989). Due to the complex characteristics and behaviors of suspects with cognitive disabilities, it is important, to the extent possible, to have a guardian present if the suspect is a minor; an advocate if one is available; or a lawyer when interrogating suspects with disabilities. Suspects "may not understand Miranda warnings even if they say they do and they usually want to please police officers and may appear to incriminate themselves, even when they are innocent" (The Arc of Midland, n.d). When questioning suspects with cognitive disabilities, officers need to use simple and short sentences, speak slowly and clearly, exercise patience, repeat and rephrase questions, and verify understanding by asking the suspect to repeat and rephrase questions in his or her own words (Debbault & Rothman, 2001).

Since behavior associated with developmental disorders, like autism, or a mental disorder, like schizophrenia, might be mistaken for other suspicious behaviors (e.g., aggressive moves toward another person or fighting) (APA, 2000; Debbault & Rothman, 2001), knowing how to effectively respond when meeting one of these suspects is crucial. When encountering a suspect who is exhibiting potentially aggressive behaviors or is hallucinating or delusional, police officers should remember that the suspect may have schizophrenia and be frightened. As an option to restraining the suspect and risking escalating the suspect's behavior, police officers may consider providing a calm environment to allow the suspect to relax. Importantly, police officers must be aware that physical contact with an agitated suspect may be misconstrued by the suspect with schizophrenia as an invasion of his or her personal space resulting in an escalation of the situation. Again, when speaking to suspects such as these, it is recommended that police officers speak calmly and slowly, using simple language.

Suspects with developmental disabilities and mental illnesses may display behaviors that can complicate what might otherwise be an ordinary arrest: "Oftentimes, individuals with autism or mental retardation confess to crimes they did not commit because of their desire to please and willingness to accept an authority figure's version of events" (Debbault & Rothman, 2001, p. 123). Alternatively, these suspects are also likely to run in order to escape what they think is chaos and overstimulation.

Since the fundamental difficulty with behavioral disorders is the suspect's lack of cooperation, these disorders are a challenge for any police officer or other authority figure. Kauffman (2005) suggests reprimanding an individual with a behavioral disorder as calmly as possible. This type of communication will be better received if given by someone who the suspect perceives as neutral. Officers should avoid harsh demands, replacing these with calm requests. Clear, concise instructions that are given using a calm tone of voice are preferable for an individual with a behavioral disorder.

Like other disorders, it is always beneficial to have an expert involved; a psychologist or other trained professional will best be able to communicate with this suspect.

In closing, the profiles of suspects with hearing impairments, mental retardation, schizophrenia, autism, learning disabilities, and conduct disorders describe specific characteristics associated with each disability, but the overlapping behavioral characteristics are the rule rather than the exception. In fact, these behavioral characteristics render suspects with disabilities susceptible to violations of their constitutional rights to remain silent and to have legal representation during arrests and interrogations. In presenting these profiles, along with the constitutional laws and cases brought against police actions, police commissioners are urged to make disability awareness training available to police officers to enable them to have at least a basic knowledge of the types of individuals with disabilities they are likely to encounter while enforcing order in the field. The authors believe that extensive expertise on disabilities is needed in the form of a disability professional based at police headquarters who is available to conduct interviews and to ensure their admissibility should the case go to court. Furthermore, the authors agree with disability law experts that, ultimately, the defendant's legal counsel may be the best person to apprise individuals with disabilities of their constitutional rights under the Miranda Rights and obtain an admissible waiver that would lead to the conviction of criminals who break the law.

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Identity Crimes and Law Enforcement: Profiling the Crimes and Assisting the Victims

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Introduction

According to an identity theft report prepared for the Federal Trade Commission (FTC), an estimated 8.3 million Americans or 3.7% of the U.S. population became a victim of an identity crime in 2005 (Synovate 2007, p. 11). When identity crimes occur, law enforcement is often the initial point of contact for a victim to report the crime. Therefore, law enforcement personnel are in a position to provide assistance to an identity crime victim. The purpose of this article is to provide law enforcement personnel with information regarding identity crimes that will help them when investigating the crime and assisting the victims. This introductory section provides some background information regarding identity crimes. Then, some common methods thieves use to obtain personal identifying information will be described, and how and when victims discover that their identity has been compromised will be discussed. The losses attributable to identity crimes and a profile of identity crime perpetrators based on an examination of cases investigated by the U.S. Secret Service will be offered followed by an explanation of the rights and responsibilities of identity crime victims. Finally, we suggest a six-step program designed to mitigate and remedy the impact of an identity crime that law enforcement can share with victims of this insidious crime.

Identity Theft vs. Identity Fraud

In this paper, the term *identity crime* refers to two separate crimes: (1) identity theft and (2) identity fraud. *Identity theft* occurs when an imposter or thief gains unauthorized access to credible personal identifying information of another person or group of people. *Identity fraud* occurs only when the information derived from identity theft is actually used for illicit purposes. Thus, identity fraud involves perpetrators exploiting personal, financial, and other identifying information, to derive some type of gain—typically of a financial nature either directly or indirectly (Smith, Riley, & Pearson, 2009). These are important distinctions: while *identity theft* is a concern because the *information may be used* for illegal purposes, *identity fraud* indicates that someone's identifying *information has been used* illegally. Nevertheless, most laws utilize the term *identity theft*. For example, the ID Theft Act, 18 U.S.C. Section 1028(a)(7), 1029(e), and FTC rule 16 C.F.R. Section 603.2 define identity theft as the misuse or attempted misuse of any identifying information (e.g., social security number, biometric data, or an existing account number) to commit fraud.

In 2004, the FTC offered the following definition of identity theft: "fraud that is committed or attempted, using a person's identifying information without authority." Identifying information can be defined as any name or number that could be used alone or in combination with any other information to identify a specific individual, including the following:

- Name, social security number, date of birth, official state or government issued driver's license or identification number, alien registration number, passport number, employer or taxpayer identification number

- Unique biometric data such as fingerprint, voice print, retina or iris image, or other unique physical representation

- Unique electronic identification such as a number, address, or routing code

- Telecommunication identifying information or access device/token (e.g., card with a magnetic strip that can be swiped)

Probably the three most critical pieces of identifying information are (1) a person's name, (2) date of birth, and (3) social security number. While not the only identifying information used to perpetrate identity fraud schemes, armed with these three pieces of information, a thief can impersonate another individual in a variety of transactions.

How Identity Thieves Use Personal Identifying Information

Identity thieves use stolen personal identifying information to apply for credit cards, car loans, personal loans, checking and/or savings accounts, debit cards, retail credit accounts, leases, rental contracts, and mortgages. Other illegal uses of personal data include the procurement of fraudulent documents such as driver's licenses, passports, birth certificates, and so on. Sometimes identity thieves will give stolen identity information to medical providers to obtain treatment, to landlords when trying to rent housing, to government agencies to obtain benefits, to potential employers to obtain employment, and to police to avoid arrest and/or to conceal a criminal record.

Victims

Identity fraud can be a threat to national security (i.e., used to fund terrorism); individual well-being; and local, regional, and global commerce and economies. Victims include individuals, financial institutions and other providers of credit, and government agencies (e.g., Medicare, Medicaid, Internal Revenue Service). Identity fraud may even be perpetrated without a real person's identity being exploited (i.e., no identity theft as a precedent act). For example, fraudsters might create and use fictitious identifying information to perpetrate their identity fraud crimes. In these cases, individuals are not victimized directly; however, financial and other commercial institutions that suffer these losses typically recover their losses by increasing the price of the goods and/or services they charge their customers.

Impact of Technology

Technology has made the commission of identity crime easier in some respects because in most organizations, customers, employers, vendors, and others exist only in electronic form as a series of zeros and ones in a computer database that is subject to infiltration by identity criminals. Perpetrators can also use computers, printers, and sophisticated graphics software to produce fraudulent documents that often pass as authentic. The ease with which transactions and other information can be transmitted electronically also creates challenges for the protection of data and prevention of identity fraud.

The challenges are even greater when one considers the privacy implications related to identity theft. Most every identification system is dependent on some personally identifiable information (e.g., social security number), physical characteristic (e.g., biometric data), or token (e.g., magnetic card that can be swiped) that can be matched to one person. People expect their private information to remain private; however, when that private information is used as an identifier or password, it must sometimes be used in public places thereby making it vulnerable to theft. For example, to facilitate a private transaction, a person often must provide personal identifying information to others (e.g., placing a name, address, social security number, and/or phone number on a personal check before it is accepted by a business). This transactional process implicitly requires trust among the parties that can be exploited to commit identity fraud.

Obtaining Personal Identifying Information

According to a report prepared for the FTC by Synovate (2007), identity theft victims knew the thief in 16% of cases: 6% were relatives, 2% were coworkers, and 8% were friends or neighbors. In 84% of the cases, the victim had no personal relationship with the identity thief (p. 28). With regard to the 84% without a victim/perpetrator relationship, 56% did not know how the perpetrator obtained their personal identifying information. The means by which the identify theft occurred is summarized in Figure 1; this data excludes personal relationships between the victim and perpetrator and those persons who did not know how their information was stolen.

Figure 1. Means by which Identity Theft Occurs

Source of Identifying Information	Frequency
Purchase or other transaction	7%
From wallet	5%
Company that had information	5%
From the mail	2%
Hacking into computer	1%
Phishing	1%
Some other way	7%

Source: Synovate (2007), p. 30

Given all of the hype about computerized/Internet-based identity theft, it appears that computers are not the primary source of victim information. However, as mentioned above, 56% of victims did not know how their information was obtained, so the percentages in Figure 1 could be substantially understated.

When investigating identity crimes, it is beneficial for law enforcement personnel to be aware of the various methods used to perpetrate these crimes. To assist victims and facilitate prevention, law enforcement agencies can publicize ways to prevent (or at least reduce the risk of) becoming a victim of the various methods used to perpetrate identity crimes. Figure 2 provides a summary of schemes often used by identity thieves, as well as techniques that can reduce the risk of becoming a victim of these schemes. While many of the schemes and preventative techniques listed are self-explanatory, a few warrant further discussion.

Figure 2. Identity Theft Schemes and Preventative Techniques

Scheme	Preventive Techniques
Mail stolen from unlocked mailbox	Pick up mail as soon as possible or use a lockable mailbox. Take outgoing mail directly to the post office or post box. Cancel mail service when out of town. Be aware of when account statements, invoices, and bills are due and contact companies if they are late.
Personal information scammed over the phone	When called, ask for the caller's name and explain that you will call the company using the phone number provided on a source document obtained from the issuer (e.g., credit application form, back of the credit card, monthly statement, etc.).
Personal information stolen using "phishing" e-mail scams	Never respond to e-mail inquiries that request personal sensitive information.
"Dumpster Diving" – Thieves steal sensitive information from the trash discarded from households or businesses.	Individuals and business should be sure to shred all sensitive information with a cross-cut shredder prior to discarding.
Records stolen by employees for personal gain, bribes, and kickbacks	Employers should develop and maintain information privacy policies and procedures to protect the personal information of their employees, customers, and vendors. Employees need to secure their personal data in the workplace.
Credit reports misused or stolen from legitimate users (e.g., employers, landlord)	Monitor credit report for unauthorized activity.
Change of address form completed by imposter	Know when account statements, invoices and bills are due and contact companies if they are late.
Electronic data hacked from computers and portable electronic devices	Establish strong passwords that include upper and lower case letters, numbers, and symbols. Avoid saving sensitive, identifying information on electronic devices.
Credit card data "skimmed" using electronic data storage device	Observe credit card processing to ensure that the credit card is swiped only once. Match credit card receipts to charges appearing on monthly statement. Monitor credit report.
ATM, debit, and credit card information stolen by "shoulder surfing"	Be aware of persons who may be looking over your shoulder when using ATM, debit, or credit cards.
Personal information stolen from wallets and purses	Maintain physical possession of and security over wallets and purses.
Personal information stolen during burglaries	Maintain physical security of the home and car and consider electronic surveillance in high-risk areas.

Adapted from Amoruso, Brooks, Riley, and Taylor (2007)

Skimming

Some identity theft rings work in concert with employees who hold jobs that put them in physical possession of credit cards (e.g., waiters and waitresses, hotel desk clerks). These employees are provided with a data storage device that reads the magnetic strip off the back of a credit card. Just like a normal credit card processor, the information contained on the magnetic strip is transferred to the device with a simple "swipe" of the card. The information in the device is later downloaded onto a computer and used to either create a counterfeit credit card or to charge purchases to the credit card account by phone or Internet. Matching credit card receipts to charges appearing on monthly statements is usually the quickest and easiest way to discover the illegal use of an existing credit card. Obtaining and carefully reviewing one's credit report on a regular basis provides a method to discover the creation of new accounts (e.g., credit card accounts, bank accounts).

Obtaining a Credit Report

Identity thieves sometimes pose as a landlord or other party that has a legitimate reason to access credit reports. Once they have a credit report, they have enough identifying information to commit identity fraud. The easiest way to catch this type of fraud is by being vigilant about checking one's own credit report. The federal Fair Credit Reporting Act (FCRA) requires each of the three nationwide consumer reporting companies—Equifax, Experian, and TransUnion—to provide one free copy of an individual's credit report, at the individual's request, once every 12 months. By staggering credit report requests across the three companies and throughout the year, a person can receive one free credit report every four months, thereby increasing the likelihood of discovering suspicious activity on a timely basis. Armed with a credit report, one can determine if any unauthorized credit card accounts have been opened, identify illegitimate credit activity, discover if accounts are delinquent, and check for inaccurate information contained in the report.

Change of Address

Identity thieves sometimes complete a "Change of Address Form" to divert mail to another location, thereby lengthening the time between perpetrating a fraud and having the victim become aware of the crime. Knowing when bank and credit card statements should arrive in the mail is one way to discover if a thief has changed the address on accounts. If statements or bills do not arrive on schedule, account holders should contact their bank or credit card company immediately. Account holders also can go online and direct their credit card company or bank to deliver their statements via e-mail rather than via the U.S. Postal Service.

Hacking

A common method for identity thieves to acquire identifying information is to hack into a computer system that contains sensitive information. Businesses and individuals can take several steps to thwart would-be hackers. First, all computers should be equipped with virus protection software that is updated on a regular basis. Second, any computer that accesses the Internet should utilize firewall protection to stops hackers from gaining entry to the system. Third, Internet

users should make sure that their Internet browser program is secure whenever conducting online business transactions. Internet browsers typically make information secure by encrypting (scrambling) data that is sent over the Internet. Internet browsers typically indicate that a connection is secure by posting a "lock" icon that resembles a padlock on the browser's status bar.

Persons who carry laptop computers or other portable electronic devices should be cautioned to avoid storing identifying or other sensitive information, such as financial data, on the device. If it is necessary to keep sensitive information on a hard drive or memory device, users should protect their data with a strong password, which contains a combination of upper and lower case letters, numbers, and symbols. When a computer is disposed of, it is important for the user to run a "wipe" utility program to overwrite the entire hard drive. Erasing files or even reformatting a hard drive may not be enough to prevent the recovery of sensitive data.

Shoulder Surfing

To obtain a card number, name, and/or personal identification number (PIN), a thief will sometimes stand in a location where people are likely to use debit or credit cards (e.g., ATM machine, grocery store check-out line, payphone, near a cell phone user) and use a cell phone to capture a picture of a card or look over the user's shoulder to see or listen as the person reads his or her name, card number, and/or PIN. Citizens need to be aware of the people around them whenever they use their cards. Reviewing credit reports and comparing card receipts to monthly statements provide the best opportunity for early detection of this type of fraud.

Law enforcement personnel should encourage citizens to adopt a "need to know" approach regarding their personal information. That is, people should not provide their date of birth, social security number, driver's license number, phone number, or any other personal identification information to any individual, business, or government agency unless absolutely necessary.

Discovery of Identity Fraud

Armed with knowledge of how and when victims become aware that they have been victimized by an identity crime can help law enforcement formulate relevant questions to ask victims during their investigation. According to a report prepared for the FTC by Synovate (2007), victims discover the misuse of an existing account within the first week in approximately 40% of the cases, and they discover it in almost 70% of the cases by the end of the first month (p. 23). In contrast, when a fraudster creates a new account, less than 40% are discovered in the first month and 24% are discovered only after a period of six months or more (p. 23). The most common means of identity fraud discovery is by personally monitoring existing accounts. Account monitoring can take several forms such as matching credit and debit card receipts with the charges appearing on credit card and bank statements or by obtaining and reviewing one's credit report on a regular basis. In particular, account holders should be on the lookout for unauthorized charges on their credit card statements and unauthorized credit card or loan accounts appearing on a credit report. Account holders should also be aware of when monthly credit card

and bank statements should arrive in the mail and should investigate if they do not receive these statements in a timely fashion.

Other ways that identity fraud is discovered include the receipt of (1) a bank statement containing unexpected transactions, (2) a bounced check notification, (3) a notice of credit denial, (4) an invoice with unexpected charges, (5) an unsolicited credit card or mail order product, (6) a credit report containing erroneous information, and (7) calls from debt collectors and credit monitoring services. In extreme cases, discovery can be prompted by the denial of employment and/or benefits.

Law enforcement should advise victims of identity crimes to diligently monitor all of their financial accounts and transactions for months after the initial discovery of the crime and to report anything unusual immediately. In addition, law enforcement should advise victims to cancel unnecessary and/or unused credit cards, debit cards, and other revolving credit accounts. Victims should also be encouraged to obtain and review their credit reports from all three credit reporting companies on a regular basis.

Pursuant to the Fair and Accurate Credit Transactions (FACT) Act of 2003, the Red Flags Rule requires financial institutions and creditors with covered accounts to have identity theft prevention programs that identify, detect, and respond to patterns, practices, or specific activities that might indicate the occurrence of identity theft/fraud. Examples of creditors include finance companies, automobile dealers, mortgage brokers, utility companies, telecommunications companies, and nonprofit and government entities that defer payment for goods or services. Examples of financial institutions include entities that offer accounts that enable consumers to write checks or to make payments to third parties through other means such as credit cards, other negotiable instruments, or telephone transfers. The Red Flag Rule may cause credit providers and financial institutions to contact potential victims about suspicious activity occurring on their account.

Losses Attributable to Identity Fraud[1]

In a report prepared for the FTC, Synovate (2007) categorized identity fraud as (1) new account creation; (2) misuse of existing credit cards; and (3) misuse of other accounts, excluding credit cards (p. 11). According to the report, the magnitude of harm to the victims correlates with the type of identity fraud suffered by the consumer (p. 36). For example, the lowest cost identity fraud is the exploitation of existing credit card accounts with a median value of goods and services obtained per incident of $350; while the highest cost category is the creation of new accounts with a median value of goods and services obtained per incident of $1,350 (p. 36). However, in 5% of new account creation frauds, losses amounted to $30,000 or more (p. 6). Because of consumer protection laws, most of these costs are borne by the issuer of credit or by the defrauded business.

In many cases, the cost to the actual identity fraud victim is the time spent resolving problems associated with the violation. According to Synovate (2007), the median resolution times associated with the three categories of identity fraud are two hours for illegal use of existing credit cards, four hours for noncredit card existing accounts, and ten hours for newly created accounts (p. 5). As mentioned above,

consumer protection laws limit the liability of consumers victimized by identity fraud. According to the report, the median out-of-pocket losses to the victim are $40 or less. However, in extreme cases, the time to resolve the problems associated with identity fraud can reach 1,200 hours or more and $5,000 or more in out-of-pocket losses (p. 5). Compared to a similar survey in 2003, both the percentage of Americans victimized and the dollar losses have decreased, but because of sample and research methodology differences, direct comparisons are not possible (p. 8).

According to the Synovate (2007) report, 85% of the surveyed identity theft victims indicated that one or more of their existing accounts were compromised (p. 17). As one might expect, the two most common types of existing accounts impacted were credit card accounts and checking/savings accounts. Seventeen percent of the surveyed identity theft victims indicated that the theft resulted in at least one new account being opened (p. 19). Interestingly, the opening of a new credit card account (7% of all ID theft victims) was second to opening a new telephone service account (8% of all ID theft victims).

Profiling the Offender[2]

The information provided in this section, based on research, will be helpful in developing a profile of the typical identity theft criminal. The Center for Identity Management and Information Protection (CIMIP) prepared a report entitled, *Identity Fraud Trends and Patterns* (Gordon, Rebovich, Choo, & Gordon, 2007). The CIMIP data come from 517 Secret Service cases with an identity theft component which were opened and closed between 2000 and 2006 and focused on the perpetrators of identity crimes. Although the data utilized in the report came from the federal level, most of the cases were referred to the Secret Service by local and state law enforcement agencies. In addition to cases referred by local and state law enforcement, the Secret Service receives case referrals from corporate security personnel and (certified) fraud examiners.

The median loss in the Secret Service case files was higher than that reported in the Synovate (2007) report: $31,356 versus $500 (Gordon et al., 2007, p. 26). It seems intuitive that larger cases would more likely be funneled to the Secret Service for investigation. In addition, the Synovate (2007) report was based on a survey of individuals, whereas the majority of the Secret Service cases involved businesses or financial institutions. Similar to other white-collar criminals, and of interest to law enforcement, identity fraud perpetrators tended to have no prior history of arrest (71%; Gordon et al., 2007, p. 2). The essence of fraudsters is that they are trust violators and, thus, it makes sense that the perpetrators would be in a position to obtain and misuse personal identifying or financial information. Also of interest to law enforcement, of the 29% of perpetrators of identity crimes who did have an arrest history, approximately one third had prior arrests for fraud, forgery, or identity crimes. The most prevalent motives were financial: to obtain and use credit, obtain loans, and procure cash. However, in some cases, the identity theft was primarily to conceal the perpetrator's real identity.

According to Gordon et al. (2007), approximately 50% of the Secret Service cases involved perpetrators that used the Internet or other technological devices; whereas the Synovate (2007) report indicates that the Internet and other technological devices were used in only about 7% of the cases. This seemingly large disparity

may be, at least in part, due to the sources of the data for each report. The Synovate (2007) report was based on a survey of individuals, whereas the Gordon et al. (2007) report obtained its data from Secret Service cases involving victims mostly consisting of businesses and financial institutions. In addition, in the Synovate report, 56% of the victims without a victim/perpetrator relationship were unable to identify how their information was stolen. Therefore, the low percentage (i.e., 7%) of perpetrators using the Internet or other technological device reported by Synovate could be seriously understated. In addition, while it may be difficult for an individual to determine how their information was stolen; it is typically easier for businesses and financial institutions to determine how information was stolen. In about 50% of the cases referred to the Secret Service, the point of identity or financial information compromise was a business transaction, but consistent with the Synovate report, in 16% of the cases, the perpetrators were family or friends.

In approximately 58% of the Secret Service cases, the perpetrator was a single individual acting alone. However, and very important to local and state law enforcement personnel, in approximately 42% of the Secret Service cases, the identity fraud was an organized activity perpetrated by groups of two to 45 offenders (Gordon et al., 2007, p. 2). Therefore, while a "first responder" call that local or state law enforcement receives may be an isolated case, it could also be a symptom of organized crime, the work of a ring of thieves, or even a symptom of terrorism financing. Brooks, Riley, and Thomas (2005) noted that terrorists are often expected to fund their own operations and often do so by committing some form of petty larceny or low-grade fraud. Thus, local and state law enforcement may use identity theft/fraud as a means of understanding other, possibly more dangerous, underworld elements operating within their jurisdiction.

In the case of group activities, the main purpose of working together appears to be that the perpetrators can be both more effective and efficient in targeting victims. Consider the following example of how A-Z and his compatriots stole $6 million (adapted from Diaz, 2008; see also Rezaee & Riley, 2010). A-Z is a cyber-criminal who developed a computer program called *ZeuS* to steal people's identity data. In fall 2007, *ZeuS* was used to hijack $6 million. Here's the "short story" version:

- In summer 2007, a German gang skilled at pilfering online bank accounts forged a "partnership" with Russian hacker A-Z who created *ZeuS*, a versatile software tool for infecting PCs that is housed on a network server in Turkey. The partnership sent out waves of e-mail spam carrying purported links to greeting cards, news stories, and celebrity videos. Clicking on the hoaxed link installed generic *ZeuS* on the victim's PC. Generic *ZeuS* had two tasks: (1) collect data typed on banking and other Web pages and (2) turn the PC into a "bot" that can be operated by other PCs remotely without the knowledge of the user.

- Summer and fall 2007 were spent "harvesting" personal data from PC users with commercial accounts at banks that allow online cash transfers.

- Targeted "fake" e-mails were sent to bank patrons asking them to "click here" to reset their security codes. Those who fell for the ruse, thousands, had a custom version of *ZeuS* installed on their PC.

- Custom *ZeuS* tracked the PC user's keystroke activity and alerted the cyber-gang each time the PC user logged into their bank accounts. While the user was logged into his or her bank, one of the cyber-gangs "bots" completed a cash transfer ranging from $5,000 to $10,000 in a few seconds without the user's knowledge.

The story of A-Z and the German cyber-gang is part of a broader phenomenon referred to as "NetWar," a concept first outlined by John Arquilla and David Ronfeldt of the RAND National Defense Research Institute, which reflects many of the organized threats faced by law enforcement—asymmetric, networked, and adapted to the information age. This is the essence of NetWar: Cyber-criminals from Russia, Germany, and Turkey, loosely combine forces for a short period to victimize banks and persons in the United States, England, Italy, and Spain.

Victim's Rights and Responsibilities

Various consumer protection laws limit an identity fraud victim's liability for fraudulent transactions and debts. Sometimes the type of fraudulent activity impacts the level of a victim's liability. In some cases, the amount of time that passes between discovery and reporting a problem impacts the amount of the victim's liability. To assist victims of identity crimes, law enforcement should be aware of a victim's rights and responsibilities regarding various types of identity frauds. Below is a summary of some of the more common laws and regulations regarding the need for timely reporting of a fraud and the victim's liability.

Fraudulent Credit Card Charges

Victims must report fraudulent credit card charges to the company in writing within 60 days after the first bill containing a fraudulent charge was mailed. With such notification, victims cannot be held liable for more than $50 of the fraudulent charges (FTC, 2006). Sometimes, credit card issuers will waive all charges to victims of fraudulent credit card transactions.

Lost or Stolen ATM/Debit Card

The Electronic Fund Transfer Act limits the liability of consumers victimized by transactions involving ATM/debit cards, electronic fund transfers, and other electronic means of debiting or crediting an account. To limit one's liability, a victim must report lost or stolen cards to the ATM or debit card provider within two days. With such notification, victims cannot be held liable for more than $50 for fraudulent withdrawals from their account. Victims who report a lost or stolen ATM or debit card between two and 60 days after an electronic fund transfer appears on the account statement can be held liable for up to $500 of the amount withdrawn. Waiting more than 60 days to report a lost or stolen ATM or debit card can result in the loss of all money withdrawn from the account (FTC, 2006, p. 7).

In cases where an ATM or debit card has not been lost or stolen, and fraudulent charges are made to one's account (e.g., when a thief "skims" the data from the card without actually stealing the card), the victim is typically not liable as long as the bank or financial institution is notified in writing within 60 days of the date the account statement showing unauthorized charges is mailed out (FTC, 2006, p. 7).

Fraudulent Checks

Upon discovery of unauthorized checks or the passing of checks with a forged signature, notify the bank or financial institution to stop payment on checks and close the account. Prompt notification in most states will result in zero liability for the victim.

Fraudulent New Accounts

Most state laws prevent victims from being held liable for debts incurred in fraudulent accounts created without the permission of the victim.

How Law Enforcement Personnel Can Assist Victims

To mitigate losses from fraudulent transactions and unauthorized account use, a victim of an identity crime should notify the proper authorities once they discover the crime. Initially, the victim should contact either their local law enforcement agency or a law enforcement agency located in the jurisdiction where the theft took place. The first step is for the victim to file a formal police report of the crime. As part of the formal police report, the victim should be instructed to file an "Identity Theft Report." This collects details unique to identity crimes such as the accounts and transactions affected which can be corroborated by credit bureaus and the businesses impacted by the theft. A separate "Identity Theft Victim's Complaint and Affidavit" form, available on the FTC website, should also be prepared and attached to the "Identity Theft Report" filed with law enforcement.

Victims should be given a copy of the complete "Identity Theft Report" along with all attachments for their own files to use as proof that a formal report of the crime was filed with law enforcement. Victims may be required to provide a copy of the "Identity Theft Report" to their credit card companies, banks, etc., as evidence of the crime. Providing credible evidence of a crime will bring consumer protection laws into play thereby limiting the victim's liability. Once law enforcement assists with filing an "Identity Theft Report" and provides a copy of the report to the victim, they can provide additional support by either walking the victim through the procedures listed below or by sharing the information below with them. The six-step program that follows was adapted from the procedures suggested by the FTC (2009) for victims of identity crimes (see, also, Amoruso et al., 2007). Law enforcement personnel should instruct victims to retain copies of all correspondence, including notifications of disputed charges. In addition, all correspondence should be sent certified mail, return receipt requested.

Step 1. Place a Fraud Alert or Credit Freeze on Credit Reports

Contacting one of the three major credit reporting companies to place a *fraud alert* on one's credit file is the first step towards remediation. The initial credit reporting company contacted is then required, by law, to contact the other two credit reporting companies so they can place a fraud alert on your credit file in their systems. The purpose of a fraud alert is to prompt creditors to contact the consumer victim by phone before any additional credit is granted. A fraud alert requires a business to verify the identity of a person requesting credit before issuing credit.

There are two types of fraud alerts: (1) an initial fraud alert and (2) an extended fraud alert. An *initial fraud alert* is appropriate if the victim believes that their personal identifying information has been compromised and might be used to perpetrate identity fraud (e.g., stolen wallet or purse or the victim believes that a "phishing" scam occurred). The initial fraud alert lasts 90 days and requires that potential creditors use "reasonable policies and procedures" to verify identity before issuing credit in the victim's name. With an initial fraud alert, the victim is entitled to order one free credit report from each of the three nationwide consumer reporting companies.

An *extended fraud alert* remains on the victim's credit report for seven years. An extended fraud alert requires the victim to provide an "Identity Theft Report" to the credit bureau and entitles the victim to two free credit reports within 12 months from each of the three nationwide credit bureaus. With an extended fraud alert, the credit bureaus will remove the victim's name from marketing lists for pre-screened credit offers for five years. A fraud alert is designed to keep an identity fraudster from opening new accounts in the victim's name; however, it does not protect the victim from an identity fraud that misuses existing credit cards or other accounts.

Some states allow consumers to put a *credit freeze* on their credit report thereby restricting access to one's credit report. With a credit freeze in place, potential creditors and other third parties can only gain access to your credit report if the consumer temporarily lifts the freeze. This makes it much more difficult for an identity thief to open new accounts in the victim's name.

Step 2. Review Credit Reports

Once a fraud alert is included in a credit file, the consumer is entitled to request a free credit report from each of the three credit reporting bureaus. In addition, at the consumer's request, only the last four digits of the social security number will appear on the credit report. Potential identity theft victims should examine their credit reports for the following:

- Credit inquiries not initiated by them
- Accounts that were not opened by them
- Unexplained debt and other credit balances
- Factual inaccuracies (e.g., incorrect social security number, address, or phone number)

Although unlikely, such information may provide a trail back to the fraudsters. Victims should regularly review their credit report for at least a year to ensure that additional violations do not occur.

Step 3. Review Bank and Credit Card Statements of Existing Accounts

Review all existing credit card, checking, and savings accounts; lines of credit; investments; and other accounts for fraudulent activity. Victims should carefully review and reconcile statement details to source documents (i.e., receipts, bills, invoices). Any suspicious or unauthorized charges should be brought to the attention of the appropriate financial institution. In some cases, victims may even

consider freezing or closing financial accounts that were not immediately affected by the identity crime.

Step 4. Obtain Supporting Documentation

By law, companies that have opened accounts in an individual's name based on information provided by an identity thief must provide copies of supporting documentation at no charge within 30 days of receiving a request for such documents. Having copies of these documents may substantiate fraudulent transactions and provide evidence of the identity fraud. For example, credit applications, loan contracts, credit card receipts, and cancelled checks all may contain forged signatures. An identity theft victim may authorize law enforcement to obtain this information as well. To request documentation to support an allegation of fraud, victims may be required to provide (1) proof of their identity, (2) a copy of the "Identity Theft Report" initially filed with law enforcement, and/or (3) a copy of an "Identity Theft Victim's Complaint and Affidavit."

Step 5. Resolve Identity Theft and Fraud Violations

Resolve Charges on Existing Accounts

Notification of specific disputed charges should be made in writing and sent by certified mail, return receipt requested. Because the various accounts have been compromised and often neither the source nor perpetrator is known, victims should close the compromised accounts and open new ones, including bank and credit card accounts as well as other fraudulently accessed sources of credit such as utilities, cell phones, etc. Some companies will require a copy of the "Identity Theft Report" filed with law enforcement; others may require forms unique to their organization.

Close Fraudulently Opened Accounts

All accounts opened by the perpetrator should be closed. Most victim companies will require a copy of the "Identity Theft Report" and/or the "Identity Theft Victim's Complaint and Affidavit." Some may require the victim to file forms unique to their organizations.

Address Other Identity Theft Violations

If a victim's driver's license, social security number, passport, employee ID, or other forms of identification have been compromised, he or she will need to contact the issuing organization to cancel the compromised documents and request new ones. Table 4 in Appendix A provides a list of potential violations and the name of the organizations to contact as well as websites if available.

Step 6. Notify the Federal Trade Commission

Although not required by law, victims of an identity crime should notify the FTC. The FTC wants to gain a better understanding of identity crimes and the means by which perpetrators victimize consumers. By studying many instances of identity crime, the FTC can utilize statistical methods to discern patterns concerning

the methods of attack, tactics used by perpetrators, type of accounts targeted, victim profiles, types of organizations targeted, geographical trends, and other information that might prove useful in combating identity crimes. A complaint can be filed with the FTC online at www.ftc.gov/bcp/edu/microsites/idtheft/consumers/filing-a-report.html; by calling the FTC's Identity Theft Hotline toll-free: 1-877-IDTHEFT (1-877-438-4338) or TTY: 1-866-653-4261; or by writing to the following:

Identity Theft Clearinghouse
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Appendix A provides several identity theft victim resources. Table 1 is a checklist that can be used to guide clients through the six-step program outlined above; Table 2 provides contact information for each of the three credit reporting agencies. Table 3 presents contact information useful in the event of check fraud; Table 4 provides contact information for a variety of violations; and Table 5 provides contact information for additional identity theft resources.

Conclusion

To assist identity fraud victims or conduct a criminal investigation, it is useful for law enforcement to understand the methods, victims, and perpetrators as well as the rights and responsibilities of victims, including how victims can mitigate the impact of the crime on their lives. With the information presented in this article, law enforcement will be better able to assist the victims of these insidious crimes and complete the necessary investigative activities.

Endnotes

[1] The statistics cited in this section are taken from a report prepared by Synovate (2007), a research firm that conducted 4,917 telephone interviews between March 27 and June 1, 2006.

[2] The information reported in this section is taken from a report prepared by Gordon, Rebovich, Choo, and Gordon (2007). As opposed to focusing on the victims of identity theft, this report focuses on the perpetrators.

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Appendix A. Identity Theft Victim Resources

Table 1. Identity Theft Victim's Checklist

Step	Action Taken	Contact	Date	Notes
Step 1	Place Fraud Alert or Credit Freeze on Credit Reports			
Step 2	Review Credit Reports			
	Equifax			
	Experian			
	TransUnion			
Step 3	Review Bank and Credit Card Accounts			
	Account			
	Account			
	Account			
	Account			
Step 4	Obtain Supporting Documentation			
	Business			
	Business			
	Business			
	Business			
Step 5	Resolve Identity Fraud Violations (existing accounts; fraudulently opened accounts, other)			
	Account			
	Account			
	Account			
	Account			
Step 6	Notify the Federal Trade Commission			

Table 2. Credit Reporting Agencies

Name	Street Address	City, State Zip	To Report Fraud	To Order a Credit Report	Website
Equifax	P.O. Box 740241	Atlanta, GA 30374-0241	1-800-525-6285	1-800-685-1111	www.equifax.com
Experian	P.O. Box 9532	Allen, TX 75013	1-888-397-3742	1-888-397-3742	www.experian.com
TransUnion	P.O. Box 6790	Fullerton, CA 92834-6790	1-800-680-7289	1-800-888-4213	www.transunion.com
To opt out of pre-approved offers of credit for all three credit reporting bureaus, phone 1-888-5OPTOUT (888-567-8688); you can opt out for a two-year period or permanently.					

Table 3. Fraudulent Checks and Other "Paper" Transactions

Name	Street Address	City, State Zip	To Report Fraud	Type of Problem	Website
Check Systems, Inc.	7805 Hudson Road, Suite 100	Woodbury, MN 55125	1-800-428-9623	Check Fraud	www.chexhelp.com
TeleCheck Services Inc.	Attention: Forgery Department P.O. Box 4451	Houston, TX 77210-4451	1-800-710-9898	Check Fraud	www.telecheck.com

Table 4. Contact Information for Various Violations

Violation	Contact	Website
Bankruptcy Fraud	U.S. Trustee	www.usdoj.gov/ust
Criminal Violations	Criminal jurisdiction where violation occurred	
Investment Fraud	U.S. Security and Exchange Commission	www.sec.gov
Mail Theft	U.S. Postal Inspection Service	www.usps.gov/websites/depart/inspect
Passport Fraud	U.S. Department of State	www.travel.state.gov/passport_1738.html
Cellular & Long Distance Phone Fraud	Federal Communications Commission	www.fcc.gov
Social Security Number Misuse	Social Security Administration	www.ssa.gov
Student Loan Fraud	School or loan program administrator	
Tax Fraud	Internal Revenue Service	www.irs.gov

Table 5. Additional Identity Theft Resources

Organization	Phone	Website
Federal Trade Commission	1-877-438-4338	www.consumer.gov/idtheft
Identity Theft Assistance Center		www.identitytheftassistance.org
Identity Theft Resource Center	1-858-693-7935	www.idtheftcenter.org

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Bank Investigators' Perspectives on White-Collar Crime

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A quantitative study was conducted to examine bank investigators' perspectives on white-collar crime. The research provides an in-depth assessment of white-collar crime as it relates to check fraud, mortgage fraud, electronic fraud, and internal fraud (embezzlement/defalcation), while also examining the threats involved and preventive measures to take against such crimes. The observable facts of white-collar crime were explored through the use of applied research methodology.

The importance of understanding the severe consequences involved with white-collar crime and how it can affect a person's life if they do become a victim is crucial in today's society. White-collar crime tends to be put on the bottom of the poll because there is no violence involved (with the exception of a bank robbery). Depending on what type of crime it is, it can be difficult to substantiate in a court of law. The reason for white-collar crime falling below the radar is because violent crimes are taken more seriously than white-collar crimes, and white-collar crimes are more complex and difficult to prosecute than street crimes. As seen from the results of this study, a person's motive to commit white-collar crime usually derives from external pressures such as financial problems, high expectations from other people, and trying to provide for their families. Further, it is recommended that bank investigators who did not have experience in some of the areas of investigating certain types of white-collar crime should receive the necessary training through either internal or external programs.

The manifestations of "white-collar" crime include many different specific types of crimes such as fraud, embezzlement, and theft (Albanese, 1995). As fraud continues to increase in all its manifestations, it has affected the economy and financial institutions as well as major corporations, which has resulted in many of them going under. The subject of fraud can be investigated in so many different ways, many of them broad and complex, so that any discussion would be ongoing without an ending. Fraud is and will remain an ever-changing crime that affects everyone's lives.

White-collar offenders, with few exceptions, were not reared in poverty, were not members of deteriorated families, and were neither feebleminded nor psychopathic (Sutherland, 1949, as cited in Potter, 2002, p. 41). It is believed that people who commit white-collar crimes appear to be middle- to upper-class individuals, brought up in a rather good family environment with perhaps a college degree and a superior position with a major corporation. These individuals are very business savvy and have planned their attack before going in for the kill. Donald Cressey's 1953 study of incarcerated embezzlers pointed out that there was precious little that they hadn't known about embezzling, and what was required was not learning but a situation that prompted them to steal and a set of rationalizations that allowed them to calm their conscience (Potter, 2002). Individuals are not born as criminals but, rather, are taught to be criminals as a way of life from professionals who have been involved in corruption for years.

Bank investigators must continue to play a critical role in combating against white-collar crime. Every minute someone's identity is being stolen; a person's credit card information is being compromised; and an employee is stealing from his or her place of employment. Financial institutions suffer billions of dollars in losses on an annual basis. Bank investigators need to maintain their liaison with local and federal law enforcement to prevent increasing fraud activity. The development of training programs, whether internal or external, can improve the financial institution's losses and educate society so they don't become victims.

What Is White-Collar Crime?

There are various definitions found for white-collar crime. In 1970, Herbert Edelhertz, former chief of the fraud section of the federal Department of Justice, described white-collar as an "illegal act or series of illegal acts committed by nonphysical means and by concealment or guile, to obtain money or property, to avoid the payment or loss of money" (Schlgel & Weisburd, 1992, p. 38). However, if you look up the definition of white-collar crime it is "a nonviolent crime for financial gain utilizing deception and committed by anyone who has special technical and professional knowledge of business and government" (*White-Collar Crime*, 2008).

Marshall Clinard's 1952 inquiry into black marketing concluded that efforts to understand offenders ought to focus on psychological variables (Potter, 2002). His theory referred back to when Edwin Sutherland pointed out that criminal behavior is learned in association with others and that it takes place when what has been learned inclines one more toward crime than away (Sutherland, 1949, as cited in Potter, 2002). Author Gilbert Geis (1992), in his article "White-Collar Crime: What Is It?," talks about the antitrust conspiracies and how they are not likely to be carried out by lower-level employees, that bribery transactions often include lower-level go-betweens, and that fraud is perpetrated by pharmacy employees and ambulance drivers as well as medical doctors. Geis argued that Sutherland added confusion to the definition of white-collar crime, stating that "The most straightforward definition that Sutherland offered has rarely been noted, and it is still unclear, and at times, contradictory" (pp. 34-35). Edwin Lemert, a noted criminologist, once asked Sutherland whether he meant by white-collar crime a type of crime committed by a special class of people, and he replied, "He was not sure" (as cited in Geis, 1992, p. 35). These types of responses from highly respected criminologists give the reader a sense that maybe Sutherland did have every intention of rethinking his theories and perhaps providing a better understanding of what exactly his interpretation of white-collar crime was, and what class of people commits such a crime.

Another critical argument by two sociologists—Tappan (1947) and Caldwell (1958)—assessed that Sutherland's definition of white-collar crime had an anti-business bias, and he used a conceptual brush to tar persons who actually had not been convicted by a criminal court (as cited in Schlgel & Weisburd, 1992). Sutherland argued that it was what they had done that was essential to whether they should be regarded as criminal offenders (Sutherland, 1945, as cited in Schlgel & Weisburd, 1992). Marshall Clinard (1952) provided a logical view that the personalities of the perpetrators were at least as significant as Sutherland's differential association theory in accounting for the black-market violations

(Potter, 2002). A simple definition of Sutherland's term *differential association* explains that competitors learn illicit practices in the same way they are learned by organization members (Albanese, 1995). Also, there is a consensus among the studies that the differential association explains propagation of illegal practices in a particular business within a market much more satisfactorily than it explains its origin (Albanese, 1995).

Sociologist Ernest Burgess (1950) insisted that persons violating regulatory laws, such as black marketers, could not be regarded as criminals because they did not so view themselves and were not so viewed by the public (as cited in Geis, 1992, p. 37). In contrast to Burgess's thoughts about white-collar criminals, Frank Hartung (1950) admitted that he still doesn't understand Burgess's idea that a person is not a criminal unless that person thinks of him- or herself as a criminal (as cited in Geis, 1992). Donald Newman (1958) maintained that the chief criterion for a crime to be white-collar is that it occurs as a part of or as a deviation of the violator's occupational role (as cited in Geis, 1992). Newman insisted, "this is more crucial than the type of law violated or the relative prestige of the violator, although these factors have necessarily come to be major issues in the white-collar crime controversy" (p. 37). He also argued that most laws involved were not part of the traditional criminal codes because violators were a cut above the ordinary criminal in social standing. In Newman's opinion, "whether he likes it or not, the criminologist finds himself involved in an analysis of prestige, power, and differential privilege when he studies upperworld crime" (p. 37). Richard Quinney (1964) maintained that the concept of white-collar crime lacked conceptual clarity and thought that it ought to embrace people in all kinds of occupations (as cited in Geis, 1992).

Federal Bureau of Investigation's Perception of White-Collar Crime

The Federal Bureau of Investigation (FBI) has several white-collar crimes that are investigated, including money laundering, embezzlement, and telemarketing fraud. In 2005, almost half (46.5%) of the households and 36% of the individuals surveyed reported that they had been a victim of white-collar crime during the previous year; 62.5% of the individuals had experienced at least one type of white-collar crime in their lifetime. The most commonly reported crimes by individuals were pricing schemes (33.2%), credit card misuse (21.8%), and effects of national corporate scandals (20.6%). On a scale of 0 to 7, respondents perceived all white-collar crimes as more serious than car theft (*White-Collar Crime*, 2008).

According to the FBI's (2008) *Uniform Crime Report*, most white-collar crime offenders are over the age of 18, and the number of offenders under 18 years old decreased between 1996 and 2005. In data from 8,009 agencies nationwide, 2,600 people under age 18 were arrested for forgery and counterfeiting during 2005, a 52.1% decrease from 5,433 in 1996 (*White-Collar Crime*, 2008). The number of individuals under age 18 who were arrested for fraud in 2005 was 4,779, a 31.2% decrease from 6,947 in 1996. The decrease in the number of arrests of those under 18 for embezzlement in 2005 was less dramatic: 14.7% (from 880 in 1996 to 751 in 2005) (*White-Collar Crime*, 2008). Although the 8,009 agencies reported more arrests of males and females for forgery/counterfeiting and fraud in 2005, they arrested more females than males for embezzlement. It is reasonable to say that the fact that more females were arrested for certain white-collar crimes (e.g., embezzlement, forgery/counterfeiting, and fraud) has to do with the existence of single parent

homes for which women are looked upon to support their families. When money problems arise in most households, it does not only affect that person but the entire family. At that point, a person may begin to panic, and the majority of the time, the result is doing something illegal, especially if there is a history of it (*White-Collar Crime*, 2008).

According to the FBI (2008), tracking white-collar crime, especially corporate crime, is generally much more complicated than tracking other crimes because there often is no single offender or victim to report the crime. White-collar crime is often based on trust established between the victim and the offender before any crime is committed because building trust expands the timeframe of the crime, permitting repeated thefts from an unsuspecting victim (*White-Collar Crime*, 2008). Different types of ethical violations linked to corporate crime include misrepresentation in advertising, deceptive packaging, etc. (*White-Collar Crime*, 2008).

The FBI (2008) investigates incidents of financial institution fraud, including insider fraud, check fraud, mortgage and loan fraud, and financial institution failures. According to the *Financial Institution Fraud and Failure Report*, *Fiscal Year 2005*, the FBI has seen a marked decline in the number of financial institution fraud investigations since the early 1990s. Major cases are defined as nonfailure cases involving more than $100,000. In 2005, the FBI was investigating 4,135 major cases of institutional fraud (*White-Collar Crime*, 2008).

Different Types of White-Collar Crime

Check Fraud

Check fraud is the most common type of white-collar crime. Check fraud includes forgery, counterfeiting, and identity theft. The most common type of check fraud in 1997 was forgery (including forged maker's signature and forged endorsement) ("Check Fraud," 1999). However, it is very difficult in determining if a person acted with the intent of committing check fraud because sometimes if a person has received a third-party check, they trust that the check will clear with no tribulations from the bank.

Counterfeit and Forgery

As technology advances, forgers can use sophisticated computers, scanners, and laser printers to make copies of more and more documents, including counterfeit checks, identification badges, driver's licenses, and money. Making counterfeit U.S. currency or altering genuine currency to increase its value is punishable by a fine, imprisonment of up to 15 years, or both. Possession of counterfeit U.S. currency is also a crime, punishable by a fine, imprisonment of up to 15 years, or both. However, counterfeiting is not limited to paper money; U.S. coins in denominations above five cents are subject to the same penalties as all other counterfeit activities, which are a fine, imprisonment for up to five years, or both. Perpetrators can be punished for altering a real coin to increase its value to collectors. The Secret Service explains that many counterfeiters have abandoned the "traditional" method of offset printing, which requires specialized skills and machinery (*White-Collar Crime*, 2008).

Electronic Fraud

Electronic fraud involves credit cards, the Internet, and, in some instances, identity theft. On several occasions, it has been impossible for an investigator to identify the person committing the crime.

Credit Card Fraud

Credit cards or numbers are obtained and used in a fraudulent manner (Martin, 2002). Law enforcement officials say the hackers use automatic software tools to scan the Internet for machines that have not closed the loopholes. These vulnerable machines are then probed for sensitive data such as credit card numbers. If they are obtained, the company owning the computers is sent an e-mail or faxes making thinly veiled extortion requests, and the hackers will still sell the credit card data to organized crime rings ("FBI Warns of Russian Hackers," 2001). The following are some preventive measures to take against credit card fraud:

- Don't give out credit card numbers online unless the site is a secure and reputable site. Sometimes a tiny icon of a padlock appears to symbolize a higher level of security to transmit data.

- Don't trust a site just because it claims to be secure. Before using the site, check out the security/encryption software it uses.

- Keep a list of all credit cards and account information along with the card issuer's contact information (Martin, 2002).

Internet Fraud

The Internet Fraud Complaint Center (IFCC) offers a central repository for Internet fraud complaints and provides a proactive strategy for confronting this growing problem. Internet fraud is any fraudulent scheme in which one or more components of the Internet is involved, such as websites, chat rooms, and e-mail, and if they play a significant role in offering nonexistent goods or services (Martin, 2002). The top types of Internet fraud reported to the IFCC include auction, nondelivery, credit card, investment, Nigerian letter scam, and business (Martin, 2002). The elderly are the most vulnerable for these types of scams. Some suffer mental and physical conditions, which leave them less able to defend themselves against high-pressure tactics (*White-Collar Crime*, 2008). Surveys conducted by the AARP (American Association of Retired Persons) indicated that most victims of telemarketing fraud were 50 years of age or older, and the top fraud committed against those 60 or older involved prizes/sweepstakes, lotteries/lottery clubs, and magazine sales (*White-Collar Crime*, 2008).

The National Consumers League (2007) suggests that banks can help prevent customers from becoming victims by handing them information about fake check scams whenever they deposit sizable checks, training tellers to explain that just because customers may have access to the funds they deposit does not mean that the checks are "good," and using technology to detect unusual amounts of deposits by customers and contacting them before the checks are sent for processing.

Money Laundering

Money laundering laws are very important to U.S. banks worldwide. Money laundering is the disguising or concealing of illicit funds to make them appear legitimate (*White-Collar Crime*, 2008). Financial institutions must understand that if there is any association with money laundering, they put themselves at a high risk for regulatory, auditing, and any future acquisitions. Also, this is called "willful blindness"—that is, deliberate ignorance and conscious avoidance ("Money Laundering," 2002).

In the USA, penalties for violation of the Criminal Money Laundering Statutes are severe. Individuals may find themselves imprisoned for up to 20 years and given fines up to US$500,000 or twice the amount of funds laundered, whichever is greater. Financial institutions face fines up to US$290 million, and bank employees may face suspension or prohibition from further participation of any affairs of the financial institution, and, depending on how severe, even termination ("Money Laundering," 2002). The following represents the operation of money laundering:

- *Placement*—cash deposits, wire transfers, or other means to place proceeds of crime into accounts of traders/importers/buyers

- *Layering*—conversion of cash into letters of credit

- *Integration*—using letter of credit transactions to disguise the illicit proceeds and allowing the laundered funds to be disbursed back to the criminal or using illicit funds to repay banks for pre-trade finance facilities. ("Money Laundering," 2002, p. 218)

Over the years, the federal government has enacted a number of laws to prevent money laundering, such as the USA Patriot Act; fortified laws dealing with how U.S. banks use foreign banks to transfer money into and out of the country; and the financing of terrorist organizations and activities. It also outlawed bulk cash smuggling, making it illegal to take more than $10,000 in concealed cash across the border to avoid reporting requirements. The number of money-laundering investigations initiated by the Internal Revenue Service has declined in recent years, from 1,789 in FY 2004 to 1,443 in FY 2006 (*White-Collar Crime*, 2008).

Identity Theft

Identity thieves steal personal information from victims, such as social security, driver's license, credit card, or other identification numbers, and then set up a new bank account or credit card accounts or otherwise misrepresent themselves as their victims to obtain money, goods, or services fraudulently. The Federal Trade Commission (FTC) was required by the Identity Theft and Assumption Deterrence Act of 1998 to form the FTC Identity Theft Hotline and Data Clearinghouse in 1999 to track incidents of this type of crime. From January 1 to December 31, 2005, the FTC reported 255,565 cases of identity theft (*White-Collar Crime*, 2008).

College campuses are targets of identity thieves because students have not been adequately warned about the dangers of identity theft. Therefore, they tend to be the most vulnerable to becoming victims. One of the reasons why this crime

is committed on college campuses is because students just don't care and fail to safeguard their information. Also, students are not aware of the various federal laws pertaining to identity theft. Secondly, criminals can steal credit cards from students' mailboxes (one of the most popular types of identity theft), campus ID cards, or copy their soon-to-be victim's name and social security number when the card is in plain view. Lastly, students can also be their worst enemy by giving their information to criminals (Smith, 2000).

The U.S. Social Security Administration (SSA) has encountered organized crime groups of individuals who have presented counterfeit, altered, and fraudulently obtained identification documents at district offices of the SSA to obtain genuine social security cards to ultimately be used for credit card fraud (Ballezza, 2007). A person that commits this type of crime uses the social security number for work purposes. Terrorists are another group that perpetrates fraud by committing identity theft for profit as well as credit card, welfare, social security, and coupon fraud. According to industry experts, estimates show that $3.5 billion in coupons are redeemed annually, of which $3.5 million is fraudulent (Olson, 2007).

Internal Fraud

Internal fraud, better known as embezzlement/defalcation, is usually a high risk to a corporation because at the end of the day, the corporation becomes the victim. Financial institutions normally have policies and procedures put in place to protect employees from themselves. Many corporations tend to want employees they can trust. Management should be reinforcing these policies and procedures so that employees will be able to consider the consequences of illegal actions before it is too late! Also, ethical behavior is another factor that plays a key role with corporations and must be recognized as a policy.

Embezzlement

According to Gary Green (1995), embezzlement is a heterogeneous offense category, which includes statutory violations of criminal conversion, larceny, and fraud, as well as embezzlement. The violation of financial trust is necessary for embezzlement; whereas, it is not required for other crimes of theft. Both insiders and outsiders may victimize financial institutions. Banks and credit card companies now face more resourceful white-collar criminals who target them for embezzlement and fraud (Leap, 2007). Leap explained that there are three types of white-collar criminals—(1) crisis responders, (2) opportunity takers, and (3) opportunity seekers—and notes innovative ways of classifying white-collar criminals based on the frequency of their crimes and on the ways in which the crimes were instigated.

Crisis Responders

Crisis responders commit white-collar and other crimes because of financial emergencies and personal tragedies (Leap, 2007).

Opportunity Takers

Opportunity takers are different from crisis responders in that they feel no immediate financial or personal pressure to do something illegal. The once-in-a-lifetime opportunity to make easy money and improve their lifestyle is too good to resist. For example, some of the executives at Enron, WorldCom, Tyco, and Adelphia appear to be classic opportunity takers because these individuals had no personal financial crises (Leap, 2007).

Opportunity Seekers

Opportunity seekers view crime as a way of life. They seek criminal opportunities and victims much in the same way that a legitimate businessperson seeks new markets and customers (Leap, 2007).

Mortgage Fraud

As a result of today's economy, mortgage fraud is the fastest growing crime. This includes falsifying loan documents and appraisals. The FBI has been diligently working with financial institutions that have suffered losses well into the billions from loans that have gone bad. According to the FBI (2008), real estate fraud has exploded to more than $1 billion a year due to higher home prices and lax regulation. The FBI identified the top 10 hot spots in 2007 as California, Colorado, Florida, Georgia, Illinois, Michigan, Minnesota, New York, Ohio, and Texas.

According to Gibeaut (2007), fraud largely occurs in refinancing, an area in which supervision is considerably more relaxed. Practitioners say they regularly see approved refinancing applications with obviously inflated borrower incomes and puzzling inventories of other assets. Also, fraud may occur more often in inner-city neighborhoods because there may be a lack of sufficient income and credit qualifications.

Different Types of Mortgage Scams

Typical mortgage and foreclosure scams include air loans; equity skimming; falsified application data such as citizenship, employment history, income, and credit history; foreclosure schemes; inflated appraisals; and property flipping (FBI, 2008; "Mortgage Fraud," 2005).

Purpose of the Research

I assumed in this study that a person's motive to commit white-collar crime has been influenced by external pressures such as financial problems, high expectations from other people, and trying to provide for the family. However, this does not make the decision to violate the law acceptable, according to Dwight Smith, the author of *The Mafia Mystique* (as cited in Albanese, 1995). Secondly, a person tends to commit the crime to fulfill his or her short-term needs rather than thinking about the long-term consequences involved if the crime is committed. The Father of White-Collar Crime, Sociologist Edwin Sutherland, stated, "[I]n the face of pressure, a person must decide to go along the easiest route to make his or her own path" (as cited in Albanese, 1995, p. 102). The importance of this research

is to build the reader's understanding of the severe consequences involved with white-collar crime and how it affects people's lives.

Methodology

I used a quantitative research method for this study. I created a survey and only reported the most significant findings of the bank investigators' responses. The first part of the survey displayed the demographics such as gender, race, age, and experience. The demographics were chosen because they played an important part in how the results were determined. The second part of the survey focused on check fraud, electronic fraud, internal fraud, and mortgage fraud, which are all types of white-collar crime. The bank investigators were asked to strongly agree, agree, disagree, and strongly disagree with the questions. These questions focused on white-collar crime in general and on mortgage fraud investigations in particular. The third part of the survey consisted of statements with always, often, sometimes, and never as answer choices. These questions focused on check fraud, electronic fraud, and internal fraud investigations.

The participants were given a week to respond to the survey. The surveys were distributed via e-mail to bank investigators from various banking institutions located in the Chicago area, which were returned via a website called polldaddy.com. This website was used to assist with creating the survey. (This site offers free assistance with creating surveys. For more information, please visit www.polldaddy.com). The site is very user-friendly and provides the creator with his or her own URL address so that the participants can click on the URL address and go right into the survey if a person chooses to send it back via e-mail. The survey also assured confidentiality for all responses to the questions. The survey was used to prove or disprove the assumptions made in this research. **Please note:** This research was a pilot study, which indicates it was a small sample. The reason for doing a pilot study was to determine if the subject is conducive to a more intensive research project in the near future.

Results and Findings

The results were analyzed from 20 surveys, and I only interpreted the significant findings of the research. The following was determined from the surveys:

- Of the bank investigators who responded, 45% were male and 55% were female.

- In regard to race, the interpretation showed that there was a disproportion of ethnicity with bank investigators: 10% Black, 80% Caucasian, 5% Hispanic, 5% Other, and 0% Asian.

- More than 25% of bank investigators were in the age range of 41-45 and 51 or more, which was above average.

- Only 5% of bank investigators were in the age range of 26-30, which was below average.

- The interpretation for why bank investigators did not fall into the age range of 21-25 is that they lack the necessary experience required for the job.

Based on the data, the majority of the bank investigators who responded have been conducting white-collar crime investigations for at least three years or more. The following results were determined:

- 40% of bank investigators have 11 years or more experience, which is above average.

- 15% each of the bank investigators who responded have 3 to 4, 7 to 8, and 9 or 10 years of experience, respectively.

- Only 5% of the bank investigators who responded had one to two years of experience, which is below average.

Bank investigators' perspectives on white-collar crime as an entirety were discussed. These questions were asked because this represents the outlook of an offender's personal background relating to some of the reasons why they commit white-collar crime. Also, this represents a relationship between the victim and the offender, which is why white-collar crime is so successful in many cases. The following results were determined:

- "White-collar offenders are not members of deteriorated families"—60% responded that they agree; while 10% responded strongly disagree.

- "White-collar offenders are not psychopathic"—65% agree, whereas 20% strongly agree.

- "White-collar crime is often based on trust between the victim and the offender before any crime takes place"—65% agree.

Several questions were asked regarding mortgage fraud. The interpretation of why some bank investigators did not respond to certain questions is because they probably did not have a lot of knowledge on how mortgage fraud occurs. Another reason is that they probably have not had the opportunity to investigate mortgage fraud. The bank investigators responded accordingly:

- "Mortgage fraud is the fastest growing crime"—73% agree.

- "Mortgage fraud investigations will continue to grow"—73% agree.

- "Does mortgage fraud largely occur in refinancing, where supervision is considerably low"—Some participants did not respond to this question, while one participant skipped the entire question.

Bank investigators' perspectives on check fraud investigations were examined. Certain questions were asked to obtain a better understanding about check fraud in regard to particular areas commonly investigated with financial institutions. Also, all bank investigators have had the opportunity to investigate a check fraud case. The following results were determined:

- "It is difficult in determining if a person acted with the intent of committing check fraud"—75% responded sometimes; 20% responded never, meaning that there is no doubt of a person's intent in defrauding a bank.

- "Criminals can use sophisticated computers, scanners, and laser printers to make copies of counterfeit checks, money, etc."—55% responded always; 45% responded often.

- "I enjoy check fraud investigations"—55% responded often.

In regards to electronic fraud, there were several questions that participants skipped on the survey. The interpretation is that the respondents did not know how electronic fraud occurs or there is a chance that they have not had the opportunity to investigate electronic fraud. The following results were determined:

- "When electronic fraud occurs online, it is very difficult to find an offender"—66% responded often.

- "Hackers take advantage of company software vulnerabilities when fraudulently obtaining credit card information online"—66% responded often.

- "The elderly are most vulnerable to telemarketing scams"—68% responded often.

- "College students tend to be unaware of the different types of identity theft"—63% responded often.

Bank investigators were asked several questions regarding internal fraud (embezzlement/defalcation). There was a question skipped by a participant, which the interpretation is that the respondent did not have experience with investigating internal fraud. The following results were determined:

- "Employees learn unethical practices from their organization"—21% responded often; 63% responded sometimes.

- "Managers at the bank commit white-collar crimes"—21% responded often; 78% responded sometimes.

- "Bank tellers commit white-collar crimes"—31% responded often; 68% responded sometimes.

- "More females are arrested than male offenders for embezzlement"—31% responded often; 63% responded sometimes.

Bank investigators' perspectives on some of the causes related to embezzlement were examined. The interpretation for the responses is that bank investigators believe that these particular reasons are often causes of why people become dishonest and steal money. The following results were determined:

- "Financial crisis"—80% responded often.

- "External pressures"—60% responded often.

- "Higher expectations for corporate goals"—55% responded often.

Conclusion and Recommendations

The purpose of this research was to examine bank investigators' perspectives on white-collar crime. This study was important because its purpose was to educate the reader on various types of fraud involving white-collar crime and how it can affect a person's life if they do become a victim. The first assumption pertains to a person's motive to commit a crime. There were several identified such as external pressures in terms of financial issues, higher expectations from other people, and attempting to provide for their families. The next assumption was that people tend to fulfill a short-term need rather than thinking about the long-term consequences if a crime is committed. Also, as stated by Hirschi and Gottfredson, there is "the tendency of individuals to pursue short-term gratifications in the most direct way with little consideration for long-term consequences of their act" (as cited in Albanese, 1995, p. 103). The results of the data confirmed both assumptions in this study.

I remember attending a seminar hosted by FBI agents in Vernon Hills, Illinois, which covered several topics dealing with white-collar crime. One thing that was mentioned regarding internal fraud is that detection is a person's worst nightmare because the thought of fulfilling that short-term gratification often causes the long-term consequences to be overlooked.

As I reviewed the surveys and identified the respondents who did not answer some of the questions, perhaps it would have been advisable to include an "NA" (Not Applicable) option for bank investigators who did not have experience with investigating certain areas of fraud. Further, bank investigators who have not had the opportunity to investigate every aspect of white-collar crime should be trained to do so by inquiring about training programs, whether internal or external, which would improve the financial institution's losses and educate them as individuals so they don't become victims.

As stated earlier in this study, the elderly and college students are the most vulnerable to becoming victims of identity theft. There is a lack of knowledge in this particular area as well as in regard to other fraud-related crimes. Education can be accomplished by conducting community awareness presentations at senior citizen homes, at colleges/universities, and/or at community centers for residents to attend so they will know what to do if they ever become a victim of fraudulent activity such as identity theft, which is becoming more common, based on reports received by local and federal law enforcement agencies. It is the responsibility of law enforcement and bank investigators to communicate the latest fraud trends because they both deal with citizens and customers on a daily basis.

Also, bank investigators need to continue to maintain their liaison with local and federal law enforcement agencies to prevent fraud activity from increasing. In addition, it is very important for bank investigators to continue to play a critical role in combating against white-collar crime because, as the economy continues to remain in the state it is in, criminals will find ways to become more creative

about how they steal money. Bank robberies will continue to increase in numbers across the country; and Americans who have suffered financially from job losses will, out of desperation, begin to commit unlawful acts. So what constitutes a white-collar crime? Throughout this research, there was no clear answer from the criminologists nor the sociologists because it is such a broad subject. Is there more research needed on a clarification of white-collar crime? Certainly there is! It is necessary to conduct ongoing research on the foundation of white-collar crime so that law officials as well as bank investigators can begin educating society on the threats involved.

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Managing in a Downturn: Police Remarks from a South African Perspective

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Introduction

While all U.S. government buildings in South Africa (on 23 September 2009) were closed because of a terrorist threat (Fabricius, Smillie, Gifford, & Reuters, 2009, p. 1), the Central Intelligence Agency (CIA) sees the worldwide economic meltdown as a major security threat to the United States of America (Thaindian News, 2009). In China, nearly 200 people were killed because of Muslim Uighurs and ethnic Han Chinese who fought over money and resources (Mucha, 2009). Just like in the United States, China, and the rest of the world, South Africa is directly affected by the present economic recession, and the end is not in sight (Mohamed, 2009; Sharma, 2009).

South Africa's Economic Situation

South Africa's past economic policies (before 1994 to today) and the proper infrastructure that the 1994 government under former President Nelson Mandela inherited from the former apartheid National Party have enabled the country to develop in such a manner that it is regarded today as an example and beacon of hope for the rest of Africa. Because of this inherited good infrastructure, our present mixed economy, with a strong free market emphasis, has developed and expanded to especially redress the inequalities of the past.

Fair to moderate and moderate to good service deliveries can be expected by the majority of South Africans when it comes to life's essentials like water, houses, electricity, sanitation, health care, roads, and telecommunications. Perhaps more than half of the total number of people living in South Africa are today enjoying the basic necessities of life. The ANC-government is still in control with 66% of the election votes and, despite criticism of opposition parties, it seems that they are really trying hard to keep their hand on the pulse of the people.

While there is still an emphasis on the free market system and many business people try to implement free market principles, the South African Communist Party (SACP), who never had received enough support to be a prominent political or opposition party in this country, is now busy influencing President Zuma and the ANC in a much more powerful way to implement what they want. There is no doubt that they want the state to control everything in a strong centralized manner. Nationalization of heavy industries, mines, telecommunication and transportation systems, and land reform are for them key issues.

In their *Central Committee Discussion Paper* of September 2009, the SACP pointed out that in the first half of 2009, half a million jobs have been lost; tens of thousands

of other workers have been reduced to part-time; factories have been closed and businesses liquidated; and the rate of bankruptcies, credit bureau black-listings, and car and home repossessions has soared. Billions of rands have been wiped off the Johannesburg Securities Exchange, and retirement savings have evaporated into thin air (p. 3).

South Africa's Foreigners

Despite the xenophobia attacks during May 2008 that rocked our country in which many foreigners were killed, many of the foreigners who have came here simply try to make more money than what they can make in their home countries (Ras, 2008a, 2008b, 2008c). Examples are people from the east like Bangladesh, China, India, and Pakistan, while nationals from Africa include countries like Angola, the Congo, the Democratic Republic of the Congo, Malawi, Mozambique, Nigeria, Senegal, Somalia, Zambia, and Zimbabwe. Most of them come and open small shops, selling anything from food, shoes, and clothes, to cell phones.

While the Chinese especially are focusing on the selling of cheap clothes and shoes (Ras, 2008b), the Pakistanis focus more on the selling of cell phones (Ras, 2008a), and it seems people from Bangladesh focus more on food products. While Muslim Senegalese open small stores and try to sell clothes and shoes, the Somalis, while buying their stock (clothes) from Chinese warehouses in Johannesburg, try to sell their products even more cheaply than the Chinese in order to take the market. In the midst of these foreign "buying power struggles" to survive and to make money, most indigenous black South Africans who have shops like these foreign nationals simply cannot cope nor compete with them because of their low prices and nonlegal business practices (Ras, 2008a, 2008b, 2008c).

In general, the foreigners work very long hours; they normally do not issue till slips; they do not pay any taxes to the government; and they try to cut their prices in order to convince the local people, without speaking or trying to learn their vernacular, to buy from them and not from others. This reality creates tension and friction between local shop owners and these foreigners that frequently necessitates strong police interventions (*E-TV*, 2009).

Newly appointed South African President Jacob Zuma, who is also the Chancellor of the University of Zululand where this author has lectured for the past 19 years, is now starting to feel the chill of key allies turning on him as strikes brought almost all municipal services to a halt around the country, and service delivery protests erupted sporadically in July this year (Naidoo, 2009, pp. 40-42). At the end of July, the Minister of Co-operative Governance and Traditional Affairs in Zuma's ministry, Sicelo Shiceka, and a host of cabinet ministers from the security cluster fanned out across the country in an effort to quell a spate of service delivery protests that have rocked several smaller municipalities (p. 40).

While ordinary South Africans are feeling the credit crunch and the poor become poorer and the rich more worried, President Zuma, just like many other African State presidents, in his September 2009 speech in Pittsburgh, Pennsylvania, was (again) reminding the developed nations that they must not forget the promises that they have made to African countries in terms of financial aid. There is no doubt that South Africa needs money (Ras, 2007, p. 107). The recession has wiped

out 253,000 South African jobs (Enslin-Payne, 2009, p. 1), and at least a quarter of South Africa's workforce is unemployed. Some experts say the figure could be one third if those who have given up looking out of despair are counted ("Recession Is Still Hammering," 2009, p. 2).

Crime Situation

In terms of crime statistics, the picture in South Africa did not really improve over the past year (2008-2009). Crime is still high, although there is no doubt that the public believes that the police definitely have tampered with the figures so that the real picture will not be revealed. Why? Possibly to not frighten the much-needed overseas investors and those who are coming to attend the upcoming 2010 Soccer World Cup in South Africa (Ras, 2007, p. 96).

The police annual report for the period 2008 to 2009 reveals that 2,100,000 crime cases of a serious nature have been reported to the South African Police Service (SAPS). There were 5,743 serious crimes committed every day in South Africa. On average, 50 people are murdered each day of the year and another 50 become victims of attempted murder. From April 2008 to March 2009, there were 18,148 people who have been murdered, which is 37 murders per 100,000 people. While business robberies have increased 41.5%, the World Economic Forum now ranks South Africa as the worst place to do business, largely because of crime. A total of 71,500 sexual offenses have been recorded and 14,915 vehicles have been hijacked ("Massive ANC/SAPS Crime Cover-up," 2009; Padayachee, Newman, & SAPA, 2009, p. 1; "Police: A Losing War," 2009; Ross, 2009; South African Police Service, 2008/2009).

Zimbabwe and South African Land Claims

While our neighboring country, Zimbabwe, is still struggling to get access to basic necessities like food and fuel, and more than 6,000 illegal Zimbabweans have crawled through the border fences each day for the past several months because of hunger, political instability, and fear of torture and famine, the Minister for Rural Development and Land Reform of South Africa, Minister Gugile Nkwinti, appeared on *SABC 2*, a news programme, 4 October 2009, saying at Vryheid (northern KwaZulu-Natal), 200 kilometers from where I live, that South Africa can become like Zimbabwe where people will start to grab land for themselves if our land reform programme is not expedited (April, 2009).

This was said to underline the importance that the so-called "struggle veterans," those who have participated in the arms struggle against the apartheid regime, will no longer be able to control themselves if the government does not speed up the process to redistribute land to these people. At the same time, it was said that the government is worried that those people who have already received land do not utilize it as properly as the white farmers who had farmed there before (April, 2009). One black person, wearing an IFP-t-shirt, a t-shirt of one of the dominant opposition political parties in the KwaZulu-Natal region, has said that his solution to this problem of underdevelopment is to ask the white farmers to assist them to learn how to farm. This remark was interesting because many of the "land grabbers" or "land invaders" do not want the assistance of any white farmers at all (April, 2009; Ras, 2007, pp. 93, 96).

Economic Realities and Policing

The present economic and socio-historical situation on the ground indicates one thing—this is a difficult but challenging time in South Africa, and the SAPS must ensure that people do not take the law into their own hands when they are stressed and influenced by the present realities and the worldwide economic downturn. Their main task and focus must be to ensure the safety and security of all citizens and their property and possessions. This remains a huge challenge because most of the citizens in the country are not confident that the police or private security officials will be able to cope with the criminal onslaught (Potgieter, Ras & Neser, 2008, pp. 33-43).

Be Different

It is in times like these that we are called to be different and must try to do what we can in order to get out of the economic downturn (Ras, 2009a). It is important not to give up and not to let historical and financial-fiscal circumstances dictate and control us. The human spirit is bigger and can transcend any difficult circumstances, including this one (Frankl, 1962; Ras 2000, 2007). We need to be innovative and one step ahead of all those who are only seeing the dark side and the problems (Ras, 2009a). The meltdown is a wake-up call (Bisseker, 2009, pp. 46-48).

On the positive side, although we do have a high crime rate, we do not have political instability, bomb explosions, or constant war zones like Iraq and Afghanistan. We also have lots of opportunities and lots of food in the supermarkets and meat in the butcheries—something that our neighbors in Zimbabwe do not have.

Economic Survival

The majority of black South Africans have survived through participating in the second economy during the years of apartheid (1948 to 1994), and, I believe, they will survive again today and tomorrow. While black economic empowerment is still prominent in South Africa and black capitalists are rising and falling with all the shifts of power (Mbanga, 2009, pp. 28-32), I believe that those who are now, financially speaking, part of the middle and higher classes in South Africa's diverse society will remain as "black diamonds" in the main economic stream, and those who are living under or above the breadline will also survive—whether through a government grant, with the assistance of a neighbor, through entrepreneurial skills, past experiences, or simply through the black market—they will survive.

While food prices are rising (Moola, 2009, p. 14), trade unions are using bargaining chips, like Soccer World Cup deadlines, to win disputes. At present, "the rand is strong, the pound weak and property prices have collapsed everywhere except in South Africa" (Fife, 2009). While those with property, who can still afford it, have at least something to fall back on if things get worse, the nation is undergoing political and social transition, and people are moving from rural areas to urban areas and end up living in informal settlements with poor sanitation and less access to health care (Fontyn, 2009, p. 65). Despite all this, President Jacob Zuma has promised 500,000 jobs before Christmas this year (Mthombothi, 2009, p. 6).

Business robberies have increased almost 42% the past financial year (2008-2009) in South Africa, which clearly indicates that the economic meltdown is felt by criminals who want to make enough money to have a decent living. There is no doubt in my mind that petty theft has increased with a much higher percentage, but it is difficult to verify it because most South Africans do not bother to go to the police to report small crimes (Ras, 2007, p. 95).

It is actually a joke to go and bother the police with something "small and insignificant." The perception is that the police only feel comfortable with serious cases, not minor things that they think will waste their manpower and resources. If one adds the postulation that about 10 to 20% of crimes are unreported, then the police in South Africa are really faced with major challenges to ensure that the citizens and their possessions are safe and secure. The seriousness of more business robberies and a dramatic increase in petty thefts is posing a huge challenge to the police service and puts unwanted psychological pressure and stress on shop owners and ordinary citizens to be more observant, vigilant, and prepared to look after their own possessions.

Black Markets

In South Africa, the term *black markets* refers to the illegal markets that are used by criminals to do their trade. While crime is high in this country, the black market is the place where one can get illegal merchandise, weapons, narcotics, and, as some say, whatever one wants. Last month (September 2009), South Africa's new investigation unit, the Hawks (who have replaced the former unit, the Scorpions), seized 8,000 kg of cannabis and 115 kg of heroin in Durban, 180 km from where I live (BBC News, 2009).

The monetary value of the seized cannabis ("dagga" in Afrikaans) and heroin is estimated at $70 million—the biggest drug catch ever in South Africa's history. This particular drug run began in Afghanistan and was destined for Great Britain when it was found in a warehouse in Durban harbor (BBC News, 2009). This is just one example of what is happening behind the scenes on the black market. The economic recession is also hitting criminals hard who are not content with what they have.

Al-Qaeda Sleeper Cells

At the same time, there are many people who wonder about the existence of Al-Qaeda members in South Africa. The presence of sleeper cells cannot be ruled out because South Africa has a good infrastructure, transportation, banking systems, and Muslim sympathizers who support the Jihad (Ras, 2009b, 2009c, 2009d). Members can easily hide in South Africa, making use of fraudulent South African identity books and passports and relying on financial support from the mosques and so-called *lilah* and *zakat* funds from Muslim charity front-organizations. Although I doubt if they will strike here during the 2010 Soccer World Cup, because of the good support systems that they will find here for themselves, it remains an impossible possibility.

The Muslim communities in South Africa do not openly condemn Al-Qaeda or openly speak out against Osama Bin Laden or his followers because, it seems to

me, they silently approve of their Jihadist actions. Although Muslims are very good citizens in our country, and some have very high positions in government, many are expressing anti-government feelings because of laws recognizing homosexualism, lesbianism, drinking and gambling, and so forth.

The appointment of Mo Shaik, the brother of convicted fraudster Shabir Shaik, President Zuma's former financial advisor, who now has been released from prison on so-called medical grounds, as head of South Africa's Secret Service, has been criticized by opposition parties. The feeling is that the president is now appointing his loyal friends in strategic positions because it is "payback time" when he (president) himself was charged with corruption (Independent Online, 2009; Ras, 2007, p. 96).

How Do South Africans Survive the Downturn?

It depends on who you are. If one is, for example, from a religious perspective (like in the American Bible-belt), a God-fearing, religious, law-abiding citizen, then it is simple. If you have a job, you go to work, do it well, go home, and return again the next morning or evening to your work. If a person is not a committed religious man or woman who tries to uphold ethical and moral values like "Do not steal!," then that person, metaphorically speaking, constantly will look around for holes and gaps in the security fence where he or she can slip through to go and commit one or another crime.

The economic breakdown that is hitting South Africa now was preceded through the years by a moral breakdown that eroded family values and basic important ethical characteristics like honesty, integrity, and fidelity. Respect for parents, churches, the state, and those in positions of authority declined. This *inter alia* resulted in an increase in crime that affects us all. Thousands of people steal and lie about what they are doing just to survive and to enrich themselves. It seems that many do not have a conscience. The reality is that it seems that our black market is black, very black, and this is of great concern.

How Can We Stop Illegal Criminal Activities?

This is a good practical question with a simple answer. Implement community and intelligence-led policing and implement target hardening and proactive crime measures and counter-terrorism strategies (Albrecht, 2008; Bezuidenhout, 2008; Ras, 2009d). At present, the police are under the new National Police Commissioner, Bheki Cele, who wants the police to eradicate all criminals.

Minister Nathi Mthethwa, the Minister of Police, and Police Commissioner Cele are committed to making a difference and use war-talk on a daily basis. They have said that the police must shoot to kill, and they have already requested soldiers and have used them to assist the police and municipal police officers with search-and-cordon operations in cities like Tswane (Pretoria).

This new approach of President Zuma and his men is a hard approach and a "no-nonsense approach" that, psychologically speaking, acts as a deterrent against those who openly want to commit violent acts like cash-in-transit heists, taxi-related (public transport) murders, and other serious violent crimes. This

approach is already a thin light, but a welcome light, in a dark tunnel. Differently put, we hope that criminals will stop doing what they do when they start to see a muzzle-flash at the end of the barrel facing in their direction.

Quo Vadis?

What is the way forward? The South African Police Service now tries very hard to fight the criminal waves that roll towards them. The day for soft approaches are long past, and criminals must expect that the men and women in blue (color of their uniform) are now tasked to get serious and to do their jobs, as a way of speaking, with pens in their pockets and hands on their pistols, and not the other way around.

Unfortunately, many scholars in police science and in criminology seem to be more concerned about victims of crime than about the real issue—that "I myself must do something to stop the criminals from taking over!" I strongly believe that the "seemingly-right-but-wrong-approach" of caring and sharing for victims must make room for self-empowerment and self-development and a Steven-Seagal kind of thinking.

South African citizens need to learn karate, learn to defend themselves with handguns and hands, learn to fight back to take back what is their own. Every method and technique to stay alive and to defend themselves needs to be implemented if they want to win the war against crime. Reactive measures never have worked in South Africa. Proactive and preventative policing measures need to be implemented instead of focusing reactively on those who have fallen prey to criminals.

By way of illustration, on Saturday, 3 October 2009, I was assessing the shooting skills of a white man on the shooting range with other black members. He told us he was offering more than $1,000 to anyone who could tell him where his 4×4 vehicle was that was stolen in Richards Bay (50 km from where we were) two weeks earlier. He was desperate to get it back, and he said he would personally take the police to that place to recover the vehicle if someone could just spot it and point it out. This problem-solving attitude is what every citizen in South Africa needs to exhibit if we want to win the war against the criminal onslaught.

The Police and the People's Dream

We grew up with the knowledge that there is something called "the American dream." I do not exactly know what it is, but I believe it has something to do with wealth and success, that everyone wants to make enough money and wants to be successful. Here in South Africa, we also have a dream. The dream of the majority of the people is to feel safe and secure (e.g., see Mhlongo, 2009).

The dream of National Police Commissioner Cele, who has been in his new post for less than three months, as he explained on national television, is that any woman must be able to walk any time of the day or night in the streets without feeling scared to get raped. Cele's dream is typical of what every ordinary South African citizen wants. They want to feel safe and secure. If this is in place, then there will be more foreign investments, economic growth, social development, and real human capital development. *In summa*, if safety and security is in place

as it is supposed to be, then it will be easier for all of us to overcome the economic downturn. Generally speaking, we will manage because the environment will enable us to create growth and to develop wealth.

While the police are busy expanding the police service from 150,000 to 180,000 members and plan to roll the numbers out to about 210,000 in the near future, it is high time that every policeman and woman and soldier commit themselves to effect change and to be disciplined, fearless, reveal high morale (Ras, 2006, pp. 40-41), and be courageous enough to go out and rid our society of any form of criminal activities (Ras, 2007, p. 97).

Final Remarks

Despite the economic meltdown and consequent expected crime waves that may hit the country, the police have to manage the crime situation in South Africa. The political will to get rid of crime is there; the announcement that there is a war against crime has been made on several public occasions. The expression "Shoot to kill!" has officially been made at top managerial levels, and now what is expected at the grassroots level is empty yellow copper 9×19 mm handgun cases and newspaper reporters who will flood our newspapers with photos of dead criminals, laying in pools of blood, with headlines that read, "Bloody criminals!" (Ras, 2007).

Our people have a right to feel safe and secure. That is not negotiable. Community and intelligence-led policing are now buzzwords, and everyone knows that they must share information with the police so that they can come and get the criminals out of their hiding places with instant flash and stun grenades. In order to be ready for the expected estimated 450,000 visitors who will come to South Africa to watch the 2010 Soccer World Cup, there is no doubt that we can now expect the police to do some problem-solving fireworks.

I believe that if the police are assisted by the military to do road blocks, to help with search-and-cordon operations, and to do eagle patrols at so-called hotspots through the use of air force helicopters, most criminals and those who plan any form of serious crime will be discouraged from doing so. However, if the ANC-government is not going to speed up their service deliveries to the people at the national, provincial, and especially at the local-municipal levels as they have promised their voters during recent political elections, then there is a real possibility that their own members will start to take the law into their own hands and may destabilize certain areas of our country We cannot afford to have the lawlessness that Pakistan has experienced and is still experiencing (Nadeem, 2004) or an economic breakdown as Zimbabwe is experiencing.

The Latin saying, *ut sementem teceris, ita metes*, "what you sow, you will reap," is a *fait accompli*. There are indications that people from different racial, ethnic and linguistic-cultural groups will stand up and resist those in government who they have voted in to address their needs. I believe that it is time for all South Africans to put all their differences aside and to make the country work to ensure that we win the fight against crime, poverty, unemployment, and underdevelopment. It is only through the implementation of proactive safety and security measures that we will create the right climate to effectively manage the economic downturn. We do not have a choice. To survive, we have to do it.

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Use of Firearms by Russian Law Enforcement and Correctional Agencies

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The number of crimes involving firearms in Russia is growing with each passing year. In 2007, there were 13,800 of them registered. Detection and removal of illegal firearms, ammunition, and explosives, and the disclosure of crimes committed with their application, have become mandatory elements of all large-scale preventive operations. As a consequence, law enforcement agencies are increasingly fierce in curbing crime and violent resistance, which often requires the use of firearms.

To carry out their serious and responsible duties to protect the lives, health, rights, and freedoms of citizens; property; and the interests of society and the state from increasingly violent criminals, law enforcement officials are given broad rights on the application of use of firearms measures. The right application and use of firearms is included in the law, "On Police" (Art. 15-24), "On Weapons," "Institutions and Bodies, Performing a Criminal Penalty of Imprisonment" from 21.07.1993 (Art. 28-31), and "On the Detention of Persons Suspected or Accused of Committing Crimes" from 15.07.1995 (Art. 43-48).

Contained in these regulations, the rules of firearms in fact specify the general provisions of the law of self-defense, the arrest of the offender, and of necessity (Art. 37-39 of the *Criminal Code*).[1]

The provisions of the legislation on self-defense in cases of extreme necessity, as enshrined in Article 24 of the law "On Militia," completely and without any restrictions apply to the activities of its employees when they are to perform their official responsibilities and have to apply their service weapons.[2] Before the introduction of the Act, such a conclusion was formulated only in the decisions of higher courts on specific criminal cases.

However, in the daily practices of judicial and prosecutor's agencies, the Supreme Court decisions were often questioned if not completely ignored. This is largely due to the fact that the then existing rules were based on a restrictive interpretation of the rights of law enforcement officers in self-defense.

In currently existing legislative acts, law enforcement officers are allowed to use weapons in exceptional cases and as a last resort for the following purposes:

- To protect civilians from attacks that threaten their lives or health if other ways and means to protect them is impossible.
- To repel attacks on critical or other protected objects.
- To repel attacks on a law enforcement officer when his life is in immediate danger if it cannot be protected by other measures.
- To apprehend the offender, who is offering armed resistance or is caught committing a particularly serious crime, or attempts to conceal the offender (with the exception of women and minors), or escapes from custody if other ways and means to apprehend these criminals is impossible.
- To protect against attacks that threaten the lives and health of employees of the correctional system, prisoners, detainees, and other persons, as well as to repel the attack with a view to taking possession of arms.
- For the release of hostages, buildings, structures, premises, and vehicles held by hostage takers.
- To repel the group or armed attacks on protected objects and correctional institutions.
- To arrest a person who escapes from custody, or to stop attempts to force the release of prisoners and detainees, and to apprehend an armed person who refuses to comply with the legitimate demand of a law enforcement officer for the surrender of weapons.

In addition, the firearms may be used for the following purposes:

- To stop a vehicle with an escaped convict or prisoner.
- To prevent convicts, prisoners, and other persons who intend to use firearms or as an alarm or call for assistance.

Law enforcement officials have the right to bear firearms and bring them into readiness if they believe that in the present situation the grounds for their application under the existing legislation may arise.

Without warning, a firearm may be used in the following situations:

- In repelling an attack using weapons or vehicles
- During the escape of convicts and prisoners from prisons, detention, or custody of arms, or from a vehicle while it is moving
- When a convict, prisoner, or any person with a drawn firearm, knife, or object which could cause injury attempts to approach a law enforcement officer or attempts to approach the officer with the intent to take the officer's weapon

While using firearms, law enforcement officials must take all possible measures to ensure the safety of citizens as well as to assist the victims by providing medical care:

- It is prohibited to use firearms against women with visible signs of pregnancy, persons with obvious signs of disability, and minors when their age is obvious or known, except in cases of armed resistance; an armed group committing the attack, threatening the lives and health of citizens; or in cases when this might affect any citizens detained and delivered for administrative offenses, drivers of vehicles for violating traffic rules, and citizens accompanied by children.

- In every case when a firearm has been used, law enforcement officers are required to report to their supervisors within 24 hours of the application.

- The administration of the correctional institution or law enforcement agency in each case of firearms application should immediately notify the prosecutor's office.

- The weapon is used only when all other forms of preventive treatment of offenders have been attempted and have not produced the desired results.

- When the firearms were used in inappropriate ways or were not applied in cases where their use was necessary and possible, and these situations resulted in grave consequences, the officials are held accountable.

- Before the use of weapons by law enforcement officers, except in cases where their lives or the lives of citizens are in immediate danger, the officers are obliged to issue a warning—"Stop or I'll shoot!"—or to fire a warning shot.

When a law enforcement officer has used his or her weapon, he or she must follow the procedures below:

- In case of injury, take measures to assist the injured and call for emergency medical care while respecting the necessary precautions against a sudden attack.
- With a fatal outcome, ensure the protection and preservation of the bodies and the crime scene before the arrival of the public prosecutor or law enforcement agency representative.
- Upon firearm application, immediately notify the officer on duty, and upon arrival at the agency, produce a report stating when, where, and against whom the weapon was used; the circumstances and consequences of its application; the amount of spent cartridges; and the series and number of weapons.

Law enforcement officials have begun to overcome their legal insecurity. However, it would be naive to believe that the adoption of new regulations governing the application and use of firearms will erase all the problems.

There are still many cases of indecision; fear by law enforcement officials to use weapons; hasty, ill-planned use; and violation of safety rules for handling weapons, leading to unnecessary casualties.

Practice shows that firearms are used mainly in the following circumstances:

- Pursuit and detention of offenders
- Repelling an attack (self-defense)
- Stopping an auto (motor) transport
- Repelling an animal attack

Addressing the need to improve the firearms training of law enforcement officers is impossible without extensive and detailed analysis of specific cases of application and use of service weapons by police personnel.

The current method of accounting and analysis of practical application and use of weapons is limited to only the collection of quantitative data on the victims, improper use of firearms, etc. (see Table 1).[3]

Table 1. Quantitative Data on Firearms Usage

	2006	2007	2008
Cases of standard-issued firearms application	419	288	367
Instances of the use of standard-issued firearms	3,320	3,044	2,889
Instances of the use with violation of legal regulatory acts	261	235	196
The number of affected citizens by the application and use of firearms	258	317	365

Case studies of use of weapons by law enforcement agencies helped identify a number of characteristics of the "police shooting" and made it clear that it was necessary to improve firearms training for students and cadets of the police and corrections training and educational institutions and the Ministry of Internal Affairs Federal Service of Punishment Execution of Russia.

Firearms Application by Police

In the past four years, there has been an active rearmament of the police and special task forces. Currently, Russian police are armed mostly with the Makarov pistol, while special forces mainly are armed with pistols such as the Stechkin, Yarygina, and Glock. According the Interior Ministry, the special task forces of Russia are developing approximately 17 samples of various types of weapons, including firearms and traumatic lethal weapons.

Given the time of year, day, and the lighting conditions, it was found that 76.5% of law enforcement officers had used weapons in limited visibility, when the dusk, twilight, and other factors made it difficult to perform precise aiming. In these conditions, successful firing requires such skills as the ability to shoot at the sound of the shot or at the flash in a dimly lit target.

"Police shooting" is also characterized by the fact that in 50% of the cases, shots are fired from a short distance (within 30 feet), when a miss is fraught with unpredictable consequences.

Survey results of firearms application by law enforcement officers revealed that out of all the cases shots were fired in a compressed period of time (100%) when the officer did not have an opportunity to carefully take aim. In the situations of self-defense, 53.8% of the shots were fired "without aiming" in an attempt to be ahead of the attackers. Also, shots were fired with one hand in 87.2% of cases. During the arrest of offenders and the stopping of vehicles, shots were fired by one hand in 69.7% of cases, and with two hands in 30.3% of cases. In addition, shots were fired from a standing position (50.1% of cases), in the knee position (9.0%), lying on the ground (4.4%), or out of the car (36.5%).

The complexity of firearms application when repelling animal attacks was that in 13% of the incidents, the visibility was limited; in 7% of cases, there were citizens in the shooting area; and in 4.4% of cases, shooting required an additional

ammunition chamber. Analysis indicated that in the situations of vehicle pursuits, detention of offenders, and self-defense, the weapons mostly were used between 10:00 PM and 2:00 AM. In particular, the survey showed that officers had to shoot after physical exertion (12.7% of cases), while counteracting the weapons used by offenders (7.4%), and after changing the chamber (4.1%).

Most of the shooting happened on the streets (75.0% of cases), in buildings (10.1%), or in the park and forest areas (8.1%). In this regard, it was found that the accuracy percentage of hits was only 40.7%.

Firearms Application by Correctional Officers

According to the survey results, correctional officers have used firearms primarily to prevent the escape or attempted escape from jails and prisons ("shot up" and "shot to kill") and the release of hostages held by inmates and to take control over riots.

The main types of firearms for correctional personnel are the Kalashnikov rifle and a sniper rifle in cases of special operations such as riots in prisons; hostage-taking; and to perform the special assignments to protect the rule of law in the Chechen Republic, Dagestan Republic, and other hot spots, where the above listed weapons were fully applied.

In most cases in which firearms have been used to prevent escapes from prison, it has been in the dark at a distance of 300 to 360 feet. In the incidents of preventing the escapes from custody or during a convoy, correctional officers used a Makarov pistol and a Kalashnikov rifle for shorter distances. During escape prevention shootings, officers have used a Kalashnikov rifle from a standing position in 93% of cases, from the knee position in 5.3% of cases, and from a prone position in 1.7% of cases. Based on survey data, firearms were used by correctional officers for the following purposes:

• Warning shots – 53.0%
• Warning shots and on target – 43.5%
• Specifically on target – 3.5%

Firearms Training Enhancement

To improve the quality of firearms training in law enforcement and correctional educational institutions in Russia, it is necessary to increase training time to two hours a week. In order to achieve better results, some police and correctional training institutions have developed comprehensive exercises combining firearms and physical training, which aim to develop skills to fire a gun in different environments and in different ways, and under increased physical and psychological pressures. Such exercises include overcoming a special obstacle such as a ditch, fence, labyrinth, ruined stairs, horizontal bars, front of the house with windows, logs, jumping on the "bumps," etc. The contents of an obstacle course should be as close as possible to real situations that may arise in the future careers of students. It also should include a role playing scenario with one of the students in the role of the fleeing criminal and the other in the role of the officer pursuing him. After the obstacle course, both of the students should have an unarmed combat session followed by a short run to the shooting range and, in a limited

period of time, they should have to shoot from 90, 60, and 30 feet using different positions (i.e., prone, kneeling from behind shelter, standing).

In order to bring this exercise close to reality, in addition to physical obstacles, different lighting and sound effects should be set up such as absolute darkness or low light, flashes of light, sirens, sounds of simulated attacks, etc.

The introduction of new curriculum, *Shooting in Extreme Conditions*, was another step towards bringing together training and practice. It was designed to simulate situations that the students may encounter in the course of their service and combat missions. Particular attention is paid to the moral-psychological training to develop a willingness to be in complex, extreme conditions and the necessary endurance and initiative.

Thus, analysis of the application and use of firearms by Russian law enforcement officials indicates that the current priority is to improve the quality of professional training of the law enforcement and penal system officers. Intensive application of the modern training techniques and traditional teaching methods will prepare professionals for Russian law enforcement agencies who are able to solve any performance-combat missions that require a firearm.

Endnotes

[1] *Criminal code of Russian Federation*. (2009). Moscow: Prospect Publishers.

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[3] *O primenenii ispolzovaniya oruzhiya sotrudnikami organov vnutrennih del* [*On firearms application by internal affairs personnel*]: *Informational-analytical review*. (2009). Report prepared for the Personnel Division of the Ministry of Internal Affairs of Russia. [In Russian]

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