Meeting Law Enforcement's Responsibilities

Solving the Serious Issues of Today

Major Cities Chiefs Association
Critical Issues Study Group
October 2001

September 11, 2001

Just prior to this monograph's printing, terrorists struck at the World Trade Center and the Pentagon.   The events have significantly altered the role of law enforcement organizations in the United States and Canada. The problems faced by law enforcement just a few months ago, while still important are less critical. In the near term, law enforcement organizations will be able to function quite well in providing the public with safety and security. However, in the long term, the problems addressed in this report will again surface and need to be addressed.

Terrorists will again visit our shores. The front line in this war will be anywhere and at anytime. There will be more casualties to the ranks of those entrusted to protect the public. This is a duty we cannot shirk, lest we besmirch the nobility and courage of those New York City police officers and firemen who died at the World Trade Center.

As we have in the past, North American law enforcement organizations will meet the challenge of this new age. We shall do so with honor, courage, diligence, devotion, and dedication to the public we serve.

Foreword

The Major Cities Chiefs (MCC) is an organization of chief executive officers (CEOs) of the largest local law enforcement organizations in North America. Membership includes 53 departments from the United States and six departments in Canada. Using a generous grant from the Lincy Foundation, the MCC established a thirty-member study group to determine the most serious issues facing law enforcement in the near-term future.

The Critical Issue Study Group (CISG) is made up of individuals who have distinguished themselves during their long law enforcement careers. Some members have recently retired as a chief of police, several are still active as CEOs, and other members are in the midst of their careers (see Appendix for the members of the CISG).

In May, this group met for two days in Las Vegas and then for an additional two days in July. The purpose was to discuss and debate the nature and importance of current issues facing law enforcement. Each member was assigned an issue to examine and, thereafter, to write a report containing recommendations to either solve the problem or call for additional study. The following issues--not in rank order--were identified by the CISG as being the most important issues of our time.

- ❑ Police Misconduct, Corruption, and Abuse of Power
- ❑ Underfunding of Police Operations
- ❑ Racial/Criminal Profiling
- ❑ Investigation of Cybercrime and Technology-related Crime
- ❑ Controlling Aggressive Public Protests
- ❑ Regionalization or Consolidation of Police Services
- ❑ Recruitment and Retention of Highly Qualified Personnel
- ❑ Urban Terrorism
- ❑ Role of Federal Law Enforcement Agencies with Local Law Enforcement Organizations
- ❑ Investigation of Narcotics Trafficking by Local Law Enforcement
- ❑ Police Labor Organizations and the Effect on Police Integrity
- ❑ The Role of the Leader in Changing Police Culture
- ❑ Culture Clash: the Challenge of Reinventing the Police Organization
- ❑ The Lack of Law Enforcement Training Opportunities
- ❑ The Need for a National Commission to Study the Law Enforcement Profession
- ❑ Violent Crime, Fear of Crime, and Rising Crime Rates in our Cities
- ❑ Loss of Public Trust in Law Enforcement
- ❑ Civil Service Review Boards and their Impact on Discipline
- ❑ Patterns and Practice Investigations by the Department of Justice

Given the wide diversity of U.S. law enforcement organizations it is clear that not all of the problems listed above apply equally to each police organization and/or to every law enforcement officer. However, the public's perception regarding law enforcement--influenced as it is by high profile cases and the treatment of law enforcement by the mass media, including entertainment television--often does not distinguish between what happens in one jurisdiction and the one in which they live. One brutal police officer in Miami does not mean that all

southern police officers are brutal. The recent Rampart's case in Los Angeles does not mean all law enforcement officers take the law into their own hands. One corrupt FBI Agent should not be construed to mean that all federal law enforcement officers are on the take. However, the reality is that many people do not make these distinctions.   The reverse is also true, the heroics and good deeds of cops on television do not always apply to all law enforcement officers. Reality is found in each individual case and action. Evidence regarding the quality of policing in the United States and Canada is usually derived from statistics devoid of any individual actions or those qualities that cannot be measured. Thus, in many cases we are left to our best judgment and opinion. The same would be true in the world of art, but then, policing is as much an art as it is a science.

I am hopeful the readers of this monograph will realize how difficult it is for a writer to state an opinion--or make a suggestion--that applies equally to state, federal, urban, rural, or suburban law enforcement agencies. While all law enforcement agencies have similar core values, the organizational culture, mission, and geographical location of each make it very hard to compare agencies. In addition, departmental performance data is either not kept or is not published in many areas. Thus it is impossible, for instance, to say whether we have more or less corruption in our profession today than we had fifty years ago. The best an author can do is offer an informed opinion.

Law enforcement operations in the United States are significantly better than they were fifty years ago--or even--five years ago. We take great pride in being a profession that is responsive to the public's needs and willing to make changes. However, we recognize that problems with law enforcement operations still exist. Being a profession that exists on the cusp of social change, you can expect that there will always be problems. However, the important point is that law enforcement is willing to discuss ways in which to implement solutions.

We are also aware that law enforcement problems will be solved when management, labor organizations, politicians, the rank and file, and the public reach a consensus on an issue and, thereafter, work together to effect change. The purpose of this publication is to raise the importance of certain issues so that they may be thoroughly discussed and debated.   As we move through the 21st century seeking more relevant responses--if not solutions--debate will be a critical part of any successful process. An integral part of these discussions must extend beyond our own internal perspectives. We must include the public, the media, politicians, members of minority and majority groups, and thoughtful academics.

In this way we can be a responsible part of the problems' solutions as opposed to having necessary reforms crafted by parties whose motives lie not with improving law enforcement, but with seeking political advantage. A case-in-point would be the current controversy over racial profiling.

There is no question that many of the problems facing law enforcement are the result of poor training, misguided judgements, poor supervision, overwork, and underfunding.   It is the purpose of this monograph to bring the problems caused by these conditions to the agenda of public discussion.

Finally, the Major Cities Chiefs Association does not specifically endorse the conclusions or recommendations of this report. While the authors' opinions on various subjects may find strong support among the MCCA members, the organization as an entity does not involve itself with political matters or the support of any particular political party. The intent of the MCCA is merely to provide a forum for the reasonable debate of ideas concerning policing with the hope that the discussions will lead to changes that will improve law enforcement services.

Our special thanks to Susan McKee for her work in editing, formatting, and placing this work on the Internet at www.neiassociates.org.

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Major Cities Chiefs Association

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Chapter One
Investigation of Cybercrime and
Technology-related Crime

Background

38 years – The radio reached 50 million users.
16 years – The computer reached 50 million users.
4 years – The Internet reached 50 million users.

One need only walk through any American police station to witness first hand the technological revolution occurring within our law enforcement community. Within the next five years, a computer with full Internet connectivity will be as important to our investigators as the telephone is today. The only "soft" aspect to that prediction is that some would argue five years is too long, for without computer connectivity *and* the ability to use it effectively, investigators will be unable to interact effectively with their private sector counterparts; access local, state and federal databases; exchange information on crimes and criminals; and, access public information that is so critical in solving crimes and locating criminals.

Most law enforcement executives recognize the value of automation and embrace it as the biggest technological revolution to hit law enforcement since radios were put in patrol cars fifty years ago. We have seen a literal explosion of LANs, WANs, and intranets, all of which were foreign terms a mere ten years ago. Finally, many of our early visionaries are beginning to see the paperless systems they envisioned so many decades ago. But, how well are we assimilating cybercrime into the daily caseloads of our criminal investigators? This paper will discuss cybercrime in order to assist executives in addressing this rapidly increasing demand for law enforcement services.

Definition of Terms

Various terms are used (and misused) to define cybercrime. For this paper, we define cybercrime as, *"A criminal offense that has been created or made possible by the advent of computer technology, or a traditional crime which has been so transformed by the use of a computer that law enforcement investigators need a basic understanding of computers in order to investigate the crime."* Within that broad definition lie two distinct sub-categories: Computer Crime and Computer-related Crime.

Computer Crime involves the use of a computer as the primary instrument to facilitate the crime and the target thereof[1]. While state laws vary somewhat, these crimes usually include the unauthorized:

- use, access or damage to a computer system;
- taking, copying, altering, deleting, or destroying computer data, software or programs;
- disrupting computer services or denying computer services to an authorized user;

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[1] Section 502 of the California Penal Code, which is similar to penal provisions of most other states.

❑ introducing a computer contaminant (viruses) into any computer or system; or,
❑ misuse of someone else's Internet domain name.

Computer-related Crime involves the use of a computer to commit a crime and/or as a repository of evidence related to the crime. Generally, this includes traditional crimes that have been transformed by computer technology such as:

❑ computer-generated counterfeit documents;
❑ computer generated threats;
❑ possession of computer-based child pornography images; or,
❑ any crime in which documents or evidence is stored in a computer such as records of narcotic distribution, gambling or embezzlement.

Computer-related crime can involve use of the Internet to facilitate crimes such as:

❑ Internet auction fraud (primarily thefts);
❑ criminal threats;
❑ stalking (cyberstalking);
❑ threatening or annoying electronic mail;
❑ distribution of child pornography;
❑ online gambling;
❑ fraudulent credit card transactions;
❑ fraudulent application for goods or services; or,
❑ identity theft.

The importance of recognizing these two distinct categories is critical in that they require varying levels of investigative skill. Specifically, computer crimes require a much higher degree of technical knowledge than computer-related crimes. Throughout this paper, we will make specific observations regarding these two categories of cybercrimes.

Investigation of Cybercrime

Many law enforcement agencies define cybercrime very narrowly and think of it only in terms of complex, computer-specific issues like hacking or crimes that require a forensic computer examination. This is a fatal flaw in two respects. First, it oversimplifies what are in fact very complex crimes, and secondly it inflates the investigative difficulty of relatively simply crimes. On a national level, law enforcement must recognize that many forms of simple theft and fraud are in fact cybercrimes if a computer is used to commit the crime. What may appear to be a simple theft of small proportions--and may even go unreported in many cases--may actually be a major crime with a huge loss. In fact, computer thieves have recognized the almost infinite number of victims available to them on an international scale and the MO of "taking a little bit from a lot of places" to avoid the normal detection systems has become all too common.

Here we will discuss the most pressing problems in the area of cybercrimes. These issues are divided into the areas of organizational structure, sharing of information, resources,

regulations and prevention. Obviously, these topics can only be addressed in a limited manner in this paper. But, there is growing research and information on this entire topic which clearly is the wave of the future for local, state and federal law enforcement executives.

Organizational Structure

Investigative Responsibility. Often, there is confusion within an agency regarding investigative responsibilities for cybercrimes. The investigation of Computer Crimes requires highly specialized skills. However, Computer-related Crimes do not necessarily require the same set of skills. As computers become more common in businesses and households, it is inevitable that the information or evidence an investigator seeks will be stored in those computers or will involve use of the Internet. While experts must be developed to handle sophisticated computer crimes, traditional crimes that are merely facilitated by technology generally should remain the investigative responsibility of the units that traditionally investigate those crimes. Implicit in that distinction is the necessity to ensure that every investigator is trained to handle computer-based evidence in order to fulfill their investigative responsibilities.

Allocation of Resources. Many large police agencies have segmented their overall approach to addressing cybercrimes. However, a unified approach is often needed to be successful in this area and also to properly gauge the problem and its impact. This includes the identification of talent, sharing of specialized resources and equipment, and avoidance of duplication. In other words, while most Computer-related Crimes should remain de-centralized, sophisticated Computer Crimes and forensic investigations need to be centralized within a unit that has immediate access to a computer lab environment.

Police/Private Sector Partnerships. For decades, law enforcement agencies have formed effective partnerships with the private sector to facilitate public safety. This is especially true with large financial institutions that employ full-time, highly trained security staffs to protect their institutions and customers.   As cybercrime matures, these private sector resources will become invaluable in the investigation and prosecution of computer criminals. Therefore, it is imperative that law enforcement develops and maintains strong working relationships with its private sector counterparts in order to cooperatively investigate crimes of mutual interest.

Reporting Internet Crimes. Victims will usually report Internet crimes to their local police agency, but some agencies refer the victim to the agency where the suspect is believed to be. As logical as this may be to law enforcement, it can be extremely frustrating to a victim and also presents several major problems to an agency several states or a continent away. A better solution may be to establish a standardized national reporting policy that requires the local agency to take the preliminary crime report from the victim and forward that report to the agency of jurisdiction. The victim will be better served and the remote agency will have some form of verification as it relates to the victim's identity and claim.

International Jurisdiction. There is little regulation of the Internet and it has no boundaries from one country to another. Determining jurisdictional authority is confused by the fact that criminals can legally use anonymous e-mail technology with little fear of detection while

conducting illegal activities from the comfort of their homes. In order to cope with this reality, protocols must be developed to identify investigative responsibility for crimes that stretch internationally. This includes the ability to exchange evidence (contraband) expediently in order to facilitate the prosecution of suspects for state crimes, federal violations, or crimes committed in other countries.

Information Sharing

Nationwide Central Repository. A nationwide repository for Computer Crime trends and perpetrator information would enhance the investigation of these crimes. A centralized database with a hacker's name, method of operation, email address, screen names, or other pertinent data would serve as a national repository for these crimes and criminals. This type of database should function similar to the Narcotic Information Network (NIN) and should be very broad in its approach so that most financial crimes can be tracked in the database. For example, financial crimes conducted on the Internet are particularly difficult to solve, but investigations linked through a NIN-type system could connect clues from various jurisdictions and connect the detectives assigned to similar cases. Collaborating detectives could bring suspects, who now operate with impunity, to justice. These linkages are occurring at the local level in many parts of the country, but national standards for these efforts and, most importantly, national linkages will finally allow us to deal with these crimes effectively at a national level.

National Clearinghouse. A national clearinghouse for the proactive investigation of Computer Crimes should be established and agencies should be required to access that clearinghouse prior to initiating an investigation. Many agencies have dedicated resources to proactive investigation of Internet activity such as sexual exploitation of children, gambling, and prostitution. A national or regional clearinghouse, similar to those used for narcotics investigations, would eliminate multiple agencies conducting an investigation on the same suspect at the same time. Additionally, it would eliminate agencies *"working"* another agency and minimize the officer safety issues. Subsets of the clearinghouse should be established to facilitate the exchange of information on specific types of cases and to facilitate the exchange of information through monthly bulletins or newsletters. As a pilot in this area, consideration should be given to asking the National Center for Missing and Exploited Children to serve as the national center for online child sexual exploitation cases. Their efforts could serve as a model for other clearinghouses.

Computer Crime Task Forces. Consideration should be given to a task force approach for investigating Computer Crimes and providing the investigators with the forensic resources so critical to these investigations. This is especially true for those agencies without sufficient crime loads to justify staffing these units full time. The pooling of talent, resources and funding can have a significant impact on these types of investigations. This does not necessarily mean that the member agencies need to be housed in the same facility. The most important aspect of the task force effort is that the agencies work together on coordinated efforts. State and federal grants would certainly encourage development of these task forces.

Resources

Access to Technology. As computer hardware and software becomes more sophisticated, law enforcement agencies must provide their Computer Crime investigators with the technology required to conduct complex computer investigations. Similarly, virtually every detective assigned to conduct criminal investigations should be assigned a computer with Internet access. In both cases, continual training in the proper use of this equipment is an absolute necessity.

Forensic Computer Support. The demand for forensic computer support is growing logarithmically. The fact is that many computer crimes leave "footprints" both on the computer as well as on the Internet. The ability to extract that information and present it reliably in court is one of the most rapidly increasing demands in the area of computer technology. This must also be integrated with traditional forensic workups including the ability to properly track the intake and release of computer-based evidence and to monitor the overall computer forensic process. Computer crime-specific federal funding and standards in this area would be invaluable in that the training of computer forensic personnel is costly.

Specialized Investigative Personnel. Most major cities have established specialized units to investigate computer crimes. However, their effectiveness has been diluted to some extent as they have assumed responsibility, mostly by default, for providing computer forensic analysis, assisting their untrained peers with cybercrimes, and participating in a growing number of regional, state and national computer crime working groups.

In addition to those demands, a growing number of cases are being referred to local agencies whether or not they are prepared to handle them. For example, federal law requires that Internet Service Providers (ISP) report child pornography or child exploitation to the National Center for Missing and Exploited Children. Failure to do so can result in a $50,000 fine for the first offense and $100,000 for each additional offense. These cases are then referred to local law enforcement agencies for investigation. There has been a substantial increase in referrals over the past several years placing an increasing burden on local agencies. Similarly, the National White Collar Crime Center maintains the Internet Fraud Complaint Center, which allows Internet fraud victims to report the crime on their website (www.ifccfbi.gov). Those complaints are then forwarded to the local agency for investigation and the Center, along with the FBI, maintains a database to track cases and trends.

While the duties of our Computer Crime investigators are expanding rapidly, their staffing and supervision has not kept up with the demands for their skills. This shortage is especially acute for those agencies that have not yet addressed the issue of separating crimes into those requiring highly trained investigators from those that are of a less complicated nature. Federal grants and/or incentives to assist agencies in making these distinctions (modeling) and to develop their computer crime-specific personnel would be valuable at the local and national level.

Training. The investigation of even routine cybercrimes requires skills and resources that exceed those of most line investigators. Crimes involving the Internet will only become more popular as criminals learn the technology and are taught by other Internet criminals. On the whole, law enforcement officers are currently at a disadvantage in the detection, investigation, and prosecution of this type of crime. This disadvantage is caused to a large extent by a lack of formalized training. Precise levels of training will vary depending on each agency's level of "computer literacy." However, training should begin with recruits and continue throughout an agency's promotional and in-service schools. It should include locating computer-based evidence, using the Internet as an investigative tool, obtaining subscriber information from ISPs, obtaining search warrants for Computer-related Crimes, and proper methods to seize and store computer-based evidence. Developing the curriculum for these classes (modeling) and "Training the Trainer" programs will be an integral part of making police agencies proficient at investigating cybercrimes now and in the future.

Much the same as their police or sheriff counterparts, most prosecutors also lack the training and specialization to focus on the prosecution of criminals who use the Internet/computer as a means of committing crimes. Prosecutors are often more comfortable with familiar types of cases and tend to avoid going into unfamiliar ground. Prosecutors in sufficient numbers must have a working knowledge of computer/Internet investigations if they are to handle these crimes effectively.

Laws and Regulations

Maintenance of Transactional Records. There are no requirements that Internet Service Providers maintain information that is standardized. Entities that provide Internet service vary in how they maintain logs and records. Some anonymous e-mailing services claim they never maintain logs. The lack of logs and other information are devastating to any online investigation. Federal legislation should be written to establish requirements for maintaining logs and other Internet transactional records.

Tracing the Origin of Communications. Legislation must be enacted allowing law enforcement to trace the origin of communications involving criminal conduct. That should include requiring ISPs to maintain tracking information on their customers' communications for a substantial time period so law enforcement can conduct thorough investigations. It must also prohibit an ISP from terminating an account or notifying a subscriber of a law enforcement request for subscriber information. Some ISPs terminate service to a customer immediately when law enforcement requests subscriber information or a screen name. That drastically limits law enforcement's ability to conduct these investigations, but does not inhibit the criminal who simply uses another ISP or uses the same ISP under a different name.

Serving Legal Process on ISPs. Some states do not require ISPs to comply with court orders (search warrants or subpoenas) issued by other states. Some methods to overcome these constraints include soliciting the assistance of a police agency that is local to the holder of the records or assistance from a federal agency--neither of which is always effective. A

better method would be to require ISPs doing business in a remote state to have a registered agent in that state to accept legal process. In addition, federal legislation should be written that supports local investigations. For example, if it is determined that a suspect committed a crime in California and that his/her Internet service provider is in another state, a valid California search warrant or other court order could be provided to a federal entity for review and service.

National Reporting Standards. National crime reporting standards must be modified in order to accurately capture cybercrime. For example, standard crime reports should be modified to determine if a crime is a Computer or Computer-related Crime. This information should then be required reporting under our national crime reporting standards.

Prevention Programs

We must take steps to prevent Computer Crimes from occurring. Most Internet providers as well as the business that provide services via the Internet, are aggressively pursuing ways to safely transact business on the net. However, efforts also must be made to educate people on ways they can avoid becoming an Internet crime victim. This is especially true for parents of the 45 million children who are expected to be using the Internet by 2002. In most families, knowledge of the computer and its ability to maneuver through various chat rooms and sites rests with children whose computer abilities far exceed that of their parents. Most parents wouldn't even consider letting children walk to the store unaccompanied or play in a park without adult supervision. But, many parents are oblivious to the dangers that lie within the computer or do not have sufficient knowledge to keep their families and children safe from computer predators.

Law enforcement has always prided itself in its outstanding array of prevention programs. *Lady Beware, Victimization of the Elderly,* and *Home Security* programs are just a few examples of those offered by just about every law enforcement agency in the nation. We must work together to identify the patterns of computer predators and offer prevention programs on Internet exploitation. In that endeavor, we should join with our natural partners, such as the schools, who should be our partners in educating parents and their children about Internet fraud, identity theft, sexual exploitation and pornography. Parents should be offered short training sessions on basic Internet use and how to set up parental controls to filter subject matter that could be harmful. Children should be educated on the dangers of exchanging personal information, meeting with people they meet online, and chat room dialogue that could compromise their personal safety, morals and family values. Finally, when crimes do occur, both the child and parent need to know how to recognize them, when they should report an incident, and to whom.

Recommendations

- Crimes that have been transformed by technology or merely involve the use of a computer (Computer-related Crime) should remain the responsibility of investigators who traditionally investigate those crimes.
- More sophisticated crimes (Computer Crimes) should be centralized within an agency and those investigators should have immediate access to a computer lab environment in order to conduct forensic computer investigations.
- Sufficient investigators must be assigned to investigate crimes referred to local agencies from national clearinghouses and those agencies with insufficient workload to justify full-time staff should consider forming a regional task force.
- Computer Crime working groups, which have developed on an ad hoc basic, need to be supported and developed at the state and federal levels so they can become national and regional vehicles for sharing information.
- As cybercrime matures, it is imperative that law enforcement develops and maintains strong working relationships with its private sector counterparts to cooperatively investigate crimes of mutual interest.
- Law enforcement officers, investigators, and prosecutors must be trained to use the Internet and to handle computer-based evidence.
- An agency contacted by the victim of an Internet-related Crime should complete the preliminary investigation report rather than referring the victim to another agency.
- National crime reporting standards must be updated in order to capture cybercrime information.
- Protocols must be developed to identify responsibility for the investigation of crimes that stretch internationally.
- A national repository should be established for computer crimes as well as a national clearinghouse for proactive Internet investigations into crimes such as child sexual exploitation, bookmaking and prostitution.
- Legislation must be enacted that ensures ISPs maintain transactional records, improves law enforcement's ability to trace the origin of communications, and allows law enforcement to serve ISPs with legal processes.
- Law enforcement must take the lead in developing Computer Crime prevention materials for public education.

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Chapter Two
Controlling Aggressive Public Protests

Introduction

Public protest and freedom of expression have always been an intentional feature of the Democracy that is the United States. In point of fact, protesters founded our nation. There are, however, limits. The 1st Amendment guarantees the people the right to "peaceably" assemble and petition their government for the redress of grievances. On occasion the line is crossed and public safety is put at risk. Before the development of the modern police agency the restoration of order fell upon the military. Now, the response to civil disorder is clearly the responsibility of the local police.

Protest and civil disturbance are predominately issues for major urban centers. This has become increasingly true over the last forty years. So, why should management of public protest be regarded as a critical issue for police leadership at this point in time? We have observed trends over the past couple of years that persuade us the tone, frequency, and character of protests has become a critical issue for the leadership of major city police departments.

In the year 2000 intentionally disruptive protests were noted in Seattle (World Trade Organization), the District of Columbia (International Monetary Fund), Boston (Animal Rights), Minneapolis (International Society of Animal Geneticists Conference), and Philadelphia (the Republican National Convention). In the year 2001, riotous behavior was observed in Cincinnati subsequent to a racially-charged police shooting. Violence associated with Mardi Gras celebrations erupted in Seattle, Philadelphia, Fresno, and Austin. In Europe during the months of June and July 2001, violent confrontations with police were observed related to European Union meetings in Goteborg, Sweden, and Salzburg, Austria, as well as religious protests in Northern Ireland.

Another trend of concern is the establishment of coalitions and so-called "affinity groups." Groups that have few issues in common join together to achieve a critical mass of visibility. One example is the union of radical environmentalists and organized labor during World Trade Organization (WTO) and May Day demonstrations. The extreme fringe of the environmentalist movement is prone to acts of violence and destruction; organized labor has not been prone to violence in recent years. Policing such a co-mingled assemblage is complex.

The internationalization of protest is another complicating factor. With wide access to the World Wide Web and a committed cadre of full-time protestors, international boundaries have been breached. For example, the European tactic of suspending a demonstrator from a "tripod" has been observed in demonstrations in Minneapolis. The device is placed in a busy intersection or other disruptive location. It is very difficult for police to safely and quickly remove the person and obstruction while operating in the public eye. Speaking of the disruption at Goteborg, Swedish Justice Minister Thomas Bodstroem observed, "Many of the rioters came from other countries with the intention of disrupting the summit." (Star Tribune, 2001)

For the above reasons and others, we believe the trend will be to continuing, and perhaps, increasingly aggressive public protests. On occasion, the police are the issue at the protest. However, most often we are in the position of trying to keep the peace, permitting the freedom of expression, while trying not to be baited into becoming the issue.

Police leadership expects scrutiny and criticism regardless of the manner in which we respond to a protest that becomes a civil disorder. Police in Seattle were criticized for being unprepared. Nothing could be further from the truth. They had prepared with training, staffing, and equipment commensurate with the known threat. In Minneapolis, police leadership was criticized for being overzealous in their preparation and response to demonstrations that did not reach predicted size.

Although managing public protest can almost be counted on as a no-win scenario for law enforcement, nevertheless, we cannot abdicate our responsibility to balance both the expression free speech and public safety. "This issue must be kept on the national police agenda because the dynamics at work are common to any American city (Burack, 2001)."

The Cyclical Nature of Aggressive Protest: Brief Reflections on the Readiness of Today's Police Officer

Admittedly, law enforcement has an uneven record for neutrality in managing aggressive public protest. Law enforcement sometimes did side with business during the labor strife of the 1930's and often did not respect the rights of citizens to peaceably assemble for the redress of grievances during the civil rights movement of the 1960's. To the degree the images of Selma, Alabama, continue to reflect poorly on law enforcement, we struggle for public support.

The violent demonstrations of the 1960's and 1970's over issues of Viet Nam, race, and politics were policed--for the most part--by the last generation of police officers. Demonstrations of the 1980's with a few exceptions (i.e., Liberty City, Miami or Rodney King, 1992) were relatively benign. For today's officer trained in Community Policing, crime analysis, and directed patrol; drill, formation, and crowd control have been de-emphasized in Academy curriculums. Many are college educated. Relatively few are military veterans. Our duty calls upon us to step into the breach of a destructive mob and establish control. Absent periodic training and re-training our level of readiness will not be consistently adequate.

Authority to Act: the Dilemma

Central in the issue of police response to and dealing with protests and demonstrations is the delicate balance that exists between the constitutional right of the people to peaceably assemble, and to petition the government for the redress of grievances, which is guaranteed by the First Amendment of the Constitution, verses the authority of the government in times where compelling interests exist to protect the public peace and wellbeing and maintenance of order. Courts have long recognized that large demonstrations and protests carry with them a greater potential for violence and that states need the freedom to act when violence is imminent (McWhirter, pp.1-6, 1994). Thus, the police may intervene in a lawful demonstration or protest

only when the possibility of violence is real, and on the verge of erupting--the aggressive crowd. In a spontaneous protest or assemblage the police hold greater authority to act in dispersing crowds.

Types of Aggressive Public Protest

There are common categories of aggressive civil disobedience that will influence police response. The motivating factors beneath a violent eruption are relevant to our discussion.

Social and/or Political Protest. Often times police have forewarning of such planned demonstrations. Predicting the magnitude of these events is an art and a science. Even in the most nimble of police agencies underestimating the size or character of such a demonstration leaves little chance for recovery. Conversely, visibly overstaffing will subject an agency to allegations of waste and provocation.

The increasingly mixed makeup of such public demonstrations makes tactical decisions more complicated as well. In addition to committed international anarchists, such a crowd may include clergy, mothers and children, and the spectrum of society. An inadequate response may not restrain violence. An indiscriminate response may cost an agency public support.

Spontaneous Youth and Young Adult Violence. These may include bar crowds, concerts, college spring break events, and Mardi Gras celebrations. Similar outbursts have been commonly reported in Brighton, England. Alcohol or drugs, and a mob psychology fuel many of these instances.

Their actions may become purposefully destructive, but they lack articulable common goals. Police can plan for events with a potential for disruption. However, events may turn unexpectedly violent, leaving police struggling to respond adequately and appropriately.

Issues of Race. Race has been described as the "American obsession (Terkel, 1992)." Police operate daily on the raw edges of our social and racial history. Police encounters with minority citizens have too often sparked a violent response from a simmering undercurrent. We remember this in the 1960s in Watts, Newark, and Detroit. We saw this in the 1980's in Liberty City, Miami. We saw it again in the 1990's in Los Angeles, when the police use of force against Rodney King, touched off racial animosities. And, this year again we witnessed racial violence in Cincinnati.

Racial conflict is another example of an international police issue. Britain has been struggling to come to grips with the increasing diversity of their island since the end of the second World War. Multi-racial citizens of the empire have settled in England and the traditional Anglo-Saxon Britain has not always been welcoming. British police struggle to maintain order in violent conflict as we write (Star Tribune, 2001).

Despite great strides the United States still struggles with its racial history. The current national debate about "racial profiling" has generated surveys showing most minority citizens and a significant number of majority citizens believe police officers practice racial profiling.

When called upon to restore order in racially sensitive disturbances, the police will be doubly scrutinized and critiqued.

Sports Violence. This phenomenon has been noted in the highly competitive world of European and Latin American soccer for years. It has occasionally erupted in major cities such as Chicago and Los Angeles with national title victories. These are planned events that a police agency can try to prepare commensurate to the threat. It requires some predictive capacity on the part of police with regard to the local cultural climate. It is not an exact science.

Religious Conflict. Religious conflict on the scale of the West Bank or Northern Ireland has not occurred in this country. Public disturbances have been noted in such places as the Crown Heights section of Brooklyn, where Jewish and black citizens have clashed.

The possibility of religious conflict deserves to be on the national police radar screen. With the increasing diversity of our cities, sectarian violence is possible even within cultural groups, for reasons that American born and raised police leadership will likely not fully understand.

Labor Strife. Labor strife on the scale of the 1930's precedes the personal memory of current police leadership. However, the liaison of labor and more extreme factions is of concern. Many police officers come out of working class backgrounds. Personal allegiances may be tested.

In this area of concern there are also certain other trends that bear monitoring. We are in a period of economic slow down. Where jobs once went begging for workers, that will less often be the case. Industry has exported more and more jobs off shore. For at least the last ten years business and the federal government have been sending mixed messages south of the United States borders. Business has often recruited or at least welcomed unskilled labor. The federal government strives to control unlawful immigration. An economic downturn could well pit the U.S. native workforce against the new arrivals. Issues of racial and cultural difference may further complicate this equation.

Issues Affecting Effective Police Strategies

In addition to tactical decisions, there are a number of issues that will need attention if an agency is to optimize its capacity to manage potentially violent demonstrations. We touch on a number of them here.

Communications. In the broadest sense, communication is key in many different ways. Certainly communication within the agency itself is critical before, during, and after an event. Information must be regularly provided to command and front-line staff. They need and want to know what to expect. They also need to know what is expected of them in terms of performance and discipline. They must have clear chains of command to rely on. In the chaos that violent demonstrations can become, officers must act as a cohesive unit under the direction of clear leadership.

Other law enforcement agencies should be apprised well in advance of threats. Will you be requiring mutual aid? Might a Sheriff's office need to prepare for unusual numbers of associated arrests? Prior planning and scheduling is an issue for other agencies as well.

The endorsement of policy makers and elected officials is key to having the support required before the event and advocates after the fact. These people do operate in a politically charged environment. Providing them sound rationale for police decisions will help them explain police actions to their constituencies. However, information must be measured. The possibility of compromising tactics, through intentional or unintentional disclosure, is a possibility.

The same sorts of concerns are true for community leadership. Citizen advocates are often more influential in the community than elected officials. Leadership in the minority communities often has established credibility and influence. These persons of good conscious may understand the police position, but may be unwilling to risk their credibility by unbounded support. It may be a significant contribution to public safety if they are at least willing to speak up, calling for patience, and allowing police some benefit of the doubt.

Communicating, essentially marketing to the public at large, is an often-neglected strategy. If police can communicate that they strive to be enlightened, neutral protectors of the public order, but capable of effective action, grass roots support may tip the balance.

Reaching the average citizen with the message of our mission effectively requires access to the mass media. The media may be an asset or adversary. During the Rodney King riots, the media went live with air video coverage of the mayhem underway, including the beating of truck driver Reginald Denny. It is speculated that the absence of visible law enforcement carried live on television, contributed to the growth of the criminally predisposed element in the crowd.

Conversely, the media can be of assistance in the days and weeks preceding a planned event. Stories on training and preparation underway, might send the message of a disciplined force in a high state of readiness. If violence does break out, the media may serve as a conduit to keep the law abiding out of harms' way.

Finally, communication with the demonstrators themselves must be earnestly attempted. The anarchist element in some of today's more extreme groups shuns communication with authorities. A common response to law enforcement overtures at communication with the leadership of these groups, is that there are no leaders. While they may see that as philosophically true for themselves, we can count on the fact that there are organizers. Some "organizers" can be persuaded to carry messages and expectations back to the group. Nevertheless, demonstrators are seldom a cohesive assemblage. Swedish Prime Minister Goran Peterson, unsuccessfully sought to head off violence at the European Union Conference "by meeting with the protest groups ahead of the summit to listen to their grievances (Star Tribune, 2001)."

These overtures must be made as we have a duty to provide fair notice of behavior parameters. They may, of course, fall on deaf ears. For example, during May Day and IASG

demonstrations in Minneapolis in the year 2000, multiple efforts were made in a number of venues to establish a dialogue. They were effectively rejected. The control of violence and disruption was only possible because of the show of a sufficiently large and disciplined unit, and the actual use of force.

For May Day 2001, Minneapolis Police again initiated overtures at communication. On this occasion, the presence of organized labor amongst the demonstrators provided an opportunity to risk a dialogue. The result was an effective demonstration that did not require police intervention.

Location.   In most cases, uprisings occur at locations that are related to, or symbolic of, the reason that has given rise to the grievance. In situations that involve spontaneous crowds, the affected area is that which is located within close proximity to where a crowd has formed and become agitated.

Types of Crowds.
❑   Casual Crowd - one that has no common bonds other than the event that brings them together.
❑   Cohesive Crowd - one which has a common bond of interest and purpose.
❑   Expressive Crowd - one that comes together to deliver a message.
❑   Aggressive Crowd - one likely to erupt into unlawful acts.

Crowd Dynamics that often Lead to Civil Unrest.
❑   When a crowd gathers to air grievances, a tendency exists to transfer its anger from the issue to those people/organizations involved in the issue.
❑   When a crowd swells uncontrollably from bystanders.
❑   When the crowd is incited to acts of violence by agitators.
❑   When the crowd's behavior becomes irrational and it becomes a mob.
❑   When the crowd consists of two or more opposing groups.

Expenses and Budgeting.   Even in a true public emergency, the reality of resource costs will have to be addressed. However, some of the expenses can be predicted.

Equipment.   If an agency has remained current with necessary personal safety and other needed equipment, that is to their credit. If not, that is a clear up-front cost. It can, however, be explained as an operating investment. If the investments are made regularly as part of a readiness program, staggering unbudgeted costs can be avoided.

Training.   If training is lacking it must be provided. Even if there are qualified intra-agency instructors, there are real costs. Training takes time. There will be a loss of service to the community when officers are removed from their duty assignments. If training must be scheduled reactively in the face of a short-term threat, that cost will be more apparent. If training is scheduled for the lower service demand periods, an unacceptable risk to public safety can be avoided.

Collective Bargaining Agreements. Many CBA's have penalties for short-term changes of shift. This might affect not only the primary agency, but possibly the support agencies as well. The earliest possible notice will minimize unnecessary costs of this nature.

Facilities, Necessities, Logistics. Officers standing by for service must be properly and logically quartered. They will be unable to leave for meals. They will need food, rest room facilities, and transportation. Some or all of these expenses may require a special appropriation.

Scaling the Police Response Commensurate to the Threat. This is a very difficult feat to accomplish. Police leadership would certainly be held accountable for inadequate preparation. They are just as likely to be criticized for the expenses when violence did not occur or was prevented. A large enough police response that discouraged violence is likely to be accused of repressing free speech.

Demonstration organizers may over-estimate the number of protestors to be expected. They may, just as likely, spread disinformation about the peaceful intent of a gathering.

Having said the preceding, there are basically three warning levels:

- ❑ *Planned and known.* The police have the opportunity to evaluate the threat and prepare.
- ❑ *Spontaneous.* Not planned by demonstrators or known to police. The police are on a fairly level playing field with demonstrators. An acceptable state of readiness should give the advantage to police.
- ❑ *Planned but unknown to police*. Essentially, the surprise attack. In this case a sufficient level of routine readiness is crucial.

Speed of Escalation. There seems to have been a change in the time that a truly large unplanned disturbance takes to reach full force. The Watts riots of 1968 took four days to peak. The Rodney King disturbances of 1992 reached their violent peak in twenty-four hours. It has been speculated that the media contributed to the rapid growth. Regardless, the media have the capacity to report breaking events in real time and they will. This underscores the need for an acceptable level of readiness.

Documenting the Incident. Creating a comprehensive official record of the events and police actions will be extremely important. These documents will become evidence for prosecution, for defense of civil suits, and also critical information in terms of lessons learned.

Command post records will be important also. Field audio and video records can be very important and persuasive to a jury. Airborne video is especially good at showing the scale of the threat--the big picture so to speak. Police audio and video may have some discouraging affect on criminal behavior itself. Decreasing the perception of anonymity decreases the mob mentality. Identifying perpetrators is always a challenge in the anonymity of a mob. Some police agencies have had success posting visual images of confrontations on the Internet and asking the public's assistance with identification (Wexler, 2001).

Certainly the media will document the event and officers should be very aware of this. Even disciplined and intentional police actions can be edited to reflect badly if taken out of context. Police video that shows the broader context can be very valuable.

Protestors themselves will document. Some will document electronically. Provocateurs may not record the provocation, but may intentionally record the police response. Legal observers, such as ACLU attorneys, can be expected to be on hand.

Tactics

This section is not meant to be a comprehensive crowd control manual. There are many such police and military training curriculums. The purpose of this section is to highlight some of the unique tactical considerations law enforcement leadership encounter while policing public protest in a democratic society.

Prevention. Chief executive officers (CEOs) appreciate the need to establish and maintain relationships and trust with the communities we serve. Some community leaders need and deserve a personal relationship with the chief. However, a CEO cannot be a one-person show. An expectation must also be created and communicated through the ranks that all members of the agency have a responsibility to serve as ambassadors of the department. Such relationships may provide us the allies we need during difficult times.

Tracking of social trends not directly related to crime control is just smart policing. Obvious racial sensitivities, housing issues, immigration, and labor trends might be the understanding we need to peacefully manage public protest. Being able to communicate that we understand an issue and will assist in the legal expression of points of view may head off violent expressions.

The Importance of Intelligence--walking the line between keeping the peace/preventing crime and repression of First Amendment rights. Police organizations are expected to scale responses commensurate with the threat to public safety. Absent reliable intelligence, we are flying blind. Most agencies are able to undertake intelligence gathering functions. Seattle is uniquely disadvantaged as city ordinance greatly restricts intelligence gathering and even videotaping by police (Burack, 2001). There is a continuum of intelligence gathering, from the obviously public to grey areas of police authority:

❑ *Internet searches* and the like are clearly public. Many protest organizations either have their own web sites or share a talk site with affinity groups. There are several problems with web sites. Protest groups in their zeal to generate interest may overstate expectations. More sophisticated protestors, and they do exist, may post dis-information. Reliability is clearly an issue with the Internet, but this source of information should not be neglected.

❑ *Seeking out postings and publications in public places.* This is clearly legal and prudent. Information on planned events, the tone of the debate, main actors, and preparatory gatherings may be gleaned from these sources.

- *Attending public preparatory events undercover.* A rally at a university student union et cetera, is clearly legal and valuable.

- *Having plainclothes officers in the crowd at the gathering.* This is commonly done and legal, but it does potentially pose a risk to officers. It also assumes they have a mechanism to report developments back to the agency in a timely fashion. Having the officer wear an electronic monitoring device may be an answer to these concerns. However, care must be taken to assure that the operative is in a place where it is legal to be and what is said can be heard by the officer or agent (no electronic eavesdropping where there is an expectation of privacy without a court order).

- *Actual infiltration of an organization.* This is often legal. An agent in a public place is invited to a private meeting or gathering under the assumption of common beliefs and goals. They can soon be pulled into the work of an organization and become a trusted fellow traveler. It is here that we must conduct some honest self-examination. Are our actions still within the law? Are our actions ethical? Do we cross a line where our motivation ceases to be prevention of crime and protection of public safety and becomes interference with the opinions and beliefs of those with whom we might disagree?

- *Pre-planning and logistics.* There are literally hundreds of logistical considerations before a known event. Many are obvious, some may come only with experience. Details such pre-placing barricades or working with the entertainment and hospitality to secure dumpsters so bottles are not readily available to become missiles can make a world of difference.

- *Role of mounted units.* If mounted patrol units can be made available they are often an excellent resource for crowd control. They can move people in such a way that they may not realize they have been moved. Mounted units are not right for all situations. The officer and horse would be at great risk in a full-scale violent disturbance. Some more sophisticated demonstrators have developed noise or other tactics specifically to interfere with the horses.

- *Use of parole or probation agents.* The presence of identified corrections officials can have a suppressive affect on criminal behavior by persons on some form of supervised release.

- *"Hard vs. soft" uniform presence.* Modern day protective gear greatly enhances safety for officers. It also contributes to a show of force where appropriate. Police agencies are also accused of being provocative by officer's appearance in the "robo-cop" gear. When a situation deteriorates it is usually impossible to withdraw officers, equip them as necessary, and return them to a perimeter without having lost control. Ideally, normally attired officers can be posted to an event. In reserve, out of sight, but with rapid response capacity, officers in full protective gear should be at the ready. If that level of response is beyond agency capacity, an alternative would be to relieve half the unit to equip themselves, then relieve the other half to do the same.

Responding to Situations of Civil Unrest

Initial Response:

The initial task of any responding law enforcement agency in containing and controlling a civil disturbance is to isolate those that are creating the disruption (agitators) from those not yet involved (bystanders). This goal can best be accomplished by attempting to:

- Quickly identify those who need to be isolated.
- Quickly identify and seal off the affected area from pedestrian and vehicular traffic (this can be done with vehicles, barricades, ropes, police lines, etc.).
- Establish perimeter security to maintain the integrity of cordoned area.
    - Care must always be taken to ensure that the crowd can disperse from the affected area and that it is not "trapped." Trapping the crowd has been shown to escalate the intensity of the frenzy and increase the crowd's propensity toward hostility and violence.
    - Security should be positioned in a manner where one element faces the uninvolved preventing them from accessing the area, while the second element faces the aggressive crowd containing it from spilling into adjacent, unaffected areas.
    - Roving patrols in the unaffected, adjacent areas must be maintained to ensure that dispersing participants do not reassemble elsewhere.

Options in Controlling Unrest:

- Monitoring - collecting data on crowd size, location, mood, and developments.
- Containing - limiting a crowd to an area and preventing disorder from spreading.
- Blocking - physically denying a crowd's advance.
- Dispersal - breaking up a crowd to prevent a spread of lawlessness. Consideration must be given to providing avenues of escape so as not to trap the dispersing crowd forcing a confrontation.
- Arrest – identification and apprehension of agitators and inciters.

Considerations for Law Enforcement:

- Provide and control an avenue of escape.
- Ensure that crowd control resources are not spread too thin.
- Do not attempt to trick or deceive the crowd.
- Maintain strict discipline within the ranks (this includes the need for training and an understanding of each individual's role).
- Manage media response and inquiries.

Understanding Crowd Control:

Crowd control formations**,** when properly employed and executed against a gathering of limited size, are one of the most practical methods of crowd control. In selecting force options, the riot baton, generally, is the main weapon of the control force. If the situation is serious, the commander may consider employing a mix of batons with tactical support consisting of non-lethal and lethal instruments (i.e., OC spray, chemical agents, SageCo and bean-bag munitions, as well as rifles).

Crowd control formations may be employed to disperse, contain, or block a crowd. When employed to disperse a crowd, they tend to be more effective in urban areas because they enable the control force to split a crowd into smaller segments. When a crowd has been dispersed, the control force must not assume that they have capitulated and returned to peaceful activities. Small groups can initiate dispersed riotous acts. Therefore, the use of formations is only a part of the total dispersal effort. If the crowd refuses to move, the control force may have to employ other techniques, such as riot control agents or apprehensions.

Commanders must realize the limitations of formations. Formations are not the answer to all civil disturbance situations. The commander must not subject his troops to unnecessary sniper fire and violence simply to impress the crowd with a show of force. When small, dispersed mobs are rampant in an area, formations are of little value. Even when a large mob has been split up, the problem is not necessarily solved. The small elements that break away from the large mob may engage in small-mob tactics, such as sniping, looting, and burning. Commanders then, of necessity, must revert to area control measures, such as building searches, saturation patrolling, and other tactics.

Rooftops must be secured to help prevent sniper fire from these vantage points. Helicopter observation is one method of visually securing rooftops. Occupation of the rooftops is another. When troops are stationed in high buildings or on rooftops, all other troops must be informed of this to avoid the possibility of control force members being mistaken for snipers. Crowd control formations also may be used for more than just dispersal operations. If the decision is made to apprehend crowd members, the crowd control formation may be used as a blocking formation. Apprehension teams then escort apprehended crowd members back through the formation. A crowd control formation also may be used to aid containment operations by using blocking, flanking, and confrontation elements of the formation.

Commanders must analyze the threat posed, understand their agency's role and mission in handling the incident, and understand how crowd control formations can be used to aid in accomplishment of their objective – restoring order. Experience has shown that the formations, to be effective, must be tailored to meet the situation. Whatever the modification, troops must be proficient in the basic formation movements to be able to react or adjust to a changing situation.

Civil disturbance training must be structured so that the officers and supervisors involved understand the need to maintain discipline and the integrity of their formations. Troops are much more vulnerable to attack when individual officers break ranks and chase after crowd members. By breaking away the individual officer places himself or herself in danger, and may compromise the entire formation.

Crowd Control Formations:

The most frequently used formations are the line, the wedge, and the echelon.

❑ Line Formation - The line formation is used more often because of its offensive and defensive applications. As an offensive formation, the line is used to push or drive crowds

straight back, across an open area, or up a city street. As a defensive formation, the line is used to hold the crowd or to deny access to restricted streets or areas.

❑ Wedge Formation - The wedge is an offensive formation that is used to penetrate and split crowds.

❑ Echelon Formation - The echelon is an offensive formation used to turn or divert groups in either open or built-up areas and to move crowds away from buildings, fences, and walls.

❑ Diamond Formation - The diamond, as an offensive formation, is used to enter a crowd and is suitable for apprehending ringleaders. As a defensive formation, the diamond is used when all-around security is required.

❑ Circular Formation - The circular formation may be used for the same purposes as the diamond. The decision to use either the diamond or the circle is based on the conformation of the crowd.

Vehicular Support:

When a control force encounters large riotous groups, it may be best to employ vehicles with troops on foot in crowd control formations. Although vehicles add strength to formations, certain considerations should be given to:

❑ Windshields of vehicles—that they are all equipped with safety glass and offer some protection, thus minimizing the danger of injury from glass fragments.

❑ Having foot troops in formation walk as near to the front corners of each vehicle as possible to keep rioters from attacking the sides and rear of the vehicles.

Vehicles, especially armored vehicles, when appropriately deployed have a strong psychological effect, and they offer protection and cover for the occupants and those moving in support with them.

Many suitable variations of the crowd control formations can be employed. But appropriate commands and signals must be devised in order to effectively and efficiently execute the formations. It is complicated and difficult to direct these formations under real life conditions, so continual training should be conducted to keep officers, supervisors and commanders familiar with the different formations before they are used in an actual civil disturbance. No "out of the book" formation or tactic will likely succeed unless practiced and executed by competent and confident personnel and commanders.

Innovative Tactics

Absent other activity between the crowd and the skirmish line shields tend to become missile magnets--inviting the crowd to start throwing things. Unfortunately, the police often have no contingency plans for responding to a rain of rocks and bottles. In the absence of other procedures, the leader commands the line to charge, batons start flying, and the police completely lose control of the incident.

In San Diego, California, the San Diego Police Department has devised and implemented a new approach to dealing with aggressive crowds. Known as the "Tango Team," this special

unit provides an alternative for law enforcement agencies, allowing every use-of-force decision to be controlled and planned.

The Tango Team. "Tango" stands for Tactically Aggressive and Necessary Gambit of Options. This team goes forward and "dances" with the crowd. The Tango Team can bring to bear the entire spectrum of use-of-force options from command presence through deadly force - in a controlled, self-contained package. This unit of special weapons team members can be mobilized to support riot response teams in the event of violent activity by angry crowds. Using extended range weapons (e.g., rubber bullets and beanbag ammunition), the Tango Team can strike selected targets in the crowd from beyond rock and bottle receiving range. This not only deters the crowd but also helps protect officers from injury. The San Diego Police Department's Tango Team consists of eight members:

- ❑ Team leader
- ❑ Point officer armed with a shoulder held 37mm launcher loaded with baton rounds
- ❑ Two officers armed with shotguns loaded with 12 gauge bean-bag munitions and carrying bandoleers of additional rounds
- ❑ Two shield handlers, each with a shield and a large (46 ounces) canister of aerosol agents (CN, CS, or OC)
- ❑ Two riflemen armed with submachine guns (AR-15 preferred) set on semi-automatic firing mode

The Tango Team can remain out of the crowd's sight behind the skirmish line until it is deployed. After deciding to use force to resolve the situation the incident commander authorizes the Tango leader to deploy the team. The center of the skirmish line opens, and the Tango Team marches through the gap toward the crowd. The psychological effect of seeing this aggressive police action might in itself cause some members of the crowd to realize that they should leave.

On the Tango leader's command, the team breaks into a wedge formation. The Tango leader, in the center of the wedge, communicates with each member of the team through tactical communication equipment, including throat microphones and custom-molded earpieces. The point officer takes up the apex position. The shotgun operators position themselves on each side, one step back and two steps out. The shield handlers take their places behind and outside of the shotgun operators, followed by the riflemen, stationed behind and outside the shield handlers.

The point officer identifies individual targets, such as rock throwers, instigators, or others, as directed by the Tango leader. Using the 37 mm launcher, the point officer can strike with accuracy targets as far as 100 meters away.

The shotgun operators have the same responsibility as the point officer, only at closer range. They can accurately strike targets within 20 meters.

The shield handlers are responsible for alerting the rest of the team of incoming projectiles and deflecting objects away from team members. They also carry large aerosol

chemical agent dispensers. Chemical agents can be used to create distance between the skirmish line and the crowd and can be deployed effectively by the shield handlers without contaminating unnecessary areas.

Should the team receive gunfire from adjacent buildings or other areas, the riflemen can return fire accurately. They provide the team's deadly force option.

Appropriate Levels of Force

In the San Diego format, the Tango Team leader selects from four levels of force. The choice always depends on the actions of the crowd. In a level-one deployment, once the Tango Team has formed in front of the skirmish line, the Tango leader can use a bullhorn to advise the crowd to disburse. With a level-four deployment, the team uses flash/sound diversionary devices to gain the attention of the crowd, while aggressively advancing on the crowd and firing baton rounds and bean bags (Hubbs, 1997, pp. 8(4)).

Conclusion

We believe the preceding observations cover many issues police leadership must address to manage expressions of public dissent that may deteriorate into violent disorder. We further believe the national and international trends predict an increase in aggressive public protest. There is a distinct need to build competency in both police leadership and the rank and file in the understanding of and responding to these serious threats to public safety.

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Chapter Three
Regionalization or Consolidation of Law Enforcement Services in the United States

The consolidation of the more than 17,000 police agencies throughout the United States into a far fewer number of regional forces has been briefly discussed throughout law enforcement circles for sometime. The discussions date back to the 1950's when a similar idea was proposed, and successfully implemented, by the consolidation of thousands of our rural schools into larger school districts. Rarely in this discussion do the potential merits, or demerits, of the idea come to the surface. The idea of consolidating 17,000 police forces into roughly 1,000 regional departments is quickly rejected as radical, unsettling, and not feasible for many reasons.

First, the idea of losing local control over the police function does not set well with most Americans who live outside of our large cities. In my opinion, most Americans living in rural areas like the idea of knowing some of the individual officers and the chief of police. They believe, rightly or wrongly, that by knowing these individuals they might be able to influence them to their advantage in minor cases. Outside the areas of urban sprawl in America, many people like as little government intrusion in their lives as possible. Giving up local control of a small police department would be tantamount to surrendering part of their independence, and identity, to a distant governing body oblivious to their needs and demands. In some of our more affluent suburban counties, particularly east of the Mississippi River, there are an inordinate number of police agencies. In these areas where a regional force makes the most economic sense, the intense political climate of small towns and the insular pride of the residents does not allow for a serious discussion of the issue.

Secondly, most leaders of small departments in the United States are content with the operation of the department, the services provided, and the quality of the personnel they employ. The same is true of the police officers employed with smaller departments. From their viewpoint there is no reason to consolidate their department into a regional force. Consolidation would 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 in the region. While these arguments are self-serving, and perhaps not in the interest of a more professional police service, they are a legitimate expression of the fear of change and the need to preserve the status quo.

Third, the cost to the taxpayers to maintain a small police department is relatively modest and is certainly less than the cost of supporting a larger regional police force. The fact that a regional force would be able to offer more service and protection is rejected by the counter argument that these communities don't need or require additional protection or services.

Fourth, most small police departments in the United States are doing a pretty fair job of maintaining the level of law enforcement that the community desires. Granted they may have to ask a larger agency for help on some cases, but overall, the work they do is quite acceptable in the judgement of the public they serve.

Why then Regionalization?

Given the above arguments, one could reasonably ask, "Why talk about regionalization--or consolidation--since the system we presently have seems to be working fairly well?" Well, there are seven reasons why we should at least be discussing this idea.

First, we are already implementing the concept of regionalization in jails, radio communications, purchasing, records, computers, laboratories, and task forces. The Los Angeles and San Diego Sheriff's Offices are contracting with smaller communities in their counties to provide police services. Las Vegas and Jacksonville have successfully merged police and the office of sheriff into a metropolitan police force. Countywide police forces have been successfully established in many fast growing suburban counties. Overall, these examples of regional police forces have proven to be quite successful in practice and have limited the costs and liabilities of each community involved.

Second, the cost of police-related technology is very high, yet the inherent capabilities of such technology is greater than the needs of most departments. This computer-based technology is easily shared with other users. By not being willing, or able, to share the technology with other departments renders the technology too expensive for smaller departments.

Third, our population demographics, our culture, our economy, and our values continue to be in a state of very rapid change. Our rural areas are losing population to the suburbs and cities. Older cities are losing population to the suburbs and exurbs. The percentage of Americans over sixty years of age is increasing, we are ethnically more diverse, and the numbers of youth in the 14-24 age group is again increasing. We are a far richer society than ever before and the nature of our work has changed from blue to white collar. Our crime rates, although recently lower, are still embarrassingly high and will most likely rise again in the near future. Our behavior is more crude, harsh, and more self-centered than ever before. In general, we can say with some certainty that we are living in a different world with different law enforcement problems than we did fifty years ago. It is a world in which law enforcement has had to become more sophisticated, more diverse in services, and technologically proficient in order to deliver minimal services. In the 1950's, for example, police rarely entered a school building. Their presence was not required! Today, we have DARE programs, school safety officers, occasional drug sweeps, and undercover drug investigations involving students. These days it is not unusual for schools to call for assistance on matters involving violent student behavior including: homicide, rape, the sale of illicit drugs, and assault on fellow students or teachers. What can be said of the schools can also be said of the workplace. Clearly, it is not our father's world! It is not a world in which law enforcement organizations can effectively police without expanded resources and manpower. This is true not only in rural America, but also in our urban areas.

Fourth, in this age of ceaseless litigation, the actions of one poorly trained or misguided law enforcement officer can result in liability to the governing body for the action, or inaction, of one of its employees. Many towns, cities, and counties are targets of liability lawsuits toward police behavior because attorneys assume they can pay significant judgements. However, the supposedly deep pockets of most local governments just cannot afford to pay some of the judgements being awarded by the courts. For most small villages, towns, and cities a judgement

over one million dollars for the improper actions of a police officer would be an extreme hardship, to the point of bankruptcy. Even the cost of defending allegations of officer misconduct would be a considerable burden. A regional police agency would not, per se, deter officer misconduct, however, it would spread any liability over a larger tax base and would ease the financial strain of hiring competent attorneys to defend the governing body.

Fifth, if consolidation of police agencies led to the creation of departments of approximately 1,500+ sworn officers it could, if properly managed, lead to a far more professional police profession nationwide. The opportunities for adequate salaries and benefits, increased levels of training, specialized services, opportunities for promotions, and the recruitment of highly qualified people would be considerably enhanced. It is not suggested that police officers presently employed in small departments are not dedicated, hard working, and competent individuals. They are competent and serve with distinction, however, the opportunities for professional growth are limited in small departments. Employed by a larger, regional force, these officers would be afforded more professional growth by exposure to better training programs, more promotional opportunities, and the opportunity to participate with special units in complex investigations. I would also suggest that the competitive atmosphere found in larger organizations for promotions, assignments, and personal reputations would lead to a higher level of professionalism on the part of all parties involved.

Sixth, regional police forces, theoretically, would have the resources to provide the region with better service in the areas of protecting citizens against criminal behaviors, quality investigation of criminal acts, faster response times, adequate manpower to handle most emergency situations, and a host of other non-traditional services. Properly deployed, a regional police force would provide each community with far more service/protection than they presently enjoy. This was the primary reason rural America consolidated, with great success, its country schools in the 1950's. It is also the reason the United Kingdom began to consolidate its constabularies in the 1940's and as of this date have reduced the number to just forty-three organizations. It is the reason Canadians have instituted the concept of regional forces in several of the provinces which are no longer provided local police services by the Royal Canadian Mounted Police. It could be argued that in both Canada and the United Kingdom regionalization has achieved a higher degree of professionalism among police officers and better police services for the communities they serve. Finally, those larger departments, which have offered nearby smaller communities' "contracts for services," have proven to be beneficial to all of the parties concerned.

Finally, the nature of crime is changing. Cybercrime, crimes which are international and interstate in nature, both domestic and international terrorism, and narcotics trafficking are examples of current criminal behavior which are usually beyond the scope and resources of small departments to investigate. This fact is not lost on those people who engage in illegal activities. This has led to the good intentioned federalization of criminal matters that traditionally have been handled by local or state agencies. In my judgement this is not a good trend, nor one which should be expanded. Asking, or allowing, the federal government to intervene in local matters only reduces the sovereign power of state and local governments. This is contrary to the founder's design of our form of government. By not being able to count on federal law enforcement agencies to bail out local law enforcement agencies it would force our local agencies to develop the necessary skills to do the job by themselves.

Will It Ever Happen?

The answer to the above question today is "maybe!" Several events would have to occur prior regionalization being seriously, and widely, considered. These events could be either a serious economic downturn or a significant increase in rural property taxes. Even under those circumstances it will take additional economic incentives for smaller communities to consider the idea of regional police services, such as state governments offering to share the initial costs of consolidation.

There is no evidence that the lack of regional police forces is causing any particular hardship on rural/suburban Americans. Present evidence suggests that our thousands of rural law enforcement agencies are doing an adequate job of protecting the public they serve. The argument that rural law enforcement could do a better job, while perhaps valid, applies equally to our larger urban law enforcement agencies as well. Today, the principle argument for considering consolidation is that it will raise the professional standards of all law enforcement agencies throughout the country. The fact that bigger is sometimes better certainly has been true in American industry and commerce, the medical profession, educational institutions, and a host of other institutions as well. Growth in organizations, up to a reasonable point, allows for innovation, specialization, and increased productivity. These are the same qualities needed to boost the professional standing of law enforcement in the United States.

Recommendations

All of the professional law enforcement organizations in the United States, as well as the public and politicians at the local and state level, should give consideration to placing the consolidation of small, rural law enforcement agencies into regional police forces on the agenda for serious debate. It is a matter that could be of great public interest, and eventually, in the best interest of our emerging profession.

Edward J. Tully, Executive Director,
Major Cities Chiefs

Chapter Four
Staffing the Thin Blue Line: Recruitment and Retention
of Law Enforcement Professionals

Policing in the 21st century poses new challenges. Advances in technology, shifts in population composition, increasing citizen educational levels and all-encompassing media coverage require law enforcement agencies to provide even greater cutting-edge service. The public demands more now than ever that law enforcement leaders be accountable to their communities. The responsibilities of a law enforcement officer have always been tremendous, and they continue to increase each year. As a result, it is incumbent on leaders in the profession to step forward and acknowledge their accountability to the public. This accountability must be demonstrated by hiring only those individuals who have the capacity to develop the knowledge, skills and abilities necessary to perform the difficult job of a law enforcement officer. In addition, leaders in the profession must protect their community's investment by creating and maintaining an employment environment that retains individuals who have been recruited, hired and trained. Successful recruitment and retention of qualified law enforcement professionals is not an easy task.

Recruiting qualified candidates has become increasingly difficult over the past years. Agencies no longer have the privilege of culling through hundreds of highly qualified and motivated applicants to find the best and brightest. Now, departments are finding it burdensome to fill their openings, often having vacant positions for months or years. Theories abound regarding why it has become so tough to find qualified candidates. Speculation points to low salaries, a less than optimal perception of the police by citizens, and the paramilitary organizational culture of law enforcement agencies as the chief culprits behind the lack of interest in today's young Americans to become law enforcement officers. Frankly, the reason for the lack of interest is elusive and would be an ideal subject for further study.

Effective recruitment in any field requires that recruiters have an in-depth knowledge of the traits and characteristics of employment candidates. An organization's recruiters have to know what attracts a candidate to an employer. Without that basic knowledge, a recruiter has no ability to develop a plan or strategy that will fill vacancies.

As a recruiter, it's essential to know your customer. Knowing your customer is not that simple as no two people are the same and no two people have identical reasons for seeking a job with a certain employer. While candidates come from different geographic, socio-economic, racial, ethnic and educational backgrounds, one aspect potential candidates all have in common is that they belong to an identifiable generation, whether it be that of Baby Boomer, Generation X or Generation Y.

Although law enforcement agencies still hire some Baby Boomers, most new hires are from Generation X and Generation Y. If law enforcement organizations are going to effectively recruit individuals from Generation X and Generation Y, it's essential that the two generations be studied to determine what drives them--what makes them tick. Then law enforcement recruiters can design recruitment plans and packages that turn the heads of Gen X'ers and Gen Y'ers toward a career in law enforcement. As is true with any generation of individuals, not all members will

share the group's attributes but when the majority the members have similar tendencies, it is important to know and understand those tendencies.

Generation X followed the Baby Boomer generation. Generation X spans the years between 1963-1977 and represents about 1/3 of the current American work force. Members of this generation are somewhat cynical and individualistic, and hold little trust in authority figures. They have little faith in job security, which has always been a strength of the law enforcement profession. They prefer solitary work to teamwork and have a strong desire to succeed without the help of others. Many come from single family households that bred a sense of independence. They prefer to face problems alone. Generation X members are better educated and have more advanced technical expertise than previous generations. They emphasize financial security and lifestyle over career advancement. They are more racially diverse than previous generations and tend to stay unmarried longer making them more flexible and mobile. Generation X members also expect immediate feedback when completing tasks.

Generation Y represents the majority of new employees now entering law enforcement. They were born between 1977 and 1997 and outnumber the Baby Boomer generation by more than 3 million people. Generation Y members are generally optimistic. They tend to trust their parents and authority figures more than Generation X members. Generation Y members continue the trend of pursuing higher levels of education, and they possess even greater technological skills than Generation X. They are accustomed to being the center of attention and feel a pressure to be successful in their ventures. They seek financial security as a priority. Generation Y members are somewhat less physically fit than previous generations and are generally disinterested in politics. While Generation Y members are conspicuous consumers, they do tend to identify more with major product brands than generations before them. Generation Y members are more racially diverse than previous generations, in part due to immigration.

Generation X and Generation Y are the two major pools of employment candidates available to law enforcement organizations today. With a basic understanding of their characteristics, the next step is to determine strategies that will draw the cream of the crop from these generations into the career of law enforcement and keep them there. There are many tips for recruiting and retaining members of Generation X and Generation Y:

❑ Advertise the different specialties that exist within your agency. A challenging job is important to both generations and variety is essential.
❑ While recruiting, push career development. Make sure the candidates are familiar with what your agency intends to do to help them excel within the profession.
❑ Ensure that your agency is as technologically advanced as possible and sell that fact when recruiting.
❑ Develop flexible work schedules that allow for maximization of leisure time.
❑ Eliminate or relax residency requirements.
❑ Recruit where they are. Generation X and Y individuals follow trends just as other generations have. Learn their circles and recruit in those areas.
❑ Make sure your organization is as open and communicative as allowed by law. Failure to be open when communicating with Generation X'ers and Y'ers will breed distrust and cynicism.
❑ Ensure that employees have input to policies, procedures and programs within your agency.

Allow employees to express their feelings and desires and be sure to act upon them when valuable input is received.

❑ Develop fair and ethical evaluation and promotional systems.

❑ Provide cafeteria-style benefits packages. Convincing individuals to stay with your agency is going to require a valuable benefits package with many options.

❑ Award outstanding performance with public acknowledgment in a timely manner.

❑ Develop a mentoring program using your most experienced and admired officers.

❑ Ensure that your employees are familiar with career paths within your agency and encourage them to pursue the career paths of their choice.

❑ Just like any generation of people, they are naturally curious and inquisitive and will be offended by management practices that are less then forthright.

While strategies specifically designed to attract Generation X and Y members are important, law enforcement organizations also need to rely on common sense methods of recruiting and retaining law enforcement officers:

❑ Ensure that your agency's values are in writing and make those values prominent when recruiting and throughout your recruit training process. In order to attract and retain an employee that meshes well with your agency, they need to understand your organization's values prior to being hired. You must also remember that those you seek to recruit must already have values that reflect your agency. Values can never truly be taught to an adult who has spent several decades already shaping their own set of values. If you hire employees with contrasting values, no amount of training or education will ever change the person they are.

❑ Ask your employees for input regarding recruiting strategies. Many great ideas have come from the rank and file. Remember that these individuals are thoroughly familiar with the type of candidate it takes to be successful in law enforcement. Your employees must have a say in all aspects of agency operations if they are to feel a part of the organization.

❑ Bring stakeholders from your agency together to brainstorm. Decide what the agency's strengths and weaknesses are. Develop ways to advertise your strengths and improve your weaknesses.

❑ Show your agency's commitment to recruiting quality individuals by assigning the recruiting function to an individual or group of individuals. Make sure the employees you use from your agency in recruiting efforts are the best you have available. Your recruiters must be representative of your community in race and gender and display those favorable attributes that your agency wants to attract in a new recruit. The more resources a department can dedicate toward recruiting, the greater the outcome.

❑ Use your most valuable resource, your employees, as recruiting tools. Current employees recruit many quality candidates into organizations. No one can sell your agency better than someone in it. Encourage your employees to recruit by rewarding their efforts through letters of commendation or recruitment incentive programs. Paying an employee a modest amount of money or allowing them a little extra time off for recruiting a candidate shows that you emphasize recruiting as an organization and will help you gain quality candidates.

- Use departmental programs as launch pads for your recruitment efforts. Programs such as auxiliary officer programs, Explorer programs and citizen academies offer a department an outstanding opportunity to recruit individuals who demonstrate a willingness and aptitude for law enforcement.

- Sell your community. Anyone interested in joining your ranks will want to know that they and their family will be living in an area where they can enjoy life. Also underscore the "family" aspect of your organization. No one wants to work for an agency that is less than welcoming to his or her loved ones.

- Use technology to your advantage. Recruit over the Internet using an agency website and advertising on computer sites that post job listings. Don't forget to create a databank of e-mail addresses for organizations (college, military, civic, etc.) that frequently provide quality candidates, and e-mail job recruitment materials and job announcements to those organizations regularly.

- Use word of mouth to recruit quality candidates. Make sure your employees know to take advantage of public events, speaking engagements, press contacts, etc. to recruit candidates. Never let an opportunity to advertise your agency pass by.

- Utilize the media. Every law enforcement agency has regular contact with the media through a public information officer or staff member. Make sure a part of media relations includes recruiting efforts. Maintain a positive relationship with your media contacts and request their assistance with recruiting announcements.

- Participate in job fairs. Scrutinize the location and attendees of job fairs and maximize your resources carefully by attending those job fairs that are likely to produce candidates for your organization. Not all job fairs will produce positive recruiting results, but a little time spent researching the best job fairs for your needs can pay off well in the long run.

- Develop a partnership with the military. Many agencies have military bases near their jurisdictions or have military veterans who leave the military and return to their hometowns. The military does an outstanding job of helping departing veterans find compatible jobs in the civilian world. Make it known that your organization welcomes veterans. Many veterans make terrific police officer candidates.

- Be sure to highlight opportunities within your agency for community involvement. Most people who desire to enter law enforcement want to make a difference. Showing them how they will have that opportunity helps them decide to join law enforcement. Prominently advertise your agency's mission. An individual who intends to devote their life to public service will identify strongly with a well-written mission statement.

- Once employees have been hired, agencies must concentrate on building strong relationships. Employees desire a working environment where co-workers get along well, where they are treated respectfully as equals by management and where their comments and suggestions are given proper attention.

❑ Ensure that your agency has an outstanding field-training program that saturates employees with the agency's values immediately. Nothing can hinder retention like a poorly designed field-training program that leaves employees feeling uncertain regarding their role within the agency.

❑ Make the first few days of the recruit's introduction to the agency informative and welcoming. First impressions are very important. Those impressions could indeed be the memory that helps an employee later decide to stay on with an agency or seek another job offer.

❑ Develop a mentoring program within your agency. Use your most experienced and respected officers as mentors by forming bonds between new employees and those mentors. Be flexible as an organization and allow the mentor and employee access to each other throughout the employee's career. This will provide much needed guidance to new employees and strengthen employee retention.

❑ Ensure that the organizational structure of your agency is such that personal growth is available for employees. Promotions should be regular if possible and opportunities for diverse experience within ranks should be available. An employee who feels he or she has no challenges before them will soon grow stifled and look elsewhere for opportunities.

❑ Review exit interviews of employees very carefully. Employees leaving your agency often make recommendations for improvements. While some of these comments may be made out of anger and inappropriate, some may truly be constructive and of value.

❑ Make sure that your systems of evaluation, promotion and discipline are fair and impartial. Nothing will cause employees to search for a new job quicker than feeling their working environment is biased or unfair. Remember to always provide praise when recognition is due.

❑ Your agency's culture must be shaped in such a way to provide a healthy and strong workplace. Employees will not work for a department with an unhealthy organizational culture. Instead, they will find an agency that recognizes the importance of creating a positive work atmosphere that leads to higher morale and greater job satisfaction.

Conclusion

Recruiting and retaining professionals compatible for law enforcement duty is quite possibly the most difficult task facing law enforcement today. It takes significant amounts of research, planning, trial and error and patience. If leaders within law enforcement organizations make the effort to ensure the process is handled appropriately with the right resources allocated, the recruitment and retention of promising candidates will normally be successful and productive. It is important not to take shortcuts in the process. Law enforcement organizations must know their communities and make every effort to recruit qualified individuals who reflect the composition of the community. They must not lower hiring or disciplinary standards when

faced with the temporary prospect of high turnover rates. The integrity and reputation of the organization, and law enforcement as a profession, must always be protected. Unfortunately, this sometimes can only be accomplished by taking swift and decisive action against those who tarnish the badge by their actions. Citizens have the right and authority to demand that law enforcement officers serving and protecting in their streets and communities are beyond reproach and representative of only the most admirable qualities. It is the responsibility of leaders in law enforcement to meet that demand.

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Chapter Five
Terrorism: A New Face?

All forms of terrorism used by domestic or international organizations pose a distinct threat to the safety and security of Americans, both here in the United States and those traveling or stationed abroad. The means of terrorism range from bombings, kidnappings, and assassinations, to the possible use of weapons of mass destruction. While the activities of international terrorist organizations are well known and documented, less is known about domestic terrorist organizations. What is becoming evident is that terrorism transcends all jurisdictional boundaries in the United States and arguably the entire globe. In the recent past, federal officials assumed that terrorism, and the complex aftermath, was a responsibility of federal agencies. However, the bombing of the World Trade Center; the destruction of the Murrah Federal Building in Oklahoma City; and the 1999 arrest of Ahmed Ressen for planning to bomb the Los Angeles Airport, demonstrated that terrorism is a problem that must be shared by local, state, and federal agencies.

Notwithstanding the common sense that terrorist acts and catastrophic events are problems which are beyond the capabilities of any single government entity, the National Commission on Terrorism, in compiling a report issued in 2000, failed to interview a single Chief of Police, Mayor, or Governor. The "Dark Winter" simulation exercise, in April of this year, featured a scenario involving a bacterial attack by a foreign terrorist group. Governor Frank Keating, during the simulation, acted the part of the state Governor, and later testified about his experience in the training exercise before the House Committee on Government Reform. He made the following observations of the scenario:

❑ Recognize that in virtually every possible terrorism scenario, first responders will be local.
❑ Insist that teamwork is not just desirable – it is possible.
❑ The rapid and accurate flow of information – both internally among government agencies and external to the public – is absolutely essential.
❑ Resist the urge to federalize everything.
❑ Experts are called experts for a reason – rely on them.

From these observations, Governor Keating made the following recommendations:

❑ Train and equip your first responders, for they are the front line in meeting the terrorist threat.
❑ Search for ways to support teamwork before an incident, and emphasize that teamwork afterwards.
❑ Tell the truth, and be candid with the people we are working to protect and serve.
❑ Trust the experts to do what they know best.

Finally, Governor Keating cautioned the Sub-Committee that the response to terrorism does not begin and end in Washington D.C. It is important to note that when, and if, a major act of terrorism does occur in the United States, it will most likely occur in one of our major cities, or at a nearby transportation hub. The first responders to this act of terrorism will be the local police, firemen, and medical personnel. It is also likely that local or state police officers will

encounter potential terrorists during the course of normal business as they have done on several occasions in the recent past. Being forewarned of potential terrorist groups, targets, and methods of operation allows these local officers to play an important role in thwarting terrorist incidents. There is no question that federal agencies such as the FBI and CIA also play a critical role in either countering potential terrorists' acts or in the investigation of an incident after it occurs. Other agencies such as the Federal Emergency Management Agency (FEMA), the federal health establishment, the Federal Aviation Administration, and the military, as well as many other agencies, may play a critical role depending on the circumstances of the act. Governor Keating's very wise and astute remarks underscore that mutual respect, collaboration, and cooperation are absolutely essential among federal, state, and local agencies if terrorism is to be contained in the United States.

The Changing Face of Terrorism

Timothy McVeigh changed the face of the terrorist for most Americans. He has become the poster boy for what we now refer to as domestic terrorists. Acting individually, or in small groups, these demented individuals motivated by religious zeal, radical ideology, anti-government feelings, or strong convictions about the global economy, global warming, or the environment have proven, convincingly, that they have the ability and means to use terror as a political instrument. For some of these individuals, or groups, sabotaging the lumber industry is used as a means to draw attention to the environment. Other groups use arson to demonstrate their hostility to abortion, animal research, and further development of natural areas. Still other groups have taken to the streets in Seattle, Minneapolis, and Washington, D.C. to demonstrate against World Trade Organization meetings. The radical element in these groups will argue that the means, that is, violence, justifies the end result, publicity for their cause. As long as this philosophy is held, these groups, or individuals, must be considered extremely dangerous.

One problem facing law enforcement agencies when dealing with domestic activist groups lies in the difficulty in judging whether their activities are legitimate expressions protected by the Constitution or merely criminal acts. Considering the fact that these decisions have to be made quickly on the scene under difficult circumstances by individuals, who, by their nature, are not disposed to tolerate dissent, makes these judgements even more difficult. In the recent past, some ad hoc radicals have used legitimate and peaceful demonstrations as a cover prior to going on a criminal rampage. Obviously, the solution to this particular problem lies in detailed planning, adequate manpower, extensive training, proper equipment, intelligence gathering, plans for contingencies, and funds to pay the officers for overtime. Needless to say, the solutions offered to stem violent demonstrations stretches law enforcement agencies to their very limits, and in some cases beyond. It is ironic that in those recent demonstrations when things went wrong, it was the police who received the criticism for overreacting. However, this criticism usually tells you more about the critic than it does anything else.

A bit more troubling to law enforcement are organizations such as the Earth Liberation Movement (ELF). This small secretive organization uses arson and sabotage against those they believe are despoiling the environment or engaging in activities which they think may lead to species endangerment. Their intent is to cause economic loss to the lumber industry, ski resorts and universities involved in environmental work. Other similar organizations use the same

tactics against abortion clinics, corporations involved in the use of animals for medical research, the fur industry, and/or construction companies. Membership in these organizations is both small and tightly held. This makes infiltration of the organizations difficult. Consequently, these organizations have been able to cause damage in the millions of dollars. Several members of the more radical anti-abortion groups have resorted to homicide as a means to celebrate their cause. Unfortunately, as police become more effective in controlling their civil disturbances, the environmental and anti-globalism groups are becoming more violent too. These are dangerous groups and the more zealous members are quite capable of extreme violence and acts that could cause serious damage. However, they do not pose a threat to the United States government. While it is imperative to bring these criminals to justice, it would not be wise to curtail the civil liberties of the majority to effect their apprehension. At the present time, local, state, and federal task forces are deployed against these criminals and it is expected some arrests will be made in the near future. This is a proper and measured response.

There are hundreds of groups throughout the world who use terrorism in their attempt to gain political advantage. The State Department reported that in the year 2000 there were 423 international terrorist incidents. This was an increase from 392 in 1999. However, the deaths resulting from terrorism has decreased from 4,822 in the 1980's to 2,527 during the 1990's. Writing in the New York Times, Larry C. Johnson, a former State Department counterterrorism specialist, makes the point that of the 423 incidents in 2000 only 183 were considered to be significant and of those only 17 involved American citizens or businesses. Most of the terrorist attacks are occurring in Columbia, India, and Israel/Palestine. Johnson states, "Although high-profile incidents have fostered the perception that terrorism is becoming more lethal, the numbers say otherwise, and early signs suggest that the decade beginning in 2000 will continue the downward trend. A major reason for the decline is the current reluctance of countries like Iraq, Syria, and Libya, which once eagerly backed terrorist group, to provide safe havens, funding, and training."

While it may be argued that international terrorism is on the decline it is more prudent, from a police standpoint, to understand there are still a few groups in the world who have plans on exporting terror to the United States. Perhaps the best example would be Osama Bin Laden's group, Al Qaida. This group has been blamed for terrorist attacks in Tanzania, Kenya, and on the USS Cole in Yemen, all of which claimed numerous victims. It should also be noted that shifting political winds could also bring the activities of Hamas, Islamic Jihad, Shining Path, the Provisional Irish Republican Army, or the Japanese Red Army to our shores. These are professional terrorists. Using the latest technology, high-energy explosives, and simple, but clever tactics they pose a potential threat to every major city in the United States. While most major city police departments are not capable of tracking the activities and plans of these terrorist organizations, it is clear that patrol officers can thwart the plans of these groups if they are knowledgeable and sensitive to the potential threat. Tracking, infiltrating, and electronic monitoring of international groups is the responsibility of the CIA, FBI, and other national security agencies. It is important that the information they are able to obtain concerning potential targets be shared with appropriate federal, state, and local law enforcement agencies. To keep essential information to themselves on the very questionable basis of national security is to breed mistrust among agencies. That is why the Joint Terrorism Task Forces have been so important and effective. The victims of terrorism will be the citizens of a major city and the first responders will be members of the city's public safety organizations. Therefore, it follows that

appropriate state and local agencies should be appraised of information that will allow them to assist in their own defense.

What Can the Chief/Sheriff Do?

While the chance of a terrorist attack in any one place in the United States is relatively slim, it is both reasonable and prudent to expect that several such attacks will occur in the next few years. Where these attacks occur will depend on whether the terrorists are interested in body count, the infrastructure of the United States, or a particular industry. It will also depend on whether the terrorists are political terrorists, eco-terrorists, or narco-terrorists. Each organization involved in using terrorism as a political tool will direct their attack towards a target that will bring them the publicity they crave. It is more likely that violent civil demonstrations will occur in the United States, directed towards international finance meetings, environmental meetings, or the 2002 Olympics in Salt Lake. All have the potential for extreme violence or property damage. Following are some suggestions that, if not already accomplished, might serve state and local law enforcement agencies well.

❑ Each major law enforcement agency should have a disaster plan that not only covers natural disasters and civil disturbances, but also terrorist attacks. The chief should direct the manager of the disaster plan to update the plan based on the recent experiences of violent civil disturbances in and Washington, D.C., Seattle and Minneapolis. The plan should incorporate the thinking of the department's bomb squad, SWAT teams, the local fire department, and the emergency medical response teams in the area.

❑ The chief should ensure that a trustworthy relationship with the federal law enforcement agencies is maintained relative to possible terrorist incidents and the appropriate response of each agency.

❑ The chief must realize that violent civil disobedience or a terrorist incident will bring a frenzy of media interest. Thus, the police departments' media office must be prepared to handle an enormous number of media inquiries on a timely basis. This is not a role for the chief of police under normal circumstances. It is also suggested that arrangements be made that only one or two law enforcement representatives will represent the entire law enforcement community during the incident and the immediate aftermath. It is also suggested that no other law enforcement officer be allowed to interview with the press without prior approval.

❑ The chief should understand that his/her role in the event of a major incident is to direct the activities of the department in a manner that will bring the matter to a satisfactory conclusion. This will require that the chief know the capabilities and limitations of the department. With this information the chief can then determine how much assistance will be needed from cooperating agencies and what role the department will play during and after the incident.

❑ The chief should understand that the mayor, governor, local politicians, the media, and the citizens have a legitimate interest in the incident and subsequent investigation. Providing

current and accurate information to the mayor and governor is essential as they must determine what additional resources are needed and available.

❑ The chief must insist that members of the department are properly trained and equipped to handle a terrorist incident, civil disturbance, or natural disaster. Every member of the department must know the role they will play during such incidents and be prepared and equipped to play that role immediately upon demand. While simulation exercises are difficult to stage for large departments it would be wise to conduct such a simulation exercise on at least an annual basis.

❑ Obtaining the resources and funding necessary to equip and train a local police agency in the response to civil disturbance, terrorist attack, or natural disaster is extremely difficult and time consuming. It is the chief's responsibility to inform the governing body of budgetary needs, to ensure the department has an individual capable of writing grant proposals to state and federal agencies, and to insist that planning for these events is a continuing and ongoing process.

❑ Each chief must have some idea of where he can serve the department best in these events. Some will choose to go to the command post, others will delegate this function to a deputy chief. Some will stay in the office and be available to make critical decisions, handle the politicians, the press office, and relations with other cooperating agencies. It is quite possible that the chief will wish to split his time between the office and the crime scene, confident that those to whom various functions have been delegated are performing their jobs well.

❑ The chief must be in a position to know of, and arbitrate, the inevitable conflicts that will arise between personnel of cooperating agencies. While protecting the department's interests, the chief should also be sensitive to the role mandated to other agencies as well. Personally knowing the chief executive of other agencies and their jurisdictions, while at the same time demonstrating a willingness to compromise on some of these conflicts is sensible.

❑ After each incident, or simulation exercise, a final debriefing exercise should be held to correct the mistakes and flaws discovered in the performance of commanders, officers, and the supporting equipment. The chief should direct this final debriefing.

❑ Finally--and perhaps most important--the chief and the legal advisors to the department must know the relevant law applicable to the situation being encountered. The operational decisions made must respect not only the letter, but also the spirit of the law. Trying to balance the need for public safety with the rights of free speech and other Constitutional rights is very difficult and complex. It is the wise police executive who knows the law before making operational decisions that may be too hasty.

Conclusion

If terrorism, either the domestic or international variety, were put on a list of concerns of chiefs and sheriffs of large metropolitan police agencies, it would not rank very high. The issue has been overly clouded by dire predictions by politicians and bureaucrats seeking either

attention or vastly increased budgets. Still, terrorism in any form remains a problem for which the first responders are woefully unprepared. While the media and pundits remain fixated on the possible use of weapons of mass destruction by terrorists, the more practical and commonsense approach would be to prepare local police and fire departments to handle any disastrous contingency.   After all, it is the tornado, the earthquake, the spillage of hazardous materials, and violent civil disobedience that are more likely to happen in our country. If local and state law enforcement officials prepare for those events then they will also be prepared for the terrorist.

Yes, Timothy McVeigh put a new face on the terrorist. We all should recall how we jumped to the conclusion that the Oklahoma City bombing was the work of Muslim terrorists. We were wrong then, but it hasn't prevented us from continuing our deep-seated paranoia that foreign groups will penetrate our defenses and reduce our cities to rubble. A more realistic lesson to learn from McVeigh would have been that we have a great number of demented persons in our country who, when overly motivated have, over the years, caused terror and a great deal of damage. For these are the same faces we saw at Columbine and Santana, in the violent protestors in Seattle and Washington D.C., in the assassins of the Kennedys and Reverend King, in the lynchings of African Americans by the Ku Klux Klan, and in the Weathermen.

The response to terrorism is to be always vigilant both at home and abroad. Ignoring either is a mistake!

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Chapter Six
Narcotics Trafficking Issues
for Local Law Enforcement Agencies

Introduction

America has been struggling with the problems associated with drug use for the last century. Vast resources have been applied to the problem with little more than localized short-term results. Despite good intentions, success has been hampered by a growing perception that America has passively accepted a drug culture and actively sanctioned drug use through decriminalization and legalization.

The object of this paper is to analyze our war on drugs in terms of the critical issues that affect law enforcement's efforts. Those issues include a discussion of America's drug culture, problems with prevention, the impact on social systems and institutions, decriminalization, treatment, the impact on community policing, and the need for coordinated enforcement strategies.

The War on Drugs

Years ago, a policy wordsmith announced that the United States was declaring a "War on Drugs." At first blush the comparison to an armed conflict seemed very appropriate. There existed an aggressive and motivated enemy, very real battles were being fought, and human lives were being lost - or their souls traded - on a daily basis. Decades later, the conditions which gave rise to that declaration still exist and most observers agree that law enforcement has accomplished little more than to fight to a draw.

The problem with America's war on drugs is that this conflict has never been fought as a war. There is not a true commander-in-chief, battles are being fought with disjointed strategies along too many fronts, funding is an illusory process, and political support ebbs and flows based more upon political correctness than mission adherence. It is not surprising that all we have achieved is an acceptable degree of white noise. That is, the drug problem remains and most law enforcement executives expect the presence of narcotics-related crime in their jurisdictions. It's just a part of police work.

That is not to say that any particular element has given up on the problem of drugs. To the contrary, a vast and highly skilled human resource is specifically dedicated to the enforcement of narcotics laws. What needs to change is the manner in which we develop and implement national and local drug policy. The balance of this paper will explore the issues that confound America's ability to win the war on drugs.

America's Drug Culture

The Higher Education Center (2001) explains the culture of consumption based upon their theories of *social norms* and *social marketing*. Social norms are people's beliefs about the attitudes and behaviors that are normal, acceptable, or even expected in a particular social

context. In many situations, people's perception of these norms will greatly influence their behavior. Behaviors are reinforced through social marketing, a method of using mass marketing techniques to disseminate information. For example, when focusing on campus environments, a student's decision to drink or use other drugs is shaped by campus social norms and expectancies, campus policies and procedures, availability of alcohol and other drugs, enforcement of regulations and laws, and the availability of alcohol-free social and recreational options. The principle forwarded is that student decisions about drug use are shaped by how socially normal that activity appears to be.

The media is filled with messages that reach a broad-spectrum audience regardless of whether or not their "social marketing" is done with any purpose other than entertainment. The motion picture and recording industries create social norms by showing alleged "normal folk" partaking alleged normal activity. The message that is marketed is more subliminal than direct, however, there is no absence of direct evidence when their product is examined in its entirety. This is not a condemnation of the entertainment industry. They simply socially market their social norming message, "Drugs are out there and a lot of people use them."

Some drug use appears migratory in its acceptance. The Associated Press recently reported that the use of marijuana, or cigarettes, dipped in embalming fluid has spread from inner cities to well-to-do suburban neighborhoods and college campuses (2001, July 25). This migratory pattern is well evidenced throughout the spectrum of drugs. Marijuana, heroin, and crack cocaine all migrated from the urban core to varying degrees of social acceptance. The recent Academy Award winning movie Traffic (2000) explored the social norming hypothesis that the situational acceptance of drugs and their use have defeated America's attempts at control.

Other drugs have even had the connotation of social success to those that use them. Powdered cocaine has been the benchmark of social success for decades. Club drugs such as ecstacy are now gaining widespread acceptance with the younger social set. RAVE party web sites dedicate alarming amounts of bandwidth promoting the safe use of GHB and MDMA. That counsel notwithstanding, emergency room visits following drug use have increased by almost 10 percent in 2000 compared to a year earlier. Admissions involving ecstacy increased more than 50 percent (Schmid, 2001).

Evidence of increased use and popularity can be found by sampling prison populations. The U.S. Department of Justice's Bureau of Justice Statistics (BJS) made a comprehensive comparison of drug use by state and federal prisoners between the years of 1991 and 1997. They reported a 10 percent increase in state and federal prisoners who said they had used drugs in the month before their offense with 83 percent of state prisoners and 73 percent of federal prisoners admitting drug use at some time in the past. About one in six of all inmates said they committed their offense to get money for drugs. According to this special BJS substance abuse report, about three-quarters of all prisoners were characterized as being involved with alcohol or drug abuse in the time leading up to their arrest. The reported prior use of all drug types rose among federal prisoners, with marijuana and cocaine-based drugs leading the trend (BJS, 1999).

Taken in its entirety, there can be no mistaking the omnipresence of the message. And that message is clear--Americans use drugs.

Problems with Prevention

An observation can be made in the war on drugs that there has never been an effective means to prevent the initial experimentation with drugs. Regardless of the messenger's passion, programs such as D.A.R.E., the "Just Say No" initiative, and a plethora of non prime time public service announcements have failed to abate the increase in social drug use. The stronger social norming and marketing messages have won-out. Newer measures are sure to be advanced, but the final test will be the vigor in which they counter the drug culture's collective message.

That test may be at hand. With strong bipartisan support, Senator Orrin Hatch (R-Utah) introduced the Drug Education, Prevention and Treatment Act of 2001. It is promoted as a sweeping measure to direct substantial new resources toward drug treatment, education and prevention programs that many experts agree are vital components of a successful overall strategy to combat illegal drugs. "To succeed in the battle against drugs, our nation cannot merely focus on the supply side. We must provide a substantial commitment to reduce the demand for these harmful substances that are poisoning our society," Hatch said. "We need to do more to prevent America's youth away from the destructive path of drug abuse. We also must find ways treat those who have become trapped in addiction." The measure also enjoys support from President George W. Bush.

Hatch's bill contains several significant prevention and treatment provisions. For example, it authorizes new resources for school and community-based drug prevention programs that have been proven to be effective and are research-based. This bill also provides additional funding for eligible community-based organizations, including youth-serving organizations and other community groups, to implement after-school or out-of-school programs that include a strong focus on developing character. Another important aspect of the bill is its authorization for funding of community-based organizations that provide counseling and mentoring services to children who have a parent or guardian in prison. The bill also authorizes funding for the National Institutes of Health to continue its research toward identifying more effective research-based prevention and treatment programs. Learning how to treat drug addiction effectively is an essential component of America's battle to conquer drug abuse (2001, About.com).

Katherine Landreth, the former United States Attorney for the District of Nevada, concurs that the war on drugs is a complex issue that should not have prevention competing with enforcement for funding. Although she was a Democratic political appointee, Ms. Landreth believes that one of the most effective anti-drug campaigns was former First Lady Nancy Reagan's "Just Say No" initiative. Her message is that Congress must realize that to be effective one initiative should not survive at the expense of another (Personal conversation, July 5, 2001).

The Impact on Social Systems and Institutions

Of the 277,000 offenders in prison for a drug law violation in 1997, the majority of those inmates were serving time for drug trafficking or possession with intent to distribute. More than two-thirds of state and federal drug offenders reported that they possessed or were trafficking in cocaine or crack during their current offense. In 1997 more than 80 percent of state prisoners and more than 70 percent of federal prisoners reported some type of past drug use.

There has been a dramatic increase in drug incarcerations in the United States. The increase in narcotics-related confinements is only rivaled by the increase in violent criminals. While about 80 percent of state prisoners reported they had used illegal drugs at least once, half said they had been using drugs in the month *before* their current offense, and 31 percent said they had been under the influence of drugs *at the time* of their current offense. Compared to 1986, state prisoners in 1991 reported an increased use of cocaine and a decreased use of all other drugs. In 1986 about 10 percent of state prisoners said they had been under the influence of cocaine or crack at the time of the offense. In 1991 about 14 percent were under the influence of these drugs (BJS, 1999).

As for overall impact on the prison system, the Los Angeles Times reported that the United States passed the two millionth prisoner mark in February 2000. They quoted the Justice Policy Institute, a Washington think tank that supports alternatives to imprisonment, who summarized the milestone as representing the most punishing decade on record. The Times reported that a growing number of critics are beginning to question the costs, both economic and social, of keeping so many people locked up. Among them are a number of federal judges and academics, National Review publisher William F. Buckley Jr., conservative commentator, Arianna Huffington, and New Mexico Governor Gary Johnson, a Republican. The account opined that "drug offenders account for the greatest percentage of new inmates, yet hardly anyone believes the drug war is being won. Sentences everywhere have become longer and harsher, but each year 500,000 ex-convicts still return to society, often less equipped to function than before." The report laments that even a few "law-and-order" politicians have begun to wonder if the $40 billion taxpayers pay annually for incarceration could not be better spent instead of the swift and harsh punishment as the best defense against crime, drugs, and social ills. The Times reports that many critics planned to use the occasion of America's two millionth prisoner to take special aim at the drug war, assailing the "prison-industrial complex" for being as noxious as the ills it purports to remedy (2000).

Decriminalization

To compound anti-drug initiatives and their attempts at social marketing, there is a great body of thought and thinkers dedicated to decriminalization. For example, the Idaho Press decried the Supreme Court's recent ruling that marijuana is illegal even when used for medicinal purposes. Citing medical sources and personal testimonials, they conclude that this ruling will create criminals instead of mitigating the effects of serious diseases. Doubly confounding is their reminder that a 1999 Gallup poll showed 73 percent of all Americans support the medical use of marijuana, that Canada may be among the first countries to license the personal cultivation of marijuana for medicinal use, and that Belgium recently approved the use of medical marijuana on a trial basis (2001).

The muddling of the message could not be any more apparent. Ellen Goodman recently wrote for the Boston Globe that America's war on drugs is being taken to an extreme that begins to make no sense. With other countries legitimizing the medical use of marijuana, the United States is steadfast in its resistance. She points to the obvious political conundrum: Politicians

are so afraid of appearing soft on drugs that they can't draw any distinctions between illicit drug use and medical marijuana (2001).

The above reports are representative of common decriminalization and legalization schools of thought: Legalize at least some drug use and redirect the savings from enforcement to treatment of abuse. However, the real social marketing message here is that someone was wrong. Drugs really *are* acceptable in certain applications, and some drugs should not be illegal at all.

Treatment

The previously referenced Drug Education, Prevention and Treatment Act of 2001 is the latest government initiative to toss money at the drug problem. The bill includes grants to states to provide residential treatment facilities, some specifically designed to treat drug-addicted juveniles, adults and prison inmates. As to the latter, Senator Hatch commented that this funding will go a long way in ensuring safer neighborhoods and a more productive society once drug addicted offenders are released from incarceration (2001).

This may be a welcomed addition to the war when it is considered that substance abuse treatment provided to state and federal prisoners has declined even with an increase in reported drug use. Surprisingly, inmates increased their participation in self-help programs during the period of 1991 to 1997 (BJS, 1999). The conclusion that could be drawn is that Senator Hatch's initiative might fill a demonstrated need, or desire, within the prison system. What is unknown is *why* the prisoners have sought help. It could be considered that such enrollment is a red herring designed to enhance the perception of an inmate's "parolability" more than some other altruistic motive.

The Impact on Community Policing

None of what has been said or done has changed the impact that a failed war on drugs is having in local communities. Beyond 911 became the Holy Grail of police doctrine in the 1990's by urging law enforcement as an institution to abandon their reliance on response times and case-closure rates in favor of proactive enforcement based upon community problem solving. The authors affirmed a parochial concept that individual officers must have a sense of ownership in a community and to its problems (Sparrow, et al, 1990). Unfortunately, the war on drugs has not been administered in a fashion designed to *solve* the drug problem. At best, the combatants have targeted individual incidents of trafficking, sales, or possession, which is contrary to the problem-solving model of community policing. In fact, a good argument can be made that the problem continues to grow in size and complexity. Proof of that statement is in the price. The price of powder cocaine was between $1,000 and $1,300 per ounce in 1988. In 2001, the price of the same product is $600 to $700 (LVMPD Narcotics Section, 2001).

Community policing in an environment in which affordable drugs are readily available is destined to only situational success, or possibly complete failure unless a clearly defined and coordinated solution scenario is developed and implemented. That solution must include every dimension of the drug problem and all the players. Without the resources of education, prevention, and treatment - and in the face of failed trafficking enforcement - the community

police officer will not be able to create change within a community. Those services can be made available to the officer, but they cannot be created by the officer. Beat cops can clean up the mess caused by drugs, but they cannot keep it clean if the supply of drugs continues unabated. At best, such community problem solving will be met with dubious results. At worst, it is completely ill-equipped to make gains in communities fraught with the institutionalized problems of illicit trafficking and addiction.

Need for Coordinated Enforcement Strategies

America's war on drugs is being fought to a draw because there is a poorly coordinated effort and no clear vision of what victory looks like. Law enforcement possesses the resources to prevail against drugs, but lacks consistent and coordinated leadership to effectively achieve any realistic goals. This is not to say that the police lack a resolve to prevail. To the contrary, police leadership is consumed with desire to eradicate the evil associated with illicit drugs. Unfortunately for that desire, there is little coordination outside the entity's jurisdictional reach against a foe that is not as geographically constrained and whose social acceptance is increasing.

Mike Hawkins is a retired deputy chief with the Las Vegas Metropolitan Police Department and is the current director of Nevada's High Intensity Drug Trafficking Area (HIDTA). He has more than 30 years law enforcement experience with half of that time directly involved with local narcotics law enforcement. He observes that there are so many participants in the current war on drugs that interagency conflict is inevitable and continuity is impossible unless needed change is made in law enforcement's management philosophy. In essence, law enforcement - especially local law enforcement - is too reliant upon immediate gratification. The number of cases is many times more important than the quality of the cases. In his estimation, traditional narcotics enforcement is more apt to be snitch-driven than intelligence-driven (Personal conversation, July 6, 2001). The result of which is akin to picking at the leaves of the tree of problems while never affecting the roots. What law enforcement lacks is the unanimity of consensus leadership. There are simply too many agencies making unilateral decisions regarding their individual role in the war on drugs. The sum of America's current effort would pale in comparison to the synergistic results if the same effort were coordinated.

Drug Policy Command and Control

Setting aside the thousands of state and local groups that have a responsibility for drug control policy and enforcement, the federal government has an extensive array of players on the national scene. They include the President and Congress who together are responsible for policy, appointments, appropriations, and legislation; political appointees that direct offices in the administration of drug policy, such as the U.S. Attorney's, Treasury, Justice, Interior, and the Office on National Drug Control and Policy (ONDCP); and a second tier of appointees that direct the activities of the various agencies with narcotics enforcement mandates, such as the FBI, DEA, ATF, Customs, and the IRS. Even the Bureau of Land Management and the Forrest Service dedicate resources to narcotics investigations.

Now may be the time to assemble a policy committee from these office and agency directors that could reach a consensus on national drug prevention and enforcement policy and

implementation. This unified approach to command and control would require some changes in bureaucratic autonomy and tradition. Such a group could supply the vision of what "victory" looks like while providing direct control of their assets. This is not to suggest that the whole of federal law enforcement be narrowly directed to narcotics enforcement. Rather, it is a suggestion to effectively coordinate law enforcement's efforts and responsibilities in the continuing war on drugs.

Perhaps Senator Hatch's comprehensive initiative could garner law enforcement support and provide for consolidated leadership. At least it would provide effective means for education, prevention, and treatment that is not gained at the expense of enforcement. In support, Salt Lake County Sheriff Aaron Kennard stated that, "The most important aspect of this legislation is the recognition that, in addition to aggressive law enforcement, we must commit ourselves to reducing the demand for illegal drugs." He continued with his support of this multifaceted attempt at providing resources to local agencies to prevent youth from using drugs, provide treatment, while law enforcement continues to target the manufacture and trafficking of drugs in local communities. Kennard's statements exemplify the broad support from the law enforcement community, treatment professionals, local governments and community organizations (2001, About.com).

Law Enforcement Roles

Federal
There is no doubt that federal law enforcement is best suited to be the lead in the fight against the supply side of the drug trafficking issue. Combined they have limited jurisdictional constraints and quite often a global presence. All possess unique resources that could be employed for an effective enforcement effort if each agency's participation was determined by their inherent strengths. The agency best suited for long-term undercover investigations abroad should concentrate on that forte. Likewise, an agency skilled in financial investigations has a decided role in the war on drugs. Regardless of which agency is chosen to do what, federal law enforcement should avoid competing agendas that result in the uncoordinated duplication of effort.

A current benefit of federal involvement in drug enforcement is the effectiveness of the federal court system. Former United States Attorney Katherine Landreth has observed that the federal system presumptively considers a drug dealer to be a threat to the community. As such, traffickers are generally detained without bail, which effectively separates them from the conduct of their illicit drug activities. This has a parenthetic benefit of shortening the time between arrest and trial.   Convicted traffickers serve their full sentence since there is no parole in the federal system (Personal conversation, July 5, 2001).

Federal prosecutor Tom O'Connell agrees. As chief of the Narcotics and Violent Crime unit of Nevada's U.S. Attorney's office he has overseen remarkable success in narcotics-related cases. For example, a local narcotics case in which a gun is used can be prosecuted federally with conviction and sentencing results that surpass what can be expected from a state court prosecution. Specifically, there is a seven-year minimum mandatory sentence for such offenses. Mr. O'Connell does not believe that the federal system should become the default court for drug-

related cases. He simply suggests that cooperative case screening between state and federal prosecutors could provide supplemental options and exploit a more effective federal system. To exemplify that effectiveness, Mr. O'Connell points to a current program targeting methamphetamine offense recidivists in Nevada--95% of the targets were arrested and 100% of those were convicted and sentenced to federal prison (Personal conversation, July 10, 2001).

State and Local

State and local agencies are more constrained in terms of their jurisdiction. That is not to say that they cannot effectively participate in a coordinated effort. The true constraining element is that local law enforcement can never effectively control the supply side of the narcotics issue. Local cases generally originate from information that emanates from the end of the drug culture's food chain. Working backwards through the network of suppliers to the source creates problems involving funding and jurisdiction, which most often cannot be overcome by state and local authorities acting alone.

A conventional solution has been found in the use of Organized Crime Drug Enforcement Task Forces (OCDETF) that create funded partnerships between local and federal agencies for specific narcotics investigations. Unfortunately for the process, local street cops have not worked well with federal "suits." In many instances, OCDETF formation is in response to a local problem and the federal agents can be less than enthusiastic about results given their ability to move around within a global federal agency. Additionally, each OCDETF is subservient to its individual charter and independent of any other law enforcement effort. Prosecutor O'Connell comments that participants have the option of meeting annually with other narcotics enforcement agencies, but that the institutional divide between those agencies is not amenable to strategic coordination. Simply stated, it is an option to participate in a conference, not a mandate to reach a consensus. Different agencies have different strengths and goals and O'Connell is not sure that any strategic consensus can currently be achieved.

Director Hawkins suggests that the HIDTA task force approach is an appropriate model that could be expanded to include the entire narcotics trafficking enforcement effort. Few HIDTA task forces are state-specific and jurisdiction is determined by regional complexity rather than the geography of any particular city or state. They are funded by the ONDCP. The task forces' activities are directed by an executive board that has mission authority over all operations. The directors of those individual task forces are *required* to meet collectively with the executive board four times a year. All investigations are based on problem analysis, intelligence, and threat assessment. The thrust of HIDTA is narrowly focused at the problem of drug trafficking, not street sales. The latter is an enforcement activity best coordinated at the local agency level. Unfortunately for this organizational model, law enforcement agencies are immune to the operational control of the HIDTA hierarchy. Even though a federal or local agency might commit resources to a HIDTA, that same agency is still free to do whatever it pleases. While it is an efficient model for investigation and enforcement, the HIDTA model nonetheless operates in an environment of competing interests. OCDETF operations are free to compete and conflict with HIDTA task forces. Likewise, federal and state agencies are free to pursue any enforcement agenda.

Funding

Ms. Landreth believes that long-term investigations are inherently expensive, but they are an effective tool when used to infiltrate complex drug cartels. Unfortunately, it has been her experience that most agencies are more apt to direct themselves to the shorter-term targets of opportunity that yield immediate results in terms of arrests and forfeitures.

Landreth further opines that funding for federal human resources must be preserved and protected. She has witnessed cyclical trends in staffing based on the appropriations of a fickle Congress, transfers and reassignment of personnel and key leadership positions, and retirements that remove operational experience from the investigative effort. There must be a continuous commitment to providing adequate resources (July 5, 2001).

Appropriate allocation of funding, or the perception that funding favors enforcement, is a current hot issue of media concern. In a recent editorial, the Las Vegas Review-Journal reported that, as part of the $15 billion foreign aid package, Congress intends to send $676 million to fight drugs and advance economic and political stability in Colombia and its neighboring South American republics. "Where most of this money actually goes, of course, is to prop up the oversized armies of repulsive military dictatorships intent on putting down local political insurgencies, in between shooting down and killing Michigan missionaries and their babies" (2001, July 27).

Political Concerns

Protraction of any governmental activity does not foster endearment. It becomes arduous and exposes itself to argument and discord. This is especially true when that activity concerns the restriction of personal liberty. As mentioned earlier, the tendency of the local police to concentrate on their visible target of low-level dealers has exposed them to accusations of racial bias. Rock cocaine is the perfect example. This pervasive iteration of the coca leaf has done more to enslave urban America than any narcotic predecessor. When law enforcement responded through arrest and prosecution, activists characterized the justice system as racist, claiming that inner city African-Americans were being targeted for imprisonment. Within the universe of things that shape a patrol officer's decision making, crediting them with basing narcotics enforcement on race or class is a concept with minuscule credibility in terms of the total response. A police officer will arrest *any* narcotics offender the same as a soldier would engage *any* perceived enemy on the battlefield.

The problem was *not* bias-based policing. The problem occurred when the police could not effectively abate the import of cocaine to America at the trafficker level. Thus, the street officer was faced with an immense increase in street dealers and their addicted customers. The cops simply responded to the enemy they could see.

That said, there *is* evidence that the chances for arrest and imprisonment increase for minorities. The 1997 NCJ report predicted that newborn black males in this country have a greater than a 1 in 4 chance of going to prison during their lifetimes, while Hispanic males have

a 1 in 6 chance, and white males have a 1 in 23 chance of serving time. Those predictions were reinforced by the 1999 special report from the Bureau of Justice Statistics.

According to the Lindesmith Center, this disparity has only increased under the war on drugs. They assert that most racial and ethnic groups consume drugs at roughly the same rates, meaning that whites account for about 75% of the nation's drug users. Blacks, however, account for about 75% of the nation's drug prisoners, a function largely of law enforcement priorities and a lack of resources for treatment (2001).

The politics of appropriations is a more complex issue. The vagaries associated with the chronic election of executive and legislative branches of government can often confound the process of continuing an effective enforcement policy. This is especially true when that consistency is dependent upon any substantial funding appropriation. While there are no guarantees, it can be cautiously predicted that successful enforcement policies and practices will breed continued political support.

Conclusion

Can total victory ever really be declared in the war on drugs? Assuredly not. The problem is too pervasive and is the product of human weakness. But, there certainly exists room for improvement. The mixing of messages associated with social norming and social marketing will exist for as long as America is guided by her Constitution and attendant personal rights. That does not suggest that nothing can be done. Quite to the contrary, a well-defined national strategy that calls for a coordinated, not just collective, approach to mitigating the blight of drugs in America would be immensely more productive than the current levels of activity. It is evident that all the players are on the field, from the educational establishment and social services through the impressive array of law enforcement resources. What is needed is a single play book that uses the right resource for the right problem. Consensus needs to be achieved on developing this comprehensive effort. It has to look at the drug problem in its entirely and provide effective resources throughout the spectrum of this problem. Without effective prevention, education, treatment and multilevel enforcement, the war on drugs resembles a rowing team without anyone to call the cadence--there is a great deal of splashing without much forward movement.

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Chapter Seven
Violent Crime and the Fear of Crime

According to FBI's Uniform Crime Reports, violent crime in the United States (rape, robbery, aggravated assault, and homicide) have fallen from a reported 1.6 million cases in 1992 to just over 1.1 million cases in 2000. While this is a significant decease in the incidents of violent crime in the past few years, the numbers still are far higher than they were in 1973 when 715,900 incidents were reported. Many commentators ascribe the decrease in violent crime to our expanding economy during this period, improvements in social welfare, community based policing, and/or a host of other possible reasons. However, there is one reason for the decline that towers over the rest. According to an August 26, 2001, Reuters' news release, our prison population has increased 48% since 1990.

At the present time there are slightly over 2 million people serving time in prison and an additional 4.5 million people under correctional supervision. There is no question that individuals who have been incarcerated for their violent tendencies no longer have the opportunity to prey on members of our society. It is interesting to note that those who despair over the great number of people in our prisons have little concern with the victims of crime. They lament that a larger than normal percentage of black males are imprisoned, yet do not consider that the victims of black male crime are mostly members of the black community. Further, these commentators complain that too many non-violent drug offenders are doing hard time, yet they give no consideration to the millions of young people who will one day become addicted to illicit drugs simply because they are widely available thanks to the "non-violent" pushers and traffickers.

Yes, it is embarrassing that the United States has more people in prison than any other nation in the world. However, we must realize that we live in an open and free society. With that freedom comes responsibility. Should one ignore the responsibilities of a citizen in a civilized society, then that individual must bear the consequences. Unfortunately, we have far too many people who fail to understand this simple dictum. These individuals prefer to blame others for their shortcomings--lousy parents, poor schools, inadequate jobs, overly aggressive police, or the fact that they were, or weren't, spanked as a child. Contrary to the apologists who defend these individuals, the simple fact is that society has to draw the line somewhere on behavior that threatens the general welfare. Over the past ten years our society has drawn this line resulting in having a lot of people in prison and a violent crime rate that has dropped significantly!

Forgive my expressed sympathies for the victims and potential victims of violent crime. Having spent more than thirty-five years as a law enforcement officer I am, by nature, an advocate for the victims. During those years I was not fortunate enough to be housed in an ivory tower, engaged in political debate, or comfortably employed in a position that allowed me to be a distant commentator of our culture. No, I was just a cop, working the late shift picking up the pieces left behind by individuals with no sense of responsibility for their violent actions. It was not pleasant work and it certainly wasn't made any more pleasant by the well-meaning words of

those who mindlessly defend the drunks, the drug users, the juvenile offenders, or the career criminals.

The Role of the Police

What should be the role of the police in curbing violent crime and in lessening the fear of violent crime? Much has been written on this subject from advocacy to community based policing to a more aggressive philosophy based loosely on James Q. Wilson's thesis concerning "Broken Windows." New York City officials claim that enforcing the laws on a variety of minor offenses has in fact led to a dramatic reduction in crime in that city. Perhaps this is correct! However, in my opinion, it is now time for police organizations to defer claiming credit for any particular program in reducing crime. It is far too early to do so, as the rates of violent crime in America are still far too high. Much more needs to be done before citizens can safely walk the streets of their neighborhoods without fear. Each city, or jurisdiction, is a bit different from others of similar size and location so a one-size-fits-all policing strategy is not necessarily appropriate. Each chief of police or sheriff has to make a determination as to what style of policing is appropriate for their locale. However, there are some basic strategies of policing to reduce crime that I would suggest are appropriate for consideration in any city or county in the United States. These strategies are as follows:

❑ *Target Career Criminals*

It is well known that career criminals--those individuals who have been arrested and convicted on several occasions--commit a great deal of the crime within a geographical area. These individuals are well known to the police agencies within the city or geographical area. And if history is any judge, we know that about 70% of released felons will eventually be returned to prison. In a recent study by University of Chicago economist Steven Levitt, he estimated that the removal of a career criminal from society would prevent 15 additional crimes per year by this individual.   A special unit or joint task force should be set up in our larger agencies to focus on the activities of these individuals. If they are suspected of continuing criminal activities every resource of the department should be directed to removing them from the street as soon as legally possible. In view of the fact that prisons will be releasing more than 500,000 felons on probation or parole each year for the foreseeable future, it should be the responsibility of this unit to maintain a database on those persons being released. This database should contain DNA samples, fingerprints, photographs, and information on previous modus operandi. The development of informants within this population is a necessity and should be strongly emphasized. Aggressive policing strategies, such as sting operations, decoys, and undercover operations should be used when appropriate.

❑ *Traffic Enforcement*

Traffic enforcement should be emphasized as both a public safety issue and as a means to confront potential felons, actual felons, or to prevent crime by their very presence. There is no question that an active patrol is a very important and effective crime prevention tool. It should also be noted that many police agencies have backed away from using the patrol for sobriety checkpoints. This is almost inexcusable considering that approximately 16,000 people will lose

their lives this year in accidents involving drunk driving. We should never forget that alcohol abuse is the leading cause of crime and violence in the United States. Every police department should pursue the most aggressive tactics against the drunk, whether they are driving or abusing their family and neighbors.

❑ *Guns*

There is a great deal of discussion, and hand wringing, about firearms in the United States. Most of the discussion is a waste of time and energy. The real problem lies with people who shouldn't for reasons of criminal intent or mental problems have access to guns. Since it is virtually impossible to prevent criminals from obtaining guns they should be forced to pay a very stiff price for either possessing them or using them in the commission of a crime. Project Exile in Richmond, Virginia, decrees that if you are caught using a gun in the commission of a crime, then an additional five years in prison will be added to your sentence. The project is working quite well. Similar projects are being implemented throughout the United States and should be the objective of every police department. Joint regional task forces committed solely to the enforcement of gun laws presently on the books should be formed to make sure that the flow of weapons to those people with criminal intent is significantly reduced. Other projects, such as gun buy backs, providing trigger locks, and firearms safety programs are a waste of time and money for a police agency and should be handled by agencies more involved with public welfare.

❑ *Drugs*

Much has been written about drug enforcement strategies. While the tactics are sound, none of the strategies have reduced the insatiable demand for illicit narcotics in the United States. The distribution and sale of illicit drugs has hit the inner cities especially hard. Arrest rates for young African Americans involved in the sale and distribution of narcotics is depressingly high; addiction rates within these economically depressed areas is high; and the homicide rates are abnormal. The good, but poor people of these areas in our cities have been strong supporters of law enforcement over the past thirty years or so. However, the strains of a constant police presence, the arrest of large numbers young black males, and the insensitive treatment of the population by police have eroded law enforcement support. We no longer can treat one side of the city in a different way than the other! I would suggest a good start would be to close down every open drug market in the inner city and to continue these operations until the markets were forced to operate outside the city. Using other city resources and "Weed and Seed" monies, all drug houses would be closed and destroyed. Additionally, the department could expand the operation in the inner city of what, in my opinion, is the best police directed anti-crime program in our history—the police athletic league. Working with the schools, the churches, neighborhood groups, and other relevant social agencies the police can play a critical role in reducing the violence of the inner city. It cannot be predicted that this inner city strategy will reduce the abuse of drugs, or the violence, associated with drug trafficking. It will, however, displace much of the violence. The people of the inner city deserve our best efforts and resources to make it work. This commonsense strategy has worked in the past and with appropriate funding levels it can be made to work again.

❑ *Youth Gangs*

It is apparent that street gangs play a significant role in urban violent crime. Obviously, gangs are not a new problem for law enforcement, but the gang behavior which emerged in many cities in the mid to late l980's was closely linked to illegal drug trafficking, various criminal enterprises, and violence. New words were added to police officers vocabulary such as Crips, Bloods, "crack cocaine," and drive by shootings. In recent years, youth gang activities have leveled off somewhat, but youth gangs still remain one of the most complex and difficult problems facing law enforcement efforts to reduce violence.

Youth gangs usually flourish in urban areas where social conditions beyond the influence of the police exist. Factors such as poverty, unemployment, teenage pregnancy, dysfunctional families, language barriers, and school dropouts are a few of the issues responsible for youth gang membership. Another requirement is a large immigrant population unable, for many reasons, to join the mainstream culture. Traditional law enforcement programs have had some success in containing the spread of the gang culture. However, the success is rather short lived as gangs continue to flourish in our prisons. When eventually released gang members are far more racist, violent, and committed to their criminal enterprise than before. While tough and aggressive policing directed towards youth gang criminal activities has had success, the overwhelming consensus among law enforcement officials is that programs designed to prevent membership in youth gangs in the first place is the proper approach to solving the problem. Unfortunately, law enforcement organizations do not have the expertise to solve the social problems that give rise to gang membership. We can, and should, give some support and collaboration to other agencies involved in prevention of gang membership. But our role with youth gangs is clear. We must investigate, arrest, and detain those gang members who violate the law. Leave the social work to those who are far more qualified.

During my active law enforcement service, I had the opportunity to become familiar with Del S. Elliott, Ph.D. from the University of Colorado at Boulder. Doctor Elliott is the Director of the Center for the Study and Prevention of Violence. Funded in l992 with a grant from the Carnegie Corporation of New York, the center hoped to provide informed assistance to groups committed to understanding and preventing violence, particularly adolescent violence. In l996, the center received additional funding from the Colorado Division of Criminal Justice and the Centers for Disease Control. They later received additional funding from the Pennsylvania Commission on Crime and Delinquency. Doctor Elliott and his staff set out, "To identify ten violence prevention programs that met a very high scientific standard of program effectiveness— *programs that could provide an initial nucleus for a national violence prevention initiative.*"

Since the inception of this project, the Center for the Study and Prevention of Violence has assessed over 450 programs. Using a high standard, they have endorsed ten programs, or what they call "Blueprints." The center has an excellent web page, and can be found at www.colorado.edu/cspv. Each "Blueprint" is described in an overview. The overview identifies the target, the program's content and cost, and the outcomes. There are video segments and staff available to answer questions about each "Blueprint." A visit to this web site is worthwhile and should demonstrate that quality work has been done here.

While not attempting to disparage any particular style or philosophy of policing, I strongly feel as if law enforcement has drifted far away from its traditional role in our society. We have become, through the abdication of schools, churches, family, and social welfare organizations, an agency that tries to solve all social problems. We have neither the expertise nor resources to do so. While the DARE program is an excellent example of law enforcement's commitment to drug demand reduction, the problem that the DARE program attempts to address is really a function of the school, family, and church. The same is true of preventative security operations at airports, schools, and malls. Our job is to make the streets safe and to put criminals in jail. Expending our limited resources on matters in which we have no particular expertise significantly reduces our effectiveness on the street.

These thoughts raise an interesting argument that should occupy the thoughts of social philosophers, politicians, law enforcement officials, and the general public in the years to come. What will be the role, and style, of law enforcement agencies in the 21st century? I would argue that we should return to the traditional role, others with perhaps better ideas, will argue that police should become more involved with community problems. However, until either argument can produce compelling evidence that the problems of youth gangs, and youth violence, will be solved we will be forced to live with a level of violence in our society that is unacceptable.

❑ *Fear of Crime*

The fear of becoming a victim of a crime is no longer relegated to America's urban centers. People living in our smaller towns and villages are just as concerned. Considering that most of our mass media outlets are in urban centers their steady, daily diet of crime news is bound to have an influence on rural and suburban viewers as well. This influence, as well as the occasional sensational crime in rural areas, has had the unfortunate effect of changing the lifestyles of non-urban America. For example, several months ago the small mountain community of Guffy, Colorado, population 200, was the site of a triple homicide. Three juveniles who were in some way affiliated with a cult in South America planned to follow an initiation ritual that involved murder. Their plan called for them to kill the grandmother and grandfather of one of the three. The Park County Colorado, Sheriff's Office investigators believe that since the grandparents were elderly and lived in a rural setting with little law enforcement presence, they were excellent targets for this bizarre crime. Investigators also believe that the grandson, who was initially involved in the plan, for some reason backed out. The other two participants killed him as well as the elderly couple. Media accounts of the crime reported that the citizens of Guffy were in shock. Suddenly, the citizens of this small town were forced to face the reality of violent crime.

Unfortunately, this type of tragedy has been played and replayed throughout our country in every kind of setting. For the citizens of Guffy, the fear they felt when this crime was discovered was quickly eased by excellent work by the Park County Sheriff's Office. They were able to identify the offenders and arrest them in a matter of several days. Nevertheless, people in Guffy now lock their doors, and things will never be quite the same.

Usually, it is beyond the ability of law enforcement organizations to prevent violent crime. It is obvious that the death penalty or the fear of prison do little to prevent violence as well. All we can do in law enforcement in terms of easing peoples' fear of crime is to be able to

respond quickly and efficiently when violence does occur. This is far easier in the urban setting than it is in the rural areas of American where law enforcement resources are very limited. This point was brought home to me when I recently attended a meeting of chiefs of police from relatively small jurisdictions in southeast Colorado. Several of those present talked about their "awareness of danger" in the aftermath of Columbine High School incident and other violent incidents in other schools and the workplace. These chiefs were acutely aware that their communities have school districts with significant student populations, yet their ability to respond to a major incident was limited to fewer than four or five officers.   They recognized the need to formulate mutual aid agreements with their neighboring law enforcement agencies to respond to emergency situations beyond their immediate control. Efforts to reach agreements on effective mutual aid need to be expanded to the point that every citizen has a reasonable expectation that law enforcement will be able to respond appropriately to their personal crises. Most likely this is as much as the police can do to lessen the fear of crime. Communities which are served by law enforcement agencies that are professional and open to public review, do not suffer from the effects of the fear of crime nearly as much as communities where law enforcement is viewed as inept and closed to public scrutiny.

❑ *Sergeants*

By any measure the most important position in an effective and efficient law enforcement agency is the first-line supervisor--or for lack of a better word--the sergeant. If a law enforcement agency is to be effective, the sergeants must be tough, demanding, loyal to the objectives of the chief and the department, a leader to the troops they command, knowledgeable, patient, and willing to make difficult decisions on the spot. Any chief who does not recognize the critical role sergeants play in ensuring the effective operations of a police agency is bound to fail. It is the wise law enforcement executive who realizes, or forcefully demands, that sergeants perform their supervisory function at the highest level. Police cannot solve all of our societies' problems. What we can do, however, is contain criminal behaviors. This is done, primarily, by the sergeants and the patrolmen, or detectives, they command.

The role of the executive structure of law enforcement organizations is to ensure that the troops have the training, equipment, and skills they need to do the job. Given these items, and the support of the chief, politicians, and citizens in terms of adequate salaries to attract and retain dedicated officers law enforcement, we can do a very good job at reducing the levels of violence in our society.

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Chapter Eight
Police Integrity and the Public's Trust:
What is the Union's Role?

Introduction

Many of our nation's law enforcement agencies have not had a good time of it lately. They have found themselves engulfed in media frenzies over alleged or actual incidents of brutality, racial profiling, sexual harassment, discrimination, officer misconduct and—in some cases—outright corruption.

In Cincinnati, for example, police are now accused of using excessive force in the shooting deaths of 15 black men over the past several years. In Los Angeles, corruption involving rogue officers who allegedly beat, shot and framed innocent people has contributed to the worst police scandal in the city's history. In New York City, disturbing police actions have generated overwhelmingly negative publicity for that department. In one incident, several officers were found guilty of killing a black man in a hail of bullets as he reached for his wallet. In a second, now-infamous 1997 event that triggered even greater media and public scrutiny, a group of officers sodomized a male Haitian immigrant in a police station with a toilet plunger handle.

Unfortunately, these troubling, highly publicized cases are not completely isolated ones. With alarming frequency, local media in communities of every size and geographic region are reporting alleged and actual episodes of misconduct within their police departments.

Negative Media Focus Threatens Law Enforcement Credibility

This negative media attention to alleged or actual misconduct in a number of the nation's law enforcement agencies seems to have sparked a trend toward negative scrutiny of law enforcement in general. This trend threatens to cast a shadow on the credibility of the many decent, professional law enforcement officers who uphold the law fairly, display integrity and compassion, and truly improve the quality of life in our communities.

Further, the troubling stories being reported by the media raise a crucial question that all police executives, officers and union officials should ask themselves: ***Do we have the public's trust?***

Deterioration of Public Trust Leads to Lowered Cooperation, Performance, Support

Deterioration of public trust can severely impact law enforcement's efficiency and effectiveness, resulting in: 1) lack of respect and confidence in the police, leading to loss of cooperation; 2) increased citizen complaints and litigation, including cries for civilian review boards or oversight committees; 3) reduced organizational morale, initiative, creativity and innovation; 4) employee apathy, mediocrity and lowered overall performance; and 5) erosion of

political support, resulting in fewer resources, lowered police salaries and benefits and—finally—even loss of the chief's job.

Building, Maintaining Credibility and Public Trust: What is the Union's Role?

It is time to examine the level of public trust and take positive steps to restore law enforcement's credibility where necessary. While many law enforcement leaders have analyzed the problem of ethical misconduct and searched for ways to help restore organizational integrity and public trust, seldom have they examined the responsibilities of police unions in contributing to the solution.

Over the past four decades, the police labor movement has resulted in higher wages and greater economic and leave benefits, shorter work weeks and improved working conditions for union members. In addition, unions consider the following to be vital among their objectives: *influencing management's policy and decision making*, and *protecting members from arbitrary and capricious management through representation in disciplinary and grievance proceedings*.

Sharing Decisions with Unions Erodes Management's Rights

Most law enforcement leaders today have come to realize, then, that the major challenge in dealing with police unions no longer involves negotiations over mere wages and benefits. Rather, the principle hurdle involves the *sharing of those decisions that were once considered to be the sole prerogative of management.* Despite his or her best efforts to achieve management's objectives, operate the agency effectively, and ensure or restore public trust, the chief executive can no longer make critical decisions regarding discipline, promotions, transfers and assignments. Rather, he or she must now negotiate and administer through the collective bargaining agreement as it relates to these and other employee-related actions.

Loss of Management Prerogatives Impacts Organizational Integrity and Public Trust

Losing control of essential prerogatives by sharing decision making with union leaders impacts substantially on the administrator's ability to ensure organizational integrity and the public's trust. Through the collective bargaining process, unions have restricted management's prerogatives in such critical decision making areas as *discipline*; *job assignments*; and *hiring*, *firing* and *promoting*. The following discussion illustrates how management's loss of control over these essential rights can result in an overall loss of agency integrity and public trust.

The Right to Discipline

The public expects law enforcement executives to take steps to ensure that good order and discipline are maintained in the agency. The integrity of the police service depends on the check and balance of an effective disciplinary system. The perception by some citizenry that no one holds police officers accountable for their behavior continues to concern every law enforcement executive. An effective disciplinary system does much to assuage these perceptions

and to maintain the public trust and confidence that—indeed—even the police must be responsible for their actions.

Unfortunately, through the collective bargaining process, unions have restricted management's ability to discipline employees effectively by including discipline in the scope of the grievance procedure leading ultimately to arbitration. Thus, too often in disciplinary arbitration, the arbitrator for different reasons reduces or dismisses management's disciplinary action or—in the case of termination—reinstates the employee.

Disciplinary Transfers Critical to Effective Management

Of particular concern is the popular union demand and a clause often found in collective bargaining agreements that denies management the right to transfer personnel for disciplinary purposes. Even more devastating to management is the contract language that calls for the employee's agreement to a disciplinary transfer before management can effect it. In this situation, the employee and his union representative can "bargain" over the penalty for misconduct.

Unquestionably, administrators' ability to transfer personnel to remedy disciplinary problems is critical to effective law enforcement management. A manager's inability to transfer unilaterally means that officers must often be left in the same assignment and work environment that gave rise to the disciplinary problem, or they must be left in the position they could not adequately fill. Both of these situations have the potential for escalating supervisor-employee conflicts, creating tensions that could have been avoided with a transfer.

Where disciplinary transfers are prohibited, management may be forced to take more drastic disciplinary action then it might otherwise, because it can no longer alleviate problems with the less harsh means of a transfer.

The Right to Select and Assign the Most Qualified

One of management's most critical functions is to ensure that only the most qualified people fill assignments. Although two people may qualify for a position that becomes available, the better qualified of the two should receive the assignment. The problem arises in determining the criteria for delineating between applicants' qualifications. Typically, unions consider job seniority as the deciding factor, either exclusively or as a tiebreaker.

However, the ability to endure in a job or to simply stay above the margin of minimal job performance is not necessarily indicative of high qualify performance. Decisions based on seniority do not always ensure that the better or more qualified employee will receive the job. Eventually, such decisions may well impact on the agency's credibility.

The Right to Hire, Fire, and Promote

When management hires an unqualified police officer, allows an officer who should be fired to remain on the job, or promotes an officer despite charges of misconduct, the morale of all employees is affected. If managers are to be held accountable for the agency's law

enforcement services, they should also be responsible for determining the hiring, firing, and promotional processes. Management's loss of control over these prerogatives to the union through the collective bargaining process can only lead to a loss of faith in the department, both on the part of the employee and the public at large.

What Can the Union Do to Help Ensure Integrity and Public Trust?

Many law enforcement administrators fail to recognize that union leaders are also in management positions. These leaders may hold only a departmental rank of officer; yet, as presidents of unions or associations, they are in leadership positions that wield significant influence throughout the organization. Because of their highly visible leadership roles, effective union presidents need to:

❑ Exercise their leadership responsibility to uphold agency integrity and develop a positive organizational culture, working *with* administrators to ensure the public's trust; and

❑ Encourage professionalism among their members.

Exercise Leadership Responsibility to Uphold Agency Integrity

Never has the importance of strong moral and ethical union leadership been more clearly demonstrated than in the New York City case involving the Haitian immigrant. The case has now closed, after graphically demonstrating the union's responsibility to hold its members to the highest standards of ethical and moral conduct and to help shape the organization's culture. The victim of the horrific assault by police officers filed a $155 million civil law suit against the city *and the police union*. The lawsuit claimed that police and union officials had created an environment that led to police misconduct. In July 2001, the victim was awarded a $8.7 million settlement, of which the city will pay $7.1 million and the union 1.6 million.

This case is an extreme example of what can happen when union leaders fail to exercise their responsibilities to maintain agency integrity and hold their members to high standards of conduct. Fortunately, most law enforcement agencies will never have to endure the negative media and public scrutiny of the magnitude generated by this case. However, every department nationwide is subject to public criticism and anger. The union's success in achieving its goals is based on public support (a political power base). The union regularly goes to the public with requests. If the public is not supportive due to a real or perceived lack of integrity among officers within the department, the union will be unsuccessful in its requests; it will fail to obtain better wages and benefits for its members.

Fortunately, contrary to the belief held by many law enforcement administrators, not all police unions today are interested solely in money, benefits, protecting their members, and/or resisting change. There are some union (or employee association) leaders who have already recognized their responsibility to assist the organization in maintaining integrity and the public trust, not only because it is beneficial to the union and its members, but because it is the right thing to do.

Encourage Professionalism Among Officers

The word "professionalism" has been tossed about by both labor and management for three decades. In the past, "professionalism" meant that officers would be better trained, better educated, and better paid than their predecessors. Today, the word professionalism also encompasses the manner in which the police do their work, how they behave (their character), what they stand for and believe in—their overall philosophy of policing.

Whatever definition one might choose, it is difficult to conceive of officers being considered professionals unless they have a strong, demonstrated sense of integrity. Today's union leaders need to become involved in plans for reforms and change that address the department's integrity and professionalism. The foundation for public trust and community support is based on the integrity and professionalism of all officers—not just the managers.

Five Steps to Creating a Collaborative Labor-Management Relationship

Unquestionably, police management and union leaders need to develop a collaborative relationship, where issues of integrity can be discussed and solutions sought in an atmosphere of trust and cooperation. Effective labor-management relationships do not occur overnight, but must be build over time, with both parties demonstrating their commitment to working together harmoniously. Police management and union leaders committed to developing a collaborative working relationship should consider taking the following five steps:

1. ***Develop Open Union-Management Communications***
    -- Hold regularly scheduled meetings (monthly or bimonthly) between union and management representatives;
    -- Hold impromptu meetings as critical issues arise between the chief and the union president;
    -- Include the union president in the chief's staff meetings.

2. ***Create a Labor-Management Committee***
    -- Ensure that this committee operates outside the collective bargaining process to investigate, research, discuss and make recommendations to resolve workplace problems of mutual concern to labor and management.

3. ***Institute Joint Labor-Management Training***
    -- Establish leadership and media training for command staff and union executive board members to increase their effectiveness, reduce conflict and improve their working relationships.

4. ***Conduct Annual Labor-Management Retreats***
    -- Utilize these retreats as opportunities to build personal relationships, open lines of communication and develop trust through discussions of mutual issues and concerns.

5.   *Develop A Labor-Management Philosophy*
--   Build a problem-solving philosophy that emphasizes what is right rather than who is right;
--   Pledge to work together in an atmosphere of respect, dignity, honesty and fairness;
--   Conduct all interactions professionally and with mutual respect for the positions, roles and responsibilities of others;
--   Agree to proper and timely flow of information and promote and encourage open, respectful and confidential communication;
--   Agree to discuss concerns, criticisms and conflicts internally and confidentially before they are discussed in open forum.

Conclusion

As a law enforcement officer, meeting your responsibility to maintain the organization's integrity and ensure the public's trust is not going to become any easier. In fact, whether you are an executive or a union member, fulfilling this responsibility will undoubtedly become more difficult as incidents of police misconduct and abuse continue to receive national attention.

One thing is certain: if law enforcement is to meet the critical challenge—to ensure organizational integrity and public trust—it must be done through the collaborative effort of both labor and management. When union leaders join management in committing themselves to achieving this critical goal, the union, the department and the entire community will benefit.

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Chapter Nine
The Role of the Leader in Changing Police Culture

Introduction

High profile and controversial law enforcement incidents over the past ten years have prompted much discussion about the police culture. Groups and influential individuals from the public have shown concern over what they perceive as the "blue wall of silence." Some believe this phenomenon permeates all police agencies and prevents rogue police officers from being held accountable for their actions. Police culture has also been blamed for the inability of police agencies to adapt their operations to better meet the needs of a changing society. Critics of police organizations have expressed concern that outdated tactics utilized in the 1960's and 1970's are still present today. In this article, the Major Cities Chiefs and National Executive Institute Associates submit that in order to meet a changing social mandate, police organizations must examine their values, beliefs, and operating systems to determine where changes are needed. Police organizations must determine if their culture has them locked into a style of policing that has become ineffective, inefficient and unable to adapt to an ever-changing external environment. We further suggest that leaders within the organization will be the key persons in changing an organization's culture and the chief must be at the forefront of that change. How leaders effect that change is the subject of the article.

Organizational Culture

It is prudent that we begin with a definition of organizational culture and then determine whether police culture differs from that of other organizations. Schein (1985) said that there are many common meanings implied through the use of the term organizational culture. Many times the term is used to describe the way people talk to each other in an organization, the special language or jargon they develop and especially the stories they tell about their work. Some see the culture as the values espoused by the organization while others see it as the rules of the game for getting along in the organization. Schein argued that the term organizational culture should be reserved for the deeper level of basic assumptions and beliefs that are shared by organization members. He offered a definition that reaches that deeper level:

"A pattern of shared basic assumptions that the group learned as it solved its
problems of external adaptation and internal integration, that has worked well enough
to be considered valid and, therefore, to be taught to new members as the correct way
to perceive, think, and feel in relation to those problems." (p.12)

For those who consider the policing profession to be a set of skills learned towards becoming a craftsman, the definition proposed by Schein seems to be a good fit. While at police academies, recruits are taught the basic skills necessary to perform the job. However, much of the practical and useful learning comes after the academy training. On the job training is when the new officers learn what techniques are best or what the more experienced officers tell them work best. The combination of the formal training, the new officer's experiences and the advice of older officers, supervisors and leaders in the police department, to a large extent, form the organizational culture of police agencies.

Historical Factors

Of the several authors who have written about police culture, Crank (1998) addresses the history of how the culture has developed. He utilizes themes to discuss how that culture develops into certain actions. Two themes have been selected as appropriate for the discussion in this paper. The first theme that Crank describes is dominion. Early in some police officers' careers they become territorial because they believe that they must control the area to which they are assigned. It is often perceived, by other officers who hold this belief, as a dereliction of duty when officers are unable to control their territory. These officers also resent interference by others. This territoriality leads some officers to keep information to themselves because in sharing, it might cause others to try interfering with their work. The other fear is that it would lead fellow officers to believe that the officer is not capable of performing the essential duties.

The second theme is police morality. Crank describes it as police developing their own sense of morality, seeing themselves as the protectors of society. Sometimes this sense of morality leads police to make assumptions about the truthfulness and support level of citizens. This could foster a feeling of distrust between citizens and the police. In the police organizational culture, we may see this behavior carry over into interactions between officers and commanders. Officers often voice their distrust of commanders and believe that the command staff does not understand the difficulty of their job. The principle of "Noble Cause Ethics" (Crank and Caldero, 1999) addresses officers allowing their sense of morality to override the rule of law. In assessing the police culture, it must be understood that the officers will adapt to their perception of what it takes to get the job done and any interference, whether from the community or command staff, is not easily tolerated. Additionally, it is not uncommon to see officers retain these beliefs as they are promoted through the ranks. And, they perpetuate this culture in the organization.

Policing has also gone through distinct eras that have affected police culture. During what some call the political era, the first three or four decades of the 20th century, policing was geared toward order maintenance. Fogelson (1977) describes this era as one where political bosses ran cities, and the status quo was maintained for those in control. Immigrants were watched carefully and police officers were charged with ensuring orderly behavior from the new arrivals. There were only some fundamental skills involved in being a police officer, and there was little education or problem solving required from a largely homogenous group of white male workers. During the Reform Era, the middle of the 20th century, emphasis was placed on professionalism and law enforcement. It was during this era that preventive patrol, rapid response, and follow-up investigation became the mantra for most police organizations. Officers were still mainly Caucasian men, however. During the latter part of the 20th century, the Community Policing Era developed and with it there came some confusion for many police officers. Women and minorities were increasingly added to the police force, who brought different talents and abilities, but also different wants and needs. Along with this change in culture, police officers began asking questions about their job. Was the objective order maintenance, law enforcement, problem solving social work for the community, or all of the above? Was the objective something completely new or a hybrid of the other eras? These questions are still being debated but one thing is for sure, communities and many government officials embraced the concept of community policing and they pushed police agencies to adapt that philosophy as the standard for doing business.

Police culture has driven much of the agencies' response to the prospect of implementing community policing as a guiding philosophy. Because much of organizational culture is formed from external adaptation, as stated by Schein, police departments have held on to the methods they know best in order to provide service delivery to the public. Responding to calls for service and "putting the bad guy in jail" still drives much of the police approach to serving the public. While these actions are certainly a major function of the police, the philosophy of community policing dictates that police departments innovate and expand their contact with the public into the arena of problem solving. Police organizations do make changes, but like most organizational cultures, they are usually slow in implementation and driven by external influences.

Zhao (1996) argues that police organizations usually change because of external influences that provide pressure. Because of these pressures and the reactive nature of basic policing, police organizations are rarely truly innovative. Zhao sees true innovation as change brought about due to internal monitoring that leads the organization to implement new ideas or procedures before being "forced" into accepting change. Zhao cites work done by Thompson (1967) in describing police organizational change. Thompson theorizes that organizations will often try to control the external environment as much as possible to calm the uncertainties presented by the environment. Thompson says that this attempt at control is often done through what he calls "boundary spanning" units. For police organizations these are often the specialized units created to address the concerns expressed by the public or government officials. As a result, police organizations will often find that they have created a number of dedicated components and stretched their membership thin. These specialized units often become "permanent" fixtures that can then stall a shift in philosophy by the organization. Yin (1979) provides an explanation of why this may occur. He says that in seeking to acquire a new philosophy or in order to implement innovations, organizations will pass through three stages: the Improvisation Stage, the Expansion Stage, and the Disappearance Stage.

In the Improvisation Stage, the organization is introduced to the innovation and some members practice it without any formal changes in organizational policy or structure. In the Expansion Stage, the organization begins to formalize the innovation through boundary spanning units. The benefit of the innovation is then measured in order to assess its value. In the final stage, Disappearance, the organization completely adopts the innovation and it is absorbed into the every day operation of the entire organization. Because most police departments have a firm grasp on the old culture, most innovations do not pass the Expansion Stage. Therefore, the specialized units, or small groups, end up being the practitioners of the innovation, not the entire agency. With confusion over the police's mission in the era of Community Policing, it is easy to understand how implementation becomes stalled and the philosophy fails to become the standard operating procedure.

What Can the Leader Do?

If not already answered, the first question that the senior level leaders of the organization must ask is, "What is our mission?" In answering this question, the groundwork will be laid to set up the planning that will enable the organization to effectively accomplish goals operationally and achieve its mission. During this process, the organization should also determine and write down the values that guide it. If the organization does not value what it does, it will not function effectively and it will lack enthusiasm. The process to determine the values and the mission

should be one inclusive of all ranks within the organization. Once a mission statement and set of values is adopted, every action taken by the department should be undertaken with the understanding that it will help achieve the mission and be based on these values. Using an inclusive process to develop the mission statement will help the organization with compliance, ensure more members buy-in, or better yet, enroll and thereby establish the culture that the organization desires.

Whether or not to adopt a Community Policing philosophy is the issue facing many law enforcement organizations. Community Policing has to be valued by the agency before it can be accomplished. As previously mentioned, the term Community Policing is value laden and can be very ambiguous. There has been no clear-cut definition that has been accepted by practitioners and academics. The ambiguity has been a boon to some, allowing them great freedom to design whatever program they wish, and a nightmare to others who struggle with what the philosophy really means. An additional problem has been created by the continual use of the term "Community Policing" resulting in a "love it or hate it " attitude by officers.

Business terms are used today in describing how organizations should be operated. Entrepreneurship and innovation appear to be viable avenues for the senior leaders of a police organization. Chiefs--who are entrepreneurs--are monitoring their external environment and stand a better chance to develop and implement innovative programs that will help attain their organizational mission.   The traditional view of public administration holds that the mission, or role, of a public agency is established through the political process and then it is the job of the chief executive officer to develop the organizational capacity needed to meet that mission. Moore (1995) argues that public organizations should be seeking to create public value. By this he means that organizations should be aware of their environments and continually scanning them to determine how their organization can better satisfy the needs of the clients (their communities) they serve. Moore proposes a strategic triangle that guides the leader toward creating value. The points of the triangle are:

Legitimacy & Support for Organization

Values
Missions
Goals

Organizational Capacity
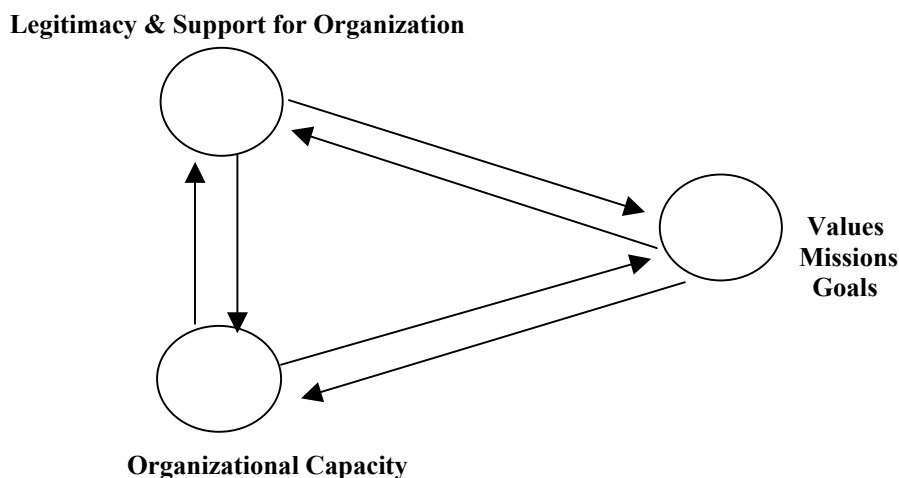
Adhering to Moore's theory arguably enables the police leader to be an active participant with the authorizing environment--the group that provides legitimacy and authority for the organization. By doing this, organizational changes can be implemented on the timetable and method chosen by the leader. As previously addressed, part of creating organizational culture is

the police agency's experience with the external environment. If that experience is less turbulent and more controlled, the developing culture should manifest less resentment toward the environment and, hopefully, change some of the "us versus them" mentality.

Police organizations can also work to change the culture by adopting a risk control philosophy. Sparrow (2000) builds on the argument presented by Moore regarding public value. Sparrow believes it is important for police organizations to closely focus on problem solving. He argues that police departments have stalled on the issue of problem solving because it has been too closely identified with Community Policing, which deals with the relationships of the police organization to other non-law enforcement elements and the community. He believes that police organizations have not designed a structure to do problem solving nor designed a way to measure its effect. Problem solving is a vital part of a risk control strategy because it calls for continual monitoring of the environment to identify potential problems, as well as the problems that are already recognized and addressed. Because police organizations tend to be focused more on process, the opportunity to implement problem solving is often overlooked. Sparrow does not advocate scrapping the process model, rather, augmenting it with the addition of a problem solving process. Sparrow and Goldstein (1990) both voice concerns that problem solving seems to be occurring at the lowest levels of police organizations--the police officer--but not on the macro level involving upper level managers and executives. Both authors see a need to emphasize problem solving in the middle management and executive levels. A risk control strategy would encourage the upper level managers to utilize problem solving to create better public value. By adopting this type of strategy, police leaders can be in better contact with the environment and keep their finger on the pulse of their authorizing environment. Knowing the attitude of the authorizing environment allows the leaders to avoid some of the turmoil and implement necessary changes on their own terms.

The discussion to this point has focused attention toward external issues. To change the culture of a police organization the leader must also focus attention inside the organization. In order to effect the desired change, the leader must utilize those within the organization to actually put the plan in motion and make it work. Much discussion has been concentrated on the importance of sergeants in implementing change. While there is no doubt that sergeants heavily influence officers, the middle managers, lieutenants and captains, can actually make or break any attempt at organizational change. Middle managers cannot be ignored if change is to be implemented because they carry many of the chief's orders and information to the sergeants. Their presentation and support for the change sets the tone for how the information is relayed to the officers by the sergeants. What methods should upper level leaders use to ensure that middle managers feel a part of the team and willingly display a desire to positively communicate the information to the officers and the sergeants? Geller and Swanger (1995) offer several suggestions on how to bring middle managers on board to facilitate strategic innovation:

❑ build on middle managers' existing strengths,
❑ help middle managers become "cheerleaders" for the sergeants and officers who work for them,
❑ change the emphasis of middle management from controlling to coaching,
❑ teach them to act sensibly about empowerment, helping them learn not to give power away for free,
❑ teach them how to develop powerful motivators for teamwork.

One of the most important recommendations made by Geller and Swanger is to "clarify first-line officers', supervisors', and managers' new roles and reduce the mixed messages from the top about theses roles (p. 112)." Role ambiguity is one of the quickest ways to dampen enthusiasm for change because organization members do not to know what is really expected from them. Much of this clarification can be accomplished through the development of the organization's mission statement, forming organizational values, establishing clear and open communication, and the understanding that the expectation for the organization is to become results-oriented, not process-oriented. Upper level leaders must also ensure that an environment is created that allows for mistakes to be addressed positively--if made honestly and without misguided intentions. Middle managers, like others, are often made scapegoats and chastised when they make mistakes while trying to be innovative. This often becomes a major hindrance to changing the culture of the organization**.**

Conclusion

The topic of changing organizational culture is complicated. Leaders can become effective change agents or "shoot themselves in the foot" depending on how they approach change and the methods they use during implementation. The approach of "because I'm the boss, that's why" will no longer be effective in implementing long term cultural change within a police organization. The purpose of this paper is to encourage police leaders to plan innovation so that the culture will change for the long term. This article is not meant to be expansive or comprehensive and merely scratches the surface of most theories cited. The environment surrounding police organizations is constantly exerting force for change and the manner in which the leader responds to this force can have a positive effect on organizational change. Police leaders must be cautious not to focus only on the external environment. Attention must also be given to those who will help the organization achieve its mission--the middle managers, the sergeants, and the officers. The leader who learns to be attentive to both the external and internal environments will be successful in changing organizational culture.

In sum, to become a successful change agent, a leader should:
- Learn about the dynamics of organizational culture.
- Establish a structure that allows for the development of true innovation.
- Develop an inclusive process that leads to a clear mission statement and values for the organization.
- Adopt a risk-control strategy without completely dismantling the existing process model.
- Understand who comprises the authorizing environment for the organization and develop mechanisms to address that environment.
- Develop the strengths and skills of the middle managers, sergeants, and officers.
- Keep abreast of current literature pertaining to the field of police management.

While the above list is not all inclusive of the actions that leaders might take to change the culture of their organization, those who study and implement them may be well on the way to making a positive change in the culture of their police organization.

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Chapter Ten
Narrowing the Cultural Gap between
Police Organizations and the Public

Problem Statement

The last century produced significant social and cultural changes in American society. Due to the cumulative impacts of these changes, we are better educated, more aware of individual rights, more demanding of enlightened police services, and more inclined to become involved in community-changing initiatives.

This rapidly changing socio-political environment produced a more open society and, at the same time, generated a significantly different policing culture. This cultural divergence has heightened tensions between the police and the public, generated community-altering "horror stories," and has presented paradoxical challenges to police agencies who sense a need for organizational change:

❑ How do organizations designed to emulate military command, control, and discipline effectively communicate with and relate to a society that increasingly seems to devalue these attributes?

❑ How does an organization maintain strict internal discipline and adherence to a horrendously complex set of community and court-approved standard operating procedures while simultaneously providing the flexibility and problem-solving environment required to effectively implement community policing?

❑ After decades of aloof separation, how does a police agency "re-connect" with citizens on a personal level, win the trust of community segments who have long viewed the police as an occupying army instead of a partner--and still retain the objectivity required to fulfill their responsibilities?

The extent to which any police department can cope with this complex and demanding environment is directly dependent upon its capacity to understand the ever-shifting dynamics, adapt (and communicate) without compromising core values, and deliver services which fulfill their mission and are understood and valued by citizens. While significant police evolution has occurred, a compelling argument can be made that this change has not kept pace with the changing environment.

A Brief Historical Overview

At the dawn of the 20th century, municipal law enforcement in America could be described best by using terms that currently define the concept of community policing--decentralized institutions with close ties to communities and local elected leadership. Policing organizations in this earlier era had no effective system of checks and balances in place however, and frequently fell under the control of local political "bosses" who used them as tools to further

their own interests. Policing in this era was rife with corruption, displayed a general disregard for individual liberties and was inefficient in delivery of basic services.

In the early 1920s police scholars like August Volmer urged policymakers to professionalize the police function. Public outcries against machine politics and their corrupt police enforcers spurred communities in this direction as well. Police departments were reorganized to make them less susceptible to political coercion and more efficient in crime-fighting. Precincts were redrawn so that they did not correspond with political boundaries. "Civil service" status for police officers was instituted to lessen the impact of political pressures. Highly centralized command structures were imposed, and supervisory span of control was reduced. Information flowed upward in these organizations, and instructions flowed downward. Formal standard operating procedures for nearly every foreseeable circumstance were drafted to ensure adherence to policy. Control and accountability were of paramount importance; tactics and technology were driven by emphasis on rapid response and preventive patrol, with crime control and apprehension of the offender defined as fundamental organizational goals. Earlier efforts to deliver social services were discarded. Discipline was tightened, and police agencies evolved into paramilitary organizations. Police officers became remote from the public they served, as epitomized by that '60s TV icon Sgt. Joe Friday, "Just the facts, ma'am."

This professional model of policing served law enforcement agencies in the mid-twentieth century well. Policing evolved into a respected profession; corruption and the abuse of civil rights became aberrations rather than normal operations, and police agencies became very proficient in apprehending offenders, as evidenced by our overcrowded prison system.

In the mid-1980s reformers began to advocate a new "community policing" philosophy, which was highly critical of the professional model. Advocates argued that the prices paid for greater efficiency and increased resistance to political corruption gained by instituting the closed systems necessary for "professional" policing were too high. They resulted in departments that were too narrowly focused and that lacked public accountability. Police power and public policy priorities had been wrested from public control, they argued.

Reformers suggested a broad series of changes in the operations, management, and institutional structure of police organizations--changes that would reestablish and acknowledge the common interests of the public, political leadership, and police agencies--and that would also acknowledge the critical role of these external stakeholders as resource providers. Proponents of community policing insisted that excessive administrative control and too many layers of middle management were detrimental and that existing paramilitary hierarchical structures should be decentralized. Police officers at the street level should be empowered to address problems at the point of origin, rather than wait for instructions from superiors far removed in the chain. Existing organizations should be flattened. The relationship with the public should become intimate, and tactics should be driven by collaborative problem solving in close partnership with the community. Crime control and offender apprehension would remain as important policing goals, but these goals should be broadened to include quality of life and citizen satisfaction.

As this paradigm shift in policing philosophy entered the mainstream of policing policy, many pressures (both internal and external) began exerting themselves on police agencies. Seasoned officers reared in the command/professional era were resistant to change and reluctant

to release control they had worked their whole careers to achieve. Citizen activists, emboldened by successes, demanded more and more policy and procedural oversight of their departments. Street cops who were expected to exhibit more independent problem-solving skills began to demand more voice in the establishment and administration of policies and practices that they were ordered to implement. The end result has been two decades of turmoil as police agencies have struggled to adapt to the expectations of the citizens they serve, and of the officers they rely upon to deliver professional and enlightened policing services.

The extreme complexity inherent in efforts to modify such a firmly established police culture, coupled with the fact that so many different value systems, political agendas, and professional disagreements are simultaneously interacting, serves to ensure that progress is slow and painful. Change is frequently imposed from external sources as a result of traumatic community experiences rather than guided and controlled by the primary stakeholders. While this process does produce change, it also leaves deep scars and animosities that are counterproductive and hinder future cooperation and communication. Identifying a less traumatic process for producing vital organizational evolution, therefore, is of critical importance to the future well being and effectiveness of police departments.

Capitalizing on the Inherent Communications and Consensus Building Aspects of the Strategic Planning Process

Police agencies, like most public organizations, are expected to conduct planning projects that lay out a roadmap for their future. A recent University of South Alabama telephone poll of 100 of the 850 largest police departments in the United States provided some interesting findings. Of the 100 polled, only about a third responded that they used some form of strategic planning. A cursory review of many of these plans revealed that about 80% were really "do-lists," with little real effort expended to identify environmental factors and issues that are really critical to future success. A number of the plans reviewed also focused on relatively easy issues in familiar environments--projects to alter training or tactics, or to better plan for specific operational needs. Police officials tend to be very good in these realms and are confident when dealing with challenges that can be resolved within this "comfort zone." Planning projects, which produce pre-ordained results or that deal with issues within the context of this comfort zone of activities, fail to address or even recognize the real threats and opportunities facing an organization, or to take full advantage of the power and flexibility of strategic planning done correctly. By limiting the scope, or by sticking to relatively noncontroversial issues, police leaders frequently miss the opportunity to use the inherent power of the strategic planning process as a means to both identify and tackle the hard issues that will shape their future.

The First Crucial Step: Understanding SWOT

A well-constructed strategic plan starts with a comprehensive environmental scan. In order to minimize potential criticism about police influence on the results of such a survey, it may be beneficial to use outside consultants and polling organizations that will provide data and analysis free of police influence. The purpose of this scan is to conduct a SWOT--Strengths, Weaknesses, Opportunities and Threats--analysis. This SWOT analysis should also recognize that stakeholders are both internal and external. Each of these groups should be addressed separately.

The external stakeholder assessment should focus on three major interest groups: political leadership, activist citizens, and citizens-at-large. Each should be approached using different techniques:

❑ *Political Leadership*. Each elected official within a jurisdiction should be individually interviewed using a carefully prepared outline for structuring the conversation. These interviews are designed to explore the thoughts, perceptions, biases and priorities of these powerful individuals and the constituencies they represent.

❑ *Activist Citizens.* Many of these individuals are well known to police departments. Care must be taken in developing lists of activists to include in focus group discussions so that outspoken community leaders, who truly have the interest of the community at heart, are included, but those who are merely enemies of authority are excluded. When approached properly, elected leadership can often be a great help in identifying the best people to include and are frequently very willing to help in this process. Once identified, the list is divided into focus groups of no more than ten people. A facilitator, using a carefully prepared survey tool (to ensure that all topics of interest are covered and that all focus groups are asked to discuss the same issues) will then lead the group through the issues to be explored.

❑ *Citizens-at-Large.* Most larger communities and universities have professional polling organizations that are available to conduct community-wide opinion polling. These organizations will work with a police department to prepare a professional survey instrument designed to explore the opinions and perceptions of the general public. Computer-generated telephone polling is then conducted, producing statistically valid data that can be analyzed in many different demographic and topical manners. A side benefit of this process is that this survey instrument can provide both input for the SWOT analysis, and in future years, be re-administered as a means of establishing a "report card" of citizen satisfaction.

Once all this data is collected it can be used to compile a list of External Strategic Issues confronting the department.

The companion Internal Stakeholder Assessment is conducted within the department to get an unbiased understanding for how the key members of the organization feel about gut issues facing their department. A key component of this assessment is to provide the greatest level of anonymity possible to participating officers to ensure that honest opinions are expressed. Surveying similar to the external report is also conducted in the internal assessment:

❑ *Executive Leadership.* Senior departmental officials are individually interviewed in a process similar to the structured interviews conducted in the external survey.

❑ *Middle Management, Specialists, Beat Cops and Civilian Support Staff.* These personnel are assigned to focus groups and interviewed similar to the external survey.

❑ *Rank and File Police Officers.* A written survey instrument is administered to all "Beat Cops" during a series of roll calls.

The department's consultant again analyzes this accumulated information, and a set of Internal Strategic Issues is produced based on the findings.

If done correctly and comprehensively, this pair of surveys will give a department an honest, unbiased and unprecedented look at itself through the eyes of its key constituencies. The results can be a sobering experience, as many myths may be exploded. Weaknesses heretofore unrecognized may be exposed.

Converting SWOT into Plans

Once these companion surveys have been completed, and the SWOT analysis and strategic issue compilations are compiled, the organization is ready to begin the actual preparation of its new strategic plan. The first step in this process is for the chief to form an Executive Steering Committee composed of his most senior and influential advisors and commanders. This group, working with the consultant, then begins the task of reviewing and reworking departmental vision and mission statements to ensure that they accurately reflect core values and future aspirations. Once completed, these key documents become the standards by which planning priorities, goals and objectives are measured.

The next task undertaken by the Executive Steering Committee is to review the strategic issues developed in the SWOT analysis and select the most critical to be addressed in the first iteration of the strategic plan. This process may take several months, as senior executives are each assigned topical/functional areas and issues which they, in turn, discuss with subordinates and working groups that include all strata of the department. When completed, the results of this priority-setting and issue-defining process "bubble up" to the Executive Steering Committee. Here, final decisions on which items will be included in the first plan are made. Once the framework of the plan is established, plan area responsibilities are assigned to each member of the Executive Steering Committee. These executives are then responsible for developing working group assignments and timelines for the completion of their assigned projects.

During this final plan formation phase, it is important for the Executive Steering Committee to address the important considerations of plan size, complexity and length of completion timelines. Experience has shown that for early implementation phases, it is best to follow the old "KIS" principle: Keep It Simple. A limited number of goals and objectives and a short implementation period is probably best, for it allows a department new to the process to remain focused on a relatively short list of tasks that can be completed in a short period of time. At the end of this initial phase, as the department grows in experience and confidence with the process, it can celebrate early successes, recalibrate to include new projects/priorities and continue onward. This KIS principle also recognizes the pragmatic fact of life that police departments occasionally have other things to do beyond implementing strategic plans.

As this process moves forward, it is important for the Executive Steering Committee to meet on a regular basis to monitor progress against agreed-upon timelines. This monitoring underscores the fact that this is an important departmental priority and that progress, professional performance and quality products are required of all participants.

Conclusion

Few of the issues raised in this paper are new to police executives. What may be new is the approach taken to produce the priorities, goals and objectives. This project expands the scope of strategic planning well beyond its use as a basic planning tool, and capitalizes on its ability to be used as a valuable communications' tool, and as a mechanism for building consensus for long-term organizational growth and change. Every effort has been taken to include the opinions and input of a broad spectrum of internal and external stakeholders critical to the future success of any police agency. In this manner, a sense of community "ownership" and participation can be created that can be of great value in a department's efforts to improve the relationship between police and the public.

Internally this process also has substantial value for it brings together numerous cross-sections of personnel in team problem-solving groups--increasing communication and a building sense of expanding participatory management. These consensus-building initiatives slowly but surely modify the command structure and the management culture of a police agency--and accomplish this in a positive manner.

An agency choosing to follow this path will see a future that holds a series of plan recalibrations, with each becoming a bit more challenging than the one just completed as the department gains experience and confidence in this process. The future will also see another transition. With proper guidance and leadership, the cumulative impact of years of training and implementation will so imbed this process into day-to-day departmental operations. Strategic planning will evolve into strategic management and thus become a part of the organizational culture as the accepted manner of continuous improvement and continuing evolution.

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Chapter Eleven
Law Enforcement Corruption, Misconduct,
and Abuse of Power

The most critical issue facing law enforcement today is the potential loss of public trust in law enforcement organizations. This is a result of several recent high profile cases of corruption, abuse of power and/or the use excessive force. An ever-present companion to cases of law enforcement misconduct is the destruction of morale within the agency and a withdrawal of the officers from proactive, aggressive policing. The present high profile misconduct cases in Toronto, Miami, Washington, D.C., and Los Angeles are underscored by a large number of similar cases--not as widely publicized--which have occurred in local, state, and federal law enforcement agencies throughout North America. Taken together it would appear as if there is an increasing trend of misconduct that does not bode well for our profession.

There is no central database maintained in the United States regarding law enforcement officer misconduct or in the disposition of these complaints--I use the word misconduct to mean a variety of behaviors that range from a simple violation of a departmental rule to a serious violation of law, such as bribery or the unlawful use of excessive force. My suggestion that it *seems* the number of misconduct cases has significantly increased in the past ten years is not based on *hard* data. Rather, I base my case on anecdotal evidence and many conversations with police executives. As a result, I have come to the conclusion that the various forms and degrees of officer misconduct have become, particularly in our federal and larger law enforcement agencies, a significant and serious problem.

We all understand that law enforcement officer misconduct, particularly the abuse of power, has a tendency to erode the trust people have in our organizations. So, in light of the increase in these incidents plus the negative publicity of recent egregious incidents, it prudent to conclude that the loss of public trust in law enforcement will become one of the most serious problems we face in the next several years. It is time to examine the problem and to take appropriate measures to reduce misconduct and the resultant negative impact on public trust.

The Problem

Given that there are an increasing number of cases in North America involving law enforcement officer misconduct both on and off the job, the question arises as to what are the reasons for such an increase? There is no single reason why officers engage in this type of behavior, rather there are many. Following are six reasons why misconduct seems to be increasing.

First, law enforcement agencies are more alert to officer misconduct than ever before and are less likely to keep this information from the public or the press. Drug screening, intense public interest in the abuse of power matters, a better understanding of psychological problems affecting officers, and the development of early warning systems have all led to a greater sensitivity to misconduct matters. Matters that years ago would have been swept under the rug or handled by resignation or retirement, are now being made a matter of public record.

Second, the number of opportunities that an officer may be tempted to engage in improper conduct has increased dramatically. For example, an increase in the use of mind-altering drugs, such as methamphetamines, by the public often leads to unpredictable behavior when confronted by officers. This leads to situations where force may have to be used, which often can be viewed as excessive in hindsight. Drug commerce has also moved away from its early violent stage and is engaging in more sophisticated ways to ensure distribution, such as bribery. Additionally, the level of job stress continues to increase in law enforcement. This leads to behaviors, which are of dubious value in relieving stress. Such activities as *choir practice*, the use of steroids for body building, the adoption of an *us versus them* mentality often leads to subsequent actions by officers that are clearly wrong.

Third, our society is producing a large number of people who do not exhibit strong character, deeply held values, or the ability to chose right from wrong behavior. Far too many individuals chose behaviors that reflect an incredible lack of self-discipline. This, of course, may result in individuals choosing behaviors that make them feel good, advance their personal interests, or satisfy their desire to dominate and control others. Given the nature of a police officer's job, if there are officers that have similar attitudes and behavioral characteristics it does not bode well for them or the department.

Fourth, the work environment of law enforcement has become--laudably--multiracial and more balanced in percentages of men and women. Unfortunately, this has also led to more interpersonal contention on the job and led to some serious difficulties on the home front as well! Given more time, I am sure the work environment will improve in this regard, but at present it still remains a major source of tension and officer misconduct.

Fifth, our highly materialistic society is very compelling. We are all a bit greedy, some of us more so than others--and a few individuals are consumed by greed. Greed often wins when it conflicts with morality and ethical behavior. In the past ten years, the FBI has been shaken by a number of its Special Agents being involved in criminal activity. In virtually every one of these cases the principle motivation was greed.

It is not uncommon for police officers to face similar moral choices. A combination of personal values, self-discipline, and fear of the consequences usually is sufficient to ensure that most of us make the right decision. But as we all know, the old cliché, "There but for the grace of God go I," is appropriate to describe how close we have all come to making the wrong decision. It requires a strong commitment to ethical principles and self-discipline to the resist the proffered job temptations. That so many officers consistently make the right decision is a tribute to them, that a few officers make the wrong decision is devastating to us all.

Sixth, it is fashionable for politicians, activists, and other influential people in the community to talk tough on crime, take a conservative stance on all issues, and be unwavering in the defense of old fashioned virtues. Most of us in law enforcement hold similar views. However, holding these views personally, while at the same time not letting them have undue influence in the administration of a law enforcement agency is difficult. In the recent past, some of our more liberal politicians have been railing against racial profiling, the use of lethal force, and law enforcement's intrusion into matters for which they claim there is a privacy issue. In addition, we once again are hearing the arguments that some illicit drugs should be legalized.

The argument that the use of marijuana for medical purposes should be legalized is a mere straw dog argument for the legalization of marijuana for any purpose. These arguments tend to weaken the officer's resolve concerning the enforcement of drug statutes and can lead some officers to involvement in drug trafficking.

Law enforcement agencies must strive for neutrality on such matters. A truly wise law enforcement administrator will avoid sending a message to the officer that the defense of traditional values is a function of the police. This would allow some officers to assume that they are doing "God's work." We cannot allow our officers to become consumed with trying to bring justice to all of society's problems. If we allow this, it will only lead to actions on the part of some, which indicates they believe that the end justifies the means. Curbside justice, lying under oath, or planting evidence to send the bad guys away are means that some officers use to achieve a *just end* to a problem. Unfortunately in most cases like this that come to light, it is the officer who is sent to jail.

All of us in law enforcement have to realize that there are those in our society who would make us the unwitting victim of powerful social forces. These forces are dimly perceived and not well understood by either the officers or the organization. Often, the role of law enforcement in our society places officers between a rock and a hard place. An example of this would be the role we play in the conflict between opposing sides on the issue of abortion. The fact that we are handling this conflict in a most admirable fashion is a tribute to law enforcement executives who--so correctly--insulated the department from taking a stance on the core issue.

We have not had similar good fortune in trying to police the conflict between labor and management when labor strikes disrupt a community. A similar example, but one of unintended consequence, is the politicization of some law enforcement agencies as a result of the nature of community-based policing. In this new policing initiative we have placed officers in difficult situations where they are often faced with choosing between the chief's views, as reflected in department policy, and the community's demands, which may significantly differ.

I strongly believe that officers on the street need help to maintain their moral character, reinforce their ethical conduct, and maintain their personal integrity. We must bear in mind that Socrates, Mother Teresa, or other revered individuals in our society never had to face the constant stream of ethical problems of a busy beat cop. So, I think it only fair that one of the roles of chief of police, sheriff, or director of a law enforcement agency is to create an environment that will help the officer resist the temptations that may lead to misconduct, corruption, or abuse of power. The chief executive officer cannot sit idly by and observe officers being used as cannon fodder by various interest groups--each trying to exert influence on the public and occasionally abusing the police to further their agenda. Nor can the chief allow individual members of the force to do as they plead in current advertising jargon, "*Make your own rules--Do your own thing--or Just do it!*"

The executive cannot construct a work environment that will completely insulate the officers or the organization from the forces that lead to misconduct. It is also certain that the chief cannot do this task alone. Help is needed from the labor associations representing police officers and support is needed from the executive, legislative, and judicial branches of government. In addition, the rank and file have to know and support the rules the organization

uses to protect them from physical and mental harm. With this said, however, the ultimate responsibility for an officer's ethical and moral welfare rests squarely with the officer. Good character is an individual responsibility that you can never shed. The excuse that someone or something made me do it has rung hollow since Adam and Eve tried to blame the snake!

The balance of this chapter will offer a few suggestions for the chief so that he or she may personally have an impact on preventing officer misconduct. Some of these suggestions may hit the mark--others may not. The purpose in offering them is to generate discussion, debate, and reflection on the responsibility that leadership has in the prevention of officer misconduct.

The Organization

Every police organization has a set of values--written or unwritten--which form the underlying structure of all policy, guidelines, rules and regulations. If this has not yet been accomplished, members of the department, a citizen's group, or a mix of the two can make sure the department's values are set forth. The final result should be a set of principles by which every member of the department agrees to follow. Existing rules and regulations should be modified, if necessary, to reflect these guiding principles. Subsequent actions, both positive and negative, by members of the department should be judged according to these principles and appropriately recognized. If the department can accomplish this, then a state of integrity can be achieved--that is, a consistency of principle and actions throughout the organization. If all decision making in the department can follow the logic that flows from basic principles it will make the task of integrity maintenance much easier. It is the prime responsibility of the chief to ensure that the above analysis of organizational values is accomplished. You do not have to write the values personally, but you must ensure that the task is accomplished.

Set a Good Example

The most onerous words ever spoken to me by my mother were, "You must set a good example." I am sure your mom tried to drill the same principle in your head as well. Ed Delattre, Dean of Boston University's School of Education and the author of Character and Cops, makes our mother's advice even more difficult to do when he advises, "Do the right thing, even when no one is watching." These difficult bits of advice combined with the observation that the law enforcement executive has one of the most demanding, complex, and lonely jobs found anywhere, does make life challenging.

Being the chief executive officer, or an aspiring CEO, of a law enforcement agency gives you little choice but to live your life--on and off the job--at a higher standard. Most important, however, is that this is the life you have chosen to live. You know that if you are going to set and enforce the rules and regulations, then you have to place yourself in a position not only to abide by department rules, but to make compassionate judgments against those who do not. It is not wise to place yourself in a position in which others can call you a hypocrite. This undermines the respect and authority you need to be the department's leader. Leading this type of life can be difficult, but it in the long run it is very satisfying. We all know that there is not a single action of the chief that is not observed and interpreted by someone in the department or

the community. Your uniform, hair style, laughter, quirks, comments, golf score, shoes, kids, rose bushes, and your likes and dislikes are all observed, commented upon, and communicated to others. There is an expectation on the part of all department employees that you are perfect! How close you come to that ideal is directly related to how effective you will be in convincing the younger officers that your lifestyle is one they can confidently emulate.

Rules and Regulations

A lot of evidence suggests that when the rules and regulations of an organization (or society) are rigidly enforced, the number of people committing serious infractions is significantly reduced. Presently, New York City is making that claim in regard to their recent significant reductions in the overall crime rate. New York's attitude is that if you enforce the small and petty regulations, it will have a chilling effect on the more serious violations. So far it seems to be working. I recall when I was a grade school principal--many years ago--the rule of thumb was that you could tell the quality of a school by the condition of the buildings. Clean and well-maintained facilities usually reflected an administration that paid attention to the smaller details. It is also said that student behavior and performance are enhanced when students wear uniforms or when a strict dress code is enforced.

All of us know that most cases of law enforcement corruption begin with minor infractions followed by ever-increasingly serious violations. Given that there is a modicum of truth in the above common sense assertions, it is reasonable to assume that strict enforcement of rules and regulations by sergeants and other officers is in the best interest of all. I would not argue that punishment has to be severe. Actually I would say that for most minor cases of officer misconduct, our discipline is too harsh and needs some adjustment downward. What is key is that the rules and regulations be tied directly to the department's guiding principles. All personnel should understand the reasons behind each rule. They also need to appreciate that the strict enforcement of rules and regulations is not an exercise in power by the administration. This strict enforcement reminds all employees of the seriousness of our work and the devastating consequences of serious misconduct to both themselves and the organization. If you want to call strict enforcement of rules and regulations "putting the fear of God into employees" that's fine with me. Just make sure everyone knows that strict enforcement is a means to prevent more serious violations down the line. This organizational philosophy, currently out of favor, always worked in the past and produced great organizations. I see no reason why it would not work today.

Selection

It is easy to say that the simple way to avoid the problem of future officer misconduct is to hire only angels! Unfortunately that labor pool is rather thin since most of the members have taken jobs as our critics. Notwithstanding this paucity of available angels, the chief needs to know two similar truths underlying a good selection process--*Leopards never change their spots and past behavior is the best predictor of future behavior*. A possible third thing for the chief to keep in mind is that you cannot make chicken salad out of, say, chicken feathers.

Remember what you are trying to find are people who can be educated and trained to be good cops. If they happen to be female, black, brown, or a member of a protected class, that is fine. However, if race, sex, or ethic origin are their only qualifications you would be well advised to increase your efforts to find similar people who are more qualified.

You should never hire more people than your staff can properly handle in terms of an extensive background investigation. Since the use of the polygraph has proved to be extremely useful in the selection process, consider having each applicant tested after they have been found to meet minimum standards. Next, tough and demanding training provides an excellent view of the talents, self-discipline, willingness to learn, and the applicant's work ethic. Given a good look at an applicant's previous behavior and their performance in training should provide a sufficient amount of information to judge whether the applicant will succeed as a law enforcement officer.

Finally, there are occasions when big departments are required to hire a large number of people in a short time. Should this be the case, the chief must provide leadership to the department in resisting any, and all, political pressure to do so. Time and time again we have seen in law enforcement a *rush-to-hire* scenario enacted. It always results in eventual disaster for the department and also a disaster to the unqualified individuals we were in such a hurry to get on-board.

Training

It is a reasonable assumption that most recruits and younger officers have little military experience and possess a set of values that are quite different from the older employees--or the traditional values of a law enforcement agency.   It is the nature of youth to be different. However, experience teaches us that *new age* values--or traditional values not deeply ingrained--are not compatible with the corrosive nature of a police officer's job. Yet, one of the most difficult teaching assignments found anywhere is in teaching values to the young. It becomes even more difficult when trying to change the mindset of older officers. I used to teach--and still believe--that the best way to change attitudes, and values, is with a baseball bat!

Whatever methodology we use, however, the carrot or the stick, it is important that all employees know and adopt the principles of the department in their daily lives. Thus, training in ethics, character, and morality is not only essential at the recruit level, but at all levels of command. This type of training should not be a one-time event, but must be done on a continual basis and in conjunction with all other courses. I can think of no law enforcement training course--including roll call training--that should not include some aspect of proper ethical behavior. This is a subject we have long ignored in law enforcement because we thought it just dealt with corruption. Even today I see in many departments a tendency to treat the subject like it is a vaccination. One, four, or six-hour shot and you are immune forever! This is just not the case. Ethics is a serious course of study covering all aspects of our lives. Appropriately presented on a continuing basis the study of ethics has the potential to transform the profession of law enforcement.

There are several other topics that are critically needed by officers to assist them in resisting occasions of possible misconduct. These include a great deal more defensive tactics training so as to equip the officers with alternative ways to bring subjects under control without having to resort to more extreme measures. More training is required on the appropriate use of force. Last, I think we need to develop a source of instruction that can assist officers in understanding the strength and weaknesses of their own personality. The question of why some officers are overly aggressive, why some have a need to dominate others, or why they think and act the way they do is important to understand. Additional training in the area of personal psychology would benefit all police personnel.

Many readers will say, "All of the above is well and good, but we are a small department and do not have the resources to accomplish most of your suggestions." However, an astute law enforcement administrator knows the power that training has in terms of changing or improving the efficiency and effectiveness of operations. Knowing this, the problem becomes not a question of resources, but one of will.

Actually, there are many ways in which small or cashed-strapped departments can receive good training. Usually a nearby larger department will lend a hand. Nearby corporations often make their relevant training programs available to a few officers. Talented individuals within the community, such as lawyers, doctors, and the clergy can present a variety of programs. The State Police, DEA, FBI, and other agencies have always bent over backwards to provide training to smaller departments. The Internet is also fast becoming a means by which officers can take advanced academic training. Additionally, the Rural Law Enforcement Training Center in Little Rock is an outstanding source of training. So, it is not always a question of resources--sometimes it just boils down to the law enforcement administrator's vision and will.

The Sergeant

No administrator of a law enforcement agency can, on their efforts alone, prevent all cases of misconduct. The administrator needs a great deal of help. Let me make this argument. Show me a law enforcement agency with a serious problem of officer misconduct and I will show you a department staffed with too many sergeants not doing their jobs.

My advice to law enforcement administrators is to recognize the vital and influential role sergeants play within a police organization. They should be selected with care, given as much supervisory training as possible, and be included in the decision making process of the organization. Sergeants are, in the view of the troops, the custodians of the police culture, the leaders and informal disciplinarians of the department, and the individual most officers look to for advice. In my opinion, good sergeants are the most critical key in reducing incidents of misconduct in a law enforcement agency. They need to be a part of the management team and know that the chief stands behind them. They also need to know that when one of their officers is involved in misconduct, corruption, or abuse of power they will be held responsible!

Internal Affairs/Rotation

Not all police agencies are large enough to have an internal affairs unit or sufficient personnel to rotate officers from one assignment to another on a regular basis. Space does not permit a detailed discussion of these two diverse problems within a department, except to say that they can make a significant contribution to lessening misconduct within a department.

Every chief needs someone within the department to handle internal investigations with competence, sensitivity, and objectivity. If this is not possible because of the size of the department, then the chief must find an alternative source to conduct internal investigations-- such as the state police or a cooperative federal agency. The simple reason for this recommendation is that the public has to have confidence that a law enforcement organization is willing and capable of investigating misconduct.

Departments must also limit what they ask undercover officers and officers assigned to investigate vice and drug activities to do in the line of duty. You just can't leave an individual in this assignment without careful supervision and psychological support. The consequences to the officer are enormous—and none of them, I might add, are good! If a chief asks an officer to handle these corrosive assignments, then it is important that the assignment be of short duration, with quality support, and a mandatory rotation after a reasonable time. I would also suggest--to the extent possible--that every officer in the department be rotated on a timely basis. Ignoring these minimum recommendations place the department, and the chief, in a position that is difficult to defend on either ethical or moral grounds.

Conclusion

The chief executive officer of a law enforcement agency should never underestimate the amount of influence they could have over their employees' behavior. The CEO also has a responsibility to do all that is humanly possible to help officers resist the temptations encountered on the job. There is no question that some civil service commissions, labor contracts, and civilian review boards often can be difficult hurdles for the CEO to overcome in the administration of a well-disciplined department--but there are always going to be some obstacles to either educate or overcome.

I think President Truman's comment, "The buck stops here," is particularly relevant to the job of a chief. The "buck" does, in a law enforcement agency, stop with the CEO. Responsibility is the nature of the job. In the final analysis, most law enforcement officers want to do the right thing. Given the right example to follow and a leader who will stand with them shoulder to shoulder, the law enforcement officers of tomorrow can set an example for all other professions to follow.

Edward J. Tully, Executive Director,
Major Cities Chiefs

Chapter Twelve
Racially-Biased Policing
an Ethical Issue

Dedicated law enforcement officers throughout this country work extremely hard to make their communities safer. The overwhelming majority are honest and hardworking, but there is a widespread perception that officers are unfairly and illegally exercising their discretion and authority by impermissibly and solely relying on the race or ethnicity of a citizen as a basis for police action.[1]

The Fourteenth Amendment to the United States Constitution guarantees that a state shall not "deny to any person within its jurisdiction the equal protection of the laws." The practice of racially-biased policing is counter to the intended effect of the Equal Protection Clause. The perception of biased policing results in a distrust of "the system" and a growing disenchantment in minority communities with governmental institutions. Racially-biased policing causes a deep cynicism in affected minority communities, leaving feelings of anger, helplessness and fear of law enforcement. It not only affects the person stopped, but everyone who hears their story.

This perception threatens the trust and cooperation of the community with the officers sworn to protect it. Police executives, along with the rank and file, agree that racially-biased policing has no place in law enforcement. It is an abhorrent concept that is not taught, is not part of policies and procedures, and is not part of the law enforcement culture. It is an ethical issue no less important than dishonesty and brutality, that provides an opportunity to develop solutions not only to end racially-biased behavior but to further improve the overall ethical climate in policing. Unethical police behavior has been and continues to be the central issue in policing. It undermines the democratic processes that make the United States unique. Abuse of police power threatens the rights and freedoms that are the foundation of our society and destroys the public's trust and confidence in law enforcement. Law enforcement has paid and continues to pay a heavy price for the unethical actions of relatively few officers.

"Ethics has nothing to do with whether you are American or Asian, black or white, rich or poor, young or old, male or female, police or citizen. It is how we treat each other as human beings. There is no distinctive police ethic, but only a human ethic applied to police situations."[2]

Policing is a difficult and complex profession, but when it is done well, it brings communities together to solve problems. The following topics can lay a foundation for improving integrity and service delivery in a difficult and complex profession.

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[1]Professor Deborah Ramirez and Jack McDevitt and Doctoral Candidate Amy Farrell, A Resource Guide on Racial Profiling: Data Collection Systems: Promising Practices and Lessons Learned , (2000) U.S. Dept. of Justice

[2]Klenig, John (1990). Teaching and Learning Police Ethics. Journal of Criminal Justice, 18-1: 1-18.

Education

Policing is an occupation that demands the knowledge and skills of a teacher, lawyer, counselor, social worker, doctor, psychologist and minister. Yet it is interesting that all of those professions long ago required a college degree.[3] We need officers that have the capacity to think through problems in a *multi-ethnic, multi-religion society.* All officers should be required to have a four-year college degree either when hired or within a reasonable time after being hired.

Six national commissions--going back to 1967--and the federal courts have declared that a four-year college degree is the minimal education level to be a well-qualified police officer. Since these recommendations have been published, several research projects have established that officers with four-year degrees have significantly less abuse of police powers than officers without such education.

The principle was well articulated in the dicta of the Federal Fifth Circuit Court of Appeals in Davis v. Dallas (777 F.2d 205, 5th Cir. 1985), Certiorari: denied to U. S. Supreme Court, (1986). "Thus, police officers are left with their more essential task which includes social control in a period of increasing social turmoil, preservation of our constitutional guarantees, and exercise of the broadest discretion--of any government service. The need for police officers who are intelligent, articulate, mature and knowledgeable about social and political conditions is apparent... ***(A) college education develops and imparts the requisite level of knowledge.***" (emphasis added)

It is estimated that approximately 30% of the nation's police officers have four-year or higher degrees. The percentage of officers with some college is much higher.

There are a few agencies that require applicants to possess a four-year degree. There are other agencies that provide incentives to acquire a degree, such as education pay, tuition reimbursement, promotion eligibility and specialized assignments. Several states are considering mandating a four-year degree for applicants by 2010, however, not without resistance. Many colleges and universities offer on-line degree programs; courses that can be taken any time, any place. This overcomes the traditional conflict between shift work and classroom schedules. It also overcomes having to commute to a college or university.

An increasing number of colleges and universities are awarding up to one year of college credit for successful completion of the police academy when it can be demonstrated that the curriculum is sufficiently rigorous. Academy credit, combined with on-line convenience, has made it much easier for the in-service officer to acquire a degree.

Several law enforcement organizations are currently lobbying Congress to provide financial assistance for in-service officers to complete their college degrees, similar to the Law Enforcement Assistance Act of 1968. This program resulted in an estimated 151,320 officers receiving their four-year or graduate degrees before the program ended in 1980. Many of these

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[3]Garner, Randall, (1999). College-Educated Cops Is The Time Now? Yes. In J. Sewell (ed.) <u>Controversial Issues In Policing</u>, Boston, MA: Allyn and Bacon.

people, influenced by their college experience, played a key role in the numerous, positive changes in law enforcement in the past 25 years.

A college education:

❑ Provides a broader base of information for *decision making*.
❑ Inculcates responsibility in the individual and a greater *appreciation for constitutional rights*.
❑ Increases the ability to *flexibly* handle different or ambiguous situations.
❑ Develops a greater *empathy* for diverse populations.
❑ Results in *less rigidity in decision making* and results in more *willingness to accept and adapt to change*.
❑ Helps officers to better communicate and respond to service needs of a *diverse public* in a competent manner with *civility* and *humanity*.
❑ Produces officers who exhibit more *professional demeanor and performance*.
❑ Tends to make the officer *less authoritarian and less cynical*.[4]

It is time to act on this issue. It is preposterous that we continue to debate the merits of a college education for officers when we look at the social complexities of their work environment.

Recruitment and Hiring

Hire quality people that reflect the community's racial demographics. Selectivity should never be compromised. The recruitment and hiring processes should attract and identify applicants whose values are consistent with those of the agency. It is a mistake to hire someone who has not demonstrated the character traits of *honesty, fairness, respect for others and the willingness to accept responsibility*.

Perhaps the best indicator of an applicant's future behavior is his/her past behavior. Preferably the candidate has been exposed to a variety of life experiences and has demonstrated the ability to get along with many different kinds of people. Experience in dealing with diverse human situations helps the new officer's identify with citizens' problems. The new officers who feel sympathy for citizens they contact tend to have more satisfaction in their work and develop a wider array of social skills. Those who start with distrust tend to cause distrust in citizens and become vindictive in their work.[5]

At times there may be pressures to fill vacant positions, but most chiefs and officers agree that it is better to be understaffed than to suffer the damage done by hiring a person not suited for police work. A poor hiring decision is difficult to undo.

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[4]Carter, D., Sapp, A. and Stephens, D. (1988). Should A College Degree Be Required For Police Officers? J. Sewell (ed.) Controversial Issues in Policing, Boston, MA: Allyn and Bacon.

[5]Guyot, Dorothy (1991). <u>Policing As Though People Matter</u>. Philadelphia, PA: Temple University Press.[5]

First-line Supervision

The first-line supervisor is perhaps the most important part of any agency's leadership team. They are the link between management and the line officers. One common finding in many corruption and misconduct investigations is incompetent supervision or lack of supervision.

Sergeants work closely with officers. They hear the officers' comments, listen to officers at roll call, in the workout room and on the radio and mobile data terminals. They know what officers do off-duty and are an agency's best defense against inappropriate behavior. When doing their job effectively, they can detect behavior and attitude problems in the early stages before major misconduct occurs. The most important part of an *early warning system* is competent supervision. Every internal investigation should not only address the sufficiency of policies and procedures, but also the level and quality of supervision. Supervisors need to be held accountable, when appropriate, for the misconduct of their subordinates.

Unfortunately, many first-level supervisors feel closer to the officers they supervise than to management. Minor rule infractions may be overlooked so that they can be liked and accepted. They are reluctant to take actions that may be viewed as unpopular. A poor supervisor does not recognize that failure to correct minor violations undermines the importance of all policies, procedures and rules. Many officers' careers have been lost and departments embarrassed because of supervisors who failed to take appropriate actions when a problem was first noted.

The job of a first-line supervisor may be the most demanding position in the agency. It takes an exceptional person who can inspire officers, maintain their respect, maintain high morale, develop subordinates and make sure that the department's missions and values are achieved and followed. They need to have the trust and confidence of both the officers and upper management. Officers need to feel comfortable sharing information with sergeants and management needs to allow these supervisors to participate in management decisions.

In the promotional process, as much care needs to be taken as in the hiring of a new officer. A promotional candidate's performance and disciplinary records should be thoroughly reviewed. Peers and community members, along with supervisors need to be interviewed to determine the candidate's ability to work with other department members and *all segments of the community*. Testing should include ethical situations relevant to their role as a supervisor. The first-line supervisor should represent the highest standards of the agency.

Many departments have implemented a supervisory training program for newly promoted sergeants and some even use a field training supervisory program, using hand-picked, experienced supervisors to act as an FTO for a short time. There needs to be in-service training, specifically designed for supervisors to help them continue to develop their skills. They need to understand how important they are to an effective organization.

Every supervisor should receive extensive training in *mediation*. It prepares them to better deal with community conflicts and also internal conflicts between department members. Mediation training improves supervisory skills.

Training

In most basic police training programs, between one-third and one-half of the curriculum is dedicated to the use of force and officer safety. Clearly, these are important topics, but there needs to be more balance in the curriculum. For example, many academies only include a two to four-hour course that directly addresses police ethics. It is rarely addressed in-service training. Topics such as *ethical conduct*, *issues involving race and ethnicity*, *effective communication, decision making, problem solving and mediation* should be a significant part of both the basic and in-service programs.

Many training programs, particularly in-service, ask too little of the officer. Sometimes the only requirement is that they attend with no requirement to participate or demonstrate any knowledge or proficiency gained. The level and quality of the instruction and development of course materials need to befit a person assuming the enormous responsibility of being a law enforcement officer and need to appeal to their sense of professionalism. Instructor selection and monitoring is critical. A good instructor will ensure that the course is taught at the appropriate level and will keep the students' interest. Supervisors and upper management need to regularly attend not only to evaluate the course, but to demonstrate its importance. The best of what we know about adult education should be utilized. The current practice of requiring periodic qualifications for firearms, baton use, emergency driving and first aid needs to be expanded. Consideration should be given to instituting a requirement that officers have to annually demonstrate their knowledge (testing) on policies, procedures and practices that cover critical situations relating to safety, high liability, the basis and limits to their authority, ethical situations and issues of significant community concern.

There are several topics, while seemingly basic, that need to be reinforced:

❑ Most officers have a good understanding of the legal concept of *probable cause*. Fewer officers, however, understand the concept of *reasonable suspicion* and how it relates to their authority to stop someone.
❑ Profiling-related training should be conducted annually. This training should distinguish between *criminal profiling*, which is a valuable law enforcement tool, and *biased-based decisions,* which may be illegal. Particular emphasis should be given as to whether and how race can be used in the decision to initiate a citizen contact.
❑ Every agency should have a *traffic stop protocol.* At a minimum, it should address how the citizen is greeted, the officer's name and agency and why the person was stopped. The officers should explain what actions he/she is taking and what actions the citizen is required to take, if any (i.e., citation).
❑ Officers need to be reminded how their demeanor affects how others interpret their actions. An officer who is rude or disrespectful can cause his actions to appear biased, even if the stop was for a legitimate police purpose. Complaints of rudeness and/or disrespect are--by far-- the basis of most citizen complaints. Emphasis should be placed on officers giving people an

explanation as to why they were stopped.

❑ *Mediation and negotiation* have always been part of police work and yet little training has been done to help officers improve their knowledge and skills in this critical area. These skills are critical in dealing with conflicts between individuals or groups. Most states have training programs that certify civilian mediators. Law enforcement officers should be provided the same level of training provided to mediators (generally, 24 - 40 classroom hours). The ability of officers to deal with community conflict is a major factor in the future success of policing as communities become more diverse. It also gives officers greater insight into how they deal with conflict between themselves and others.

The use of well-designed case studies and scenarios will provide an excellent basis for discussion. They can be tailored to recent issues and incidents involving the agency.

Training is expensive, both in direct costs and the loss of the officers from their assignments while attending. Every course and topic needs to be evaluated to determine if it can be presented through the use of computer technology. This can allow officers to view and test on the material at their station or at home anytime, greatly reducing the costs and inconvenience. Some agencies estimate that one-half of their in-service training could be accomplished on-line. Topics in which interaction with the instructor or other students is beneficial still needs to be presented in a classroom setting.

Early Influences

Police agencies should look closely at the early influences on new officers. The new officer's behavior will tend to reflect the attitudes and actions of those around him or her. During this time, preexisting values are molded and refined, which will guide an officer on how to do the job. Academy instructors, training officers, and first-line supervisors must be carefully selected to assure they emphasize ethical conduct, particularly respect for the *value and dignity of every person.*

Of all employees, new officers are the most vulnerable to organizational pressures. The most important influence on a recruit is the Field Training Officer. During the probationary period, the recruit can, in most agencies, be terminated for failing to satisfy the expectations of the Training Officer. It is commonplace for the rookie not to make a move without first checking with his/her trainer. By watching, listening, and mimicking, the young officer learns how the job is done. The recruit begins to adopt the perspectives of the more experienced officers.[6] This includes the stereotypes and biases of the senior officers.

The new officer, like most people, desires to be liked and respected by co-workers. They want to fit in and be respected by the senior officers that they look up to. The new officer learns that if he/she turns on another cop, his/her life may well take an unpleasant turn. They learn that some fellow officers will demand that their interests come first and expect the new officer to sacrifice their ethical principles to be accepted.

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6Van Maanen, John (1978). "Observations on the Making of Policemen". Pp.292-308, in P.K. Manning and J. Van Maanen (eds.) <u>Policing: a View from the Street</u>. Santa Monica, CA: Goodyear Publishing Company.

By reducing the negative, early influences on new officer, the ethical climate of an agency can be significantly improved.

Conclusion

Law enforcement has striven to improve the level and quality of services to all citizens. Further examination of policies, practices and procedures as they relate to *education, first-line supervision, recruitment and hiring, training and early influences* provide an opportunity, not only to eliminate racially-biased decisions, but to also reduce other instances of unethical conduct.

Agencies should also consider other publications and efforts to identify, develop, and implement best practices. In addition to the U.S. Department of Justice, most professional police organizations have condemned racially-biased policing. Both NOBLE (National Organization of Black Law Enforcement Executives) and PERF (Police Executive Research Forum) have published reports and recommendations. Many states and cities have formed task forces to look into the issues surrounding racial and ethnic bias in policing. CALEA (Commission on Accreditation of Law Enforcement Agencies) has issued a written directive governing bias-based profiling, prohibiting its practice. The State of Wisconsin Governor's Task Force on Racial Profiling recently published a report that reflects the commitment of most public figures and police executives to solve this problem. Further recommended solutions will undoubtedly come from current research and discussion. The recent consent decrees between the Justice Department and various law enforcement agencies contain a number of provisions to reduce the perception of racially-biased policing and include a number of policies, procedures and practices worth considering.

Policing at its best can do more to create confidence in and respect for the law than anything else we can do. It leaves people with the knowledge that the law speaks fairly for them.[7]
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Dallas, Texas

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7 U.S. Attorney Janet Reno (2001). Principle for Promoting Police Integrity: Examples of Promising Police Practices and Policies. Washington, D.C., U.S. Department of Justice.

Chapter Thirteen
Underfunding of Police Operations

"There is in policing no greater challenge facing the police administrator today than attempting to address increased demands for services with fewer dollars."

The above did not come from yesterday's issue of the New York Times, though it may well have. It was taken from the second edition of <u>Local Government Police Management</u> (page 95), published by the International City Management Association in 1982, almost twenty years ago.

Obviously, the underfunding of police operations is an issue that is not new on the horizon. In fact, the problem has been with us for almost as long as organized police agencies have existed. Of late, however, the problem has become more acute as a result of a number of separate, yet inter-related factors:

❑ The growing strength of police unions and the pressures union gains bring to police budgets.

❑ The great strides made in the areas of science and technology, discoveries and innovations such as DNA analysis, automated fingerprint identification systems, computers, communications technology, etc., that are of great benefit to law enforcement, but come at a huge cost.

❑ The competition for tax dollars among the various governmental agencies, including the other criminal justice agencies.

❑ The current trend, nationally and locally, of reducing taxes and the shrinking of tax bases, combining to make fewer dollars available.

❑ The new face of crime--the emerging criminal enterprises such as the Russian Mob, the Columbia Cartels, etc., that not only operate in multiple jurisdictions, but are international in scope.

❑ The growth of white-collar crime, particularly cybercrime, has placed new demands on law enforcement. Hiring and retaining qualified employees to conduct highly technical investigations is difficult under many present pay scales.

❑ The advent of domestic terrorism and the need for additional resources to deal with threats posed by weapons of mass destruction.

Historically, there have been many results of inadequate funding of police agencies, none of them good for either the agencies or the public served by the agencies. One of the most obvious is poor pay. Poor pay, immediately, reduces the pool of highly qualified candidates and often results in a lowering of the quality of prospective police candidates. This is particularly true during times of economic growth. If police departments do not offer a competitive wage

and benefit package, the best candidates will migrate to other law enforcement agencies or the private sector, a situation now being faced by some large urban police departments. Many of the candidates they are interested in are opting to join neighboring suburban departments where pay is significantly higher. To exacerbate the situation, many of the best officers in the urban departments are taking the exams for the better paying suburban agencies and leaving.

Some departments, because of reduced funding, have looked to cut costs by getting recruits to the streets sooner, in order to reduce overtime costs. This is accomplished by cutting the training cycle and, often times, hiring individuals whose background investigations have not yet been completed. While these initiatives do save some money in the short term, they often cost much more over the long term. Inadequate training results in poor performance and poor performance many times results in lawsuits. The principal areas targeted in these lawsuits are failure to train, as well as negligent appointment, negligent retention and failure to supervise.

Unfortunately, supervision is another area that is often targeted when a police agency is underfunded. Supervisory positions unfilled or filled on overtime by a different supervisor each tour result in inadequate supervision. The problem becomes more acute when those lacking the supervision are those in most need of it--newly hired inexperienced officers. Experience has shown that when a group of officers go for an extended period of time without steady supervision, a peer leader emerges, many times the union delegate, who becomes the de-facto supervisor. The values and goals of the peer leader often differ from those of the organization. When a permanent supervisor is finally assigned, he or she is presented with the difficult task of "taking back" the group from the peer leader. If the group feels that it is not being treated fairly or is not appreciated by top management or the municipality, this is often near impossible to accomplish.

The hiring of marginally qualified recruits, coupled with the lack of supervision and poor pay, often results in poor performance and at times, corruption. In 1991, the International Association of Chiefs of Police produced a study of the management and operations of the New Orleans Police Department. This study, which was completed prior to the appointment of the present chief of police, indicated that fewer than twenty percent of the members of the agency had college degrees. In addition, fewer than twenty percent were enrolled in college. Training levels were difficult to assess; documentation was limited in quantity and unreliable. The consensus of agency members, at the time, was that in-service and advance training was less than adequate, especially for supervisors, commanders and executives. At the time, the police in New Orleans were among the lowest paid in the United States. Only after press reports of corruption and a federal investigation resulting in several indictments did the City Fathers turn their attention to the police department and its funding.

In addition to the adequate funding of personnel costs, police agencies today are faced with the enormous task of keeping up with advances in science and technology. The costs of doing so are enormous! An automatic fingerprint identification system, for example, costs well over one million dollars to purchase. DNA laboratories, and the degreed personnel needed to staff them, are equally expensive. Computers in cars, while valuable law enforcement tools, are extraordinarily expensive to install and maintain. Many mid-sized and smaller police agencies simply cannot afford the new technology.

In the area of labor relations, binding arbitration is having a huge impact on many police agencies. In essence, if the municipality and the police union cannot come to terms on a wage and benefit package, the impasse is thrown into the hands of a third party arbitrator whose decision, under the laws in some states, is binding on both sides. On many occasions, when faced with an arbitrator's award that has "tax increase" implications, the elected leaders of the municipality will simply tell the police chief to "find the money" in his own budget to pay for the raises. This is often a daunting, near impossible task that causes the police chief to make many hard choices such as postponing purchases of new police vehicles, deferring maintenance on police facilities, etc. Many of these choices, if made, prove to be penny wise and pound foolish in that putting off purchases of police vehicles, for example, will only force the municipality to buy that many more vehicles the following year. In some jurisdictions, binding arbitration and the failure of elected officials to pay for them have resulted in the percentage of police budgets devoted to personnel costs rising from eighty-four percent in the mid-eighties to close to ninety-four percent today.

There are no easy solutions to the problems described. There are, however, some common sense suggestions that may help to ease some of the problems.

Police leaders must take an active role in educating politicians as to the needs of their agencies and the hazards of underfunding them. Elected officials must begin to take more responsibility in the collective bargaining arena. Oftentimes arbitration awards come about because municipalities, as well as unions, refuse to bargain in good faith. Municipalities must make a better effort in this regard and come up with the funds to pay for whatever raises come about as a result of collective bargaining or arbitration awards. Ordering the chief to "find the money in his budget" to pay for the raises so as to avoid a politically unpopular tax increase is not, in the long term, in anyone's best interest.

Police chiefs and elected officials must recognize the need for police agencies to keep abreast of new technologies and discoveries if the agencies are to be able to perform their missions of protecting society, detecting, arresting and successfully prosecuting offenders. In order to mitigate the costs of these new initiatives, small and mid-sized agencies should consider regionalization, if not of the agencies themselves, then of technical and scientific services. The forming of effective partnerships will permit the high costs of DNA labs, automated fingerprint identification systems, enhanced communications and data systems, etc., to be spread among a number of jurisdictions, thus making it more affordable for each agency. In addition, more federal involvement in this area would be very helpful. The "COPS" Program, which had as its initial focus placing one hundred thousand officers on the streets to engage in community policing, may be the venue for helping to bring local and state agencies up to technological speed by shifting some funding criteria from the hiring of officers to investment in technology in order to make those officers already serving more effective.

Finally, the federal government must continue to encourage the formation of multi-jurisdictional task forces to deal with criminal activity that does not respect local or state boundaries. DEA Task Forces, FBI Joint Terrorism Task Forces, and Customs Service Task Forces are but three examples of successful partnerships between federal, state and local agencies. In each case, federal funding and expertise is combined with local resources and

knowledge of conditions to provide a better coordinated and more effective response to what are in reality national threats that appear to the unschooled observer as local criminal activity.

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Chapter Fourteen
An Ounce of Prevention…

Modern police work is not the occupation it once was. Today it is a highly complex profession that requires police officers to keep themselves on the cutting edge of the law, community relations, politics, technology, medicine, and a host of other disciplines and issues. One of the most challenging issues facing today's police officer is racial profiling. Racial profiling is more than a single issue, rather it is a focal point for many of society's long-term problems and frustrations. It implicates not just law and politics, but also the workings of the human psyche and how individual perceptions affect the acceptance of governmental authority.

This article is intended to aid police agencies in understanding the issue of racial profiling and what actions can be taken to avoid violating the constitutional rights of citizens, the deterioration of the police-community relationship, and the legal liability from citizen or Department of Justice (DOJ) lawsuits. However, it should be noted that potential legal problems and liability are not, and should not, be perceived as the driving force for police agencies to take action to prohibit arbitrary police actions. Arbitrary policing should be prohibited, even if it doesn't violate the law, because it is morally wrong. In very simple terms, prohibition of arbitrary policing, such as the so-called "racial profiling," should be done because it is the right thing to do.

In order to provide that assistance, a working definition of racial profiling is herein presented and four subject points will be examined.

Racial Profiling Working Definition

Racial Profiling. Any police activity that is motivated by, or conducted differently because of race.

*This definition is included in order to aid the reader in understanding the concept of racial profiling which has yet to be firmly defined. A more detailed and more inclusive definition is included in the **Profiling Policies Section** and is termed "**Arbitrary Profiling**."*

The four subject points are:

- The Law
- The Policy Process
- Profiling Policies
- Data Collection

The Law

The legal basis for racial profiling lawsuits is the Equal Protection clause of the Fourteenth Amendment to the United States Constitution.[1] The pertinent portion of the Amendment reads "…nor shall any state…deny to any person within its jurisdiction the equal protection of the laws." The Supreme Court of the United States has interpreted the Fourteenth

Amendment's Equal Protection clause to ban "invidious discrimination."[2]   Invidious discrimination is discrimination that is arbitrary, irrational, and not related to a legitimate purpose.[3]

In addressing allegations of racial profiling within the context of equal protection, the federal courts turned to previous cases dealing with selective prosecution. A plaintiff alleging elective prosecution or selective enforcement (racial profiling) must establish two things in order to prove a violation of the equal protection clause[4]:

1. A discriminatory intent on the part of the defendant, *and*
2. A *discriminatory impact* caused by the defendant.

The courts are not completely consistent beyond those two necessary elements. The federal courts disagree with each other on what is necessary to show discriminatory impact[5] and on the difference, if any, between equal protection cases based in criminal, as opposed to civil, contexts.[6] It is even unclear whether an equal protection violation in a criminal case (racial profiling) serves as an affirmative defense to the charge, or if such a violation would even function to suppress evidence obtained via the constitutional violation.[7]

The confusion is further compounded by the question of what types of discrimination are sufficient to trigger Fourteenth Amendment protections. This question has two components:

1. What groups are protected by the Fourteenth Amendment?
2. What level of action/contact is required before an actionable violation occurs?

There is some guidance as to the answer to # 1. Historically, discrimination based on race, gender, ethnicity, and illegitimacy has received heightened scrutiny by the courts.[8] That heightened scrutiny translates not only into protection for members of those groups but also a lesser burden of proof due to the pervasiveness of those types of discrimination. Not all minority groups receive heightened scrutiny; however, many are still protected by the Fourteenth Amendment. Sexual orientation is a good example of a group, other than the traditional four, that the Fourteenth Amendment protects.[9] The key to determining whether a group is likely to be protected by the Fourteenth Amendment lies in the definition of "invidious." The more arbitrary, irrational, and lacking of legitimate purpose an act of discrimination is, the more likely it will be found to violate the Fourteenth Amendment.

The answer to # 2 is not as clear. Certainly, police activity that would amount to a seizure or excessive force under the Fourth Amendment would be sufficient to violate the Fourteenth Amendment, if it was done with the necessary discriminatory intent and impact. However, the possibility of liability does not end there. Police activities that do not result in actual contact with the public, i.e., running vehicle tags, if done on a discriminatory basis and resulting in a discriminatory impact, may be enough for an actionable Fourteenth Amendment claim. The Fourteenth Amendment, unlike the Fourth Amendment, does not contain a clause that limits its application only to seizures.

The Policy Process

Today's law enforcement has recognized the need for community policing and the benefits of a public that is engaged with the officers that serve it. The goals of crime prevention and safety are easier to achieve when the public and the police are on the same team. For that reason, a racial or arbitrary profiling policy is much more than a normal policy. It is at once a regulation, a press release, a training tool, a litigation tool, and most importantly, a bridge between the public and the police department. If the community is engaged in the process of policy writing, then the "us versus them" perception is lessened. The policy is no longer the police's policy, but rather it is the community's policy. Public critics cannot so easily dismiss or criticize a policy they helped write, or were given the opportunity to help write.

Two key words for the goal of the process are "consensus" and "perception." If a police department is to have the trust and support of its community and officers, it must build a consensus on what is valued and how those values should be achieved. Before a consensus can be reached, it must be recognized that a person's perceptions, whether they are correct or incorrect, are what determines that person's reaction to the issue at hand, and are thus extremely important.

A department should take the time to listen to its officers and identify their concerns and perceptions. This should also be done with the community. Doing so allows the department to learn what erroneous perceptions need to be dispelled and what correct perceptions need to be answered or fostered. A suggested outline for the process is as follows:

I.   Research the issue from both a legal and a social standpoint.
II.   Clearly determine the purposes of the policy.
III.   Create a policy draft as a starting point.
IV.   Present the draft to as many officers as possible.
        a. Brief officers on the law and the need to adopt a policy.
        b. Gather anonymous feedback on suggested changes.
V.   Revise the draft as necessary.
VI.   Present the revised draft to the community.
        a. Brief the community on the issue.
        b. Meet with selected individuals and groups likely to be interested.
        c. Gather feedback on suggested changes.
        d. Use feedback to resolve any undecided issues on the policy.
VII.   Revise and adopt the policy with a postponed effective date to allow for training.
VIII.   Train all officers, regardless of rank, in the policy and the law of the Fourteenth Amendment.
IX.   Allow time for a trial period if the policy includes data collection in order to troubleshoot the process.
X.   Implement both the policy and any possible data collection scheme.

During the process, both officers and the community will almost certainly voice numerous concerns. Some of these can be anticipated and an appropriate response planned in

advance. By anticipating and pre-addressing concerns, more energy can be focused on informing and consensus building.

Officer Concerns

- ❑ The policy is an accusation and an admission of wrongdoing.
  - ▪ The policy addresses a harmful perception. *(See Gallup polls)*[10]
- ❑ The policy is the end of discretion.
  - ▪ Discretion is not altered, invidious discrimination has always been wrong. Officers will be challenged to *articulate* their motives, just as they *articulate* their basis for suspicion.
- ❑ Data collected will unfairly target officers for discipline.
  - ▪ Data, when properly analyzed, does not unfairly target anyone. A department that collects data should commit to conducting a proper analysis. The policy can dictate how the department will use the data.

Community Concerns

- ❑ The policy will not end illegal profiling.
  - ▪ No law or policy is perfect. However, the policy is another tool to train officers correctly and to identify those who choose to break the law.
- ❑ The policy will not be enforced.
  - ▪ The policy is a commitment to treat everyone fairly. The community must bring its concerns to the department. The department is listening. The policy process *(and data collection, if implemented)* shows that.
- ❑ Officers will not accurately collect data.
  - ▪ Accuracy checks can easily be done and citizens may always contact Internal Affairs if they feel they are unfairly treated.

Profiling Policies

The first step in crafting a policy against racial profiling is to identify the purposes for which the policy is being created. Below are some suggested purposes and why they should be considered.

- ❑ *Legal Guidance:* Departments have a duty to comply with the law and the Constitution. They also have a duty to the public and their officers to provide adequate training to the officers. The Fourteenth Amendment has come into prominence in recent years and officers must be kept up to date. The policy gives notice of that to all.

- ❑ *Recognition:* Recent allegations and media coverage have uncovered a public perception that law enforcement engages in a form of discrimination. That perception, whether correct or incorrect, is harmful to law enforcement and the community. The policy serves to inform the public that its concerns are recognized and properly addressed. If it is merely a perception of wrongdoing, it will be dispelled.

❑ *Reaffirmation:* The practice of racial or arbitrary profiling is not constitutional and must not be practiced by law enforcement. Law enforcement's commitment to that is properly reaffirmed at this time of public concern. If it was a practice, its time has ended.

❑ *Legal Insurance:* Police departments have limited budgets that should go to protect the public as a whole. They do not need to be spent defending or paying individual or DOJ claims against the department. A policy works two-fold to both prevent violations and, hence, liability and DOJ scrutiny, and also to defend against claims that are filed.

With the purposes identified, a policy can now be crafted to meet those purposes. It is important to note that if all four purposes listed above are chosen, then the policy will be addressed to two audiences, the public and the police officers. Wording must be carefully chosen in order for the policy to be understandable to both audiences and to address the concerns of both. All policies inherently have regulatory language within them that is highly specific. Otherwise, violations of the policy could not be clearly defined nor disciplined. Such language is a necessity; however, it does not necessarily lend itself to an overall policy statement that would more easily speak to the public. Therefore, both types of language need to be incorporated into the policy. They should be clearly separated so as to avoid confusion and to keep the department's disciplinary procedures operating smoothly. A suggested outline for the policy sections is as follows:

A. Purpose
B. Definitions
C. Policy
D. Procedure
E. Data Collection
F. Violation

Purpose

As discussed above, the purpose of the policy needs to be made very clear. This section is the proper place for the department to inform the public of its commitment to assuaging their concerns. It is also the best place to let officers know that the policy is not an accusation, but rather a tool to combat perceptions that otherwise would destroy public confidence in the department. Two points should also be placed in this section that are for both audiences. One, the Fourteenth Amendment should be clearly stated as the operative legal principal that must be complied with and, two the necessity of a strong police-community relationship should be reinforced as a top priority for the department.

Definitions

There are several key concepts that must be defined in order for the policy to be understood. The traditional basics of probable cause and reasonable suspicion are always a necessary part, but are not examined herein since they are essentially untouched by the new emphasis on the Fourteenth Amendment. Essential definitions are:

❑ *Arbitrary Profiling*: Any police activity that is motivated by race, gender, ethnicity, religion, age, sexual orientation, or any arbitrary stereotype rather than the behavior of an individual or information that leads to a particular individual that has been shown to be, or to have been, engaged in specific criminal activity. Also called "biased based policing." Either term is better than "racial profiling," which fails to encompass the full range of discrimination covered by the Fourteenth Amendment. The courts have not yet set forth a definition in any caselaw. However, the DOJ has published a suggested definition in its Data Collection Resource Guide *(see Resources section of this article).*[11] Whatever definition is composed or selected by the department, it should include the concept that no <u>police activity</u> may be <u>motivated</u> by invidious discrimination. Agencies should avoid the use of definitions that say profiling occurs when a stereotype is the "sole" motivation for an activity. Use of the word "sole" implicitly allows a discriminatory intent to be part of the initiation of or conduct of a police activity.   The United States Supreme Court has rejected that allowance.[12] Alternatively, it is extremely helpful if the definition includes the concept that a purely physical description of a specific suspect is <u>NOT</u> invidious discrimination and thus a tool that should continue to be used.

❑ *Arbitrary Stereotype:*   A conventional, oversimplified opinion, conception, or belief regarding a person, group, event, or issue, that is thought to typify or conform to an unvarying pattern, lacking any individuality. This concept must be defined in order to make it clear what motivating factors are not to be used. Other terms that could be used for this function are "invidious discrimination" or "prejudice."   None of these terms are easily defined. The key is to specify that action taken without individualized reason is arbitrary. Arbitrary action clearly violates the Fourteenth Amendment when it is based on the conventional factors that the courts have identified as invidious.

❑ *Police Activity:* Any and all actions taken by a police officer that are due to his/her position as a police officer, including, but not limited to: any act of investigation, the automated motor vehicles records check of vehicle tags, a voluntary contact or a request for consent to search either a person or property, the detention of a person or vehicle including the issuance of a traffic citation or warning, or an arrest of a person or a seizure of property. Officers need to be made aware of what actions may not be motivated by a discriminatory intent. Under the Fourteenth Amendment, it is possible that any dutiful action carries that proscription. The Courts have not made clear exactly what police actions can support an equal protection violation. Given that, and the fact that an agency would be hard put to publicly defend any endorsement of discrimination in the course of any police activity, writing the policy to cover all "police" action is logical.

❑ *Articulable Reason:* A fact not based on an arbitrary stereotype that is capable of being determined and recited.   Although the Fourteenth Amendment only forbids discriminatory intent from use as a motivation for police action and does not require a positive reason for any police action, police agencies may find it useful to require their officers to establish a non-discriminatory reason for taking police actions. This requirement will aid officers in engaging in the proper decision making process of "think, then act," instead of "act and then decide why you acted." Also, police agencies and officers alike will be able to better defend their actions in court if they can point to why something was done as opposed to saying only it was not done because of an arbitrary stereotype. Note that this concept is not reasonable

suspicion, there is not a reasonableness requirement, only the requirement of a factual and non-discriminatory basis for action. An articulable reason could be required for all police actions, or for only those that are more likely to anger or be misunderstood by the public, i.e., requests for consent to search.

Policy

This is the simplest part of the policy. A simple statement that Arbitrary Profiling is prohibited will do. It is also helpful to reiterate that the use of physical characteristics as part of an identifying description of a specific suspect to a particular crime is <u>NOT</u> arbitrary profiling. Agencies can safely make that statement since the concept was introduced by a Federal Circuit Court of Appeals and has been endorsed by the DOJ.[13]

Procedure

This section should be used to walk officers step-by-step through each level of police activity. Obviously, no arrest or investigative detention should be motivated by an arbitrary stereotype. Additionally, voluntary contacts, requests for consents to search, and general investigation should clearly be covered by the prohibition on discriminatory motivation. If articulable reason is going to be required, this section should clearly state what activities require it. The requirement is best used for consents to search and investigations. Arrests and investigative detentions already have factual requirements under the Fourth Amendment. Simple voluntary contacts seldom lead to confrontation or dispute. Requests for consent to search often sour contacts and trigger complaints. Investigations, especially randomly checking motor vehicle tags, often lead to traffic stops that may trigger complaints. Thus, placing the articulable reason requirement on only those two types of activity focus the remedy onto the likely problem areas.

Data Collection

This portion of the policy deserves, and has, a complete section of this article. It will be covered in that section.

Violation

No policy will be accepted unless officers understand what consequences exist for violating the policy. This particular policy is complex and rides the crest of developing law. Training should be a main focus of the violation section with room for different treatment for intentional versus unintentional violations.

Data Collection

The collection of data regarding police motor vehicle stops is perhaps the most controversial aspect of the racial profiling issue. Some states now require data to be kept and the public certainly seems to desire it.[14] Many departments, approximately 800 nationwide, are already collecting data.[15]

The decision to collect data is not easy. The mere fact that an agency collects data is pleasing to the public and should work to help avoid DOJ scrutiny. However, there are five potential problem areas that police agencies should consider before they decide to collect data.

❏ Collecting data is not a cost-free undertaking. Whether it is collected on paper forms or electronically, the equipment costs money and collecting data will cost every officer time. Additionally, a data entry position will likely need to be created. These costs may certainly be justified by the benefit to community relations and the possible strategic planning benefits of the data, but the costs should be considered.

❏ Statistical misinterpretation is a danger. As with all statistics, data collected for this issue can easily be misinterpreted or twisted. If a department decides to collect data, it should commit itself to also analyzing its own data to ensure that the numbers are fairly interpreted. The most difficult aspect of the data analysis is finding a benchmark by which to measure the department's numbers.[16] Should the numbers match census numbers for overall population? Are census numbers a fair measure of the individuals that an officer encounters on patrol? Traffic stop data is extremely difficult to benchmark. The mobility of our society dictates that where a person lives and answers the census from is likely different from where they work or shop. Also, if officers are concentrated in an area, for instance, because of a high number of calls for service from that area, then that area's residents would be expected to have more frequent contact with police. If that area happens to be heavily weighted towards one racial demographic, then the stop data from that area will likely skew the data jurisdiction-wide. The bottom-line for data collection is, if you do it, analyze your data and get some help in analyzing it. The DOJ goes so far as to recommend that a statistician be retained to assist in data collection and analysis.

❏ Be prepared for the possibility that the statistics will be used against the department. Plaintiffs' and criminal defense attorneys are adept at using numbers for their client's benefit. Already, civil lawsuits have been brought attempting to use statistics to show both discriminatory intent and discriminatory impact.[17] Also, a particular officer's history of investigations, and the number of minority suspects investigated, have been used by a defense attorney to impeach that officer's testimony in a case that had little to do with race.[18] The examples just cited are illustrative of how statistical information can be used against a police agency. They also illustrate the need for police agencies to analyze their own data in order to refute such accusations, or in order to invoke needed change if actual discriminatory practices are discovered.

❏ The line officers are the ones that will make or break the data collection effort. They will want to know how the data will be used in regard to them. Will they be subject to discipline if the tickets they write do not match with demographic numbers? The use of the data to target individual officers for discipline is unwise. First, if the data is to be used in matters of discipline at all, then a fair and accurate analysis that controls for a multitude of variables must be done with a level of precision that may not be possible. Second, checking an individual officer's data against a demographic benchmark is likely to scare the officer into inactivity or into an attempt to make his/her numbers match the demographics. Which, in effect, would result in racial profiling. A better internal use for the data would be as a trigger

for group or district training or as a way to dispel or verify citizen complaints against a particular officer. In time, officers may come to see data collection as a protection against unjustified complaints.

❑ What should be the scope of data collection? Obviously, the Fourteenth Amendment covers more than just traffic stops. Should data be collected from all stops, all encounters, or traffic stops only? On this point, the original purpose of the policy should be consulted. If all stops plus requests for consent to search are the scope of collection, then it will provide greater assurance to the public and stronger legal protection. However, it will cost more in terms of money and officer time. Which, depending on the agency's focus (highway patrol or municipality), may or may not justify the additional cost. In any event, all citizen contacts (arrest, detention, or voluntary contact) are simply too large a scope for data collection and do not merit serious consideration.

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Chapter Fifteen
The Lack of Educational and Training Opportunities
for Law Enforcement

Policing in the twenty-first century demands critical thinking and analysis, excellent problem-solving skills, and the uncommon ability to persuade and involve others in working toward the solutions of public safety problems. Community policing by its very nature engages police officers in tackling thorny problems that are not easily solved. The underlying causes of crime—family units under stress, a faltering education system, a strong demand for alcohol and mind-numbing drugs, a lack of positive role models for youth, teenage pregnancy, and poverty—are societal problems.

Leaders in law enforcement know that police cannot arrest their way out of crime problems. Instead, police must wrestle with them by working with community activists, the clergy, other government leaders, local prosecutors, and citizens. Thus, one challenge facing law enforcement leaders is how to equip their officers with the skills they need to be community policing officers who can analyze problems and solve them while working with others to build strong and healthy neighborhoods in the towns and cities they serve.

Law enforcement agencies in cities, towns, and states across the country are struggling to recruit and retain the most qualified individuals. In the current competitive recruiting environment, police officials and sheriffs are hard pressed to attract candidates who have a number of years of college because many other fields of employment are available to them. Thus, many police agencies have not raised their entrance requirements beyond a high school degree. What makes this situation so dire is two-fold: (1) there is widespread agreement that police officers ought to have a college education to perform the complicated and demanding jobs they hold today; and (2) due to the current state of the public educational system, high school diplomas issued today do not represent the same level of academic achievement and knowledge as those issued in the 1960s and 1970s. In 1980, less than 25% of police officers had a college degree. As a result of the aforementioned factors, there is no evidence to suggest that the number of college-educated police officers has increased over the last twenty-one years.

Ideally educational and training opportunities should be available as needed in police departments not only to prepare officers to be better community policing officers, but also to prepare them for each promotional rank and to groom them professionally for entry into specialized positions and advancement into leadership positions. Furthermore, a one-size-fits-all approach while better than nothing, is not the best way to train officers. Instead, police departments would be better served by an approach that fits the training to the individual officer's needs, as well as those of the department. Training programs that are developed after an assessment of an officer's strengths and weaknesses and tailored to meet the needs of that individual would be better suited in the long run to the growth and development of the officer, as well as the agency's goals of producing future supervisors, managers, and leaders.

There is currently a great amount of emphasis on training in law enforcement and that is a good thing. In my own agency, the Metropolitan Police Department of Washington, D.C., Chief Charles Ramsey's mantra is, "Every day is a training day." As a law enforcement training

director, I have observed that while there is an abundance of entry-level training for officers throughout the nation, there is still a paucity of training for sergeants and above. Annual in-service training programs for all officers vary from state to state. A few states have an annual training requirement for re-certification of police officers. Most, however, do not. This lack of training opportunities is most acute in our rural areas and with the major urban departments. In general it can be said that a majority of law enforcement officers from the federal, state, and local levels are not receiving the amount of training and/or education which is required for their positions. The primary reason for this lack of training is first a lack of funding and, secondly, a failure of police executives and responsible government officials to understand the value of the training process to both the department and the officers they employ.

Recruit Academy Training

Many large municipal police departments have between four and six months (16 - 24 weeks) of recruit training. The Metropolitan Police Department in Washington, D.C., has a 28-week recruit training program. The Los Angeles Police Department's Police Academy has a 27-week program with 1,064 hours of recruit training. The LAPD Academy training exceeds the California POST standard of 664 hours of basic academy training by 400 hours. The New York City Police Department has a 30-week Academy program that includes a 30-day field-training component, while the Chicago Police Department has a 19-week Academy.

At the federal level, actual training hours may indeed be less than for the larger municipal police departments. For example, many federal agencies use the mixed basic police program provided through the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, that is 10 weeks in length.

At the county level in most states, the minimum number of academy hours for police recruit training varies widely by state from a low of 320 hours in Louisiana and South Dakota to a high of 1,032 hours in Hawaii with 510 hours the median.[19]

Most police academy programs focus on their legal requirements to teach the laws of arrest, search and seizure, familiarization with local municipal regulations and laws, traffic enforcement, the basics of firearms handling, handcuffing, use of force, physical fitness requirements, pursuit driving, and other mandated subjects, such as domestic violence. Very few academy programs venture beyond these core subjects into ethical dilemmas, or problem-solving even though police leaders recognize that the police officers of tomorrow need these skills in their toolkit in order to be effective community policing officers.

Supervisory and Mid-management Training

In between entry-level and executive training is supervisory and mid-management training. In most police agencies, supervisory training consists of a one- or two-week school, and often middle management training is but a week in length. LAPD has one of the longest blocks of training for supervisory candidates, having cut their eight-week program to five-week

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[1] International Association of Directors of Law Enforcement Standards and Training, "Reciprocity Handbook – Online Edition," 2000.

training for new sergeants. While the length of training is not always indicative of the quality or depth of the training program, it is indicative of the topics that can be covered. The Southwestern Law Enforcement Institute in Richardson, Texas, has a four-week school of police supervision targeted at new sergeants and lieutenants. The Florida Department of Law Enforcement, which has consistently been at the forefront in training, has both a one-week basic supervisory course and a two-week advanced line supervision course.

Most of the supervisory training includes such topics as the role of the supervisor, coaching and mentoring, leadership, integrity and ethics, communication, civil liability, critical incident management, handling the news media and public relations, human behavior and motivation, discrimination, sexual harassment, the Americans with Disabilities Act (ADA), planning and scheduling, and the supervisor's role in use-of-force incidents.

Patrick Mahaney, a retired lieutenant from the Alabama Department of Public Safety (DPS), recently wrote about his involvement in developing supervisory and middle management training in *The FBI Law Enforcement Bulletin*. As he stated in that article:

> Each state requires entry-level police training or certification as a condition of continued employment. Yet, this certification of basic law enforcement skills for entry-level officers has not progressed to mid- and senior-level training to support the needs of the law enforcement community. Many law enforcement agencies simply do not make management training a priority. In fact, many administrators believe that training at the police academy level remains sufficient for the agency workforce and that a formal system of continuing education and training for officers is unnecessary or too expensive.[210]

Mahaney developed a 3-week modular management course for DPS that is now offered to members of law enforcement agencies throughout the State of Alabama. The DPS course is grounded in leadership theory and values, operational management topics of personnel issues, budgets, and training, as well as critical incident management. Qualified, college graduate instructors teach the course with a nationally acclaimed police administration textbook.

Notwithstanding Mahaney's criticism of law enforcement administrators, some agencies are making an investment in their first-line supervisors and middle managers. One model that is being used successfully by many law enforcement agencies is the provision of first-line supervisory and middle management courses offered through university criminal justice and public safety institutes.

For example, the D.C. Metropolitan Police Department uses a Police Executive Training Program or POLEX taught by Penn State University staff for middle managers, lieutenants and captains, and their civilian counterparts. The two-week POLEX exposes MPD middle managers to the theory and concepts of police administration from coaching and mentoring techniques to situational leadership to critical incident management.

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2 Patrick Mahney, "Focus on Management: Management Training for Police Supervisors—A Cost-effective Approach," in *The FBI Law Enforcement Bulletin*, July 1, 2000.

In the fall of last year, MPD added a three-day course from Penn State called "High Impact Supervision" to its two-week first-line supervisory training curriculum for new sergeant candidates. What is unique about this program is a component that asks supervisors to assess their personal management strengths and weaknesses and then exposes them to management concepts and theories, coaching for excellence, dealing with problem employees, effective motivational strategies, decision-making and problem-solving, performance appraisal issues, contingency planning, and critical incident management.

The "High Impact Supervision" course is quite popular. Many small police departments and sheriffs' agencies throughout Upstate New York, New Jersey, and Pennsylvania have used the program. In addition, nearly all of the departments in the greater Washington, D.C., metropolitan area have used the program from the Metro Transit Police to the Arlington and Alexandria Police Departments to the Manassas, Loudon, and Fauquier County Sheriff's Offices. New clients include the Las Vegas, Nevada, Metropolitan Police, Sante Fe, New Mexico, Community College, and the El Paso Sheriff's Office.[311]

Another approach to supervisory training has been to open up executive training courses to sergeants. The Police Executive Leadership College sponsored by the Ohio Association of Chiefs of Police admits sergeants and lieutenants into its three-week training program administered over a three-month time frame. However, the sergeants and lieutenants must be sponsored by their agencies.

While these efforts may be noteworthy, the problem for policing is that they are atypical. Most small jurisdictions lack the resources to invest in supervisory and management training. Law enforcement agencies should not bear the entire burden of developing their personnel; police officers and officials must bear some of the responsibility of developing themselves.

Incentives for Professional Development Training

Some police agencies are driving the professional development process through a requirement of an associate's degree or a bachelor's degree prior to entry onto the police force. The State of Minnesota requires an associate's degree prior to licensing and the Washington, D.C., Metropolitan Police Department has a requirement of 64 hours of college credits by the fifth anniversary of a police officer's appointment date. The Dallas Police Department had a college-degree entrance requirement at one time, but it has subsequently been dropped--most likely due to the competitive recruiting environment.

Other departments provide a financial incentive for officers to pursue higher education by pegging their salaries to their level of higher education with progressively higher pay for an associate's degree, a bachelor's degree, and a graduate degree.

Some departments, such as Charleston, South Carolina, through their stellar reputations are able to recruit and retain high quality personnel so that the majority of their work force is made up of college graduates.

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3 Don Zettlemoyer, Director, Penn State Justice and Safety Institute memorandum of July 25, 2001.

Policing still has a long way to go before its members assume more of the burden of their professional development in the same way that doctors and nurses have accepted their responsibilities of earning continuing education hours and meeting certification requirements. Yet, if we want to be treated as professionals, we need to set the bar higher. There are, however, certainly public policy considerations that would dictate more widespread governmental support to encourage police officers and sheriff's deputies to pursue higher education. These considerations include the power that police officers and sheriff's deputies wield and their important role in not only maintaining order, but also working together with other government agencies and communities to improve the quality of life in neighborhoods for their residents.

Executive-level Training

Training and professional development opportunities at the executive level, while few in number, are quite good. For example, the State of California through its POST has an excellent command college that it supports at a cost of nearly $1 million a year. The Ohio Association of Chiefs of Police sponsors the Police Executive Leadership College or PELC. This is a unique training program in that it combines all rank levels from sergeant to chief of police drawn from departments across in the state in a three-week, cohort course that meets over three months. According to Ted Oakley, the administrator, this intensive training program demands a heavy reading load and the preparation of four research papers. The PELC is accredited through Ohio State University and PELC graduates earn nine-quarter hours of credits.

North Carolina State University offers a rigorous 12-week Administrative Officers Management Program that is also open to candidates from the rank of sergeant through chief of police. Each AOPM session is open to 35 managers from municipal, county, state, federal, and campus law enforcement agencies, as well as housing, transit, park and airport police. The AOMP is designed to further develop law enforcement managers and leaders by exposing them to traditional and contemporary management practices, leadership theories and practices, problem-solving and planning skills, personnel assessment systems, technological and research skills, as well as organizational assessment and development. The AOMP also employs a self-scored leadership inventory that participants can use to better understand their own leadership styles. Participants earn 15 semester hours of credit. Approximately 900 officers representing 121 law enforcement agencies in 12 states and three foreign countries have graduated from the AOMP since it began.[4]

The Rocky Mountain Command College and the Bill Blackwood Law Enforcement Management Institute of Texas or LEMIT are also notable programs. The LEMIT is affiliated with Sam Houston State University and it offers an array of programs ranging from a Graduate Management Institute and New Chief Development Program to command staff leadership services and an executive issues seminar series.

The Southwestern Law Enforcement Foundation (SLEF) in Richardson, Texas, offers a rigorous 8-week management college program aimed at senior level managers and administrators in law enforcement being groomed for further advancement in their respective agencies. This

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4 College of Humanities and Social Sciences, North Carolina State University, *Administrative Officers Management Program Brochure*, Raleigh, North Carolina, Fiscal Year 2002.

program uses a Managerial Appraisal Proficiency or MAP instrument with 800 questions that candidates must answer. The MAP is a video-driven, competency-based computer-scored simulation that assesses a manager's proficiency on twelve-core competencies, two management styles, and eight values or drives. The norms are based on the performance of over 20,000 managers in the more than 400 organizations including private companies that use the MAP. The advantage of the MAP instrument is that it permits managers to find their "veins of gold" and facilitates their development from managers into coaches and leaders. The SLEF executive program also requires a major report from participants based on their assignments off-site to managerial policies and operating procedures. SLEF management college classes are small with 35-40 participants and approximately 500 people have graduated from the program. Participants can earn up to 6 hours of university graduate or undergraduate credit provided they have completed a minimum of 54 undergraduate hours toward a 4-year degree.[513]

The Florida Criminal Executive Institute has both the Chief Executive Seminar and the Senior Leadership Program that are specifically designed for criminal justice professionals at the executive level. Likewise, New York City has a model program set up through the auspices of John Jay College. Johns Hopkins University has both an undergraduate and master's degree program in behavioral science for law enforcement officers called the Police Executive Leadership Program or PELP through which jurisdictions in Maryland, Virginia, and D.C. send many of its police officers. In fact, many PELP graduates are members of the executive staff of mid-Atlantic police agencies.

Yet, many smaller jurisdictions cannot afford the cost of a command college or professional development training programs. They are instead dependent upon federal resources such as the Rural Law Enforcement Training Program at the Criminal Justice Institute in Little Rock, occasional state executive training programs, the excellent programs of the IACP or attendance at the FBI's National Academy program.

According to Edward Tully, Executive Director of the National Executive Institute Associates and a former Chief of the Education Unit at the FBI Academy, the FBI's National Academy (NA) program has been and remains one of the most influential programs in law enforcement. The National Academy--a ten-week, mid-level supervisory program--was conceived by the FBI in 1936. Since then over 40,000 officers have graduated from the program. Many of the graduates led, or now lead, their departments. The success of the NA led to the construction of the present FBI Academy through the Safe Streets Act of 1968. One of the objectives of the Congressional mandate was to provide education and training to local law enforcement officers at the Academy. The original goal plan was to produce 2,000 NA graduates a year. That number was not achievable, but approximately 1,000 candidates a year in four sessions have graduated from the National Academy since the early 1970's. Other, more specific law enforcement training programs were offered by the Academy during this period and at one time the Academy's 900 beds were filled 75% of the time by local law enforcement officers. However, over the past twenty years the number of local officers trained at the Academy in the NA, and other courses, has dropped significantly. While the NA, and other executive level courses are still offered, the Academy no longer offers as many specialty courses

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5Gary Sykes, Director and Vice President, Southwestern Law Enforcement Institute, Richardson, Texas, telephone interview of August 1, 2001 and the Southwestern Law Enforcement Institute Program Catalog.

as it once did. At present, only 25% of the beds at the Academy are filled each training day by local/state law enforcement officers.

It would be nice if the FBI would resume its leadership role in law enforcement training in the United States according to Mr. Tully. However, it does not appear as if they will as they are now considering the elimination of their Field Training Programs. These are programs in which the instruction is provided by local FBI instructors at local law enforcement training facilities. It is interesting to note that during this same period the FBI has vastly increased its training programs for foreign officers. Not only have they opened an International Training Academy in Hungary, but have also increased the number of foreign officers invited to attend the National Academy program. The Bureau is also training a great number of officers from other countries at the Academy. While these are noble programs, they are being held at the expense of American law enforcement officers and in contradiction to the Congressional mandate of 1968 and the current needs of local/state law enforcement agencies.

Conclusion

Training is critical to the improvement of law enforcement practices. However, training should not be viewed as a replacement for the pursuit of higher education. Training tends to narrow the differences in the ways people act, while education tends to expand the differences in the way people think! Both are essential to successful law enforcement practices. However, in this new and very complex society it is reasonable to conclude that while a high school graduate with either work or military experience can be trained to be a great police officer, it would be even better if both candidates and incumbent officers realized the necessity for life-long training. The law enforcement profession needs a wide range of experts if we are to going to continue to provide a adequate level of service to our communities. Additionally, our officers on the street need to develop additional skills in communication, writing, and problem solving. They also need to hone their skills in self-defense and arrest techniques.

The problem is that law enforcement organizations have not been able to afford the expense of good training and it has been difficult to attract, or keep, college graduates, or technical experts, to the law enforcement profession. However, the federal government could afford to underwrite such a program through the reinstitution of the Law Enforcement Education Program (LEEP) that served so many through the Law Enforcement Assistance Administration. A new LEEP could provide financial incentives and support for police officers and managers alike to pursue undergraduate and graduate degrees.

At a time when so many critical challenges are facing law enforcement agencies across the country, it would seem to be wise public policy to invest in the education and safety of law enforcement officers. The benefits in terms of reduced liability, increased efficiency and effectiveness, enhanced officer safety, and safer streets for our citizens are painfully obvious. It is past time we gave our law enforcement officers they training/education they need to do the job we ask of them.

Shannon Cockett, Assistant Chief,
Metropolitan Police Department,
Washington, D.C.

Chapter Sixteen
The Importance of Law Enforcement
Radio Spectrum

Additional Radio Spectrum Needed

Radio spectrum is essential for the law enforcement community to effectively carry out its mission. The aggregate amount of spectrum allocated for public safety is insufficient to meet current and future voice, data, imagery and video communications needs.

➢Public safety spectrum allocations for state and local public safety agencies are fragmented into many different slices of radio spectrum in seven separate groups. The total amount allocated within these groups is 47.2 MHz.

High Frequency (HF / Lo-Band)
--25-50 MHz
Very High Frequency (VHF / Hi-Band)
--150-174 MHz, 220-222 MHz
Ultra High Frequency (UHF) bands
--450-470 MHz, 470-512 MHz
--764-776 MHz, 794-806 MHz *(Requires TV clearing in most urban areas)*
--806-824 MHz, 851-869 MHz

❑ There is a public safety voice channel deficiency. Many cities and jurisdictions are doing business on overcrowded voice radio channels that hamper their efficiency and create a serious citizen and officer safety problem.

❑ There is a public safety wireless data deficiency. Public safety needs spectrum to allow for the deployment of advanced technologies such as:
  ▪ data applications including text messaging, fingerprint identification, and geographic location data
  ▪ imagery applications, medical conditions for diagnoses, snapshots of accidents, crime scenes, mug shots, and fingerprints
  ▪ video applications including surveillance, monitoring, and robotics control for bomb disposal
  ▪ integrated voice, high speed data, full motion color video, on scene and hotspot coverage

➢Domestic terrorism incidents, such as the Oklahoma City and World Trade Center bombings and the hijacked plane crashes in to the World Trade Center and Pentagon, pose unique interoperability challenges due to the large number of responding public safety entities. The federal government has begun training police, fire and emergency medical service "first responders" for the eventuality of terrorist attacks and possible use of weapons of mass destruction.

➢Each public safety frequency band should have spectrum designated specifically to adequately support interoperability requirements.

➢The need for additional spectrum also stems from enhanced mission requirements due to numerous sociological changes, including population growth and demographic changes.

➢Public safety has no broadband spectrum allocation.

Meeting the Public Safety Spectrum Need

➢Based on the Public Safety Wireless Advisory Committee (PSWAC) recommendations, an additional 73.5 MHz of spectrum is needed in the United States by the year 2010 to meet public safety spectrum requirements.

➢Current & Planned/Proposed spectrum usage:

❑ Narrowband - 10-100 kbps
  Voice, Low Speed Data, Wide Area Coverage
  ▪ Current Public Safety bands: HF (Lo-Band), VHF (Hi-Band), UHF-800 MHz
  ▪ New Public Safety band: UHF-764-776 MHz & 794-806 MHz
  ▪ Proposed State & Local Public Safety sharing with Federal users: 138-144 MHz

❑ Wideband - 100-1000 kbps
  Higher Speed Data, Images, Wide Area Coverage
  ▪ New Public Safety band: UHF-764-776 MHz & 794-806 MHz

❑ Broadband - 1-100 Mbps
  Integrated Voice, High Speed Data, Full Motion Color Video,
  On Scene and Hotspot Coverage
  ▪ Public Safety has no spectrum allocated for broadband use and is seeking 50 MHz allocation in 4.9 GHz from the FCC (FCC Docket 00-32)

700 MHz Public Safety Radio Spectrum Issues

➢The FCC has been holding a public proceeding on the new 700 MHz public safety band and has created the Public Safety National Coordinating Committee (NCC) to give advice to the FCC on the management and use of the band.

➢New public safety spectrum in the 700 MHz band is adjacent to the existing 800 MHz spectrum, resulting in a concentration of public safety channels in those bands.
❑ The majority of state and local public safety entities appear to be migrating to the upper 470-512 UHF band and frequencies around 800 MHz.
  ▪ In urban areas, 51% of law enforcement and 43% of fire agencies would prefer their next system to be in the 800 MHz band.
  ▪ In non urban areas, 65% of law enforcement and 31% of fire agencies would prefer their next system to be in high-band VHF.

➢In most areas of the country where MCC members are located, TV broadcasters are currently occupying the public safety 700 MHz band.

➢As part of the transition to Digital Television (DTV), broadcasters have until December 31, 2006 to vacate these channels.

➢The broadcasters are supposed to start DTV broadcasts on their newly allocated channels in 2002.

➢The Balanced Budget Act (BBA) of 1997 permits the FCC to extend the deadline for the broadcasters to vacate the spectrum beyond 2006, if DTV penetration is below 85% as specified in the BBA, or if digital-to-analog converter technology is not available in the market.
❑ If the FCC extends the deadline it will delay the availability of the 700 MHz band to most law enforcement agencies in the major cities.
❑ Because the FCC requires base/mobile channel pairing in the 700 MHz band, if one channel is unavailable then the other channel, which was supposed to be the other half of the pair, will be unavailable for public safety use. This renders a total of 12 MHz that will be unavailable.

➢700 MHz Potential Interference (Docket 99-168)
❑ The new 700 MHz public safety band faces the potential for interference from 700 MHz commercial carriers similar to that currently being experienced in the 800 MHz band.
❑ Guard bands help, but do not solve the problem.
❑ Public Safety has argued that the FCC erred when it allowed high power base stations to operate in 777-792 MHz portion of the band (which is close to public safety allocation). Thus, public safety believes the FCC should grant the National Public Safety Telecommunications Council (NPSTC) Petition for Reconsideration, which relies on studies conducted by the Telecommunications Industry Association (TIA)

➢700 MHz Canadian Issues
❑ There is a critical shortage of Canadian mobile radio spectrum, particularly in large urban centers like Toronto, Montreal, and Vancouver.
❑ There is currently no spectrum allocation in Canada for wideband public safety use.
❑ Industry Canada (IC), the Canadian Government Agency responsible for radio spectrum (like the U.S. FCC), has released a proposal that considers allocation of some portion of the 746 MHz - 806 MHz band for public safety mobile service in Canada.
❑ The current IC rules for use of this spectrum in Canada (assigned to Television broadcast use) prevents any practical use of the band by U.S. public safety located along the northern U.S. border.
❑ Harmonization of the U.S./Canadian 746 MHz- 806 MHz spectrum could provide for greater interoperability between public safety agencies located along both sides of the border.

800 MHz Commercial Interference to Public Safety

➤Explosive growth of commercial wireless systems in 800 MHz bands is creating dangerous interference to some public safety radio systems. Problem occurs in both "interleaved" 806 MHz band and in the National Public Safety Plan channels at 821 MHz.

➤Interference occurs, for example, when a police officer with a portable radio is near the fringe of its operating area, but very close to an adjacent band commercial cell site.

➤The Commission should continue to pressure commercial carriers to address interference problems, and to take steps to avoid problems in the future.

Refarming & Narrowbanding

➤The FCC has developed a refarming policy as part of an overall strategy to improve the efficiency of spectrum use in private land mobile radio (PLMR) allocations (that include public safety), to help meet future communications requirements.

➤Equipment in all bands below 512 MHz received for type-acceptance after February 14, 1997, must meet a spectrum efficiency standard of one voice channel per 12.5 kHz of channel bandwidth or equivalent. Dual mode 12.5 kHz equipment is allowed.

➤Equipment in all bands below 512 MHz received for type-acceptance on or after January 2005--except for hand-held transmitters with an output power of two watts or less--must meet a spectrum efficiency standard of one voice channel per 6.25 kHz of channel bandwidth or equivalent. Dual mode 12.5-6.25 kHz equipment is allowed.

➤Users have the option of transitioning to 12.5 kHz channels before going to 6.25 kHz channels.

➤The FCC amended its rules to allow licensees to implement trunked radio systems in bands below 512 MHz.

➤The narrowband spectrum within the 700 MHz band will be compatible with the proposed refarming band plans in lower frequency bands.
❑ Narrowband channels will be 6.25 kHz wide but can be aggregated to 12.5 kHz and 25 kHz channel bandwidths.
❑ Channels that are wider than 25 kHz will not be authorized for the narrowband plan, but can be accommodated in the wideband segment.
❑ Wideband channels are 50 kHz and can be aggregated to 100 kHz and 150 kHz channel bandwidths to support higher speed data and imaging.

Background of Public Safety Efforts to Obtain More Radio Spectrum

➢Since 1994 3,000+ MHz of spectrum has been auctioned by the FCC.

➢The federal government has had 255 MHz of spectrum reallocated or slated to be reallocated for auction to commercial wireless communications services.

➢Auctions have raised in excess of $23.5 billion in revenue for the government, so far.

➢The BBA of 1997 has extended authority to the FCC to auction mutually exclusive applications for any service except for public safety and DTV.

➢Since the FCC started auctioning commercial spectrum in 1993, public safety has been allocated only 24 MHz of spectrum.
❑ In 1996, the PSWAC Report identified a need for 97.5 MHz of spectrum to meet short and long-term public safety mission requirements. Public safety includes Police, Fire and Emergency Medical Services.
❑ Some of the bands identified by PSWAC as potential spectrum have been reallocated for auction while others have been reallocated for commercial purposes.
  ▪ 6% of the identified spectrum will be auctioned to General Wireless Communication Services (GWCS).
  ▪ 21% of the identified spectrum was allocated to DTV for commercial purposes.
  ▪ 19% of the spectrum was allocated to intelligent Transportation Systems, as recommended in the PSWAC Report; although this is not specifically designed for public safety, agencies can be subscribers.
❑ The demand for commercial spectrum must be balanced with the needs of public safety users. While recent FCC proceedings have suggested that public safety agencies should be allowed to participate in the auctions' process, obstacles, such as limited monetary resources and administrative capabilities, have made it impractical, if not impossible, for public safety participation.

Action Plan for the Major Cities Chiefs

➢The MCC and other interested members of the public safety community should continue to encourage the FCC to formulate policies and regulations that protect existing public safety allocations.

➢The MCC and other interested members of the public safety community should continue to encourage the FCC to grant additional spectrum for public safety use.

➢In the 700 MHz band, the MCC should encourage:
❑ The FCC to enforce the DTV transition schedule to ensure that the public safety community receives the 700 MHz band on a nationwide basis by 2006.
❑ The FCC to ensure that individual broadcasters are meeting construction deadlines and if individual broadcasters miss construction deadlines, the FCC should reclaim the spectrum.

❑ The FCC to provide incentives for broadcasters to comply with all DTV implementation deadlines, such as levying usage charges or fines to broadcasters who miss deadlines.

❑ Local, state and federal governments to offer tax incentives for broadcasters to vacate the 746-806 MHz band on an expedited basis.

➢The MCC should continue to press the FCC to allocate 50 MHz of broadband public safety spectrum at 4.9 GHz.

➢The MCC should continue to press the FCC to grant the public safety community additional spectrum below 512 MHz to meet long-term public safety communications needs as recommended by PSWAC.

Harlin R. McEwen
and
Emil Vogel
Major Cities Chiefs,
Communications Advisors

Chapter Seventeen
Is There a Need for a National Commission
to Study Policing in America?

The last major study of policing in the United States, "President's Commission on Law Enforcement and the Administration of Justice Task Force Report: The Police" was published in 1967. It was an excellent and valuable report particularly in two areas. First, it contained a great number of recommendations to improve law enforcement operations--many of which have been implemented successfully. Second, it focused the attention of scholars and thoughtful police executives on the problems of crime in our society and ways to improve law enforcement relations with the communities they served. In retrospect, the "Task Force Report: The Police" was a pivotal, and seminal, event in the history of law enforcement in the United States. The report provided the impetus of a great number of positive changes in a fledgling profession. Most notable were the recommendations for an increase in the education level of entry level officers, the need for additional training for both recruits and veteran officers, the need for police to be more responsive to community concerns, the need for a more diverse workplace, and the need to develop a sound strategy for dealing with the rising crime rates.

Since the report was issued, it could be easily argued that the quality of policing in the United States has improved significantly. Overall, there is little question that law enforcement today is better than it ever has been. Nonetheless, some of problems that hampered the law enforcement profession in 1967 are still in evidence! Abuse of power, corruption, poor supervision, and lack of training opportunities (especially in supervision, management, and leadership), recruitment and retention, racism, sexism, and inefficiency are still problem areas as they were in 1967. Many of these problems have their origin in human nature, and as such, will always be with us.

During the same period of time we were trying to change policing in the United States, the crime rates soared to levels that were unimaginable in 1967. The level of crime increased even though the levels of unemployment and poverty were significantly reduced and educational opportunities for all people were considerably enhanced! We doubled the capacity of our prisons, re-introduced the death penalty, and our legislators and courts adopted a harsh view of criminal behavior as a means to reduce crime. Our efforts to modify human behavior through legislation of one kind or another failed to produce the intended results. Why?

Our Changing Society

At the same time we were trying to change policing in America and lower the rising crime rate, our society began to undergo social, economic, and cultural changes at a pace never seen before in history. We all experienced the various changes, which altered our society in ways not imagined just a few years before. It is not necessary to list the litany of the changes, or the impact they are having on the way we live, as the impact is known to all. Suffice it to say the erosion of our value system, the rise of the "me" generation and the explosion of individual rights, the abuse of alcohol and illicit drugs, the rejection by some of individual responsibilities, the easy access to handguns by the criminal element, and the loss of stigma and shame have contributed in some measure to the unease which pervades society today. We are in a period of

transition from a society, which earned its living from physical labor to one in which the majority of us work with our minds. This is a fundamental change and it is only natural that it would affect other human behavior in many disparate ways. When one considers the changes we have seen in our family structure, the number of one-parent families, children raising children, couples living together without benefit of marriage, a high divorce rate, and the various problems in caring for elderly parents, it should not be surprising that we are experiencing many behavioral problems directly related to dysfunctional families. While some of these particular trends appear to be moderating, it will take decades before our society reestablishes the social norms traditionally used to moderate, or contain, those human behaviors that are anti-social.

Aided by the Internet, and other high technology, our economy is now global. Cultural and political ideas flow around the globe in a matter of seconds. Hugh amounts of international currency change hands daily. Domestic and international terrorism, pornography, and economic fraud are all aided and abetted through the use of the technology. International drug cartels, with greater resources, use high technology more efficiently than most law enforcement agencies. Increasingly, those individuals with criminal intent, or mischief on the mind, find this electronically connected world a lucrative place to prey on unsuspecting victims. On the other hand, scholars, artists, students, theologians, and the average person also use the Internet to enrich their lives in many ways. The Internet, per se, is neither good nor bad. It is, however, for better or worse, a tremendous engine of change that affects our lives on a daily basis.

The failure, or unwillingness, to adjust to a changing environment has caused a great loss of public trust in some of our traditional institutions. Holding steadfast to age-old moralities, mainstream religions have lost influence in our culture to those individuals who prefer the less demanding situational ethics. Many corporations, once highly respected, have resorted to lying, cheating, and a wide variety of criminal acts to retain their profitability. Political parties, politicians, and traditional heroes, while never pillars of sanctity in our society, find that intense media interest in their private lives has made it even more difficult to obtain respect from the public. Universities, and the other parts of the public school system, are failing to deliver a product worthy of their great tradition. Finally, the three branches of government have, on too many occasions, abused their power, overstepped their mandates, and wasted resources. Consequently, the high moral ground these institutions once held in our lives is now considerably less than it was fifty years ago. The resultant vacuum has been filled in many people by an increased level of cynicism, a nihilistic culture that believes in nothing, and a mass media that supports itself by appealing to our baser instincts. As a society we continue in a directionless moral spiral which many people feel powerless to contain or direct.

It is interesting to note that during this period of time despite a rising crime rate, the failure to win the "drug war" and numerous allegations of brutality and corruption, most law enforcement organizations have been able to maintain a high degree of public confidence. It would seem as if a sympathetic public understands that police organizations have tried very hard to be responsive to public demands for service and reforms. Underfunded, and at times overwhelmed, our citizens know we have embraced high technology and diversified our work force. And while we may not have won the "war" against illicit drugs, we have fought the good fight and have at least contained the beast. In the face of our changing world, our society has looked to law enforcement organizations to keep the extreme behaviors of the radical elements of our society within reasonable and legal bounds. Keeping the peace is an enduring, complex, and

difficult job. Mistakes can and do happen, but overall, the law enforcement community deserves the credit it receives from the public for their perseverance in maintaining the rule of law.

Problems in American Policing

Overall, the problems of corruption, abuse of power, and police misconduct have not significantly changed since 1967. Most likely the law enforcement profession will always suffer from a few people who use their position for personal gain or physical dominance over others. Recruiting from a young population who grow up holding few traditional values, police departments have difficulty identifying and screening out all applicants who lack strong moral foundations. Police training can instill some values in young officers, however, changing attitudes is a most difficult challenge and not often successful. Peer pressures make the task even more difficult. In response to the difficult problem of changing individual attitudes, law enforcement agencies are making some progress in identifying officers who do exhibit those behavioral tendencies, which eventually lead to either corruption or brutality. These efforts have led to intervention strategies that provide psychological help to the officer or in some cases, benevolent termination. As more data is collected on the results of "early warning" programs, the identification of negative behavior traits should lead to the development of tests designed to identify those individuals best suited for law enforcement work.

Probably, the single most important problem facing law enforcement today lies with enforcing our nations illicit drug laws in a climate of dwindling public support. Despite the ill-considered pleas of those advocating legalization of illicit narcotics, the simple fact of the matter is that such action would be an unmitigated social disaster. One only has to examine the results of the legalization of alcohol to find evidence as to what would be the extent of the problems of legalizing mind-altering substances. While it is not likely that the use alcohol will ever again be banned, the lessons we learn on a daily basis of the deadly and debilitating effects of this abuse should not be ignored. Simply put, this society cannot afford the consequences of alcohol and the legalization of illicit drugs, which have the demonstrated potential to be equally damaging to the human condition.

Our efforts to contain the plague of illegal narcotics have been extensive and extremely demanding of both human and financial resources. There are signs of "burnout" on the part of officers who are asked to continue risk their lives, and family life, for what some say is a hopeless cause. This attitude may well lead to additional corruption in law enforcement and/or a lessening of the will of officers to continue the struggle. Until the medical professions, churches, government, and the family provide more support for the alternatives to the law enforcement effort against illicit drugs, little will ever be accomplished. Combating drug abuse must be a collaborative effort. To date the public and governmental will to sponsor drug treatment centers, effective drug abuse education programs, and help for dysfunctional families has been less than impressive.

Other problems facing law enforcement today include the proper investigation of what is being called cybercrime. This requires knowledge, financial, and human resources that most police agencies do not have at the present time. Other questionable areas would include:

- How can we better control aggressive public protests without endangering Constitutional guarantees to redress our grievances?
- How can we adapt new technology to law enforcement operations?
- How can we reduce violent crime, the fear of crime, and further reduce the crime rates?
- How can we instill more discipline, integrity, and better supervision in law enforcement agencies?
- How do we recruit and retain more qualified people in law enforcement?
- What is the proper role of the federal government in assisting local and state law enforcement agencies?
- How can the negative aspects of the police culture be changed?
- What is the role of local law enforcement agencies in combating domestic and international terrorism?
- How can we better fund law enforcement agencies?
- How can we assist law enforcement agencies in correcting poor patterns and practices of police officers?
- Finally, where are we going with the concept of community based policing?

Under the mantra of reducing crime, aggressive policing is taking resources away from community based policing programs in some jurisdictions. Clearly in light of the above-mentioned problems, we do not have a unified, national vision, for law enforcement and public safety at the present time.

A National Commission?

If present social, economic, and political trends in the United States continue at the same rapid rate as they have in the recent past, it can be reasonably concluded that our society will continue to experience a state of turmoil, confusion, and contention. Consequently, those human behaviors that lie within the province of law enforcement agencies to control will continue to cause problems. It is not expected that matters will get worse, nor should it be assumed that the crime rate in the United States will be significantly less than it is at present.

The various problems discussed in this report present serious challenges to the 17,000 law enforcement agencies in the United States. Unfortunately, no one voice speaks for these agencies and there are few national leaders representing the entire profession. One of the great values of the 1967 Commission was that it offered police agencies willing to make changes with a blueprint, guidelines, and standards. Since that report was released, significant and beneficial changes have occurred at the state and local levels of law enforcement. Little change, however, has been seen at the federal level. The recent report issued by the Commission for the Advancement of Federal Law Enforcement in 2000 seems to have been shelved, most likely by people who erroneously believe that changes are unnecessary.

In general it can be said that law enforcement agencies are receptive and responsive to suggestions for change. The progress that has been made since 1967 in the areas of community based policing, 911 telecommunication systems, the handling of mentally disturbed persons, the DARE programs, recreational programs, the use of sophisticated technology, and minority hiring programs are all evidence of a profession that is willing to make the changes essential to holding

public trust. By contrast most of the organizational and employee problems faced by law enforcement have their origins in poor or sloppy management. This problem is made somewhat worse by the xenophobic management of law enforcement labor organizations. Yet, we have yet to develop extensive management training programs that will assist either law enforcement organizations or labor organizations in the development of individuals capable of enlightened management under extremely difficult and stressful conditions. We still view the education and training of our human resources to be an expendable drain on our budgetary resources.

Considering the serious problems facing law enforcement organizations and our society, it is reasonable to suggest that a National Commission consisting of scholars, practitioners, and knowledgeable citizens examine the state of policing in America today. It is not necessary that this Commission be sponsored by the federal government. In fact, it might be best if the Commission were sponsored by law enforcement organizations and private foundations. Regardless of the Commission's sponsorship, however, we would have an opportunity to examine the best practices of law enforcement and to make recommendations to improve the delivery of law enforcement services to every community.

Considering the hard work and sacrifices of thousands of dedicated law enforcement officers throughout the country over the past thirty-five years it would be a fitting tribute to their service if a National Commission were formed to examine the state of policing. The effort could well lead to the development of better police practices and a higher standard for the delivery of police service. This, in turn, would possibly lead to a safer and more secure future for generations to come.

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Postscript

Most of the chapters of this monograph were written during the summer of 2001. Since then several changes have occurred in the United States and Canada which could seriously affect policing. On September 11, 2001, terrorists struck the World Trade Center in New York and the Pentagon in Arlington, Virginia. This was accomplished through the hijacking of four airliners, three of which hit targets as planned. At this writing, more than 250 first responders in New York, several thousand civilians, and military personnel working at the World Trade Center and the Pentagon have died as a result of the attack.

Much will be written about the failure of our security organizations to thwart the attack or to provide information to other law enforcement organizations about the possibility of such an attack. This is unfortunate to the extent that perfecting defensive mechanisms against sophisticated terrorist organizations is extremely difficult in a free society, particularly when such organizations have enough information to strike using relatively simple instruments. Rather than waste time and energy on criticism of our high technology defense systems, it would be a wise use of our time to bolster our first line of defense, which are local, state, and border police forces. These forces, which are also our first responders, would benefit from a steady stream of intelligence information, equipment that would allow them to respond in a more safe and proper manner, and direction from federal intelligence agencies. The days of thinking that the federal security establishment can handle all of our security needs is over. It is time to recognize and implement policies and programs that will bring all police agencies into the war against terrorists.

It is now painfully obvious that additional acts of terror will be directed against the United States. No one can doubt the resolve of terrorist organizations. While some may think of these organizations as crazy, primitive, unsophisticated, or ignorant, the fact is that they are a very sophisticated, dedicated enemy. As we move to retaliation and the eventual elimination of terrorist organizations we must be mindful that it will take years to do so. There will be hundreds of actions and the terrorists will respond in kind. The recent terrorist acts are only the first chapter in a long and difficult struggle.

As we review the September 11th attack we will gain a tremendous amount of information from New York and Washington and from Boston to Florida concerning the terrorist cells, their lifestyles, their planning and execution, and the mistakes made by both sides. It is absolutely imperative that most of this information be furnished to our fireman, police officers, security forces, the various National Guards, and any other relevant public safety organizations. It may also be wise to share this information with the public as well. If we are all going to war with terrorists, then the entire nation should be sensitized to the face and methods of the enemy. It is reasonable to conclude that an alert public and law enforcement community could have thwarted one or more of the terrorist cells that operated in the United States for over a year before the attack.

While it is obvious that enormous funds will be required to mount a military effort against terrorist activities, it should also be obvious that a reasonable amount of funds should be directed towards public information and equipping our law enforcement agencies with the means

to detect terrorist activities and to respond safely to any future incidents. To continue to neglect local law enforcement's potential in the war against terrorism is not good public policy.

The second event affecting North America is recession and the resultant shortfall of public funds. Whether the September 11, 2001, attack will push the United States and Canada into a full-blown recession is certainly likely.   It would be prudent not to cut funding for law enforcement operations at any level of government. While it may be necessary to abandon funding for some law enforcement activities, we should take care to make the argument that we should not to cut funding for adequate personnel, equipment, and operational expenses.

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