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Director

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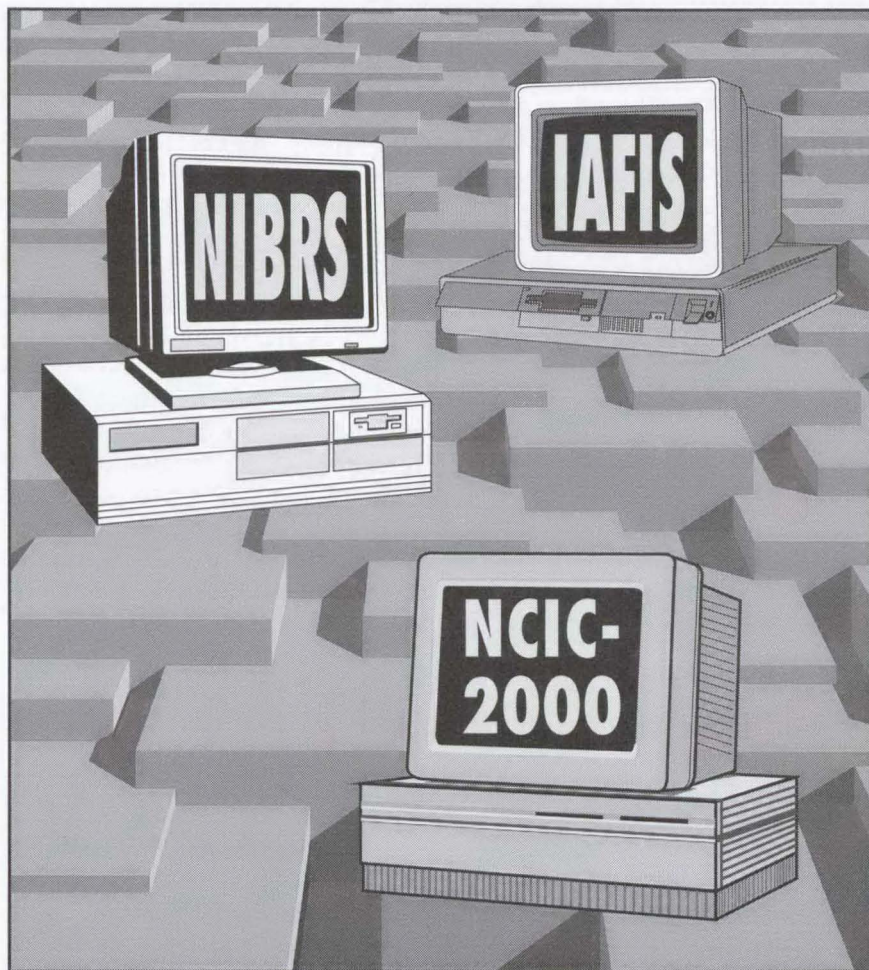
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Criminal Justice Information Services Gearing Up For The Future

By WILLIAM S. SESSIONS



In 1965, futurist Alvin Toffler coined the term "future shock." Ultimately, this term came to mean "the dizzying orientation brought on by the premature arrival of the future."¹

As Toffler predicted, the world is currently in the throes of unprecedented, monumental change—change in social values, political and economic change in the global community, and change in tech-

nology. Along with these changes come a series of demands and challenges that significantly affect the FBI.

In particular, the vast and ever-changing flow of information makes new demands on FBI services. Accordingly, the FBI's commitment to serve the criminal justice community and to fulfill its responsibilities to the American public dictates that steps be taken to meet these demands.

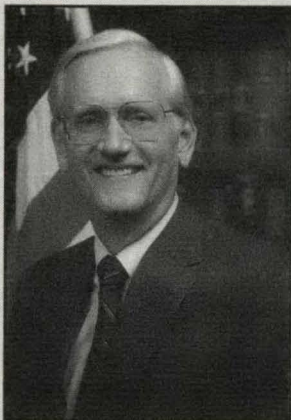
Therefore, a new division—the Criminal Justice Information Services (CJIS) Division—has been established to consolidate the FBI's criminal justice services and associated information systems. With this, the FBI builds on its long-standing tradition of providing quality service to local, State, Federal, and international law enforcement.

A HISTORY OF SERVICE

Throughout its history, the FBI sought to meet the needs of the criminal justice community. The creation of the National Crime Information Center (NCIC), the Uniform Crime Reports (UCR), and fingerprint identification services achieved this goal.

NCIC plays a vital role by providing law enforcement agencies rapid access to documented criminal justice information. Records on stolen property, criminal histories, and wanted, missing, and unidentified persons allow NCIC users to retrieve information on criminals when they need it.

The Uniform Crime Reports generates a reliable set of criminal statistics for use in law enforcement administration, operations, and management. Its data are one of the



FBI Director Sessions

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The FBI designed the Criminal Justice Information Services Division to better serve the ever-changing needs of the criminal justice community.
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IAFIS

Over the years, FBI identification services supported State and local crime investigations by examining latent fingerprint evidence from crime scenes and by processing 10-print fingerprint cards sent to FBI Headquarters. With planned improvements on the way, the level of support that the FBI gives to law enforcement continues to increase.

The key concept of IAFIS is the electronic (paperless) transmittal of fingerprint images to the FBI's Identification Division. This will eventually eliminate fingerprint cards in every step of the process.

Fingerprints will be taken at the local level by live-scan fingerprinting. These prints and related data will be processed by a local automated fingerprint identification system and then transmitted to and processed by a State identification bureau. If no match results, the prints will be transmitted electronically to the FBI, where they will be processed by an advanced, high-speed automated fingerprint identification system. The results will be returned electronically to the booking station.

MEETING TOMORROW'S NEEDS

A natural point in the evolution of the FBI's criminal justice information systems is to bring these services together. The merging of NCIC, UCR, and the Identification Division into the Criminal Justice Information Services Division will provide additional quality assurance and technical support to users. As the new systems become operational, law enforcement can do "one-stop shopping" to obtain all

Nation's leading social indicators, offering a reliable measure of criminality.

The FBI's identification services operate as a centralized repository and clearinghouse for fingerprint records. The fingerprint files act as a locator or index of criminal arrest activity throughout the United States.

BUILDING ON SUCCESS

Currently, the FBI is building on its success to provide better service. NCIC is moving toward becoming NCIC-2000. The UCR's national incident-based reporting system—NIBRS—will bring new capabilities to the FBI. And, IAFIS, an integrated, automated fingerprint identification system, will revolutionize the FBI's ability to maintain a current and effective fingerprint identification operation. The advances being integrated into current operations will serve as the FBI's path into the future.

NCIC-2000

With the NCIC-2000 system, police officers will be able to quickly identify fugitives and miss-

ing persons by placing a subject's finger on a fingerprint reader in a patrol car. The reader will then transmit the image to the NCIC computer at FBI Headquarters, and within minutes, the computer will forward a reply to the officer.

A printer installed in patrol cars will allow officers to get copies of a suspect's photograph, fingerprint image, signature, and tattoos, along with artist conceptions and composite drawings of unknown subjects. The printer will also be able to receive images of stolen goods, including cars. These functions will virtually eliminate false arrests based on erroneous identifications.

NIBRS

NIBRS serves as an added crime-fighting tool that is being implemented across the Nation. This system offers a wealth of crime information never before available, including information on such emerging issues as hate crimes. It addresses almost all current criminal justice issues, providing decisionmakers with reliable, comprehensive, uniform data as they develop crime resistance measures.

information services provided by the FBI.

The Criminal Justice Information Services Division

The FBI created the Criminal Justice Information Services Division after identifying the FBI's strategic services vision for support of the criminal justice community. The division was established with a focus on users—international, Federal, State, and local law enforcement and noncriminal justice organizations.

By joining NCIC and NCIC-2000, fingerprint identification services, UCR, and other related services, the CJIS Division will provide state-of-the-art identification and information services. And, as a quality-focused, customer-driven organization, CJIS will continually seek ways to meet the ever-changing needs of law enforcement.

The mission of CJIS is multifaceted. The new division will provide integrated identification services to users. It will also serve as a major repository of criminal justice information for use within the FBI and by the law enforcement community at large.

In addition, CJIS will act as a focal point for the continual advancement of existing information systems and the development of new information services. Finally, the division will provide information-based support for some of the analytical functions of the FBI, such as latent fingerprint examination, DNA analysis, and behavioral science.

CJIS Goals

With the creation of the CJIS, the FBI identified several short-

term and long-term goals. The following serve as short-term goals:

- 1) To revitalize the identification process
- 2) To develop/deploy NCIC-2000 successfully
- 3) To complete NIBRS successfully
- 4) To develop a user participation plan
- 5) To develop data quality auditing standards, policies, security, and support
- 6) To create a public awareness program
- 7) To develop and implement a strategy for assisting States and other users in creating linkages to the FBI's automated systems

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The merging of NCIC, UCR, and the Identification Division... will provide additional quality assurance and technical support to users.

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- 8) To develop a training and technical support program for Federal, State, and local users of CJIS' services
- 9) To develop a comprehensive transition plan
- 10) To formulate strategic planning of future services that may be appropriate for the new division, including DNA, VICAP databases, and the felony gun program.

Meeting these short-term goals will thrust the FBI toward reaching the long-term goals for CJIS.

In the long term, the FBI hopes to develop an integrated view of information services in the criminal justice community—a view that encompasses both relevant biographical information and historical data. The plan is to promote a customer-focused culture in CJIS that fosters continuous improvement and innovation in serving the criminal justice community.

Another long-term goal is to strengthen the partnership that exists among Federal, State, and local law enforcement agencies and other users of CJIS' services. The FBI will create a state-of-the-art communications network to provide services to all users and a comprehensive auditing, training, and technical support plan for users.

CONCLUSION

The FBI designed the Criminal Justice Information Services Division to better serve the ever-changing needs of the criminal justice community. Building on a proud history of service, the new division will enhance the FBI's partnership with local, State, Federal, and international law enforcement agencies.

The FBI and the CJIS Division stand dedicated to provide the criminal justice community with the very best quality information services available—and improving these services as technology advances. In short, the FBI is gearing up for the future today. ♦

Endnote

Alvin Toffler, *Future Shock* (New York, New York: Random House, 1970).

Police Practices



Collectible Cop Cards

By

BERNAL F. KOEHRSEN, JR., and DENNIS L. DAMON

A popular pastime for young people today is to collect trading cards of those persons whom they most admire. Generally, these heroes are popular athletes. Many youths wait outside sports complexes, hoping to see their heroes and obtain their autographs on trading cards. They also attend trading card shows to complete their collections.

The young people in Waterloo, Iowa, have new heroes in addition to their favorite athletes. The youngsters wait outside entrances

and crowd around their heroes in an attempt to obtain trading cards and autographs. Who are these young people seeking out? They are clamoring after the trading cards and autographs of local police officers!

Background

In 1991, the Waterloo, Iowa, Police Department received a supplemental drug enforcement and prevention grant from the Iowa Governor's Alliance on Substance Abuse. Rather than

using this money to print pamphlets, coloring books, and other items that departments generally use as public relations items, department managers decided to use the money in an innovative way: They produced trading cards that feature the photographs and personal information of officers in the department.

Because of the recent explosion of interest in collectible cards, police administrators believed that they could reach out to the town's young people in a positive way by offering trading cards that feature local police officers. The trading card program has two clear goals. The first is to reinforce a personal antidrug stance each time the youths look at the cards; the second is to make police officers more approachable to youngsters.

The Cards

The first set of trading cards depicted officers who have frequent contact with juveniles. This included Drug Abuse Resistance Education (DARE) officers/school liaison officers, canine handlers, and bicycle, motorcycle and horse patrol officers.

A local photographer donated the time to photograph the officers in various settings. The front of the card pictures the officer. The back of the card gives the officer's antidrug message and personal background information. Each officer received 1,000 premier edition cards to distribute in the community.

When the cards were available, department leaders asked the media to publicize the program. The public responded immediately.

Shown below are the
backs of three trading cards.

THERE'S NO HOPE IN DOPE.

Waterloo Police Department

715 Mulberry • Waterloo, Iowa 50703
Emergency 911 • Non-Emergency 291-4345

CLERK

ROSE DAVIS

Records Division

Rose has been in the Records Division since 1981. She deals with data entry, meets a variety of people and assists in their needs. She is also a den leader for Cub Scouts. Rose is married and has two children.

**A MIND IS A TERRIBLE THING
TO WASTE. PLEASE!
DON'T GET WASTED.**

Waterloo Police Department

715 Mulberry • Waterloo, Iowa 50703
Emergency 911 • Non-Emergency 291-4345

SERGEANT

MARK LANGENWALTER

Internal Affairs

A member of the Waterloo Police Department since 1977, Mark has worked in Patrol, Administrative Services, and Investigations. He is a private pilot and is Commander of the 132nd Security Police Flt. Iowa Air National Guard.

**THEY DON'T CALL ILLEGAL
DRUGS DOPE FOR NOTHING.**

Waterloo Police Department

715 Mulberry • Waterloo, Iowa 50703
Emergency 911 • Non-Emergency 291-4345

INVESTIGATOR

STEVE TOMKINS

Investigative Division

Steve has been with the department since 1984. He has worked in the Patrol Division, Special Enforcement and the Community Action Team. Currently assigned to Watch II Investigations, Steve enjoys hunting, fishing, baseball and college basketball.

Distributing the Cards

Officers distribute the cards in various locations while performing their duties. Juveniles can also obtain the cards from the front desk clerk at the police stations.

After obtaining the cards, young people often go to the police station during shift changes in order to find officers from whom they particularly want a card or autograph. Other times, the young people want only to talk with the officers. For law enforcement personnel, this is a prime opportunity to interact with juveniles on a more personal level.

Program Expansion

Although department leaders originally intended to use the trading cards only with youths, the program quickly became popular with adult collectors as well. In

order to accommodate the numerous requests, department managers decided to offer the cards for sale to the general public. The autographed sets of the premier edition are printed on uncut sheets (posters).

Buyer response, particularly by card collectors both locally and nationwide, has been overwhelming. Department leaders hope to use the profits from the sale of the cards—over \$5,000—to fund the program after the original grant ends.

Results

Numbers reveal the success of the program. When officers distributed the original set of 36,000 cards so quickly, police administrators recognized that the program was accomplishing the goal of reaching young people. A

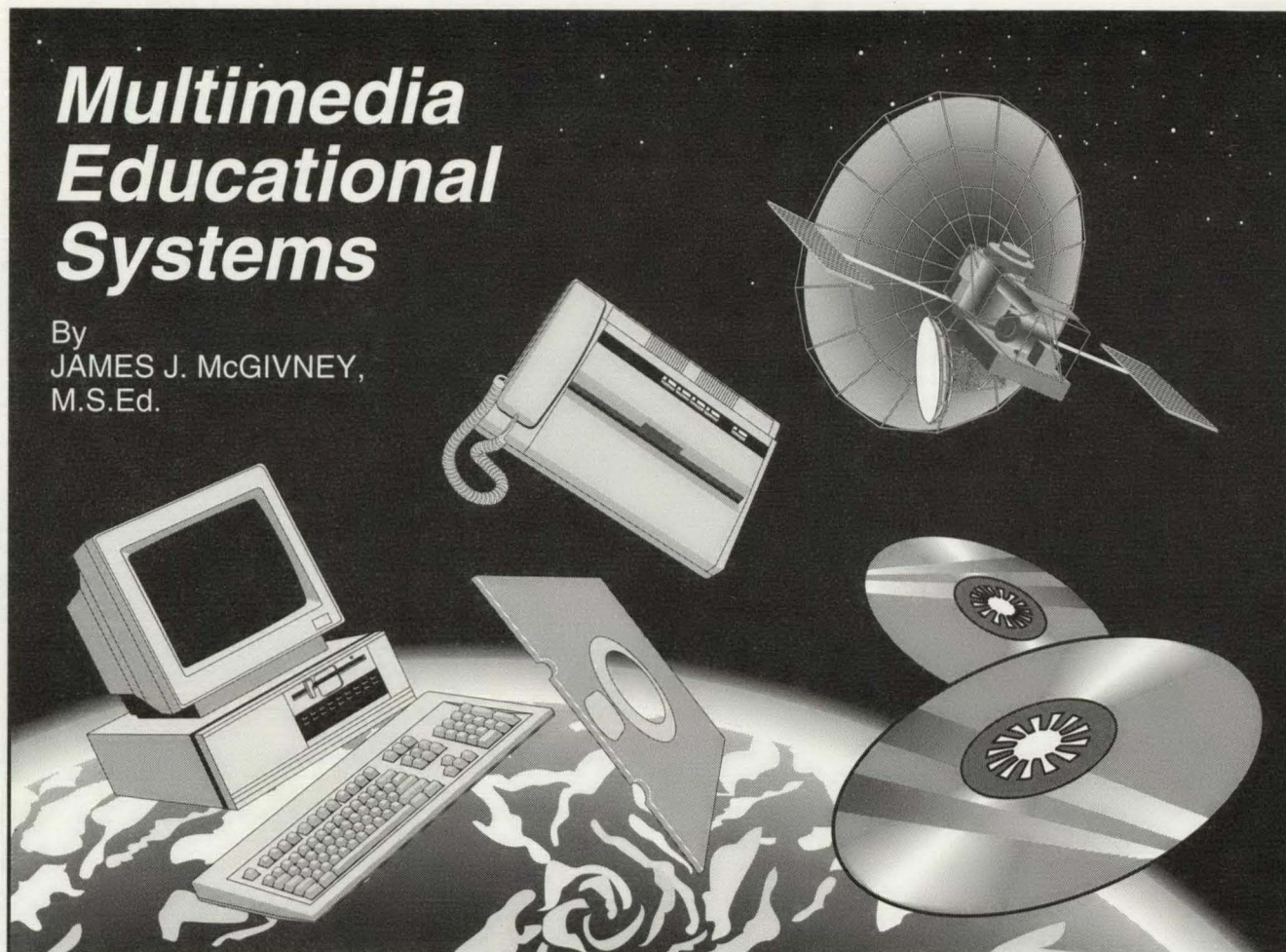
second edition with twice the original number of cards proved equally popular. A third edition is being prepared, bringing the total number of cards to 252,000 (an amazing number considering the population of the city is only approximately 75,000).

Most importantly, this dynamic program gives police officers the opportunity to change their images among the youth of the city. Positive personal interaction between officers and juveniles allows the young people to recognize that the people they most admire can go beyond athletic super stars to include heroes much closer to home—police officers. ♦

Chief Koehrsen and Lieutenant Damon are with the Waterloo, Iowa, Police Department.

Multimedia Educational Systems

By
JAMES J. McGIVNEY,
M.S.Ed.



In the late 19th century, the educational reform movement embraced the Industrial Revolution and the application of "modern" business methods to improve the educational process and to provide a viable workforce for American society. Today, the issue centers on law enforcement's ability to adapt to a "technological" revolution to improve its training and education system. In other words, can recent advances in multimedia educational systems ease the problems associated with shrinking law enforcement training budgets?

Before such a discussion begins, however, readers must understand what constitute multimedia-

based educational systems. In general, these systems use or combine several available technologies. These include not only the traditional audio-visual instructional aids, such as films, overheads, and videos, but also the use and application of newer technologies, such as teleconferencing, satellite broadcasting, computer-based training, interactive video, compact disc, and laser disc technology.

Knowing what technology is available, however, covers only a portion of the instructional process. Trainers also need to know how to apply or incorporate this technology into their individual educational systems. Their ability to do so is

limited primarily by two factors—imagination and funding. Is funding prohibitive, or can the long-term applications of advanced technology be cost-effective and alleviate the training budget crunch?

This article examines satellite broadcasting and computer-based training. It covers their practical applications, while considering advantages, disadvantages, and cost-effectiveness.

SATELLITE BROADCASTING

Satellite broadcasting and telecommunication began in the late 1960s with the successful launch of the TELESTAR satellite and rap-

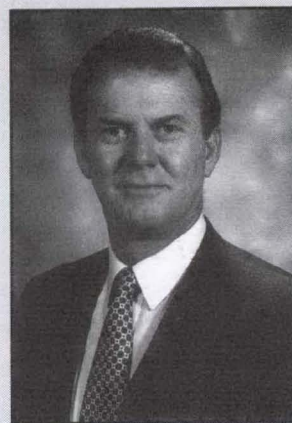
idly expanded. Today, most Americans take advantage of its capabilities in various ways. For example, nightly television news programs broadcast live, fast-breaking world events. Portable cellular telephones beam their long-distance messages from coast to coast, bouncing radio waves off satellites orbiting hundreds of miles above the earth.

Satellite broadcasts also allow the airing of educational programs in many American corporate educational systems. One private corporation's system covers 20 major metropolitan centers and 23 plant sites. This amounts to over 200,000 days of training to employees annually.¹

Those interested in training via satellite television can look to several sources that routinely prepare and air educational programming. These organizations make their programs available either free of charge or through subscriptions. Even though they pay for satellite broadcasts, subscribers obtain training at a cost well below what they would have to spend to organize, develop, and produce in-house programs.

For example, the Law Enforcement Training Network (LETN) provides an educational satellite broadcast service on law enforcement-related topics for a set monthly fee, depending on the size of the subscribing agency.² On LETN, nationally recognized law enforcement experts provide training on topics ranging from Constitutional law to drug identification procedures. By using the available technology, personnel serving in even small police departments receive timely, pertinent, and professional instruction.

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**Multimedia instruction
is a viable and
affordable method of
teaching the skills
needed by today's
police officers.**
”



Special Agent McGivney is assigned to the Drug Enforcement Administration's Office of Congressional and Public Affairs in Washington, DC.

The FBI and the Kansas City, Missouri, Police Department sponsor six teleconferences annually over the Law Enforcement Satellite Training Network (LESTN). These programs also cover a wide array of law enforcement topics and are offered free of charge. Agencies can receive broadcasts if they have a C-Band dish antenna and a tuner or if they have access to facilities with satellite receiver equipment.

If used selectively, satellite television provides a viable and effective alternative for efficient delivery of basic and inservice training programs, especially in areas where information must be communicated with consistency and timeliness. However, to be an effective educational delivery system, the system must be interactive. That is, students must be able to ask the instructor questions, and the instructor must be able to provide immediate feedback and to reinforce lessons where necessary.³ One educational system that particularly meets these criteria is computer-based instruction.

COMPUTER-BASED INSTRUCTION

More than 25 years ago, Donald Blitzer of the University of Illinois designed PLATO, an acronym for Programmed Logic Automated Teaching Operator. PLATO, a computer-based instructional system, used a mainframe computer, the only computer technology available at the time.⁴

With the development of the personal computer, more commonly known as a PC, the realm of computer-based instruction (CBI) expanded considerably, making it not only available but also commonplace in today's society. A recent U.S. Census Bureau study reported that nearly one-half of the Nation's children use a computer at home or in school, up from less than one-third in 1984.⁵ Sixty-seven percent of Fortune 500 firms provide computer-based training to their employees at all levels.⁶

With CBI, the computer serves as the instructor. It conveys information and develops students' skills

Benefits of Teleconferencing

- Allows subscribers to receive best instruction available from qualified instructors
- Delivers consistent quality educational programs
- Provides current and timely coverage and discussion of contemporary issues by specialists
- Ensures availability regardless of viewer's schedule through repeat programming
- Allows resource material to be video taped and developed for future use
- Reduces the cost of instruction since teachers reach a larger number of students

(Source: L. Davis, "Satellites Bring Training and Information to the Law Enforcement Community," *Satvision*, 1990.)

by acting as a teaching machine, a simulator, a resource, and a tool.

Computer as a Teaching Machine

As a teaching machine, the computer presents principles and theories step-by-step and allows the student to apply them. It then tests understanding, gives immediate feedback, and assigns instruction based on the individual student's responses. The computer allows students to work at their own pace; yet, it ensures that the content of instruction remains uniform.⁷

The computer also scores tests, reviews material for examinations, and provides routine instruction and drill. It saves time and frees instructors to engage students in exploring more advanced materials.⁸ The Drug Enforcement Administration uses a computer bank of 1,000 questions as a database for developing examinations for its basic agent trainees. The computer base allows

for random, yet consistent, testing of materials presented to all trainees during their entry-level training. It saves innumerable workhours by composing and preparing test questions, thus allowing instructors to conduct research or perform other duties.

By using a computer, students can take as much time as they need to practice, learn, or repeat the lesson. The mechanical teacher never tires.⁹

Computer as a Simulator

As a simulator, the computer permits students to manipulate individual parts and observe the effects of their actions on the rest of the model. The flight simulator used to train airplane pilots serves as a classic example of this type of computer-based instruction. Students manipulate the controls like those on a real airplane and see the results on the video screen. Serious mistakes produce "crash" results.

Computer simulation exposes students to real-life situations, which would otherwise not be possible because of cost, time, safety, or other factors. By using computer simulations, students gain experience and take a more active role in their training than would be possible in the traditional classroom.

"Shoot-don't shoot" firearms training and instruction in pursuit driving are two law enforcement topics in which computer simulations can be applied. In "shoot-don't shoot" training, computer simulators, coupled with the interactive capabilities of the video disc, test students' skill and judgment in the application of deadly force, according to current departmental policy and law, in a safe, controlled environment.

The same holds true for driver training, particularly pursuit driving. Driving simulators consist of vehicle operator controls, video displays, and audio generation capabilities, orchestrated by a microprocessor, to provide a simulated vehicle driving experience. These simulators re-create both the visual experience and "feel" of driving an automobile. They give the driver a three-dimensional view, which includes roadway ascents, descents, banked turns, and bumps.

The computer allows the simulator to vary the vehicle's response, such as turning radius, with its speed and the driver's reaction. Instructors use the computer's feedback to evaluate student performance.

The cost of computer simulators varies considerably. A firearms system ranges from \$35,000 to

\$65,000 and can be tailored to the specific needs of departments. Driving simulators, which cost less than \$20,000, equal the price of one training vehicle and last considerably longer.

Computers as a Resource

The computer can connect students to a network of people and databases through the use of a data link (modem). A number of inexpensive computer-link services provide access to various resource materials. These link-ups allow students to expand their knowledge base and to hone their professional skills.

Computers as Learning Tools

Students can access computers to learn a number of law enforcement skills, such as reconstructing accident scenes, writing investigative reports, preparing administrative charts and graphs, compiling departmental budget reports, etc. When coupled with other such technological advances as VHS video, laser discs, and CD-Rom drives, the options for interactive, visually enhanced computer-based instruction are almost limitless.

Classrooms equipped with computers, printers, scanners, laser disc and video tape players, modems, CD-ROM drives, and software programs become true multimedia environments. While purchasing computer hardware and software can impact on the limited funds departments allot for training, computer-based instruction permits more subjects to be covered in less time, which results in an obvious cost savings.

According to Jack Bowsher, in *Educating America*, the cost of technology adds only 2% to 4% of the overall cost of a training facility. Yet, Bowsher asserts that learning increases 20% to 40% in such facilities.¹⁰ Other studies support his findings. In one study, a sixth-grade class completed a self-paced computational math program in 60% of the time normally required, and test scores remained as strong as in the years before CBI was initiated.¹¹

OTHER CONSIDERATIONS

While economic issues occupy the forefront of discussions on computer-based, multimedia education, acceptance of the concept also affects its use. A trainer's resistance to change is less easily overcome, since training styles need to be integrated into computer-based instruction.

“...police executives and trainers must...realize that...the use of technology is the future of law enforcement training and education.”

Trainers will have to adapt the new electronic technology to support their traditional text-based drills and practice sessions. They will have to alter their instructional approaches and broaden their perspectives about what students should accomplish in the classroom.

CONCLUSION

Multimedia instruction is a viable and affordable method of teaching the skills needed by today's police officers. It combines technology with educational efforts that pave the way for cost-efficient instruction with interactive learning.

To optimize the effects of multimedia instruction, however, police executives and trainers must accept this technology to apply it successfully. They must realize that active rather than passive learning and individually centered instruction through the use of technology are the future of law enforcement training and education. ♦

Endnotes

¹ Jack E. Bowsher, *Educating America* (New York: John Wiley & Sons, 1990).

² Monthly subscription cost to LETN is based on agency size: 10 officers or less, \$288; 11 to 30 officers, \$388; 31 to 100 officers, \$488; 100 officers or more, \$588. In addition to satellite training service for a 1-year period, the fee includes all the necessary equipment required to receive the signals. "LETN: Law Enforcement Television Network," *Law and Order*, 1989.

³ Supra note 1.

⁴ Thomas Wilkerson, "The Use of Computers in Police Training," *The Police Chief*, April 1984, 48.

⁵ Barbara Vobejda, "Children in the Microchip Age," *The Washington Post*, May 19, 1991.

⁶ Mary Esparza, "Personalizing C.B.T.," *Info Systems*, January 1987.

⁷ Robert Hermann, *Teaching and Learning With Computers* (San Francisco, California: Jossey Bass, 1988).

⁸ Ibid.

⁹ Ibid.

¹⁰ Supra note 1.

¹¹ David Bennet and D. Thomas King, "The Saturn School of Tomorrow," *Educational Leadership*, May 1991.

Point of View

Community Sensitivity

By JOSEPH H. MADDOX

The 1990s present law enforcement with significant challenges. While police administrators in major cities face the reality of inner-city turmoil similar to that experienced in Los Angeles, those in small, rural jurisdictions must not conclude that this situation will escape them.

In fact, our isolation and relatively infrequent involvement with racial, ethnic, and alternative lifestyles can evolve into a more serious situation than most of us expect. However, small departments can avoid these confrontations by promoting increased levels of community sensitivity to police duties, combined with practices promoting an "absence of harm" policy.

An absence of harm policy reflects the decision by police administrators to recognize the tensions that place communities in peril. With such a policy, agency administrators ensure that their officers exercise moderation and restraint when performing police duties, in order to alleviate these tensions.

While police personnel in small departments today infrequently encounter negative community feelings regarding racial, ethnic, or alternate lifestyle groups, this will undoubtedly not be the case in the future. In fact, two important factors will most likely guarantee that such avoid-

ance becomes an improbability. These factors are the media and the movement of minority and ethnic groups into small communities.

Given the daily media coverage of inner-city confrontations in news briefs and the enormous ongoing change in national ethnic dynamics, even the most isolated areas will probably experience tension in the years to come. Because of this, citizens need to cooperate with local law enforcement to prevent such incidents from erupting in their neighborhoods.

Racial Confrontation

The dynamics of confrontation among racial, ethnic, and alternative lifestyle groups in small communities are, by their very nature, profound. The circumstances that foster crisis, and the scars and wounds that result, tend to linger for months and even years. When this occurs, the community fabric is torn by raging debates, and questions are left unanswered. Intense emotion creates the potential for a media frenzy that places municipal growth and economic viability in danger, leaving little chance for healing.

The riots in Los Angeles sparked a significant increase in ethnic intimidation, ethnic-directed crime, selected hate crimes, and hate group activity. Both small and large agencies may view this situation as one that calls for



Chief Maddox commands the Penn Township Police Department in Hanover, Pennsylvania.

training solely in "ethical intimidation." The diversity of contemporary America, however, paired with the unique factors that can cause even minor disturbances to escalate, creates a need for a mindset adjustment in American policing. The small agency administrator must translate responses to this intense issue into carefully defined areas and prepare appropriately.

Ways of Healing: Education, Community Involvement, and Planning

Intense instruction beyond the awareness level is necessary to ensure officer and department sensitivity when interacting with different groups. This makes education and understanding concerning values, problems, and threats—both perceived and real—necessary.

Those in charge must coach and re-coach officers on the levels of apprehension, outrage, and socioeconomic dismay existing in society. While the current econom-

ic conditions affect all our communities, officers must understand that segments of our population were disenfranchised at birth, marooned in an economic void, and face little likelihood of a change in status, regardless of where the economy stands.

Education and community-wide programs are essential if public perception of police service is to change. As law enforcement personnel, we must present what we are, as well as how and why we do what we do, to the public as often as possible.

Communities that have a sufficient minority base to support houses of worship, social or benevolent associations, or support groups should be contacted for outreach, delivery of information, and control of inaccurate information. Police administrators must know the leadership within these groups and establish a relationship with them based on trust, understanding, and cooperation.

Successful preplanning also requires that administrators carefully study officer safety issues, equipment, department logistics, and administrative needs—making adjustments where needed. Small agencies should consider taking internal and interagency action to accomplish these tasks.

Agencies can enter into agreements with local agencies, such as utility companies, hospitals, and other police departments. These agreements should be sufficiently complete and organized to ensure levels of response and policies relating to command of personnel.

Another consideration is communication during crisis situations, which is vital. During these times, demands for use of both radio and telephone time by field personnel and supervisors will escalate. Often, an insufficient number of frequencies and out-of-date equipment hamper the exchange of information. Car phones, either portable or unit mounted, can be used to avoid delays. This also ensures that emergency medical and fire service personnel can communicate with police units.

Personnel must also conduct a complete review of officer safety equipment. Supervisors should post directives requiring helmets,

“... communities, the media, police departments, and minority groups must work together to maintain a policy that provides for a peaceful, cohesive environment.”

boots, gloves, vests, etc., and conduct preduty inspections. Equipment deemed unsafe should be repaired or replaced as needed.

Patrol units must be prepared for extended deployment in emergency situations. This requires a review of maintenance files, which helps departments to prepare accordingly. Fuel, oil, and minor replacement parts must be available, and first-aid and support items should be stored in trunks of department vehicles. An ample

stock of spare tires is critical, as is availability of a towing service.

Personnel should review all call-out and notification lists for accuracy. These lists should include the district attorney, hospital administration, public service management (gas, electric, water, etc.), schools, municipal support services, and others that unique circumstances may require.

Departments must also be prepared to release information, make public service announcements, and issue citizen safety advisories. Rumor control will keep administrators posted on street information, correct inaccurate information, and alert them to any change in community emotions.

Conclusion

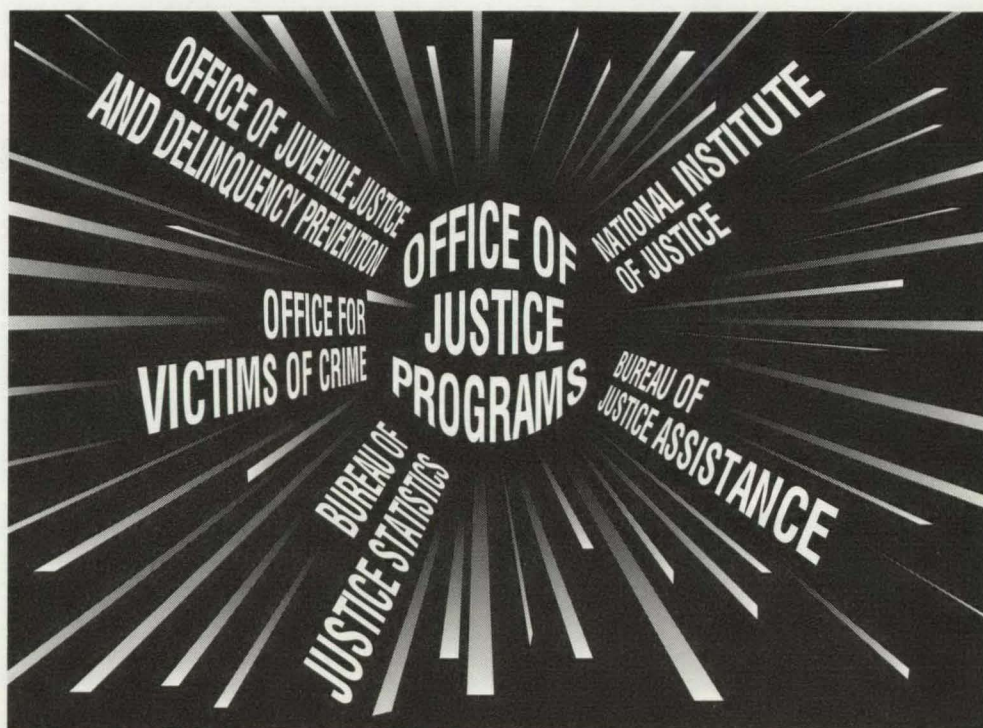
The clock runs on for American policing. The critical issues that confront us today dictate the need for innovative, new police strategies and approaches. If the walls in Europe can come down, then the walls that exist between the police and communities here at home can also come down.

However, society's leaders and policymakers have yet to face an ultimate truth. That is, just as administrative remedies are exhausted, viable police alternatives may be diminishing as well. Neither group can accomplish the job on its own. In order to avoid racial discord, communities, the media, police departments, and minority groups must work together to maintain a policy that provides for a peaceful, cohesive environment. ♦

Office of Justice Programs

Helping Law Enforcement Combat Crime

BY
JIMMY GURULÉ, J.D.



The Office of Justice Programs (OJP) plays a key role in helping law enforcement to combat crime and to improve the criminal justice system. Its primary responsibilities include developing and supporting innovative national, State, and local programs to control drug-related crime and violence, improving the operation of the criminal and juvenile justice systems, and providing assistance to crime victims. OJP also plays an important role within the Department of Justice (DOJ) and the Federal Government in implementing the goals and objectives of the President's national drug control strategy.

To accomplish its mission, OJP forms partnerships with Federal, State, and local law enforcement and government officials, community organizations, researchers, and others to identify emerging criminal justice issues. Personnel from these groups then develop and test ways to address these issues, evaluate the programs, and disseminate the findings.

Programs established by the Anti-drug Abuse Act of 1988, the Victims of Crime Act of 1984, and the Juvenile Justice and Delinquency Prevention Act of 1974 allow the OJP to coordinate its resources and to develop a comprehensive plan to maximize its effec-

tiveness with the limited resources available. The Assistant Attorney General (AAG) of the OJP establishes and guides OJP policy and priorities, ensuring that they remain consistent with the priorities established by the President and the Attorney General.

To fulfill this responsibility, the AAG promotes and facilitates coordination among the five major bureaus within the OJP. These bureaus include:

- The Bureau of Justice Assistance (BJA), which provides funding and technical assistance to State and local governments that wish to develop innovative approaches to law

enforcement in the areas of violent crime, gang activities, drug control, and drug law enforcement

- The Bureau of Justice Statistics (BJS), which collects, analyzes, and disseminates statistics and other data regarding crime, crime victims, drug use, and other criminal justice issues
- The National Institute of Justice (NIJ), which sponsors research and develops and evaluates new approaches to fight drugs and drug-related crime, as well as to improve the operation and effectiveness of the criminal justice system
- The Office of Juvenile Justice and Delinquency Prevention (OJJDP), which develops innovative programs, sponsors research, and assists State and local jurisdictions in preventing and controlling juvenile drug use and crime
- The Office for Victims of Crime (OVC), which provides funding to States to support victim compensation and assistance programs and works to improve our Nation's response to victims of crime and their families.

With its multimillion-dollar budget, OJP awards funds to State agencies which, in turn, subgrant the funds for State and local drug control efforts, juvenile justice, and victim assistance and compensation programs. OJP also provides funds directly to law enforcement and other criminal justice agencies and organizations to demonstrate

new and innovative programs that appeal to jurisdictions around the country.

Each year, OJP establishes priorities for awarding these "discretionary" grant funds and publishes these priorities in the *Federal Register* and the *OJP Fiscal Year Program Plan*. Priorities for the fiscal year (FY) 1992 budget included gangs and violent offenders; victims; community policing and police effectiveness; intermediate sanctions and user accountability; drug prevention; drug testing; intensive prosecution and adjudication; evaluation; money laundering and financial investigations; and information systems, statistics, and technology.

Another primary focus of the OJP is Operation Weed and Seed. This article discusses this program, as well as other OJP programs.

Operation Weed and Seed

OJP maintains a leadership role in implementing DOJ's comprehen-

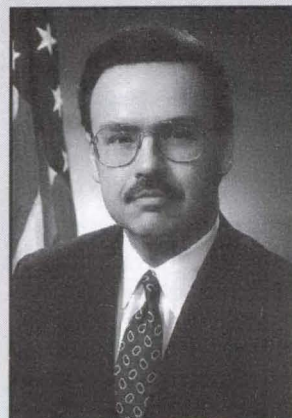
sive new initiative called Operation Weed and Seed. OJP bases the Weed and Seed strategy on the premise that law enforcement, community residents, government, and the private sector must work together to drive crime out of neighborhoods in order to create an environment where crime cannot thrive. This, in turn, results in an improved standard of living and quality of life for neighborhood residents. The strategy involves four basic elements:

- Weeding out the most violent offenders by coordinating and integrating the efforts of Federal, State, and local law enforcement agencies in targeted neighborhoods (A law enforcement steering committee, comprised of top officials from all involved agencies, directs this effort by identifying targeted neighborhoods, allocating resources, and coordinating law enforcement efforts.)

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The Office of Justice Programs exists to assist U.S. law enforcement agencies in combating crime and improving the criminal justice system.

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Mr. Gurulé formerly served as the Assistant Attorney General of the Office of Justice Programs, U.S. Department of Justice, Washington, DC.

- Implementing a community policing program in each of the targeted sites (Under community policing, law enforcement works closely with the residents of the community to develop solutions to the problems of violent and drug-related crime. Community policing is the vital link or bridge between the "weeding" and "seeding" components, the first step in mobilizing residents to work for the betterment of their own neighborhoods.)
- Organizing a neighborhood revitalization steering committee comprised of representatives from a broad array of Federal, State, and local human service agencies, the private sector, and the community to prevent crime and violence from recurring (The committee accomplishes this task by directing a broad array of human services—drug and crime prevention programs, educational opportunities, drug treatment, family services, and recreational activities—into the targeted sites to create an environment where crime cannot thrive.)
- Revitalizing neighborhoods through economic development and by providing economic opportunities for residents.

In FY 1991, OJP established two pilot sites for the Weed and Seed Program—Trenton, New Jersey, and Kansas City, Missouri—and a third site received a grant to

begin planning a program. Then, in April 1992, OJP provided funds to expand the program to 16 additional sites in 13 States. And, in the wake of the civil disturbance in Los Angeles, the city has also been awarded funds to implement a program.

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Targeted neighborhoods in the pilot cities receive approximately \$1.1 million to implement the Weed and Seed strategy—half in FY 1992 and the remainder in FY 1993, subject to Congressional appropriations. These funds come from two sources within DOJ—the Executive Office for U.S. Attorneys and OJP’s Bureau of Justice Assistance—to support law enforcement-related efforts, e.g., suppression, community policing, and prevention and education programs where substantial involvement by local police exists.

Each site selected for funding submitted a comprehensive proposal describing in detail its strategies for the program, including law enforcement efforts, community policing programs, social services, and economic development and revitalization plans. In addition, Weed and Seed neighborhoods received targeted monies under a variety of existing Federal programs during FY 1992.

To coordinate Federal involvement in Operation Weed and Seed, DOJ established a high-level, policymaking interagency working group that meets weekly to oversee Federal programs and funding. These Federal agencies overwhelmingly support the Weed and Seed initiative. For example, The U.S. Department of Housing and Urban Development (HUD) gives preference to those applicants who coordinate with Operation Weed and Seed sites. Other Federal agencies also work to direct funding and programs to the Weed and Seed sites.

Phase III of Operation Weed and Seed began in FY 1993. Approximately \$500 million will be directed to fund the following:

- HUD public housing drug elimination grants
- Department of Health and Human Services (HHS) for community partnership grants, drug treatment, and improved access to health care
- Department of Labor for Job Training Partnership Act Programs that provide job training for high-risk youths and adults
- Department of Education to increase educational and prevention programs and provide Head Start for 1 year for eligible children
- Department of Agriculture for the Women, Infants, Children (WIC) Nutrition Program
- Department of Transportation for reverse commute demonstration grants.

In addition, DOJ earmarked some \$30 million of its 1993 budget to support Operation Weed and Seed. OJP plans to use the funds to expand the number of demonstration sites.

Gangs and Gang Violence

OJP made programs to prevent and suppress illegal gang activity a priority for funding in FY 1991 and FY 1992. To gain a national perspective on the problem of gang violence and the various responses in jurisdictions across the Nation, OJP initiated a series of national field studies on gangs and gang violence. The office conducted three field studies in 1991—in Los Angeles, Dallas, and Chicago—and hopes to schedule another study in the upcoming year.

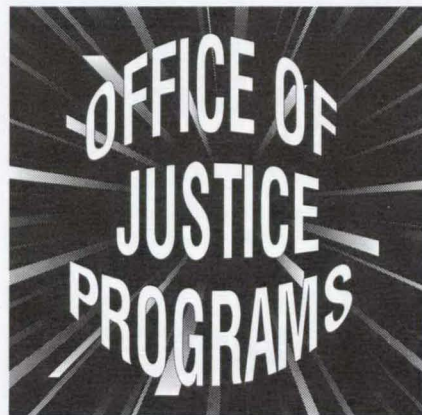
At the completion of the field studies, OJP plans to develop a comprehensive, national strategy for discouraging gang activity among young people. This strategy will be used to identify, arrest, and prosecute hardcore gang members and to assist innocent victims of gang-related crimes and their families.

Community Policing

Community policing requires that the police and the community forge a partnership to identify and solve problems that often result in crime and violence in their neighborhoods. Thus, the police officer becomes a problem solver, who does more than simply respond to calls for service. The police officer—who becomes part of the neighborhood—knows the residents and willingly responds to their needs.

Research by NIJ shows that community policing has numerous benefits. It can reduce citizen fear of crime, improve relations between citizens and police, and increase citizen satisfaction and cooperation with police, while at the same time prevent and reduce crime.

OJP works to expand this method of policing throughout the country. BJA provides funding to eight urban and suburban law enforcement agencies to implement community policing programs. For example, in New York City, police establish minimobile police stations near schools located in areas infested with drug traffickers, and police in Maryland operate ministations in the rental offices of public housing units.



These efforts deter crime by making police visible in their communities. This, in turn, improves the quality of police response, and most importantly, creates an ongoing partnership between the police and the community. In addition, BJA supports a project to develop a model community policing program that local law enforcement agencies can test.

Crime and Drug Prevention

OJP also supports a number of crime and drug prevention programs that involve law enforcement officials. BJA supports five Drug Abuse Resistance Education (DARE) Regional Training Centers that have trained more than 11,000 State and local law enforcement officials who conduct DARE programs. DARE teaches students ways to resist peer pressure to experiment with and use drugs.

In addition, OJP developed and funds the National Citizens' Crime Prevention Campaign, which sponsors public service drug and crime prevention advertising that features "McGruff, The Crime Dog." The campaign also supports programs that encourage law enforcement/community cooperation in drug and crime prevention and conducts drug demand reduction workshops to teach police chiefs and sheriffs how to institute or improve local drug prevention programs.

Criminal History Record Improvement Program

Accurate and complete criminal history information is critical to the operation of the criminal justice system. OJP, through the Bureau of Justice Statistics, worked with the FBI to implement a 3-year initiative to improve the quality of State criminal history records and to increase the possibility of identifying convicted felons who attempt to purchase firearms. BJS and the FBI developed voluntary reporting standards for State and local law enforcement, and BJS provided funds to a number of States to help them improve their recordkeeping

and to comply with certain voluntary standards. In addition, beginning in 1992, States receiving BJA block grant funds must allocate at least 5 percent of their grant award for the improvement of criminal justice records.

Victims

OJP's Office for Victims of Crime provides Federal leadership, funding, training, and other assistance to help improve the Nation's response to crime victims and their families. With monies from the Crime Victims' Fund—comprised of fines and penalties assessed on convicted, Federal defendants—OVC awards grants to support State crime victim compensation programs and organizations that provide direct services to victims.

OJP also sponsors training for Federal, State, and local law enforcement officials to improve their response to crime victims. Law enforcement personnel also receive specialized training on child abuse investigations and domestic violence cases.

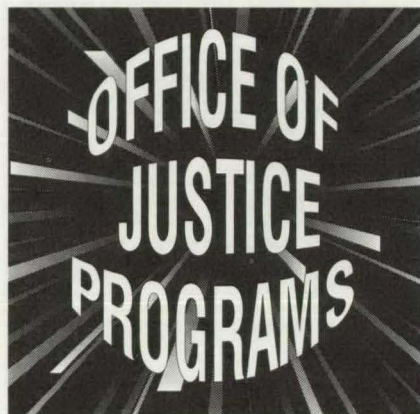
In addition, OJJDP sponsors a series of training programs called Police Operations Leading to Improved Children and Youth Services (POLICY) that help local law enforcement officials improve juvenile justice operations and investigate child abuse cases. OJJDP also works to improve the juvenile justice system's response to crime victims.

Drug Testing

The President's *National Drug Control Strategy* recommends drug

testing as an essential part of drug control efforts. Priority programs in OJP for FY 1991 and FY 1992 included drug testing research and demonstration programs.

NIJ's Drug Use Forecasting (DUF) Program tracks drug use trends among persons charged with serious crimes. Through voluntary and anonymous urine tests and interviews with persons arrested and brought to booking centers in 24 major cities across the country, DUF provides the first objective measure of drug use in this high-risk population. Local decisionmakers use DUF results to help plan and allocate law enforcement, prevention, and treatment resources.



NIJ also conducts research on various drug testing procedures. This includes hair analysis, which can detect drug use that occurred over a longer period of time than urinalysis can detect.

BJA demonstrates a comprehensive drug testing system—from pretrial through parole—in Portland, Oregon. It also works with the American Probation and Parole Association to implement or improve

drug testing programs in probation and parole agencies.

Intermediate Sanctions

OJP helps State and local officials find innovative ways to hold offenders accountable for their crimes while ensuring the public's safety. For example, OJP tests and evaluates a range of intermediate sanctions, such as the expanded use of fines, restitution, community service, home detention, intensive supervision, electronic monitoring, and boot camps.

BJA boot camps in Oklahoma and Illinois provide a highly structured, military-type environment for youthful, nonviolent first offenders. NIJ assesses the effectiveness of these and other programs. In addition, OJJDP provides funds to sites in Mobile, Alabama, Denver, Colorado, and Cleveland, Ohio, to develop and test boot camps for adjudicated, nonviolent offenders under age 18.

OJP also administers the Denial of Federal Benefits Program, which processes notifications from courts that specify that specific drug offenders were denied Federal benefits, including grants, contracts, loans, professional licenses, or commercial licenses. These notifications go to the General Services Administration (for inclusion in the debarment list) and to other Federal agencies.

Edward Byrne Memorial State and Local Law Enforcement Assistance Program

OJP's primary program of assistance to State and local law enforcement is through the Edward

Byrne Memorial State and Local Law Enforcement Assistance Program, which BJA administers. Under this program, State agencies receive these funds in order to issue grants to support State and local programs that address specific drug and crime problems within the State.

Under the program, States set priorities for the use of the funds from among 21 legislatively mandated "purpose" areas created by Congress. These purpose areas include drug use, crime prevention, street-level enforcement, multi-jurisdictional task forces, enhanced prosecution, court delay reduction, correctional programs, intermediate sanctions, treatment for drug-abusing offenders, and victim assistance.

Each State and territory receiving BJA funds prepares, in consultation with State and local drug enforcement officials, a statewide drug control strategy that establishes program priorities based on State and local needs and resources. Each State has its own process for developing the strategy and for consulting with State and local officials. Most States establish drug control advisory boards to aid in this process, and many States conduct public hearings or survey State and local officials. Any law enforcement agency that wishes to participate in this planning process should contact its State planning agency to find out how the process works in its State and how it can receive Federal funds.

Once BJA approves the State's drug control strategy and application and makes the grant award, the State announces the availability of

funds. Most States award a large percentage of their funds on a competitive basis. In FY 1991, 40 percent of BJA funds awarded to the States and territories was used for multijurisdictional law enforcement task forces and street drug sales

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enforcement programs. As a result of these funds, States created over 1,000 multijurisdictional task forces.

The discretionary program funds administered by BJA also support multijurisdictional law enforcement efforts. For example, BJA supports 21 organized crime/drug trafficking enforcement projects that enhance the ability of Federal, State, and local law enforcement agencies to break up major drug trafficking organizations by coordinating investigations and arrest, prosecution, and conviction efforts. In addition, BJA's seven financial investigation programs demonstrate the effectiveness of centrally coordinated, multijurisdictional approach to the investigation and prosecution of drug-related financial crime. The programs trace

drug-related financial transactions, analyze the movement of currency, identify criminal financial structures and money laundering schemes, and use asset forfeiture procedures.

Training and Technical Assistance

OJP supports a wide variety of programs, training, and technical assistance to help law enforcement officials improve the investigation and prosecution of complex criminal cases. For example, BJA sponsors training to help State and local law enforcement officials and prosecutors improve their use of asset seizure and forfeiture laws, which are effective in breaking up major drug trafficking organizations.

The training discusses case law, effective investigative techniques, tracing assets through financial institutions, uncovering hidden assets, and coordinating investigations with other law enforcement agencies. In addition, BJA sponsors training and technical assistance in the use of State civil Racketeer Influenced and Corrupt Organization (RICO) statutes and other innovative approaches to dismantle drug trafficking organizations.

Other Programs

OJP also administers several other programs of interest to law enforcement officials. The Regional Information Sharing System (RISS) Program helps State and local law enforcement agencies to identify, investigate, and prosecute multijurisdictional organized and white-collar crime and drug trafficking. The RISS Program consists of

multistate projects that facilitate the exchange of information on crimes, criminal organizations, and gang migration and provide "buy" money, sophisticated equipment training and technical assistance to Federal, State, and local law enforcement throughout all 50 States.

The Emergency Federal Law Enforcement Assistance Program provides funding to State and local government agencies facing law enforcement emergencies, such as natural disasters and serial killings. These types of incidents create an atmosphere of extraordinary public fear and place an undue burden on law enforcement agencies.

NIJ's Technology Assessment Program serves as the criminal justice community's "consumer's guide." Scientists and engineers working under NIJ sponsorship develop minimum performance standards and test technology and equipment used by criminal justice officials against those standards.

The Public Safety Officers' Benefits (PSOB) Program provides monetary benefits to the eligible survivors of public safety officers whose deaths result from injuries sustained in the line of duty. PSOB also provides funds to public safety officers who are permanently disabled as the result of a traumatic injury sustained in the line of duty.

Information Sharing

OJP works to disseminate information regarding its programs, research, evaluation results, and statistical findings to a wide audience. To assist in this effort, OJP supports the National Criminal Justice Refer-

ence Service (NCJRS), a clearinghouse of information and publications concerning OJP programs and other information of interest to the criminal justice community.

At no charge to users, NCJRS maintains an electronic database with 106,000 information entries and distributes to registered users a bimonthly report on new criminal justice research, programs, and publications. Under contracts with OJP, NCJRS also operates the Drugs and Crime Data Center and Clearinghouse, the BJA Clearinghouse, the Justice Statistics Clearinghouse, the Juvenile Justice Clearinghouse, the National Victims Resource Center, the AIDS Clearinghouse, and the Corrections Construction Information Exchange.

Conclusion

The Office of Justice Programs exists to assist U.S. law enforcement agencies in combating crime and improving the criminal justice system. However, before agencies can avail themselves of this help, they must determine what programs currently exist and which of these programs might best suit the needs of their respective communities. When local law enforcement agencies join forces with the Federal Government, communities become the winners. ♦

For more information about the Office of Justice Programs, contact the Office of Congressional and Public Affairs, Office of Justice Programs, Washington, DC. 20531, 202-307-0781.

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The *Bulletin* is now available via three computer dial-up services. Authorized law enforcement practitioners and related professionals who have a personal computer and a modem can access, download, or print current issues of the *Bulletin* in their own home or offices by contacting these services. These computer bulletin board services can be reached by dialing the following telephone numbers directly:

- SEARCH Group, Inc.
(916) 392-4640
- IACP NET
1-800-227-9640
- CompuServe
1-800-848-8199 (Ask for Representative 346. The *Bulletin* is available only through their restricted law enforcement library.)

Birth of an Information Network

By
NEIL R.M. STRATTON, M.P.A.



Until November 1990, law enforcement agencies throughout Contra Costa County, California, processed information independently. As in other jurisdictions across the Nation, computer systems that served the 23 individual criminal justice agencies in the 800-square-mile county could not communicate with one another. Thus, information could not be transferred electronically between agencies.

However, this all changed with the establishment of the All County Criminal Justice Information Network (ACCJIN). All law enforcement agencies in Contra Costa

County now tie into a regional computer network that links computers from different manufacturers (and different agencies) into an integrated system. This network allows authorized systems operators to access and transfer information much more quickly and efficiently than ever before.

BACKGROUND

Before the implementation of ACCJIN, agencies in Contra Costa County processed data separately. The county and individual cities developed automated systems independently, and these systems could not "talk" to each other.

Therefore, in order to search the files of another agency, investigators needed to request that someone in that department retrieve the information, photocopy the relevant material, and then mail or fax it to the requesting agency. Invariably, investigators avoided this repetitive and time-consuming task, and as a result, often proceeded with cases that lacked important information.

Vast independent systems existed for records management, computer-aided dispatch, crime analysis, and jail administration. However, except for a message switching program, which served as a basic network for transferring



Captain Stratton commands the Administration Division of the Walnut Creek, California, Police Department.

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information between State and Federal databases, each system operated as an island unto itself. So, while agencies could access records in Washington, DC, or the State capital in Sacramento, they were unable to communicate electronically with departments in neighboring jurisdictions.

In addition, clerks in individual agencies entered identical data into different database systems. Court and probation personnel prepared records from scratch, even though police departments had previously entered much of the same information on their own systems. Systems operators generated vast amounts of paperwork to convey information between departments. Even simple transactions between databases required at least two people—one in the requesting agency and one in the responding agency. This greatly undermined efficiency in agencies already coping with personnel shortages.

In the past 5 years, several counties around the Nation experimented with regional networking. Law En-

forcement Automated Data Entry and Retrieval (LEADER) in Los Angeles County and the Automated Regional Justice Information System (ARJIS) in San Diego County provide limited linking capabilities to member agencies.¹ Several other counties around the Nation are considering or implementing similar systems.

However, these networks use a central database with terminal or compatible computer coupling at remote locations. They require that all users operate the same types of hardware and software. In short, these systems must be built from scratch at considerable cost. The unique feature of the ACCJIN is that it links *existing* computer systems, resulting in a very cost-effective approach to networking.

ESTABLISHING THE ACCJIN

Funding

Funding for the All County Criminal Justice Information Network actually resulted from a lawsuit concerning contested DUI

(driving under the influence) forfeitures. In the early 1980s, several cities in Contra Costa County noticed that their revenues from fines and forfeitures for DUI cases decreased dramatically. Investigation revealed that the county kept all fines for defendants placed on summary court probation. In *Antioch et al. v. Contra Costa County et al.*, several municipalities contested the statutory basis for this practice.² As part of a negotiated settlement, the county agreed to reimburse these cities and established a fund that became the basis for the ACCJIN project.

Once the county established this special fund, two-thirds of the cities and the county board of supervisors needed to agree on the proposed automation project. Therefore, it was necessary to demonstrate the potential value of the network to the Police Chiefs Association, the Public Managers Association, and other groups that needed to endorse the project before it could progress. Not only did these groups eventually recognize the value of the network, but the county also decided to contribute over \$200,000 in additional funds to assist in developing the ACCJIN.

Building the Network

As mentioned, the ACCJIN links 23 agencies in Contra Costa County. These include the district attorney's office, the probation department, the sheriff's office, the community college district, and both municipal and superior courts. Two message switching computers provide communications for agencies outside the county, such as the Police Information Network in

neighboring Alameda County, State automated data banks, and the NCIC in Washington, DC.

A private packet switching setup serves as the backbone of the system, with 24-hour monitoring provided by the telephone company. Users connect to the backbone with 19.2 dedicated lines and CSU/DSU connections.

Common software applications include a central name index (CNI), a justice automated want system (JAWS), and remote booking (RB) capabilities. Each agency assumes responsibility for the user-friendly software necessary to tie their operations into the network. In addition, each member agency must maintain its own hardware and software, which are supplied by the network.

Benefits of the Network

Installation of the ACCJIN revolutionized methods of information exchange in Contra Costa County. Because only one person is required to conduct an information transaction, investigators and administrators can now obtain information from other departments themselves. The one exception is data transfer, which still requires an authorized operator in the sending agency to approve the transfer. However, no copying, faxing, or mailing is necessary. Operators simply transfer the data electronically.

In effect, the ACCJIN makes all systems compatible, and thus, greatly reduces the need for redundant data entry. When operators enter information into one agency's database, other agencies can access and reproduce it within their own systems.

Needless to say, the immediacy of data transfer assists law enforcement agencies within the county significantly. Networking decreases the fragmentation often experienced when multiple agencies operate within the same jurisdiction. In this way, ACCJIN provides the basis for a more regional approach to law enforcement in the county.

Keys to Success

Successful development of the ACCJIN resulted from several main factors, including:

- *Good communications* (During the planning and implementation stages, monthly

technical advisory committee meetings kept member agencies and city councils informed of progress and developments. Because ACCJIN administrators maintained open lines of communication, stakeholders understood and assisted in developing the program from its inception to its completion.)

- *Well-defined criteria* (Project administrators carefully reviewed and selected each element included in the ACCJIN network. As components of the system became operational and specific

Criteria for the ACCJIN

System administrators realized that a successful project required certain criteria to be met. These include:

- *Offering something to everyone.* The network had to answer the question, "What will the system do for my agency?"
- *Providing financial support.* Each user must receive a cash benefit from the "products" of the system.
- *Hardware and software assistance.* Each user must have assistance that does not involve local funds.
- *Ensuring an equitable development approach.* Each agency should believe it received a "fair share" and that no agency was favored over others.
- *Sharing future costs.* Ongoing maintenance costs must be supported by all users. A plan to counter obsolescence had to answer concerns about the future.
- *Message switcher upgrade.* An upgrade of the county's existing message switcher had to be conducted concurrently with the ACCJIN project. Funds that agencies had been contributing annually to this effort became a component of the ACCJIN project funding.

- *Ample funding* (Because the county made sufficient funds available during the preliminary stages of the project, officials could plan and implement the program in an effective manner. This proved crucial to averting costly modifications and “corrections” to the original system.)

FUTURE DIRECTION

tions. One possibility involves using the network for digital data transfer during disasters. Each agency could enter incident information into a terminal and then use the network to transfer the data to the county computer.

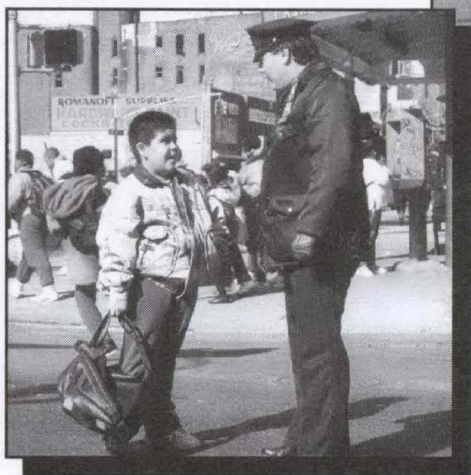
CONCLUSION

the concept of a regional approach to criminal justice in Contra Costa County. By linking existing computer systems from different vendors into an integrated network, the ACCJIN provides a cost-effective alternative to constructing regional networks from the ground up. By doing so, this project may also provide a link between austere economic reality and the technological opportunities of the 21st century. ♦

¹ Nicholas A. Katzenstein, *California Law Enforcement Criminal Information Systems Networking by the Year 2000*, P.O.S.T., Sacramento, California, 1991, 3-4.

Courtesy and Police Authority

By
ROBERT C. WADMAN, M.P.A.
and
STEPHEN M. ZIMAN, M.S.



Policing in modern America has a fascinating history—from the development of “reactive police theory” in the 1930s to the “team policing” concepts of the 1970s and the crime prevention programs of the 1980s. More recently, the move toward community-oriented and problem-oriented policing brought law enforcement closer to its early American roots. Still, America’s police continue to edge toward the brink of major change. But, as Stephen Crane wrote, “We are like the diver who hesitates on the brink of a dark and icy pool, we have failed to leap. The thought of a cold reception has held us back.”¹

Often, significant nationwide events, such as the Rodney King incident, bring about the leap of change. These events strike at the conscience of the Nation. However, as convulsive as the King incident and the ensuing riots were, these types of events afford law enforcement a unique opportunity to grow through open discourse with the community. For, though it may sometimes appear otherwise, the factors that create these incidents are not intractable in any society.

One issue on which the Los Angeles experience provides seemingly contradictory feedback is the use of force. Clearly, outrage over a perceived use of excessive force

during Mr. King’s apprehension contributed significantly to the unrest that followed the acquittal of the officers involved. By contrast, law enforcement came under considerable criticism for exhibiting a decided *lack* of force during the initial stages of the riots, which some observers claim allowed the unrest to escalate beyond control. What conclusions, then, should law enforcement managers draw from this and similar episodes?

The issue of force falls within a still larger area of concern—how law enforcement personnel treat citizens in their communities. Ultimately, the success of any theoretical policing concept depends

largely on this one factor. And, this factor revolves around one simple, yet often misunderstood, term—courtesy.

In order to better understand the impact of courtesy on policing, the Aurora, Illinois, Police Department conducted a study to measure the relationship between police authority and courtesy. Fourteen police agencies (four large departments, five of medium size, and five smaller departments) participated in the research effort.²

Commanding officers from each of the departments completed questionnaires that addressed various issues from training to use of force and citizen complaints. The survey was comprised of nine open-ended questions, such as “Do you think that the teaching of courtesy has a definite impact on an efficient use of power/control?” and “Do you think that discourteous officers are more likely to use unnecessary force?”

The responses provided the framework for a qualitative assessment of the departments’ views of courtesy. From the data collected in this survey, as well as a review of previous literature concerning the appropriate application of authority, researchers concluded that courtesy can be a strategic tool for the efficient and effective use of power.

Courtesy and Power: An Overview

In *Historical Capitalism*, Immanuel Wallerstein pointed out, “The overt use of force by the state-machinery to control the internal work-force, a costly and destabilizing technique, is more often the sign of its weakness than its strength.”³ This raises the question, “Is the overt use of force by a police officer a sign of weakness?” The answer seems to be an unequivocal “yes.”

Overt use of force by a police organization serves as a sign of

weakness in management, in first-line supervision, and in training. More importantly, however, it displays a weakness on the part of law enforcement to understand the fundamental issues relating to police responsibility and the use of force.

Edmund Burke’s *Reflections on the French Revolution* outlines the evolution of western civilization and the use of power and authority. Burke’s criticism of the French Revolution illustrates the impact of courtesy and respect on power. “All the pleasing illusions which made power gentle, and obedience liberal....are to be dissolved by this new conquering empire of light and reason. All the decent drapery of life is to be readily torn off.”⁴

Burke further asserted that courtesy softens power and creates an atmosphere that makes it acceptable and effective. This reveals the paradox. We often mistake courtesy as a sign of weakness, when, in fact, courtesy makes authority effective by strengthening its power.

Often, when police officers need to exert the greatest degree of power and authority, they display the least amount of courtesy. Those who are given authority must strive to be courteous if they expect to use their power effectively. Police officers who remain courteous in the face of an angry crowd, a drunken spouse, or a domestic dispute gain respect, and their power becomes highly valued. On the other hand, discourteous police conduct tends to legitimize disrespect for police authority.

In essence, courtesy signifies self-control, even in the face of disrespect. True courtesy transcends



Chief Wadman commands the Wilmington, North Carolina, Police Department.



Officer Ziman serves in the Aurora, Illinois, Police Department.

cultural differences, class distinctions, and educational variance.

The Power of Courtesy

Courtesy's effectiveness is probably more easily understood through experience than definition. In a law enforcement context, citizens simply define courtesy by how the police treat them. For the most part, citizens call the police when they are unable to handle or control a situation themselves. They then want to feel that they are an extension of the police force, that their call is the responding officers' primary concern.

Therefore, law enforcement personnel should not focus merely on responding to problems, but also on making valuable positive contacts with citizens. Generally, the public seeks two responses from officers—good service and respectful treatment. When police respond with courtesy, it strengthens in the public's mind the image of the police as a positive force.

Officers who treat citizens with respect receive respect in return. Therefore, when officers stop or arrest citizens, it is critical that they do not treat these individuals in a manner that adds to their anger, fear, or embarrassment. Simple courtesy on the part of officers softens these emotions.

Further, courtesy affects more than police relations with the community. It strikes at the very core of police power and effectiveness. A complex series of events unfolds when unfriendly contact occurs. Slighted citizens may take one of four basic avenues to vent their dissatisfaction:

- They may develop a lack of self-confidence (Because of this lack of confidence, citizens may not report crimes to the police. Instead, they may communicate their dissatisfaction to friends and associates.)

“
...courtesy and the efficient use of power are woven together in the professional police organization.
”

- They may register a complaint with the police department regarding an officer's conduct
- They may enter into a verbal confrontation on the street, created by discourteous conduct by officers
- They may physically confront the police, creating a need to implement force.

However, officers should not exercise courtesy merely to avoid possible negative consequences. Courtesy is a strategic tool, a positive force that builds confidence within the community. It also helps officers to manage effectively and efficiently the very power given to them by law. In turn, it becomes a measure of the police department's performance and effectiveness.

Police-Citizen Contact

Courtesy remains an ongoing relationship between citizens and officers. This relationship exists not for public relations purposes alone, but rather as a means to maintain government efficiency. The cumulative impact of discourtesy in dealing with the public will ultimately impair the ability of the police department to function effectively.

Every time that a police-citizen contact occurs, citizens make a subconscious assessment of the quality of that meeting. In fact, these contacts remain a critical part of citizens' perceptions and judgments about both the police department and the government.

If officers do not exhibit proper behavior during police-citizen contacts, then the quality of the meeting is mediocre and nothing is gained. However, everyone gains when the officer exercises courtesy while handling the situation.⁵ The very common thread of courtesy and proper manners gives police officers the value and power that their positions should hold.

Effects on the Department

The line connecting a citizen and a police officer is a crucial point of contact that presents the greatest opportunity for the officer to exercise courtesy. The department's image can either improve or deteriorate with each contact.

When a police officer is courteous, the citizen tends to believe that the department as a whole reacts to the public in a similar manner. How police officers treat each citizen, how they handle calls, and how they

follow-up all play a part in successful police-citizen contacts.

Courtesy and Management

To remain a viable component of a department's approach, courtesy must be supported by management. Since citizens more often voice complaints rather than compliments, police supervisors must encourage and help officers direct their attention toward the needs of the public. In turn, officers become more attentive and responsive to citizens, who then share their positive experiences with others.

Conclusion

It is difficult to grasp the extent that courtesy influences people.

However, the lack of police training in this area is also puzzling, as is the lack of management's understanding of an issue this critical to police power and effectiveness. Police leadership must encourage officers to strive for measurable results that foster positive citizen feedback.

Courtesy softens power and makes power acceptable to those who are to be influenced by it. This study confirmed that courtesy and the efficient use of power are woven together in the professional police organization. If police organizations are to remain effective in traditional policing efforts, or if they attempt to implement new community programs, the need to train and consistently evaluate the use of

courtesy by all elements of the police department becomes absolutely essential. ♦

Endnotes

¹ *The Complete Short Stories of Stephen Crane* (Charlottesville, Virginia: Press of the University of Virginia, 1969), 267.

² The research proposal was developed in conjunction with Aurora University, Aurora, Illinois. Additional information regarding this research may be obtained by writing to Stephen M. Ziman, Aurora Police Department, 350 North River Street, Aurora, Illinois 60504.

³ Immanuel Wallerstein, *Historical Capitalism* (London: Thetford Press Limited, 1984), 56.

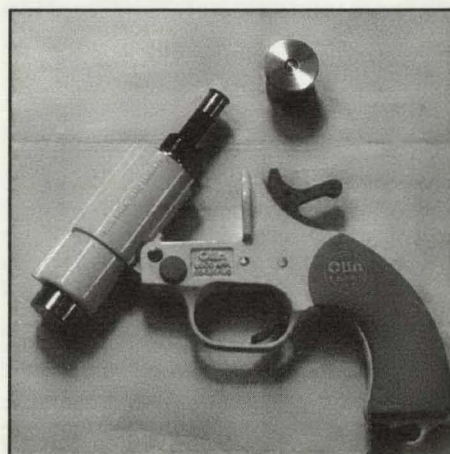
⁴ Edmund Burke, *Reflections on the Revolution in France* (Garden City, New York: Anchor Books, 1973), 90-91.

⁵ Albrecht & Zemke, *Service America* (Homewood, Illinois: Warner Books Publication, 1985), 79.

Unusual Weapon

"The Machete Stopper"

The U.S. Coast Guard and Drug Enforcement Administration caution law enforcement personnel to be aware of a stainless steel tube that can transform an ordinary flare gun into a lethal—and illegal—handgun. The conversion tube, which is advertised in some boating magazines, loads into the wide barrel of a conventional flare gun. With this type of insert in place, the gun is capable of firing either a .410 or .45 shell. As the advertisements make clear, the conversion is intended to circumvent the stringent firearm control regulations in many foreign and American ports by allowing boat owners to retain concealed firepower after surrendering conventional weapons to authorities.





Book Review

Automated Crime Information Systems
by J. Van Duyn, TAB Professional and
Reference Books, Blue Ridge Summit, Penn-
sylvania, 1991, (717) 794-2191.

Automated Crime Information Systems provides readers with excellent insight into the criminal identification processes and filing capabilities available to support law enforcement agencies. The book explains the differences between the various national, regional, and State systems that make up such a vital component of modern policing.

The first part of *Information Systems* discusses the vast amount of data available within these automated systems and points out that despite the quantity of material stored, this information can still generally be accessed in a most timely manner. This part of the book should be of particular assistance in helping line police officers, court personnel, prosecutors, and probation officers understand the wide range of options available to them.

As an introduction, the first three chapters of the book discuss the three national automated information systems—NCIC, the Automated Identification System (AIS), and the Interstate Identification Index (III). While here, as in following chapters, the presentation tends to muddle the distinct features of each system, the overall discussion provides a comprehensive and valuable overview of their capabilities.

Chapter 4, "Automated Fingerprint Identification System (AFIS)," discusses the automation of fingerprint comparison/

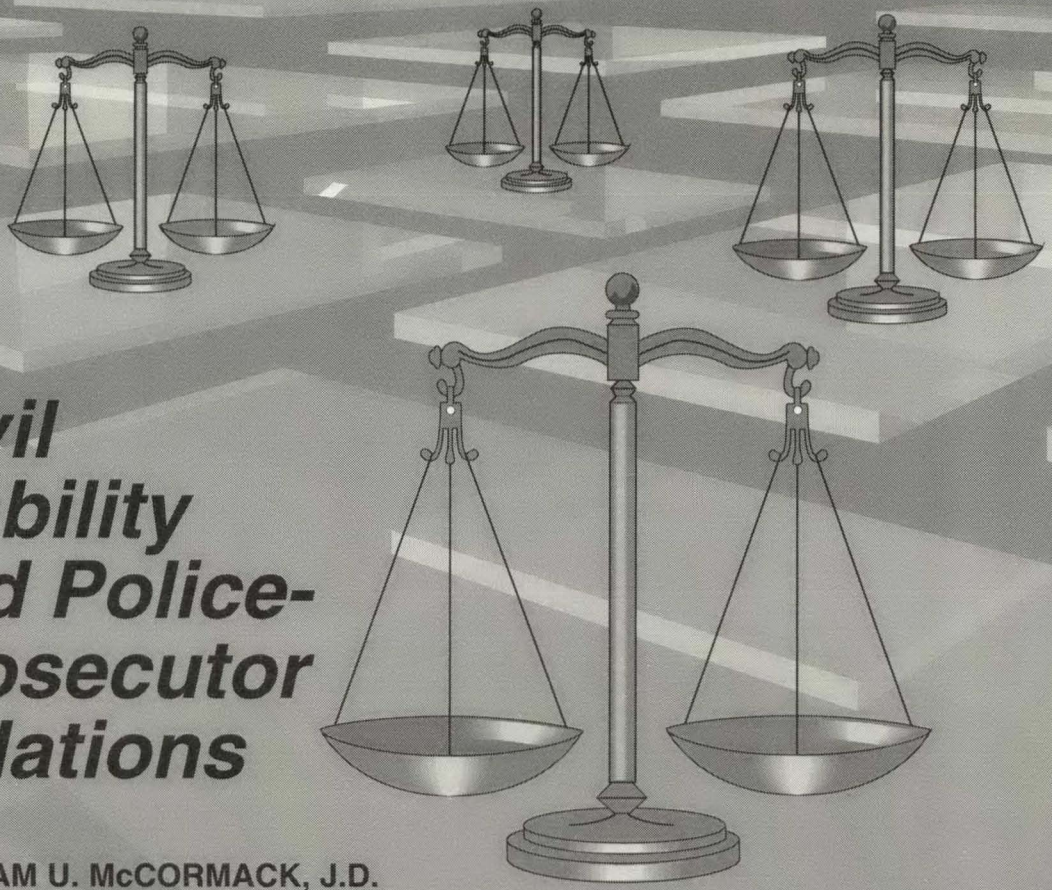
matching and identification techniques. It leads the reader through the evolution of the Henry classification and manual matching processes to the automated techniques now used to perform the same functions.

The second part of the book provides an excellent summary of the security aspects employed by law enforcement agencies. The detailed discussion makes this portion of the book valuable reading for law enforcement administrators.

Individual chapters cover such areas as criminal justice information systems and law enforcement telecommunications systems (chapter 5) and intellect investigations systems, united crime alert network, computer-aided dispatch and software applications (chapter 6). Chapter 7 addresses the dilemma of preserving privacy and dignity while using these automated information systems to their full potential.

Automated Crime Information Systems provides a brief (128 page), yet broadbased, overview of crime information databases and their importance to the modern criminal justice system. The discussion reflects a profound understanding of these diverse systems and makes for valuable reading.

Reviewed by
Richard B. McCord
Management and Software Support Unit
Identification Division
Federal Bureau of Investigation
Washington, DC



Civil Liability and Police-Prosecutor Relations

By
WILLIAM U. McCORMACK, J.D.

Effective law enforcement in any jurisdiction depends, in large part, on good relationships and cooperation between law enforcement officers and their prosecutors. Essential to well-functioning police-prosecutor relationships are open communication and the early participation of a prosecutor in many criminal cases. However, unnecessary civil liability concerns on the part of the prosecutor can inhibit the extent of this vital cooperation.

This article discusses recent cases that delineate the immunities from civil lawsuits alleging constitutional violations accorded to prosecutors and law enforcement

officers. First, the article analyzes the Supreme Court's decision in *Burns v. Reed*¹ and a prosecutor's immunity for giving advice to the police. Next, it reviews the doctrine of qualified immunity from civil lawsuits applicable to law enforcement officers and prosecutors and concludes that responsible prosecutors need not fear personal liability as a result of the *Burns* decision. Finally, the article stresses that even though prosecutors may lack absolute immunity from suit, they should confidently continue to advise police, and in appropriate circumstances, to become involved in the investigative process.

Types of Immunity

In establishing the extent of personal liability for government employees who violate the U.S. Constitution, the Supreme Court has engaged in a balancing of interests. On the one hand, the Court has ruled that government employees, such as prosecutors and law enforcement officers, should be encouraged to conform their actions to the Constitution by allowing them to be personally sued for constitutional violations under 42 U.S.C. 1983² and *Bivens v. Six Unknown Federal Narcotics Agents*.³ On the other hand, the Court has recognized that government employment places a person in a special position

that invites lawsuits. This, in turn, can distract officials from their governmental duties, inhibit discretionary action, and deter able people from public service.⁴

With these competing interests in mind, the Supreme Court has developed two types of immunity—absolute immunity and qualified immunity—for law enforcement officials who are sued for alleged constitutional violations. Absolute immunity pertains to judicial⁵ and prosecutorial functions⁶; qualified immunity applies to law enforcement investigatory functions.⁷

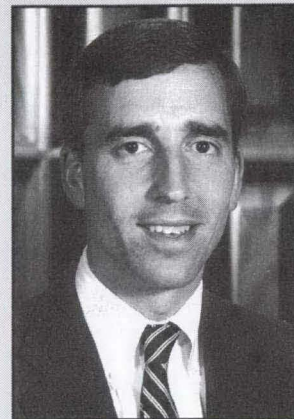
Providing Advice to Police

In *Burns v. Reed*, the Supreme Court decided that a prosecutor giving advice to police in the course of an ongoing investigation is entitled to only qualified immunity from a lawsuit alleging a constitutional violation. While the Court thus cleared up a disputed issue concerning immunity, it also increased the concerns of prosecutors about their roles in assisting police during the investigatory phase of a case.

Burns arose out of an investigation of a shooting of two young boys in Indiana. Police focused on the boys' mother as their prime suspect. The mother, however, passed a polygraph examination and a voice stress test, submitted exculpatory handwriting samples, and repeatedly denied shooting her sons. Finally, the police decided to interview her under hypnosis, believing she may have had multiple personalities.

However, because the police did not know whether an hypnotic interview was an accepted investigative technique in Indiana, they called the chief deputy prosecutor.

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Special Agent McCormack is a legal instructor at the FBI Academy.

The deputy prosecutor told police that if the hypnotic interview was their last available avenue, they could conduct it.

The police believed the mother made incriminating remarks about the shooting during the hypnotic interview. They then met with the prosecutor to relate her statements and to ask if he thought they had probable cause to arrest her. Once the prosecutor replied that they “probably had probable cause,”⁸ police arrested the mother and later searched her house pursuant to a warrant.

After the mother spent 4 months in a psychiatric ward awaiting trial, the prosecution dropped the charges when a court suppressed her statements made during the hypnotic interview. She then sued the police and the prosecutor under 42 U.S.C. 1983 alleging various constitutional violations. The police settled the case against them for \$250,000. However, the lower courts eventually granted absolute immunity to the prosecutor, who refused to settle, for all of his activities in the case.⁹

The Supreme Court reversed, in part, the rulings of the lower courts and held that the prosecutor was entitled to only qualified immunity for providing legal advice to the police.¹⁰ At the same time, the Court reaffirmed that prosecutors are absolutely immune from lawsuits alleging constitutional violations when they conduct a prosecutorial function that is intimately associated with a judicial phase of the criminal process.¹¹

The Court ruled, therefore, that the prosecutor was entitled to absolute immunity for participating in the probable cause hearing before a magistrate, in which the police obtained the search warrant for the mother's house.¹² However, the Court determined that providing advice to police is not an activity closely associated with the judicial process, and as such, the prosecutor should only be accorded a qualified immunity. The Court noted that if prosecutors were afforded absolute immunity for giving legal advice to police, it would be ironic that police who do not ordinarily hold law

degrees would be liable for not knowing clearly established law while prosecutors would not.¹³

The Qualified Immunity Protection

One of the reasons given in *Burns* for denying absolute immunity to prosecutors who give advice to police was the broad protection qualified immunity provides from lawsuits alleging constitutional violations. The Court noted, " 'As the qualified immunity defense has evolved, it provides ample support to all but the plainly incompetent or those who knowingly violate the law.' " ¹⁴

A court uses three steps to determine qualified immunity and whether a lawsuit alleging a constitutional violation should be dismissed prior to trial. First, the court must determine whether the plaintiff even stated a constitutional violation in the complaint. Second, the court must determine whether the constitutional right allegedly violated was clearly established at the time the activity occurred. Third, the court must determine whether a reasonable law enforcement official could have believed that the actions of the prosecutor or police officer sued were lawful in light of the clearly established law and the facts known to the prosecutor or officer when the alleged unconstitutional actions occurred.

Allegations of Constitutional Violations

In recent years, the Supreme Court has viewed narrowly the types of governmental activity that gives rise to a lawsuit based on a constitutional violation. In particular, the Court has clarified that the

Due Process Clause of the 5th and 14th amendments does not supplant traditional tort law in laying down rules of conduct to regulate liability for injuries that attend living together in society.¹⁵ For example, a section 1983 or *Bivens* lawsuit based on an allegation that a prosecutor or a law enforcement officer committed an act amounting to common law negligence¹⁶ or defamation¹⁷ will be dismissed because such conduct does not constitute a constitutional violation.

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The Supreme Court has instructed lower courts that the first step in determining qualified immunity is to decide whether the plaintiff alleges a constitutional violation at all.¹⁸ Thus, attorneys representing law enforcement officials and prosecutors should be wary of attempts by plaintiffs to fashion common law defamation or negligence claims into an alleged constitutional violation.

Clearly Established Rights

Even if a plaintiff clears the first hurdle and alleges an injury of constitutional significance, courts must determine whether the violation was clearly established at the time the

action occurred.¹⁹ In this regard, the Supreme Court and lower courts have set down clear rules in many areas of criminal procedure and constitutionally based employment rights. Nevertheless, many areas still remain unclear because the courts have not set forth clear guidelines or rules. If a prosecutor or law enforcement official engages in investigative or managerial activity in one of these unclear areas, and a civil suit alleging a constitutional violation results, the court will dismiss the case, because the right alleged to have been violated was not clearly established.

An example is *Tarantino v. Baker*,²⁰ a case involving the concept of business curtilage decided by the U.S. Circuit Court of Appeals for the Fourth Circuit. In *Tarantino*, the plaintiff alleged that a detective for the sheriff's department illegally walked up to the defendant's business, an abandoned general store in a rural area, and peered through a crack in the wall of the store to view marijuana growing inside.

After the evidence was suppressed in the criminal case, the plaintiff brought a lawsuit under 42 U.S.C. 1983 alleging a fourth amendment violation by the detective. The fourth circuit ruled that the law concerning whether the plaintiff had a reasonable expectation of privacy in the area where the detective walked without a warrant was unclear, and thus, granted qualified immunity.

In determining whether the law allegedly violated was clearly established, courts will review both Supreme Court and lower court case law that existed at the time the alleged constitutional violation occurred.²¹ The court determining

qualified immunity essentially takes a snapshot of the law at the time the activity occurred. Only rights that were clearly established clear the second qualified immunity hurdle.²²

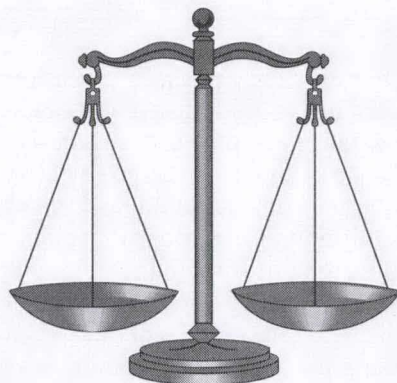
Facts Known to Officers

The third step in determining the availability of qualified immunity is for the court to review the facts known to the prosecutor or officer at the time the alleged constitutional violation occurred. The court must then decide whether a reasonable prosecutor or officer could have believed that the actions were lawful in light of clearly established law and the facts known to the officer or prosecutor.

A good illustration of this third step is *Hunter v. Bryant*,²³ in which the Supreme Court granted qualified immunity to law enforcement officers making a warrantless arrest. In *Hunter*, Secret Service agents were advised that the plaintiff had given a photocopied, handwritten rambling letter to personnel at the University of Southern California. The letter referred to an undisclosed person as "Mr. Image," who was described as "Communist white men within the National Council of Churches," and stated that "Mr. Image" was planning to assassinate President Reagan on an upcoming trip to West Germany.

The Secret Service agents went to the plaintiff's home and found the original of the letter, but the plaintiff refused to identify "Mr. Image." The agents then decided to make a warrantless arrest of the plaintiff for threatening the President.

After the criminal case was dropped, the plaintiff sued the agents under *Bivens*, alleging a con-



stitutional violation. The U.S. Circuit Court of Appeals for the Ninth Circuit denied qualified immunity to the agents, but the Supreme Court reversed.

The Supreme Court held that the agents were entitled to qualified immunity, even if their decision to arrest the plaintiff was mistaken. The Court stated that qualified immunity includes a determination whether a reasonable officer could have believed the activity to be lawful in light of clearly established law and the information the officers possessed.²⁴

The Court concluded the ninth circuit's denial of qualified immunity was wrong because it would routinely place the question of immunity in the hands of the jury and that immunity should be decided by a court long before trial.²⁵ The Supreme Court held that the qualified immunity determination in this case should be based on whether a reasonable officer could have believed that probable cause existed and that the agents' decision to arrest the plaintiff was reasonable even if mistaken.²⁶

In most civil suits, it is recommended that the prosecutor or officer sued attach affidavits or other statements to their motions asserting qualified immunity. Such information provides the court with

the facts known to the government official, which can establish a basis for the court to rule on this third step in the qualified immunity determination.

Effectiveness of Qualified Immunity in Preventing Liability

The three steps in a qualified immunity determination provide extremely wide protection from civil suits alleging constitutional violations. As stated by one court:

"The grant of qualified immunity to government officials ensures that these officials can perform their duties free from the specter of endless and debilitating lawsuits...Without such immunity, the operations of the government would be immobilized. [P]ermitting damage suits can entail substantial social costs, including the risk that fear of personal monetary liability and harassing litigation will unduly inhibit officials in the discharge of their duties."²⁷

Qualified immunity thus serves an important function in discouraging an unrealistic and unnecessary fear of lawsuits. As such, it should also serve to prevent police and prosecutors from becoming intent on escaping liability to the cumulative detriment of those duties which communities depend on them to perform.²⁸

Immunity and Police-Prosecutor Relations

Even though the Supreme Court opened the door to increased civil liability exposure by denying prosecutors absolute immunity when they give advice to police, the

protection provided by qualified immunity is broad. Thus, prosecutors should not be reluctant to provide responsible assistance to police because of a fear of personal liability for constitutional violations.

However, the Supreme Court in *Burns* cautioned that a prosecutor's assistance to police might result in personal liability if it is clearly irresponsible and uninformed. As the Court noted: "[W]here an official could be expected to know that his conduct would violate statutory or constitutional rights, he should be made to hesitate."²⁹

Conclusion

In light of *Burns*, police-prosecutor relations need not be substantially affected by the threat of liability when prosecutors advise the police or even participate in an interview or other investigative activity. Although absolute immunity from suit will generally not be available, the prosecutor is entitled to qualified immunity.

Courts determine qualified immunity, like absolute immunity, at the outset of the litigation and allow an immediate appeal of an erroneous decision by the trial court. When deciding a qualified immunity issue, courts use a three-step analysis: 1) Whether a constitutional violation has been alleged; 2) whether the alleged violation was clearly established at the time the action occurred; and 3) whether a reasonable government official could have believed the activity lawful in light of the facts known to the official.

When qualified immunity is quickly and forcefully pursued by counsel representing a prosecutor or officer, it will dispose of all lawsuits

alleging constitutional violations early in the litigation, even before discovery, except where there is a clear violation of constitutional law. Although not as complete as absolute immunity, qualified immunity does provide broad protection so that prosecutors can confidently fulfill their important function of advising police and maintaining open lines of communication without a crippling fear of personal liability. ♦

Endnotes

¹ 111 S.Ct. 1934 (1991).

² See, e.g., *Monroe v. Pape*, 365 U.S. 167 (1961).

³ 403 U.S. 388 (1971).

⁴ *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985).

⁵ *Mireles v. Waco*, 112 S.Ct. 786 (1991) (Judge given absolute immunity when conducting a judicial function, even in the face of an allegation that the judge ordered police to forcibly and with excessive force seize and bring a public defender to his courtroom for a judicial hearing).

⁶ *Imbler v. Pachtman*, 424 U.S. 409 (1976). In *Briscoe v. Lahue*, 460 U.S. 325 (1983), police were accorded absolute immunity for testimony in a criminal trial.

⁷ *Anderson v. Creighton*, 483 U.S. 635 (1987) and *Malley v. Briggs*, 475 U.S. 335 (1986). For an excellent discussion of *Anderson v. Creighton* and *Malley v. Briggs*, see Schofield, "Personnel Liability, The Qualified Immunity Defense," FBI Law Enforcement Bulletin, vol. 59, No. 3, March 1990.

⁸ *Burns*, 111 S.Ct. at 1937.

⁹ *Burns v. Reed*, 894 F.2d 949, 952 (7th Cir. 1990).

¹⁰ *Burns*, 111 S.Ct. at 1944-1945.

¹¹ *Id.* at 1942.

¹² *Id.* Lower courts have seemingly differed in determining the line between judicial-type activity by a prosecutor and investigative-type activity. Compare *Joseph v. Patterson*, 759 F.2d 549 (6th Cir. 1986) (Interrogation and the preparation of an application for a search warrant by a prosecutor fell within a "gray area" and a factual inquiry was necessary to determine whether the activity was conducted in furtherance of the decision to prosecute, in which case absolute immunity was appropriate)

and *Pachaly v. City of Lynchburg*, 897 F.2d 723 (4th Cir. 1990) (Prosecutor's participation in a post-indictment search fell within the bounds of the prosecutor's public duty to prepare a complete prosecution. Thus, absolute immunity was granted to the prosecutor.)

¹³ *Id.* at 1944.

¹⁴ *Id.* at 1944 (quoting *Malley v. Briggs*, 475 U.S. at 341).

¹⁵ *Collins v. City of Harker Heights, Tex.*, 112 S.Ct. 1061 (1992) (A city could not be held liable under the Due Process Clause for allegedly failing to warn and train its employees concerning the dangers of working in sewers.)

¹⁶ *Daniels v. Williams*, 474 U.S. 327 (1986) (A prison official negligently leaving a pillow case on a set of stairs in a prison did not give rise to due process violation).

¹⁷ *Siegert v. Gilley*, 111 S.Ct. 1789 (1991) (Former Government employee's claim that he was deprived of his liberty interests without due process when his former supervisor provided adverse information to another employer did not state a constitutional violation because the employee voluntarily resigned from his former employment).

¹⁸ *Id.* at 1793.

¹⁹ See *Anderson v. Creighton*, 483 U.S. 635 (1987) and *Harlow v. Fitzgerald*, 457 U.S. 800 (1982).

²⁰ 825 F.2d 772 (4th Cir. 1987).

²¹ *Anderson v. Creighton*, 483 U.S. at 640.

²² See, e.g., *Borucki v. Ryan*, 827 F.2d 836 (1st Cir. 1987) (District attorney's dissemination to press of information from a suspect's psychiatric report did not violate clearly established right of privacy as of day of press conference).

²³ 112 S.Ct. 534 (1991).

²⁴ *Id.* at 536.

²⁵ *Id.* at 537.

²⁶ *Id.* at 537.

²⁷ *Torchinsky v. Siwinski*, 942 F.2d 257, 260-261 (4th Cir. 1991).

²⁸ *Gooden v. Howard County, MD*, 954 F.2d 960, 967 (4th Cir. 1992).

²⁹ *Burns*, 111 S.Ct. at 1944 (quoting *Harlow*, 457 U.S. at 819).

Law enforcement officers of other than Federal jurisdiction who are interested in this article should consult their legal advisor. Some police procedures ruled permissible under Federal constitutional law are of questionable legality under State law or are not permitted at all.

The Bulletin Notes

Law enforcement officers are challenged daily in the performance of their duties; they face each challenge freely and unselfishly while answering the call to duty. In certain instances, their actions warrant special attention from their respective departments. The *Bulletin* also wants to recognize their exemplary service to the law enforcement profession.



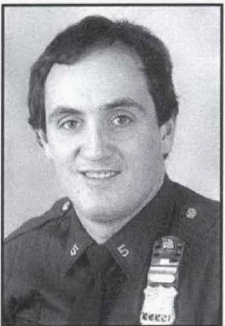
Officer Alvarado

When Officer Tom Alvarado of the Garland, Texas, Police Department responded to the report of a residential fire, he was informed by a frantic mother that her four children were still inside the house. Officer Alvarado entered the residence and felt his way through the darkened hallways until he found the unconscious children huddled in a closet. He pulled them out one by one and passed them out a window to other officers who had arrived at the scene. Officer Alvarado then joined the other officers in performing CPR on the children, who were transported to an area hospital, treated for smoke inhalation and burns, and subsequently released.

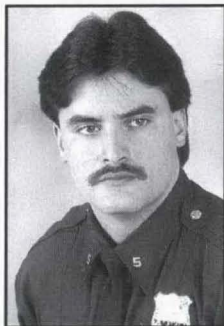


Officer Meola

Officer Michael Meola of the Elizabeth, New Jersey, Police Department overheard an emergency radio transmission describing a vehicle accident with injuries. Upon arriving at the scene, Officer Meola observed that the driver of a truck involved in the accident was unconscious and slumped over the gearshift handle. After notifying emergency medical units, Officer Meola entered the cab and found that the victim stopped breathing and showed no pulse. The officer quickly detangled the driver from his safetybelt, carried the man to the ground, and began administering CPR. After several minutes, the victim began to breathe on his own and was subsequently transported to a local hospital where he received additional treatment.



Officer Meyers



Officer Cassidy

Officers Donald Meyers and Robert Cassidy of the Suffolk County Police Department, Long Island, New York, responded to the report of a domestic dispute. As they approached the residence, a woman informed them that her infant child remained in the house with her intoxicated boyfriend. Upon entering the residence, they confronted the distraught man, who was holding the infant and carrying a shotgun. Because of the potential danger to the child, the officers held their fire and retreated back outside, while attempting to calm the subject. The man followed them outside and began firing indiscriminately into the air and at the officers, who took cover behind their police vehicles. The man suddenly dropped his weapon, and while continuing to clutch the infant in one hand, smashed the windshields of the vehicles with his other hand. Officers Meyers and Cassidy then approached the subject, subdued him, and carried the child to safety.

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The *Bulletin* is looking for a variety of colorful and distinctive patches from law enforcement agencies around the United States and the world. Please send your patch and a brief heraldry to the Assistant Art Director, *FBI Law Enforcement Bulletin*, Room 7262, 10th and Pennsylvania Ave., NW, Washington, DC 20535.