

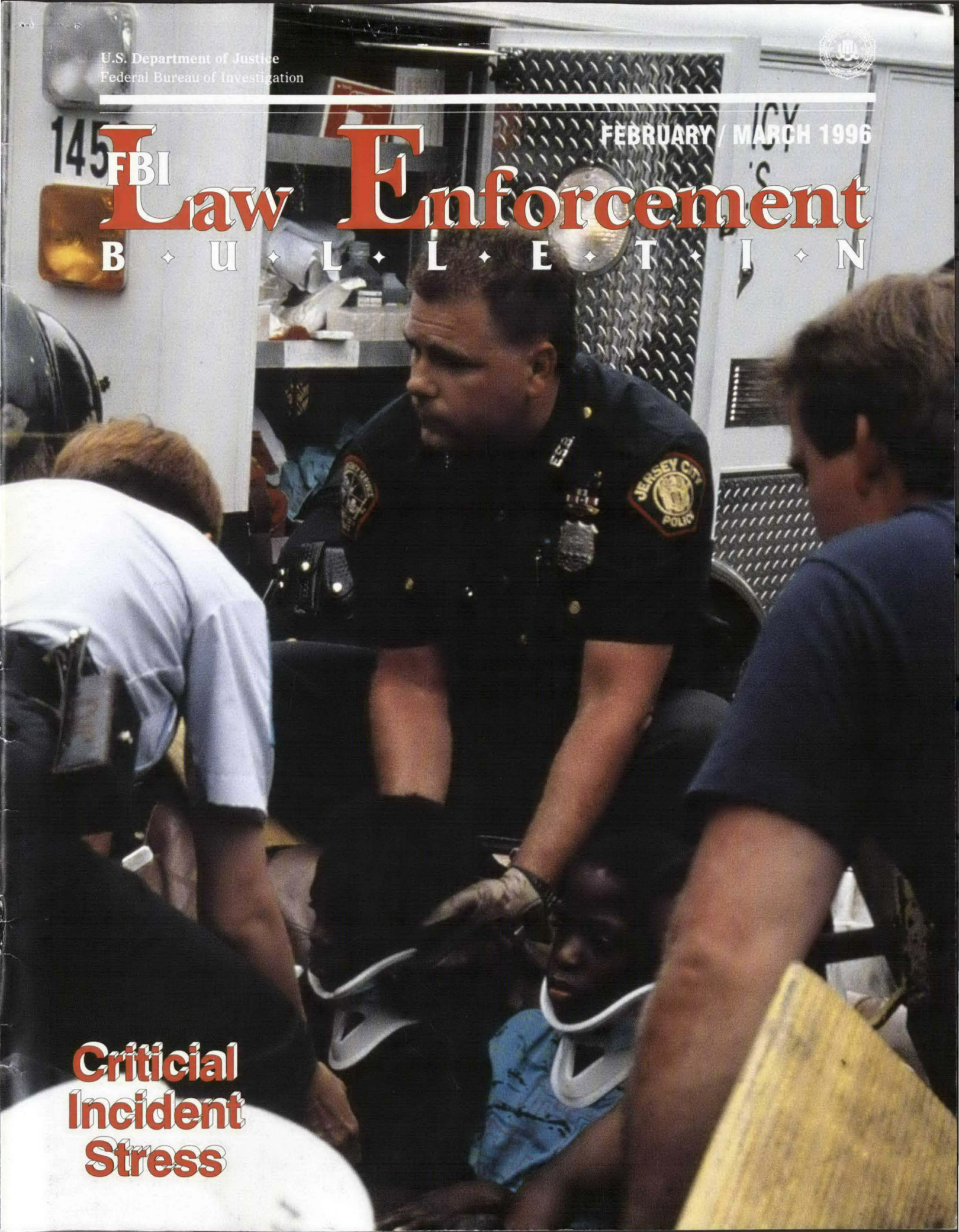
U.S. Department of Justice
Federal Bureau of Investigation



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FBI Law Enforcement

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**Critical
Incident
Stress**

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Washington, DC 20535

Louis J. Freeh
Director

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FBI Law Enforcement

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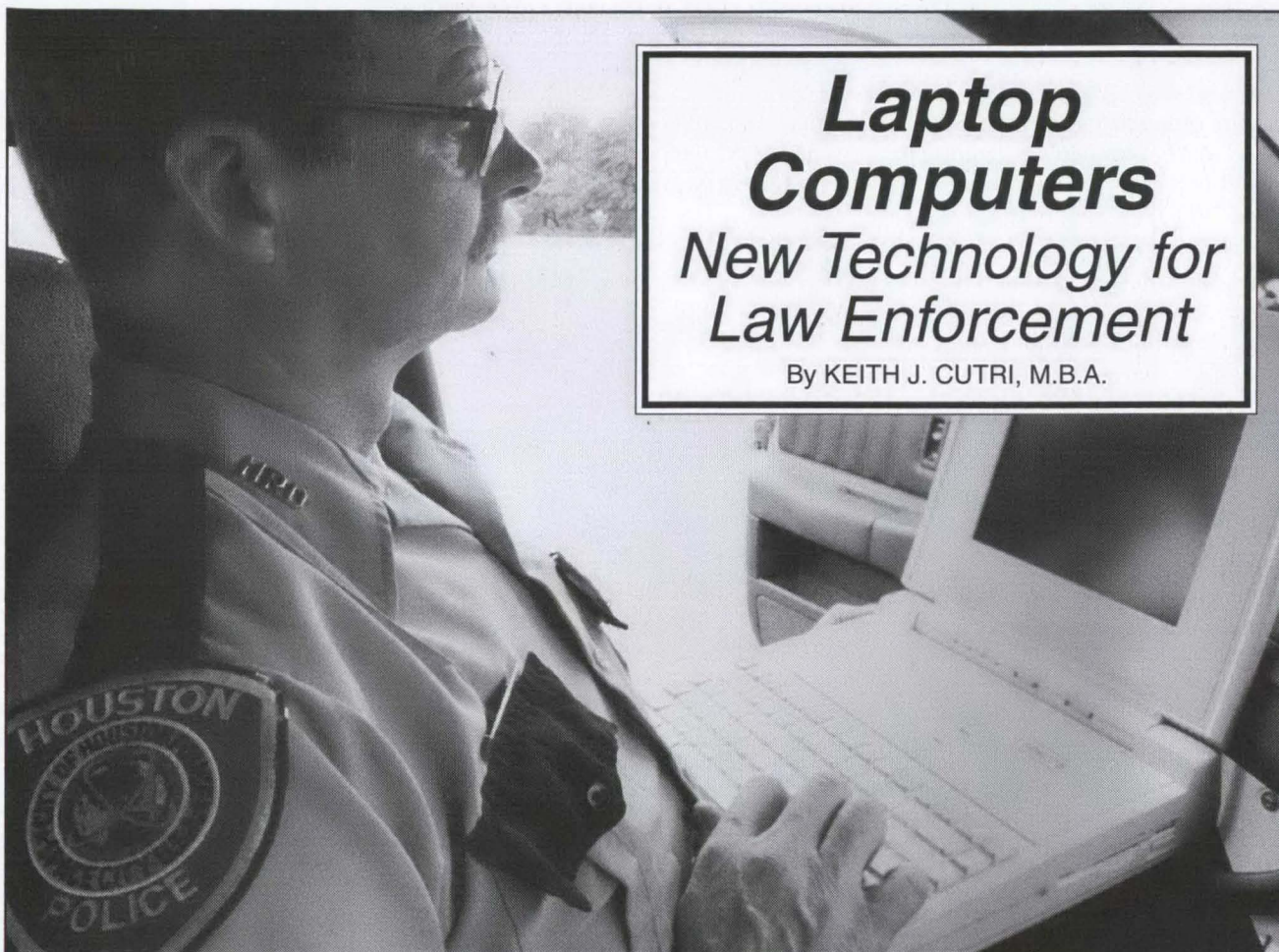
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The production schedule of the *FBI Law Enforcement Bulletin* has been delayed by the recent Federal Government shutdown. To avoid any further disruption to the delivery schedule of the magazine, the February and March 1996 issues have been combined into one expanded edition.



Laptop Computers

New Technology for Law Enforcement

By KEITH J. CUTRI, M.B.A.

A fire breaks out at an abandoned warehouse. A few blocks away, two motorists collide at an intersection. Across town, a citizen calls police to complain about a neighbor's barking dog. Responding officers most likely will handle each incident relatively quickly, but more work lies ahead. After all, no job is finished until the paperwork is done.

Law enforcement officers would agree that they spend a large percentage of their time doing paperwork. In fact, they may feel that the inordinate amount of time spent writing arrest reports, depositions, accident reports, and similar

documents leaves little time to accomplish any "real" police work.

Laptop computers can change how officers complete this paperwork, decreasing the time they spend in the office, while increasing the time they spend on patrol. This article discusses how law enforcement agencies can use laptop computers to simplify their work and more effectively serve their communities.

BACKGROUND

Computer technology has undergone tremendous change over the past several years. Growing consumer knowledge and demand

have led to the creation of industry standards and to extensive research and development. As a result, the personal computer¹ (PC) has become smaller, faster, and less expensive.

In addition, almost all newer PCs use windows-based mouse controls, instead of keyboard commands, to run compatible software. These "point and click" and "drop and drag" technologies make computers much easier to use than the older command-based operating systems.

One of the most significant developments in the computer industry has been the emergence of the

laptop, or notebook, computer. With the screen folded down, laptops not only resemble the notebooks for which they are named, but they also are as easy to carry. Though smaller and lighter than desktop computers, laptops, for the most part, offer the same computing power and disk storage. Moreover, unlike their bulky counterparts, laptops are extremely mobile.

Because laptop computers are designed specifically for portability, law enforcement officers can take them anywhere—from roll call to their patrol cars then to a crime scene or a complainant's location. When connected to cellular phone-based systems, laptops can send and receive data to and from remote sites. These features, coupled with the availability of various software packages on the market today, provide tremendous opportunities to reduce the time that law enforcement

officers spend each day completing paperwork and obtaining critical reference information.

REDUCING TIME SPENT ON PAPERWORK

Forms-Based Software

One way laptop computers simplify paperwork is with forms-based software, which allows law enforcement agencies to automate their forms and reports. These software packages usually perform two basic functions: They allow users to enter data and print it on preprinted forms and also to create new forms and print them on plain paper.

Many law enforcement agencies use preprinted forms for reports. Using forms-based software, officers can bring up arrest reports or other forms on their laptop computer screens and enter the appropriate information into the proper spaces, or

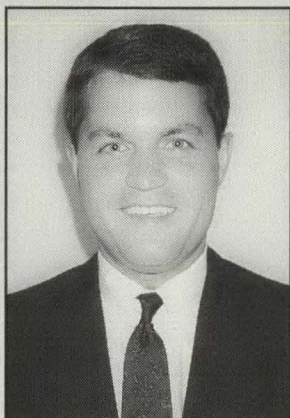
fields, on the form. Striking the tab key on the laptop's keyboard typically moves the cursor from one field to another within the form. Officers can correct mistakes quickly and easily by backspacing or tabbing forward before printing the document. With this method, they can turn in flawless paperwork without the telltale white marks of liquid correction fluid.

In addition, most of the software packages enable users to access tables or help functions by creating "hot keys." Often linked to the keyboard's top row of function keys, hot keys allow the user to retrieve indexes of detailed codes during data entry without having to exit the document. For example, if a field on a report requires a location code, officers can press a hot key to access a list of the agency's codes and select the correct one. Though software systems vary, most automatically insert the chosen code directly into the appropriate field, then remove the list from the screen.

Printing Options

After entering the required information, officers can print their reports on a preprinted form loaded into a dot matrix, inkjet, or laserjet printer. For preprinted carbons, each page of the form must be fed individually into inkjet and laserjet printers, although dot matrix printers usually can print through most carbon forms just as a typewriter would.

Law enforcement agencies can use several printing options. First, with a printer located at the station, officers simply can plug their laptops into the printer² and, using



Mr. Cutri, a computer network consultant, also serves part-time as a road patrol deputy for the Ontario County Sheriff's Office in Canandaigua, New York.

“...with laptop computers in patrol vehicles, officers can query the motor vehicle database before leaving their patrol cars and approaching potential suspects.”

the laptop, give the command to print. If the department already has a PC connected to the printer, then officers can copy their reports onto a diskette, take the diskette from their laptops to the PC at the station, and use that PC to print. Using a battery-powered, portable laptop printer, officers also can print reports from their laptops in the field. Finally, by connecting the laptop to a cellular phone system via a specialized modem, officers can send the reports from their cars to a fax machine or printserver³ at the station or any other remote location.

Data Transfer

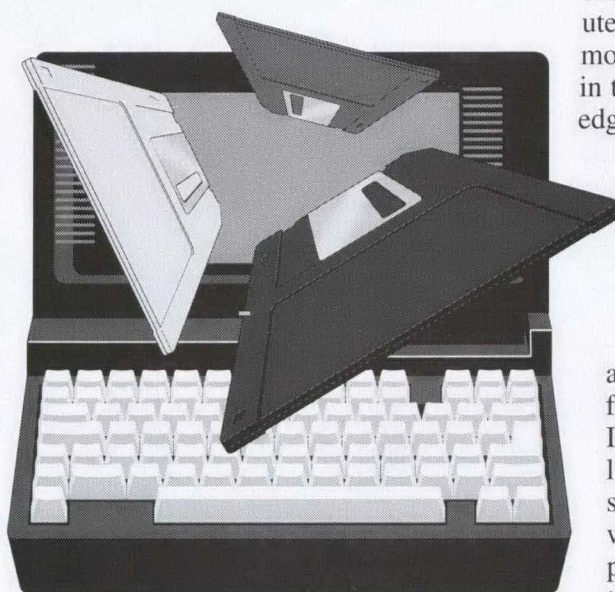
Cellular technology also allows electronic mail and file transfer capabilities. As a result, officers can send their written reports electronically to records administration personnel.

Officers without access to cellular technology can use "sneaker-net." That is, they can hand-carry their diskettes to administrative personnel. Thus, laptops also are time-saving devices for administrative personnel, who no longer have to type information into their processing systems from written reports.

SIMPLIFYING RESEARCH METHODS

Officers in the field also can use laptop computers to access the information they need to complete their paperwork. For example, some

publishers of reference material on legal issues now provide electronic databases on diskette, which include packaged, or bundled, software for indexing and retrieving legal statutes and criminal elements of State laws. These software packages allow law enforcement officers to type in a key word or phrase on their laptop computers to retrieve the full text of the law.



One company offers the entire New York State Penal Law on diskette. When the software is installed on a laptop, officers can retrieve any statute contained in the database simply by typing in a key word, such as "assault," "firearms," "deadly weapon," or "physical force." The New York State Vehicle and Traffic Law also is available, with the same search and retrieval capabilities as the penal law software. The ability to access this information quickly may save considerable time when processing arrests.

By simplifying research methods, these software packages also might improve the quality of recruit training at law enforcement academies. Recruits usually receive the State law books with instructions to read them from cover to cover. However, to save time, they often read only the required statutes, skim over others, and skip many entirely. With the right equipment and software, recruits can access statutes easily, allowing them to study more information in detail. This, in turn, can increase their knowledge of the law.

ACCESSING THE INFORMATION SUPERHIGHWAY

Laptop computers also may be used to access the wide range of information available from on-line law enforcement libraries on the Internet. In addition, specific law enforcement newsgroups sponsor electronic conferences where individuals can participate in written discussions from their computers.

Telecommunication vendors provide dialup access to the Internet for the price of a long-distance telephone call. Specialized vendors provide monthly membership rates for access to their electronic libraries, bulletin board systems, and Internet service. All of these services can be accessed from an office-based laptop using a standard modem,⁴ telephone line, and telephone jack or from remote locations using cellular technology.

Many laptops come equipped with optional PCMCIA⁵ fax/modem

Laptop Features and Options

Agencies interested in purchasing laptop computers should look for systems that meet their computing needs. The features and options described below are offered as a guide only; they vary according to price and change as computer technology evolves. Laptop prices currently range from \$1,500 to over \$4,500.

Features

Processor Speeds

- Vary from 30 Mhz to over 100 Mhz
- Microprocessor: 486, Pentium, and others

Random Access Memory

- Available in 4, 8, 16, 20 and above Mb

Hard Disk Drive

- Ranges from 200 Mb to over 1.2 Gigabytes

Diskette

- 3.5 inches, 1.44 Mb of storage

Communication Ports

- Parallel - Printer port
- Serial - Fax/modem port

Monitor

- Color versus monochrome

Screen Size

- 7.8 inches to 11.3 inches diagonal

Mouse

- Built-in right-handed, center, button-style, or pressure-sensitive pointing device; external traditional-style mouse

Warranty

- Choice of 1-year, 3-year, or extended

Battery Life

- Charge varies from 1 hour to 4 hours per battery, single or dual batteries available

Options

Communication Ports

- PCMCIA - Optional port for PCMCIA cards

Fax/Modem

- Operates using a PCMCIA card that slides into the laptop's PCMCIA slot or an external device that plugs into the serial port

Cellular Capability

- Allows data transmission between patrol vehicles and remote locations. Operates using a PCMCIA card that slides into the laptop's PCMCIA slot or an external device that plugs into the serial port

Network Connectivity

- Allows different computer systems to "talk" to one another. Hardware and software available from various vendors

cards, which provide standard modem functions and optional fax capability. About the size of a credit card, these cards slide into a specially designed slot in the laptop. For laptops without such slots, an external modem can be plugged into the computer's serial port.⁶

USING LAPTOPS IN PATROL VEHICLES

Laptops also can be mounted directly into patrol vehicles. Cellular technology can link the car electronically to the agency's dispatch and vehicle registration systems, as well as other computerized databases. This feature allows officers to perform a variety of tasks without leaving their vehicles. For example, they can retrieve mug shot and fingerprint files, conduct warrant checks, access detailed street address information systems, and communicate with other officers.

One of the primary advantages of using a laptop in the patrol vehicle is officer safety. When making a traffic stop, a police officer usually pulls over a vehicle and calls in the license plate number and location. While the dispatcher runs a records check, the officer approaches the vehicle. By the time the dispatcher obtains the results, it may be too late to warn the officer that the vehicle has been reported stolen or the driver is wanted.

By contrast, with laptop computers in patrol vehicles, officers can query the motor vehicle database before leaving their patrol cars and approaching potential suspects. With this method, officers are more likely to know in advance if they are dealing with a felony stop and can request backup before confronting

the occupants of the vehicle. Of course, officers always must exercise caution when making traffic stops, even with direct access to records information.

ADDRESSING LAPTOP LEGAL ISSUES

The law requires that law enforcement officers respect citizens' reasonable expectation of privacy rights. This means that the probable cause doctrine extends to using laptops in patrol vehicles. The following scenario illustrates the dilemma this technology presents:

An officer driving behind a vehicle decides to run a check on the vehicle's registration for no apparent reason. The system returns a current suspension on the registered owner's driver's license. The officer stops the vehicle and discovers that the owner's son is driving the vehicle and that he possesses cocaine. The officer arrests the son for criminal possession of a controlled substance and tows the vehicle. In court a few months later, the defense attorney cross-examines the officer and demands to know what the probable cause was for stopping the vehicle.

Did the officer have probable cause for running the computer check in the first place? Such questions will pose interesting court challenges as more law enforcement agencies implement laptop technology.

CONCLUSION

Since their introduction nearly six years ago, laptops have matured to the point where they offer

excellent portability, power, disk storage, and data communications capabilities for law enforcement agencies. Although laptop systems can be expensive, prices will continue to decrease as technology evolves. More important, law enforcement agencies implementing laptop technology likely will discover that they recoup their initial investment quickly in terms of more efficient and effective employees.

The solution to the Nation's rising crime problem may not be putting more officers on the street. Instead, one answer may lie under piles of paperwork in the office. Law enforcement administrators need to help officers work smarter, not harder. Laptop computers represent an area of technology that administrators can implement now to allow officers to perform the duties for which they were hired: To protect and to serve. ♦

Endnotes

¹For purposes of this article, the author uses "PC" to refer to both the Intel-based personal computer and the Macintosh system.

²Laptops interface with printers via a cable that attaches from connections known as ports. Most printers have parallel ports, so named because they transfer data all at once, or in parallel. Thus, a printer with a parallel port would connect to the laptop's parallel port.

³Remote printing cannot occur unless the printer is networked to a PC, known as a printserver, which receives the data from the laptop and relays the command to print.

⁴A modem converts data to a form that can be transmitted via phone lines to other computers.

⁵PCMCIA stands for Personal Computer Memory Card International Association, which sets the standards for cards that provide fax/modem capabilities, memory, sound, network, and other functions. The cards fit into special slots in computer processing units.

⁶Modems and the telephone lines encode data and transmit it, one unit at a time, or serially. They plug into serial ports.

Law Enforcement on the Internet



To take advantage of the many resources available on the Internet, the *FBI Law Enforcement Bulletin* has driven onto the information superhighway. We invite you to ride along by communicating with us via e-mail. Our Internet address is:

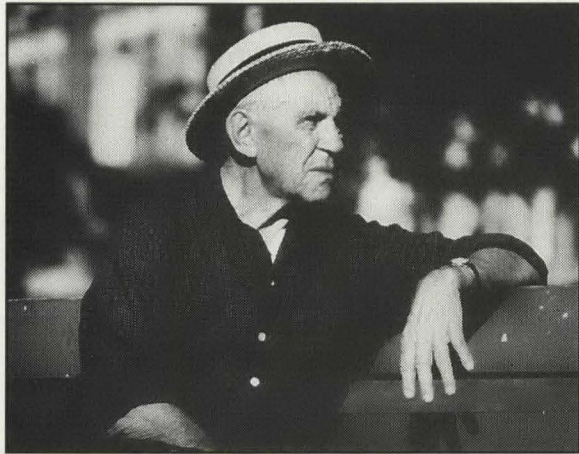
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We would like to know your thoughts on contemporary law enforcement issues. We welcome your comments, questions, and suggestions. Please include your name, title, and agency on all e-mail messages. Remember, **fbileb@justice.usdoj.gov** is our e-mail address.

Police Practice

Assisting Senior Victims

By Lynne Bliss



On a warm spring evening, an elderly couple purchases several graduation gifts for their grandchildren. As they return to their car in the store parking lot, a small truck carrying two young men abruptly pulls up beside them. The truck's passenger throws open the door, which strikes the woman and knocks her to the ground. While the startled husband rushes to help his wife, the youth snatches the scattered packages and the woman's purse from the ground and throws them into the back of the truck. In seconds, the robbers drive off, leaving the victims badly shaken but unharmed.

The police officer who responds to the scene takes a report, getting descriptions of the robbers, their vehicle, and the stolen merchandise. For the officer, it is time to move on to the next call for service, but he is reluctant to leave the couple because they are distraught and seem to need further assistance.

Often, older citizens require specialized assistance when they are the victims of a robbery or involved in an auto accident. They might be unfamiliar with how to resolve their problem through the criminal justice system. In the mid-1980s, the Colorado Springs, Colorado, Police Department created the Senior Victim Assistance Team (SVAT), to respond to this need.

This police practice describes how the Senior Victim Assistance Team, which is staffed by volunteers, works in Colorado Springs. Police administrators who want to establish similar programs in their own departments can take similar measures to ensure positive results.

Team Structure

The team is headed by the casework coordinator, a volunteer who coordinates the team's duties and files reports with the volunteer coordinator. This volunteer coordinator manages the SVAT.

Other committees of team members contribute to SVAT operations. For example, the training committee arranges initial instruction for new members, while the program committee plans monthly training programs. The team also has a social committee to organize informal get-togethers to enhance team cooperation. All committee chairs, as well as the casework coordinator, are nominated by the nominating committee and elected annually by the team's membership.

Duties

The team's duties are broadly defined as crisis intervention and referral. Specifically, SVAT exists primarily to aid the senior and to allow the responding officer to get to the next call for service in a timely manner.

SVAT members have assisted at car accident scenes, listened to the fears and frustrations of robbery victims, transported domestic violence victims to a safehouse, and referred seniors to other appropriate agencies, such as a legal aid society or a local senior assistance group. Following the homicide of a 58-year-old tourist, a team member provided emotional support to the bereaved widow until she was able to return home to her family.

Training

The initial training for new SVAT members lasts 40 hours over a 12-week period. New team members then are paired with an experienced member for two weeks.

This comprehensive training provides SVAT members with a basic understanding of community resources. For example, the police department

arranges for psychologists to discuss basic counseling and communication skills, a geriatric specialist to describe the aging process, and a social worker to speak on domestic violence. Police department personnel provide instruction on law enforcement matters, such as how to use police radios and how the judicial process functions.

Programs at monthly meetings provide ongoing training and updated information for all SVAT members. The local Better Business Bureau, for instance, provides guidance on how to spot scams that target seniors, and a representative from the district attorney's office informs the team about how the Victim Compensation Fund works.

In addition, community agencies that cater to the needs of seniors share their expertise with SVAT members. The phone numbers and contact persons for these agencies have been compiled into a directory that all team members carry with them. In Colorado Springs, this includes phone numbers for hospital emergency rooms, the domestic violence safehouse, the local social security office, crisis hotlines, local senior assistance agencies, the State's department of social services, and many others. Other communities should have their own sets of resources from which to draw.

Member Obligations

To be effective, the department expects team members to fulfill a few basic obligations. They must be willing to be on call for a week at a time, around the clock, on a rotating basis. Because of this commitment, members must balance personal schedules with SVAT duties. Most volunteers are retired or have made special arrangements with their employers. With 26 members on the team, this week-long obligation only comes up every 3 months.

The casework coordinator manages the oncall rotation schedules and arranges for backup members

to be available to respond. Both the primary and backup members respond to all calls to guard against claims of impropriety.

Initially, SVAT members used their own vehicles to respond to calls. Now, however, the department provides two police vehicles for the team to use. The oncall and backup members also have pagers for immediate contact and police radios for communicating with the dispatcher. The team prides itself on a response time of 20 minutes or less.

Those members who are not on call go to police headquarters to review reports on auto accidents that involve seniors. The casework coordinator also assigns this responsibility on a rotating basis. SVAT members phone the victims to advise them of Colorado's report filing requirements and to ask if they need help preparing the reports.

For other cases, such as robbery or assault, volunteers might assist with paperwork or guide victims through the court process. If necessary, SVAT members will follow up later to make sure that the seniors are getting the kind of community or family support necessary to normalize their lives. Frequently, volunteers simply provide some consolation and a sympathetic ear.

To help administer the program, team members must record the mileage of the car they use, tally the hours they donate, and file incident reports with the casework coordinator. With this information, adjustments can be made to improve the team's responsiveness and effectiveness. For example, the SVAT used mileage records to document the need for a second team vehicle.

Starting a Senior Victim Assistance Team

A team such as this can form the beginning of a police volunteer program or be incorporated into an existing one. In either case, once police administrators have decided that their departments need to provide

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A [SVAT]...can form the beginning of a police volunteer program or be incorporated into an existing one.

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further assistance to the community's elderly citizens, they should take several steps.

Administrators first should outline the department's needs and expectations to determine exactly what team members will do. A good way to start is by reviewing complaints and comments from seniors who have used the department's services or have been through the court system. What needs have they expressed? How could a volunteer facilitate their interaction with the department?

Second, the department must be both willing and able to provide the resources necessary to make the team a success. Department staff members will have to plan and implement training classes, produce guides to community agencies, and secure radios and pagers for the team's use. Although unnecessary in the beginning stages, cars marked with the department's logo eventually might be desirable for team members to use.

Once the team's duties have been established and the resources to support it have been acquired, the department must describe the qualifications for team membership. While most of the Colorado Springs' volunteers are retired, this is not a prerequisite. More important are the desire and commitment to help seniors and the willingness to go through training. SVAT volunteers must have a valid driver's license and be able to communicate clearly and effectively.

Next, the department must recruit volunteers. Members can be recruited from the families of police officers, referrals by department personnel, and from local senior agencies or groups. The number of volunteers needed depends on how often they will be used. To estimate this figure, administrators can question patrol officers to determine how often they would refer a senior citizen to the team. Colorado Springs, a town of 350,000 citizens, averages one call per day. In addition, the team averages 90 monthly follow-up calls to check on the progress and/or recovery of the victim. Twenty-six team members handle the work load.

Once the team is in place, members need to nominate and elect a casework coordinator and a chairperson for each of the various committees. Department personnel should make themselves available to answer questions and provide assistance as the team gets started, develops its training, and establishes its procedures and schedules. In addition, administrators should advise patrol officers of the role the team will play and ask for their help in using the team.

Finally, the team's activities should be monitored through status reports and periodic meetings. Department administrators should be open to making changes and improvements as needed.

Cautions

Not all senior citizens need or want an extensive amount of assistance. Some elderly victims only need to be pointed in the right direction, while others prefer more direct assistance. For those who do, SVAT is there to help. Within reason, SVAT

volunteers will do as much or as little as the senior requires.

The team's experience also has shown the importance of protecting the volunteers' privacy. Team members are strongly advised not to take victims home with them or to give victims their home phone numbers. If seniors need to contact volunteers, they can use the police dispatch number.

Benefits

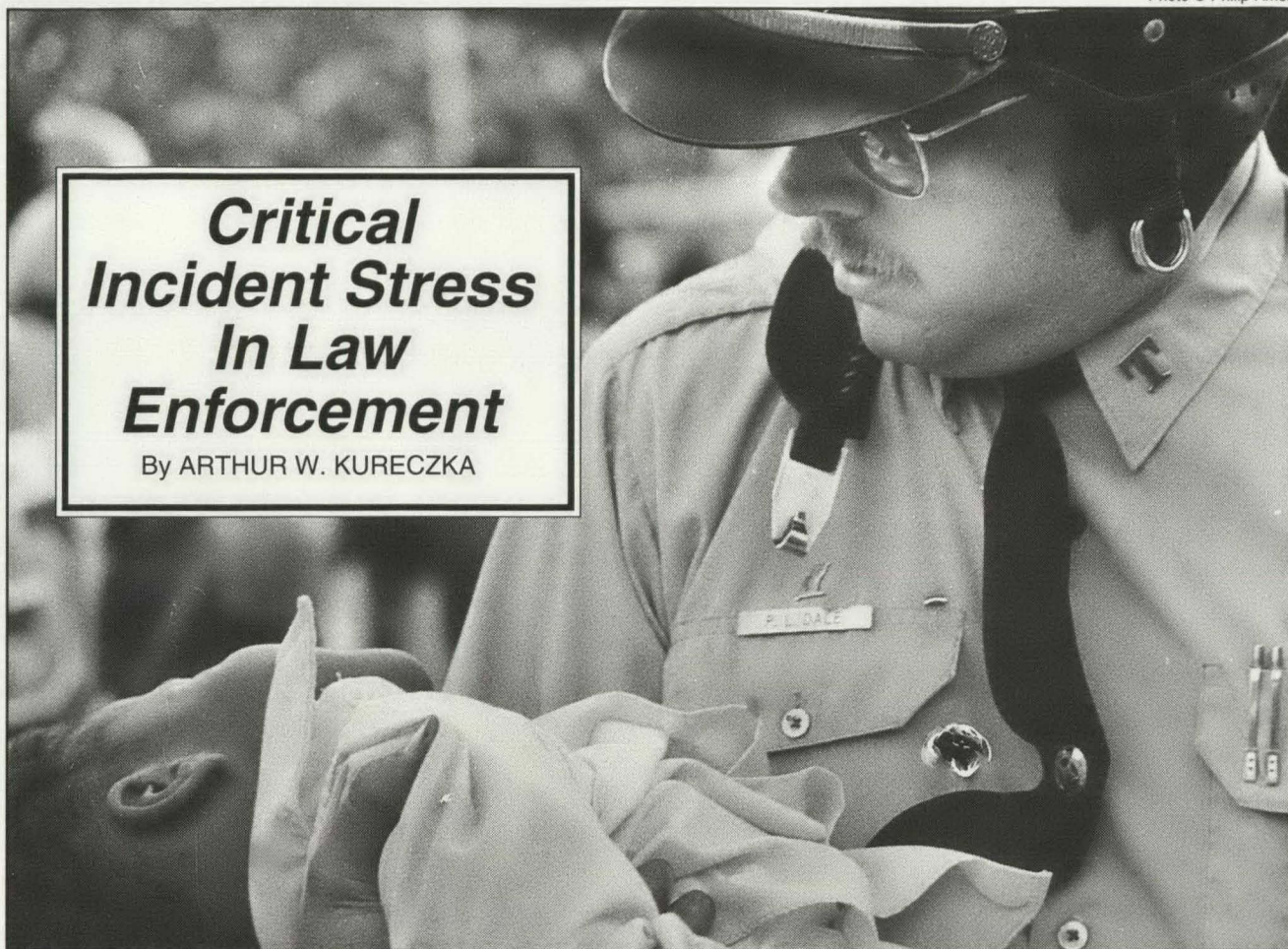
In addition to helping elderly crime victims and freeing patrol officers to respond to other calls for service, the Senior Victim Assistance Team increases the department's interaction with the community. At a time when law enforcement agencies nationwide are emphasizing community involvement, SVAT provides one more avenue for developing positive relationships with citizens and enhancing the department's efficiency.

Members of the team also stand to gain from their involvement in this program. They benefit from the

**“
Police departments can
increase their efficiency
and simultaneously
provide senior citizens
with another avenue for
assistance.
”**

Critical Incident Stress In Law Enforcement

By ARTHUR W. KURECZKA



A patrol officer observes a car with three teenagers speed through a rural intersection. The officer pulls out in an attempt to stop the vehicle, knowing that at its current speed, the car cannot navigate the series of sharp turns coming up in a few short miles.

The driver accelerates out of the officer's range of sight. The officer slows to round the first curve and hears screeching brakes, followed by a sickening thud and the crunch of crumpling metal. As the wreck comes into view, what the officer sees confirms what the sounds reported: The driver lost control of the vehicle and careened off the road.

The car smashed into a tree before coming to rest on its side several yards down the embankment.

The officer immediately calls for assistance, parks the cruiser, and runs toward the car. Two of the occupants were thrown from the vehicle when it flipped over. The veteran officer momentarily freezes in horror as he recognizes them—his daughter's high school classmates. He feels sick seeing their broken, bloody bodies lying lifeless in the muddy weeds. Fearing the worst, the officer rushes to check the victim trapped inside the crumpled wreck. His brief sigh of relief that his own daughter was not in the car quickly

vanishes as he sees her best friend, crushed in the wreckage. No one survived. "If only I could have stopped them," he thinks, shaken, while he waits for the ambulance to arrive.

The officer suffers no physical injury as a result of this incident, but the emotional trauma can be just as painful, if not more so. The actions taken by the department in the ensuing weeks and months will determine in large part whether he copes effectively with the stress induced by this critical incident or whether its effects become debilitating.

Every year, hundreds of officers experience intense, traumatic events

that can have serious long-term consequences for them, their families, and their departments. It is incumbent upon police administrators to ensure that their officers and their departments have the tools at hand to cope with such critical incidents.

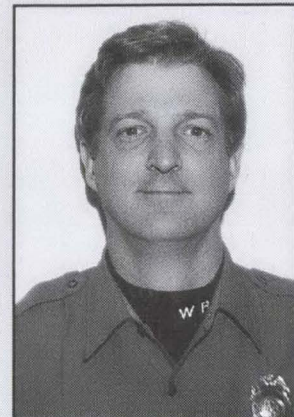
Critical Incidents

In the past, most studies of stress in law enforcement focused exclusively on post-shooting trauma. Recently, however, the research has expanded to encompass stress induced by other traumatic events, collectively known as critical incidents. A critical incident is any event that has a stressful impact sufficient to overwhelm the usually effective coping skills of an individual.

Critical incidents typically are sudden, powerful events that fall outside the range of ordinary human experiences. Because they happen so abruptly, they can have a strong emotional impact, even on an experienced, well-trained officer.

In law enforcement, any situation in which an officer's expectations of personal infallibility suddenly become tempered by imperfection and crude reality can be a critical incident.¹ Such events include a line-of-duty death or serious injury of a coworker, a police suicide, an officer-involved shooting in a combat situation, a life-threatening assault on an officer, a death or serious injury caused by an officer, an incident involving multiple deaths, a traumatic death of a child, a barricaded suspect/hostage situation, a highly profiled media event (often in connection with another critical incident), or any other

“Every year, hundreds of officers experience intense, traumatic events that can have serious long-term consequences for them, their families, and their departments.”



Officer Kureczka of the Wethersfield, Connecticut, Police Department serves as a State-certified peer helper and teaches pre-incident stress education at the Connecticut Police Academy and for the Capitol Region Chief's Association.

incident that appears critical or questionable.

The definition of a critical incident must remain fluid because what affects one officer might not affect another. An officer who has children, for example, might be affected by responding to the death of a child more than an officer who has no children. In addition, the circumstances of an event, the personality of the officer, and the way the event is handled by the department, the media, and the officer's family all affect the officer's reactions to an incident.

Critical Incident Stress

Many U.S. soldiers returned from war "shell-shocked" and suffering from the effects of critical incident stress, often referred to as "battle fatigue." In 1980, the American Psychiatric Association formally recognized the civilian version of battle fatigue, which became known as post-traumatic stress disorder (PTSD).

Post-traumatic stress is defined as "...the development of characteristic symptoms following a psychologically distressing event that is outside the range of human experience."² Symptoms are characterized by intrusive recollections, excessive stress arousal, withdrawal, numbing, and depression. The signs and symptoms must last more than 30 days for an individual to be diagnosed with PTSD. An estimated 4 to 10 percent of individuals who experience a critical incident will develop a full-fledged post-traumatic stress disorder.³

Research also has shown that critical incident stress affects up to 87 percent of all emergency service workers at least once in their careers.⁴ In many cases, the stress from one incident can be compounded by two or more factors. For example, an officer involved in an armed confrontation exchanges gunfire with a suspect. The officer is wounded, the suspect dies, and the incident becomes a media event. The

injury to the officer, the use of deadly force, and the media scrutiny—conceivably three separate critical incidents—multiply the stressors on the officer.

Critical incident stress manifests itself physically, cognitively, and emotionally. The officer might experience some or all of these reactions immediately, or perhaps not until after a delay. While in most instances the symptoms will subside in a matter of weeks, a few of those affected by such stress will suffer permanent emotional trauma that will adversely affect their continued value to the department and cause serious problems in their personal lives.

Administrative Support

Clearly, administrators can no longer afford to ignore the issue of traumatic stress caused by involvement in a critical incident. Such stress impairs officers' ability to perform their duties and impacts on the operation of the department.

Police agencies can be held liable in court for ignoring lingering stress-related problems or for disciplining workers who exhibit the behavioral effects of trauma from a job-related critical incident. Courts have made significant cash awards to officers whose departments did not provide them with professional assistance. Thus, it is in the best interests of police administrators to identify stressful situations and address their effects early. Failure to do so could prove detrimental to the department, not only operationally but also financially.

The most important aspect of managing critical incident recovery

is for the administration to understand that police duties can result in psychological injury. Departments should be proactive and develop a critical incident response that addresses the likelihood of psychological injury with the same attention and concern as the likelihood of physical injury. Critical incidents can inflict mental harm just as they inflict physical wounds.

Administrators should design policies and standard operating procedures for officers involved in critical incidents. Well-planned intervention programs can prevent bad relations between the department

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***...administrators
can no longer
afford to ignore the
issue of traumatic
stress....***

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and affected employees, reduce compensation costs from potentially divisive litigation and, in turn, build morale and make employees feel valued by the department.

Unfortunately, police officers typically resist seeking available assistance because they do not want to be stigmatized as weak or crazy. By mandating a visit to a mental health professional, administrators provide officers the opportunity to express themselves and ask questions without appearing to seek help. Still, officers have the option of remaining

silent while the mental health professional provides information about critical incident stress.

Budgetary Impact

One law enforcement expert stated that 70 percent of the police officers who use deadly force leave law enforcement within 5 years.⁵ The impact, therefore, of an overstressed officer can be far reaching. Stress affects the officer, other employees, the department, the public, and the officer's family. It can lead to faulty decisionmaking, disciplinary problems, excessive use of sick leave, tardiness, on-the-job accidents, complaints from citizens, and high officer turnover. All of these cost the department time and money.

It costs a department approximately \$100,000 to replace a 5-year veteran. This figure includes the expenses of retraining, overtime, benefits, testing for replacements, and knowledge that is lost when an officer leaves the department.⁶

In contrast, one study showed that the average cost of intervention when PTSD was detected soon after the event totaled \$8,300 per victim. When detection and treatment were delayed, the average cost rose to nearly \$46,000. Even though that is almost six times more than the cost of early treatment, it still is less than half the cost of replacing an officer.

As a group, employees who received prompt treatment averaged 12 weeks of recovery before returning to work and had a low incidence of permanent disability. In comparison, the delayed treatment groups required an average of 46 weeks of recovery and displayed significant long-term effects.⁷

These figures represent costs incurred when employees actually developed PTSD subsequent to a traumatic work event and do not include the money spent in cases where less serious secondary trauma occurred. In addition, the computed cost of an intervention program also should take into account the number of victim-survivor employees who did not develop PTSD as a result of the treatment approach.

Clearly, the expense of a few sessions for everyone involved in an incident, especially if conducted as a group, would be significantly less than long-term treatment and/or disability leave for those significantly involved few. Preventive intervention, then, appears to be less expensive than waiting until psychological injuries deteriorate to the point where personal and occupational life suffers.

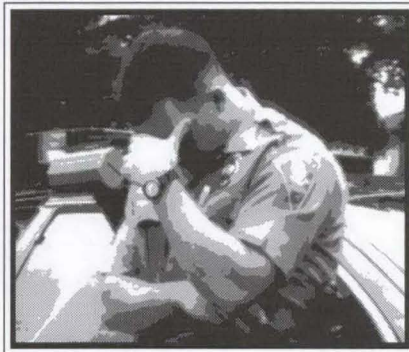
In some larger cities, full-time psychological services units or police psychologists might already be in place. For those departments that do not employ a full-time mental health professional (i.e., counselor, psychotherapist, psychologist, or psychiatrist), such services can be contracted or retained on a per-hour or per-incident basis. It is a minimal expense and a wise investment for administrators to secure the services of a mental health professional and train peer support officers.

Pre-incident Stress Education

Perhaps the most important element of combating critical incident stress is pre-incident stress education. Providing education before a crisis strikes helps to reduce the impact of traumatic events. Educated

officers who later become involved in critical incidents generally are better able to avoid or at least control stress reactions. Pre-incident stress education helps officers recover from acute stress reactions better because they recognize the symptoms early and seek assistance more quickly.⁸

Stress management training should begin with new recruits, who generally accept the message that they are vulnerable and need to take precautions to control stress. In addition, all police officers should receive stress management training as



part of inservice or recertification programs. Command personnel should learn how to recognize officers exhibiting symptoms of stress so that intervention can take place early.

Pre-incident stress education should be provided by the people with whom an officer will be dealing in the event of a critical incident—the department's peer support officer and the mental health professional employed by the department. This essential introduction provides the foundation for building the trust and rapport that will come into play later between an affected officer and the assistance providers.

Peer Support

Generally speaking, law enforcement officers have been slow to recognize the positive contribution that can be made by mental health professionals. Police officers often have difficulty trusting and confiding in someone outside the close circle of sworn personnel. They also fear that seeking professional help in dealing with a traumatic event will mark them among their coworkers as incapable in some way. To counter such resistance, while still getting help for officers who need it, many police departments have established peer support programs.

Peer support officers are trained to recognize problems and make the appropriate referrals. Peers learn basic counseling skills. They use a client-centered approach that builds a climate of trust through empathy, genuine concern, and an unconditional positive regard for the employees seeking help.

Often, the most important function of a peer support officer is simply to act as a sounding board for troubled officers. Peers provide a safe place for troubled officers to ventilate and to begin to understand and articulate their feelings in a confidential, nonjudgmental environment. In a few minor instances, no other assistance is needed. With critical incidents, however, officers have problems beyond the abilities of the peer, who refers them to the appropriate mental health professional.

Peer support officers do not conduct any clinical therapy; only trained and certified professionals who are insured against malpractice can provide therapy and determine

the proper course of treatment for an affected officer. Peer support officers work under the supervision of a mental health professional to ensure that officers who need help get it.

Police administrators should take several factors into account when choosing peer support officers. Selected individuals should exhibit a genuine willingness to help their coworkers. They must be trusted and respected within the ranks. Racial diversity, gender, and multicultural issues within the department also should be considered. The size of the department would determine how many peers to train.

Officers who personally have been involved in a critical incident and have successfully resolved their problems provide an excellent pool of candidates for the peer support team. Not only can they empathize but they also can relate to a troubled officer.

Support officers, however, must be strongly cautioned on the issue of counter-transference. This develops when peers begin to over-identify on both a personal and a professional basis with the officers being helped.

Peers must be prepared to navigate the difficult course of showing sufficient caring, understanding, and empathy without becoming overwhelmed by the familiarity of any given critical incident. Peer support officers need to remember the basic techniques of listening in order to be effective helpers and to let the officers involved in critical incidents express their own emotions.

Mental Health Professionals

Delivering mental health care to members of the law enforcement

community is difficult. Police officers often resist counseling for several reasons. Frequently, they have a strong sense of self-sufficiency and insist that they can solve their own problems. Officers generally possess great skepticism of outsiders and have difficulty trusting counselors. At the same time, counselors sometimes do not understand police work, nor can they easily grasp the daily stresses faced by officers. For these reasons, law enforcement

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administrators must choose mental health professionals carefully and work to ensure that they provide the best service for the department's employees.

Counselors must have a thorough understanding of policing, as well as comprehensive knowledge of the police force and its demographics. They must be familiar with the organization of the police department and its power structure so they can understand the work environment of affected officers.

Because of their background and experience, some mental health professionals find it hard to

understand who the law enforcement officer is and what the occupation entails. For example, police officers often are seen as having a warped sense of humor, sometimes referred to as “gallows humor.”⁹ The condition results from the many negative aspects of human nature that confront officers on a regular basis.

Officers use humor to vent anger and frustration. Those outside of law enforcement might see it as sarcastic, callous, and insensitive. They may even have problems empathizing with those in public safety. Sensing this, the police officer in turn might refuse to trust or confide in the counselor, thus defeating any chance for effective therapy to occur.

When mental health professionals start to work with law enforcement officers, they soon discover that the officers evaluate them as much as they evaluate the officers. Often, the officer-patients might want to know about the counselors' familiarity with policing, their opinions of police officers, and their previous work with police personnel. Counselors must be cautioned not to display anger or annoyance at the officers' apparent lack of trust. Instead, they should work to establish a relationship based on mutual respect.

An important dynamic in the relationship between officers and mental health professionals is that officers often fear being betrayed. Self-disclosure frequently intimidates them because of what it might reveal about themselves. More intimidating is the fear that counselors will divulge what the officers share with them.

Common Reactions to Critical Incident Stress

Physical Reactions

- Headaches
- Muscle aches
- Sleep disturbances
- Changed appetite
- Decreased interest in sexual activity
- Impotence

Emotional Reactions

- Anxiety
- Fear
- Guilt
- Sadness
- Anger
- Irritability
- Feeling lost and unappreciated
- Withdrawal

Cognitive Reactions

- Debilitating flashbacks
- Repeated visions of the incident
- Nightmares
- Slowed thinking
- Difficulty making decisions and solving problems
- Disorientation
- Lack of concentration
- Memory lapses

Building rapport and assuring officers of the confidentiality of the information revealed take time and diligent effort on the part of the mental health professionals. Only by taking this time will the therapeutic effects of counseling be realized.

Family Reactions and Support

Some incidents in the careers of police officers leave a profound effect not only on the involved officers but also on their family members. Side effects of traumatic events might surface at home in the form of anger, depression, frustration, grief, insecurity, confusion, and disillusionment. Family members frequently become the convenient targets of officers' misplaced emotions.

In addition, the families of officers involved in critical incidents might show similar signs of stress.

Spouses might adopt the roles of either supporter or victim. Frequently, they find themselves alternating between those roles, at times being able to support and nurture the officer, while at other moments feeling terribly vulnerable, alone, and in need of support themselves. As the children of officers who suffer from post-traumatic stress disorder mature, they also might exhibit the same fears, emotions, and cynical attitudes as their affected parent.

To help officers and their families prepare for the stress of a critical incident, a "significant other" stress course can help. Conducted when officers first enter the department and again periodically during the course of their careers, such a course can allow spouses to feel less excluded and to gain valuable insights into the behaviors and reactions of their loved ones.

Families need support and intervention, and they must not be forgotten. While conceivably few municipal authorities would endorse police departments providing counseling for family members, police administrators might consider referring families to mental health professionals familiar with police-related issues.

Conclusion

No one can predict how powerful an incident will be or what effects it will have on them. It is incumbent upon police administrators to prepare their employees for such incidents by teaching them the signs and symptoms of critical incident stress and establishing policies that enable them to get help when they need it.

The officer who responded to the terrible accident described

Bulletin Reports

earlier need not succumb to the debilitating effects of critical incident stress. With the proper support from his department and counseling from a certified professional, he and his family will learn to deal with the trauma, and the department likely will keep a valued employee. ♦

Endnotes

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⁴T. Pierson, "Critical Incident Stress: A Serious Law Enforcement Problem," *The Police Chief*, February 1989, 32-33.

⁵Jerry Vaughn, former director of the International Association of Chiefs of Police, quoted in J. Horn, "Critical Incidents for Law Enforcement Officers," in *Critical Incidents in Policing*, eds., J. Reese, J. Horn, and C. Dunning, rev. ed. (Washington, DC: U.S. Government Printing Office, 1991), 143-148.

⁶R. Fuller, "An Overview of the Process of Peer Support Team Development," in *Critical Incidents in Policing*, eds., J. Reese, J. Horn, and C. Dunning, rev. ed. (Washington, DC: US Government Printing Office, 1991), 99-106.

⁷R. Freidman, M. Framer, and D. Shearer, "Early Response to Post Trauma Stress," *EAP Digest*, February 1988, 45-49.

⁸S. Miller and A. Birnbaum, "Putting the Life Back Into 'Life Events': Toward a Cognitive Social Learning Analysis of the Coping Process," in *Handbook of Life Stress, Cognition and Health*, eds., S. Fisher and J. Reasons (New York: John Wiley and Sons, 1988).

⁹M. Silva, "The Delivery of Mental Health Services to Law Enforcement Officers," in *Critical Incidents in Policing*, eds., J. Reese, J. Horn, and C. Dunning, rev. ed. (Washington, DC: US Government Printing Office, 1991), 335-342.

Videos for Correctional Staff Training

The American Correctional Association (ACA) has released two new videos for training correctional staff. A learning guide accompanies each video, to include program objectives, a summary of the main points, a review quiz, and discussion questions.

Report Writing for Corrections discusses how to gather facts and explains how to write reports that will stand up in court. It teaches staff how to write clearly and concisely and helps individuals organize the most complex reports by using outlines.

Boot Camps in Corrections explains what boot camps are, who is eligible for boot camp programs, and the goals of these programs. Through interviews with staff, cadets, and graduates, the video discusses education, counseling, and treatment.

To order these videos, call the ACA's Customer Service Department at 1-800-222-5646 (#4). For those calling from outside the continental United States, the number is 301-918-1800, ext. 1859.

Statistical Analysis—Police Use of Force

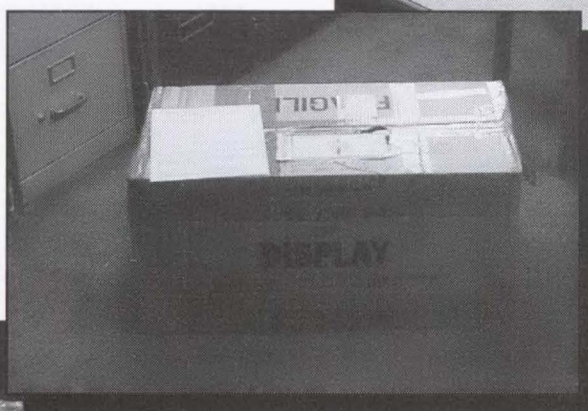
The Police Executive Research Forum's (PERF) publication, *Police Use of Force: A Statistical Analysis of the Metro-Dade Police Department*, focuses on both purposeful and accidental firearms discharges in the Metro-Dade, Florida, Police Department between 1988 and June 1994. Presented largely in tabular format, the data are organized to compare such variables as the weapons used, training of officers involved, situations in which shootings occurred, and characteristics of involved officers and suspects.

The study not only provides a detailed picture of police shootings in one metropolitan area but also illustrates the value of statistical research in helping police departments make policy decisions. It can be a useful tool for police professionals and policymakers interested in analyzing their own department's use-of-force policies and practices.

Those interested in this PERF publication can call 202-466-7820 for ordering information.

Profiling Postal Packages

By MARK T. LANGAN
and GERALD VAJGERT



Most Americans use the U.S. Postal Service nearly every day. Whether to send bills to clients, advertise for new customers, or exchange letters with friends, citizens rely on the Postal Service to help them conduct their professional and personal business. Unfortunately, some people use it to conduct illegal business—namely, drug distribution.

In Omaha, Nebraska, authorities have taken steps to cut off the drug trade conducted by mail. In 1988, inspectors from the U.S. Postal Inspection Service proposed

a partnership with the Omaha, Nebraska, Police Department's Narcotics Unit to interdict drugs transported into the city by mail. Prior intelligence gathering revealed that dealers smuggled large amounts of cocaine into Omaha simply by wrapping up the drugs and mailing them at the post office. Smugglers often used express delivery methods because the demands of quick delivery lowered the chances of detection by postal inspectors.

The joint operation has yielded positive results. In one early case, inspectors intercepted a suspicious

package mailed from Los Angeles, California, to an Omaha address. Based on the subsequent investigation, inspectors obtained a search warrant for the package, which contained 6 ounces (186 grams) of powdered cocaine.

The drugs led the joint team to a big arrest when an undercover postal inspector made a controlled delivery of the package to the mailing address in Omaha, and police officers immediately executed a search warrant on the location. Inside, officers apprehended a hard core gang member who had

relocated from southern California and established gun- and drug-running operations in the city. The success of this operation and others like it stemmed from two factors: Use of a package profile to identify suspicious parcels and close cooperation between the U.S. Postal Inspection Service and the Omaha Police Narcotics Unit during the investigatory process.

THE PROFILE

To identify pieces of mail that might contain controlled substances, postal inspectors rely on a package profile based on a readily discernable, predetermined set of criteria. Past court decisions make clear that the regular application of a consistent set of criteria is not intrusive.¹ Using the profile helps establish reasonable suspicion, which is required by the Postal Service to detain mail for examination.²

The profile sets criteria for both the package's condition and

its label. Taken individually, few of the criteria would indicate that the package contains contraband; however, a combination of these factors indicates a suspicious package worthy of a second look.

First, in terms of the package itself, inspectors look for parcels that have been heavily taped along the seams, have been prepared poorly for mailing, have an uneven weight distribution, or apparently have been reused. However, inspectors do not identify questionable pieces of mail only by sight; suspicious packages frequently emit odors of marijuana or of a masking agent, such as perfume, coffee, or fabric-softener sheets.

Second, package labels often provide clues. Inspectors look for labels that have been handwritten; contain misspelled names, streets, or cities; originate from a drug-source State; and have been sent from one person to another, not from a business to an individual. Further

identifiers include a return address ZIP code that does not match the accepting post office ZIP code or a fictitious return address. Finally, the names of the sender and/or the receiver frequently have a common ring to them, such as John Smith, and have no connection to either address.

Postal inspectors receive copies of all labels from packages signed for by the recipient. If a particular address receives multiple deliveries from a drug-source State, for example, inspectors will check with postal carriers at both the sending and receiving addresses to verify names and addresses. If the return address is fictitious or if the listed names do not have a connection to either address, inspectors will be alert to intercept future packages.

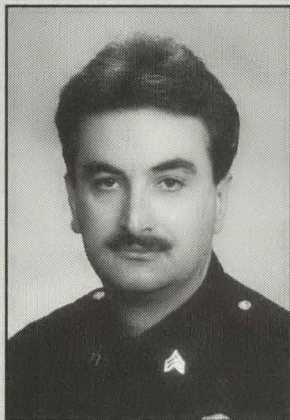
THE INVESTIGATION

The Postal Inspection Service bears responsibility for detecting suspicious packages. This type of investigation requires patience, because inspectors routinely examine hundreds of mailing labels on packages sent through the mail. Through these examinations, inspectors attempt to recognize packages matching the profile characteristics. When they locate a suspicious package, the investigation begins.

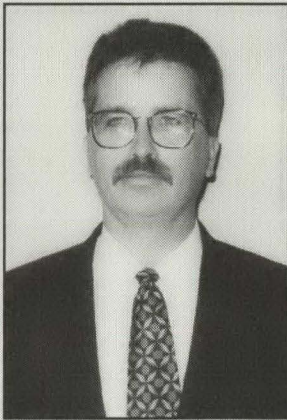
Present Package to Drug Dog

Upon discovery of a suspicious package, postal inspectors notify the Omaha Police Narcotics Unit. The unit's supervisor assigns a drug dog handler to meet with the inspector and present the package to the dog.

Presentation strategies vary. Sometimes the handler hides the package to see if the dog can sniff



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Inspector Vajert serves with the Kansas City Division of the U.S. Postal Inspection Service in Omaha, Nebraska.

out its location. At other times, the handler presents the suspicious package to the dog, along with other similar parcels.

The dog handler carefully records the details of the presentation for future use as search warrant documentation. The dog's positive reaction to the package indicates the presence of drugs, which in many cases establishes probable cause to prepare a search warrant to inspect the parcel's contents.

Obtain Search Warrants

Suspicious package investigations typically require two search warrants: One to open and search the package and one to search the mailing address after delivery of the parcel. Postal inspectors and police investigators work closely to ensure that all documentation for the warrants is complete and accurate, important factors in obtaining evidence and prosecuting the case.

Searching the Package

Because the U.S. mail falls under Federal jurisdiction, a Federal warrant must be obtained for any suspicious package. The police drug dog handler helps the inspector prepare the affidavit because they must provide the magistrate with a history of the dog's reliability and past achievements.

Having obtained the warrant, postal inspectors open the package. This important step must not be dealt with carelessly. The package might need to be resealed for a controlled delivery, so inspectors must exercise caution. To preserve fingerprints on any item or contraband, the person opening the package wears rubber gloves. Inspectors also

photograph the opening of the parcel in a series of steps for use as future evidence.

In the formative stages of Omaha's program, postal inspectors and police investigators met with prosecutors to determine a strategy for handling cases brought by the joint team. They concurred that when a package containing drugs was identified, investigators would

**“
...experience shows
that the original
recipient often will turn
over the parcel to a
second person who
arrives within minutes
of the delivery.
”**

remove most of the drugs, leaving just a small amount to be resealed in the package and delivered later. Prosecutors agreed that they could argue successfully in court that the defendant found in possession of the resealed package actually had “constructive possession” of the original amount of contraband. However, to preserve the elements of the State or Federal drugs violation, it would be best if at least *some* of the drugs originally seized were delivered in the package.

After removing most of the illegal substance, inspectors frequently replace it with an imitation so as not to alert suspects when they open the package. For example, a recent investigation in Omaha located a large amount of crack cocaine formed into

the shape of cookies. Investigators left several of the original crack cookies in the package but substituted sugar cookies for the rest.

On a practical note, this procedure safeguards against the loss of the evidence in the unlikely event that the subject eludes police officers after the package is delivered but before the search warrant of the residence can be executed. Omaha officers quickly discovered that suspects often attempt to leave the location with the evidence immediately following the controlled delivery of the package but prior to the entry team's arrival.

Searching the Address

Once the package has been searched and resealed, the Omaha Police Narcotics Unit supervisor prepares a search warrant for the mailing address. This does not have to be a Federal warrant, but the Federal search warrant used to open the package is referenced in the warrant petition and a copy is attached.

A police investigator and the postal inspector collaborate to prepare the second search warrant. The affidavit describes exactly how the investigation began—with discovery of the suspicious package—and follows with the details of presenting the parcel to the drug dog, obtaining the Federal search warrant, opening the package, and locating the drugs. The affidavit also notes that officers removed a specific amount of the drug from the package, left a small amount, and refilled the package with an imitation substance.

This type of search warrant is anticipatory in nature. That is, the affidavit clearly must show that law enforcement officers currently

possess the drugs to be seized and that they intend to serve the search warrant after the controlled delivery of the package. If probable cause exists, items such as packaging materials, scales, long distance telephone bills, money, drug records, and additional drugs should be listed on the warrant to be seized. Any historical or intelligence information about the address of the anticipated delivery or the persons known to frequent the address also should be documented in the affidavit.

Prepare for Delivery

The next step involves delivering the package to the intended address under carefully controlled conditions. The Narcotics Unit supervisor handles three aspects of this operation. The supervisor arranges the controlled delivery, establishes a secure perimeter around the address to prevent the subject from leaving with the package, and supervises the execution of the search warrant.

First, the supervisor conducts an extensive reconnaissance of the

address, especially noting all possible exits. Because at least several minutes will elapse between the controlled delivery and the execution of the search warrant to allow the recipient time to open the package, all exits of the address must be placed under surveillance to prevent anyone from leaving with the package.

Second, the supervisor briefs all officers involved in executing the search warrant, dividing officers between the perimeter and entry teams. The perimeter team, which keeps all exits of the target address under surveillance, must be positioned to stop and arrest anyone who might leave with the package after it has been delivered. The entry team, which typically comprises Omaha police officers, postal inspectors, and occasionally, FBI agents, serves the warrant, makes appropriate arrests, and conducts the subsequent search of the premises.

Deliver the Package

An undercover postal inspector normally delivers the package after the perimeter team takes its position. In most situations, the Narcotics Unit supervisor then gives the recipient enough time to open the package, because an opened package undermines the commonly used defense that the suspect did not know what it contained.

In addition, experience shows that the original recipient often will turn over the parcel to a second person who arrives within minutes of the delivery. For this reason, the supervisor might choose to wait a considerable length of time before sending in the entry team.

The Profile

Postal inspectors use these criteria to identify packages that might contain drugs.

Package Criteria

- Emits odors of marijuana or of a masking agent (e.g., coffee, perfume, fabric-softener sheets)
- Is heavily taped along seams
- Is poorly prepared for mailing
- Appears to have been re-used
- Has an uneven weight distribution

Label Criteria

- Is handwritten
- Contains misspelled names, streets, or cities
- Originates from a drug source State
- Has been sent from an individual to an individual
- Contains return address ZIP code that does not match accepting post office ZIP code
- Shows a fictitious return address
- Lists sender's and/or receiver's names of common type (e.g., John Smith) that are not connected to either address

Execute the Search Warrant

At the appropriate time, the entry team executes the search warrant for the package on the target location. During the search, officers remain alert for additional drugs, drug records, money, long distance telephone bills, scales, baggies, and other labels of packages previously mailed to the address, as listed on the warrant.

Upon completion of the search, the supervisor quickly analyzes the situation to determine whether to interrogate the person who signed for the package on the scene. If such questioning could prove fruitful, the suspect is advised of his *Miranda* rights. On occasion, by immediately interrogating the recipient, investigators have convinced suspects to make tape-recorded telephone contact with a second suspect who, in turn, arrived at the scene only to be arrested.

Investigators question the arrested parties thoroughly to determine their knowledge of the parcel's contents and their connections with a network of people involved in smuggling the package into the city. Many postal profiling cases in Omaha have resulted in Federal prosecution of individuals in other States, such as California, for participating in drug smuggling operations.

SUCCESSSES

The success of the package profiling program in Omaha proves that law enforcement can transcend jurisdictional boundaries to combat crimes that often go undetected. Highlights of the program include two separate seizures of 3-pound

quantities of crack cocaine valued at approximately \$250,000 each that had been mailed to Omaha from sources in Los Angeles.

Not all seizures have run smoothly. In one case, inspectors intercepted a package containing 5 ounces (155 grams) of methamphetamine. Following standard procedure, officers removed all but 5 grams of the substance, which they sealed in a tube taped to the inside of the package. A female at the target

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In the future, law enforcement agencies might expand the use of this technique to detect packages transported by private carriers and parcel services.

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address signed for the package during the controlled delivery, but when officers executed the search warrant, no drugs could be found. Knowing that they had delivered the methamphetamine, officers conducted an extensive and thorough search of the premises but to no avail. Finally, several hours later, the woman vomited the tube intact. She had swallowed it when she saw the law enforcement officers approach the residence.

Despite the occasional mishap, the package profiling system has

produced many seizures that have netted both crack and powdered cocaine, marijuana, LSD, methamphetamine, heroin, steroids, and hallucinogenic mushrooms. Prosecutors have obtained numerous felony convictions in both Federal and State courts.

CONCLUSION

Profiling postal packages represents a challenging and exciting aspect of drug enforcement. In the future, law enforcement agencies might expand the use of this technique to detect packages transported by private carriers and parcel services.

The expertise gained by working with postal inspectors to detect controlled substances sent by mail could be applied to private carriers in an attempt to choke off other conduits for transporting controlled substances. By employing every method available, U.S. Postal Inspectors can work with local law enforcement agencies to keep the Postal Service from being an unwitting and unwilling drug courier. ♦

Endnotes

¹ *United States v. Hill*, 701 F. Supp. 1522 (D.C. Kan. 1988).

² The U.S. Postal Service's Administrative Support Manual (ASM), Section 274.31, disallows any mail sealed against inspection (i.e., First-Class, Express Mail) to be detained, even for a dog sniff, with very few exceptions. ASM 274.31(a) notes that "a Postal Inspector acting diligently and without avoidable delay, upon reasonable suspicion, for a brief period of time [may detain a piece of mail] to assemble sufficient evidence to satisfy the probable-cause requirement for a search warrant, and to apply for, obtain, and execute the warrant." Therefore, reasonable suspicion must exist before the mail can be detained.



Responding to Line-of-Duty Deaths

By ROGER C. HADDIX, M. Ed.

An average of 143 law enforcement officers are killed in the line of duty annually in the United States.¹ Whether the result of an adversarial action or an accident, the trauma caused by each death is felt by family survivors and department personnel for many months, or even years, after the event.

Still, most law enforcement agencies have not experienced a line-of-duty death. Perhaps for this reason, less than one-third of the agencies responding to a recent survey reported having any policy dealing with this sensitive issue.²

It is little wonder, then, that agencies dealing with a line-of-duty

death for the first time often respond inadequately to the needs of survivors. This may stem from several factors, including the lack of information available regarding actions that agencies should take after the funeral. This article discusses some of the policy issues involved and recommends appropriate responses to family survivors and coworkers of officers who are killed in the line of duty.

BACKGROUND

The subject of departmental response to survivors remained a largely uncharted and undocumented area until the mid-1980s. Before that time, only a few

metropolitan agencies that had experienced line-of-duty deaths developed policies for such situations. This began to change on May 14, 1984, when 110 survivors formed Concerns of Police Survivors, Inc. (COPS), while attending a National Police Week seminar sponsored by the Fraternal Order of Police. This represented the first effort to form a national networking organization to aid survivors in the healing process and to provide guidance to agencies concerning line-of-duty death policies.³

Since that time, an increasing number of administrators have come to understand the importance of adopting line-of-duty death policies.



As the threat to officers becomes more menacing and the list of police fatalities grows each year, the need for such policies becomes more apparent. The highly sensitive nature of on-duty deaths and the long-term response to survivors that agencies must provide underscores the need to formulate a policy *before* a tragedy occurs.

PREPARING FOR TRAGEDY

No one wants to contemplate their own death. But, because law enforcement is a high-risk occupation and the very real possibility of death from accidents and felonious assaults exists, agencies have an obligation to their officers—and

officers owe it to their families—to prepare for such tragedies.

Preparation should include educating officers about emergency notification of family members, funeral arrangements, survivor benefits, counseling options, and departmental support to survivors. Officers should take considerable comfort from knowing what benefits and support their families will receive in the event they are killed. Although the tragedy of losing a loved one will not be lessened, with preparation and forethought, the grieving process will not be aggravated by uncertainties and a lack of information.

Emergency Notification Forms

Agencies should use employee emergency information forms not only to obtain critical personal information from their officers but also to record officers' desires for notification of family members in the event of serious injury or death. While departments commonly notify the spouse of an officer after injury or death, they usually fail to contact the parents or grown children of an officer simply because that information is not available. In the absence of prior instructions from the officer, agencies should provide official notification to surviving parents and grown children, or make arrangements with another department if distance prohibits notification by the officer's agency.

One of the procedural orders of the Charleston, South Carolina, Police Department, entitled *Handling a Law Enforcement Death or Serious Injury*, includes the "employee emergency information form," which is used to record notification information. The form also reserves space for special

notification instructions and special family considerations. These forms are periodically updated and kept in the personnel section.

The National Association of Chiefs of Police publishes helpful line-of-duty death guidelines that contain a comprehensive officer questionnaire. The confidential questionnaire allows officers to record information about wills, insurance policies, funeral wishes, and the distribution of possessions. After the officer completes the questionnaire, it is sealed in an envelope to be opened only in the event of the officer's death or serious injury.⁴

Death Benefit Information

Agencies also should make sure to provide complete death benefit information to all officers so that they can prepare their families. This includes information about death benefit life insurance paid by the employing agency, survivor death benefits or annuities paid by a retirement plan, State and/or Federal



Chief Haddix heads the Georgetown, South Carolina, Police Department. He experienced the loss of his deputy chief in March 1994.

death benefits, social security benefits, fraternal or labor group benefits, and financial benefits provided by civic organizations or special law enforcement support groups. Still, officers should review the benefits periodically because they may change over time.

The Mobile, Alabama, Police Department provides a comprehensive death benefits booklet for surviving family members. Officers who have this information possess an added degree of peace of mind knowing that their families will be provided for in the event of their death.

FAMILY SUPPORT TEAM

Because of the complexity of issues surrounding a line-of-duty death, every agency needs to develop a family support team to provide a structured response to survivors. The Dallas, Texas, Police Department created such a team. The 10 team members handle everything from family services to ceremonial considerations.

Although few agencies require a team as large as the one in Dallas, every agency should develop a team to address five critical areas. Team members should be designated by their specific roles: Command liaison, benefits coordinator, financial coordinator, chaplain or minister, and family liaison.

Command Liaison

A senior command officer should head the family support team. This officer ensures that team members receive an appropriate level of training in their duties and supervises the team response. The command liaison officer also keeps the department head

informed of problems or needs of the family.

The command liaison officer must possess ample rank and authority to implement fully the department's response to the survivors. This officer also should maintain a log of actions and prepare a calendar of significant dates that should be observed. These include the officer's birthday, spouse and children's birthdays, marriage anniversary, and graveside memorials.

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For the family, the months following an officer's death become particularly traumatic and stressful.

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Benefits Coordinator

The benefits coordinator may be a line officer, supervisor, or command officer from the administrative unit. As the title suggests, the benefits coordinator compiles all information on funeral payments and financial benefits provided to the family. This officer also explains other benefits and assistance programs that may be available. The benefits coordinator should meet with the primary survivor a day or two after the funeral.

Financial Coordinator

The financial coordinator may be an attorney or financial consultant who has been hired by the department or has volunteered to assist the officer's family. This person provides financial advice and assistance to family members so that they

can make informed decisions concerning the amounts of money and benefits they will receive.

Chaplain or Minister

Chaplains or ministers provide comfort and support both to the family and to the department. Skilled in dealing with death and dying, they can offer insight and advice to survivors trying to cope with the trauma of loss. Many chaplains from larger agencies possess considerable experience with line-of-duty deaths and can provide invaluable assistance to chaplains of smaller departments.

Family Liaison Officers

Family liaison officers—assigned either permanently or on a rotating basis to this duty—maintain frequent, scheduled contact with the family. They remain available on a standby basis to respond to any special request by family members.

Administrators should grant them broad latitude and flexibility in the initial months of the grieving process. However, they should keep the command liaison and/or agency head fully apprised of the emotional state of the family and inform them of any problem that they have encountered. They also should maintain a record of activities that they perform for survivors.

THE SURVIVORS

Family

In the aftermath of an officer's death, agencies often ask, "Who are the survivors?" The answer is anyone in the immediate family—spouse, children, siblings, mother, and father. Too often, agencies

focus on a married officer's spouse and children and forget the parents. Because of the unexpected circumstances involved in law enforcement deaths, agencies should give special attention to notifying all immediate family members, and especially to anyone listed on the officer's emergency notification documents.

Officers may leave instructions to exclude some immediate family members from the official notification process. While this leaves the task of notification to primary survivors, an agency representative still should contact these family members later with condolences and to offer assistance. Law enforcement agencies have only one opportunity to provide a proper and caring response to family members. Departments should spare no effort in assisting them.

Fellow Officers

In the wake of an officer's death, law enforcement agencies also must respond to another group of survivors—the police family. Officers spend a great portion of their lives on the job with fellow officers and employees. This close contact results in strong bonds of friendship and camaraderie among agency personnel.

The loss of an officer in the line of duty affects every department member. Without adequate support, some may develop emotional and performance problems that adversely impact the department.

RESPONSE ISSUES

Support to survivors—both family and departmental—includes

regular contact by members of the family support team, members of the department who knew the deceased officer, and department commanders. These contacts should be both formal and informal, planned and spontaneous.



Studies show that in the months following an officer's death, survivors frequently feel abandoned by the department that was supposed to be so close to their loved one but now seems to have forgotten the officer after death.⁵ Members of the family support team and agency officials should make special efforts to call, visit, or send cards on birthdays, anniversaries, and holidays.

The agency also should give special attention to surviving children. While members of the department often make offers to get involved with the fallen officer's children, other obligations may soon take precedence. Officers must avoid making promises they cannot keep.

Counseling

In addition to a compassionate, understanding response from the department, some family and police survivors may require professional

counseling. A report published by the National Institute of Justice (NIJ) states that the reactions of police survivors (i.e., spouses, parents, siblings, friends, and coworkers) may be so profound as to be diagnosed as post-traumatic stress disorder.⁶ This psychological disorder is associated with traumatic events considered outside the usual range of human experience.⁷

In the past, police survivors often suffered prolonged psychological stress because they did not seek help, or agencies did not extend offers of assistance in this area. Traditionally, most law enforcement agencies have not considered the emotional and psychological needs of survivors to be a part of their responsibility. However, the NIJ report indicates that sensitivity and effective agency response procedures have a definite impact on the well-being of survivors.

Uniform Response

Research into police deaths also reveals that spouses of officers killed accidentally experience the same level of stress as do spouses of homicide victims. At the same time, research indicates that parents of officers killed accidentally respond differently than do parents of those who are murdered. The latter were found to be more traumatized, hostile, and depressed.

Survivors also reported a difference in the response they received from departments. Researchers found that the survivors of homicide deaths received more preferential treatment than survivors of officers who died as a result of accidents.

Although some insensitive observers may question the heroism of an officer's accidental death, the department's response must be identical, regardless of the nature of the death. As with any memorial, it is the heroic life and the recognition of the supreme sacrifice made by the officer that is being honored, not the officer's death.

Court Proceedings

Deaths that result from adversarial actions create additional concerns, primarily relating to the attendance of family members at court proceedings. While the department should make every effort to honor the wishes of the family, agency commanders must address other considerations.

The media pose a particular concern because any appearance of family members in court will be recorded most likely in print and on film. Reporters understandably will seek interviews with survivors to capture their feelings and reactions. To deal with these possibilities, the prosecutor should be consulted and should help develop a plan for family members to attend hearings and trials.

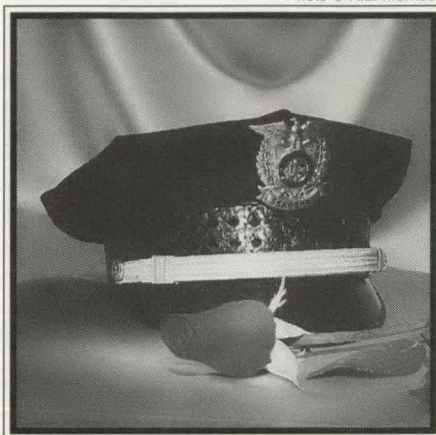
A prearranged plan is essential to satisfy the family's need for representation at court, as well as the prosecution's concern that the jury pool not be unduly influenced by the family's attendance. If family members do attend the hearings and trial, the department should offer to provide transportation and escorts.

The department and the prosecutor also must coordinate whether agency personnel should be present at hearings and the trial. Procedural rules in some States prevent

involved officers from being present in the courtroom during testimony.

Whatever the case, some effort should be made to project the officer's memory at trial. If neither the family nor the agency represent the fallen officer, who will? Considering the support groups that exist for other types of victims, it is an unacceptable irony that police officers may be forgotten victims when suspects come to trial.

Photo © K.L. Morrison



CONTINUED SUPPORT

For the family, the months following an officer's death become particularly traumatic and stressful. As the initial shock begins to wear off, the reality of loss sets in. The department's actions during this period—what it does and does not do—will greatly impact the longterm recovery process for survivors.

No time limit exists for how long it should take a family to recover. Everyone deals with death and grieving differently. Perhaps the most important thing to remember is that the department now stands in the fallen officer's place.

Unfortunately, some agencies have done little or nothing for officers' families after the funeral. In contrast, other agencies have purchased and installed appliances, made arrangements for officers to mow the lawn, taken family members shopping, cared for children, provided transportation to and from school, or performed other simple, inexpensive, but meaningful, tasks that the slain officer once did.

Of course, departments should not overwhelm survivors with attention. Nor should they devote an unreasonable amount of time and effort to providing support to survivors. No matter what a department does to assist the family and to compensate for the absence of the officer, a great feeling of loss remains inevitable.

However, departments can and should take steps to provide an ongoing response to survivors. The following timeline incorporates aspects of policies and guidelines from several law enforcement agencies, as well as other sources.

First Month

For a month following the funeral, agency officials should make daily phone calls to check in with family members to see if they need anything. Family liaison officers should make regular visits; the command liaison officer, weekly visits. These visits need not be lengthy but are meant to reassure the family that they have not been forgotten.

The agency head also should place telephone calls and make personal contact with primary survivors when possible. In addition, department personnel might encourage

their spouses to contact the surviving spouse or parents.

Second Through Sixth Month

The family liaison officers should continue to maintain regular contacts with the family. If the family indicates that the contacts can be reduced, the agency should honor their wishes, but the contacts should not be discontinued altogether.

Sixth Month and Beyond

Family liaison officers should continue to make calls and visits and provide any assistance necessary to the family. The agency should continue to invite family members to department functions and events. Research indicates that as time goes on, survivors take great comfort simply in knowing that the department will be there if they need assistance.⁸

MEMORIALS

When an officer dies in the line of duty, the department, fraternal and civic organizations, friends, neighbors, and concerned and caring members of the community often feel the need to create a memorial in the officer's honor. Such acts of remembrance represent a fitting and lasting tribute to officers who have fallen in the service of their communities.

Law enforcement agencies can provide several appropriate memorials to an officer's family. Departments can:

- Lobby for a special resolution from the State legislature or the city/county council
- Arrange for special certificates from law enforcement-related organizations

- Mount the officer's service weapon, handcuffs, badge, patches, and/or medals in a shadowbox for presentation to the family
- Assemble a scrapbook of photos, articles, and personal stories about the officer. Children especially value such mementos in later years.

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In addition, the department and local governing body can create more public memorials, such as:

- Renaming a street, building, park, or bridge after the fallen officer
- Placing the officer's photograph in the lobby of police headquarters or another public building
- Publishing, on the anniversary of the officer's death, a story of the officer's life.

The community also can provide a memorial by establishing a scholarship fund for the surviving children or for students of criminal justice at a local university.

CONCLUSION

After the line-of-duty death of an officer, citizens often ask the

chief of police if the department has gotten “back to normal.” The fact is, a department that experiences the line-of-duty loss of an officer will never be the same. As long as the fallen officer's coworkers remain with the agency, the memory of the officer will be kept alive.

On a daily basis, law enforcement officers must cope with an inordinate amount of stress brought on by constant conflicts with violators, complainants, irate citizens, and demanding supervisors. Compounding this burden is the fact that death could be just the next call away. All law enforcement officers deal with this burden every working day.

Officers should not have to bear the additional worry that their department will fail to care for their family adequately if a tragedy should occur. By developing a comprehensive response strategy, agencies can relieve officers of this burden. ♦

Endnotes

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⁶ Ibid.

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Research Forum

The Project on Human Development in Chicago Neighborhoods

By Kimberly J. Waggoner



Throughout history, the causes of human behavior have been debated. Are individuals genetically programmed to commit certain acts? Or does environment determine behavior?

Side by side in the nature-versus-nurture debate are criminal justice professionals who, depending on their view, recommend different solutions to deter criminals. Those who believe that criminals are born call for swift and sure penalties and more jails and prisons. By contrast, individuals who think that offenders learn criminal behavior recommend community outreach programs designed to teach offenders alternatives to criminal behavior.

As is the case with many debates, the answer to what causes criminal behavior most likely lies somewhere in the middle. Indeed, relatively few children born into lives of crime and violence become criminals, and numerous studies have been conducted to try to explain why. Traditionally, these studies assess behavior at a particular point in time or attempt to use hindsight to determine why a criminal took this path in life.

Ideally, studies of this type should follow a group of same-age subjects for approximately a 30-year period. Such longitudinal studies could determine what developmental and environmental factors influence criminal behavior and recommend solutions. Yet, the difficulties associated with these long-term endeavors make researchers reluctant to conduct them. The Project on Human Development in Chicago Neighborhoods, which runs for only 8 years but covers subjects whose ages will range from prenatal to 24 at the study's start and from 8 to 32 at its end, was designed to reap the benefits of longitudinal studies without suffering from their inherent problems.

THE PROJECT

The Project on Human Development in Chicago Neighborhoods, based at the Harvard School of Public Health, is a joint project funded by the John D. and Catherine T. MacArthur Foundation and the National Institute of Justice. After more than 6 years of planning, the study officially began in November 1994 and is expected to conclude in 2003. During this time,

Project researchers hope to pinpoint the developmental and environmental factors that influence criminal behavior in order to develop crime prevention strategies.

Project Staff

The Project's research staff comes from a broad range of backgrounds and experience. Director Felton J. Earls, M.D., is professor of human behavior and development at the Harvard School of Public Health and professor of child psychiatry at Harvard Medical School. Co-director Albert J. Reiss, Jr., Ph.D., is a William Graham Sumner professor of sociology at Yale University and a lecturer at Yale Law School. A team of professionals in psychology, sociology, law, government, and education assists Drs. Earls and Reiss.

In addition, the Project employs 75 full-time staff members, who represent 14 ethnic groups and speak 12 languages. Five units manage the five project areas: Administration, project relations, cohort assessment, data management and quality control, and agency records and sample retention.

Methodology

Subjects

Project researchers will study an unprecedented 11,000 subjects randomly selected from 80 different Chicago neighborhoods. Subjects include an equal number of males and females and represent every social class in Chicago's African American, Latino, white, and mixed ethnic communities.

At the start of the Project, some subjects will not have been born yet. The rest will range in age from 3 to 24, with 3 years dividing each group. As a result, after 3 years, the age groups will begin to overlap. At the end of the study, a 5-year overlap will exist between each group and the one preceding it. In

essence, this overlap creates additional same-age subjects, allowing researchers to draw more reliable conclusions from the findings. Moreover, because of the Project's design, in only 8 years, researchers will be able to obtain results that ordinarily would take 32 years to determine.

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Data Collection

Crime data typically come from police reports and subject self-reports. Unfortunately, both of these sources may contain biases that corrupt the data. To minimize these influences, the Project uses a variety of sources to collect data. Dubbed STORI by researchers, the approach uses self-reports, tests and examinations, observation, existing records, and informant reports to acquire information on study participants.

Areas of Study

With its dual goals of determining what factors influence criminal behavior and how these factors might be altered to prevent crime, the Project will focus on the following areas of study: Individual differences; family influences; community measures; traumatic stress, abuse, and child development; and the criminal career. The findings from these areas should help researchers develop methods to prevent crime.

Individual Differences

No two people are exactly alike. Even identical twins have personality traits that make them unique. Often, these traits get passed to children from their parents. For example, some children may have an increased ability to cope with stressful or traumatic incidents. Others may suffer the ill-effects of their mother's alcohol or drug dependency. The Project is studying these differences to see if certain characteristics predispose individuals for criminal conduct.

One important genetic difference seems to be sex. First, men and women favor different crimes. Men usually commit what are known as predatory

crimes—murder, burglary, assault, rape, and robbery. By contrast, women generally commit crimes considered less serious, including sexual misconduct, prostitution, substance abuse, drug-related offenses, and child abuse and neglect.

Though their crimes are considered less serious, women commit as many antisocial acts as men. Moreover, many of the crimes they commit can perpetuate a cycle of crime in their own children.

Finally, women usually learn not to act out in violent and aggressive ways. Thus, women who break the mold can offer insight into the causes of their criminal behavior. For these reasons, unlike previous studies that have excluded women, the Project includes equal numbers of males and females.

Family Influences

The concept of the American family is changing from a father, mother, and two children to a single-parent household, usually headed by a woman. Although much of today's crime often is attributed to the decay of the American family, the answer may not be that simple. In fact, previous studies have failed to reveal why some children become criminals while others do not, regardless of how many parents they have.

Indeed, the number of parents may not be as important as how stable and calm the household environment is, who provides primary care for the children, and whether other family members or role models exist. Studies have shown, for example, that grandmothers often play an important role in preventing children from developing antisocial behavior,¹ especially those children born to teen mothers. In essence, children with access to an extended family and other role models can thrive even in a single-parent home.

Yet, some studies have found that boys raised by their birth mother and a stepfather are no better off than boys raised by their mother alone.² The cause of this may be that the boys look at their stepfathers as competitors, rather than role models who normally help children develop self-esteem.

Ethnic identity may be another factor that influences criminal behavior. Children pick up behavioral cues from their parents and other family members. Some of these behaviors are expressions of the family's ethnic background. By learning and repeating them, children contribute further to their self-concept. The Project is studying how this affects criminal behavior.

While studying family influence, Project researchers will interview children, their parents, and other caregivers. Moreover, the study design allows researchers to consider other factors—for example, community measures—which may account for why children from single-parent homes, particularly boys, are at risk for antisocial behavior.

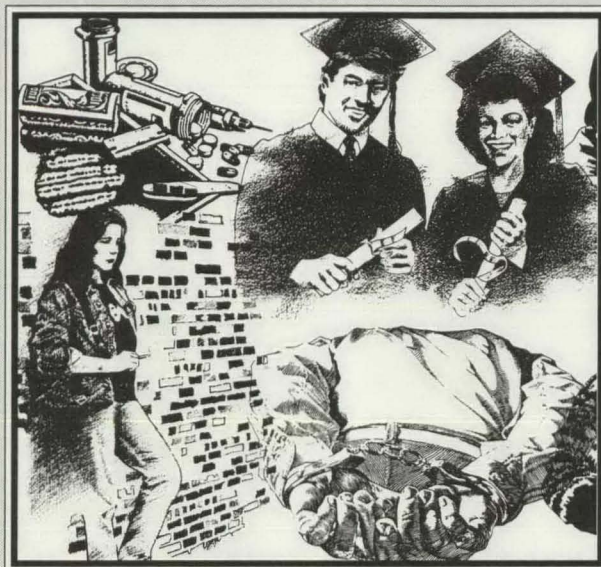
Community Measures

Individuals who commit crimes live in every neighborhood and every city. Yet, some

communities seem to nourish crime. Project researchers hope to determine what role the following elements play in whether communities nurture or weed out crime:

- Demographic, ethnic, and class structure
- Personal, family, and organizational networks
- Local culture, e.g., immigrant or working class
- Local institutions, e.g., schools or churches.

First, researchers had to define community, a concept that tends to expand with age. That is, a small child's



perception of community may be one or two houses, but a teen's is much larger.

The smallest unit in a community is the face-block, a single street of residences that face one another. Next are block groups, which encompass two or three adjacent blocks. Neighborhoods come next, clusters of block groups that are socially homogeneous and generally defined by patterns or landmarks, such as parks, main streets, or railroad tracks. Clusters of neighborhoods combine into local community areas, the next largest segment of a community. In such areas, the services available to residents vary and may affect human development and delinquency patterns.

Finally, an economic, political, and metropolitan system incorporates the community levels beneath it. Factors that affect the quality of life come into play within this larger system and include distance to good jobs, access to public transportation, and the availability and quality of politically controlled services, such as police, fire, and snow and trash removal, to name a few.

Project researchers will gather community data from a variety of sources. Official records, such as Census Bureau statistics, real estate transactions, and police and fire records, represent formal measures of community activities, but usually do not tell the whole story. To compensate, researchers will conduct surveys and interviews of randomly selected residents, the parents or partners of the 11,000 project participants, and "informants"—long-time residents, ministers, elected officials, and others who have a stake in the community and know quite a bit about its inner workings. Finally, researchers will observe where people gather and socialize, which formal and informal organizations are active, how well the neighborhood is maintained, how local businesses operate, and how the level of gang activity and ethnic tension affect the community.

To take into consideration changes that might occur within communities, research will be collected three times, at the beginning, the middle, and the end of the study. The data from these findings not only paint a portrait of the community but also can pinpoint how community affects individuals who have all other aspects in common.

Traumatic Stress, Abuse, and Child Development

Everyone faces stressful situations in life, but responds in different ways. Sometimes, a single traumatic incident or multiple episodes of physical or sexual abuse can lead to a condition known as post-traumatic stress disorder. Children and adults who suffer from this disorder exhibit a variety of abnormal behaviors, including a tendency toward aggressive or criminal activity.

An individual's sex plays a role here as well, with boys

more often turning to aggressive and violent behavior and girls having difficulty forming healthy, stable relationships and possibly developing sexual problems. Both boys and girls develop learning and attention problems that can affect them in school and for the rest of their lives.

In short, individuals differ in the symptoms they exhibit and the long-term effects that post-traumatic stress disorder imposes on their lives. Moreover, being the victim of abuse alone does not account for criminal behavior. A 7-year Connecticut study revealed that subjects with a combination of an abusive family and two or more "intrinsic vulnerabilities"³ were more likely to commit crimes as adults.⁴

Project researchers likely will encounter many participants who already have lived through a traumatic life experience or who may do so during the study. The information victims provide will give researchers insight into the effects of post-traumatic stress disorder. Still, the study is limited by its tools, questionnaires and surveys, which can reveal only so much information. Moreover, participants may be

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reluctant to disclose the details of their traumatic experiences. To overcome these obstacles, researchers may identify high-risk youths and follow up with indepth interviews and testing.

The Criminal Career

A small percentage of offenders commit the majority of crimes.⁵ Why do some offenders stop, while others continue throughout their adult lives? Several schools of thought exist that attempt to explain why some juvenile offenders become career criminals. They range from the Individual Development Theory, which blames criminal activity on conduct disorders and childhood delinquency, to the Deterrence Theory, which calls for swift, sure punishment to reduce crime. Like the nature-nurture debate, these theories generally support either a genetic or an environmental cause for criminal behavior. During the Project, researchers will test these competing theories for answers to why some individuals make a career out of crime.

Putting Project Results to Work: Intervention and Prevention

The Project's primary objective is to identify ways in which crime can be reduced. These methods fall primarily into two categories: Intervention and prevention.

Intervention

Due to the nature of this longitudinal study, methods to combat criminal behavior may become apparent before the Project ends. As a result, researchers would have an opportunity to test the strategies that appear likely to turn individuals from crime, for example, parental training or prenatal care. But these intervention strategies, as they are called, require considerable effort to implement. For example, studies must be conducted to isolate a particular factor, such as inadequate parenting skills, to determine if it is indeed the cause of antisocial behavior, rather than

only being associated with it. Such studies can be costly and will increase the burden that Project participants must shoulder.

Furthermore, individuals chosen for interventions may react favorably to them merely because they are the object of a study, a phenomenon referred to as the "observer effect." Finally, intervention may alter the overall findings of the Project's longitudinal study. In all likelihood, Project researchers will devise a system that permits intervention without contaminating the rest of the data.

Prevention

Traditionally, criminal justice professionals have focused on either rehabilitation or stiff sanctions to

deter criminals. Both of these strategies take place after the fact. By contrast, the Project focuses on crime prevention. By studying subjects from before birth to age 32, Project researchers seek to turn individuals away from crime, ideally, before they ever commit an offense. To accomplish this, the study must identify both the developmental and environmental factors that influence criminal behavior.

CONCLUSION

An old saying laments that everyone complains about the weather, but no one ever does

anything about it. Today, crime represents a similar source of frustration. Everyone agrees that something must be done to curb rising crime rates; yet, the debate over the "correct" method of doing so often splits people with conservative and liberal viewpoints and beliefs.

Research indicates that criminal behavior may result from the interaction of a number of factors, including individual differences, family influences, and community resources. This being the case, strategies must be developed to arrest criminal behavior before it occurs, not after. By studying 11,000 individuals from

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before birth to age 32, the Project on Human Development in Chicago Neighborhoods hopes to identify the factors that influence criminal behavior, as well as appropriate methods to keep juvenile troublemakers from growing up to be adult criminals. When combined with the results of other studies, the Project's findings will help to end the frustration that criminal justice professionals experience while trying to fight crime; instead, they will be able to understand, control, and prevent it. ♦

Endnotes

¹ S. McLanahan and K. Booth, "Mother-Only Families: Problems, Prospects, and Politics," *Journal of Marriage and the Family* 51 (1989): 557-580, in Felton J. Earls and Albert J. Reiss, Jr., *Breaking the Cycle: Predicting and Preventing Crime* (Washington, DC: National Institute of Justice, 1994), 16.

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⁵ See, e.g., M.E. Wolfgang, R. M. Figlio, and T. Sellin, *Delinquency in a Birth Cohort* (Chicago: University of Chicago Press, 1972), in Earls and Reiss, *Breaking the Cycle*, 5.

Mrs. Waggoner serves as an associate editor for the FBI Law Enforcement Bulletin at the FBI Academy in Quantico, Virginia.

Information from this article came from the National Institute of Justice's (NIJ) report, *Breaking the Cycle: Predicting and Preventing Crime*, and the Project's newsletter, "The Chicago Project News." Copies of the report, NCJ 140541, are available from NIJ, National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850, 800-851-3420. The newsletter, which updates the Project's research findings, can be obtained from Susannah Bates, Project on Human Development in Chicago Neighborhoods, Harvard School of Public Health, 677 Huntington Avenue, Boston, MA 02115, 617-432-1102, e-mail sbates@sph.harvard.edu.

Wanted: Photographs



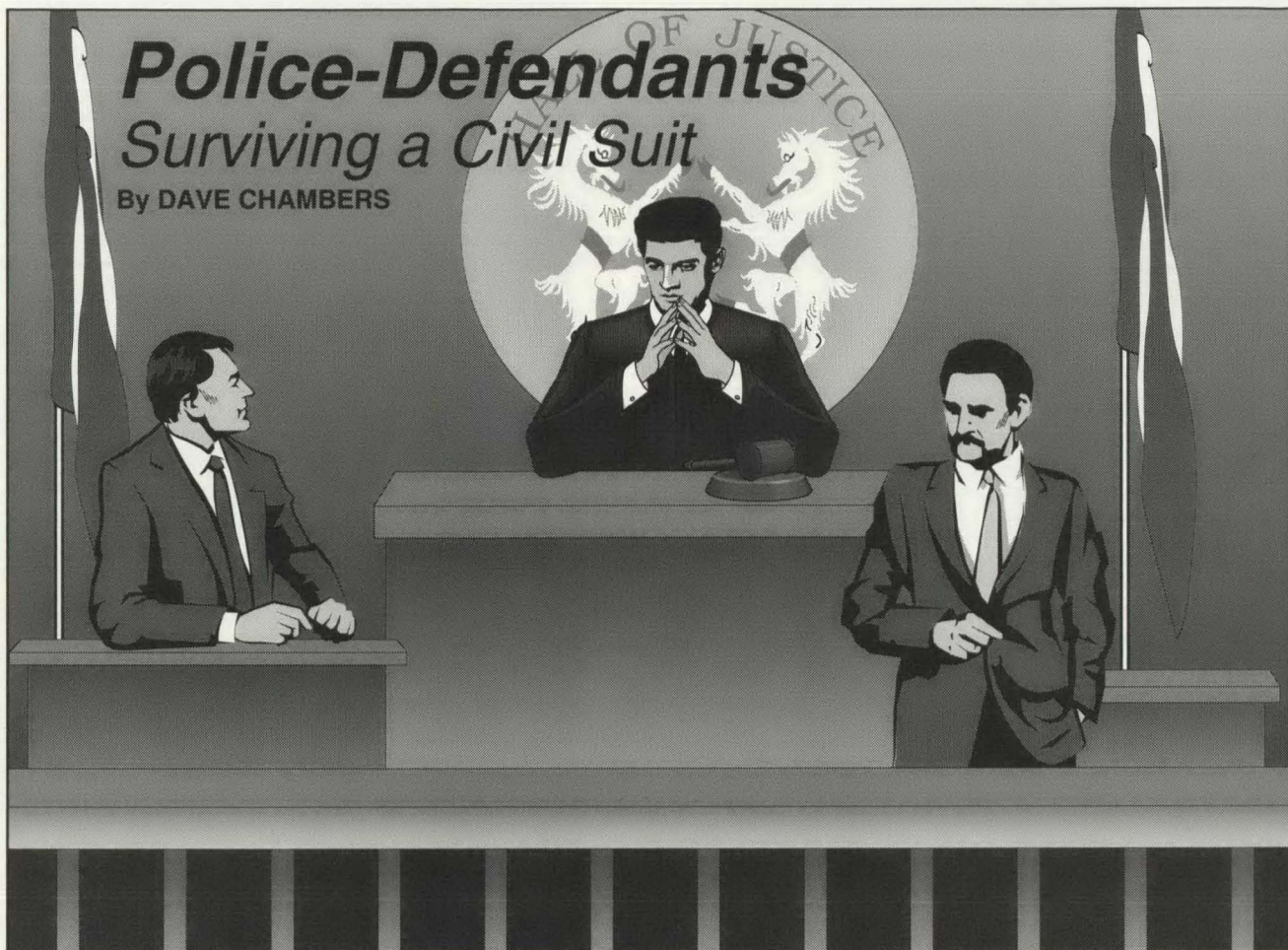
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Police-Defendants Surviving a Civil Suit

By DAVE CHAMBERS



With all the problems police officers confront daily, they also must contend with the possibility of being named as a defendant in a civil suit. Each year, citizens file an estimated 30,000 civil suits against the police, charging individual officers with negligence or as a party in the liability.¹ Indeed, today's litigious society serves as a haunting reminder to officers that decisions they make on the job could result in career-threatening civil action.

While law enforcement professionals strive to minimize liability

risks, they cannot anticipate every action that could precipitate a lawsuit. Yet, despite solid training and conscientious efforts to exercise proper judgment, one fact holds true, that is, many officers will be personally named in a civil suit at some time during their careers. When this happens, officers discover that being a police-defendant is frustrating, difficult, and confusing. It is a role for which they are seldom prepared.

Still, the thought of "preparing" police officers for the prospect of being sued presents some perplexing

questions. Does the mere threat of encountering civil litigation justify preparing all trainees for the police-defendant experience? How would citizens react if all officers were trained to expect a civil suit during their careers? What effect would this awareness have on police recruiting? Is it fair to officers if their departments do not prepare them adequately to survive, both emotionally and legally, the stressful effects of civil litigation? Unfortunately, until such questions have answers and departments routinely provide officers the support and preparation

they need and deserve, police-defendants will continue to feel angry, scared, and alone when hit with a civil suit.

This article offers some basic suggestions that should be considered by all police officers faced with the personal challenge of civil litigation. With support from their departments, they can prepare constructively for trial and can contribute positively toward their defense.

SUPPORT OF THE DEPARTMENT

While police officers should be held accountable to standards set by society and their profession, they, as individuals, should not be lost in or abandoned by the process. Internal investigations, insensitive jokes from peers, immediate demands from over-burdened attorneys, and inadequate support from their departments all contribute to the anger, fear, and frustration felt by officers as a result of the litigation.

To ignore the stressful impact of the police-defendant experience creates unnecessary risks that can profoundly damage a case. Support from associates helps officers to adjust to the role of police-defendant and helps them manage the emotional burden. Officers who do not have departmental support often fail to cope with the defendant role and end up compounding their problems. Departmental support, combined with a realization of the role requirements for police-defendants, can make all the difference in the final outcome of a civil suit.

ROLE REQUIREMENTS

Law enforcement officers should never assume that the role of police-defendant will resemble

their more familiar role of police-witness. The threat of personal risk, the effect of strong attitudes, and the value of emotional expression during testimony become altered dramatically with the officer's role reversal. Recognizing these distinctions is the first step toward effective trial preparation.

Differences

A major misunderstanding with a civil trial, one that compounds the anxiety that police officers experience, is the false expectation that they will be treated like police-witnesses. Police officers receive training to testify as witnesses, and they garner a certain professional respect in that role through on-the-job experience. It comes as a shock when officers learn that police-defendants do not command the same respect.

Many police-defendants testifying in a civil suit assume they should demonstrate the same demeanor they use as a professional

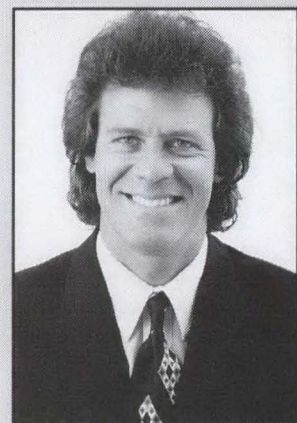
police-witness. This is a dangerous assumption. Officers need to be cognizant of, and know what to expect from, the dramatic differences between the routine role of witness and the more challenging and demanding role of defendant.

Increased Personal Risk

Personal risk is altered considerably by the change in roles. Officers testifying as witnesses do not face serious personal consequences. They may be verbally attacked at deposition, or in extreme cases, suffer minor public embarrassment when testifying in court, but beyond that, the extent of personal risk is minimal. After their testimonies, police-witnesses resume their normal duties and private lives.

On the other hand, in a civil suit, police-defendants offer testimony in defense to direct, personal attacks, not as professional sources of information. If police-defendants lose the judgment, serious consequences

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Each year, citizens file an
estimated 30,000 civil
suits against the police,
charging individual
officers with negligence
or as a party in the
liability.
”**



Mr. Chambers operates a consulting group in Pacific Palisades, California.

most likely will plague them for years. They probably will suffer financial losses; their careers and family stability may deteriorate; their self-esteem and confidence could be shattered.

Although increased personal risk appears obvious, most police-defendants do not confront feelings about their predicaments until far too late in the trial preparation process. The delay between the precipitating incident, the initiation of the suit, and the actual trial preparation allows officers to fall back into their normal work routines. Frequently, a sense of confidence develops from the false belief that their own trials will parallel previous and familiar criminal trial experiences.

Not until the trial date approaches and the specific task of trial preparation begins to dominate the officers' time does the real threat of personal risk begin to emerge. After avoiding and denying for months thoughts of what might happen, many police-defendants feel defensive, frightened, and anxious when finally forced to accept the role of defendant, even though they may appear confident and unconcerned.

The psychological shift from a routine frame of mind to the reality of the police-defendant role can be traumatic. Consequently, it is far better for that adjustment to occur early in the trial preparation process. Early acknowledgement and acceptance of the potential for serious personal risk help police-defendants work through difficult emotions, plan ahead, and avoid intense feelings that inevitably hinder effective testimony.

Strong Attitudes

While police-defendants may develop "attitudes" concerning criminal cases in which they testify, the emotions associated with such feelings usually do not obstruct their ability to offer clear, concise professional testimony. The police-witness role requires a degree of emotional detachment.

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Showing only an
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jury.
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Ideally, they offer information objectively and without bias or personal predisposition. Although an occasional expression of an "attitude" by a police-witness is less than appropriate and professional, rarely will it discredit the overall value of the testimony.

The police-defendant role is altogether different. By definition, it represents a personal attack on the officer. When finally recognized, the threat of severe personal consequences generates emotions that breed strong, often over-powering attitudes.

Officers who project an attitude of hostility, arrogance, indifference, or a myriad of other negative

dispositions while testifying as police-defendants cause irreversible damage to the defense. The jury's perception of attitudes displayed become a major factor in deciding a verdict. Personal attitudes, therefore, will produce vastly different consequences for the police-witness and the police-defendant.

Display of Emotions

Another factor dramatically affected by the change in the officer's role is the value of sincere emotional expression. Unlike police-witnesses testifying professionally as sources of information, police-defendants experience intense emotions both prior to and during a trial.

Whereas the police-witness role requires emotional objectivity, the police-defendant role demands emotional expression. One of the most serious mistakes officers make when testifying as defendants is to believe they must maintain a reserved, detached, professional demeanor throughout their testimony. This assumption results from years of experience testifying as witnesses, where the perception of a methodical, controlled professional empowers the testimony.

While presenting a professional image in court remains important for police-defendants, jurors also must sense their genuine, human qualities. For example, it is not enough, during a wrongful death suit, to state in a matter-of-fact manner how badly the officer feels regarding the loss of an innocent person's life. The officer must communicate genuine sorrow as well. For most officers, this is a real challenge, as so many divergent feelings compete for equal expression.

Police-defendants must be able to break through the police-witness stereotype and relate to jurors as humans to receive compassion. Showing only an emotionally detached "professional" demeanor grossly misrepresents police-defendants and misleads the jury. To communicate "humanness" genuinely, police-defendants must separate their different emotions and express only those that help to convey the desired message accurately and clearly.

Doing this successfully requires sorting and confronting strong feelings well before offering testimony. To allow opposing counsel to tap into highly volatile emotions for the first time in deposition or trial can be devastating. Still, revealing private emotions in a sensitive manner is a critical element in convincing and persuasive testimony.

CONVEYING THE MESSAGE

Everyone present in the courtroom focuses their attention on the information offered during trial. The manner in which that information is conveyed is of equal, if not greater, importance. The behavior exhibited with the verbal message determines the effectiveness of that message. If behavioral expression is not compatible with the verbal message's content, the value of the information decreases. Police-defendants must be able to communicate congruous verbal and nonverbal messages to offer believable testimony.

Once police-defendants recognize and understand the specific demands of their new role, effective testimony preparation can begin.

Learning how to testify while displaying a demeanor consistent with the defendant role is a major adjustment. If neglected, police-defendants risk relying on familiar communication styles that can jeopardize an otherwise strong substantive testimony.

Photo by Jeanetta Clark



The profound difference between being a witness and a defendant helps to define what is meant by "appropriate demeanor." A major difficulty that police officers experience as defendants is accepting the inherently submissive nature of the defendant role. Submissive in this sense only means that in relation to the other professional roles in the courtroom, the defendant is subordinate. It does not mean that the officer is weak or backing down. It is simply the characteristic of a particular role, denoting a specific social relationship in the context of the trial.

For police-defendants, the need to maintain a submissive demeanor, particularly during heated cross-examination, challenges the officers because it is totally out of character to what they are accustomed. Yet, police-defendants who fail to communicate a humble and respectful

posture during a civil suit are guilty of the same offensive conduct of citizens who defy the police.

Jurors will interpret negative behavior by the police-defendant as disrespectful and inappropriate, which could have severe consequences. The value attributed to information results from the perception of its source. Observable, nonverbal behavior, along with the verbal message, ultimately determines the power of the information.

Body Language and Gestures Empower Words

Body language, the external expression of internal thoughts and feelings, refers to physical posture; hand gestures; leg, trunk, eye, and head movements; or any other observable behavior exhibited by an individual. Body language can either enhance or confuse the intended meaning of the verbal message.

Many police officers receive training that emphasizes the value of body language when performing their jobs. If an officer needs to assert control during a verbal confrontation, a shift in stance or change of posture is a standard, effective technique in the use of body language. Likewise, how officers express themselves nonverbally in the courtroom is equally important.

If an officer needs to communicate compassion and sensitivity at a critical point in the testimony, the demeanor exhibited at the time must "agree" with the content of the message. For example, the officer may say, "I want you to believe that I really care about this," but with nonverbal behavior, the message

might become, "I really don't care. Let's get this thing over with. I have more important things to do."

When testifying, police-defendants should be cognizant of their body language. Aggressive, indifferent, or passive body language sends a damaging message to jurors. Ignorance of body expressions places the officer's internal feelings and thoughts at the risk of misinterpretation. Therefore, police-defendants should always remember that if they can be observed, they also are communicating, regardless of who is speaking.

Proper Communication Ensures Credibility

Two aspects of communication, content and process, influence the value of testimony. Content refers to the words spoken; process refers to how those words are expressed and all other nonverbal communication associated with the verbal message. Content offers information about the subject of conversation; process tells what is going on between the speakers. Police-defendants need to understand how these two important aspects of verbal communication affect testimony.

At trial, the focus of concern, theoretically, centers on the facts of the case. The jury bases its decision on the agreement of these facts. In reality, it is the process of offering information that persuades the jury to filter disputed information as fact.

Tone, inflection, pace, and volume constitute important behavioral aspects of verbal expression that influence how jurors perceive police-defendants. Police-defendants must be comfortable speaking with

feeling, if they want others to believe what they say.

When testifying, police-defendants also need to choose cautiously the words they use to describe the events. The incorrect use of words, no matter how insignificant it may seem, can create ambiguity that dramatically changes a juror's perception of the facts. Colorful adjectives that slip out, either intentionally or

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Understanding the differences between the police-witness and the police-defendant helps officers to adjust to the role reversal.

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unintentionally, communicate feelings that easily can be misinterpreted. Clear testimony requires careful and accurate word usage.

The method of attaching truth to information stems from the manner in which the defendant offers information. Jurors decide the value of information based on their perception of the source. When they agree on the source's credibility, disputed information becomes "fact."

Eye Contact Conveys Trust and Confidence

Police-defendants testifying in a civil suit frequently make the mistake of addressing their answers to the attorneys, not to the jurors. While this is suitable for

police-witnesses offering information as professionals, police-defendants doing the same lose a prime opportunity to gain the trust and confidence of the jury.

Police-defendants should never forget that their character is under constant scrutiny. Establishing genuine eye contact with jurors becomes important if the defendants are to be perceived as believable. Excluding the jurors from direct eye contact projects an attitude that officers are being evasive or do not consider the jury's presence important.

Poor eye contact also conveys an inability to face the jury and can negate powerful substantive testimony. Conversely, direct eye contact relays trust and honesty. Consequently, officers should never overlook the importance of sincere and genuine eye contact with those who are ultimately going to determine the outcome of their case.

Controlled Facial Expressions Reflect Genuine Feelings

Facial expressions often send unclear or ambiguous messages that confuse communication. Because the experience of testifying as a defendant is unnaturally formal and emotionally intense, officers frequently exhibit facial expressions that are rigidly stoic and not consistent with true feeling associated with the message. Smiling, squinting, or raising one's eyebrows, as well as cocking one's head to one side, may send an unintended message. The significance of facial expressions should not be underestimated by police-defendants who need to send their message loud and clear.

CONCLUSION

Police officers face one of the most difficult tasks of their personal and professional lives when forced to assume the role of police-defendant. Inadequate understanding of the process, conflicting social pressures, and intense personal emotions all combine to create a psychological nightmare for officers named in a civil suit. By the time the trial begins, many police-defendants are emotional time bombs capable of exploding if the right button is

pushed. And, no one wants to push that button more than the plaintiff's attorney.

Police-defendants, however, can contribute meaningfully to their own defense. Anticipating emotional reactions common to most police-defendants assists officers to survive the civil litigation process. Understanding the differences between the police-witness and the police-defendant helps officers to adjust to the role reversal. Improving basic communication skills corrects bad

habits, reduces misinterpretation, and helps provide clear and convincing trial testimony. With timely and effective preparation, officers can avoid common mistakes and habits that can undermine their defense and create real, personal nightmares. ♦

Endnote

Victor E. Kappeler, Stephen F. Kappeler, and Rolando V. del Carmen, "A Content Analysis of Police Civil Liability Cases: Decisions of the Federal District Courts, 1978-1990," *Journal of Criminal Justice*, vol. 21, No. 4, 1993, p. 330.

Author Guidelines

Manuscript Specifications

Length: 1,000 to 3,000 words or 7 to 15 pages.

Format: All manuscripts should be double-spaced and typed on 8 1/2- by 11-inch white paper. All pages should be numbered, and three copies should be submitted for review purposes. When possible, floppy disks using WordPerfect 5.1 should accompany typed manuscripts.

Publication

Basis For Judging Manuscripts: Manuscripts are judged on the following points: Relevance to audience, factual accuracy, analysis of information, structure and logical flow, style and ease of reading, and length. Favorable consideration cannot be given to an article that has been published previously or that is being considered for publication by another magazine. Articles that are used to advertise a product or a service will be returned to author.

Query Letters: Authors may submit a query letter, along with a detailed one- to two-page

outline before writing an article. This is intended to help authors but does not guarantee publication of the article.

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Management Difficulties with Discrimination Complaints

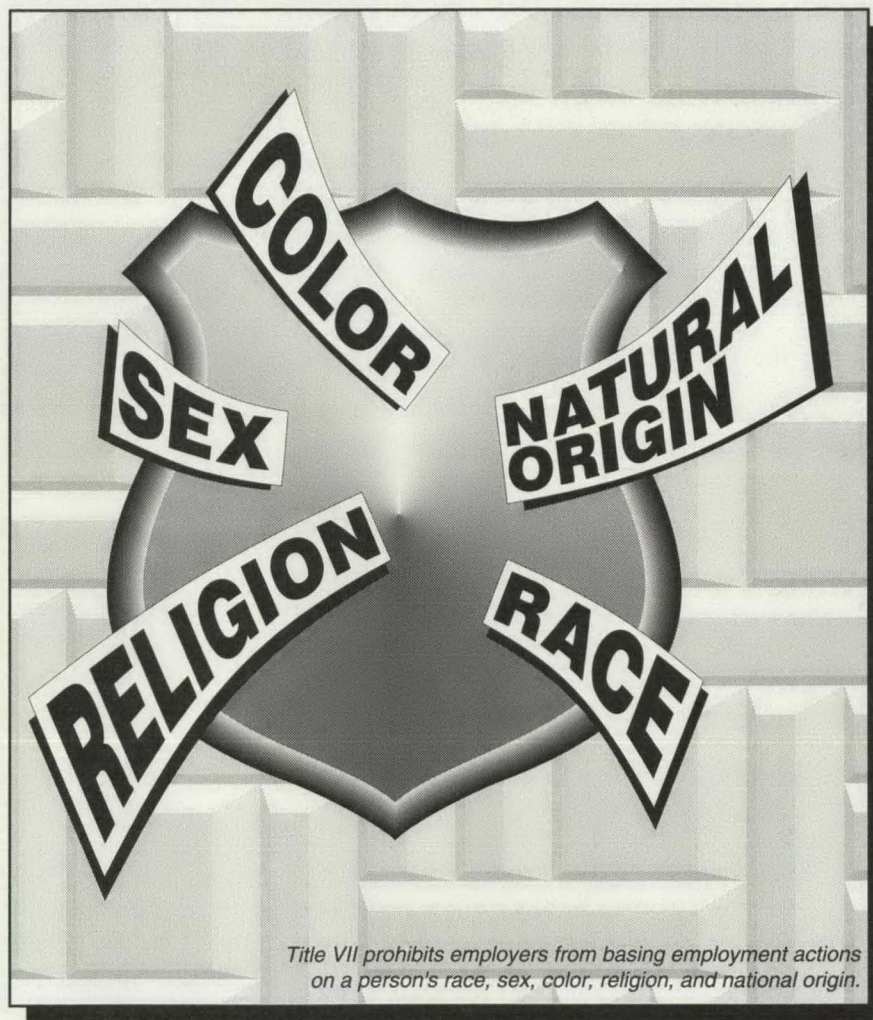
By
TONI MARI FOGLE, J.D.

Management difficulties associated with discrimination claims seem more intense today than ever before, and there has been a steady increase of discrimination complaints filed under Title VII. Plaintiffs and their attorneys have "discovered" that favorable litigations under Title VII can reap exorbitant financial rewards. Some attorneys now have practices that specialize solely on Title VII actions and have developed a proficiency at handling them.

The lengthy and costly process of litigating discrimination cases encourages some employers to engage in "checkbook" litigation, where cases are settled by offering plaintiffs a cash settlement. While settling complaints may or may not encourage serial litigation or cause abuses of the system, it does, however, impact the psyche of the accused management official, because implicit with settling a case is an admission that someone did something discriminatory (illegal) and wrong.

The only alternative is trial. By its very nature, a trial involving pride and self-esteem (either as a subordinate or as a supervisor) will end up injuring both sides. This is simply a "no-win" situation for management.

What can management do to deal with this myriad of difficulties?



Managers must learn and understand the fundamentals of discrimination law and then acknowledge, accept, and support its existence.

This article addresses discrimination problems in the workplace. It also provides some common-sense suggestions as to how law

enforcement managers should deal with them.

What the Courts Look For

Title VII regulates and prohibits employment actions taken on account of a person's race, sex, color, religion, and national origin.¹

Employment actions commonly take the form of hiring, promotion, assignment, performance appraisal, and discipline.

An intentional use of race, sex, color, religion, or national origin in an employment action against an individual is identified as "disparate treatment." In this type of case, there must be a discriminatory motive (intent to discriminate). However, the motive sometimes can be inferred from differences in treatment.

Allegations of disparate treatment are problematic for managers to defend and present a unique challenge to judges or juries who must determine the ultimate issue of whether there was discrimination violative of Title VII. One Federal judge expressed his frustration with such cases as follows:

This Title VII case presents a nigh diurnal [near daily] problem for the judiciary....[these] question[s] [have] formed the chorus for many productions in many seasons of the legal opera. The familiar refrain forms the theme for this work too—and the crescendo reverberates: 'The antagonist has not shown that his refusal to hire is work-related.' This compelling melodic line causes us to commission a new work in the district court—addressed to the same human drama. By whatever appellation—'liti-giousness' or 'work history'—the appellees stated reasons for its refusal to hire, adopted by the district court, do not constitute cognizable cause for the refusal.²

The criteria set out in *McDonnell Douglas Corp. v. Green* and its progeny establish how the plaintiff's allegations must be analyzed under a three-phase shifting burden analysis.³ Initially, the plaintiff must prove a *prima facie* case by a preponderance of the evidence.

Should the plaintiff succeed, then the employer must produce evidence that the employment action was taken for a "legitimate and non-discriminatory reason." If the employer carries this burden, the plaintiff must meet the ultimate burden of persuasion that the reasons offered by the employer are a pretext for discrimination.

Meaning of the Three-Phase Shifting Burden

Factual circumstances can vary in discrimination cases, and slight variations in the *prima facie* case may occur with differing factual situations. However, plaintiffs must

establish a *prima facie* case by showing:

- 1) They are members of a protected group
- 2) They are similarly situated to employees outside their particular group, and
- 3) They were treated differently than employees outside their protected group.

It is well-settled that plaintiffs' "beliefs" or "feelings" cannot create a triable issue of discrimination.⁴

The employer then responds to the *prima facie* case by producing evidence that would negate the plaintiff's claim of similarly situated employees outside the plaintiff's particular group or by producing evidence that plaintiff was not treated differently. If the employer is unable to respond sufficiently to negate the *prima facie* case, and the plaintiff is able to establish this threshold requirement, then the

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

employer must come forward with evidence of a legitimate and nondiscriminatory reason for its actions.

The employer's explanation must be clear and reasonably specific.⁵ Invariably, the employer will lose the trial when using facts that appeal to emotion rather than logic. To overcome the inference of discrimination created by the establishment of a plaintiff's *prima facie* case, general and unsubstantiated or largely undocumented testimony is ineffective.⁶

Although the defendant does not have the burden of presenting comparative evidence, there is an incentive "to persuade the trier of fact that the employment decision was lawful."⁷ Comparative evidence often provides the substance of rebuttals; it has been described as the "viscous agent which would overcoat [plaintiff's] *prima facie* case."⁸

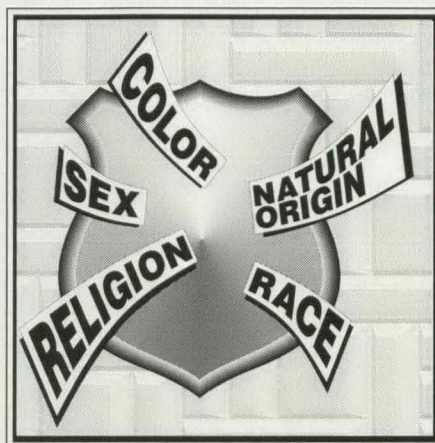
Once the employer has articulated the legitimate and nondiscriminatory reason for its actions, the burden shifts back to the plaintiff to establish a "pretext." In 1993, the Supreme Court clarified the third prong of the analysis regarding burdens of proof in Title VII matters.

Specifically, the Court explained that in order for a plaintiff to carry the required burden of proof, the plaintiff must demonstrate that the legitimate nondiscriminatory reason offered by the employer to explain the employment action is false and the true reason was motivated by unlawful discrimination. The Court noted: "[A] reason cannot be proved to be 'a pretext for discrimination' unless it is shown both

that the reason was false, and that discrimination was the real reason."⁹

Using the Court's Framework For Guidance

When a discrimination (EEO) complaint is received, the investigation should be conducted with a view toward establishing or eliminating a



case based on the previously discussed shifting burdens. The investigation should be both objective and thorough.

Self-serving affidavits or declarations made during an investigation are ineffective and often counter-productive. Statements should articulate facts and should be supported by documentation. Examples of documentation would include policy, written evidence of practice, and comparable instances of conduct.

Management officials then should review the investigation upon its completion. If recognizable problems within the record exist, these officials should consult with their in-house or defense counsel

immediately to determine the best approach to take with the case.

In working with in-house or defense counsel on litigation matters, management should encourage the defense counsel to pursue and defend discovery aggressively. Discovery is controlled primarily by regulations and the Federal Rules of Civil Procedure. Devices such as interrogatories,¹⁰ requests for admission,¹¹ requests for production,¹² and depositions¹³ should be used. Requests for admission are effective tools, especially for use in motions for summary judgment, because any matter admitted is established conclusively.

Plaintiff attorneys know that if they can broaden discovery (go on a fishing expedition), more than likely they will locate information of value. Plaintiff attorneys also know that if they can confuse and expand the issues, the defense attorneys may be distracted addressing minor or irrelevant issues and lose sight of the major issue. Better yet for the plaintiff attorney is when a minor issue attracts the attention of the judge or jury.

Defense counsel must be encouraged to limit discovery aggressively.¹⁴ All grounds for objections must be stated with specificity, and any ground not stated in a timely objection is waived.¹⁵ Counsel also should seek protective orders on irrelevant deponents. Finally, any governmental privilege should be protected conscientiously.¹⁶

Defense counsel also should be encouraged to use motions to dismiss for appropriate procedural and jurisdictional issues and motions for summary judgment at both the

administrative and district court levels. The Supreme Court has stated that summary judgment is appropriate where the adjudicator determines that no genuine issue of material fact exists, as governed by the applicable substantive law.¹⁷

Motions for summary judgment based on the record of investigation, declarations/affidavits, requests to admit, and depositions are effective tools in litigation. These motions often are successful, but even if the court fails to decide the merits "on paper," at least the court is focused on the significant issues that will be raised at trial.

Avoiding the Pitfalls of Subsequent Retaliation

Discrimination complaints impact people in much the same way that a pending divorce action does. These cases involve not only an economic interest or injury but also pride. When employees decide that their treatment compels them to file complaints of discrimination at managers for perceived mistreatment, they are, in essence, "divorcing" their employers.

These cases are filled with allegations and animosity. The workplace may have people "taking sides." Additionally, the accused and the accuser will take the accusations personally. Careers and relationships are destroyed. Often, plaintiffs file a case of retaliation.

It is "unlawful for an employer to harass, penalize, or retaliate against an employee for opposition to practices prohibited by Title VII or for exercise of remedial rights established by Title VII."¹⁸ It is

difficult for the plaintiff to prove the case in chief, but it is much easier to prove retaliation. In establishing a *prima facie* case of retaliation, the plaintiff only needs to show:

- 1) The plaintiff was engaged in an EEO activity
- 2) The employer took some type of action against the plaintiff, and
- 3) A causal relationship between the EEO activity and the action existed.

As one court noted, "An employer's knowledge of an employee's involvement in the EEO... process is enough to show a causal connection...."¹⁹

“

Invariably, the employer will lose the trial when using facts that appeal to emotion rather than logic.

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One way of limiting claims of retaliation is to keep claims of discrimination as confidential as possible. Employers are able to prevail over a charge of retaliation by establishing that the management official accused of such discrimination had no knowledge of plaintiff's prior participation in the EEO process. Another way of addressing the issue is to ensure all personnel are trained as to the wrongful nature of retaliation and convince

supervisors to depersonalize complaints of discrimination.

One Federal court has cautioned that while some plaintiffs are admittedly disagreeable people, the "disputatious" plaintiff cannot be harassed or injured because of a willingness to petition the government for redress of grievances. The court stated:

The statute prevents a bill of attainder against one for asserting one's rights. Title VII would be chilled to a freeze by allowing the icy finger of job discharge or refusal to touch an individual who claims his title VII rights. The resort to legal rights cannot itself legalize discrimination.²⁰

This does not mean, however, that law enforcement managers are powerless in addressing disciplinary or other matters for individuals involved in the EEO process. Title VII was not intended to interfere with traditional management functions or prerogatives.²¹

Resolving a Problem Before It Becomes a Complaint

Open, honest communication will stop most problems before they start. Many complaints arise not out of glaring problems with discrimination, but out of personality conflicts and resulting breakdowns in communication.

Law enforcement managers should recognize these problems and aggressively resolve them at the outset. Allowing a problem to fester without an outlet encourages the use of the EEO process.

When personality conflicts occur, it is not uncommon for

subordinates to believe that they are being singled out or treated unfairly. It is absolutely essential that supervisors avoid even the appearance of playing favorites or holding grudges. Title VII complaints start with perceptions that often are misperceptions.

If the conflict cannot be resolved, management should make a change in the supervisor-subordinate relationship. It is incumbent on management to determine whether the problem lies with the subordinate or the supervisor.

Management should recognize deficiencies in their supervisors, if they exist. If a supervisor's shortcomings cannot be "fixed" through training and education, then the supervisor should be removed.

In addition, law enforcement managers should have clear and concise written policies and should follow those policies without exception. Any variance in the application of the policies adds to the impression of unfairness and provides substance to a complaint.

Managers also should ensure consistency in documentation with all employees. Above all, they must avoid "keeping book" on only "problem" employees.

Conclusion

Management response to discrimination claims can be more effective when managers understand the fundamentals of discrimination law. Informed law enforcement managers can better assist with the defense of any litigation. But most important, they can prevent discrimination from occurring in

the first place by ensuring the department implements fair policies and procedures that are followed consistently. ♦

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Endnotes

¹ See Title VII of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. 2000e *et seq.* (1991)).

² *East v. Romine, Inc.*, 518 F.2d 332, 335 (1975).

³ *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973). The progeny of *McDonnell Douglas* include *Texas Department of Community Affairs v. Burdine*, 450 U.S. 248 (1981), and *St. Mary's Honor Center v. Hicks*, 113 S.Ct. 2742 (1993).

⁴ *Harris v. Home Savings Association*, 730 F. Supp. 298 (W.D. Mo. 1989).

⁵ *Burdine*, 450 U.S. at 258.

⁶ The *McDonnell Douglas* *prima facie* case is "merely a sensible, orderly way to evaluate evidence...." However, when the employer advances a legitimate and nondiscriminatory reason for its action, the court is not required to address the issue of whether the plaintiff has established a *prima facie* case. The reason for this holding is that "[t]he district court has before it all the evidence it needs to decide [the merits of the case]." *United States Postal Service Board of Governors v. Aikens*, 460 U.S. 711, 716 (1983).

⁷ *Burdine*, 450 U.S. at 258.

⁸ *East*, 518 F.2d at 340.

⁹ *Hicks*, 113 S.Ct. at 2752 (emphasis in original).

¹⁰ Fed. R. Civ. P. 33.

¹¹ Fed. R. Civ. P. 36.

¹² Fed. R. Civ. P. 34.

¹³ Fed. R. Civ. P. 30.

¹⁴ Common objections to discovery include:

(1) Discovery sought is not reasonably calculated to lead to the discovery of admissible evidence. Fed. R. Civ. P. 26(b)(1); Fed. R. Evid. 401.

(2) Discovery sought is unreasonably cumulative or duplicative. Fed. R. Civ. P. 26(b)(2)(i).

(3) Discovery sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Fed. R. Civ. P. 26(b)(2)(ii).

(4) The burden or expense of the proposed discovery outweighs its likely benefit. Fed. R. Civ. P. 26(b)(2)(iii).

(5) Discovery sought concerns communications protected by the attorney-client privilege. Fed. R. Evid. 501.

(6) Discovery would require disclosure of attorney work product prepared in anticipation of litigation. Fed. R. Civ. P. 26(b)(3).

(7) Discovery seeks information concerning settlement negotiations for the sole purpose of proving liability. Fed. R. Evid. 408.

(8) Discovery seeks information concerning subsequent remedial measures for the sole purpose of proving liability. Fed. R. Evid. 407.

¹⁵ Fed. R. Civ. P. 33(b)(4).

¹⁶ See, e.g., 28 C.F.R. § 16.21 (DOJ Touhy Regulations).

¹⁷ *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986).

¹⁸ *Smith v. Union Oil Company of California*, 1977 WL 77 (N.D. Cal.).

¹⁹ *Judge v. Marsh*, 649 F. Supp. 770, 782 (D.D.C. 1986).

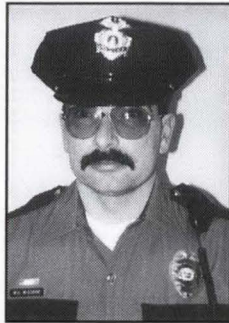
²⁰ *East*, 518 F.2d at 342.

²¹ *Burdine*, 450 U.S. at 259.

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. *Law Enforcement* also wants to recognize their exemplary service to the law enforcement profession.

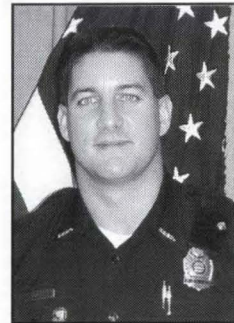


Sergeant Waldron

Reserve Sergeant Bill Waldron of the Port Angeles, Washington, Police Department was returning from a family outing when he observed a collision between two vehicles at an intersection. The gas tank of one of the vehicles exploded on impact and quickly engulfed both vehicles in flames as they came to rest in the ditch at the side of the highway. Both drivers were able to exit their vehicles; however, a passenger in one of the vehicles was badly injured and trapped under the collapsed dashboard. Ammunition that he and the driver were going to use during firearms practice began to explode as the interior of the vehicle caught fire. Seeing that the passenger was unable to free himself, Officer Waldron entered the burning vehicle, freed the man, carried him to safety, and extinguished the flames that had spread to his clothing. After turning the victim over to responding medical units, Sergeant Waldron then acquired a safety vest from the fire crew and began to direct traffic around the accident scene. The victim was treated for several broken bones and serious burns.



Officer Ward



Officer DeMar

During a severe thunderstorm, Field Training Officer Jim Ward and recruit Officer Glenn DeMar of the Forest Park, Ohio, Police Department overheard a radio call for a neighboring police department about a youth who had been swept away by a swollen creek. Realizing that they were close to the location of the call, Officers Ward and DeMar quickly responded to the scene. They were met by a frantic resident who directed them to the creek and a culvert that contained a large storm drainage pipe, which was nearly submerged by the rushing water. The 13-year-old boy was struggling against the rush of water at the slim mouth of the pipe. The officers immediately secured their weapons, jumped into the rushing stream, and held the victim from being sucked into the drain. They kept the boy away from the mouth of the drain pipe until fire and rescue units arrived to pull the three from the raging currents. Responding rescue units agreed that the actions of Officers Ward and DeMar saved the boy from great harm and possible death.

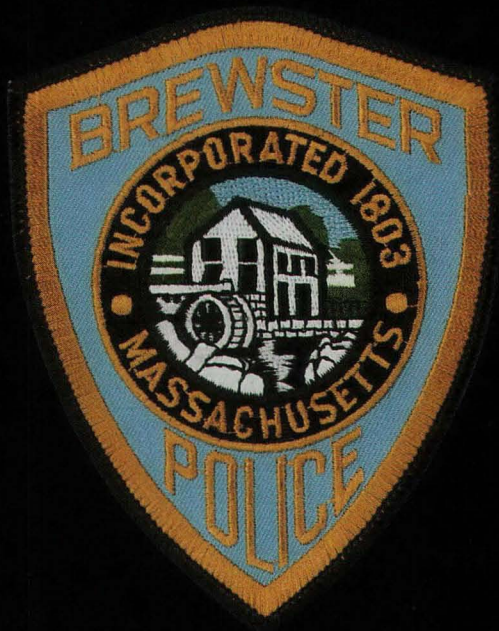
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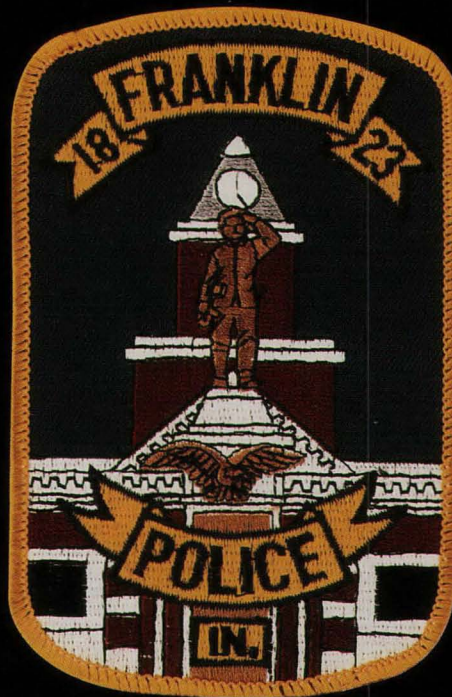
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Patch Call



The Brewster, Massachusetts, Police Department patch features the Brewster Gristmill, a local historic landmark. This water-powered mill, rebuilt in 1873 after being destroyed by fire two years earlier, represents the town's commercial heritage.



The patch of the Franklin, Indiana, Police Department features both the local courthouse and the county's war memorial. Also shown is the year in which the City of Franklin was incorporated—1823.