

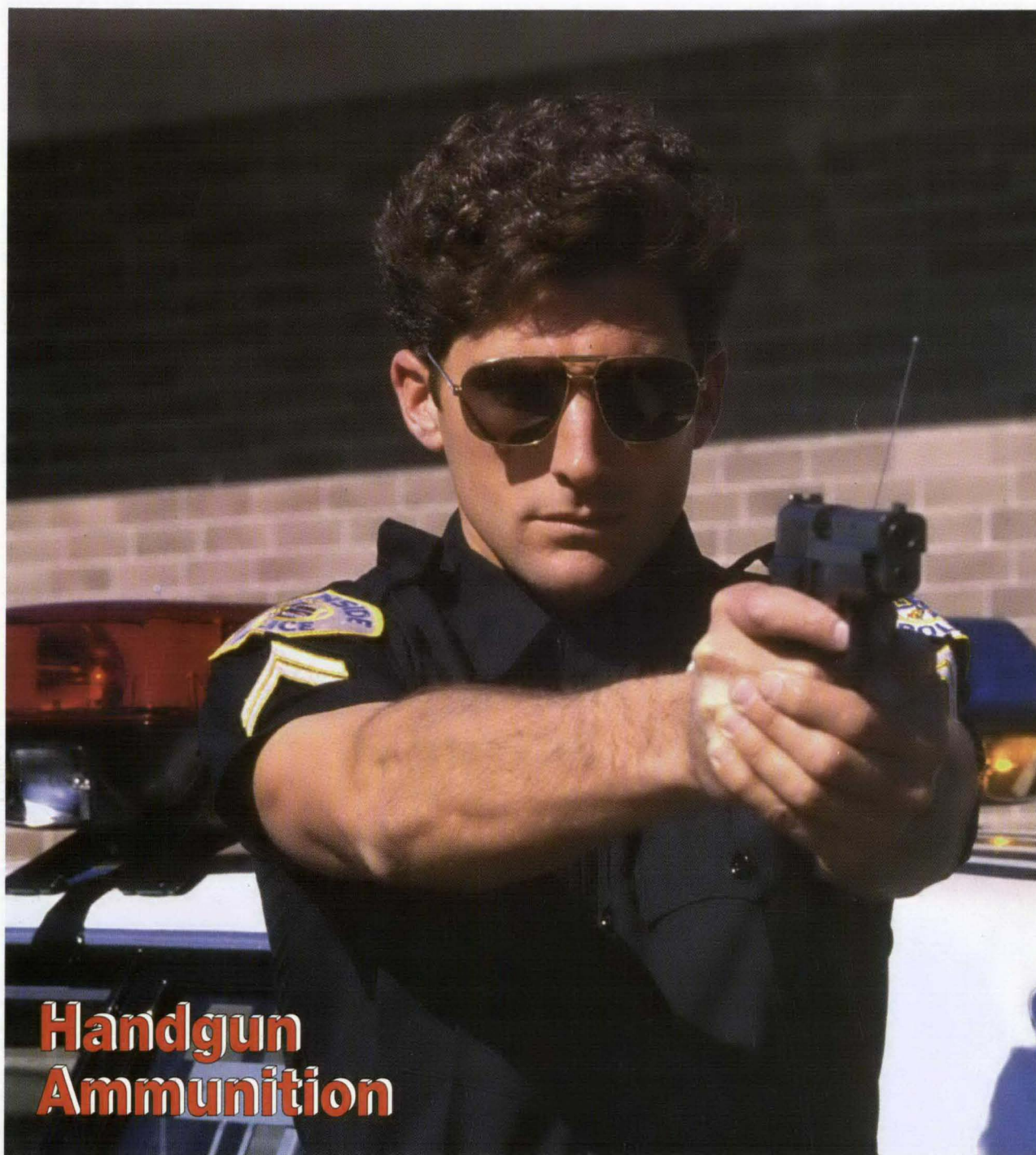
U.S. Department of Justice
Federal Bureau of Investigation



JANUARY 1995

FBI Law Enforcement

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**Handgun
Ammunition**

January 1995
Volume 64
Number 1

United States
Department of Justice
Federal Bureau of
Investigation
Washington, DC 20535

Louis J. Freeh
Director

Contributors' opinions and statements should not be considered as an endorsement for any policy, program, or service by the FBI.

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget.

The *FBI Law Enforcement Bulletin* (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535. Second-Class postage paid at Washington, D.C., and additional mailing offices. Postmaster: Send address changes to *FBI Law Enforcement Bulletin*, Federal Bureau of Investigation, FBI Academy, Quantico, VA 22135.

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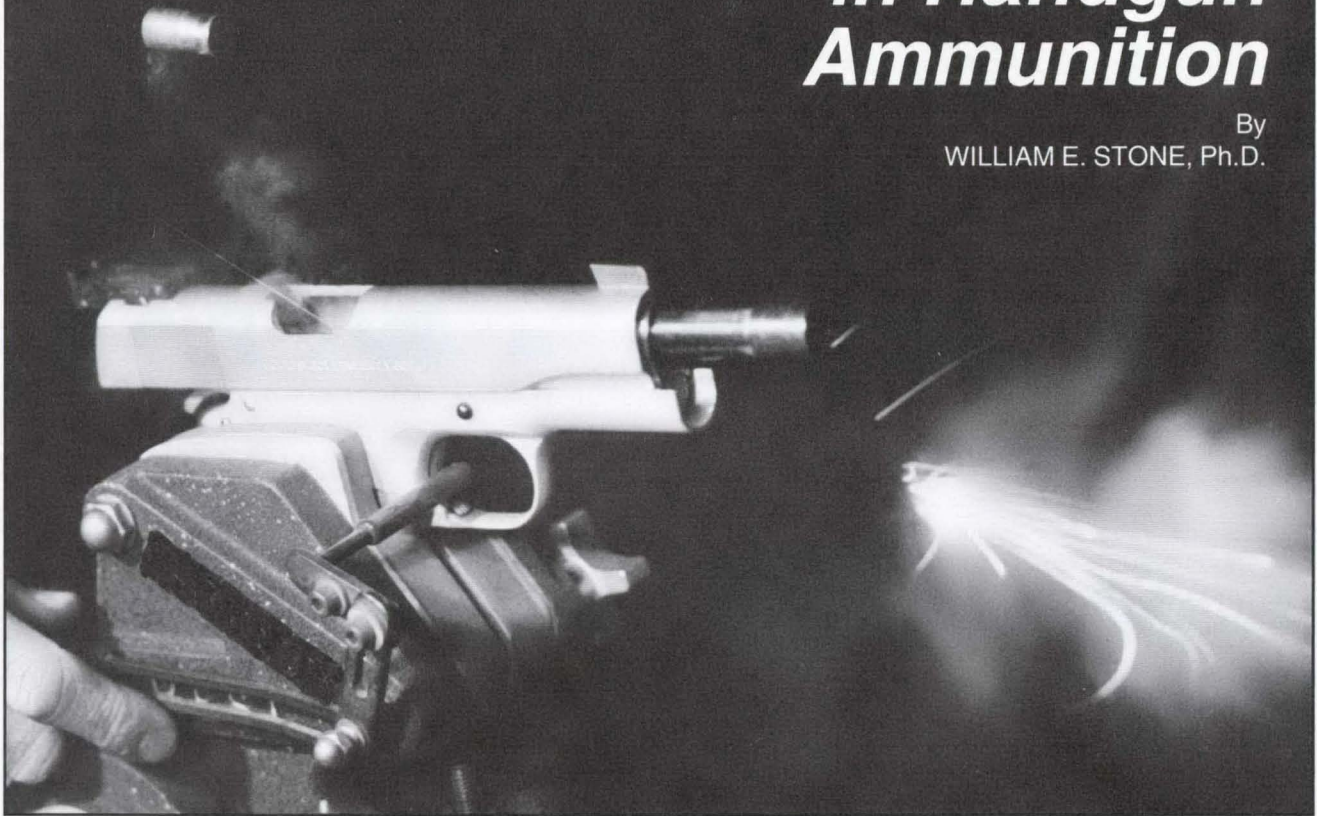
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Improvements in Handgun Ammunition

By
WILLIAM E. STONE, Ph.D.



The search for the most effective police handgun cartridge is not a new one. For years, firearms experts attempted to determine the caliber, velocity, and bullet type best suited to the wide range of law enforcement needs. Many different recommendations surfaced over the years, each touted as the answer to law enforcement's prayers. Yet, only the most foolhardy would attempt to name the winner for the title of best police handgun cartridge from among the many contenders.

The inability to decide on the best available cartridge resulted, in large part, from a lack of empirical

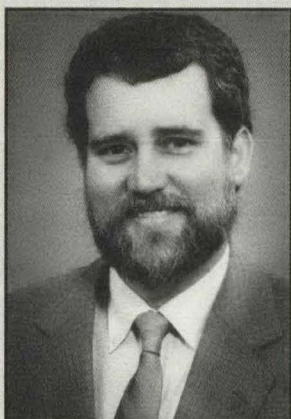
research on handgun cartridge effectiveness. In the first stage of quality research, researchers must decide how to measure the item being studied. In this case, the actual characteristics of an effective police handgun cartridge had never been determined, so no yardstick with which to measure cartridge effectiveness existed until recently.

Cartridge Effectiveness

In 1989, the FBI's Firearms Training Unit released a report that provided law enforcement with the first meaningful operational definition of cartridge effectiveness.¹ This report represented the first major

attempt to apply the scientific method to evaluate handgun cartridges. Other research predated this report;² however, the earlier studies generally lacked the rigor contained in the 1989 report and could be described better as preliminary research or informed opinion than as quality empirical research.

The issues identified in the FBI's report subsequently were translated into testing procedures.³ These procedures required a cartridge to perform well, even after penetrating various substances that might be found in a law enforcement shooting situation, such as plasterboard, windshield glass, car



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door metal, and other commonly encountered barriers. Not surprisingly, the report on this controversial subject received a rather hostile reception in some quarters. Some experts continue to assert that only field analysis of actual shooting incidents will provide an accurate answer to the question of cartridge effectiveness.

Although debate continues on the merits of field versus laboratory study procedures, laboratory procedures have at least one distinct advantage—ammunition manufacturers can duplicate the test procedures in their own laboratories for the purposes of product development and improvement. While the relative merits of the FBI's testing procedures may be debated, it generally must be conceded that the testing procedures provide a useable yardstick for ammunition manufacturers. The obvious question, then, is: What have manufacturers done with this available yardstick for measuring police handgun cartridge effectiveness?

Study Method

A simple examination of several years of the FBI's tests reveals the progress made by manufacturers in developing effective police handgun ammunition. For the purposes

of this article, the results of the test from 1989 and the most recent one (1992)⁴ were compared. By examining these findings, which represent a 3-year period for ammunition development and refinement,

Table 1
.45 Auto Cartridge
(Comparison of 1989 and 1992 test results)

Year	Ammunition Type	Wounding Value	Average Expansion (in inches)	Accuracy Index
1989	Federal 230 grain HydraShok	2.49	0.621	3.49
	Remington 185 grain Jacketed HP	1.94	0.540	2.04
	Federal 185 grain Jacketed HP	1.77	0.588	4.80
Average		2.07	0.583	3.44
1992	Federal 230 grain Jacketed HP	3.60	0.618	2.43
	Speer 230 grain Gold Dot HP	3.47	0.639	2.34
	Winchester 230 grain Black Talon	3.06	0.649	4.73
Average		3.38	0.635	3.17

it is possible to discern improvements in the ammunition available to law enforcement.

To minimize confusion, the comparison will be limited to three common cartridges—the .45 Auto, the 10mm Auto, and the 9mm Auto. The selection of these cartridges in no way serves as an endorsement. Rather, it simply reflects their common use by law enforcement. Improvements in these commonly used cartridges probably will be representative of general improvements in the range of available cartridges.

To examine the relative improvement in cartridges, the three best ammunition types per caliber were selected from each test year based on their wounding value (W). An average wounding value per caliber and test year was then computed for each cartridge. Wounding value is a relative indicator of the cartridge's ability to incapacitate an assailant under a wide range of conditions. The greater the wounding value, the more effective and reliable the wound inflicted by that round.⁵

Some additional cautions must be considered. First, many variables affect cartridge performance; a cartridge that tested well will not necessarily meet the needs of a specific department. Second, wounding values do not provide an effective way to compare different calibers. The fact that a .45 Auto has higher wounding values than a 10mm Auto does not make it a better cartridge. Wounding values are significant only within a caliber, and small differences, such as comparing values of W=2.40 and W=2.55, are essentially meaningless. Third, when a test round's

Year	Ammunition Type	Wounding Value	Average Expansion (in inches)	Accuracy Index
1989	Norma 170 grain Jacketed HP	2.63	0.562	4.12
	Federal 180 grain Jacketed HP	2.08	0.536	2.64
	Winchester 180 grain Jacketed HP	1.78	0.526	6.44
Average		2.16	0.541	4.40
1992	CCI 180 grain Plated HP	3.81	0.631	2.18
	Winchester 200 grain Black Talon	3.28	0.596	2.54
	Federal 180 grain Jacketed HP	2.21	0.527	3.30
Average		3.10	0.585	2.67

performance varied by lot or gun, only the best performance was used.

Test Results

The average wounding value of the three best .45 Auto cartridges

improved by 63 percent over the 3-year period from 1989 to 1992, increasing from W=2.07 to W=3.38. Table 1 shows that the improved performance in wounding value resulted primarily from

Table 3
9mm Auto Cartridge
 (Comparison of 1989 and 1992 test results)

Year	Ammunition Type	Wounding Value	Average Expansion (in inches)	Accuracy Index
1989	Federal 147 grain HydraShok	1.65	0.506	2.17
	Federal 147 grain Jacketed HP	1.18	0.502	2.62
	Federal 124 grain Jacketed HP	1.14	0.485	2.34
Average		1.32	0.498	2.38
1992	Remington 147 grain Jacketed HP	1.65	0.498	2.65
	Winchester 147 grain Black Talon	1.55	0.515	1.93
	Speer 115 grain Gold Dot HP	1.48	0.488	4.39
Average		1.56	0.500	2.99

improved expansion under a wide range of test conditions.

The accuracy indexes, which measure the group dispersion of test rounds fired, also improved somewhat between 1989 and

1992. When comparing accuracy indexes, smaller numbers reflect tighter firing patterns. In effect, the three best .45 Auto cartridges available to law enforcement in 1992 produce better wounds and are

more accurate than their 1989 counterparts.

An examination of the data for the 10mm Auto shows very similar results. In the case of the 10mm, the wounding value increased over 43 percent ($W=2.16$ to $W=3.10$) over the 3-year period. The data in table 2 reveal that the improved expansion characteristics of the 10mm cartridges in the 1992 tests produced most of this increase. Again, the accuracy index of the 1992 cartridges also improved. In fact, the accuracy improvements of the 10mm are much more significant than the improvements of the .45 caliber.

The trend found in the .45 and 10mm calibers also is present in the 9mm Auto. A comparison of the average wounding value of the 9mm from 1989 to 1992 shows an almost 20-percent increase ($W=1.32$ to $W=1.56$). While the change is not as significant as that of the .45 and 10mm, it still clearly indicates cartridge improvement.

The 9mm tests do not show as much improvement as the others primarily because of the presence of the 9mm 147 grain HydraShok bullet in the 1989 tests. This cartridge was dramatically superior to the other cartridges and biased the 1989 test average upward. The 147 grain HydraShok continued to test well in subsequent years, but slight changes in the cartridge and significant improvements in other 9mm cartridges edged it out of the top three ranking for the 1992 tests, as shown in table 3.

Conclusion

The evidence from all three cartridges reveals the significant improvements in handgun cartridges

over the past 3 years. The best ammunition available today performs considerably better than the best ammunition available in 1989. The credit for these improvements should be attributed to two main factors. First, the work of the FBI's Firearms Training Unit set the stage for the evolution of better-performing handgun cartridges by developing a useable testing procedure. In fact, one of the cartridges improved by this program had been in service for almost 90 years with only minimal refinements to its capabilities. Only when a workable standard was established did the manufacturer significantly improve its quality.

Second, credit should be given to ammunition manufacturers. A number of manufacturers, including some not referenced in this article, responded to the challenge presented by the FBI's testing procedures and produced a higher quality product. As a result of the combined efforts of the manufacturers and the FBI, law enforcement officers today have significantly better quality ammunition available to them than they did just a few years ago. ♦

Endnotes

¹ Urey W. Patrick, *Handgun Wounding Factors and Effectiveness* (Quantico, VA:

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² For other research predating the FBI report, see W. J. Burchey and D. E. Frank, *Police Handgun Ammunition Incapacitation Effects* (Washington, DC: National Institute of Justice Report 100-83, U.S. Government Printing Office, 1984) vol. 1; and R. C. Dobbyn, W. J. Burchey, and L. D. Shubin, *An Evaluation of Police Handgun Ammunition: Summary Report* (Washington, DC: Law Enforcement Standards Program, Report 0101.01, U.S. Government Printing Office, 1975).

³ *1989 Ammunition Tests* (Quantico, VA: Federal Bureau of Investigation, Firearms Training Unit, 1990).

⁴ *1992 Ammunition Tests* (Quantico, VA: Federal Bureau of Investigation, Firearms Training Unit, 1993), vol. 4.

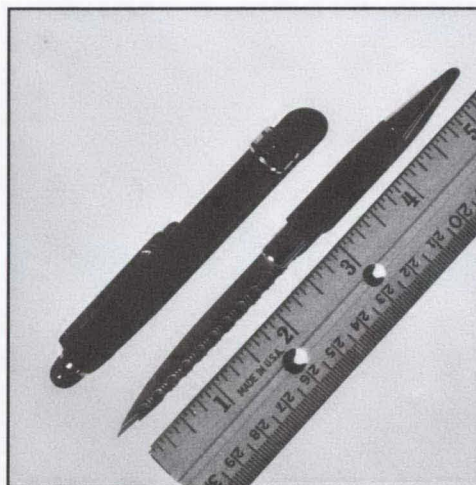
⁵ For additional information on wounding value, refer to the introductory section of any of the FBI's *Ammunition Tests* reports.

Unusual Weapon

Perilous Pen

An executive-style pen neatly conceals this deadly dagger. The triangular, carbon steel blade measures 2 1/4 inches and can be accessed easily by pulling off the top portion of the pen casing. When the blade is concealed in the casing, the pen can be used as a standard writing instrument.

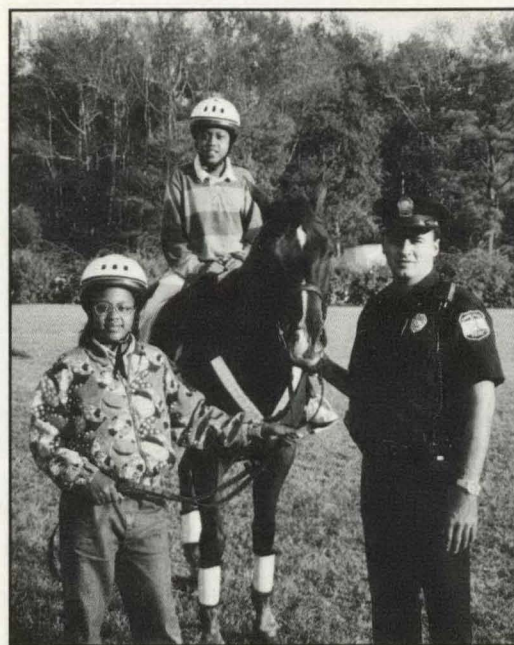
Submitted by Rev. Lawrence Au, FBI Chaplain, San Francisco, California.



Police Practice

Horseplay Brings Officers Closer to Community

By W.W. Baker, M.P.A.



Children dream of riding a pony, but many youngsters from urban areas never have the opportunity. In Virginia Beach, Virginia, however, the officers and horses of the Second Precinct's Mounted Unit give children in several targeted neighborhoods the chance to make that dream come true.

As part of its community policing efforts, the department identified a number of low-income neighborhoods experiencing problems with drugs and crime. Reaching out to the children living there was given top priority.

Because the Mounted Unit patrols these neighborhoods, the department decided to develop a program that would use the children's natural curiosity about the unit's horses to bridge the gap between the children and the police. The program, named PEP for Police Athletic League (PAL) and Equestrian Program, introduces the children to the officers of the Mounted Unit and their horses. As they learn

basic horsemanship skills, participants also get to know the police officers. In turn, the officers can establish positive relationships with the youngsters.

The Program

Boys and girls age 8-14 participate in PEP, and all are members of the precinct's PAL program. Divided into groups of 10-12 participants, they meet once a week for 5 weeks at the stables. Each session lasts about 3 hours. The PEP schedule is designed to hold the children's attention without overwhelming them.

During the first meeting, the officers of the Mounted Unit, the grooms, and the training staff introduce themselves to the participants. The children get most excited when they meet the stars of the Mounted Unit, its 14 horses. Next, they learn about the operation of the barn and how to care for the horses. As part of the program, the children

feed, groom, and tack (harness) the horses themselves.

The program participants, like most children, never have been close to a horse and often are reluctant to approach them. Sometimes on the first day, several children even refuse to get off the bus. Yet, the department's nationally recognized equestrian trainer makes the program fun, as well as educational. When the reluctant children see how friendly the horses are and how much fun their friends are having, even the shyest ones become eager to join the group. So far, no one has failed to lead or ride a horse within the first 2 weeks.

Horseplay

Training games teach the kids basic handling techniques. In one game, for example, the kids line up at opposite ends of the training field and have a relay race where they walk with the horses from one end to the other. This game teaches them how to lead the horses properly. Other games include sitting on the horses while passing beach balls back and forth, jumping on and off the horses (to help alleviate fears of falling), tacking races, and even completing an obstacle course where the children guide the horses over poles, around barrels, and through mazes.

During the fourth session, the children go on a trail ride that allows them to control a horse independently, but only under the watchful eye of the trainers and PEP officers. In the fifth week, the PEP officers invite the parents to a riding show put on by the children. The kids compete in games and activities to show off their newly acquired skills. The children receive ribbons noting their riding achievements and a photograph of them riding one of the police horses.

Special Considerations

The most important consideration during the development of PEP was the safety of the children. As with any riding situation, the possibility of injury exists. The equestrian trainer who designed the

program takes special precautions to minimize the chances of injury, and the department also makes certain that the children are covered by health insurance. In addition to self-insurance provided by the city, all participants receive coverage from the national PAL organization.

To offset the department's expenses for operating the program, the not-for-profit Friends of the Mounted Unit donates funds for refreshments, safety helmets, T-shirts with the PAL and Mounted Unit logos, and photographs of the children. With this assistance, the PEP program does not depend directly on the department for funds, and the burdens of money

management are removed from the department's administrators. Members of the Friends of the Mounted Unit also contribute significant time and effort to help administer the program.

In the first summer, the Second Precinct conducted two PEP sessions for children living within its jurisdiction. Other precincts in Virginia Beach have expressed a desire to participate, so the program will expand in the future to include children from targeted neighborhoods citywide.

Conclusion

Strong, positive relationships between children and police officers often grow into similarly positive relationships between adults and police officers. By encouraging and satisfying the children's natural curiosity about horses, PEP officers develop close connections with the communities they serve.

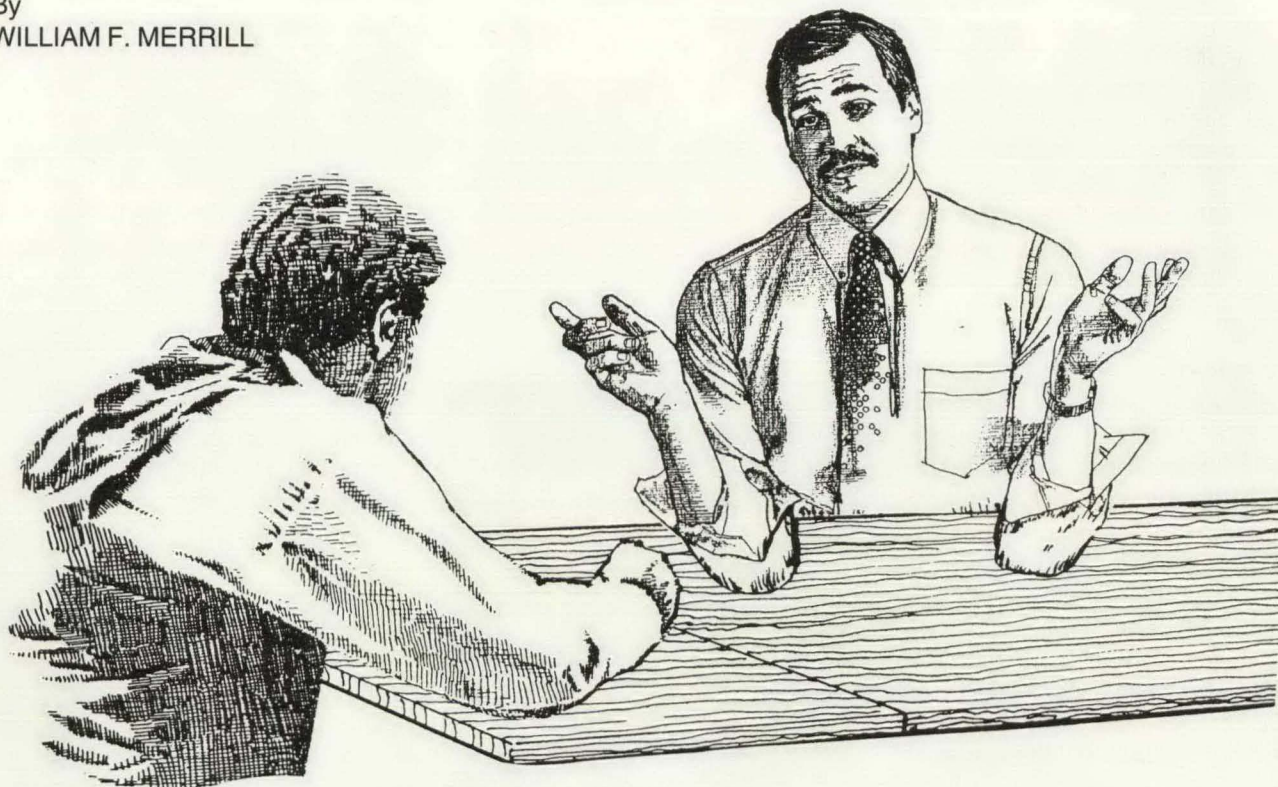
PEP gives neighborhood kids a fun and educational way to get to know the members of the police department who patrol their communities. The Police Athletic League and Equestrian Program provides a unique avenue for the department to pursue its community policing initiatives. ♦

Captain Baker commands the Personnel and Training and Services Division of the Virginia Beach, Virginia, Police Department.

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The Art of Interrogating Rapists

By
WILLIAM F. MERRILL



In old movies and television series, unrelenting police detectives put suspects under a single, glaring light bulb. "Where were you on the night of February 14?" they demand. Even the most hardened criminals crack under the pressure of this brutal interrogation.

In the real world, interrogations rarely are that simple. Today's law enforcement officers must rely on experience and finesse to extract information from tight-lipped suspects. Understanding what motivates criminal behavior can help officers to conduct successful interrogations, especially in violent crimes such as rape. This article

addresses two general categories of rapists—the contact rapist and the sexual aggressor rapist—and suggests methods that investigators can use to approach each type in order to elicit the most information.

CONTACT RAPISTS

The term "contact rapist" was coined only recently, but according to surveys of rape victims, these offenders commit their crimes with relative frequency.¹ Yet, their crimes seldom are reported to police. The reason most likely stems from the fact that the victims know their offenders, through either a casual or business relationship. In

addition, in the past, society has blamed the rape victim. Fortunately, the trend of not reporting contact rape—also known as date rape or acquaintance rape—is changing, as society becomes more informed of the frequency and severity of these crimes.

Personality Development

Contact rapists adopt attitudes and behaviors from the world around them. They often view men and women in traditional social roles. They believe men should be independent, aggressive, competitive, strong, and brave. On the other hand, they think women should be

passive, dependent, accepting, and polite. For them, it is acceptable for men to become sexually active at an early age, while women need to learn to value chastity. Contact rapists believe that women set the sexual limits in relationships; it is the woman who must be the one to say "stop."

Clinging to these sexual stereotypes, the contact rapist believes that even though a woman appears reluctant, she actually wants him to overcome her objections and to "sweep her off her feet." In what he considers the heat of passion, he may disregard a woman's signals of unwillingness, misinterpret her resistance as playfulness, or decide that she has no right to refuse him. Sometimes, the false assumption that a woman does not know her own mind leads some men to use force or emotional blackmail to gain submission.

Contact rapists are not conspicuously deviant in either personality or sexuality. They do not consider themselves guilty of any great harm, and they attempt to conform to their view of society, however antiquated that view might be.

Motivation

For the contact rapist, sexual conquest becomes a prime motivator. Rape merely represents completion of initiated sexual contact. The contact rapist does not view emotionally coerced sex as a crime; however, he may step over the line between emotional coercion and physical force. He often uses alcohol or other drugs to lower the defenses of his victim. This allows him to assign equal or almost equal responsibility for what happens to her.

SEXUAL AGGRESSOR RAPISTS

In contrast to contact rapists, sexual aggressor rapists usually do not know their victims.² They demand sex with force or threat, often hitting victims who resist. Serial rapists generally are classified as sexual aggressor rapists.

Personality Development

Sexual aggressor rapists usually are more aggressive, uninhibited, impulsive, and antisocial than contact rapists.³ Early in life, they develop a pattern of committing deviant acts against society.

Many sexual aggressor rapists have been victims of sexual abuse themselves. When a young man experiences sex as a method of control or assault, he learns to cope with feelings of helplessness by becoming a victimizer.⁴ However, attempting to cope with prior sexual abuse is not the only motivation for these rapists.

Motivation

Sexual aggressor rapists do not rape for sexual pleasure, but for power and control over their victims. In fact, most of these rapists have sexual relationships with other women at the time they commit rape. They even speak poorly of the act itself, describing it as "lousy sex."⁵

Unlike contact rapists, who see men and women in traditional social roles, sexual aggressor rapists note the increasingly dominant role of women in society. As women gain more control, sexual aggressor rapists become increasingly angry and hostile and view rape as a way to remain dominant over women.⁶

BEFORE THE INTERROGATION

Before interrogating rape suspects, investigators must conduct a comprehensive analysis of the crime and the crime scene. Intelligence-gathering should be

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Understanding what motivates criminal behavior can help officers to conduct successful interrogations....

”



Sergeant Major Merrill serves as a criminal investigator for the U.S. Army's Criminal Investigative Division at Fort Campbell, Kentucky.

completed rapidly to prevent the suspect from learning the nature of the investigation and attempting to destroy evidence or to intimidate victims and witnesses.⁷

The facts of the case and the statements of the victim(s) and witnesses should provide numerous clues to the subject's personality. As a result, the investigator should be able to identify the type of rapist involved.⁸ When investigators determine the type of personality with which they are dealing, they can tailor the interrogation accordingly.

INTERROGATING RAPE SUSPECTS

The purpose of an interrogation is to elicit a confession from the suspect. Regardless of investigators' personal feelings toward the criminal or the crime, they must

employ the best techniques to obtain the information they seek. Expressing shock or scorn toward the suspect will serve only to alienate him.

Interrogating the Contact Rapist

Contact rapists believe they are healthy, sociable men, with normal needs and desires. Although they do not believe they have committed a crime, they usually feel some remorse for their actions. For this reason, emotional appeals work well with them.

To encourage suspected contact rapists to disclose information, investigators should establish a rapport with them. A simple technique to begin the interrogation would be to condemn the victim, that is, to place some degree of moral responsibility for the crime on her.⁹ To do this, the investigator would allege

that the victim initially showed willingness and then gave the wrong signals to communicate her desire to stop. This approach works best when initiated by a male interrogator.

"Blaming" the victim also reduces feelings of guilt the subject may have. Other techniques that accomplish the same goal include minimizing the moral seriousness of the offense¹⁰ and suggesting to the subject that someone in similar circumstances might have done the same thing.¹¹

In short, interrogators should use a "common man" approach with contact rapists. That is, they should emphasize that the suspect, a healthy man with normal needs and desires, simply allowed the situation to escalate beyond his control. By not condemning the suspect, the interrogator allows him to save face and to place some of the blame for what happened on the victim.

Interrogators should take care not to alienate the contact rapist by treating him too harshly, as he feels he has done nothing criminally wrong. Still, they must persuade the offender to admit that the victim gave the "no" signal, whether he interpreted it correctly or not. Interrogators who treat the rape as a predictable result of the suspect's natural sexual desire rather than as an act of violence may find that the offender confesses readily.

Interrogating the Sexual Aggressor Rapist

Investigators may find that sexual aggressor rapists do not respond to the interrogation techniques that work with contact rapists. As a group, sexual aggressor rapists have

Contact Rapists

Personality Profile

- Usually know their victims
- Believe in traditional social roles
- Are motivated by sexual desire
- Feel no criminal culpability
- Suffer some degree of remorse

Interrogation Techniques

- Use "common man" approach
- Minimize the moral seriousness of the offense
- "Blame" the victim
- Emphasize suspect's normal, healthy response

complex, multifaceted personalities. They may be selfish or unselfish,¹² emotional or unemotional.¹³ To gain control over their victims, they may try to outsmart them mentally or simply to overpower them physically.

Interrogators must consider the personality traits of sexual aggressor rapists when formulating interrogation themes and techniques. To simplify the process, investigators can consider three of the most common types of sexual aggressor rapists: Power reassurance, power assertive, and anger retaliatory.¹⁴

The Power Reassurance Rapist

The power reassurance rapist usually surprises his selected victims. Considered a gentleman, his personality may be categorized as unselfish. That is, he acts self-deceiving, personal, apologetic, complimentary, and reassuring toward his victims.¹⁵

As with contact rapists, investigators may find that an emotional appeal often works best with the power reassurance rapist. Minimizing the moral seriousness of the offense and justifying the suspect's actions serve to relieve some of his guilt. This allows him to blame the victim while still admitting to the crime. Investigators can help further by emphasizing the suspect's positive treatment of the victim.

The Power Assertive Rapist

The power assertive rapist can be recognized by his use of moderate to excessive force. His words and actions tend to show dominance over women in support of his own masculinity. Yet, he interacts well with women and often uses a "con"

approach with his victims, perhaps impersonating a police officer¹⁶ or feigning car trouble and requesting assistance. Then, with the victim under his control, he suddenly may turn aggressive and "selfish," that is, threatening, profane, demeaning, demanding, impersonal, offensive, and abusive.¹⁷

The power assertive rapist sees women as insignificant and himself as a "man's man." The key to

interrogating this type of offender is appealing to his ego. Effective tactics include condemning his victim,¹⁸ flattering him, and getting him to brag about himself and his exploits.¹⁹

The Anger Retaliatory Rapist

The anger retaliatory rapist manifests the intense rage he feels through excessive force and inappropriate displays of anger. He most

Sexual Aggressor Rapists

Personality Profile

- Usually do not know their victims
- Are angered by changing social roles
- Are motivated by need for power and control
- Usually feel no remorse

Investigative Techniques

- The Power Reassurance Rapist
 - Appeal to emotions
 - Minimize moral seriousness of the crime
 - "Blame" the victim
 - Justify the suspect's actions
- The Power Assertive Rapist
 - Appeal to ego
 - "Blame" the victim
 - Flatter suspect
 - Invite bragging
- The Anger Retaliatory Rapist
 - Appeal to logic
 - Emphasize investigative evidence, futility of resistance
 - Change subject when necessary
 - Pursue confessions for multiple offenses

often uses a "blitz" approach with his victims, subduing them with a direct, injurious physical assault.²⁰ A selfish rapist, he uses sex as a weapon to punish his victims.

Interrogators should consider using unemotional themes with this type of offender. Although emotional appeals often prove successful with power reassurance and power assertive rapists, the anger retaliatory rapist generally feels no remorse for his crime and may respond best to appeals to logic.

The most effective tactics convince the suspect that the investigation has proved the suspect's guilt, and as a result, he has no choice but to admit to the crime. However, because anger retaliatory rapists often commit multiple offenses, investigators should take care not to limit the suspect to a single confession if he has, indeed, committed other crimes. A thorough investigation should uncover other acts the suspect may have committed, and investigators should attempt to obtain confessions for each one.

When confessions are not forthcoming, a useful technique involves having the subject admit to being at the scene of the rape or in contact with the victim, even if he denies the act itself. The investigator can then work toward an admission of guilt, continuing to emphasize the futility of the subject's resistance to admitting the truth. If necessary, the interrogator should change the topic of conversation and return to it later, a technique known as "looping."

Overall, the investigator must take control of the interrogation, keeping the upper hand by present-

ing facts that link the offender to the crime. As the evidence mounts against him, the offender most likely will offer behavioral cues as his anxiety level increases. If lying, he may avoid eye contact or swallow incessantly. By paying careful attention to the subject's nonverbal behavior, the investigator can assess the veracity of his statements and keep him on the right track.²¹

“Unlike contact rapists, who see men and women in traditional social roles, sexual aggressor rapists note the increasingly dominant role of women in society.”

CONCLUSION

Rapists have varied motives for committing their crimes. Most reported rapes occur for reasons other than sexual gratification.

Rapists may leave not only physical evidence at the scene but also clues to their personalities. By conducting a comprehensive investigation, investigators can determine what type of individual committed the crime. Armed with this information, interrogators can use appropriate tactics to obtain a confession. Suspects have the right to

remain silent; they also have the right to confess. ♦

Endnotes

¹ D.J. West, *Sexual Crimes and Confrontations: A Study of Victims and Offenders* (Brookfield, VT: Gower Publishing Co., Ltd., 1987), 163-164.

² Ibid., 164.

³ Ibid.

⁴ Louis B. Schlesinger and Eugene Rivitch, *Sexual Dynamics of Anti-Social Behavior* (Springfield, IL: Thomas Books, 1983), 170.

⁵ Diana Scully, *Understanding Sexual Violence: A Study of Convicted Rapists* (Cambridge, MA: Unwin Hyman, Ltd., 1990), 71.

⁶ Sheila M. Adams and Maureen G. Jones, *Understanding Sexual Assault* (Saskatoon, Saskatchewan, Canada: United Way Printing Office), 7-8.

⁷ Michael A. Hertica, "Interviewing Sex Offenders," *The Police Chief*, February 1991, 39.

⁸ For a list of questions to ask rape victims to determine the behavioral aspects of the crime and the criminal, see Robert R. Hazelwood and Ann W. Burgess, *Practical Aspects of Rape Investigation: A Multidisciplinary Approach* (New York, NY: Elsevier Science Publishing Co., Inc., 1987), 152-153; see also, Robert R. Hazelwood and Janet Warren, "The Criminal Behavior of the Serial Rapist," *FBI Law Enforcement Bulletin*, February 1990, 11-16.

⁹ Fred E. Inbau and John E. Reid, *Criminal Interrogation and Confessions* (Baltimore, MD: The Williams and Wilkins Co., 1967), 47.

¹⁰ Ibid., 47.

¹¹ Ibid., 40.

¹² Hazelwood and Burgess, *supra* note 8, 170.

¹³ *Supra* note 9, 25.

¹⁴ Groth, Burgess, and Holstrom, as reported by Hazelwood and Burgess, *supra* note 8, 175.

¹⁵ *Supra* note 9, 172, 176-177.

¹⁶ Hazelwood and Warren, *supra* note 8, 12.

¹⁷ *Supra* note 9, 174.

¹⁸ *Supra* note 9, 70-71.

¹⁹ Ekkehard Othmer and Sieglinde C. Othmer, *The Clinical Interview Using DSM III-R* (Washington, DC: American Psychiatric Press, Inc., 1989), 86-87.

²⁰ *Supra* note 9.

²¹ *Supra* note 19, 79.

Police Advisory Boards

A Word of Caution

By Gregory R. Berg, D.P.A.

In a country founded upon democratic principles, the idea of citizen partnerships with community police officers has a certain appeal to it. In cities where drugs, gangs, and a myriad of other incivilities have eroded the quality of neighborhood life, any strategy promising to improve the situation is embraced readily by residents, politicians, community activists, and the police.

Concepts such as citizen involvement, community partnerships, and co-production between the police and the public all conjure up images of more effective, participatory, and democratic policing and government. Unfortunately, the real world seldom mirrors the theoretical one, and this may be the case with the concept of police advisory boards. As management guru Peter Drucker observed, virtually no government social program since the G.I. Bill in the 1940s has lived up to its promises.¹ Perhaps before we become sold on easy and essentially theoretical police reform and crime control strategies, a look at some of the research conducted into the practice and operation of community involvement programs is in order.

RESEARCH ON COMMUNITY INVOLVEMENT PROGRAMS

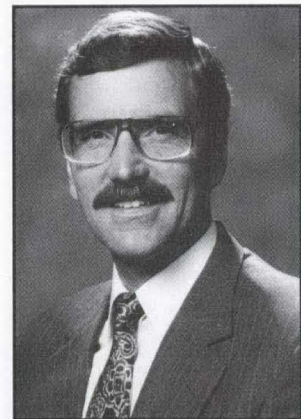
In the early 1980s, studies were conducted into the potential effectiveness of neighborhood-based citizen participation programs. Although these studies did not look specifically at the police advisory board concept, data from studies of community planning councils or boards are revealing and relevant. While the wisdom of citizen involvement strategies seldom has been questioned by politicians and the general public, academicians and government managers have expressed serious reservations over the years. In *Urban Neighborhoods: Research and Policy*, R.C. Rich wrote, "There remain serious academic and political questions about the adequacy, effects, and even desirability of cp [citizen participation]."²

Rich discusses the results of empirical studies of community participation programs in New York City; Raleigh, North Carolina; St. Paul, Minnesota; and Washington, DC. What he found hardly gives one cause to believe that any city's well-intentioned efforts to establish neighborhood police advisory boards will achieve meaningful results.

In the studies, citizen participation in the advisory boards and the boards' rates of effectiveness fell far short of anticipated results. The surveys conducted in these cities revealed that relatively few people were aware of the existence of a neighborhood advisory board or had any factual knowledge about how their local board operated. Perhaps most significant, few people who knew of their board's existence bothered to attend board meetings. Attendance figures ranged from a high of 17 percent of those surveyed in New York City to a low of 4 percent in Raleigh.

The type of people involved in neighborhood advisory boards also is revealing. Not only did very few residents participate, but those who did become involved tended to be white homeowners with advanced education and higher income from prestigious occupations. In general, participation on advisory boards was restricted to a small minority of community members rather than including representatives from a cross-section of the community.

Dr. Berg is Commander of the Criminal Intelligence Group of the Los Angeles, California, Police Department.



RECOMMENDATIONS

What can we conclude from these empirical studies? Are advisory boards mere political rhetoric providing an inexpensive but also ineffective vehicle for politicians to appear supportive of police reform? Perhaps not. In spite of some evidence to the contrary, police advisory boards that are planned, organized, and managed properly can be valuable tools for increasing the effectiveness of municipal police departments. Rich offers several recommendations to improve the chances that an advisory board program will achieve its desired goals.

Publicity

When establishing an advisory board, municipalities need to use the local media to publicize the board's existence, operations, and goals. Newspapers, radio, and especially cable television advertising should be used regularly to publicize information about the board. Community newspapers can be invaluable tools for keeping the board's activities on the public agenda.

Funding

Funding for advisory board operation also is important and should be shared by both the city and the local community on a matching-funds basis. Boards funded solely from the city treasury can become too dependent upon city hall's goals, instead of addressing community goals. In order to engender community support, boards should derive some of their operational revenue from the communities they represent. This matching-funds concept also ensures adequate funding for boards that represent poorer neighborhoods.

Membership

Selection of board members must take place openly and with as much consideration to diversity as possible. A process where politicians or other

government officials select board members runs the risk of creating an executive group that has little in common with the represented community. On the other hand, police advisory boards cannot become forums for community activists to work against their elected local officials. Politicization of the advisory board process could nullify any chance for achieving meaningful results. Rich recommends an open selection system, even an elective process, to ensure broad representation across social, economic, and demographic lines. However, police chiefs may need to exercise their authority to select advisory board members in order to depoliticize the process and ensure diverse community representation.

Professional Organizer

Rich found that the single greatest factor in ensuring citizens' awareness of and involvement in their advisory board council was the existence of a full-time community organizer. Citizens generally

expressed more satisfaction with advisory boards supervised by professional organizers. Greater citizen involvement also can be achieved if advisory boards use subcommittees and task forces to draw more community members into the advisory board's work. Further, recruiting additional community members to assist with short-term projects helps develop a pool of potential board members.

CAREFUL PLANNING LEADS TO SUCCESS

Based on the results of studies into the community advisory board process, we should not conclude that boards will be unsuccessful. Rather, the data show that the process is complex and success is not easily achieved. When considering the results of studies conducted into citizen participation programs, communities will see that numerous variables exist that may act as barriers to the success of police

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advisory board programs. Yet, careful planning can overcome these obstacles.

Advisory boards can be valuable components of community policing. Unfortunately, implementing such programs without understanding their strengths and weaknesses likely will continue the trend of community policing efforts that become more rhetoric than reality. ♦

Endnotes

¹ Peter F. Drucker, *The New Realities* (New York: Harper & Row, 1989).

² R. C. Rich, "Neighborhood-Based Participation in the Planning Process: Promise and Reality," in R. B. Taylor (ed.), *Urban Neighborhoods: Research and Policy* (New York: Praeger, 1986) 41-73.

Corrections Video

The American Correctional Association (ACA) has developed a video training package that addresses three important subject areas—avoiding manipulation, managing anger, and understanding inmates' rights. The package consists of three 20-minute videotapes (one for each subject area), a comprehensive Leader's Guide that includes lesson plans for each subject area and techniques for presenting the program, and a set of masters that can be made into overhead transparencies or photocopied for handouts.

The videos portray real-life scenarios that take place in a correctional institution and examine the situations from the perspectives of officers, administrators, and inmates. The bulk of the training is drawn from analyzing and discussing the different situations demonstrated on the videotapes.

The video package (Item #192-F2) can be ordered from the ACA's Customer Service Department at 1-800-825-2665. Callers from outside the continental United States should dial (301) 206-5100. A preview copy of the package can be obtained by contacting an ACA resource specialist at 1-800-926-2855.

Bulletin Reports

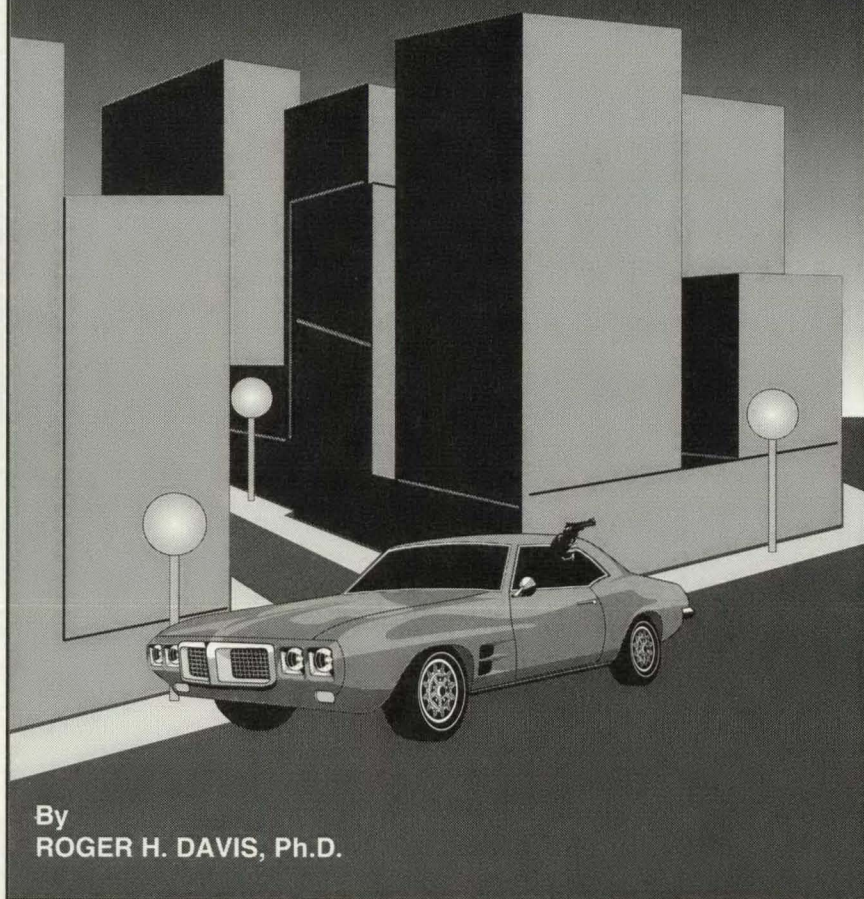
Parental Abductions

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) conducted a 2-year study, in conjunction with the American Bar Association, to identify the legal, policy, procedural, and practical obstacles to the location, recovery, and return of children abducted by one of their parents. A summary of this research is presented in a recently issued report, "Obstacles to the Recovery and Return of Parentally Abducted Children."

This report combines both legal and social science approaches to the problem. It outlines civil and criminal justice responses, describes the role of clearinghouses, and makes recommendations to overcome and reduce the obstacles encountered.

This research summary (NCJ 143458) can be obtained by writing to the Juvenile Justice Clearinghouse, Box 6000, Rockville, Maryland 20850, or by calling 1-800-638-8736. The full 877-page report (NCJ 144535), as well as other OJJDP publications, also is available through the clearinghouse.

Cruising for Trouble ***Gang-Related Drive-By Shootings***



By
ROGER H. DAVIS, Ph.D.

- In San Diego, a 3-year-old child was shot.
- In Miami, it happened to a married couple.
- At Christmas time, even Santa became a victim.¹

A single factor connects these incidents; each involved a drive-by shooting by a gang member. Across the country, gang-related drive-by shootings are increasing at an alarming rate.² Reports of bystanders injured by drive-by shootings

frequently appear in the media, and many victims of these violent outbursts have no connection to gang activity.³ More frightening is the fact that no community appears to be immune, which leads to some very important questions.

What are the precipitating factors in drive-by shootings? Are they a result solely of drug or turf wars? Even more important, what, if anything, can be done about these incidents?

A recent study examined drive-by shootings and addressed these questions.⁴ The study focused on how individual gang members became involved in drive-by shootings, and the findings offer insight into the root causes of these incidents and the chain of events that precipitates such violent acts.

This article describes the patterns found among the three specific shootings studied. It then recommends steps for law enforcement agencies to take in an effort to prevent these violent episodes from happening in their communities.

THE STUDY

Using case study methodology, three incidents were studied in great detail to identify factors that influenced gang members to participate in drive-by shootings. Case selection included black, Hispanic, and white gang-related, drive-by shootings. In all three cases, researchers documented reports of interactions among all participants and looked for patterns of involvement.

Three court cases in a medium-sized community formed the basis for the study. In each case, the responsible parties had been

identified and charged, and the legal process had been completed. Because the cases were not selected randomly, the findings will not represent all drive-by shootings, but they do reveal the relationship between gang activities and drive-by shootings.

For each case, the research examined written police interview reports, transcripts of court testimony, and all available police audio and video recordings of interviews with the 79 participants. The cases were chosen, in part, because participants (shooters and others present before, during, and after the incidents) gave lengthy statements about their own and others' involvement. Some gave statements and/or testimony as often as six times.

SHARED FACTORS

Several factors consistently appeared in each drive-by shooting. First, all participants had committed criminal acts previously. Second, the gang's influence was significant in facilitating the incident. And third, the shootings were unplanned crimes of opportunity, although the participants admitted to looking for trouble and went out dressed for action.

Personal Background

In all cases, the shooters identified with a youth gang. They came from dysfunctional families and had limited educational and employment experiences. Eighty-two percent of the participants had a history of involvement in serious crimes.

Desire for Excitement

The gang members convened only to fight and cause trouble, and

the shooters seized the opportunity to create an incident. Desire for excitement played a key role in turning each incident into a violent confrontation in two significant ways.

First, the desire for excitement provided momentum. The exchange of taunts, exaggeration of the threat posed by the rivals, and actual involvement in the incidents made gang members agitated and rowdy.

Second, the search for excitement facilitated arousal and motivated action. The participants who were interviewed explained they became exhilarated when preparing for battle, and this warrior mentality generated aggression. Gang members described the excitement that accompanies being ready to fight, and many saw themselves as soldiers ready to do battle with an adversary.

Alcohol and drug abuse also played a role in the search for excitement. In the cases studied, the individuals involved relied on their

alcohol consumption and the drunken condition it spawned to rationalize their criminal acts.⁵

Gang Identity

Those involved in the shootings dressed in ways that marked them as gang members. In each case, participants signified gang affiliation through their clothing—red or blue baseball caps worn backwards, a blue rag exposed in a pocket, a certain color and type of shirt, or a jacket known as a “derby.” Clothing and the exchange of hand signs communicated a challenge to potential rivals.

Shooting participants talked about gang symbols’ being provocative and explained how the symbols of a larger gang organization implied power. One shooter admitted the importance of gang symbols when he stated, “We got to protect our colors.” Gang members interpreted failure to show deference to the colors as an invitation to do

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Dr. Davis, a retired FBI agent, works as a private consultant in Fair Oaks, California.

battle. In fact, any sign of disrespect—the perceived affront from potential rivals or the exchange of stares or gang hand signs—warranted attack.

All gang members accepted the implied responsibility of being willing to commit a violent crime for the organization. When merely told of a conflict, one shooter saw an opportunity to “take care of this.” Statements such as being “down to do a drive-by” for the gang implied gang members’ sense of responsibility to protect and enhance the gang image as mercenaries in an elite corps. This behavior, which was designed to boost their egos and impress others, played a part in the process leading to violence.

Roles

The gangs encouraged their most reactive and unpredictable members to take the initiative to shoot. No person acting on his own moved the events to violence. Instead, a combination of factors—including group pressure, certain members’ desires to enhance their status, the availability of weapons, and previous confrontations—evoked the shootings.

In one case, the leader and an agitator worked together to build group support for a confrontation. They manipulated the shooter into a role that required him to take action. The shooter believed that the gang would brand him a failure if he did not follow through and a hero if he did. They stroked his ego

when he flashed a gun, and then they pointed out whom to shoot.

Collusion among the shooter, his prime supporter, and other gang members also was evident in the other two cases. The relationships among key gang members placed the shooters in action roles, whereas the drivers and other passengers took passive roles and simply followed orders.

Group Pressure

Group pressure served as another component of the drive-by

gain support for their behavior. This anticipation of group support influenced their actions, and what started as idle talk among gang members led to violent confrontations. As the incidents unfolded, a group sense of willingness to find trouble also emerged as infectious agitation and excitement spread throughout the group.

Availability of Weapons

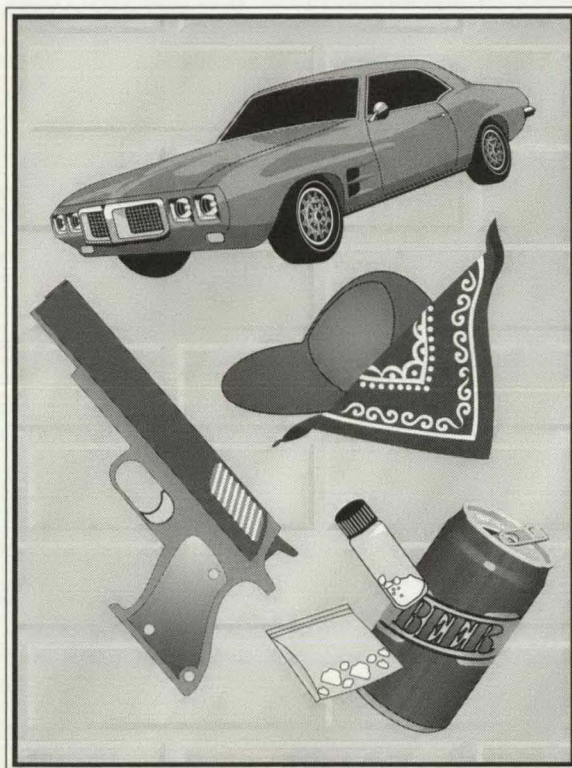
The introduction of a gun served as a catalyst in moving each incident to violence. As the ultimate source of power, the gun provided excitement and gave the shooter a quick route to stature. It was an instrument used to impress others in the gang and the community with the group’s ability to act in battle.

Ancillary Confrontations

The drive-by shootings studied were not isolated events. They occurred as one in a series of crimes. In one case, the confrontation that preceded the shooting was a continuation of a vendetta against minorities. In the others, shootings were a prelude to, or a continuation of, other acts of violence.

STAGES IN THE SHOOTING EVENTS

News reporters and academicians often associate gang violence with competition over turf or drug markets.⁶ The shootings examined here were not about drugs or gang territory. They were about guns, excitement, and an enhanced reputation.



shooting scenarios. The shooters either were asked, encouraged, or ordered to shoot. The group expected the shooters to take action, and the shooters, in all cases, expected to

The studied shootings started with idle gang members looking for trouble. Several confrontations occurred before shots were fired. Those confrontations generated a commitment to action that culminated in drive-by shootings.

Looking for Trouble

All of the gang members involved were drunk or associated with a gathering where alcohol was consumed in large amounts. One participant reported using other drugs as well. Gang members sought action; they dressed for battle and had weapons available. They interpreted glances from potential adversaries as invitations to do battle. In one case, two of the four participants did not even witness the initial encounter; yet, they felt compelled to take action later.

The Affront

Gang members did not plan the initial encounters. Rather, the incidents evolved as spontaneous reactions to the presence of perceived adversaries—people of a different race and/or people who appeared to identify with a different gang. In all cases, taunts directed at the intended victims characterized the first confrontations.

Interestingly, the initial encounters found the eventual aggressors at a disadvantage because they had not yet decided how to react. Retaliation for failure to show deference to the gang required a group consensus that came later. In two of the cases studied, weapons subsequently used in the drive-by shootings were not readily available during the initial confrontations.

Commitment to Action

In each case studied, the shooters returned to the scene of the affront only after a period of consensus building and a group decision to act. The commitment phase generated more excitement—a key motivator for action—and served as the

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staging point needed to bring the actual event to fruition. The participants described feeling intense excitement en route to the shooting. In all cases, other gang members encouraged the shooters to fire.

The Shooting

Each of the above-mentioned factors combined to produce the drive-by shootings. Distinct roles emerged from the incidents. Two of the shooters had held structurally weak positions in the gang and committed the shootings in an attempt to bolster their stature within the group. One shooter sought to maintain his role as a powerful gang member by doing the shooting. All acted to impress others.

The shooting episodes generated their own momentum to produce violent outcomes. The participants'

individual histories, their unique roles within the gangs, their need for esteem, and their desire to hurt others in order to feel good about themselves influenced the development of the shootings. Group pressure and heightened levels of excitement moved the gang to violence.

The Aftermath

Following the shootings, two typical results emerged—boasting and worrying. In one case, gang members, elated after murdering their victim, bragged to a couple of girls and later displayed news clippings of the incident. Another shooter's boasting continued even in jail, and he viewed time in jail as an opportunity to bolster his image further. He bragged of his status as a killer of rivals, wrote gang graffiti on his jail cell wall, and found the experience to be an enhancement, not a detriment, to his status. The shooter in the third incident tried to brag, but other participants, overcome by fear, discouraged him.

Gang members had not considered the consequences of their actions or worried about the outcome until after the fact—either as soon as the shooting took place or not until the police investigation focused on them. Even the threat of jail did not serve as an effective deterrent. Blind to the consequences, no one thought of getting caught until after the shootings.

RECOMMENDED PREVENTATIVE ACTIONS

With the dynamics of drive-by shootings in mind, communities and law enforcement agencies can take several precautions. These include understanding the nature of

gangs and using interactive data to track the development of destructive gang relationships. It also is important to devise an action plan to combat the problem, to share resources and information across jurisdictions, and to offer alternatives to youths susceptible to gang influence.

Understand the Nature of Gangs

Gang members link their identity to the group, which constantly reinforces their rebel image. Most gang members tend to have fragile egos and turn to violence as a way to gain status within the gang and to stroke their egos. They often view violence as rewarding because it is a means to impress others in an exciting and deviant way, which carries influence with the gang. Drive-by shootings, therefore, can be an exciting and violent path to higher rank within the gang.

Because gang members believe violent behavior will be rewarded, they tend to rationalize their actions. If they fail to weigh the consequences, which is usually the case, other behavioral controls, such as past values learned or threats of punishment, cannot halt the aggression.

In fact, gangs lure others into joining by providing social and material benefits.⁷ They offer an exciting lifestyle that prepares members to commit crimes.

Excitement, identity, power, and the influence of friends are key factors leading to violence. The excitement and group pressure associated with drive-by shootings override the factors that might otherwise discourage gang members from committing violent acts.

Apply Crime Analysis

The studied drive-by shootings did not happen in isolation. Tracking past altercations and linking incidents can provide crucial information that may prevent future episodes. A program to reduce the number of drive-by shootings would begin with an analysis of crimes in neighborhoods that are most in need of intervention and with identification of individuals who pose a threat to the community.

The police department could compile incidents reported to police and supplement it with a community crime survey to help capture information about unreported incidents. Measuring the extent of the problem may help build community support for action and serve as a basis for designing an effective prevention strategy.

“Tracking past altercations and linking incidents can provide crucial information that may prevent future episodes.”

Initial measures may include a means to identify gang participants and the extent of their access to illegal guns. Further, community members can be enlisted to help track interactive relationships that emerge in gangs. Analyzing the links among gang members and

monitoring their vehicle and foot traffic in the community can help law enforcement agencies devise plans to dismantle destructive gang relationships.⁸

Design an Action Plan

Among the cases in this study, no key individual drove the gang to violence. Rather, the interaction of a leader, an agitator, and other gang members precipitated the shootings. This observation suggests that less effort should be expended in identifying a leader so as to apply the guillotine theory of suppression. This tactic assumes that eliminating the leader will cause the violent group to fold, which was proven not to be the case. Instead, law enforcement should analyze potentially violent coalitions among key members and focus on dissolving the entire collusive network.

In addition, communities need to be aware of youth gangs cruising for trouble. Gatherings of drunken youths preceded each shooting in this study. Youths assembled in alleys, homes, and parking lots and then went looking for action. Residents were aware of the presence of troublemakers but did nothing. Citizen awareness and a timely police and community response might have prevented violence by defusing the agitation. An action plan may include an effort to monitor automobile and foot traffic within selected neighborhoods and to deal with the “dangerous traffic,” i.e., gang youths who appear to be searching aimlessly for excitement.

Some community residents report that the sounds of gunshots form a normal part of neighborhood life. In this study, the introduction

of a weapon into the hands of volatile and irresponsible youths had enormous consequences. The weapon was both a powerful influence and a novelty. It became a focus of attention and a tool to achieve status.

If a community's problem is identified as youths with access to illegal guns, an aggressive program should be devised to take their guns and to provide alternatives for the excitement they seek. Such a program may include aggressive field stops and focused vehicle and residence searches to reduce the risk of shooting incidents.

One police department used roadblocks similar to sobriety checkpoints against gangs to check for weapons.⁹ In fact, the California legislature introduced bills in 1989 and 1994 to allow firearms checkpoints. The most recent bill sought to establish "firearms emergency areas" based on reasonable suspicion.¹⁰ Mobile roadblocks might be used to identify groups of young males cruising neighborhoods.

Several other approaches merit consideration. Community hot lines have been effective in some areas to facilitate the flow of information to authorities. "Knock and talk" residence searches, based upon reasonable suspicion, also may be effective in locating illegal weapons.

Some experts have suggested that high-tech metal detectors be

developed to help police detect weapons from a distance.¹¹ Until that technology is available, selective use of hand-held metal detectors may be useful for locating hidden weapons among some gatherings of potentially volatile youth. It should be made clear, however, that while community participation

toward identifying problems and developing support for community action.

Offer Alternatives

Although the drive-by shooting participants studied here belonged to gangs, the influence of the gang organization, as a whole, on the shooting was subtle. This observation suggests that gang conflicts may be less of a problem than anticipated in causing some drive-by shootings. In the study, the elements that led to violence included identification with a gang, but a history of criminality, a background of alcohol and substance abuse, and the quest for excitement and esteem held equal importance.

Suppression efforts by law enforcement to make gang life difficult should be combined with programs that make it possible for young people to select educational, recreational, and employment options over gang-sponsored activities. After identifying those individuals posing a threat, a coalition of community resources must be brought to bear to influence the potential for developing destructive gang members into productive citizens. A community action plan should consider how to offer skills training for willing gang participants and how to attract industries that can use those skills.

The youths interviewed in the study lacked family guidance. They



is critical, community action should be a guided, cooperative effort, not vigilante justice.

Share Resources and Information

Gangs are mobile, and gang altercations arise with some spontaneity. Sharing information across agency jurisdictions and community boundaries may be critical to combat the violence. Community facilitators could help by coordinating with both police and community crime prevention efforts. These facilitators, knowledgeable about services and resources available, would direct efforts

had little sense of self-worth and a total disregard for human life. Esteem building in the form of productive involvement in legitimate entrepreneurial endeavors and through better family and community guidance is important.

In addition, a response to violence must consider ways to teach and apply responsibility, to improve moral reasoning skills, and to develop programs to build esteem.¹² Community programs to support children in dysfunctional families and to assist parents without parenting skills would help by reinforcing the individual controls that encourage people to behave responsibly, even in the face of peer pressure to deviate.

CONCLUSION

Contrary to the researcher's expectations, the study revealed that organized gang activities, such as drug and turf wars, did not have a strong relationship to the drive-by shootings studied. Rather, gang members viewed such shootings as a means to provide excitement and to improve their status within the gang's hierarchy.

The shooters in the cases examined were young people seeking excitement and trying to build a reputation. The victims died from a lethal combination of the shooters' thoughtless reaction to provocation, the encouragement of the group, and the presence of a gun.

Law enforcement agencies need to document the extent of the problem and to enlist the community in planned actions to confront the violence. Both police and citizens can be more proactive in locating and reporting youths with illegal

guns. By developing a community-based plan, the only drive-by associated with Santa should be led by reindeer, not gun-toting gang members. ♦

Endnotes

¹ "3-Year-Old Wounded in Drive-by Shooting," *Sacramento Bee*, May 31, 1990; Ricci Graham and Diana Sugg, "Man, Wife Hit in Drive-by Shooting," *Sacramento Bee*, December 21, 1993; and Mareva Brown, "Santa Shot in a Drive-by—How Depraved Can You Get?" *Sacramento Bee*, December 22, 1993.

² See, e.g., reports in the *Sacramento Bee* and the *Los Angeles Times* newspapers from 1987 to 1991.

³ Daryl F. Gates, "Gang Violence in L.A.," *The Police Chief* (November 1990): 20-21; see also, "The Slaughter of Innocents," *U.S. News and World Report*, July 10, 1988, 12.

⁴ Roger H. Davis, "Recruitment to Violence: The Process of Involvement in Gang-Related Drive-by Shootings" (Ph.D. diss., The Fielding Institute, 1994).

⁵ The author does not view the drunkenness of the shooters or, in one case, the influence of drugs as a causative factor. However, in the eyes of the participants, it did have influence. It is mentioned consistently across cases and appears correlated with shooting incidents. The presence of alcohol is viewed less as a factor in causing the shooting than as an attribute later used by the shooters to mitigate the violence.

⁶ Arnold P. Goldstein, *Delinquent Gangs: A Psychological Perspective* (Champaign, IL: Research Press, 1991), 34.

⁷ Martin Sanchez Jankowski, "Situations in Gang Violence," February 28, 1992, presentation before the 168th session of the FBI National Academy, Quantico, Virginia.

⁸ For more information about techniques of linking interactive data, see Roger H. Davis, "Social Network Analysis: An Aid in Conspiracy Investigations," *FBI Law Enforcement Bulletin*, December 1981.

⁹ Rick Holguin, "Roadblocks to Curb Gangs to Be Set Up in Paramount," *Los Angeles Times*, August 9, 1991.

¹⁰ California AB3789.

¹¹ James Q. Wilson, "Just Take Away Their Weapons: A Gun Control Plan for Bad Guys Only," *Sacramento Bee*, April 3, 1994.

¹² Arnold P. Goldstein and C. Ronald Huff, *The Gang Intervention Handbook* (Champaign, IL: Research Press, 1993).

Wanted: Photographs



The Law Enforcement staff is always on the lookout for dynamic, law enforcement-related photos for possible publication in the magazine. We are interested in photos that visually depict the many aspects of the law enforcement profession and illustrate the various tasks law enforcement personnel perform.

We can use either black-and-white glossy or color prints or slides, although we prefer prints (5x7 or 8x10). Appropriate credit will be given to contributing photographers when their work appears in the magazine. We suggest that you send duplicate, not original, prints as we do not accept responsibility for prints that may be damaged or lost. Send your photographs to:

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Focus on Training

Teaching Officers To Serve Seniors

By Glenford J. Shibley, M.A.



Most people know that Rhode Island is the smallest State. What many people do not know, however, is that Rhode Island ranks in a tie for 4th place among the 50 States in the percentage of its citizens who are 65 and older. According to Rhode Island's Department of Elderly Affairs, the State has an elderly population of approximately 150,000 individuals, or 15 percent of its total population.

Recognizing this fact, the Rhode Island Municipal Police Training Academy (RIMPTA) has made a full commitment to prepare its law enforcement officers to deal more effectively with older citizens; to understand the attitudes, capabilities, and limitations of older people; and to communicate better with this growing segment of society. Working with personnel from Criminal Justice Services for the American Association of Retired Persons (AARP) in Washington, DC, RIMPTA instructors developed

a training program that presents the most comprehensive and current information available.

THE TRAINING PROGRAM

The primary focus of the training program is to improve law enforcement services and to establish positive relations with the State's senior residents. Toward this goal, the curriculum was designed to address the demographics of aging; the myths and facts of aging; interaction with older persons; fear, victimization, and vulnerability to criminal activity; and fraud and confidence schemes.

Demographics of Aging

While most law enforcement officers have heard that older persons represent the fastest-growing segment of the U.S. population, many do not understand what this means to them. RIMPTA's training covers current and projected demographic trends, the causes of these changes, and most importantly, the effects on this country and its law enforcement officers.

For example, an aging population might mean a decrease in the violent crimes usually associated with younger perpetrators. Or, there may be an increase in crimes of fraud, which often are directed at older persons. From a different perspective, law enforcement agencies might supplement their workforces with older employees, as the number of retirees increases and the available pool of young workers declines.

Myths and Facts of Aging

Many cultures honor and respect the elderly for their knowledge and experience. Unfortunately, many Americans seem to neither respect nor understand older citizens. Typical stereotypes include the elderly woman who lives with dozens of cats or the frail, senile man who spends his days in a rocking chair on the front porch of a nursing home.

While scenarios like these certainly occur, they represent a mere glimpse into the reality of modern aging. Training at the academy dispels commonly held myths, presenting factual, well-researched information in their place. It emphasizes that most of today's older residents lead healthy, independent, productive lives.

Interaction with Older Persons

Police officers need to communicate effectively with citizens of all ages. However, the aging process may affect their encounters with the elderly.

RIMPTA training introduces various situations in which an officer might need to communicate with an elderly resident. After reviewing how the aging process affects learning, vision, and hearing, the officers learn how to recognize and compensate for the different types of vision and hearing loss. Finally, the training offers advice on conducting presentations for the elderly, which officers do on a regular basis as a means of crime prevention.

Fear, Victimization, and Vulnerability to Crime

During periods of increasing crime, individuals' fears of becoming victims may escalate as well. Elderly citizens feel particularly vulnerable. When they hear or read about a crime committed against another older person, their own fears intensify. They may react by restricting their activity; some may never leave the house.

RIMPTA training in this area discusses the attitudes and behaviors of the elderly regarding their fear of crime. It covers the causes of these feelings and reviews the effects on individuals and their quality of life. Finally, it offers important information for police officers who assist older crime victims.

Fraud and Confidence Schemes

Elderly individuals often fall prey to fraud and confidence schemes. Con artists may view them as lonely, trusting, easily confused, or financially secure. If reported at all, these crimes are difficult to investigate and prosecute. Con artists, whose trademarks are mobility and anonymity, seldom leave forwarding addresses or evidence of their crimes.

This training session provides an overview of confidence schemes and frauds and details the most common. Equipped with this knowledge, officers can

teach seniors how to recognize the true nature of these crimes, as well as how to keep from falling victim to con artists.

OTHER TOPICS

Training for Rhode Island's police officers is a cooperative State effort. Guest speakers from various State agencies discuss specific topics, including Alzheimer's disease, elder abuse, and housing security. These individuals also serve as contact persons to answer questions, address concerns, and offer advice.

Legal instructors at the academy teach Rhode Island General Law, which contains numerous statutes that specifically pertain to crimes committed against individuals age 60 or older. Several of these laws resulted directly from lobbying efforts by the Rhode Island Commission for the Safety and Care of the Elderly, the Rhode Island Attorney General's Office, and the Rhode Island Police Chiefs Association.

Another RIMPTA training session covers important legislation affecting seniors. Some

statutes cover general crimes committed against older citizens, for example, assault of an individual age 60 or over. Others, such as violation of the rights of nursing home residents, pertain specifically and almost exclusively to the elderly.

SENIOR CITIZENS POLICE ADVOCATES

RIMPTA's training program on the elderly supports another proven success in Rhode Island—the Senior Citizens Police Advocate Program. This unique program, which was instituted in 1991, places a Senior Citizens Police Advocate in each police department in the State. These advocates, who became the first to benefit from RIMPTA's specialized training on the elderly, serve as a critical link between the police department and the seniors in the community.

“
**The academy strives
to instill in each
police officer a
commitment to
serve the State's
elderly citizens.**
”

RECRUIT TRAINING

After completing the specialized training program for Senior Citizens Police Advocates, the academy staff established training at the basic police recruit level. RIMPTA trains all newly hired municipal police officers in the State—except those from Providence, which has its own academy—and new

police officers from numerous State law enforcement agencies.

The academy strives to instill in each police officer a commitment to serve the State's elderly citizens. To accomplish this, RIMPTA implemented a 3-hour block of instruction in its basic police recruit curriculum. The Senior Citizens Police Advocate

Law Enforcement and Older Persons Training Curriculum

The Demographics of Aging

- Current and Projected Demographic Trends
- Causes and Effects of Demographic Changes

The Myths and Facts of Aging

- Effects of Chronological Age on Attitudes, Behaviors, and Capabilities of Adults
- Older Individuals' Perception of Aging
- Living Arrangements
- Physical and Mental Health Issues
- Economic and Work Status
- Leisure Activities

Fear, Victimization, and Vulnerability to Criminal Activity

- Fear of Crime Among the General Public
- Fear of Crime Among Older People
- Vulnerability of Older Persons to Criminal Activity
- The Influence of Fear

- Factors Affecting Crime Stress Reactions of Older Victims
- Aid to Older Crime Victims

Communicating with Older Persons

- Communication Circumstances
- Basic Facts
- The Aging Process and Learning
- Vision and Hearing Loss

Fraud and Confidence Schemes

- The Success of Fraud and Confidence Schemes
- Four Elements of a Fraud Promotion
- Warning Signs of Confidence Schemes
- Person-to-Person Confidence Schemes
- Mail Fraud
- Telemarketing Fraud
- Attitudes and Actions Needed to Reduce Victimization

Source: American Association of Retired Persons, Criminal Justice Services, Washington, DC, 1992.

from the East Providence Police Department, assisted by a practitioner from the State's Department of Elderly Affairs, instructs the class using the most current materials from AARP.

This course represents a comprehensive but condensed version of the training received by the Senior Citizens Police Advocates. With this instruction, the academy tries to ensure that new recruits possess a fundamental knowledge of and appreciation for senior citizens.

FOLLOWUP TRAINING

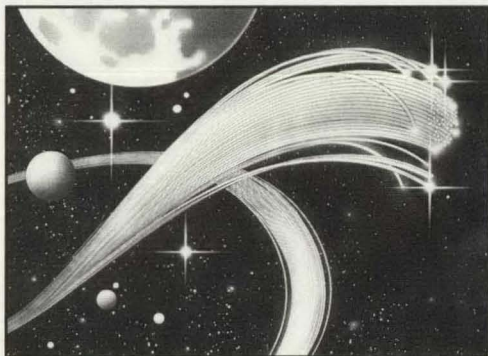
Each year, RIMPTA hosts a 1-day seminar with the Senior Citizens Police Advocates to review the year's occurrences concerning crimes against the elderly in the State. In addition, advocates share with their peers any program that has proven successful in their communities.

CONCLUSION

Every day, police officers face situations that test their knowledge and experience. Training academies set the tone for officers' encounters on the street. Without up-to-date training programs, academies fail officers and citizens, young and old. With general training for new recruits and specialized training for Senior Citizens Police Advocates, the State of Rhode Island has taken the initiative to provide its police officers with the knowledge they need to serve the State's elderly population and to enhance the quality of life for all its citizens. ♦

Police departments desiring additional information may contact Glenford J. Shibley, Rhode Island Municipal Police Training Academy, 1762 Louisquisset Pike, Lincoln, RI 02865-4585, 401-277-3753. Mr. Shibley serves as assistant director for the Rhode Island Municipal Police Training Academy, Lincoln, Rhode Island.

Reminder



The 21st century is fast-approaching. So is the deadline to submit manuscripts for *Law Enforcement's* upcoming technology focus issue.

Manuscripts should be double-spaced and typed on 8 1/2- by 11-inch white paper, not to exceed 15 pages. Please number all pages and

submit three copies for review purposes. If possible, floppy disks using WordPerfect 5.1 should accompany the typed manuscript. Refer to the November 1994 issue of *Law Enforcement* for additional information.

Mail submissions, postmarked by February 1, 1995, to:

Technology Issue
FBI Law Enforcement Bulletin
Law Enforcement Communication Unit
Madison Building, Room 209
FBI Academy
Quantico, Virginia 22135

Submissions postmarked after the above date will be considered for publication at a later date. All submissions will be acknowledged, and authors will receive notification of acceptance or rejection. ♦

Managing Relations Between the Sexes in a Law Enforcement Organization

By
WILLIAM U. McCORMACK, J.D.

In a 1978 magazine article concerning relationships in the workplace, renowned anthropologist Margaret Meade contended that with the increasing number of women in the workplace, society needed a taboo that clearly and unequivocally stated, "You don't make passes at or sleep with the people you work with."¹ While many law enforcement managers are understandably reluctant to impose regulations on the personal lives of employees that may interfere with their constitutional right to privacy, some regulations may be necessary to protect against sexual harassment claims and to ensure a professional and efficient working environment.

Managers in law enforcement organizations face two competing legal issues when analyzing their ability to regulate or restrict relations between the sexes in their department. On one hand, the Supreme Court and lower courts have

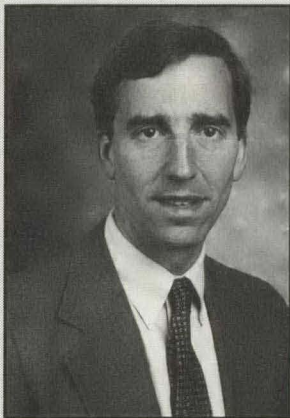
recognized a constitutional right to privacy and a first amendment freedom of association right that in some situations limits a manager's authority to restrict certain personal relationships. On the other hand, emerging theories of sexual harassment and the need to implement prudent policies to prevent sexually hostile and abusive work environments counsel in favor of restricting certain co-worker relationships, particularly those between a

supervisor and a subordinate. Within the framework of the right to privacy and the need to prevent sexual harassment, this article sets forth the legal limits on rules restricting employee relationships.

The Right to Privacy

The Supreme Court first recognized the constitutional right to privacy in its landmark decision *Griswold v. Connecticut*,² in which the Court held that a State statute





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

“ Courts generally uphold discipline in cases...where there is a superior/subordinate relationship and a potential for conflicts of interest. ”

prohibiting the use of contraceptives violated a married couple's constitutionally based right of privacy. The exact contours of this right to privacy have not been clearly defined, but they certainly include “matters relating to marriage, procreation, contraception, family relationships and child rearing and education.”³

The Supreme Court has not ruled on the extent to which government employers may regulate the private, consensual sexual behavior of their employees.⁴ However, lower courts have provided guidance to law enforcement managers concerning their authority to restrict relations between co-workers.

In *Kukla v. Village of Antioch*,⁵ the U.S. District Court for the Northern District of Illinois analyzed the constitutional rights of a supervisory employee in a police department to cohabit with a subordinate and determined that the department legitimately restricted the officer's relationship. In *Kukla*, a male sergeant and a female dispatcher were fired

for living together, and the sergeant sued alleging, among other claims, that the firing violated his constitutional rights of privacy and freedom of association.

The district court, in denying the sergeant's claims, balanced the weight of the government's interest at stake in the particular situation against the strength of the constitutional right asserted by the employee.⁶ The court noted that the government, as the employer, may generally limit an employee's conduct to a greater extent than the government can regulate the conduct of a private citizen, particularly when the employee's exercise of the right interferes with the provision of government services.⁷

The court concluded that restrictions on a public employee's rights of cohabitation and sexual conduct must be supported by a reasonable belief that the conduct would have a significant negative impact on the employee's job performance, the operations of the police department, or the public's

perception of the department.⁸ In applying this balancing of interests test, the court ruled in favor of the department's restriction because the police department was small, with only two sergeants; members of the force unavoidably had to work together closely; and past experience had demonstrated that a former dispatcher was protected from criticism or discipline because of the sergeant's relationship with her.⁹

The court in *Kukla* also recognized that there are special needs in law enforcement that support regulating employee conduct, which set law enforcement apart from other government employers. The court stated that a police department needs a high degree of discipline, because at any time, officers may be called on to work together in an intensely cooperative way.¹⁰ Other courts, when analyzing the constitutionally based employment rights of law enforcement officers, also have recognized the unique nature of police work, which requires a particularly urgent need for close teamwork in a high-stakes field dependent on order, discipline, and esprit de corps.¹¹

Despite this special need for discipline, when law enforcement agencies have attempted to restrict the off-duty relationships of an officer with a private citizen rather than a co-worker, the courts have supported, in most cases, the officer's claim that the restriction constitutes an unconstitutional intrusion into his or her rights of privacy and freedom of association.¹² However, when the department can demonstrate a significant adverse impact on the department, other than just community or moral

disapproval of the officer's relationship, courts have upheld disciplinary action against the officer.¹³

Courts generally uphold discipline in cases such as *Kukla* where there is a superior/subordinate relationship and a potential for conflicts of interest.¹⁴ Supporting this type of restriction on co-worker relationships are cases in which courts have upheld antinepotism rules or regulations that prohibit married couples or family members from working in the same department or agency.¹⁵

While arguably marriage or family relationship should receive greater constitutional protection than unmarried cohabitation or dating, because marriage and family relationships are at the core of the right to privacy protection, courts have uniformly upheld reasonable antinepotism rules based on governmental concerns over favoritism in job assignments, promotions and pay increases, and increased potential for morale and discipline problems.¹⁶ Courts also recognize an increased potential for conflicts of interest and impairment of judgment in high-risk situations where law enforcement officers might have a tendency to favor a family member over their duty to the job.¹⁷ These same arguments also can be made when a dating or cohabitation relationship develops between co-workers in a law enforcement agency.

First Amendment Freedom of Association

The first amendment right to freedom of association is linked closely to the right to privacy, even though it often is asserted separately

by officers challenging restrictions on their personal relationships. In *Roberts v. United States Jaycees*,¹⁸ the Supreme Court recognized that the constitutionally protected right to freedom of association includes the right to enter into and maintain certain intimate relationships¹⁹ and the right to associate with others in pursuit of a wide variety of cultural ends.²⁰ As a general matter, law enforcement restrictions on the associational rights of law enforcement employees are subjected to the same legal analysis as are restrictions affecting an employee's right to privacy.

“An...increasingly important reason to regulate relationships between the sexes in the workplace is the need to prevent sexual harassment.”

Illustrative is *McCabe v. Sharrett*,²¹ in which the U.S. Court of Appeals for the 11th Circuit upheld the demotion and transfer of a police chief's personal secretary because she married a police officer in the department. The court determined it not only was reasonable but also necessary for the chief to transfer the secretary to preserve the confidentiality of his office. Noting that the secretary had access to confidential material, such as

internal affairs files, the court concluded that spouses tend to possess a higher degree of loyalty to their marital partners than to their superiors and often discuss workplace matters with each other.²²

Law enforcement officers also have claimed that restrictions on their personal relationships violate their first amendment free speech rights. However, because public employee speech is protected only if it is a matter of public concern, that is, social, political, or community concern,²³ these claims have not succeeded.

For example, in *Swank v. Smart*,²⁴ the U.S. Court of Appeals for the Seventh Circuit held that an off-duty police officer's free speech and association rights were not violated when he was disciplined for talking to and giving a motorcycle ride to a 17-year-old college student. The court stated that the purpose of the free-speech clause and the right of association is to protect the public expression of ideas and not casual chit-chat between two people.²⁵

Sexual Harassment

An additional and increasingly important reason to regulate relationships between the sexes in the workplace is the need to prevent sexual harassment.²⁶ The Supreme Court's decision in *Harris v. Forklift Systems*²⁷ provides guidance on what constitutes a hostile work environment and reemphasizes the importance of maintaining a work environment that is free of sexual hostility or abusiveness. Arguably, both types of sexual harassment—abusive work environment and *quid*

pro quo harassment²⁸—are more likely to occur in a work environment where dating and cohabitation between co-workers are not reasonably regulated.

Allowing supervisory personnel to date or cohabit with subordinates particularly is risky for a law enforcement organization because, under *quid pro quo* liability, the supervisor engaged in the relationship may be considered to be acting on behalf of, or as an agent of, the employer. If the romantic relationship between a supervisor and a subordinate is determined to be unwelcomed, the employer is automatically held accountable for sexual harassment by the supervisor.²⁹ Although a supervisor may believe the relationship is consensual, the potential for a sexual harassment claim still exists, because the sexual advances or activity may nevertheless be considered unwelcome.³⁰

Even before a dating relationship develops, flirting and romantic pursuits between co-workers may be viewed as sexual harassment, as illustrated in *Ellison v. Brady*,³¹ a U.S. Court of Appeals for the Ninth Circuit decision. In *Ellison*, a female revenue agent for the Internal Revenue Service (IRS) was approached by a co-worker, who attempted to strike up a relationship. The female agent did go out to lunch with the male agent, but thereafter, she expressed no interest in a dating relationship. The male agent continued to pester and write notes to the female agent, and the IRS interceded by transferring the male agent temporarily.

Eventually, however, the male agent was transferred back to the same office as the female agent, and

she sued alleging a hostile work environment. The Ninth Circuit upheld the female agent's claim, stating that the notes she received from the male agent had a threatening tone when viewed from the perspective of a reasonable woman and thus created a sufficiently abusive and hostile working environment to constitute a valid sexual harassment claim.³²

In *Spain v. Gallegos*,³³ the U.S. Circuit Court of Appeals for the Third Circuit found that rumors of a sexual relationship between an employee and a supervisor could constitute sexual harassment. The court ruled that a hostile work environment may have existed in this case because fellow employees shunned

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...some courts have found that a workplace permeated with off-duty relationships between co-workers and supervisors may constitute a hostile working environment.

”

the plaintiff due to the rumors and because this lack of rapport caused her supervisors to evaluate her poorly for promotion purposes.³⁴

Law enforcement managers also should be aware that some courts have found that a workplace permeated with off-duty relationships between co-workers and supervisors may constitute a hostile

working environment. In *Broderick v. Ruder*,³⁵ the U.S. District Court for the District of Columbia found that evidence of a work atmosphere permeated with sexual and dating relationships involving employees other than the plaintiff were relevant to the issue of a hostile work environment. The court ruled that the sexual relationships between supervisors and subordinates and other conduct of a sexual nature were so pervasive that it affected the motivation and work performance of those who found such conduct repugnant and offensive.³⁶

Law enforcement managers should ensure that policies restricting employee relationships between women and men are stated clearly and are enforced consistently.³⁷ The policies also should be applied in an even-handed fashion, without considering the sex of the person.

Conclusion

Because of the potential for sexual harassment claims, some may argue that discouraging all dating relationships between co-workers, as advocated by Margaret Meade, is an advisable management policy. However, the cases dealing with the constitutional rights to privacy and association do not support such an across the board prohibition.

The right to privacy cases generally do not support attempts by law enforcement managers to restrict off-duty lawful relationships between an employee and a non-employee, and few law enforcement cases discuss the constitutionality of restricting dating and cohabitation between co-workers of equal stature in the workplace. However, caselaw does support

reasonable restrictions on superior/subordinate relationships, particularly where the superior is in a supervisory position.

Police managers responsible for fostering a workplace free of sexual intimidation and hostility may be justified in imposing reasonable restrictions on superior/subordinate relationships when necessary. These restrictions serve 1) to reduce the potential for sexual harassment, particularly because requests for sexual favors from a superior to a subordinate may generate automatic liability for the department; 2) to avoid favoritism or the appearance of favoritism in job assignments, promotions, discipline, or pay increases; 3) to prevent morale problems; 4) to prevent a potentially dangerous situation of divided loyalties in high-risk and life-threatening situations; 5) to prevent potential conflicts of interest where an employee has access to confidential information or personnel or internal affairs files; and 6) to protect the reputation of the department in the community. ♦

Endnotes

¹ Margaret Meade, "A Proposal: We Need Taboos on Sex at Work," *Redbook*, April 1978, 31-33, 38.

² 381 U.S. 479 (1965).

³ *Paul v. Davis*, 424 U.S. 693, 713 (1976).

⁴ The Court has not considered fully whether and to what extent State regulation of private consensual behavior might be permissible. *Carey v. Population Services International*, 431 U.S. 678 (1977). However, the Court has made clear that not all forms of private consensual conduct between consenting adults is protected from State regulation. In *Bowers v. Hardwick*, 478 U.S. 186 (1986), the Court ruled that homosexuals have no fundamental right to engage in sodomy.

⁵ 647 F.Supp. 799 (N.D. Ill. 1986).

⁶ *Id.* at 804.

⁷ *Id.* at 805.

⁸ *Id.* at 808.

⁹ *Id.* at 810.

¹⁰ *Id.* at 809.

¹¹ *Breuer v. Hart*, 909 F.2d 1035, 1041 (7th Cir. 1990).

¹² See, e.g., *Briggs v. North Muskegon Police Dept.*, 563 F.Supp. 585 (W.D. Mich. 1983), *aff'd*, 746 F.2d 1475 (6th Cir. 1984), *cert. denied*, 473 U.S. 909 (1985) (An officer's dismissal for living with a married woman who was not his wife violated the officer's right to privacy); *Wilson v. Taylor*, 733 F.2d 1539 (11th Cir. 1984); and *Reuter v. Skipper*, 832 F.Supp. 1420 (D. Ore. 1993), *aff'd*, 4 F.3d 716 (9th Cir. 1993), *cert. denied*, 114 S.Ct. 1397 (1994).



¹³ See *Fugate v. Phoenix Civil Serv. Bd.*, 791 F.2d 736 (9th Cir. 1986) (Officers could be disciplined for on-duty affairs with prostitutes. The protections of the right to privacy in sexual activities of an officer do not extend to cover sexual behavior that is not purely private, that compromises a police officer's performance, and that threatens to undermine a police department's internal work morale and community reputation;) and *Fleisher v. City of Signal Hill*, 829 F.2d 1491 (9th Cir. 1987), *cert. denied*, 485 U.S. 961 (1988) (A police officer's sexual conduct with a minor was not protected by the right to privacy or freedom of association because the conduct was illegal, compromised the officer's performance as an officer, and threatened the department's community reputation and internal morale.)

¹⁴ *Shawgo v. Spradlin*, 701 F.2d 470 (5th Cir. 1983), *cert. denied*, 464 U.S. 965 (1983)

and *Puzick v. City of Colorado Springs*, 680 P.2d 1283 (Colo. App. 1983).

¹⁵ *Parsons v. County of Del Norte*, 728 F.2d 1234 (9th Cir. 1984), *cert. denied*, 469 U.S. 846 (1984); *Police Officers' Ass'n v. Sioux City*, 495 N.W.2d 687 (Iowa 1993); *Parks v. City of Warner Robins, Ga.*, 841 F.Supp. 1205 (M.D. Ga. 1994); and *Collier v. Civil Service Com'n*, 817 S.W.2d 404 (Tex. App. 1991).

¹⁶ *Police Officers' Ass'n v. Sioux City*, 495 N.W.2d at 691.

¹⁷ *Collier v. Civil Service Com'n*, 817 S.W.2d at 407.

¹⁸ 468 U.S. 609 (1984).

¹⁹ *Id.* at 618-620.

²⁰ *Id.* at 623.

²¹ 12 F.3d 1558 (11th Cir. 1994); See also, *Vieira v. Presley*, 988 F.2d 850 (8th Cir. 1993) (Conservation officer who was forced to resign because of relationship to individuals under investigation could not claim violation of clearly established constitutional right of association.)

²² *McCabe*, 12 F.3d at 1572.

²³ *Waters v. Churchill*, 114 S.Ct. 1878 (1994) and *Connick v. Meyers*, 461 U.S. 138 (1983).

²⁴ 898 F.2d 1247 (7th Cir. 1990), *cert. denied*, 498 U.S. 853 (1990).

²⁵ *Id.* at 1251.

²⁶ Because sexual harassment is a form of intentional discrimination, courts allow recovery under both Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)(1), and personal liability against the harasser under 42 U.S.C. § 1983. *Beardsley v. Webb*, 30 F.3d 524 (4th Cir. 1994) and *Gierlinger v. New York State Police*, 15 F.3d 32 (2d Cir. 1994). In addition, the Civil Rights Act of 1991, 42 U.S.C. § 1981a(b)(3), allows up to \$300,000 in compensatory damages against the discriminating department or agency, and § 1983 permits unlimited damages against a city or county under municipal liability claims. See, e.g., *Reynolds v. Borough of Avalon*, 799 F.Supp. 472 (D.N.J. 1992).

²⁷ 114 S.Ct. 367 (1993). In *Harris*, the Court held that psychological injury is not necessary to prove there is a hostile or intimidating workplace; rather, the existence of a hostile work environment is based on a totality of circumstances, including (1) the frequency of the conduct; (2) its severity; (3) whether it is physically threatening or humiliating, or a mere offensive utterance; (4) whether it unreasonably interferes with an employee's work performance; and (5) whether it affected the employee's psychological well-being.

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.

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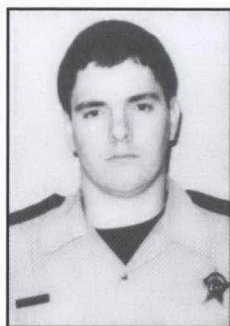
The Bulletin Notes

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 Evans

Sgt. Frank Evans of the Indianapolis, Indiana, Police Department was one of the first officers to arrive at the scene of a tense hostage situation. Two armed brothers had entered an area restaurant. When the manager attempted to disarm one of the gunmen, the other began firing indiscriminately. During the melee, he killed an elderly retiree and wounded several other patrons, including a 5-year-old boy. The two brothers then took the stunned restaurant patrons hostage. Upon arriving at the scene, Sergeant Evans quickly established communication with the gunmen. During a volatile and lengthy standoff, Sergeant Evans was able to gain the suspects' confidence and to convince them not to harm their hostages. After carefully negotiating with the pair for 6 hours, Sergeant Evans convinced them to surrender without further incident.



Deputy Salter

While on patrol during the early morning hours, Deputy Jason Salter of the Montgomery County, Texas, Sheriff's Department observed a pair of legs sticking out of the open driver's side door of a car parked along a county road. When Deputy Salter turned his patrol unit toward the parked car and activated his emergency lights, he saw the car door close and the occupants duck down in the front seat. As he approached the vehicle, he observed two males on either side of a female, holding her arms. Deputy Salter separated the female from the men and walked her to the patrol car, where he learned that she had been physically and sexually assaulted by the suspects. At the same time, one of the men attempted to assault Deputy Salter but was subdued. Deputy Salter was able to control both suspects until a second deputy arrived. Both men were placed into custody and later charged with aggravated assault.



Officer Taylor

Officer Jason Taylor of the Pullman, Washington, Police Department observed flames emerge from the second floor of a fraternity house. He quickly alerted the dispatcher to the fire and entered the building after determining that the occupants were not exiting. Unable to wake the students because of faulty fire alarms, he crawled on his hands and knees throughout the house until he awoke all the sleeping residents. He then used his flashlight to orient them toward a safe escape. When one student collapsed due to the smoke, Officer Taylor pulled him to safety. Once confident that all persons had evacuated, he left the building to direct traffic and to assist in crowd control. Officer Taylor was later treated for smoke inhalation at a local hospital and released.

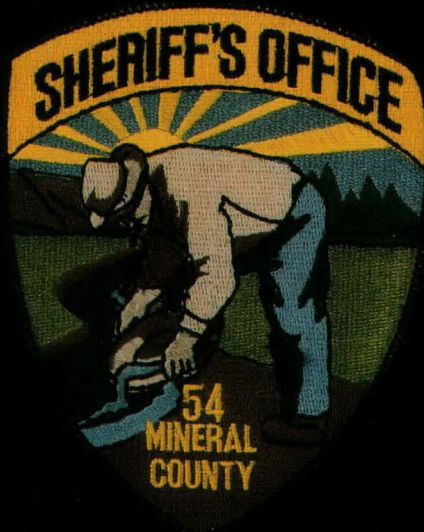
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Patch Call



The patch of the Mineral County, Montana, Sheriff's Department depicts an actual long-time resident of the county, now deceased, panning for gold. Mineral County was the 54th county to be incorporated in Montana.



The Hahira, Georgia, Police Department features a honey bee sitting on two tobacco leaves, signifying the city's large honey-producing and tobacco-growing industries.