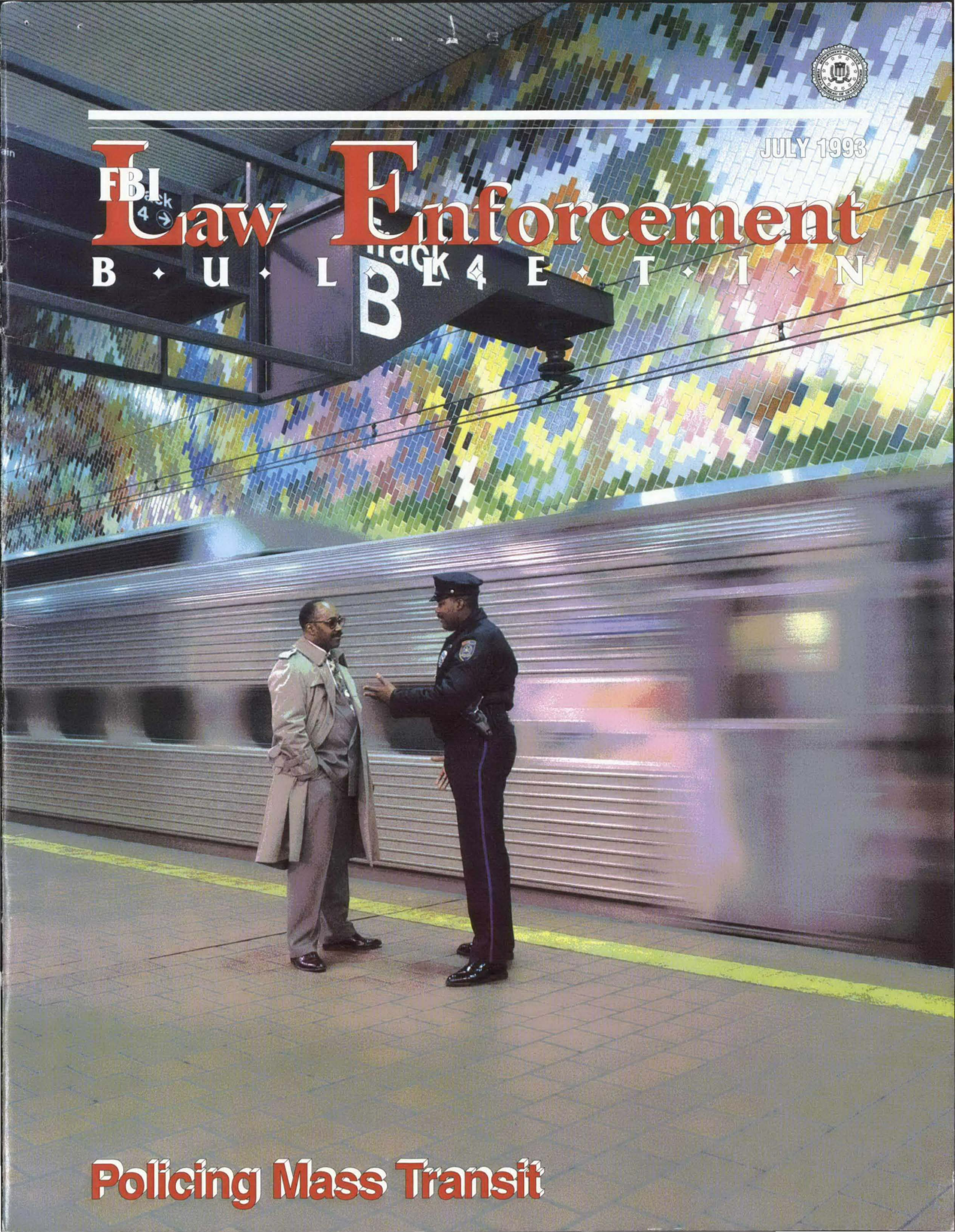




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Policing Mass Transit

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William S. Sessions,
Director

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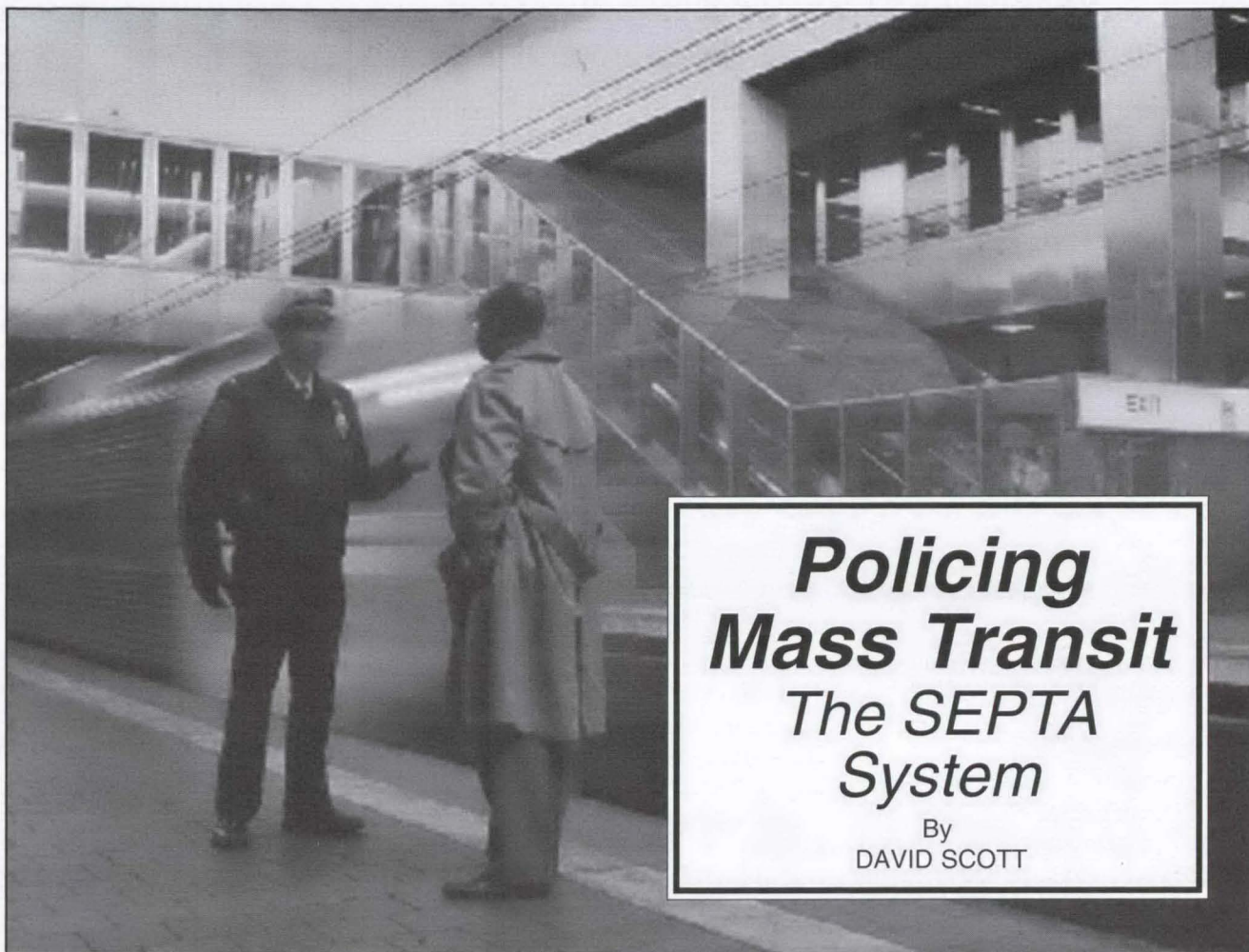
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Policing Mass Transit The SEPTA System

By
DAVID SCOTT

Mass transportation continues to grow in the United States. Many cities are constructing, expanding, or rebuilding transit system infrastructures, and this trend to revitalize urban areas should continue. In addition, more stringent Federal air pollution laws encourage the construction and use of public transportation.

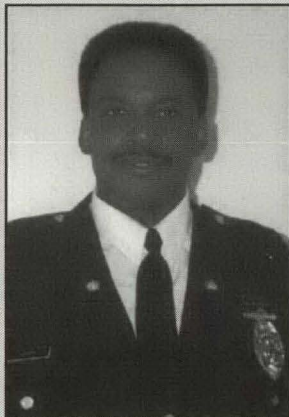
As more citizens use public transportation, the chances for increased criminal activity exist. In fact, many people already believe that the term "subway" is synonymous with the word "crime." Certainly, the entertainment industry

and the news media frequently depict the subway as a haven for criminal activity, and unfortunately, for some urban cities, this is a reality. Therefore, police departments must develop more effective means of policing transit systems.

Within the last decade, zone policing, a community policing concept that involves deploying personnel from central headquarters to ministrations, rapidly gained popularity. Many police departments, including those in New York, Houston, Denver, and Newark, have implemented decentralization and other community policing programs.

Many people associate community policing programs with metropolitan police forces. Yet, transit police departments can also employ similar programs to reduce crime significantly on mass transportation systems.

In fact, since the Southeastern Pennsylvania Transportation Authority (SEPTA) Police Department implemented these policing techniques on the subway-elevated system in November 1991, serious crime on the system has decreased by 43 percent. This article presents an overview of SEPTA's zone system, as well as other community programs successfully employed by



Captain Scott serves with the Southeastern Pennsylvania Transportation Authority Police Department, Philadelphia, Pennsylvania.

**“
...community policing
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”**

the department to combat crime and improve community relations.

BACKGROUND

Prior to the implementation of the zone concept, SEPTA's uniformed officers reported to a central headquarters and patrolled different parts of the transit system each day. Officers often rode from one end of the line to the other during their tours of duty. This practice limited continuity of supervision, and true accountability by the officers did not exist.

Furthermore, only administrative personnel suffered the consequences when problems arose. Top officials made all decisions, with front-line supervisors and officers on the beat having little input concerning the daily operations of the department. The zone system adopted by the department alleviated these problems.

THE ZONE SYSTEM

In 1990, a survey of SEPTA system riders indicated that passengers believed law enforcement on

the subway-elevated lines needed improvement. Passengers also perceived the system to be dirty, a condition that they associated with a lack of security.

Consequently, SEPTA created a Resource Management Review Group to make suggestions for improving law enforcement and cleanliness on the system. The group recommended that geographically adjoined train stations (zones) be the assigned responsibility of an identifiable supervisor.

As a result, SEPTA's two subway-elevated lines, the blue and the orange, were divided into seven zones. Four zones encompass the blue line's 28 stations, while the orange line's 24 stations make up three zones. A lieutenant heads each zone, which includes a sergeant and a contingent of uniformed patrol officers for each shift. The zone's crime rate dictates the number of officers assigned to each zone.

Improved Operations

With the implementation of the zone system, officers are now as-

signed regular beats that may include several stations within a zone. This allows them to work consistently with the same station personnel in their zones. As a result of the rapport that builds, station personnel often provide valuable information to the police concerning criminal activity, creating a unique bond between the police officers and station personnel.

In addition, police department employees have developed a sense of pride and ownership in their zones, because they have become responsible for one specific area. Officers are more familiar with their surroundings, with the passengers that use the system daily, and with the criminals who frequent the area. These officers form a close-knit group, dramatically reducing interpersonal conflicts among the zones.

SEPTA's new policing system also encourages supervisors to make decisions that upper management once made exclusively. Consequently, both supervisors and officers feel a sense of accountability in their attempts to contain crime in their respective zones. They now exhibit more concern and put forth a greater effort when faced with such problems as escalating crime. Rewards for productivity rather than fear of discipline govern their approach to their work.

Management further encourages officers to recommend ways of improving operations by scheduling periodic, informal "round table" discussions with administrative personnel. A different officer from each zone attends these meetings until all SEPTA officers have participated in the discussions. With all zones participating, administrators can see

how operations proceed throughout the entire department.

These discussions provide management with insights it cannot obtain from merely comparing computerized crime statistics. More importantly, officers perceive they are contributing to the success of the department when they can discuss and make recommendations to resolve problems.

The zone concept also brought administrative personnel in direct contact with officers on their beats. Consequently, officers feel that management is more in touch with what is happening on the street.

In the past, SEPTA police officers spent precious patrol time processing perpetrators for such offenses as smoking, disorderly conduct, fare evasion, and trespassing. Often, they spent 2 to 3 hours transporting offenders to a police district in order to complete paperwork.

SEPTA police officers now issue nontraffic summary citations to individuals who commit minor infractions on the system. The offenders are temporarily detained, paperwork completed on the spot, court dates provided, and citations issued in a number of minutes. The officers and offenders never leave the system, and the visibility of the police has increased dramatically.

The creation of a Security Agent Unit further increased the number of police officers on the system. Previously, officers patrolled the train and bus yards, as well as other SEPTA installations, while crime on public vehicles and at the stations escalated. Then, SEPTA started a program that placed former bus drivers, mechanics, and employees who were in-

jured and disqualified from previous occupations into the Security Agent Unit.

Agents complete a vocational rehabilitation program and serve as the eyes and ears of the police. They primarily work as armed security guards, protecting employees and property. They wear different uniforms than police officers and do not have powers of arrest. The nearly 80 agents in this program serve as effective deterrents to crime and allow SEPTA officers to patrol where they are needed most.

In addition, officers of the recently established Tactical Unit primarily patrol areas of the system that have suffered from an increase in criminal activity. These uniformed officers augment zone patrol

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The zone concept also brought administrative personnel in direct contact with officers on their beats.

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officers and periodically work special plainclothes details. The K-9 Unit also supports zone operations and has contributed to the decrease in crime in specific areas on the system.

Area Revitalization

Implementation of the zone concept, and with it, the construction of new ministations, has enhanced officer morale and increased public support. But it has also led to changes within the community.

For example, one zone headquarters was previously a three-story stairwell that passengers used to gain access to the elevated line. After the stairwell had been closed for almost 20 years, SEPTA converted it into an innovative structure that resembles a turn-of-the-century police station and fits in well with the surrounding commercial establishments. Furthermore, neighbors acquired a new sense of security from having transit police in the midst of their business district, which previously suffered from severe crime problems.

COMMUNITY POLICING

Many police managers have found ways to implement community policing in their departments. The community policing philosophy reaffirms that crime prevention, not merely responding to calls for service, is a basic mission of the police.

Police departments prevent crime by having a visible police presence. Consequently, the trend in many urban areas across the country is to get officers out of their vehicles and placed on foot beats.

Transit police departments, SEPTA included, have always used this method. Transit officers have frequent contact with passengers, who often board daily at the same stations on their way to work, school, or home. In this respect, community policing plays a significant role in fostering a good relationship between transit police and the regular riders.

SEPTA's Community Programs

In order to reach out effectively to the ridership, SEPTA's community affairs personnel are often assigned from the uniformed ranks,

because they work closely with the general public and remain in tune with the pulse of the community. These officers perform regular patrol duties, as well as develop and implement SEPTA's many community-oriented programs.

One program, Operation Lifesaver, is a nationwide effort supported by the National Safety Council. Operation Lifesaver promotes safety in order to reduce deaths and injuries due to train and motor vehicle collisions and trespassing on railroad property.

Another unique program, appropriately named Adopt-A-Station, focuses on developing a partnership between SEPTA and the neighborhoods along the system. The goal of the program is to strengthen communications with the public and to enhance the environment that SEPTA and the community share. After "adopting" a station, the community provides valuable input to SEPTA so that the station continues to reflect or improve the climate of the neighborhood.¹

The Adopt-A-School Program permits SEPTA police officers and other SEPTA employees to assist primary and secondary school students by providing tutoring, classroom and assembly speakers, and tours of SEPTA installations. The program improves the students' academic skills and fosters their awareness of the working world, including productivity skills and the needs of the marketplace. Further, it shows SEPTA employees that a concern for the community contributes to the overall success of a busi-

ness enterprise. To date, SEPTA has "adopted" nine schools.²

SEPTA's Crime Prevention Programs

SEPTA offers several crime prevention programs to nursing homes, schools, churches, universities, and civic groups—almost any organization interested in a presentation. Group participation and role-playing are key elements of these informative presentations.

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***...passengers who
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The Mass Transit Safety Program informs audiences on how to avoid becoming victims of serious crime while riding the transit system. The Pickpocket Prevention Program highlights travel tips specifically designed to prevent patrons from becoming easy marks. In addition, because automobile thefts often occur in SEPTA's commuter parking lots, SEPTA conducts a program to advise patrons of inexpensive and commonsense methods to protect their automobiles.

SEPTA also implemented the Truancy Intervention Program (TIP) with the cooperation of the Philadelphia Board of Education and the Juvenile Aid Division of the

Philadelphia Police Department. SEPTA police officers who encounter school-aged children using the transit system during school hours take them into custody and transport them to designated school board locations. If the resulting investigation leads to criminal charges, SEPTA police officers transport the student to an appropriate police facility. If not, the child is taken back to school.

SEPTA police officers remove as many as 30 students from the system each day. Because many of these students have been known to commit crimes both on and off the system, TIP has successfully decreased crime in the community.

CONCLUSION

Clearly, the SEPTA Police Department's zone concept and other community policing programs have greatly affected the City of Philadelphia. Crime has decreased by 43 percent, and the surrounding communities and passengers who use the system have responded positively to SEPTA's efforts.

In addition, the satisfaction of SEPTA patrol officers plays an equally important role. They are the backbone of the department and ultimately responsible for the success of any law enforcement program. ♦

Endnotes

¹ G. Hauge, J. Dorn, and N. Gargano, Police Group Report, SEPTA Resource Management Review Division, 1990.

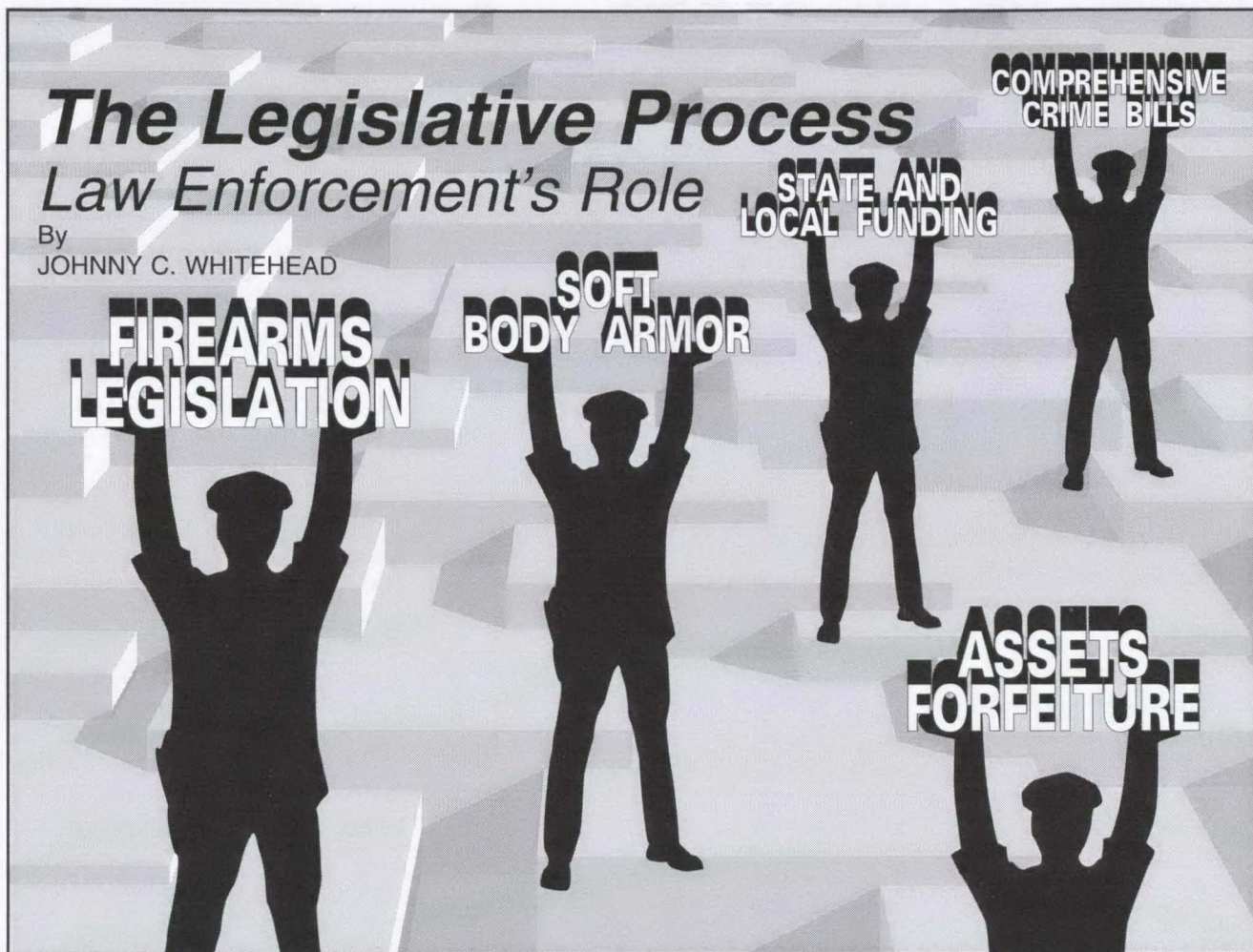
² Adopt-A-School guidelines provided by the Philadelphia School District. Information on SEPTA community relations programs provided by the SEPTA Community Relations Staff, 1992.

The Legislative Process

Law Enforcement's Role

By

JOHNNY C. WHITEHEAD



Lawmakers at all levels of government introduce and pass legislation that significantly impacts on law enforcement operations. At times, these well-meaning politicians fail to realize the residual effects of their actions. As a result, legislation that is either difficult to enforce or detrimental to law enforcement becomes law. Law enforcement's reaction at this point becomes one of disbelief, panic, or both.

This does not, however, have to be the case. Law enforcement agencies can avoid such nightmares by monitoring legislation be-

fore it becomes law and by working actively with lawmakers to educate them on the nature of law enforcement. This article shows ways in which agencies can accomplish these critical tasks and provides various strategies for influencing future legislation.

ACTION TAKEN

Traditionally, law enforcement officials stood on the sidelines while politicians proposed legislation and passed laws that seriously affected police operations. In the Baltimore County, Maryland, Police Department, however, police administra-

tors eventually realized that active involvement in the legislative process would allow them to voice the needs of the department and keep the problem from perpetuating itself.

For this reason, they initiated a legislative program that allows the department to take a "watchdog stance" to ensure that proposed legislation serves law enforcement's best interests. The program is also a source of information for legislators who, for the most part, are unaware or ill-informed of law enforcement's mission and constraints.



Captain Whitehead serves with the Baltimore County Police Department in Cockeysville, Maryland.

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manufacture and sale of armor-piercing ammunition, better known as “cop killer bullets.”

During the past 8 years, this group, now known as the Law Enforcement Steering Committee (LESC), expanded to include law enforcement research organizations and police management and labor groups representing over 400,000 police practitioners.² It has supported such issues as assets forfeiture, State and local government funding, soft body armor, firearms legislation, and comprehensive crime bills.

LIAISON

To begin the legislative program, two Baltimore County police officers were chosen to serve as legislative liaisons for 3 months during Maryland's annual legislative session. After several sessions, the officers' efforts showed signs of success. By establishing liaison with Maryland lawmakers, they were able to influence the voting on inadequate or unenforceable legislation.

At the same time, these officers found active supporters among the legislators, which added a new dimension to the original concept. The legislative liaison officers began networking with elected officials to develop legislation that would benefit the community at large. Because of the successes realized, a police officer now serves year round as a full-time legislative liaison officer.

SIMILAR PROGRAMS

Agencies in other jurisdictions support similar formal legislative

programs. In Maryland, sworn officers of the Baltimore City Police Department and the State police monitor legislation full time. The Legislative Affairs Unit of the New York City Police Department works with the mayor's office, and the Denver, Colorado, Police Department operates a Legislative Unit within its Public Information Office.

What has occurred in many areas of the country, either locally or statewide, has also spread to the national level. For example, in 1985, five law enforcement associations¹ united to form the Law Enforcement Steering Committee Against S-49 to oppose firearms legislation then pending in the U.S. Senate. This legislation, known as the McClure-Volkmer Act, would have made it easier to gain access to handguns.

The committee drafted and successfully worked for the adoption of several amendments to the bill to minimize its negative impact. It was also instrumental in influencing the

TECHNIQUES

Once a police department adopts a position on proposed legislation, a number of approaches can be taken to promote that position. The strategy used depends, in large part, on the nature of the proposal and the impact it has on the agency, both operationally and politically.

Baltimore County liaison officers follow the guidelines developed by the League of Women Voters of Maryland, Inc.,³ to include writing letters, sending telegrams, telephoning legislators, contacting legislators personally, and testifying at committee hearings. These tactics assist the department in mounting effective campaigns, while avoiding many of the pitfalls and mistakes that might jeopardize success.

Letters

A well-written letter can help any cause. However, liaison officers should follow certain steps when constructing the letter. First, they should discuss only one bill or topic in a letter and should identify the bill

by number, if possible. Second, the letter should be brief and should clearly state the agency's position. Rambling letters that fail to make points up front and succinctly serve little purpose.

Liaison officers should direct letters to the chairperson and members of the appropriate committee and to all influential legislators. Each letter should be addressed correctly and with the appropriate salutation.

As another consideration, liaison officers should determine whether legislators use other than standard paper or binders for their bills. If so, it helps to write position letters on the same sized paper, which enables legislators to insert the letter conveniently next to the bill without taking the chance that it would get lost or damaged before the issue comes up in committee.

Telegrams

Public messages or mailgrams provide a quick and succinct means to voice an opinion. These can be sent to elected officials for a nominal fee.

Telephone

Telephones provide the easiest way to register opinions with legislators; however, during legislative sessions, it is often difficult to reach the intended party by phone. In most cases, office staff members take messages, and these aides are usually quite efficient in relaying information to legislators.

Media

Departments can provide print and broadcast media with reliable, well-documented background in-

formation or a well-written analysis of proposed information. This can be done through press releases, press conferences, letters to the editor, or editorials. These public relations tools arouse public interest and can influence legislators.

Personal Contact

Personal contact remains one of the most effective techniques, particularly after a bill has been heard in committee. Liaison officers can



effectively deal with any apparent information gaps or questions by forwarding the needed information promptly to legislators.

If a legislator sympathetic to law enforcement sits on the committee, the department's liaison officer should ask that person's advice on strategy. Legislative liaison officers should be particularly responsive to those legislators who express concerns at hearings. They should concentrate on those legislators who appear undecided, because those who strongly oppose the legislation probably cannot be influenced to change their votes. Liaison officers need to be aware of the number of

votes needed to pass, or defeat, legislation, which can be done by counting anticipated votes. If there are not enough favorable votes, an officer could ask an ally on the committee to request a delay of the vote count until the necessary number of votes can be secured.

Testifying at Committee Hearings

Perhaps the most formal method of liaison is testifying at committee hearings. Before doing so, however, departments should address several important questions. Is the person testifying the most informed and best qualified to answer the committee's questions, or should scientific or technical experts be called before the committee? Is the person an effective and eloquent speaker? Can facts be substantiated and validated with data, such as costs, comparisons, uses, and effects? Are other groups lobbying on the same issue, and can the department join forces with them? And finally, considering the costs and benefits, is testifying the best technique to use, or would alternative methods be more effective?

If testifying before a committee appears to be the most effective way to voice a department's concerns, individuals appearing before the committee should follow several steps before giving testimony. First, they should read the bill very carefully to understand fully what the bill proposes and what it means to the department. They should also determine whether this type of legislation has been proposed previously. If so, what is its history?

The next step would be to talk to the sponsor to learn why the bill was

introduced and its intended effect. If the department supports the bill, the sponsor may have suggestions for the officers who will testify. The sponsor of the legislation should receive any proposed amendments prior to the hearing. This allows the sponsor time to consider the department's recommendations or other alternatives.

The department should also find out the costs of the proposed legislation, if such information is available. It is also advisable for liaison officers to network with other groups interested in the bill. This provides officers with the opportunity to learn of similar or differing views and to determine what these groups will say at the hearing.

Officers scheduled to testify should come to the hearing well-prepared. This includes having written testimony that identifies the officers appearing at the hearing, the name of their agency, and the department's position on the proposed legislation.

The officers should state the agency's views, say how and why it arrived at its position, and advise the committee of the benefits, or detriments, that will be realized by the legislation. They should also address the fiscal implications of the proposal and then summarize the agency's position at the end of their testimony.

Officers who testify should register to speak before the hearing begins and arrive at the hearing room at the designated time. They should have prepared copies of the agency's statement to distribute to all committee members, the press, and other interested parties. The officers should not read the written

testimony; instead, they should speak directly and forcefully to committee members, while maintaining eye contact. Their statements should be brief, and they should be prepared to summarize the statements if the allotted time runs short.

AVENUES OF SUPPORT

Each year, legislators introduce approximately 2,000 bills in the Maryland General Assembly, one-quarter of which affect law enforcement in some way. The Baltimore County Police Department monitors the law enforcement-related

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bills, which allows the county legislative office to concentrate on legislation affecting the other 17 departments of the county government.

After a thorough review of proposed legislation relating to law enforcement, the police department informs the county executive of its intent to oppose or support specific legislation and the manner in which it plans to advance its position. If disagreement arises on the department's stance, the department opts to allow other agencies to lead the fight, because the chance exists that a specific proposal will have a major impact on other agencies as well.

One avenue of support shared by Maryland's law enforcement agencies is the Maryland Chiefs of Police Association. The association's legislative committee meets regularly during the State's legislative session to review proposals and develop positions. If a police department is unable to take a position on an issue, the committee or another member agency takes the lead, thereby removing the department from the controversy.

POLITICAL CONSIDERATIONS

Several issues arise when a law enforcement agency gets involved in the legislative process. These include labor-management issues and possible conflicts between a law enforcement agency and other government agencies.

It is important for law enforcement representatives to work with their government administrations, whether it be the mayor's office, the county executive's office, or the governor's office. Each administrative level should be informed of liaison activities, particularly those involving controversial issues.

In Baltimore County, the county executive includes police department proposals in the annual legislative package. To assist in the process, the department's legislative liaison officer works side-by-side with the county's legislative office.

There may come a time when a law enforcement agency finds its position in conflict with that of the government's administration. In these instances, allowing other agencies to take the lead becomes a viable option, especially consider-

ing that most proposals impact a number of agencies, not just one.

Occasionally, legislation proposed by a local or State agency faces opposition from another. In such situations, careful consideration must be given to available options. First, departments must determine whether the problems created by the proposal outweigh the problems created by opposing the other agency. Also, does the potential exist for working out the interagency conflict before it becomes public? In either case, the department should make the government's administration aware of the problem and ad-

vised the other agency of its intended opposition.

CONCLUSION

The law enforcement community has taken great strides to assist the legislative process on the local, State, and national levels. But, much more can be achieved.

The responsibility for monitoring legislation rests with each agency. Whether on a full-time or part-time basis, any attention given to proposed or pending legislation that impacts law enforcement serves only to benefit all police officers and the citizens they serve. ♦

Endnotes

¹ The International Association of Chiefs of Police (IACP), the Police Executive Research Forum (PERF), the National Organization of Black Law Enforcement Executives (NOBLE), the National Fraternal Order of Police, and the National Troopers Coalition formed the Law Enforcement Steering Committee Against S-49.

² The Federal Law Enforcement Officers Association, the International Brotherhood of Police Officers, the Major City Chiefs, the National Association of Police Organizations, the National Sheriff's Association, and the Police Foundation joined the original members of the Law Enforcement Steering Committee Against S-49 to form the LESC.

³ League of Women Voters of Maryland, Inc., #87/3, 1987, 19-20.

Wanted: Photographs

The *Bulletin* staff is always on the lookout for dynamic, law enforcement-related photos to accompany and accent the various articles that appear in the magazine. We are interested in photos that depict the many aspects of the law enforcement profession discussed in the magazine and illustrate the numerous and challenging tasks that law enforcement personnel perform.

We can use either black-and-white glossy or color prints or slides, although we prefer color 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 the *Bulletin* does not accept responsibility for prints that may be damaged or lost. Send your photographs to:

John Ott, Art Director, *FBI Law Enforcement Bulletin*, J. Edgar Hoover F.B.I. Building, 10th and Pennsylvania Avenue, NW, Washington DC, 20535.

Focus on Research

The NIJ's National Criminal Justice Reference Service

By Kimberly J. Waggoner



Wondering what police chiefs ranked as their number one criminal justice need? Or how the State of Ohio finances prisons? Perhaps you need a copy of an out-of-print Government publication. If so, the National Criminal Justice Reference Service (NCJRS) can help.

Established in 1972 by the National Institute of Justice (NIJ), NCJRS is the largest criminal justice information network in the world. It serves more than 100,000 criminal justice professionals, policymakers, and researchers by providing comprehensive information on recent criminal justice studies and projects.

NCJRS Resources

NCJRS provides a range of services, most at little or no cost. The NCJRS Data Base—a computerized database containing citations and abstracts of nearly 120,000 criminal justice books, research reports, journal articles, grants, Government documents, program descriptions, and evaluations—can be accessed by the NCJRS staff or on DIALOG, an international electronic information retrieval service. In addition, CD-ROM discs, updated every 6 months, provide users with direct, *immediate* access to the NCJRS Data Base.

The *National Institute of Justice Catalog* contains descriptions of selected new titles added to the NCJRS Data Base, as well as a list of materials available from NCJRS and a calendar of upcoming events. These events—such as conferences, seminars, workshops, and training sessions—are also listed in the *NIJ Conference Calendar* and provided on two databases—the NIJ Criminal Justice Conference Calendar Data Base and the Juvenile Justice Conference Calendar Data Base.

The *National Institute of Justice Journal*, a free, bimonthly periodical, contains information on current issues, programs, and trends in criminal justice. Other free NIJ publications distributed by NCJRS include the *Research in Brief* series, *Evaluation Bulletins*, and a series of *Program Focus Reports*, which provide summaries of recent, significant research and evaluation findings. Many of the available titles are reprints of *NIJ Journal* feature articles.

The condensed information and easy-to-read format of these publications can greatly assist criminal justice professionals. And these are just a few of the advanced resources available from NCJRS. Others include:

- An electronic bulletin board, which provides 24-hour access to electronic mail and document transfer, contact with other users, and updates on criminal justice activities and publications
- An extensive microfiche collection, which allows criminal justice agencies, libraries, and research organizations to acquire over 30,000 full-text documents for a fraction of the cost of hard copies
- The Crime File videotape series, which focuses on critical crime issues facing the public and provides law enforcement professionals with innovative ways to implement community policing and other emerging law enforcement tools in their districts.

Moreover, NCJRS does not limit its information gathering to the United States. An international information collection covers criminal justice practices and problems unique to countries worldwide.

Specialized Information Services

To further assist criminal justice professionals in their research needs, NCJRS maintains information

clearinghouses for a variety of disciplines. These include the following:

- The Construction Information Exchange, which disseminates information about prison and jail construction (The exchange also distributes the *National Directory of Corrections Constructions* and the *Construction Bulletin* series, featuring case studies of innovative construction techniques.)
- The Juvenile Justice Clearinghouse, which distributes publications of the Office of Juvenile Justice and Delinquency Prevention and provides customized responses to requests for information
- The Justice Statistics Clearinghouse, which distributes Bureau of Justice Statistics publications and offers document database searches, information packages, and referrals regarding crime and criminal justice statistical data
- The Bureau of Justice Assistance Clearinghouse, which supplies Bureau of Justice Assistance program information designed to provide Federal funding and technical assistance to State and local governments to improve the criminal justice system.

The specialized services offered by NCJRS provide criminal justice professionals with extensive, current information on a variety of important issues. While some individuals may wish to call these clearinghouses directly, others may not know exactly what information they need or how to obtain it. In these cases, an NCJRS reference specialist can help.

NCJRS Reference Specialists

NCJRS reference specialists are available Monday through Friday, 8:30 a.m. to 7 p.m., eastern time. They can respond to information requests on a myriad of criminal justice issues, providing such services as:

- Topical searches of the NCJRS Data Base, which include 30 document citations on such topics as

capital punishment and illegal substance abuse among juveniles

- Topical bibliographies, which contain up to 200 citations from the NCJRS Data Base—including subject and title indexes—for such subjects as the criminal justice system and victim services
- Fact-finding services, which produce customized reports for professionals who do not have the time, resources, or access to NCJRS source documents to conduct their own research.

NCJRS research specialists supplement NCJRS

resources with information obtained from criminal justice agencies, professional associations, and the media. They can also recommend sources for information not available through NCJRS.

Of course, research specialists provide NCJRS publications when appropriate. Many of the more than 700 publications distributed by the service are available at no cost. Furthermore, NCJRS makes most documents available through interlibrary loans. Many can also be photocopied and bound, and approxi-

mately one-third of the documents in the NCJRS Data Base are available on microfiche.

Conclusion

Clearly, NCJRS provides a valuable service to the criminal justice community. Its extensive resources, innovative dissemination techniques, and knowledgeable staff can help law enforcement professionals find the most current information on any criminal justice topic. Combining this exchange of information with the research of the National Institute of Justice will help to improve the quality of our criminal justice system. ♦

Ms. Waggoner is assigned to the FBI's Office of Public and Congressional Affairs in Washington, DC.

For more information on NCJRS or its associated clearinghouses, call or write NCJRS, Box 6000, Rockville, Maryland 20850, 1-800-851-3420.

“
...NCJRS...can help
law enforcement
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topic.
”

Teenage Drinking in Rural America

By
ED WILLIAMSON



Photo by Captain Kemp
Glendive, Montana, Police Department

Emergency dispatchers receive a call from a citizen who states that she heard gunshots and now sees a body lying in the street. The citizen further advises that she can see an armed man in the house across the street. While still on the phone, she hears additional gunshots.

When officers respond to the location, they hear gunshots coming from inside the home. They take up positions around the house and ask the subject to surrender. The 16-year-old subject emerges voluntarily. Officers then discover that he shot and killed two of his neighbors, as well as one neighbor's mother. In

addition, he used his rifle to strike two small boys.

After the arrest, tests revealed that the blood alcohol level of the suspect was .19. The suspect had no other drug in his system at the time of the shooting.

The above scenario occurred in the rural area of Glendive, Montana, where officers must sometimes deal with juveniles who commit property crimes and murders while under the influence of alcohol. Unfortunately, some law enforcement officers place a low priority on offenses that involve minors possessing alcohol. Many times, the officers simply confiscate the alcohol and

send the offenders home; other times, they ask only that teens attending parties where alcohol is available to keep the noise level down. As Jill Vejonoska of the National Clearinghouse for Alcohol Information states, "Americans have been slower to face the problem [of alcohol] as it relates to teens."¹

However, as a result of the above shooting incident, leaders of the Glendive Police Department decided to address the growing problem of alcohol use among area teenagers and the crimes committed by intoxicated teens. This article discusses the plan that the department

developed and the additional training officers needed to implement the plan.

THE PLAN

To begin, department personnel developed a three-part plan. The plan calls for enforcement of alcohol-related offenses, education of teens and parents, and alternative activities for teenagers.

Enforcement

Prior to the implementation of this plan, alcohol offenses by teens were not considered high priorities. Now, however, department leaders consider enforcement of these offenses a primary consideration in terms of allocating both personnel and finances.

Officers began the new enforcement program by developing informants between the ages of 18 to 21 who purchased alcohol illegally and then served as witnesses during trial. In one typical operation, officers placed a voice monitor on a female informant. The teen, who carried no identification, then went to all establishments within city limits that sold alcohol. Even though she was underage and could produce no proof of legal age, the informant purchased alcohol from a majority of the businesses. Those who sold alcohol to the informant were charged with selling alcohol to a minor. All but one of the defendants pled guilty or were found guilty in court.

Department leaders recognized two important facts as a result of this investigation: Minors could easily purchase alcohol within city limits, and there was a need to train employees of establishments that

sell alcohol. Departmental personnel then began to focus on these problems.

To begin, department managers assigned officers to conduct seminars for the employees and managers of establishments selling alcohol. The 2-hour seminar covered such topics as the law controlling the sale of alcohol, how to spot false identification, and how to develop a log to monitor alcohol purchases.

These logs, now used voluntarily by some stores, list the individual's name, date of birth, and the type and amount of alcohol purchased. The false identification used by juveniles generally includes their true identity but lists a fake age. By using these logs, officers can check with the motor vehicle bureau to determine whether the age listed is true. If they find otherwise, they arrest the juvenile.

Department leaders were also concerned with individuals of legal age who purchased alcohol for minors. They were able to build cases against these individuals by obtain-

ing information from teens in the town, as well as from tapes taken from surveillance cameras located in the stores. Officers then used these tapes as evidence in court.

To further discourage the practice of obtaining alcohol for minors, the city judge stiffened the penalty for this offense. Individuals found guilty now receive jail time, as well as fines of up to \$500 per count.

Education

The second part of the plan involved educating teenagers on how alcohol affects their lives. However, it soon became apparent that officers also needed to educate the parents on how the consumption of alcohol could impact the lives of their children.

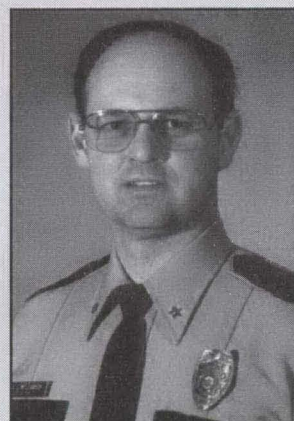
Teen Education

Department managers knew that the Montana Board of Crime Control (MBCC) obtained funds from the Federal Government to use in the drug and alcohol education of students. Therefore, they requested

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A proactive approach to teenage drinking can bring law enforcement personnel and citizens together to combat an increasing problem.

”



Chief Williamson heads the Glendive, Montana, Police Department.

a 1-year grant to cover the costs of training and paying the salary of an officer to work exclusively on the teen alcohol problem in the city. The department received the preliminary funds, as well as funding for another 2 years.

Because a study conducted by the MBCC indicated that the Drug Awareness Resistance Education (DARE) Program seemed to have the greatest impact on students, managers sent an officer to a 2-week seminar on the program. This seminar included methodology of teaching, lesson plan preparation, and how to handle classroom discipline problems.

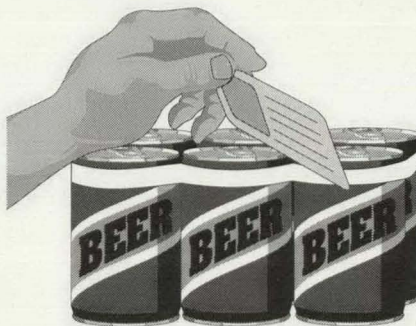
When the officer returned from the seminar, he worked with school administrators to set up the DARE Program. This program became a State pilot project because it was the only State-funded program that taught school children from kindergarten through fifth grade. All other programs targeted only the fifth and sixth grades.

This program, now in its second year, has been well accepted by both the students and the school staff. While still in the early stages, the department has noticed a slow, but steady, decrease in the number of teens arrested for possession of alcohol.

Parent Education

Law enforcement must also educate parents on the potential dangers of alcohol consumption by their children. A recent study revealed that 67 percent of teen suicides involve a history of substance abuse,² and alcohol seems to be the most common factor in these suicides.

The first step toward educating parents involved establishing a core group of adults that included parents of teens, counselors from both the high school and the elementary school, and law enforcement officers. This group decided to unite individuals from all the social services that work with the problems related to teenage drinking.



Now, professionals from juvenile court, justice court, mental health and drug and alcohol evaluation centers, school officials, family services, legal services, and law enforcement come together to discuss the problem of teenage drinking as it relates to their respective professions. During the first of these meetings, the group found that some of the minors convicted on several counts of alcohol possession were not getting drug and alcohol counseling. This was a problem because officers sometimes referred cases to the justice courts. And, because the justice courts do not have the authority to require inpatient treatment—only youth courts can require such treatment—minors who were in obvious need of counseling were not getting the help they needed. Officers now check on the number of prior offenses for the ar-

rested individual before deciding which court should adjudicate the case. By doing this, they ensure that those in need of counseling receive the necessary help.

The core group has also established a working relationship among professionals who contend with the teenage drinking problem. Through this group, a town meeting was scheduled to educate parents on the problem from their perspective. The representatives also held a workshop to answer specific questions in their areas of expertise that needed to be addressed on an individual basis.

Alternate Activities

With the first two parts of the plan in place, department managers turned their attention to part three—alternative activities for city youths. A board of volunteer citizens worked with the department to implement this part of the plan.

The board first sponsored two pilot events at times they believed young people were most likely to use alcohol—Halloween and New Year's Eve. The board raised over \$3,000 in money and prizes from tavern owners and other area merchants to use for youth parties at these critical times of the year.

The Halloween party—attended by over 600 youths—included a movie and snake dance (where all the youths join hands to form a snake-like procession) to a local youth center for preschool and elementary school children. Participants at the junior high school or high school levels were divided into teams for a scavenger hunt. An adult accompanied each team to act as a referee.

The party also included drawings for prizes. The prizes consisted of T-shirts, gasoline gift certificates, six-packs of soft drinks, and bags of candy.

A New Year's Eve dance, attended by approximately 80 youths, was another activity offered by the board. During the dance, youths could win gasoline gift certificates in drawings held every 15 minutes. The board also allotted \$25 cash for a drawing at midnight.

TRAINING

In order to implement this ambitious plan effectively, the Glendive Police Department had to change some long-held training practices. For example, police departments in rural areas such as Glendive generally concentrate on reactive training for their officers. This type of training allows officers to conduct effective crime scene searches and interviews, make successful arrests, and give effective testimony. However, department officials realized that any plan to confront the problem of teenage drinking would require that Glendive police officers take a new, proactive stance in their work.

This, in turn, led to additional training on proactive investigative techniques. Officers learned to conduct surveillances and organized raids of house parties. They also learned how to control informants and disperse funds.

In addition, officers attended a 2-day training school on how to use, monitor, and record voice transmissions. The school also included training on the laws governing the use of such equipment.

RESULTS

This program has been well accepted by both the citizens and school administrators. In fact, the program has been so successful that the City of Glendive and the school system now provide the funds necessary to maintain a DARE officer.

Most important, however, city youths see the benefits of the program. Student council members advised department officials that it is now much more difficult to obtain alcohol illegally within city limits.

In the 4 years the program has been in existence, the number of alcohol-related arrests among 13- to 15-year-old juveniles has decreased dramatically. This drop indicates that the decreased availability of alcohol in the city, coupled with the

Glendive's three-part plan brought law enforcement together with the community to protect one of its most precious assets—its young people.

DARE Program, which was instituted when these juveniles were in elementary school, has impacted positively on the problem of juvenile consumption of alcohol.

In addition, attendance at the alternative activities has increased. Juveniles in the city seem to enjoy the activities, and a major goal is accomplished by occupying juven-

iles in activities where they remain alcohol-free.

Glendive citizens and officials continue to reevaluate the program and make any necessary adjustments. One critical change may involve continuing the DARE Program past elementary school into both junior high school and high school. This will serve to reinforce what the children learned at an earlier age.

CONCLUSION

Glendive's three-part plan brought law enforcement together with the community to protect one of its most precious assets—its young people. The plan forced both officers and citizens alike to acknowledge a problem that previously went unnoticed.

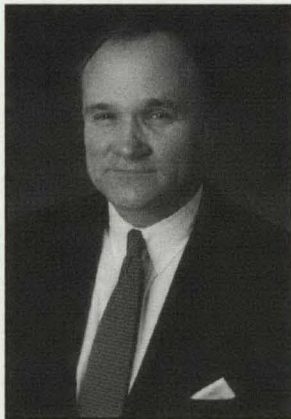
Even though much of the plan does not include traditional police work, it produces excellent results and may serve as a model for other departments nationwide. In order to ensure success, however, police managers must emphasize the necessity of assuming a proactive stance in responding to the problem. This means that officers should receive training in critical, proactive programs, such as DARE. These programs allow officers to become more personally involved in the lives of the citizens they serve, resulting in a cooperative effort between the community and the police that benefits all. ♦

Endnotes

¹ Jill Vejnaska, "Putting the Brakes on Teenage Drunk Driving," *The Police Chief*, December 1982.

² Bo Reneson, "Psychoactive Substance Use Disorder in Youth Suicide," *Alcohol & Alcoholism*, 25, 561.

Notable Speeches



New York City Police Commissioner Raymond W. Kelly delivered this speech at the Second Annual FBI Symposium on Addressing Violent Crime through Community Involvement.

Toward a New Intolerance of Crime and Violence

Fearing crime, or becoming one of its victims, is to lose a fair measure of freedom in a democratic society. And, my premise is that we have gotten far too accustomed to, and accepting of, crime and violence.

The public and law enforcement alike have acquired a new tolerance to both. Why? Perhaps the numbers are just too overwhelming. Perhaps it's because we know that law enforcement can't work miracles. We know that the problems that land on the doorstep of law enforcement stem from vast social failures that the police alone will never solve.

Yet, the police can't withdraw either. We are engaged in addressing society's worst problems, and the public looks to us for solutions. They look to us for leadership. We can ill-afford to become numb to violence and the community erosion it causes. People rely on the police to make a difference.

I believe the vehicles to help us regain some ground over violent crime are there. One is gun control; the other is community policing. We need to focus on both to make the kind of breakthrough that will make measurable differences in public safety.

There's no doubt about how violent we've become. The homicide rate in America is now about 10 for every 100,000 Americans. In Canada, the rate is 5 for every 100,000 Canadians, and in Japan, it's less than 1.

The fact is that we have become too tolerant of murder. In New York City, there has somehow arisen a new benchmark for homicides. Over 2,000 homicides a year is considered bad; up to 2,000 is somehow "expected" or "acceptable." The old chestnut of laying things end-to-end to get a sense of proportion becomes frighteningly macabre when you realize that 2,000 bodies laid end-to-end would stretch for over 2 miles.

So, of course, it is *not* acceptable...simply familiar. We have grown accustomed to the staggering numbers.

We were not always as tolerant. In an issue of *The American Scholar*, Senator Daniel Patrick Moynihan writes how shocked the America of 1929 was when seven mobsters were murdered on St. Valentine's Day. "It would appear," Senator Moynihan wrote, "that the society in the 1920s was simply not willing to put up with this degree of deviancy." But now, it seems, we are. The fact is: Our larger cities regularly reach a body count of one-half dozen or more over 2- and 3-day periods, but rarely do we call them "massacres" anymore.

Society's increasing tolerance of crime and antisocial behavior, in general, is abetting our own enslavement. The erosion of freedom caused by crime is so pervasive that we are in danger of failing to notice it at all.

It is an accepted practice that the elderly stay home at night. They are easy prey, so they make themselves scarce. They check before getting into elevators. Women of all ages take similar precautions. And, increasingly, we worry about our children's safety going to and from school, and even *in* school.

No one is immune. A New York City police officer who chased a troublesome teenager away from a school was shot the next day by the same boy, who ambushed him from a nearby rooftop. When the boy observed that he wounded the police officer in the foot, he complained to a friend that "I wanted to get him in the cabbage,..." meaning the head. Yet, we seem to be growing immune to the existence of such sociopaths.

There is an expectation of crime in our lives. We are in danger of becoming captive to that expectation and to a new tolerance of criminal behavior, not only in regard to violent crime.

A number of years ago, there began to appear in the windows of automobiles parked on the streets of American cities signs that read "no radio." Rather than express outrage, or even annoyance, at the possibility of a car break-in, people tried to communicate with the potential thief in conciliatory terms. The translation of "no radio" signs is, "Please break into someone else's car. There's nothing in mine."

These "no radio" signs were flags of urban surrender. They were hand-written capitulations. Today, instead of "no radio" signs, we need new signs that say "no surrender."

Another disturbing indicator of our new tolerance has to do with the omnipresence of guns. We see it in people who show up at community meetings to ask if the police can help to get metal detectors installed in their schools. When people ask for metal detectors in the way they used to ask for more library books, then you know your tolerance level is way too high.

For certain, we have become far too tolerant of guns. The police and the public should insist on a new level of intolerance. And we should insist that Congress adopt the strictest of gun control measures possible.

Now is the time for Congress to end all the talk on gun control and enact any number of measures to stop the carnage that guns—especially handguns—are causing. Those of us in law enforcement need to play an important role in that regard.

It is time to call the bluff of the vaunted gun lobby. We should hold it accountable, at least in part, for the mounting body count.

The gun lobby talks about individual freedom. But, they help to rob us of freedom, the freedom from fear. They fill the halls of Congress with the rhetoric of liberation. But, who is liberated when arsenals of drug dealers, street gangs, and psycho-

paths are protected? The fact is that the number of guns in private hands about doubles in America every 20 years to the point where there are now over 200 million guns in circulation, compared to 54 million in 1950.

Right now, there exist well-known proposals that might begin to stem the flood of guns into illegal use—the Brady bill, the banning of assault rifles, the limitation of some ammunition. And, isn't it also time to seriously consider the central registration of all handguns? We

register cars everywhere in America, and information about those cars is available through a nationwide computer link. Why not handguns?

There are Federal restrictions and permit requirements for machineguns, but not handguns, even though handguns are doing most of the blood-letting. National registration will help us to trace how guns that are supposed to be sold legally end up in illegal hands.

National registration would produce a trail of ownership. It would produce an interesting trail of civil liability, as well, for persons who sold or disposed of their guns illegally or just recklessly. We need to explore all of these alternatives, and more.

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We confiscated nearly 20,000 illegal guns in New York City last year. Ninety percent came from easy-to-purchase States with registration requirements that are nonexistent or dubious, at best. Shouldn't we consider making it a Federal offense to commit a crime with a gun obtained in one State and used in another? There is certainly an interstate nexus that would form the basis for such a law.

Eliminating the abuse of the Federal Firearms License is another area to explore. Over 600 such licenses have been issued to people in New York City, who have no retail outlet whatsoever and who have no New York City gun license. In other words, over 600 individuals have received licenses from the Federal Government to help them to break the law in New York.

If we don't get tougher about gun control, then we shouldn't be surprised by the number of corpses we accumulate. Gun control laws, the stricter the better, are critical. But, I believe that the principal vehicle to stop neighborhood crime and violence is community policing.

The introduction of community policing in New York City is forging strong alliances between the police and the public. It is building a public/police relationship that makes life disagreeable, even dangerous, for criminals.

We have committed the entire police department to community policing. It is not relegated to an experiment or a temporary program. We are putting thousands of additional police officers on neighborhood patrol. We believe the added visibility in the neighborhoods fosters better police and community relations.

Some people said it still wouldn't make a difference in high-crime areas, but we have seen significant declines in major crime categories

citywide, including high-crime areas. We are confident that the decline is related to our community policing strategy. Beat cops engaged in community policing have made a measurable impact. In Washington Heights, for example, an upper Manhattan neighborhood with one of the city's most notorious drug problems and its highest homicide rate, a gang known as the Gerri-Curls

operated a murderous reign of terror until their turf became part of Officer James Gilmore's beat. The gang bought and sold large quantities of cocaine, traded guns, maintained gang discipline through violence, and intimidated some potential witnesses and killed others.

Using a variety of community policing strategies, Officer Gilmore persuaded reluctant witnesses to come forward. He identified previously unidentified gang members and asked the police department's Organized Crime

Bureau (OCB) to undertake a full-fledged investigation. OCB, together with the High Intensity Drug Trafficking Task Force, broke the gang, sending 20 members to jail.

Similarly, beat cops went after small store owners, who were supporting the area's drug trade through the sale of drug paraphernalia. As a result, they seized 5.5 million crack vials, 250,000 crack pipes, and other items. The store owners were arrested and fined. All the coordinated enforcement activity began with a beat cop.

The assumption that community policing wouldn't make a difference in high-crime areas is based on the cynical view that some areas are beyond salvaging. But, I believe the public, especially those people who have to contend with high levels of violence in their community, is ready to demand adherence to certain levels of civil behavior, and to lower its tolerance of those who

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violate them. We need to help by committing the kind of resources to community policing that will be felt on the street. More beat cops is one way.

But, beat cops can't embark on community policing alone. They need the resources of police headquarters, city hall, and city government behind them. Community leaders must make that support as strong and as visible as possible. It often takes great courage to do so.

Another thing: Community policing creates expectations of a safer society. It's not something that can be realized overnight. Mistakes will be made, and we will learn from them. You must commit to it over the long haul, and not be discouraged by temporary setbacks.

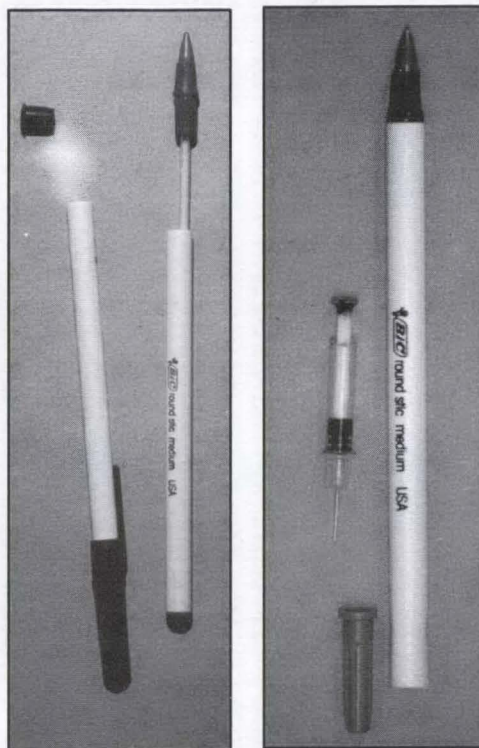
A final word on gun control: I urge that all of us commit ourselves to passage of the toughest laws possible. If it means banning some guns outright, then help to ban them. If it means central registration for all others, then help to require registration. If it means limiting the frequency of gun purchases, then help to limit them. If it means waiting periods, then help to make them wait.

The point is: As law enforcement executives and concerned citizens, you can help to deliver a message to Congress. And that message is: Do something!

We need to "do something" to develop a new intolerance of crime and violence. We need to "do something" or lose our freedom to crime and violence. We need to tear up our "no radio" signs and reclaim some dignity. We can be slaves to our metal detectors and car alarms, or we can stage a revolt. I'm for staging a revolt. ♦

Submissions for **Notable Speeches** should be typed and forwarded to Editor, *FBI Law Enforcement Bulletin*, Washington, DC 20535. Due to the volume of material received, notification concerning receipt and publication of speeches cannot be provided.

Bulletin Alert

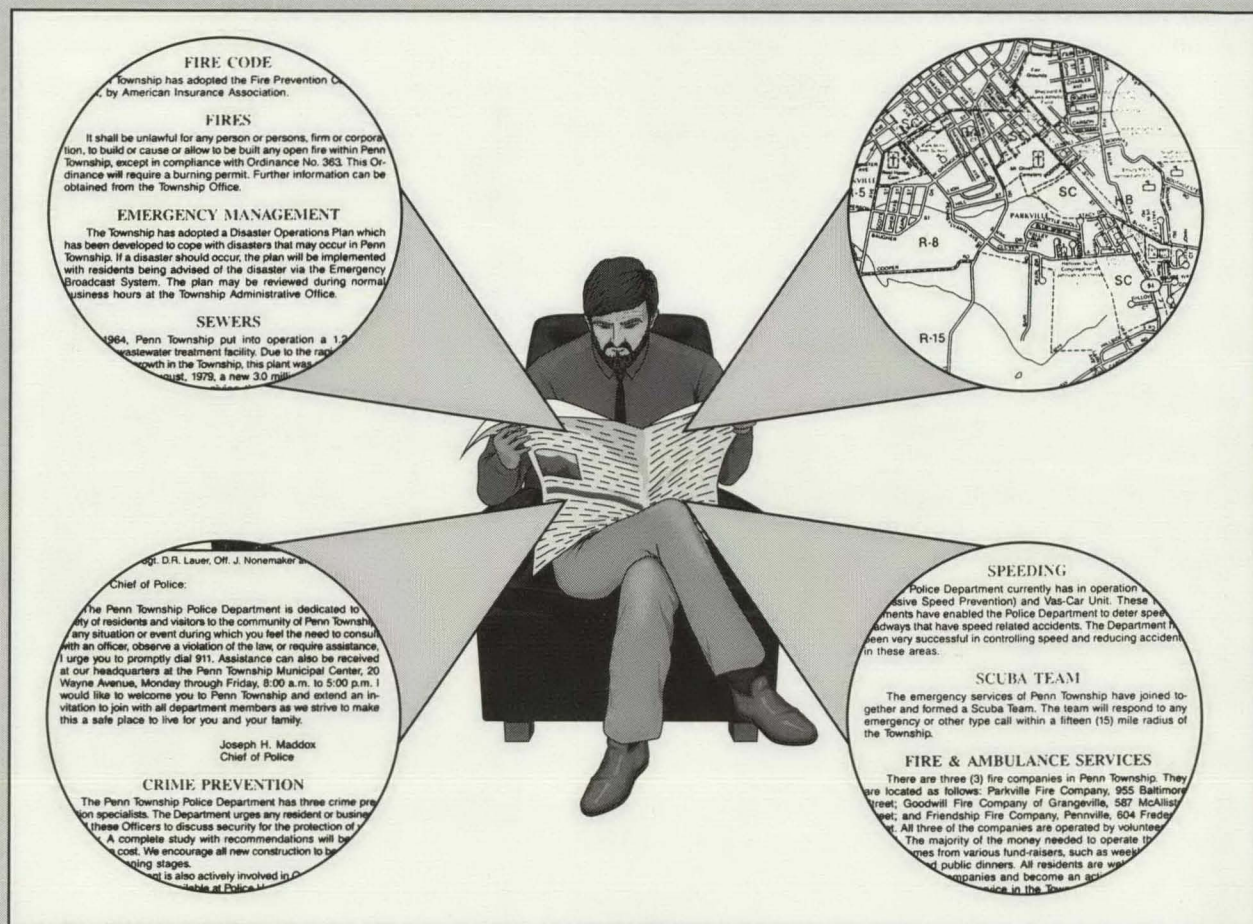


Personnel in the Erie County Correctional Facility in Alden, New York, thwarted an attempt to bring illegal drugs into the prison. Contraband drugs and syringes were hidden inside ordinary ballpoint pens, which could still be used as writing instruments. The altered pens also pose a serious safety risk to officers who may be exposed to syringe needles. ♦

Police Practices

Community Directories

By Joseph H. Maddox



One challenge that confronts police departments nationwide is how to get valuable information out to the citizens they serve. Police administrators also seek ways to increase the likelihood that these citizens will keep the information throughout the year.

The Penn Township Police Department developed an innovative way to share such information with its residents. In a collaborative effort, local businesses, the Penn Township Board of Commissioners, and the police department now publish the Penn Township Government Services Directory.

Because every household in the community receives a copy of the directory through the mail, department administrators use it as a means to inform citizens of relevant departmental programs and policies.

The Directory

The directory, which is updated approximately every 2 years, begins with a brief history of the area. Next, it lists information on various township boards and committees, such as the names of committee members and when meetings are held. The directory also includes other information of interest to

residents. For example, citizens can refer to the publication for information on refuse collection, building permits, schools, and taxes, to name a few. In addition, when users unfold the directory, they find a detailed map of the area.

Because citizens generally refer to this type of information throughout the year, the directory has become an invaluable public relations tool to the police department. It is an easy, inexpensive way to familiarize citizens with the department and its programs. (A private consultant solicits advertising for the directory, and the revenue from these advertisements covers the cost of the publication.)

Public Support

Police department officials see the directory as an opportunity to get vital information out to citizens in a publication that they would refer to throughout the year. Every time a citizen refers to the directory, information concerning the police department is reinforced.

In order to maximize the effectiveness of the directory, department officials carefully plan and organize how they present the material. For example, they place most police department information in one area of the directory. The information appears in succinct paragraphs with subheadings that catch the reader's eye.

The department's section in the directory begins with a message from the chief of police, who welcomes new residents to the area and reaffirms the department's commitment to members of the community. The introduction also emphasizes that department personnel are eager to serve the needs of all citizens.

For example, one section on crime prevention urges citizens to have officers perform crime prevention checks on their homes. It also mentions the availability of an engraving instrument that citizens can use to mark their valuables.

Another section in the directory informs users of two instruments that officers use to deter speeders on roadways plagued with speed-related accidents. Yet another section advises that emergency services

personnel of the township joined together to form a scuba team that can respond to incidents within a 15-mile radius.

Most of the police photographs appearing in the publication depict programs within the department that stress community involvement. Past issues of the directory included photographs on the child identification program, the ride-along program, and group tours of the police station. The photographs stress the *joint* efforts of the officers, as opposed to individual efforts of police administrators.

Concluding remarks from the chief appear at the end of the directory. These remarks express appreciation for the reader's attention and emphasize the open-door policy of the department's leadership.

Conclusion

Police leaders often take much care in preparing their department's specific mission. This mission helps to create a sense of purpose within the department.

Once they establish an official mission, police administrators must seek effective ways to share vital information with the citizens they serve. Administrators strengthen their department's position within the community by keeping citizens informed on how they confront specific crime problems and how citizens can join the fight against crime. This type of information sharing also brings a community spirit to the problems that challenge the neighborhoods. By publicizing these programs and efforts in community directories to which citizens can refer throughout the year, department leaders gain maximum exposure with very little effort or expense.

Police administrators cannot afford to overlook opportunities to make valuable information accessible to the public—and to keep it there. Directories of this type may be an effective forum for accomplishing this task. ♦

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*Chief Maddox heads the Penn Township,
Pennsylvania, Police Department.*

Interpersonal Communication

Improving Law Enforcement's Image

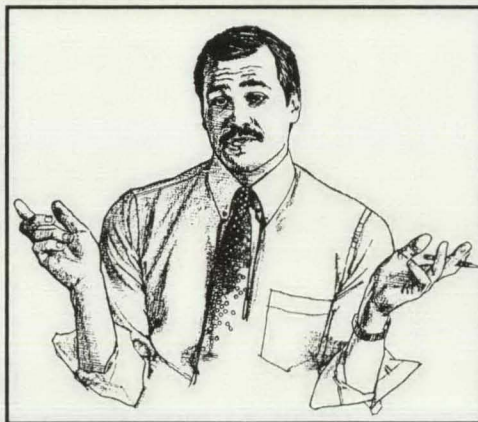
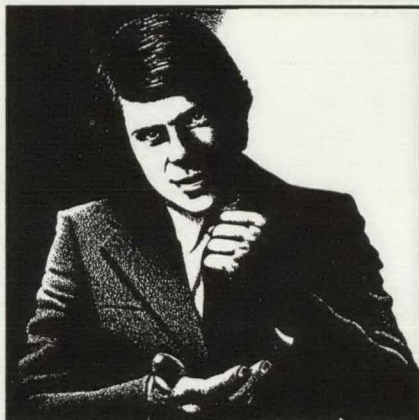
By

GARRY L. PRITCHETT, M.Ed.

An officer pulls over a vehicle for running a red light. While approaching the driver, the officer automatically rests a hand on the butt of a holstered pistol. Then, leaning down and glaring at the motorist through the open window, the officer sarcastically comments, "They don't make red lights any redder than the one you just ran, buddy. I want to see your driver's license, vehicle registration, and proof of insurance—right now!"

The majority of police-citizen contacts occur face-to-face—either one-on-one or in small groups—during traffic encounters, interviews, media briefings, or other conversations in both formal and informal settings. The manner in which officers present themselves, both verbally and nonverbally, has a great impact on their professional image. It also affects the public's view of their departments and its attitude toward law enforcement in general.

Because of the complexities of the communication process and the effects that poor communication can have on police officers, their departments, and law enforcement as a whole, police departments need to develop effective communication training programs. This article provides an overview of the communication process, as well as guidelines



for police administrators to follow when implementing communication training in their departments.

THE COMMUNICATION PROCESS

Interpersonal communication involves understanding the dynamics of sending and receiving verbal and nonverbal messages. Whether officers realize it or not, their ability to relate to others directly affects every action they perform on duty. This includes not only what the officers say but also the way they say it. Their tone of voice, facial expressions, posture, and general demeanor broadcast messages to those with whom they interact. Often, these nonverbal elements send stronger messages to the listener than verbal ones.

Paralanguage

An individual sends messages not only through language and words but also by tone of voice, pitch, and inflection. This form of communication is called paralanguage. Like body language, paralanguage also expresses emotions.

Active emotions, such as anger and fear, tend to be expressed by a fast rate of speech, loud volume, high pitch, and "blaring" tone. In contrast, passive emotions, such as sadness, are communicated by a slower rate of speech, lower volume, lower pitch, and a more resonant quality. Furthermore, a high ratio of pause time to speaking time characterizes grief, while anxiety produces nonfluency or blockages in speech.

These voice characteristics can also provide clues to the truthfulness

of the person speaking. A deceptive individual may become less fluent and stutter more frequently. Deceptive answers to questions will likely be less plausible, longer, and contain more fillers, such as "uh," "ya know," or other common expressions.

Hearing Versus Listening

Hearing simply means the ability to perceive sounds. Merely hearing what another says prevents officers from contributing to the communication process and causes misunderstandings, mistakes, frustration, and less successful conflict resolution.

In contrast, police officers who learn effective *listening* skills acquire additional facts that allow them to form accurate judgments about incidents or individuals. Armed with more accurate information, officers can respond or act more intelligently and identify better alternatives to resolve situations.

Effective listening also demonstrates to others that the officer is aware of and sensitive to their emotions.

Kinesics

Through kinesics, the study of nonverbal behavior, scientists have learned that facial expressions, gestures, posture, and other body movements transmit messages that either reinforce or contradict the spoken message. Understanding the possible meanings of expressions and gestures provides important insight into a person's feelings.

For example, the directions of a person's gestures can signal truthfulness or deceit. Individuals telling the truth tend to gesture away from themselves, while those trying to deceive usually gesture toward their bodies.

Nonverbal behavior also communicates information, expresses the personality of the communicator, and integrates the ongoing

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Officers adept at
interpreting the
nonverbal behaviors of
others will be more
effective interviewers
and interrogators.
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*Lieutenant Pritchett serves with the
Pocatello, Idaho, Police Department.*

communication process. Individuals most often use body language to express emotion. And, because they usually learn body language subconsciously over time, it becomes almost an extension of themselves.

In fact, research data suggest that information obtained from nonverbal behavior accurately reflects the personality and emotions of the person being observed. Furthermore, individuals who accurately express emotion can better judge the expression of emotions in others.

Proxemics

To communicate effectively, officers need to understand and respect the importance of proxemics, or personal and social space. In American culture, individuals designate concentric "bubbles" of space around themselves and allow only certain people into these "bubbles." There are four categories of individual space—intimate, personal, social, and public.

Intimate space extends from actual physical contact outward, from 6 to 18 inches. Only close friends can enter this space. Personal space continues from 18 inches outward to 4 feet. Individuals allow personal and business acquaintances entry here. Social space encompasses distances of 4 to 12 feet from the body. Individuals granted access to this space include informal business and formal social contacts. Public space includes everything 12 feet and beyond.

When uninvited persons violate another's personal space and approach the intimate space, the

intrusion invokes tension, fear, and a sense of being crowded. The person whose space has been invaded may react with the fight-or-flight response.

In addition, an invasion of an individual's personal space produces anxiety, and most people find it increasingly difficult to lie when they feel crowded. Therefore, police officers who adeptly manipulate spatial relations when conducting interviews or interrogations will most likely enjoy greater success in ferreting out the truth.



Cultural Considerations

The United States has become a multicultural nation. The allure of individual freedom and the pursuit of personal ambitions continue to draw people from around the world. Although the early immigrants settled in larger metropolitan areas, today, every area of the country, whether urban, suburban, or rural, will likely house individuals from different cultures. Therefore,

law enforcement officers need to learn both the verbal and nonverbal ways by which various groups communicate.

The communicative process, while different for each culture, is comprised of essentially three components—language, culture, and ethnicity. These three components are important factors in the formation of a self-concept, as well as in the development of cognitive and coping skills. Each culture has different "rules" regarding speaking and listening. Awareness of these cultural rules enables officers to be sensitive and responsive to the expectations and restrictions governing the communication process of the culture.

Body contact is the area of nonverbal communication that causes the most trouble with cross-cultural interaction. Society houses both contact and noncontact cultures, and police officers need to recognize which cultures are contact cultures and which are not. In contact cultures, physical closeness, occasional touching, and frequent gesturing are important and desired components of the communication process. Typical contact cultures include Arabs, Southern Mediterraneans, and Latin Americans.

On the other hand, people from noncontact cultures interact with others from distances that preclude physical contact. Examples of these cultures include the English and Northern Europeans. Anglo-Americans tend to fall in between the two, but most lean toward noncontact interactions. Police officers who understand the communicative

patterns of specific cultures can more accurately interpret the non-verbal behavior of the members of these groups.

COMMUNICATION SKILLS TRAINING

Unfortunately, many police training programs give insufficient attention to the importance of developing effective communication skills. These agencies simply assume that officers' communication skills will develop as they gain experience. However, without formal training, officers may learn only from the examples set by others. They will then employ these skills, whether effective or not, both on and off the job.

To communicate effectively, police officers must gain an understanding of the myriad of verbal and nonverbal message elements that are communicated consciously and subconsciously by the participants in all interactions. In addition, they must not only learn appropriate communication behaviors but also how to match those behaviors to the demands of particular situations. Officers exhibiting poor communication skills may be perceived as having a "bad attitude" or "abrasive personality," not only by their supervisors and peers but also by the citizens with whom they come into contact.

Training Issues

Police managers should conduct communication training at a very basic level. Training issues should evolve from situations that police officers and other agency personnel encounter every day. These

may include dealing with peers, supervisors, superiors, subordinates, and family members, in addition to typical situations encountered in calls for police service.

Attitude can be the greatest obstacle when implementing an effective communication training program within a police agency. Individual police officers often

"The person whose space has been invaded may react with the fight-or-flight response."

view efforts to improve their communication skills as either a criticism of their abilities or an attempt to discredit their "tough" image. They may believe that such training interferes with their ability to take charge of the situations in which they often find themselves thrust with little or no advance warning. They may not recognize how communication skills relate to the stresses of police work.

For example, police officers attempting to control a hostile situation may establish themselves as the authority and expect or demand that everyone comply with their orders. In such a case, poor communication may only inflame the situation and provoke a violent reaction, thus limiting the officers' options for resolving the incident.

Command and staff personnel within an agency often profess the importance of effective communication skills but do not allocate departmental funds to develop and implement a communication skills training program. Yet, most agencies' performance evaluation procedures establish standards for evaluating the oral and written communication skills of individual officers. Officers who receive a low or unsatisfactory score in either of these categories rarely receive any department-sponsored, formal training to help them improve their communication skills.

Therefore, an effective communication training program begins with efforts to change the attitude of all employees within the police agency. Everyone must believe that improved communication skills will benefit not only the individual employee but also the organization as a whole.

Guidelines

The first critical step in achieving a professional level of competency rests with the command personnel of a law enforcement agency. The process cannot begin until the command staff commits itself to developing organization-wide competence in communication. Teaching personnel effective communication skills improves the performance of the entire agency and enhances its ability to meet the demands for efficient public service.

Next, police administrators must determine who should receive training. Three groups of people within the agency should

receive priority. Command-level personnel, critical to the agency's function, should receive first attention. Improvements in their ability to communicate will often result in measurable improvements in overall department productivity. Second, employees who regularly deal with the public, either directly or through the media, must receive training because they can build a healthy, productive communication relationship between the agency and the community.

Finally, employees who are critical to the department's internal networking function should receive training. These individuals may be clerical personnel, managers of laboratory operations, telephone operators, or division supervisors, among others.

Role-Playing

One of the more successful methods of teaching effective communication involves role-playing. Role-playing places officers in different scenarios, thus allowing them to practice different communication skills. It also affords officers the opportunity to gain insight into another's point of view and to accept this perspective as legitimate.

BENEFITS OF GOOD COMMUNICATION

Effective communication helps police officers to identify additional, alternative courses of action when responding to calls for service. Being good listeners and understanding the importance of spatial relations and other nonverbal communication allow officers to defuse potentially violent situations and resolve them in a peaceful manner.

Body movements (kinesics), body position (proxemics), and paralanguage are spontaneous and involuntary messages that can provide clues to the speaker's emotions and accurately indicate deception. Officers adept at interpreting the nonverbal behaviors of others will be more effective interviewers and interrogators. Likewise, effective communication enables officers to deal more successfully with their peers, as well as their superiors.

Furthermore, improved communication provides a more effective flow of information throughout the police agency. This, in turn, facilitates better coordination among the various departments, resulting in increased productivity.

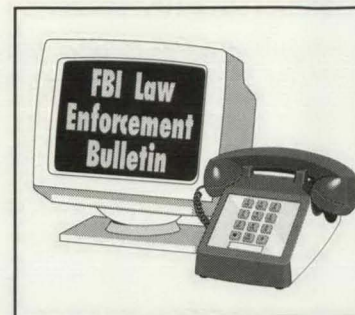
CONCLUSION

The rapid changes in our society since the tumultuous 1960s and 1970s have resulted in the public's holding law enforcement to a higher standard of behavior. Never before in the history of law enforcement have police officers been held more accountable for their actions, not only by the public but also by the court and other law enforcement agencies.

By learning to be more effective communicators, police officers can achieve the standards of conduct expected of them by the public, without surrendering authority, responsibility, or discretion. With proper training, the traffic stop can become:

"Good morning. I stopped you because you failed to stop for the red light at the last intersection. May I see your driver's license, vehicle registration, and proof of insurance, please?" ♦

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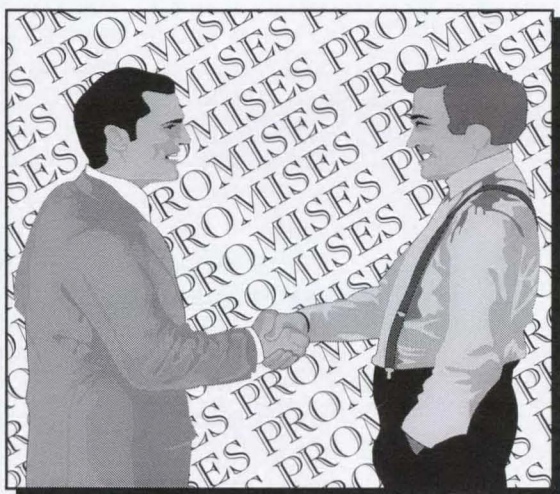
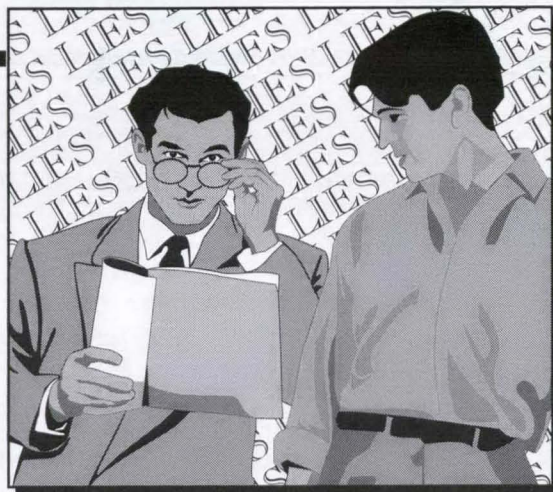
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Lies, Promises, or Threats

The Voluntariness of Confessions

By
A. LOUIS DiPIETRO, J.D.



A confession is probably the most probative and damaging evidence that can be admitted against a defendant. To be admissible, due process mandates that, as a threshold requirement, a confession be voluntary and the product of an essentially free and unconstrained choice by its maker. This is in addition to the investigator's scrupulous compliance with *Miranda*¹ and other constitutional rights of an accused. If the Government obtains a confession by means that overbear the will of the accused, the resulting confession will be excludable on the grounds of a denial of due process of law.

In considering whether a suspect gives a confession freely and voluntarily, courts examine all the attendant circumstances on a case-by-case basis.² Police interrogation tactics that suggest overreaching, intimidation, or coercion may combine to defeat the free and independent exercise of the suspect's will, thus rendering the resulting confession violative of due process.

Some courts may tolerate an officer's limited use of lies, promises, or threats, so long as they do not overcome the free will of the suspect. However, other courts find an officer's use of such interrogation tactics *per se* violative of due

process. This article discusses the extent to which the use of lies, promises, or threats affects the voluntariness of confessions.

INTERROGATION FACTORS

A suspect's vulnerability, as well as the interrogation tactics employed,³ determines whether a particular suspect's will is overborne. By using a totality of the circumstances test to determine the voluntariness of a confession, courts recognize that different suspects are not equally susceptible to coercive police interrogation tactics.⁴ Thus, police tactics permissible in one case might overbear the

will in another. Successful investigators can envision how various tactics in their interrogation arsenal will impact on the overall voluntariness determination and selectively employ only those tactics appropriate to the suspect and the circumstances.

Before using such potentially coercive interrogation techniques as lies, promises, or threats, officers should carefully assess the suspect's background and personal characteristics, such as age, education, mental impairment, and physical condition, any of which may render the suspect more vulnerable to coercion. However, mentally or physically impaired individuals can furnish a voluntary confession if interrogating officers do not take advantage of such impairments to overcome the suspects' free will.⁵

While officers have no control over a suspect's personal characteristics, they do have considerable control over the environment in which the questioning takes place

and the interrogation tactics employed. Therefore, before interviewing a suspect, officers should learn as much as possible about a suspect's background and then choose the appropriate mix of interrogation tactics and environmental factors for questioning with the goal of convincing the suspect to admit culpability without overbearing the suspect's will.

THE USE OF LIES, TRICKERY, OR DECEPTION

The use of lies, trickery, or deception does not always render an otherwise voluntary confession inadmissible. However, the use of such tactics is an important factor considered by courts in the totality of circumstances.⁶

Even though some deception may lawfully be used in a given case without affecting the overall voluntariness of a confession, investigators must avoid tricking a suspect into waiving *Miranda* rights.⁷ Based on its effect on voluntariness,

deception can be categorized as 1) lies that relate to a suspect's connection to the crime and 2) trickery that introduces extrinsic considerations.

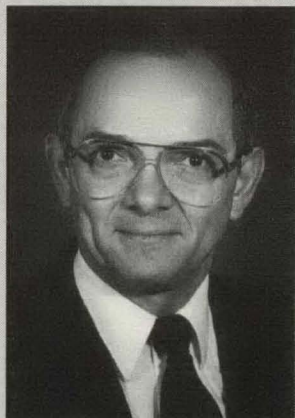
Lies that Connect Suspect to the Crime

Most courts view police trickery that simply inflates the strength of the evidence against a defendant as not significantly interfering with the defendant's "free and deliberate choice" to confess. Lies concerning a suspect's connection to the crime do not lead the suspect to consider anything beyond individual beliefs regarding actual guilt or innocence, a moral sense of right and wrong, and judgment regarding the likelihood that the police had garnered enough valid evidence to link the suspect to the crime.⁸

Thus, a court ruled a confession was not rendered involuntary when an officer falsely told the defendant that the department had received a report that a witness had seen defendant's vehicle where the victim had been raped and that he would have to explain why his vehicle was there.⁹ Likewise, falsely telling an accused that a victim identified him¹⁰ or that his fingerprints had been found¹¹ did not render the resulting confessions inadmissible. Therefore, lies that merely relate to a suspect's connection to a crime often do not render a confession involuntary.¹²

Trickery that Falsely Introduces Extrinsic Evidence

By contrast, trickery that introduces extrinsic considerations is far more likely to invalidate a confession. For example, in *Lynumn v.*



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“...interrogators need to carefully tailor their tactics and surrounding circumstances to each individual defendant.”

Illinois,¹³ police told a female suspect that she was in jeopardy of losing welfare benefits and custody of her children, but offered to recommend leniency if she would confess. The court ruled that the police impaired her free choice by going beyond the evidence connecting her to the crime and introducing a completely extrinsic consideration in the form of an empty but plausible threat to take away something to which she and her children would otherwise be entitled.

Another court likewise ruled a confession involuntary when an investigator told a suspect three times that he could *either* have an attorney present during questioning *or* cooperate with the Government, but not both. The investigator also told the suspect that if he asked for a lawyer, it would permanently preclude his cooperation.¹⁴ These misrepresentations created in the defendant's mind a false sense that he must confess at that moment or forfeit forever any future benefit that might be derived from cooperating. The court held that the defendant's decision to confess was the product of trickery that became coercive, thus rendering the confession involuntary.

Another extrinsic factor where courts frequently find coercion is when investigators lead the accused to believe that failure to confess will result in adverse consequences for others. In *Spano v. New York*,¹⁵ the suspect's friend, a police academy recruit, told the suspect that the officer would lose his new job if the suspect failed to cooperate. The defendant's subsequent statement was held involuntary.

THE EFFECT OF PROMISES ON VOLUNTARINESS

In *Arizona v. Fulminante*,¹⁶ the Supreme Court used a totality of circumstances test to determine that a confession made to an informant in exchange for the promise of protection from other prison inmates was involuntary because it was coerced by a credible threat of physical violence. While some courts will

“
...investigators have a great deal of room for creativity and ingenuity in devising a strategy for questioning a suspect.
”

not accept confessions induced by either direct or implied promises, other courts determine the coerciveness of an officer's promises based on the consideration of the following factors:

- 1) Whether the officer's promise is the proximate cause of the confession¹⁷
- 2) Whether the defendant relies on the promise in making the confession¹⁸
- 3) Whether the promise is fulfilled¹⁹
- 4) Whether the officer's statements come after police give *Miranda* warnings²⁰
- 5) Whether the defendant is vulnerable to such statements,

the delay between *Miranda* warnings and the confession, and how long it takes to obtain the confession²¹

6) Whether the accused solicits the promise²² and

7) Whether the accused reasonably believes that the promisor has the power or authority to execute it.²³

Moreover, not every statement an investigator makes to the accused is a “promise.”

For purposes of determining the voluntariness of a confession, a promise is an offer to perform or withhold some future action within the control of the promisor that will have an impact upon the defendant; a promise is not the same thing as a prediction about future events.²⁴ Generally, an admonition that it will be in the accused's best interest to tell the truth will not render a confession involuntary.²⁵

In *Miller v. Fenton*,²⁶ a police officer used a “good guy” approach to offer encouraging words of comfort regarding the suspect's need for psychiatric treatment and made frequent assurances designed to make the defendant feel more comfortable about speaking to unburden himself. The U.S. Court of Appeals stated:

“[T]he interrogator may play on the suspect's sympathies or explain that honesty might be the best policy for a criminal who hopes for leniency from the state.... These ploys may play a part in the suspect's decision to confess, but so long as that decision is a product of the suspect's own

balancing of competing considerations, the confession is voluntary."²⁷

Promises of Leniency

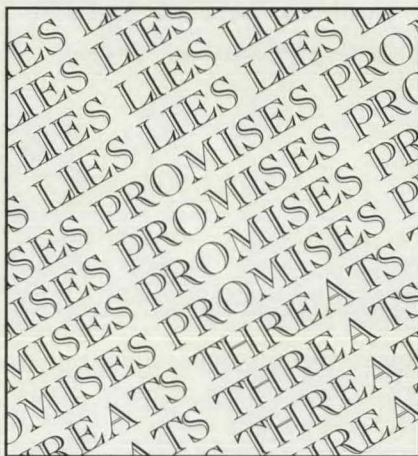
Semantics become extremely important when determining whether an officer violates due process with a promise of leniency, as compared to a promise that simply causes a suspect to hope. Generally, courts hold that beliefs or hopes arising internally from the operation of a defendant's mind to be insufficient to establish that a promise of leniency induced the defendant's confession.²⁸ Conversely, a promise of leniency usually renders a confession involuntary when it is relied upon or prompts a defendant to confess.²⁹ Therefore, investigators should avoid making promises of mitigation of punishment. However, an officer's statements that simply suggest hope without promising leniency are generally considered by the courts to be insufficient inducement to render a subsequent confession inadmissible.³⁰

Promises to Tell Authorities of Cooperation

Most courts hold that officers' promises to suspects that their cooperation will be brought to the attention of the prosecutor or court is merely one of the circumstances that determine whether a defendant's statement is freely and voluntarily given.³¹ For example, in *United States v. Nash*,³² an investigator told an arrestee that he would make the arrestee's cooperation known to the U.S. Attorney's Office but gave no guarantee of a reduced sentence. Although the agent also stated that

cooperating defendants generally "fared better time-wise," these statements did not amount to illegal inducement.

However, it is important to note that other courts do not permit such statements.³³ Even in those jurisdictions that do permit an interrogating officer to promise that the defendant's cooperation will be communicated to the proper authorities, investigators should not assume that they are also permitted to represent that a defendant's *failure* to cooperate will likewise be communicated to the prosecutor. This latter promise is considered by the courts to be much more coercive.³⁴



Promises of Collateral Benefit

Courts distinguish between promises of leniency in the criminal proceeding against the defendant from promises of help involving some collateral benefit.³⁵ While promises of a collateral benefit in combination with other coercive factors can render a confession involuntary, such promises are generally considered less coercive than promises directly relating to the

criminal proceedings against the accused.³⁶ For example, courts have found confessions to be voluntary, even when interrogating officers promised the following collateral benefits:

- 1) Promise to release girlfriend who was being held in custody³⁷
- 2) Promise to release brother³⁸
- 3) Promise to see that defendant receives psychological help³⁹
- 4) Promise that son would not be charged if defendant gave statement exculpating son⁴⁰
- 5) Promise that defendant receive rape counseling⁴¹
- 6) Promise to secure treatment for withdrawal from drug addiction⁴²
- 7) Promise to obtain treatment for alcoholism.⁴³

Interrogators should understand that just because a court approved the above promises in the context of a particular interrogation does not mean that such promises would be approved in every case because voluntariness is a fact-specific determination made on a case-by-case basis. In that regard, courts found the following promises coercive and ruled the resulting confessions involuntary: 1) Promise to protect the accused;⁴⁴ 2) promise to protect accused's family;⁴⁵ and 3) promise not to arrest defendant.⁴⁶

THREATS VIEWED AS INHERENTLY COERCIVE

Courts view an interrogating officer's use of threats as inherently coercive and a significant factor that

weighs heavily against a finding of voluntariness under the totality of circumstances test. However, if threats by police have nothing to do with the defendant's decision to confess, the confession may be admissible.⁴⁷

The Supreme Court has held that a credible threat of physical violence is sufficient to render a confession involuntary. In a kidnapping case, the U.S. Court of Appeals for the Sixth Circuit held the defendant's confession to be involuntary because the officer's physical abuse of the co-arrestee created a coercive environment in which the defendant reasonably feared that he, too, was threatened with physical abuse.⁴⁸ Threatening additional or more serious charges to induce the defendant to confess is viewed as highly coercive, but confessions following such threats are not always held inadmissible.⁴⁹

Courts usually find confessions inadmissible when extracted by threats to arrest or charge a relative or friend. However, the mere fact that an accused may be self-motivated to confess in order to exonerate or bring about the release of another is not always, standing alone, sufficient to make the confession involuntary.⁵⁰ Moreover, courts applying the totality of circumstances test have admitted confessions following threats to arrest or charge another,⁵¹ especially where the police actually have probable cause to arrest.⁵²

Finally, police statements that threaten interference with normal family relationships are viewed as very coercive by the courts. For example, the Supreme Court held a

confession to be coerced when officers told an accused that if she did not cooperate her children would be deprived of State financial assistance and taken from her.⁵³ Likewise, in *United States v. Tingle*,⁵⁴ investigators, in an effort to cause Tingle to fear that if she failed to cooperate she would not see her young child for a long time, told her that she might not see her child for a while if she went to prison. The U.S. Court of Appeals for the Ninth Circuit held that by preying upon the defendant's maternal instinct, the investigators exerted improper influence that coerced the defendant's confession.

“

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”

CONCLUSION

The Supreme Court has stated that “admissions of guilt by wrongdoers, if not coerced, are inherently desirable....”⁵⁵ Obviously, it is unrealistic to assume that most suspects will simply come forward to confess their guilt. The cases discussed in this article reflect that investigators have a great deal of room for creativity and ingenuity in devising a strategy for questioning a suspect.⁵⁶

While courts may tolerate some police gamesmanship, so long as the

games do not overcome the suspect's will,⁵⁷ interrogators need to carefully tailor their tactics and surrounding circumstances to each individual defendant. If Government coercion does not play a significant role in inducing the defendant's inculpatory statement, most courts will deem the confession voluntary under the totality of the circumstances.⁵⁸ Criminal investigators preparing to interview a suspect should carefully assess and discuss with their legal advisors whether the use of a coercive interrogation technique involving either lies, promises, or threats will render involuntary any confession obtained. ♦

Endnotes

¹ *Miranda v. Arizona*, 384 U.S. 436 (1966).

² *Haynes v. Washington*, 373 U.S. 503 (1963); see also *Fikes v. Alabama*, 352 U.S. 191 (1957) (test for admissibility is whether the totality of the circumstances that preceded the confession deprived the defendant of “power of resistance”).

³ For a detailed discussion of the voluntariness determination under the totality of the circumstances, see Joseph G. Cook, *Constitutional Rights of the Accused*, 2d ed. (1986), sec. 5:2 & 3.

⁴ *Schneekloth v. Bustamonte*, 412 U.S. 218, 226 (1973).

⁵ *United States v. Pelton*, 835 F.2d 1067 (4th Cir. 1987), cert. denied, 108 S.Ct. 1741 (1988) (despite claims of intoxication, suspect still made voluntary statements); *United States v. Yunis*, 859 F.2d 953 (D.C. Cir. 1988) (despite broken wrists, seasickness, language difficulties, poor accommodations, repeated interrogations, confession was voluntary); *People v. Hendricks*, 495 N.E.2d 85 (1986) (mere fact that a person has been without sleep for an extended period of time, prior to making a statement, does not render it automatically involuntary); *United States v. Macklin*, 900 F.2d 948 (6th Cir. 1990), cert. denied, 111 S.Ct. 116 (if mentally impaired citizens were to be regarded as lacking the free will necessary to make a voluntary confession, then logically they could also be denied other rights of citizenship, such as the right to testify, the right to make contracts, and the right to vote. Such a rule would not be in the interest of mentally impaired citizens generally).

⁶ *Frazier v. Cupp*, 394 U.S. 731, 739 (1969); see also Charles E. Riley, III, “Confessions and Interrogation: The Use of Artifice, Stratagem, and Deception,” *FBI Law Enforcement Bulletin*, April 1982.

⁷ *Miranda v. Arizona*, 385 U.S. 436, 476 (1966) (“Moreover, any evidence that the accused was ...

tricked ... into a waiver will, of course, show the defendant did not voluntarily waive his privilege.") While the confession itself must be voluntary to be admissible, the waiver of *Miranda* rights, where required, must not only be voluntary but also knowing and intelligent. Deception regarding the nature of rights being waived or the consequences of that decision denies suspects the requisite level of comprehension of their rights to make a knowing and intelligent *Miranda* waiver. See *Collazo v. Estelle*, 940 F.2d 411 (9th Cir. 1991); *Stokes v. Singletary*, 952 F.2d 1567 (11th Cir. 1992).

⁸ *Holland v. McGinnis*, 763 F.2d 1044, 1051 (7th Cir. 1992).

⁹ *Id.*

¹⁰ *Shedelbower v. Estelle*, 859 F.2d 727 (9th Cir. 1988).

¹¹ *State v. Haywood*, 439 N.W.2d 511 (Nev. 1989).

¹² However, a distinction can be made between false verbal assertions on the one hand and the fabrication of tangible or documentary evidence on the other. The latter police conduct is more likely to offend notions of fundamental fairness. In *Florida v. Cayward*, 552 So.2d 971 (Fla. App. 2 Dist. 1989), review dismissed, 562 So.2d 347 (Fla. 1990), police fabricated two scientific reports that established the semen stains on victim's underwear came from defendant, showed the reports to defendant, and explained their significance. Differentiating between verbal misrepresentations and actual manufactured evidence, the Florida court held that the police conduct overstepped the line, rendering the confession violative of due process.

¹³ 372 U.S. 528 (1963).

¹⁴ *United States v. Anderson*, 929 F.2d 96 (2d Cir. 1991).

¹⁵ 360 U.S. 315 (1959).

¹⁶ 111 S.Ct. 1246 (1991).

¹⁷ *Layne v. State*, 542 So.2d 237 (Miss. 1989).

¹⁸ *State v. Amaya-Ruiz*, 800 P.2d 1260 (Ariz. 1990), cert. denied, 111 S.Ct. 2044; *State v. McDermott*, 554 A.2d 1302 (N.H. 1989).

¹⁹ *State v. Owens*, 436 N.W.2d 869 (Wis. 1989).

²⁰ *Green v. Schully*, 675 F.Supp. 67 (E.D.N.Y. 1987), aff'd 850 F.2d 894 (2d Cir. 1988) cert. denied, 488 U.S. 945; *United States v. Wright*, 696 F.Supp. 164 (E.D. Va. 1988), aff'd 878 F.2d 380.

²¹ *Hamm v. State*, 757 S.W.2d 932 (Ark. 1988).

²² *Ex Parte Siebert*, 555 So.2d 780 (Ala. 1989) cert. denied, *Siebert v. Alabama*, 110 S.Ct. 3297.

²³ *State v. Norris*, 768 P.2d 296 (Kan. 1989).

²⁴ *United States v. Fraction*, 795 F.2d 12 (3d Cir. 1986).

²⁵ *Rachlin v. United States*, 723 F.2d 1373 (8th Cir. 1983) (agents may have told suspect that it was in his best interest to cooperate—confession held voluntary); *United States v. Vera*, 701 F.2d 1349 (11th Cir. 1983) (agent told suspect that he could help himself by cooperating—confession held voluntary); *Smith v. Walton*, 769 P.2d 1017 (Ariz. 1989) ("Give yourself a chance," "To lie isn't going to help," and "It's nothing that can't be worked out," were not direct or implied promises that rendered confession involuntary).

²⁶ 796 F.2d 598 (3d Cir. 1986), cert. denied, 479 U.S. 989.

²⁷ *Id.* at 605.

²⁸ *People v. Foster*, 552 N.E.2d 1112 (Ill. App. 1990).

²⁹ *People v. Conte*, 365 N.W.2d 648 (Mich. 1985); *State v. Porter*, 455 N.W.2d 787 (Neb. 1990) (police

interrogator admitted on cross-examination that confessions obtained by implied promises of leniency—court held confession inadmissible); *Finke v. State*, 468 A.2d 353, 371 (Md. App. 1983), cert. denied, 105 S.Ct. 529 (telling defendant that if he "tells the truth" then police will "go to bat for him" or help with the State's attorney is coercing a confession).

³⁰ *Neil v. State*, 522 N.E.2d 912 (Ind. 1988);

Collins v. State, 509 N.E.2d 827 (Ind. 1987); *United States v. Rutledge*, 900 F.2d 1127 (7th Cir. 1990) (in response to defendant's question whether cooperation would be helpful, the officer responded, "All cooperation is helpful." The court held Government's conduct did not exceed permissible limits); *Miller v. Fenton*, 796 F.2d 598, 610 (3d Cir. 1986), ("Indirect promises do not have the potency of direct promises").

³¹ *State v. Tapia*, 767 P.2d 5 (Ariz. 1988) (under some circumstances, direct promises that officers will tell prosecutor or judge if defendant cooperates are permissible); *Lord v. State*, 531 N.E.2d 207 (Ind. 1988) ("[I]f I can get [prosecutor] down here, would you tell the truth, if he would cut you a deal?" did not constitute a promise that coerced defendant's confession); *State v. Janice*, 565 A.2d 553 (Conn. App. 1989); *United States v. Hernandez*, 574 F.2d 1362 (5th Cir. 1978); *Williams v. Johnson*, 845 F.2d 906 (11th Cir. 1986) (Secret Service agent's statement that he would inform appropriate authorities if defendant cooperated held not the kind of statement that would render confession involuntary).

³² 910 F.2d 749 (11th Cir. 1990).

³³ *Pennsylvania v. Gibbs*, 553 A.2d 409 (Pa. S.Ct.) cert. denied, 110 S.Ct. 403 (1989) (police improperly induced confession by answering suspect's question about what good his confession would do by stating that his cooperation would be brought to the prosecutor's attention); *United States v. Mottl*, 946 F.2d 1366 (8th Cir. 1991) (suggesting that a statement that the suspect's cooperation would be brought to the attention of the prosecutor is different than saying cooperation would be made known to the court).

³⁴ A defendant may not be made to suffer for his silence because of the 5th amendment privilege against self-incrimination. There is no legitimate purpose for such a statement. Telling an accused that failure to cooperate will be reported is coercive, and courts disapprove of same. See *United States v. Tingle*, 658 F.2d 1332, 1336 (9th Cir. 1981).

³⁵ See, e.g., *Miller v. Fenton*, 796 F.2d at 610.

³⁶ *Id.*

³⁷ *United States v. Scarpelli*, 713 F.Supp. 1144 (N.D. Ill. 1989).

³⁸ *State v. Holloman*, 731 P.2d 294 (Kan. 1987).

³⁹ *Williams v. Com.*, 360 S.E.2d 361 (Va. 1987), cert. denied, 484 U.S. 1020; *Smith v. State*, 500 N.E.2d 190 (Ind. 1986); *Coates v. States*, 534 N.E.2d 1087 (Ind. 1989).

⁴⁰ *Bruno v. State*, 574 So.2d 76 (Fla. 1991), cert. denied, 112 S.Ct. 112.

⁴¹ *Free v. State*, 732 S.W.2d 452 (Ark. 1987).

⁴² *McCarthy v. Bronson*, 683 F.Supp. 880 (D.Conn. 1988).

⁴³ *Quadrini v. Clusen*, 864 F.2d 577 (7th Cir. 1989).

⁴⁴ *Payne v. Arkansas*, 356 U.S. 560 (1958). See also *Arizona v. Fulminante*, supra, note 17.

⁴⁵ *Stokes v. Singletary*, 952 F.2d 1567 (11th Cir. 1992).

⁴⁶ *State v. Tamerius*, 449 N.W.2d 535 (Neb. 1989).

⁴⁷ *Weidner v. Thieret*, 735 F.Supp. 284, aff'd 932 F.2d 626 (7th Cir. 1989), cert. denied, 112 S.Ct. 883.

⁴⁸ *Cooper v. Scroggy*, 845 F.2d 1385 (6th Cir. 1985).

⁴⁹ *Lindsey v. Smith*, 820 F.2d 1137 (11th Cir. 1987), cert. denied, 489 U.S. 1059 (confession voluntary where defendant initiated discussion with police and knowingly and voluntarily waived rights despite threat of capital murder charge). See also *People v. Thompson*, 785 P.2d 857 (Cal. 1990) cert. denied, *Thompson v. California*, 111 S.Ct. 226; *State v. Strain*, 779 P.2d 221 (Utah 1989) (despite detective's improper threat of first-degree murder charge and possible execution and "guarantee" of second-degree murder charge if defendant admitted his involvement, case remanded to determine whether officer's improper statements induced confession).

⁵⁰ *Vogt v. United States*, 156 F.2d 308 (5th Cir. 1946) (the fact that an accused undertakes to shoulder the entire burden in order to exculpate someone else, does not, of itself, render the confession involuntary);

Jackson v. State, 280 A.2d 914, 917 (Md. 1971);

People v. Steger, 546 P.2d 665 (Cal. 1976).

⁵¹ *Phillips v. State*, 139 N.W.2d 41 (Wis. 1966) (threat to take girlfriend into custody did not render confession involuntary); *People v. Gamble*, 353 N.E.2d 136 (Ill. 1976) (threat to charge wife with murder did not invalidate confession).

⁵² *Allen v. McCotter*, 804 F.2d 1362 (5th Cir. 1986) reh'g denied 808 F.2d 1520 (threat to file charges against defendant's wife did not render confession involuntary where officer, in fact, had probable cause to arrest wife). See also *Martini v. Kemp*, 760 F.2d 1244 (11th Cir. 1985).

⁵³ *Lynum v. Illinois*, 372 U.S. 528 (1963).

⁵⁴ 658 F.2d 1332 (9th Cir. 1981).

⁵⁵ *United States v. Washington*, 431 U.S. 181, 187 (1977).

⁵⁶ *People v. Anderson*, 364 N.E.2d 1318 (N.Y. 1977) ("[T]he test of involuntariness may be easier to apply than to verbalize. A series of circumstances may each alone be insufficient to cause a confession to be deemed involuntary, but yet in combination they may have that qualitative and quantitative effect ... and, considering the variety of techniques that may suggest themselves to interrogators, it may be undesirable to prescribe inflexible and all-inclusive limitations in advance to guide interrogating law enforcement officers on all occasions. Failure to do so would not necessarily permit resort to coercion with impunity. Such tactics, when applied, tend to tell their own tale.").

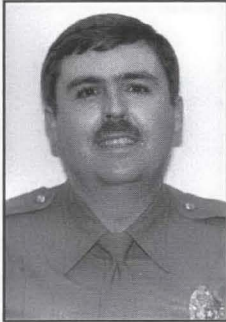
⁵⁷ *State v. Carrillo*, 750 P.2d 883, 894 (Ariz. 1988).

⁵⁸ *People v. Branch*, 805 P.2d 1075 (Col. 1991); *McCail v. Dutton*, 863 F.2d 454, 459 (6th Cir. 1988), cert. denied, 490 U.S. 1020 (1989) (three-factor test for confession to be "involuntary" under due process requires 1) objectively coercive police activity that 2) was sufficient to overbear the will of the accused (considering subjective state of mind) and 3) because of the coercive police activity the defendant's will was overborne).

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

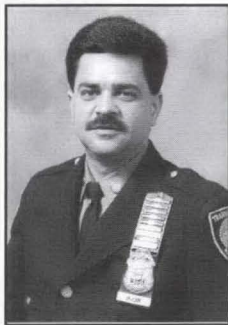
The Bulletin Notes

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



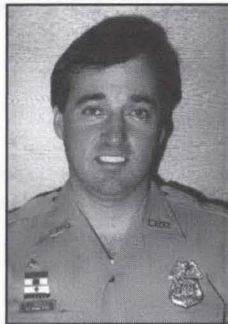
Patrol Officer Kevin Lunsford of the Midwest City, Oklahoma, Police Department responded to a 911 call during the early morning hours. Upon arriving at an area residence, Officer Lunsford observed evidence of a forced entry. When he contacted the female occupant, Officer Lunsford sensed that she was being threatened by a subject standing behind the door. Officer Lunsford quickly pulled the victim from her assailant and convinced the man to relinquish his weapon. Officer Lunsford then took the suspect into custody without further incident.

Patrol Officer Lunsford



A distraught man entered a New York City Transit Police Department (NYTPD) station to report that his baby had fallen through the elevated rail tracks. Although not yet on duty, Sgt. John Skolnik of the NYTPD secured a portable radio and responded to the scene. Upon arrival, Sergeant Skolnik observed the badly injured infant lying in a track bed between two live rails. Sergeant Skolnik climbed down 50 feet through high-voltage tracks to the infant and administered first aid. He then directed rescue units to a side portal and carried the child 200 yards across multiple sets of live rails to the entrance. The infant was treated for critical injuries at a local hospital.

Sergeant Skolnik



Officer Paul Driscoll of the Tampa, Florida, Police Department observed flames shooting into the air from the rear of a multiresident dwelling. After broadcasting a radio dispatch, he entered the burning building to evacuate the predominantly geriatric residents. Then, Officer Driscoll repeatedly entered the burning home, locating disoriented residents and guiding them to safety. He and another officer completed a final sweep of the dwelling just as the ceiling collapsed. Officer Driscoll's relentless efforts averted a great tragedy.

Officer Driscoll

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