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Home Invasions

FBI Law Enforcement Bulletin

Features

Departments

Violence on Campus
The Intruded Sanctuary

By
W. DAVID NICHOLS, Ed.D.

A s institutions dedicated to a higher order of human endeavor, colleges and universities once were presumed to be immune from the violence that permeates virtually every aspect of American life. One author characterized colleges and universities as "sedate ivory towers, sanctuaries apart from the larger society and places where crime and criminal justice do not intrude."[1] He was referring, however, to pre-1960s institutions of higher learning. Decades later, this characterization no longer holds true.

Recent media accounts illuminate the extent to which crime and violence have found their way onto college and university campuses. Rarely does the topic of campus crime escape the nightly news, talk shows, or newsmagazine shows on television. Newspapers, magazines, and even books cover this hot topic extensively. A leading national newspaper recently presented a week-long series of articles devoted to campus crime and depicted many campuses as danger zones where students are murdered, raped, and robbed.[2]

Certainly, few campuses escape some type of criminal activity, in part due to the influences that have transformed institutions of higher education during the past 30 years. Sweeping economic, social, and political factors that reflected the climate of the times forever changed the collegiate environment.

The Changing Climate

To have a proper perspective about campus crime, it is necessary to understand today's college and university campus communities. Several unique characteristics distinguish campuses from other communities and provide a better understanding of the environment of today's campuses and why crime and violence may flourish.
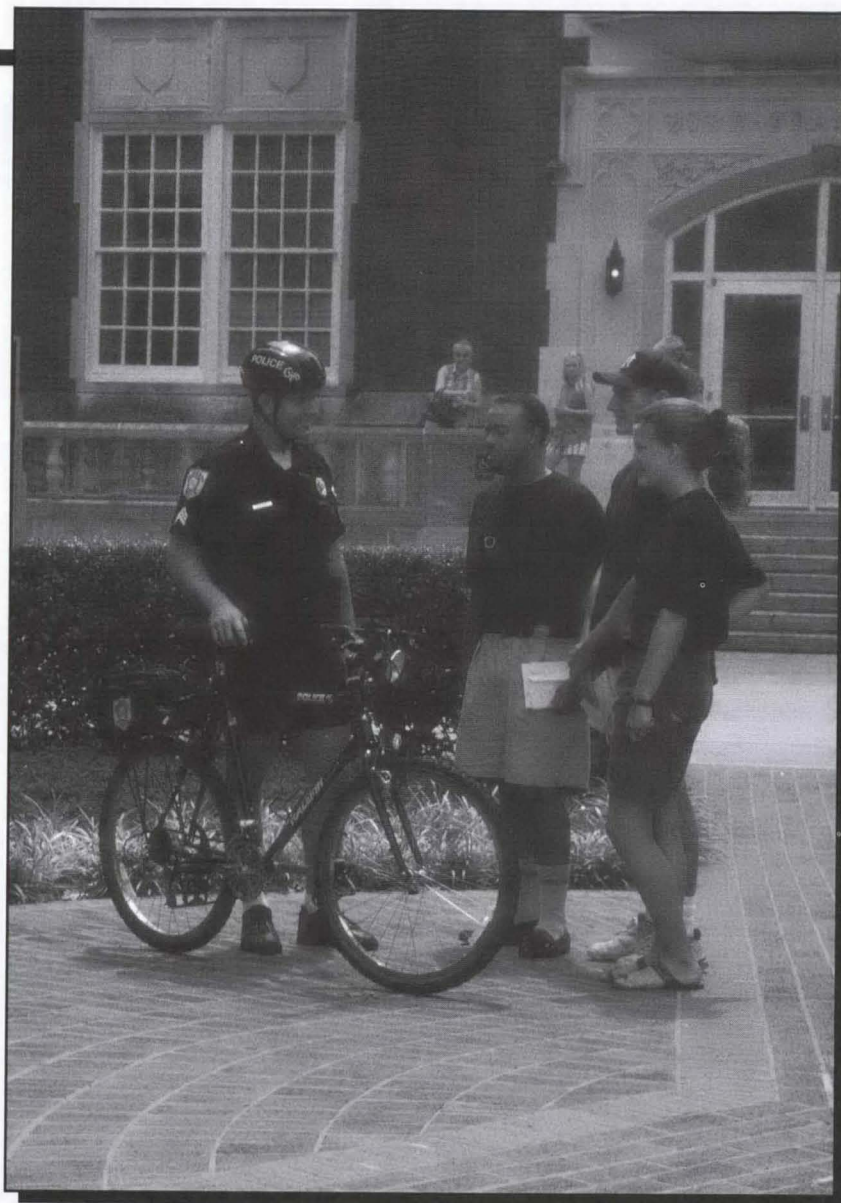
First, the campus population consists primarily of young adults or postadolescents in pursuit of higher education. Nowhere else can be found such a concentrated population of individuals ages 18 to 22 with an educational background higher than society at large. The vast majority of these "student-citizens" are single and are experiencing freedom from home and parental control for the first time.

Another characteristic, especially of residential campuses, is the predominant social life. Fraternity and sorority functions, parties, athletic events, rock concerts, and other activities create a unique social atmosphere, often resulting in problems related to alcohol abuse, misconduct, and criminal activity.

The open campus concept also fosters criminal activity. Traditionally, the campus was a closed community, immune to the outside influences of crime, environmental hazards, and "locals." Today, most campus boundaries are barely distinguishable from the surrounding community. With no gates, no curfews, and little, if any, restrictions on students, few barriers control the outside influences that contribute to campus crime.

The Intrusion of Crime

The illusion of tranquility prevailing on college campuses has been shattered forever by the rising crime rate. Murders on campuses have continued to increase. In a survey conducted shortly after the enactment of the Crime Awareness and Campus Security Act of 1990, 2,400 colleges and universities reported 30 murders.[3] While the ratio of 30 murders reported by 2,400 institutions appears extremely low, the very occurrence of homicidal behavior on college campuses sends a frightening signal that society's ills have spilled onto campuses.

Equally disturbing is the number of rapes/sexual assaults occurring on college and university campuses. One study indicated that nearly 25 percent of 2,016 college women surveyed had been raped, according to strict legal standards.[4] Another survey revealed that 1,000 rapes were reported on college campuses during the 1991-92 academic year.[5]

Other crimes also take place with relative frequency. Approximately 7,500 violent crimes occurred on 2,400 campuses within the 1991-92 academic year.[6] *The Atlanta Journal/Constitution* featured a report that described a series of violent crimes, including murder, rape, robbery, and assault, at 13 Southern colleges and universities.[7]

Of course, criminal activity occurred on campuses prior to the 1960s. Even dating back to the 1800s, there were riots, brawls, and an occasional arson. But clearly, within the past 30 years, crime and violence have escalated on the once-safe and secure bastions of higher learning, not only in frequency but also in severity.

Influences on Campus Crime

Several influences distinguish the two eras. Primarily, the prevalence of alcohol and firearms on and around college campuses has had deadly effects.

The excessive consumption of alcohol influences the majority of violent crimes. The findings released by Congress with the passage of the Crime Awareness and Campus Security Act report that 95 percent of the violent crimes on campus involved alcohol and/or drugs.[8] Even though Federal and State statutes prohibit the possession and consumption of alcohol by those under 21 years of age, college students continue to abuse alcohol at social and

" *Assiduous campus law enforcement leaders and local police officials can develop a variety of strategies to deal with violence on campus.* "

Dr. Nichols is the Director of Public Safety at Jacksonville State University, Jacksonville, Alabama.

athletic events, as well as in their private residences.

One survey found that 86 percent of college students under the legal drinking age consumed alcohol. Nearly 18 percent of this group reported experiencing alcohol-related trouble with the police.[9] It is estimated that about one-half of the assailants in courtship violence on campus were under the influence of alcohol.[10] In case after case where violence occurred on campus, one or both parties were intoxicated.

The other major influence on campus violence is firearms. Some may argue that guns do not represent an influence, only a method of violence. Others, however, contend that the proliferation of weapons, as well as their availability and use, influences both the frequency and seriousness of campus crime.

The campus simply reflects the greater problem in society, where firearms are used in 60 percent of homicides, 41 percent of robberies, 23 percent of aggravated assaults, and 10 percent of rapes.[11] Administrators of a small Massachusetts college for gifted music students closed the institution after a student went on a shooting rampage, killing two people and wounding four others.[12] Each year, campus violence with injuries increasingly involves firearms.

Responses to Campus Crime and Violence

The escalation of crime and violence on college campuses has precipitated significant responses by government and higher education officials. Congress enacted the Campus Security Act of 1990, which mandates postsecondary institutions receiving Federal aid to report specific crime statistics on an annual basis. The act also requires these institutions to develop educational programs for safety and security and to establish policies and procedures for notifying the proper authorities when a crime occurs.

> **❝**
> **...the prevalence of alcohol and firearms on and around college campuses has had deadly effects.**
> **❞**

More recently, an addendum to the act requires colleges and universities to develop programs aimed at reducing sexual assault. Apparently, media attention and concerns over campus violence moved Congress to pass legislation that forces college officials to report crime, not to cover it up as some may have done in the past.

Even without legislation, university and college officials responded to the rising crime rate by establishing campus police agencies. Steadily, these agencies have developed into very effective police organizations with a service orientation and crime prevention focus. Many possess the ability to respond to almost any type of incident or emergency.

In a more subtle fashion, administrators reinstituted some campus security measures that had been discarded long ago. Security controls now limit access to campus buildings, and residence halls restrict visitation hours. A significant increase in lawsuits against institutions alleging negligence in security has led administrators to enhance safety procedures and increase police patrols.

Assiduous campus police administrators recognized their strategic role and implemented community-based policing techniques compatible with the campus environment. On many campuses, this strategy turned the tide of crime and violence.

Campus Crime Prevention

First and foremost, campus police administrators must recognize that crime prevention is not solely their job. Rather, students, college and university administrators, faculty members, maintenance personnel, housing officials, counselors, and local law enforcement authorities all share the responsibility.

According to an African proverb, "It takes an entire village to raise a child." Nowhere is this more true than in a college community. Dealing with student misconduct and criminal behavior both on and off campus requires a collaborative effort.

Perhaps the most important component of this collaborative approach is the relationship between campus police and local law enforcement. This is especially true where no clear boundaries or jurisdictions involving students exist.

College students who live off campus present campus law enforcement and municipal police

departments with unique challenges. Incidents of crime and misconduct often result in "town-gown" tensions and require the cooperation, communication, and mutual assistance of both departments to respond effectively.

Jacksonville State's Response

Responding to a rise in campus crime, Jacksonville State University (JSU) in Alabama conducted a careful analysis that indicated 65 percent of the criminal incidents occurring on campus took place in and around residence halls. Special events, such as concerts or sporting events, contributed significantly to the disorder. Also, neighbors of the six fraternity houses located off campus complained of the noise emanating from the houses and notified the local police department of several disorderly incidents.

In response, research and a literature review conducted by campus police administrators revealed that several other universities encountering similar problems had implemented a variety of responses to campus crime. Using this information, JSU administrators developed strategies to address the problem of crime and violence on their campus and initiated a community-based crime prevention program in 1992.

Strategies

To begin, the university's police department enhanced the existing nighttime security escort service for female students and implemented a residence hall foot patrol to be conducted by officers. The department also used the bike patrol to increase its crime prevention
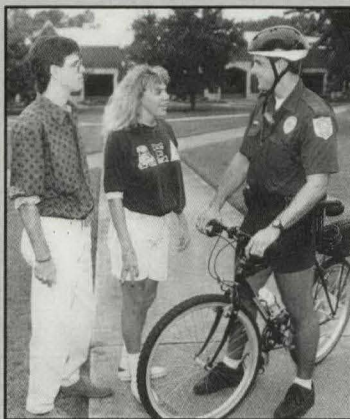
"Campus police, university officials, and local law enforcement worked together to create a threat-free environment...."

efforts and to establish better public relations with students.

The university restricted access to residence halls to only one entrance with monitored access. Another strategy established nighttime security monitors in all residence halls.

Several other groups became involved in making the campus more safe. Counselors, health care officials, and campus police officers increased the number of crime prevention presentations to students. Students became more involved in security issues related to housing, special events, and cultural diversity programs. Activities officials, housing officials, and the campus judicial officer worked closely with the university's police department in discipline cases involving students who presented a threat to campus safety and security. And, coupled with heightened awareness/education activities on alcohol abuse, both the campus judicial officer and the

university's police department increased enforcement of alcohol violations.

The university's police department also worked with the local police department to resolve neighborhood complaints. The two agencies established a mutual reporting and first responder procedure for off-campus fraternity disturbances.

Underlying these particular strategies was the adoption of a zero-tolerance philosophy toward weapons violations and violent behavior. Campus police, university officials, and local law enforcement worked together to create a threat-free environment in which students could feel comfortable while pursuing their academic and social goals.

Alternatives

Administrators of colleges and universities with no police force or those with nonsworn security officers need to develop collaborative relationships with local law enforcement. In such instances, the local department assumes a leadership role.

The local police chief should establish formal procedures with campus officials for reporting criminal incidents on campus. Further, local police personnel should develop crime prevention programs directed at the student population and present these programs on campus. A campus liaison officer could be appointed to work cooperatively with local police on such issues as crime prevention, student misconduct, special event security, and drug and alcohol abuse. Whatever steps are taken, both the campus administration and the local police department should give special attention

to collaborative efforts that will help to create a safe campus.

Conclusion

Violence has intruded college and university campuses. While it may be difficult to extinguish all crime and violence on campuses nationwide, crime prevention programs and collaboration with local law enforcement agencies can make it somewhat easier to restrict and to control the behavior of those who commit crimes.

Assiduous campus law enforcement leaders and local police officials can develop a variety of strategies to deal with violence on campus. It is incumbent on all involved to recognize the reality of campus crime and provide the needed resources to reduce its impact.◆

Endnotes

[1] Michael Clay Smith, *Coping with Crime on Campus* (New York City: American Council on Education/MacMillan Publishing Co., 1988), 1.

[2] *USA Today*, October 4, 1988, 1.

[3] Douglas Lederman, "Colleges Report 7,500 Violent Crimes on their Campuses," *Chronicle of Higher Education*, vol. 39, No. 20, July 14, 1993, A32.

[4] Supra note 1, 120.

[5] Supra note 3.

[6] Supra note 3.

[7] Tinah Saunders, "Rising Tide of Crime Brings Fear to South's College Campuses," *The Atlanta Journal/Constitution*, September 28, 1992, A8.

[8] Pub. L. No. 101-542, 104 Stat. 2384 and 104 Stat. 2385 (1990); Crime Awareness and Campus Security Act of 1990, 20 U.S.C. 1092.

[9] *Campus Crime* (newsletter), vol. 3, No. 6, June 1993, 51.

[10] Michael Clay Smith and Margaret D. Smith, *Wide Awake* (Princeton, N.J.: Peterson's Guides, 1990), 21.

[11] Gerald D. Robin, *Violent Crime and Gun Control* (Cincinnati, OH: Anderson Publishing/ACJS, 1991), 35.

[12] *Campus Crime* (newsletter), vol. 2, No. 1, January 1992, 1.

Author Guidelines

Manuscript Specifications

Length: 1,000 to 3,000 words or 5 to 12 pages double-spaced.

Format: All manuscripts should be double-spaced and typed on 8 1/2" by 11" white paper. All pages should be numbered, and three copies should be submitted for review purposes.

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

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Focus on Cooperation

Fugitive Apprehension Task Force

By Elizabeth A. McManus
and Jeffrey Locke

The memorable U.S. marshal portrayed in the hit movie, "The Fugitive," relentlessly remained hot on the trail of the fleeing criminal. Of course, apprehending fugitives in real life is not always as exciting or as glamorous as depicted in the movies, but it can consume a large portion of a law enforcement agency's resources.

Often, fugitives remain at large because agencies cannot devote enough personnel or resources to locate them. Agencies in the Tidewater region of Virginia found that by joining forces to address the problem, they could apprehend more fugitives without draining all of their resources.

The Problem

In the late 1980s, administrators of the Fifth Division of the Virginia State Police recognized a need for more concentrated efforts to capture fugitives. They conducted a study and found that too many suspects eluded justice as a result of the division's limited resources.

A fugitive unit, formed by the State police in 1988 and staffed by one supervisor and seven special agent investigators, soon found that close cooperation with local sheriffs, police chiefs, and Federal agencies proved essential to tracking fugitives. Additional study showed both the need for and the advantage of working more closely with area cities to maximize the efficiency of the fugitive tracking process in the region.

The Solution

To facilitate cooperation, the State police invited local law enforcement agencies to develop a task force designed to handle fugitive cases better. As a result, the Tidewater Fugitive Apprehension Task Force (TFATF) was formed. Officers from the Criminal Apprehension Unit of the Portsmouth Sheriff's Office, the Warrant Bureaus of the Virginia Beach and the Chesapeake Police Departments, as well as the Fugitive Squad of the Chesapeake Sheriff's Office, joined forces with the Virginia State Police Department's Fugitive Unit.

TFATF Mission

For the purposes of the task force, a fugitive is any wanted person whose whereabouts is unknown, regardless of whether that person is trying actively to evade detection. The mission of the task force is to reduce the number of wanted felons in the Tidewater region of Virginia.

This region covers approximately 1,100 square miles and stretches from the town of Emporia near the North Carolina border to the Maryland State line on the Eastern Shore of the Chesapeake Bay. In addition to extensive rural areas, it includes the cities of Norfolk, Portsmouth, Virginia Beach, Suffolk, and Chesapeake, with a total population of approximately 850,000 citizens. When the task force was formed, there were roughly 10,000-12,000 outstanding warrants for the arrest of felonious fugitives.

Training

All task force officers had been working fugitive investigations within their respective agencies prior to being assigned to the TFATF. Three of the investigators received formal instruction in fugitive investigations at police training facilities, while the others

learned through on-the-job training. The collective experience embodied by task force members greatly enhances the TFATF's effectiveness.

Operation

Each participating department contributes an officer (except the State Police, which assigns two troopers), a car, and a pager. In return, the six task force members share all information, leads, and contacts. Officers are selected by their department heads to work on the task force full time; they may request reassignment at any time in accordance with normal departmental procedures.

Task force members work cases from all jurisdictions. The TFATF receives cases in two primary ways. First, if a warrant bureau from one of the police departments attempts to serve a warrant without success, it can turn over the case to the task force. Second, TFATF members can pull felony arrest warrants that had been on file with their own departments. The task force does not handle every fugitive case in the region. The Chesapeake Sheriff's Office, for example, continues to operate its own Fugitive Squad.

To tackle day-to-day assignments, the task force works in teams. Officer safety dictates the size of each team, depending on the character of the fugitive being sought and the charge involved.

Typically, officers first check leads using computer inquiries to locate new information and to confirm information acquired previously. Such computer inquiries include NCIC checks, conducting a 50-State driver's license search, running employment history and address checks through the D-Tech and FYI On-line systems, and occasionally using EPIC, the DEA's database of drug dealers and traffickers.

Officers also put in a great deal of "leg work" to gather leads. They walk the streets in the fugitives' old neighborhoods, talk with neighbors at known previous addresses, interview relatives and acquaintances, and check for forwarding information from former

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employers, post offices, and utility companies. At this stage of the investigation, the collective ideas, contacts, and knowledge of the team members provide vital information for locating subjects. When investigators pinpoint a fugitive's location, the task force, often in conjunction with local authorities, makes the arrest and turns the subject over to the appropriate agency.

Case Study

On July 9, 1993, the TFATF launched an investigation to locate a fugitive from Florida who authorities believed was in the Tidewater area. The Alachoa County Police Department sought the fugitive on probation violation charges stemming from a previous robbery conviction. Florida's governor asked the governor of Virginia to issue a special "governor's warrant" authorizing Virginia law enforcement officials to arrest the fugitive so he could be extradited to Florida to answer charges. Following an extensive but fruitless investigation by the Portsmouth, Virginia, Sheriff's Office, the case was turned over to the TFATF.

Over a 4-month period, investigators assiduously collected data and followed leads. Finally, a break in the case came when an anonymous citizen informed police that the fugitive was staying with a girlfriend in Portsmouth. With this tip, coupled with the information compiled by the task force, investigators secured a search warrant for the woman's apartment.

Hoping to catch the fugitive by surprise, the task force decided to enter the apartment in the early morning hours of November 23, 1993. Not certain whether the fugitive was armed, investigators requested additional deputies from the Portsmouth and Chesapeake Sheriff's Offices to assist in the raid. At 6:10 a.m., the officers knocked on the door and announced that they had a search warrant. Officers allowed the fugitive 5 minutes to give himself up, but when he didn't respond, they entered the apartment.

They found him hiding in the attic following a brief search. Task force officers arrested the fugitive without incident and took him to the Portsmouth City Jail to await extradition to Florida.

Results

This case study exemplifies the many successes achieved by the TFATF. Through teamwork, information sharing, and a singular focus, the task force has located felons throughout the region. Working together, law enforcement agencies in the area have multiplied the resources dedicated to capturing fugitives without overburdening any one agency.

In its first year, the TFATF made more than 300 felony arrests stemming from nearly 600 felony charges that ranged from drug charges and sexual assaults to robbery and murder. In addition to apprehending fugitives locally, the task force has pursued fugitives across State lines, making arrests in at least 19 States, even as far west as California. The task force also has assisted other law enforcement agencies, such as the FBI and the U.S. Marshals Service, locate wanted persons in the Tidewater area.

Conclusion

Acting alone, few law enforcement agencies can devote sufficient resources to track down fugitives. The success of the Tidewater Fugitive Apprehension Task Force shows that the combined resources of law enforcement agencies in adjoining jurisdictions can locate fugitives efficiently and effectively. Working together, the agencies of the Tidewater Fugitive Apprehension Task Force prove that communities do not have to continue to live with felons in their midst.◆

Lieutenant McManus is the Public Information Officer for the Portsmouth, Virginia, Sheriff's Office. Deputy Locke, also with the Portsmouth Sheriff's Office, serves as an investigator on the TFATF.

Bulletin Alert

Shifty Suspect

During an interview with police, a suspect wanted in connection with an assault with intent to murder admitted to officers that they could find the handgun used in the offense in his pick-up truck. However, an exhaustive search of the vehicle by crime scene technicians failed to produce the weapon. Investigators reinterviewed the suspect, who informed them that the weapon was hidden beneath the vehicle's rubber transmission boot (top photo, see arrow). Technicians re-examined the gearshift housing and found that one side of the boot was not secure. When they raised the unattached side, the handgun became easily accessible (bottom photo, see arrow).◆

Submitted by Supervisor Jeffrey Cover and W.E. Cook of the Anne Arundel County, Maryland, Police Department's Identification/Crime Scene Unit.

Violent Crime Hits Home
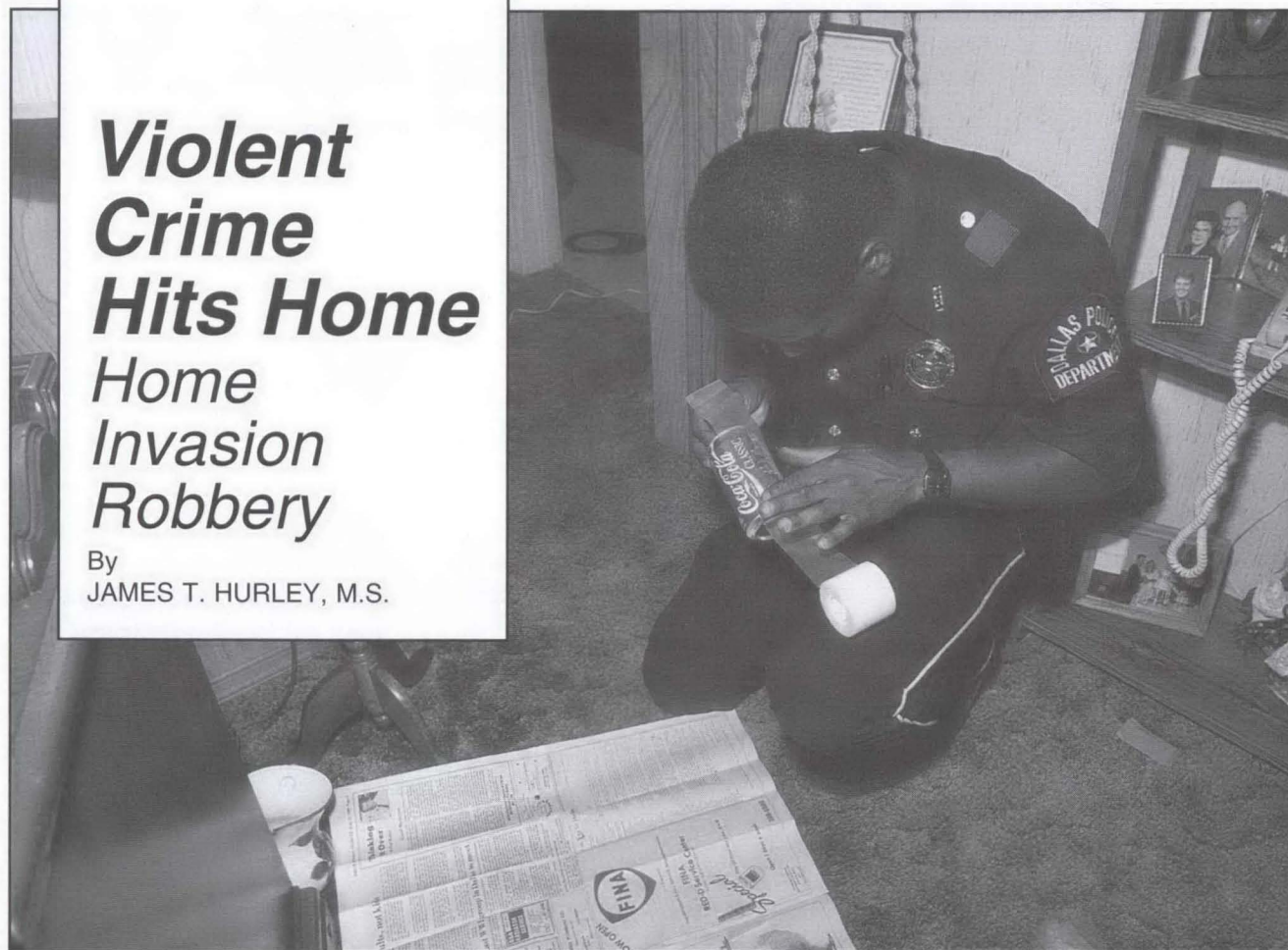
Home Invasion Robbery

By
JAMES T. HURLEY, M.S.

On a sunny February afternoon in 1991, in an upscale section of Fort Lauderdale, Florida, a 75-year-old retiree was working alone in his garage. Through the open garage door, the man noticed a car drive slowly by the house, but he soon refocused his attention on the project at his workbench.

Moments later, someone struck him on the back of the head with a tire iron and left him unconscious and bleeding on the garage floor. His attackers entered the house through the garage and found his wife sleeping on the couch. Using a cellular phone as a weapon, they severely beat her, fracturing her jawbone and

eye socket. The offenders then ransacked the residence at their leisure, taking several expensive items, as well as some with great sentimental value.

While such an attack would be viewed as an anomaly in many parts of the country—even in jurisdictions accustomed to brutal crimes—violent attacks on homeowners are fast-becoming a frightening and all-too-common fact of life in South Florida. Home invasion robbery (HIR) represents an especially troubling crime trend and a formidable challenge to law enforcement.

Many homeowners view this crime as something even more—a personal attack on sacred and

fundamental principles. For residents of South Florida who have witnessed the slow unraveling of once-placid communities, violent crime now truly hits home.

HOME INVASION ROBBERY

Within the criminal justice community, considerable confusion still surrounds this relatively new crime phenomenon. Attempts to introduce the concept of home invasion robbery into the bureaucratic mainstream of the criminal justice system have failed to clarify the issue, primarily because of inevitable comparisons to the crime of burglary. This confusion often compromises statistical analyses and

makes historical data collection nearly impossible because many incidents of HIR routinely are misclassified as burglaries.

While home invaders commit the secondary offense of burglary, it is important that investigators and the courts recognize the unique criminal profile that clearly distinguishes home invaders from other offenders. When a homeowner discovers a burglar inside the residence and the burglar then uses the opportunity to rob the resident, the offense should *not* be considered a home invasion robbery. As a rule, the totality of the circumstances should be examined to pinpoint the offenders' specific criminal intent.

In other words, rather than focusing on the end result, investigators should attempt to determine what the offenders had in mind prior to the offense. To address home invasion robbery adequately, legislatures, law enforcement, and the courts must first understand the elements that distinguish it from other offenses.

Contrasting Criminal Profiles

In most cases, residential burglars attempt to avoid confronting victims. They tend to probe carefully and to make covert entry at the side or rear of a residence, using available cover. Burglars generally prefer to work alone, and most target unoccupied dwellings. Most incidents of burglary do not result in violence, even when the burglar is discovered. When violence does occur, it often results from the offender's frantic attempt to escape.

Burglars wear dark clothing and gloves and carry prying tools. In addition, burglars must deal with a multitude of potential threats, such as increasingly sophisticated alarm systems, metal bars on doors and windows, guard dogs, and neighborhood watch groups. Not knowing the homeowners' whereabouts causes additional anxiety. Burglary is, for the most part, a stealth crime that depends on opportunity.

In contrast, confrontation generally is considered the key element in home invasion robberies. Home invaders prefer to make direct entry into a targeted residence. In fact, the entry is often dynamic—relying on sheer force, false pretense, or various forms of impersonation. The violence associated with home invasion robbery generally occurs during the initial confrontation with victims, in order to establish control quickly and to limit the likelihood of later identification by the victims. However, mounting evidence suggests that many home invaders enjoy the intimidation, domination, and violence of the offense.

Unlike the majority of burglars, home invaders carry items that connote control and confrontation, such as firearms, handcuffs, masks, and tape. Because the threat level inside a residence rarely is known in advance, the offense almost always is committed by more than one offender. These offenders often develop well-organized plans and divide specific tasks among themselves. One or more of the home invaders usually control the victims while the other offenders systematically ransack the residence.

Home invaders usually target the *resident*, not the residence. They may make their selection in a variety of ways, often choosing women, senior citizens, or drug dealers.

Moreover, home invasion robbery provides offenders with many criminal advantages. First, they are able to alter their plans in a moment

> *Home invaders usually target the resident, not the residence.*
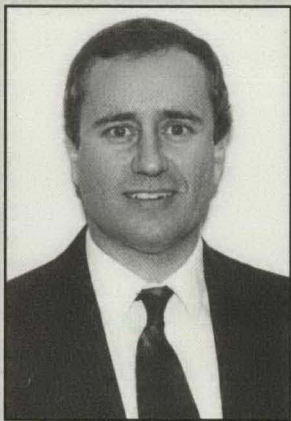
Captain Hurley serves with the Fort Lauderdale, Florida, Police Department.

if they sense that conditions are not right at the point of confrontation. Rather than suspiciously probing around a residence, they can pull their vehicle into the driveway as if they belong there. This simple tactic often causes potential witnesses to look the other way, unaware that their neighbors are in peril.

Home invaders do not have to overcome residential alarm systems, because most systems will not be activated while the residence is occupied. Further, once offenders take control of a residence, they can force victims to open safes, locate hidden valuables, and provide additional information, as needed. And, because they generally leave victims bound or incapacitated, offenders can rely on an ample period of time to escape from the crime scene.

The Evolution of HIR

Although home invasion robbery is considered by many to be a new crime, its roots actually trace back to South Florida's notorious "cocaine cowboys" of the late 1970s and early 1980s. These drug bandits viewed HIR as an effective method to obtain large amounts of cash and drugs from rival dealers. Not surprisingly, the murder rate soared as drug dealers took turns robbing and murdering one another, while enabling a steady stream of minor players to enter the major leagues.

Although this type of turf warfare still occurs, it has been reduced effectively by innovative law enforcement initiatives, such as the Street Terror Offender Program. This joint Metro-Dade County/Bureau of Alcohol, Tobacco and Firearms initiative targets criminals reckless and greedy enough to raid a guarded stash house.[1]

Photo © Peter Hendrie, Tribute

Unfortunately, the very violent and confrontational modus operandi of drug dealers have been copied by other criminals. As a result, the most frequently targeted victims now are innocent residents who have no connection to the drug culture. In fact, many law-abiding citizens suffer the stigma of suspicion after being victimized by home invaders.

During the past decade, HIR has grown more commonplace, as vicious predators have introduced variations to established methods of operation. Opportunistic offenders often gain entry into a residence through an open garage door. Following a victim home from a nearby shopping center also has become a popular method of selection. In most cases, however, the victim simply is duped into opening the door to the home invader through any number of ruses.

Home invasion groups may be organized street gangs, whose members may be racially mixed and who often use drugs. Homogeneous groups tend to target victims of similar ethnic and cultural backgrounds. The groups almost always are highly mobile, often extending their crime sprees into several jurisdictions.

Contributing Factors

The growth of HIR in South Florida might be explained best within the context of several contributing factors. Ironically, the most obvious is the development of enhanced technology to combat robbery and theft in traditional target areas, such as convenience stores, gas stations, restaurants, and banks.

For example, the "stop and rob" philosophy that greeted the birth of the chain convenience store industry eventually led to the creation of many target-hardening and environmental design features to prevent theft. Business owners now
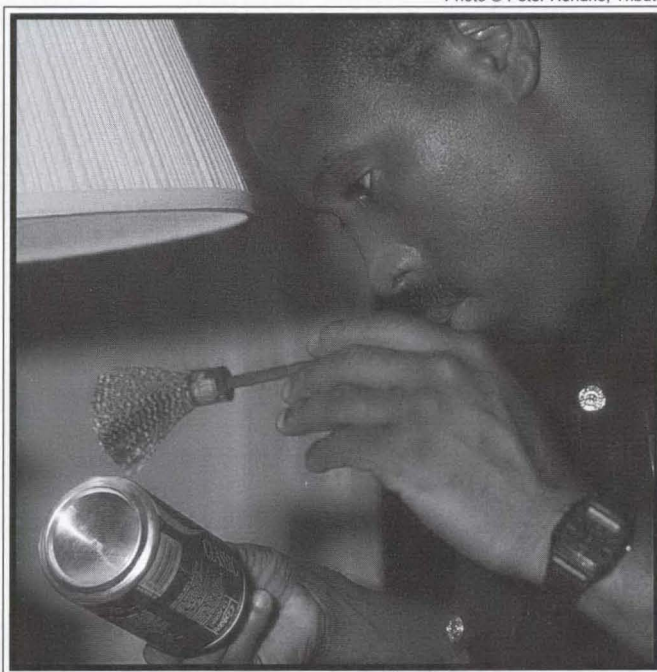
Home Invasion Cases

The following cases illustrate some of the tactics employed by home invaders to enter residences and subdue victims.

- A 59-year-old man opened his front door to two armed offenders wearing masks. The offenders forced their way through the front door and demanded cash at gunpoint. They pistol-whipped the victim and bound him with tape before leaving.

- Four armed suspects entered a party through an unlocked door. The offenders forced the victims to lie on the floor while they gathered cash and jewelry. During the robbery, the offenders pistol whipped one of the victims and fired several rounds.

- Two young men knocked on a woman's door to say that they had struck her parked car accidentally. When she opened the door, the youths produced handguns and rushed inside. Before leaving with cash and jewelry, they handcuffed her wrists and ankles, covered her head with a pillowcase, poured cooking oil over her, and threatened to set her on fire.

- An elderly couple opened their front door to find a man claiming to represent the local gas company. Not believing the man's story, the couple asked him to leave. However, two additional offenders appeared at the door and easily forced their way inside. They made the victims lie on the floor in separate rooms. The husband was then forced to reveal the location of cash, jewelry, and other valuables, while being told that his wife would be killed if he did not cooperate.

- A man carrying flowers convinced a woman to open her front door. Once inside, the "delivery man" produced a handgun and threw the victim to the floor. The offender then found her husband in the bedroom and handcuffed them both. He left them handcuffed in the bathroom after taking cash and jewelry.

- Two suspects knocked on a victim's door, produced a firearm, and demanded money or drugs. They forced the victim to the floor while claiming to be police officers. They fled after ransacking the house.

use surveillance cameras, police frequency alarms, electronic-tracking devices, cash control measures and drop safes, no-contact enclosures, special store design, and enhanced lighting to deter store robberies. As a result, the frequency of convenience store robberies has declined considerably in recent years. Other traditional targets have borrowed many of these measures and are developing their own unique methods to combat robbery and theft.

While these developments certainly are positive, they create unintended negative consequences. As traditional targets of opportunity harden themselves against robbery, potential thieves must explore other alternatives.

In this way, the rise of home invasion robbery closely parallels the emergence of carjacking as a ruthless but effective way to overcome technological barriers. For basically the same reason, home invasion robbery soon may become an attractive alternative to robbing convenience stores and gas stations. For criminals, the act is viewed as a means to an end.

Meanwhile, violent career criminals, having learned the lessons of technology, know the threat posed to them by surveillance cameras, silent alarms, and other antitheft measures. Desperate to avoid additional felony charges, many such offenders look for easier targets. HIR provides a relatively simple alternative to robbing traditional—and increasingly more impregnable—targets. These criminals also understand that the intimidation of their victims and other violent aspects of home invasion robbery effectively reduce the risk of being caught.

ADDRESSING THE PROBLEM

Educating the Public

Currently, the most effective preemptive weapon available against home invasion robbery is education. In communities where HIR emerges as an identifiable trend, citizens should be informed about this new threat to their safety.

In addition to addressing the issue during regular community crime watch meetings and civic gatherings, law enforcement agencies should consider using televised public safety announcements to alert residents. Because home invaders often pose as utility or other service workers, citizens should be advised to verify the identity of anyone coming to their door *before* allowing them inside.

At the same time, the police should avoid creating an atmosphere of panic. Despite the growing popularity of home invasion robbery, it still represents a minute portion of all reported robberies in most South Florida jurisdictions.

Additionally, a small group of offenders often commits a majority of the HIR incidents in any given area. This fact underscores the need for a comprehensive response on the part of the criminal justice system. By enacting effective statutes directed specifically at home invasion robbery, legislators can provide law enforcement with a powerful weapon to protect communities from repeat offenders.

Legislation

In 1991, the Fort Lauderdale Police Department began promoting a new State law designed to send a strong message to criminals that home invasion crimes would not be treated lightly by the criminal justice system. Based on the principle that citizens have a fundamental right to be free from fear of attack while in their own homes, the legislative proposal gained quick local approval. As punishment for violent residential invasion, the proposed law sought to deny parole, basic gain time, control release, and provisional release credits, while allowing complete judicial discretion in sentencing.

> *...confrontation generally is considered the key element in home invasion robberies.*

To promote support for the proposal, the police department produced a 12-minute video and distributed it to more than 150 crime prevention detectives at a State crime prevention conference. The department also sent 5,000 informational pamphlets to legislators and homeowners' groups throughout the State of Florida. This accomplished the dual function of providing practical information to the public concerning home invasion robbery while building support for the legislative proposal.

Despite broad popular support and the endorsement of the law enforcement community, the measure weakened somewhat during the legislative process. Still, the final version of the law, which went into effect on July 1, 1993, makes HIR a first-degree felony, even when no weapon is used. It also provides for relatively stiff penalties. Perhaps more important, however, the law helped crystalize the concept of HIR within the criminal justice community. For this reason alone, it represents an important step in the counteroffensive against home invasion robbery.

CONCLUSION

During the past decade, the rate of violent crime committed in areas traditionally considered safe havens has risen dramatically. Increasing violence in occupational settings and schools and on America's roadways has a disproportionate effect in eroding the public's sense of safety. Many in South Florida view home invasion robbery as an attack on the last defense available to law-abiding citizens.

Home invasion robbery also represents a formidable challenge to the criminal justice system. As a distinct offense that combines elements of breaking and entering, robbery, and aggravated assault, HIR should not be confused with other crimes.

To address home invasion robbery adequately, investigators, prosecutors, and the courts must first recognize the factors that distinguish it from other offenses. Understanding the problem marks the first step to finding effective responses. ✦

Endnote

"Street Terror Offender Program," presented at an Eastern Armed Robbery Conference, May 21, 1992, Fort Lauderdale, Florida, by Sgt. T. Palmer, Metro-Dade, Florida, Police Department and Special Agent G. Wallace, Bureau of Alcohol, Tobacco and Firearms.

Research Forum

Training for the Future
The *IADLEST Sourcebook* of Standards and Training
By Julie R. Linkins

SOURCEBOOK
Of
Standards and Training
Information in the United States
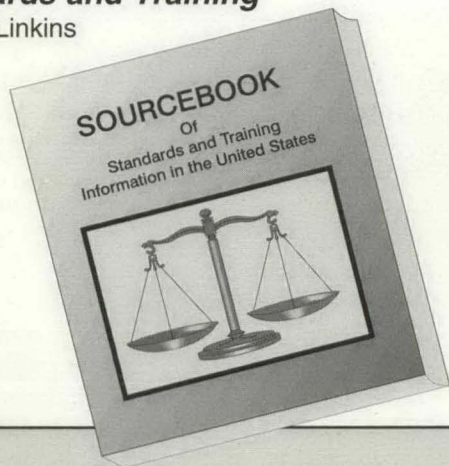
The International Association of Directors of Law Enforcement Standards and Training (IADLEST) routinely conducts a survey of criminal justice officer[1] training and employment requirements in the United States. Each year, the criminal justice commissions in each of the 50 States respond to the survey. The University of North Carolina's Department of Criminal Justice compiles and analyzes the information, which is then distributed to a wide variety of training professionals, State standards commissions, academic institutions, and police departments. By sharing research, ideas, and experiences, departments across the country can improve their programs and standards of employment and equip officers with the best available training to do their jobs.

THE *SOURCEBOOK*

IADLEST seeks to assist States in establishing effective and defensible standards. Toward that end, the association publishes the *IADLEST Sourcebook of Standards and Training Information in the United States*, an executive summary of its national survey on law enforcement standards and training. The book provides data on officer standards, training, certification, and licensing.

THE SURVEY

IADLEST collects information from each State's criminal justice officer standards and training agency.

The questions focus mainly on issues of current interest to criminal justice trainers, but they also collect information frequently asked of IADLEST members. Most questions simply require yes or no responses, some are multiple choice, and a few ask for specific quantifiers (the minimum number of hours established for officer basic training, for example). Not all States answer every question.

The survey contains nearly 800 questions grouped into sections that cover 11 major topics. The first section addresses organization and authority of State commissions on mandatory standards. Subsequent sections cover funding, minimum selection standards, employment requirements, training academies and instructors, basic training, training systems, instructor certification, private security, and sanctions. The final section covers preemployment training and licensure/certification/competency examinations. A number of issues emerged from the States' responses to questions in these 11 sections, and the editor dedicates a portion of the *Sourcebook* to those selected issues on training and standards.

SELECTED ISSUES ON STANDARDS AND TRAINING

As society's needs change, so do the demands placed on law enforcement agencies. Police professionals at all levels—from line personnel to administrators—must update their skills, and recruits must possess a somewhat different set of skills than their predecessors. Emerging crime problems, new technologies, and evolving philosophies of policing necessitate shifts in police training programs and in performance standards.

The IADLEST survey revealed that States approach the challenges in different ways. The survey covers several key issues. However, minimum hiring standards, recruit reading levels, inservice refresher training, and mandatory training and development appear to be the ones that significantly impact on the ability of all law enforcement agencies to select the best employees and to help them maintain high levels of performance throughout their careers.

Minimum Hiring Standards

The survey asked whether States have minimum hiring standards for criminal justice officers. Fourteen

percent (7) of the States responded negatively, indicating that they had no minimum standards. Of the 43 States that do have minimums, 12 have provisions allowing the standards to be waived, and an additional 4 cannot penalize agencies for noncompliance.[2] While 43 States require applicants to possess at least a high school diploma (or its equivalent) to be appointed a criminal justice officer, 10 percent (5) have no minimum education requirement.[3]

Recruit Reading Levels

Selecting and hiring criminal justice officers is difficult, time-consuming, and costly, and agencies make every effort to select candidates who have the greatest chance of success. A candidate's reading level is one predictor of success. Students who do not read well generally perform poorly in school, whether in high school or in basic recruit training classes. When the IADLEST survey questioned whether States tested the reading level of recruits prior to or during academy training, 17 States responded that they test recruits prior to training, and 8 test during training. However, almost half of the States (24) revealed that they do not require any such testing.[4]

> **By sharing research, ideas, and experiences, departments across the country can...equip officers with the best available training to do their jobs.**

Inservice Refresher Training

Beyond basic academy training, criminal justice officers periodically need to brush up on old skills and learn new ones. Inservice training offers one method for ensuring that officers keep up to date on emerging legal issues and safe policing practices.

The survey results show that nearly two-thirds of the States mandate some form of inservice refresher training. The mandated number of hours ranges from 8 to 40 hours per year.[5] States rely on a variety of resources to deliver their inservice instruction, including approved police academies, local police departments, and college or technical schools. States planning to develop or modify their own inservice programs could use the existing models for guidance.

Mandatory Training and Development

Inservice refresher training is only one type of training used by criminal justice agencies. Employees also can be required to complete courses that develop new skills or specializations related to their positions.

As the 21st century approaches, the demands that society places on police departments are changing. By extension, the demands on police executives, managers, and supervisors are also in transition. Very few of the responding States, however, mandate management training for chiefs/sheriffs (10 States), mid- or upper-level managers (7 and 5, respectively), or first-line supervisors (7).

To provide consistently high quality education, instructors usually must be certified to teach certain topics. A majority of responding States require certification to teach firearms, instructor development, and defensive tactics. However, in other topic areas, such as driver training, corrections, and use of radar, most responding States do not require instructors to be certified.

For most crime-specific topics such as auto theft, computer crime, organized crime, and arson, the majority of States do not require officer training. More States mandate training in conducting sexual abuse investigations (14) and child abuse investigations (18) than in any other reported topic.

Over one-half of the 44 States that answered the question mandate breathalyzer operator and first responder training. However, in most technical areas, such as accident reconstruction, photography, and forensics, fewer than one-third of the responding States mandate training.

With regard to specialty areas, 20 States direct their criminal justice agencies to provide hazardous materials training. Fewer than eight responding States require training in any other specialty area (e.g., SWAT, underwater recovery, K-9). Apparently, individual departmental needs govern when or whether to send personnel to such training.

Some job task-related topics include drug interdiction, crime prevention, civil disorder, accident investigation, fingerprinting, and AIDS awareness. Nearly 48 percent of responding States require domestic violence training, followed by 43 percent for self-defense, 37 percent for accident investigation, and 34 percent for weapon retention.

Of course, lack of a State mandate to provide training in specific areas does not preclude individual agencies from requiring such training. As priorities change, the list of required training areas probably also will change.

CONCLUSION

The *IADLEST Sourcebook* contains information about the States' hiring and performance standards and training programs. Criminal justice administrators and educators can compare their State's or agency's programs with other States across the country, can identify initiatives or standards adopted in other communities, and can use the information to improve their own programs.

The world is changing at a rapid pace both technologically and socially. All professions will require well educated and highly trained personnel to meet the needs of the future, and the criminal justice field is no exception. By mapping out the present state of the art in law enforcement standards and training, the *IADLEST Sourcebook* can help criminal justice agencies nationwide chart the course for the future. ✦

Endnotes

[1] The term "criminal justice officers" includes law enforcement officers, jailers, State and local corrections officers, courtroom security/civil process servers, and dispatchers.

[2] Two States that allow waivers do not have penalties for noncompliance either; 37 States have penalties; 7 did not answer the question.

[3] One State requires an associate degree and 1 State did not respond.

[4] One State did not reply.

[5] Hawaii mandates 80 hours over an unspecified period of time.

Ms. Linkins, an associate editor on the staff of the *FBI Law Enforcement Bulletin*, is assigned to the FBI Academy.

Source: The IADLEST Sourcebook of Standards and Training Information in the United States, *edited by Richard C. Lumb, Ph.D., Department of Criminal Justice, University of North Carolina at Charlotte.*

Law Enforcement on the Internet

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

fbileb@justice.usdoj.gov

We would like to know your thoughts on contemporary law enforcement issues. We welcome your comments, questions, and suggestions. Please include your name, title, and agency on all e-mail messages. Remember,

fbileb@justice.usdoj.gov

is our e-mail address.

Reflections on Dispatching
Improving Dispatcher Training
By KATHY M. SHEEHAN
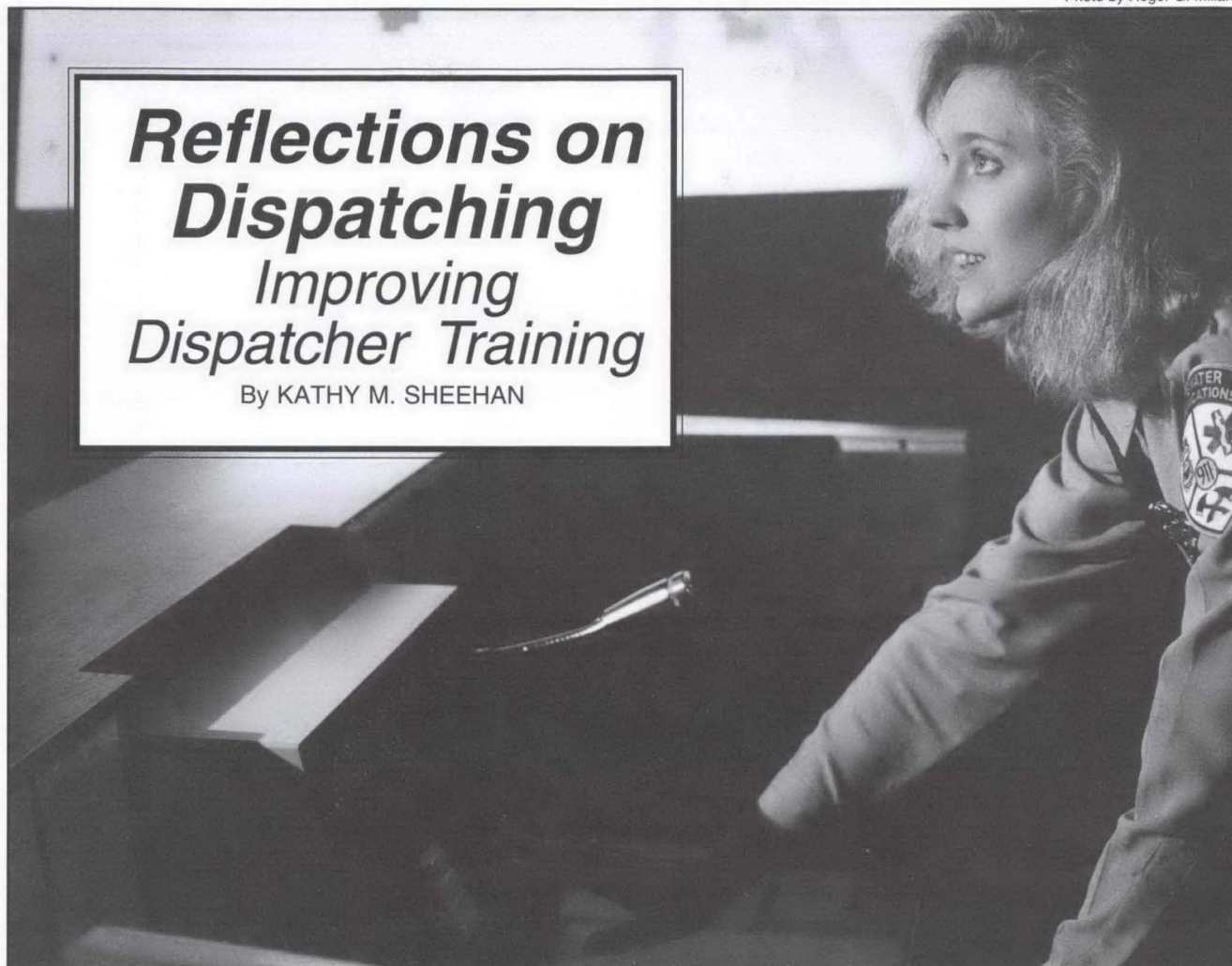
"Just watch the other officers, kid. Watch what they do and listen to what they say.... You'll catch on quick."

Not too many years ago, statements like these were the only introduction to policing that recruits received before beginning their field careers. Fortunately, advances in police training have made such inadequate recruit instruction seem like a distant memory. Today's police recruits receive training in a myriad of areas, from firearms to search-and-seizure laws, before they set out on their first patrol.

However, the above instructions are still heard regularly in public safety agencies around the Nation. Rather than being directed to police recruits, they are directed to dispatchers. In fact, this advice served as the totality of my formal training in the field of dispatching. For years, such practices were the rule rather than the exception in many departments.

Recently, three factors began to force a change in dispatcher training: The influx of civilian dispatchers, the specter of civil liability lawsuits, and the advent of complex computerized dispatching systems.

These considerations compelled many States to establish and maintain a level of certification for their police dispatchers based on standardized training. Connecticut, at the urging of its Bureau of Statewide Emergency Telecommunications (BSET),[1] is one of several States making a concerted effort to address this need.

Addressing a Need

In the mid-1980s, the BSET recognized the need to regulate telecommunicator training. After a lengthy campaign, the State passed legislation mandating certification

for all emergency service dispatchers and telecommunicators hired after January 1, 1990. The legislation designated BSET as the administrative authority for this training and charged it with developing a Statewide certification program.

Developing a Training Model

The field of dispatcher training did not abound with suitable programs; however, BSET conducted a competitive bid process and subsequently awarded a contract to a national training group. Under the contract, the training group modified its existing 80-hour telecommunicator course to suit the public safety needs of the State of Connecticut.

The program used standardized lesson plans and materials so that any certified instructor could deliver the same caliber training throughout the State. The original course curriculum covered 15 individual units of basic instruction on topics such as telephone techniques, broadcast procedures, and interpersonal communication.

Armed with a structured program, the bureau then established criteria for instructors that include a "method of instruction" course and at least 2 years of related experience. Quality instructors are still a high priority consideration, even with preset lessons, because each unit of instruction leaves latitude for individual interpretation. The BSET staff regularly evaluates each instructor's classroom presentation, using both written student evaluations and unscheduled onsite visits.

Since the introduction of the program in April 1990, the BSET continually has refined the curriculum. Additional units of study have been added to cover such areas as stress, hazardous materials, and liability issues. Other areas have been scaled down or eliminated. Further changes, especially in the area of emergency medical dispatch, currently are being implemented. These refinements have resulted in a more streamlined curriculum.

The program presently fills approximately 69 hours instead of the original 80 hours. This ongoing streamlining process also ensures that BSET can maintain flexibility in the training program in order to accommodate necessary changes as the field of telecommunications evolves.

Student Note Forms

In conjunction with the standardized lesson plans, students receive note forms to reinforce key points and to help them prepare for the State exam for telecommunicators. The original note forms contained text interspersed with blank spaces that allowed the students to fill in with class notes. The theory behind this procedure was sound. In practice, however, instructors found it limiting to be bound so tightly to the lesson plan.

Students also complained that they had difficulty keeping up with the necessary notes. This was especially true of students who had not been in a classroom setting for some years.

With the recent influx of mature, second-career dispatchers, this became a critical problem. BSET resolved this dilemma by printing completed note forms that the students can take home at night to compare with their own notes. This not only ensures that everyone has equal access to the same information but it also encourages students to review the material after classroom hours.

Call Guides

"Call guides" outline suggested questions and actions for many of the different types of calls for service

> *It is unthinkable—and ultimately dangerous— to treat the people responsible for critical communications as anything less than professionals.*

Ms. Sheehan has served with the Bridgeport, Connecticut, Police Department and is now a private consultant for emergency services and communication issues in Davis, California.

received by dispatchers. Used as training tools, these guides are set up in a flip chart format for quick access by telecommunicators. They can be rearranged according to each agency's system and have additional space to add procedures specific to that agency. Civilian telecommunicators new to police dispatch find these call guides especially useful because they cover a broad range of possible situations.

Each guide assists the call-taker in gathering the necessary information, as well as dispatching the correct response. After the initial training, the call guides continue to be useful as a quick reference and inservice training tool for experienced dispatchers. Each student completing the State course receives a set of both the note forms and call guides to take back to their departments for further on-the-job study.

On-the-Job Training

The training program addresses only the basics. It does not teach dispatchers how to operate specific equipment and/or software with which they will be working, nor does it include any of the policies, procedures or established practices within their individual departments.

Personnel and budget constraints have caused agency administrators to express some concern over the necessity for training beyond what dispatchers need for certification. Considering the potential for wide disparity among agencies in both hardware and procedures, however, on-the-job training cannot be avoided. The BSET designed the program to blend easily into an on-the-job program for any of the service agencies.

Photo © Peter Hendrie, Tribune
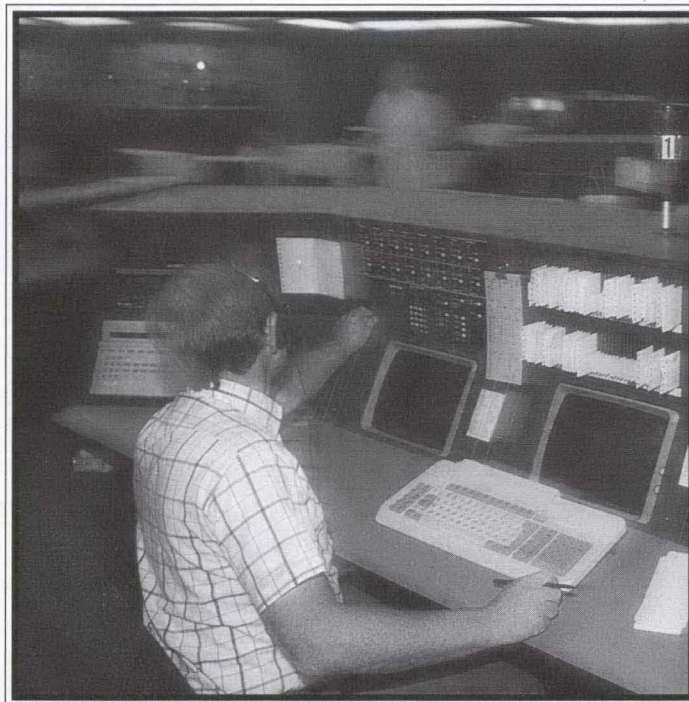
Cross-Training

With the trend toward combining police, fire, and medical dispatch into one central location, BSET chose to cross-train telecommunicators in all three services. This also simplifies tracking individual student certification. Keeping accurate records especially is important because any dispatcher who obtains State certification may take that accreditation to any emergency service agency in Connecticut.

Historically treated as the stepchildren of the emergency service field, dispatchers usually are happy to receive any kind of formal training. Individually, however, many resist the program's "tri-service" approach and resent instruction that addresses emergency services other than their own. In particular, some firefighters and emergency medical technicians believe that the program is weighted disproportionately toward police service.

Their claim appears valid in this particular respect, and with good reason. The very nature of police work keeps the everyday dispatch of police response more continuous and complex than dispatching fire apparatus or medical units, because fire and medical situations routinely are handled by field supervisors on the scene after the initial callout. By contrast, police dispatchers generally stay involved actively throughout any call for police service. Therefore, dispatchers must be able to cope with a wide and varied range of situations in police services that require more class time, more practice, and eventually more on-the-job training.

Advantages of Cross-Training

Trainers and managers in the field of communications tend to agree that cross-training is a positive step. It accomplishes a number of things. First, it is common for police,

fire, and medical personnel to respond to the same incidents. A dispatcher who understands the procedures involved in each service's response will be better equipped to make informed dispatch decisions and assist field operations more effectively. In this manner, a police dispatcher who is notified of an apartment house fire near a busy highway can make an educated guess as to what type of response to expect from the fire department and emergency medical services (EMS) units. This helps the police dispatcher to assign an adequate number of officers to handle traffic and to be prepared for the number of hours that assistance might be necessary. Information of this type enables the dispatcher to make the most efficient use of available personnel.

Similarly, an overlapping response is accomplished more efficiently when a cordial working relationship exists between the different dispatch personnel. Dispatching any of the emergency services is a difficult and stressful responsibility. It is not uncommon for personnel to become territorial about their own department to the exclusion of others. Training all of the services together gives dispatchers a unique opportunity to establish better interpersonal communications with one another and to understand better the needs and responsibilities of other disciplines. This often leads to more cooperation among emergency services dispatchers, which benefits the entire community.

A third advantage of cross-training is the certification mandating a minimum level of basic training for all dispatchers. The logistics and paperwork necessary to maintain three separate certificate programs make combined certification programs an attractive option.

Combining police, fire, and EMS dispatch certainly is not a new idea. In fact, many municipal administrators view dispatching all services from one central communications center as the most logical solution to personnel shortages and financial deficits. Training personnel together and allowing for lateral transfer of their certification takes the field of dispatching one step closer to that possibility.

Conclusion

Effective dispatching is crucial to the safety and efficiency of field personnel and the citizens they serve. It is unthinkable—and ultimately dangerous—to treat the people responsible for critical communications as anything less than professionals.

A professional position is one that "requires advanced education and training...involving intellectual skills." One only has to listen to a busy emergency services radio for a few minutes to realize the level of intellectual skill needed by telecommunicators. I, for one, want the people holding the lives of my loved ones in their hands to be as thoroughly and professionally trained as possible. ✦

Endnote

The Bureau of Statewide Emergency Telecommunications has been renamed the Office of Statewide Emergency Telecommunications.

Gang Suppression and Intervention

Two research summaries published by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) report on a national survey of agency and community group responses to gang problems. *Gang Suppression and Intervention: Problem and Response* (NCJ 149629) integrates the findings of seven data collection and research phases conducted in the initial assessment of the National Youth Gang Suppression and Intervention Program. This initial assessment set out to determine the scope of the youth gang problem, to review the responses, and to examine approaches for combating the gang problem.

Gang Suppression and Intervention: Community Models (NCJ 148202) sets forth policies and practices for the design and mobilization of community efforts by police, prosecutors, judges, probation and parole officers, corrections officers, schools, employers, community-based agencies, and a range of grassroots organizations. The framework for the policies and procedures recommended in each of the 12 models is based on 2 types of gang problems—chronic and emerging.

The OJJDP publications are available from the Juvenile Justice Clearinghouse. To obtain copies, write or call the Juvenile Justice Clearinghouse, P.O. Box 6000, Rockville, MD 20850, 1-800-638-8736.

Criminal Justice Videotapes

The National Institute of Justice videotape series features well-known scholars describing current studies and how they relate to existing criminal justice research. Each 60-minute tape presents a lecture and question-and-answer segment given before an audience of criminal justice researchers, practitioners, and policymakers.

Five tapes currently are available in VHS format. The titles and series numbers are *Youth Violence, Guns, and Illicit Drug Markets* (NCJ 152235); *Three Strikes, You're Out: Benefits and Costs of California's New Mandatory-Sentencing Law* (NCJ 152236); *Sentencing Policy and Crime Rates in Reunified Germany* (NCJ 152237); *Understanding and Preventing Violence: A Public Health Perspective* (NCJ 152238); *A Corrections-Based Continuum of Effective Drug Abuse Treatment* (NCJ 152692). The tapes can be used in classrooms, training seminars, and offices.

The tapes are available for a nominal fee from the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20849-6000. Orders also can be placed by phone at 1-800-851-3420 or by e-mail at askncjrs@ncjrs.aspensys.com.

***Bulletin Reports***, a collection of criminal justice studies, reports, and project findings, is compiled by Kathy Sulewski. Send your material for consideration to: *FBI Law Enforcement Bulletin*, Room 209, Madison Building, FBI Academy, Quantico, VA 22135.

(NOTE: The material in this section is intended to be strictly an information source and should not be considered as an endorsement by the FBI for any product or service.)

Police Ethics Training
A Three-Tiered Approach

By TIM R. JONES, Ed.D,
COMPTON OWENS,
and MELISSA A. SMITH
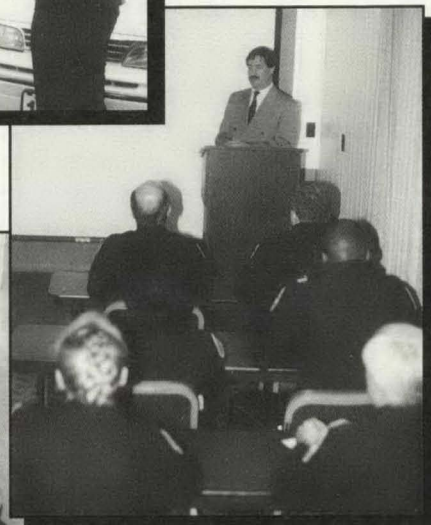
Recent, well-publicized incidents of police misconduct, use of excessive force, and large-scale corruption have increased public concern over ethical police behavior and the accountability of police agencies. Although, historically, police administrators have attended to these issues, ethical concerns have become critical to the operation of contemporary agencies for two primary reasons.

First, some law enforcement officers may believe that citizens will tolerate, if not support, aggressive and legally questionable crime-fighting tactics in order to quell the rising tide of violent crime. Second, police departments increasingly emphasize community-oriented or neighborhood-focused policing.

Overall, providing a comprehensive array of police services in a neighborhood setting demands a high level of officer discretion and flexibility. At the same time, officers must adhere to the law and remain accountable to the public.

To accomplish this, ethics training must become an integral part of academy and inservice training for new and experienced officers alike. This article discusses the need for ethics training and provides an overview of the program designed and implemented by the Huntsville, Alabama, Police Department.

CONTROLLING POLICE BEHAVIOR

Traditionally, law enforcement agencies have promoted internal control through their paramilitary structure. Police administrators have attempted to supplement this organization with written policies and procedures to regulate officer conduct. When these policies are general and imprecise, they become functionally useless; if too numerous or detailed, they fail to

serve as a workable guide for action in many instances.

More recently, tort liability claims have been touted as a remedy for misconduct and a device to ensure accountability. But to date, civil judgments or threats of civil sanction against police agencies have resulted in very few structural changes within policing, and if used, represent an after-the-fact assessment of blame. Civil liability simply does not constitute a valid strategy for preventing officer misconduct.

In spite of their rigid paramilitary structure, well-worn operating policies, and increased tort liability claims, police departments across the country continue to document cases of police misconduct, ranging from petty misfeasance to serious malfeasance. Indeed, the day-to-day operating realities of police work, which provide for substantial discretion and freedom of judgment for the typical patrol officer, may lead to these ethics violations.

With the advent of community-based policing, traditional methods of control and accountability may be even less effective than before. Community policing decentralizes police authority; officers must determine the best responses to problems. They also work closely with citizens.

As a result, community policing exposes officers to more opportunities for corruption. They may face residents with money, power, and influence or simply may become overzealous when they see citizens' problems ignored by other agencies.[1]

These problems indicate that police executives will have to manage through values, rather than merely by adopting new policies and procedures. They also will have to institute community reporting and review mechanisms, rather than relying on centralized command and control systems.

MANAGEMENT THROUGH VALUES

Management through values[2] represents one possible response to this new environment of police services. This management technique is based on the premise that policing styles reflect a department's values and that, in turn, these values powerfully influence the actions of the department and its officers. Community policing itself reflects a set of values. It demonstrates concern for the quality of police service and for the relationship between the police and the community.

Thus, organizational values—explicitly stated and frequently pronounced—become important management tools for police executives aiming for superior officer performance. Policy statements written by these enlightened executives not only state the values of the agency explicitly but they also provide explanations of the reasoning behind
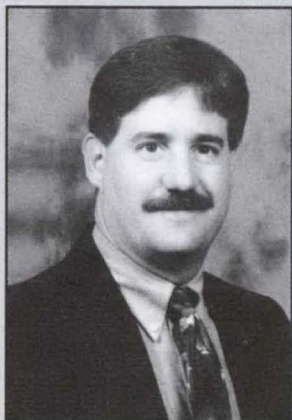
Dr. Jones heads the Justice and Public Safety Program at Athens State College in Athens, Alabama.

Major Owens commands the Operations Bureau of the Huntsville, Alabama, Police Department.

Ms. Smith is a partner in a private consulting firm in Athens.

the derived policies. In sum, everything officers need to function and learn in the police environment—including case materials, class discussions, tests, and field officer programs—must reflect the agency's official values.

Implementing the management-through-values strategy emphasizes instilling professional ethical standards throughout the law enforcement organization. This greater institutionalization of ethics for police operations requires that police executives take the following actions:

- Prescribe, with substantial officer input, a formal code of ethics that provides clear standards of conduct for all officers
- Organize training programs in ethical policing to ensure that every officer understands the department's code of ethics and

the enforcement apparatus associated with it

- Identify recurring ethical issues and expected ethical behaviors through discussion with executives from other agencies
- Reinforce acceptable behavior with rewards and punish unacceptable behavior with discipline, and
- Incorporate evaluations of ethical conduct into performance appraisals of all department employees.[3]

Obviously, implementation of management through values requires that all officers, from the chief to the recruit, receive more training in police ethics. A three-tiered approach can supply adequate training in this area.

First, training at the academy should introduce recruits to police ethics and the department's code. Second, regularly scheduled ethics

awareness sessions at roll call or during more formal inservice training should complement the initial training. Finally, police administrators should receive more extensive training in a formal classroom setting.

THE HUNTSVILLE PROTOTYPE

The Huntsville Police Department has designed and implemented a police ethics training program. It began in 1992 with an effort to provide ethics training to police recruits at the academy. In 1994, it evolved into a three-tiered approach, providing comprehensive training for all police officers, supervisors, and administrators. The program consists of different levels of training, each with a curriculum targeted to a specific group of police officers.

First Tier: Recruit Training

Training police recruits is a vital component in establishing ethical policing. Police professionalism requires that recruits develop a fundamental understanding of ethical principles during their basic police academy experience. In fact, ethics training is so basic to police professionalism that, by necessity, it should be the first subject introduced to recruits at the academy.

As with any other skill, police ethics can be taught, and students' understanding and retention of professional standards and ethical principles can be tested and measured. Further, the principles should be reinforced and tested throughout the academy curriculum.

The Alabama Peace Officers Standards and Training Commission (the State law enforcement

"**A discussion of the core ethical values of policing, such as honesty, fidelity, and personal integrity, is a key component...of the training program.**"

certification authority) mandates a minimum of 2 hours of instruction in police ethics. This basic course acquaints inexperienced police officers with ethical problems that they may confront. The course also equips recruits with the ability to recognize basic ethical issues and principles that they can use when they encounter ethical dilemmas. Students discuss definitions and examples of official misconduct and corruption and thoroughly explore the effect of each on officers, their employing agencies, their profession, and society. In addition, students analyze the ethical principles underlying the Law Enforcement Code of Ethics,[4] an integral part of this phase of the training program.

The State-mandated course provides the basic outline for Huntsville's expanded ethics training program for recruits. Students receive an additional 2 hours, which provide them the opportunity to reflect more deeply on the principles of ethical policing.

Exercises reinforce the discussion that takes place in each class. For example, with the assistance of a discussion leader, recruits conduct an "ethics audit." That is, as a group, they identify possible ethical problems that they anticipate encountering on the street. These may include issues pertaining to law enforcement, order maintenance, or discretionary judgment.

In another particularly useful exercise, the participants answer the question, "What would policing be like if all police officers acted ethically?" This exercise emphasizes the need for ethical behavior in any effort to professionalize policing.

Second Tier: Inservice Training

Institutionalization of ethical policing requires ethics training for police personnel of all ranks and experience levels. More important, however, each tier of the training curriculum must address the specific ethical issues confronting the particular group receiving the training. For example, training for experienced police officers should include issues

> *Institutionalization of ethical policing requires ethics training for police personnel of all ranks and experience levels.*

faced by patrol officers, investigators, and undercover agents, to name a few. Such training might cover making prudent decisions, implementing aggressive or proactive patrols, and acting ethically in undercover operations.

Inservice training for veteran officers uses the same basic recruit format but incorporates a few additional features. The training program begins with a discussion of the limitations of external controls on police behavior. For example, although the written law guides officers in enforcement activities, it gives them no direction in order-maintenance activities. In these cases, police officers must use their own discretion. By discussing the limits of the law and other external methods of controlling

police behavior, the officers begin to view police professionalism as an internally driven ideal, reflecting not only skill and competence but also a finely tuned sense of professional ethics.

A discussion of the core ethical values of policing, such as honesty, fidelity, and personal integrity, is a key component of this phase of the training program. The seminar focuses on the importance of discretion, the professional responsibility to use discretion wisely, and the moral choices required by individual autonomy.

Supporting the theory that values guide the behavior of police officers, additional discussion centers on the values critical to the success of community policing. These values include:

- Respect for and sensitivity to all citizens and their problems
- Commitment to collaborative problem-solving with the public
- Respect for the community and the law as the source of the department's authority, and
- Commitment to furthering democratic values.[5]

Police officers and administrators must train for and adopt these values to ensure the success of any community-policing effort.

Third Tier: Police Supervisors Training

The Huntsville Police Department also implemented an ethics training program for police managers and supervisors, who play a pivotal role in the institutionalization of ethics in the department.

This particular portion of the training program helps police supervisors to manage through values and to lead through personal example.

As in the recruit training program, the first phase of supervisors' training begins with a discussion of the current police role, specifically detailing the aspects limiting the imposition of ethical policing—the numerous opportunities for misconduct, the existence of a police subculture that protects rule breakers, and the widespread use of discretion associated with the order-maintenance role. Supervisors address the issue of public accountability, emphasizing police professionalism and professional ethics within the context of community-based policing.

Because the objective in this phase is to get supervisors to discuss problems and issues of concern to them, this program relies heavily on the training leader to encourage participation. In order for police professionals to identify those principles of professional ethics that will help them to police and manage, the discussion leader must present realistic information about the nature of policing and professional ethics. This will provoke the thoughts of the participants and spur meaningful discussion.

As part of their training, police supervisors discuss:
- The role of the police in the community
- Enhancement of police accountability
- Police professionalism and "management through values"
- The code of ethics

- Principles of ethical decisionmaking, and
- The role of administrators and supervisors in institutionalizing ethics.

In addition, specially designed exercises accompany each discussion to encourage meaningful input from all participants. Oftentimes, the officers consider and write their opinions on a topic and then exchange ideas orally. Other exercises involve customizing a code of ethics

> **With the advent of community-based policing, traditional methods of control and accountability may be even less effective than before.**

to a particular police agency[6] and forming a simulated ethics committee to conduct ethics audits and to define the ethical principles needed in policing.[7] In a particularly effective and popular exercise, officers view and discuss videotaped scenarios or role-play similar scenes that highlight ethical dilemmas. Many Huntsville officers have volunteered to act in these vignettes.

CONCLUSION

The Huntsville Police Department's ethics training program gives participants the opportunity to reflect on and to discuss important issues with other police

professionals. They can share ideas and discover solutions to ethical problems they routinely encounter, the ethics expected of the profession as a whole, and the challenges of policing tomorrow's communities. A training program of this type should be part of an ongoing effort to instill, reaffirm, and institutionalize ethical policing in every law enforcement agency.

Ethics in policing now is more important than ever. As policing becomes more decentralized and community-based in structure, accountability to the public becomes a highly relevant issue that affects delivery of police services. Perhaps management through values will provide the method by which police can provide quality service and protection to the public, while remaining faithful to the rule of law and exemplifying the highest ethics of public service. ✦

Endnotes

[1] George L. Kelling, "Police and Communities: The Quiet Revolution," *Perspectives on Policing*, No. 1, Washington, DC, National Institute of Justice and Harvard University, June 1988.

[2] George L. Kelling, Robert Wasserman, and Hubert Williams, "Police Accountability and Community Policing," *Perspectives on Policing* No. 7, Washington, DC, National Institute of Justice and Harvard University, November 1988. *See also* Robert Wasserman and Mark H. Moore, "Values in Policing," *Perspectives on Policing* No. 8, Washington, DC, National Institute of Justice and Harvard University, November 1988.

[3] Ibid.

[4] International Association of Chiefs of Police, Alexandria, VA.

[5] Supra note 2.

[6] Colleen A. Fitzpatrick, "Customized Code of Ethics," *FBI Law Enforcement Bulletin*, July 1992, 20.

[7] Dennis M. Payne, Ph.D., "Ethics in Police Decisionmaking: Modeling the Corporate Method," *FBI Law Enforcement Bulletin*, August 1993, 5.

Policing Transportation Facilities *by Henry I. DeGeneste and John P. Sullivan, published by Charles C. Thomas, Inc., Springfield, Illinois, 1994.*

The techniques effective for policing transportation facilities differ depending on the type of system in question—commuter rail, maritime port, or rapid transit—and the area involved—suburban or city. The passengers who use transportation facilities expect a secure environment. In fact, the right of customers to choose *not* to use a particular facility keeps security administrators accountable to passenger perceptions and media reports that publicize environmental factors, such as trash and graffiti, as well as incidents of criminal activity.

However, until now, little practical research has been conducted on policing transportation facilities, and little has been written about which strategies work best in the different transportation environments. Consequently, few guidelines exist regarding the most efficient ways to deploy security personnel.

Policing Transportation Facilities represents the first real effort to consolidate and review the disparate literature relating to security issues in transportation facilities. It is a guidebook for policymakers and police chiefs responsible for security in and around transportation systems. Throughout the text, the authors evaluate the effectiveness of various types of enforcement efforts.

In doing so, they have developed a blueprint for dealing with many of the security issues that currently confront transportation system administrators. The book analyzes the issues of crime and terrorism and the environmental impact of hazardous cargo. It also addresses the economic and sociopolitical relationships between transportation systems and the communities they serve.

The book is divided into 10 chapters. In them, the authors examine the different modes of transportation, including commuter rail and bus, airports, subways, and maritime ports. They then explore crimes specific to each facility, such as illegal drug trafficking on the waterfront, vehicle theft at airports, and pickpocketing in subways.

A number of solutions have been proposed to address these problems, including implementing community-oriented policing on commuter systems and placing social workers at police substations. The authors discuss these proposals and provide suggestions for consolidating enforcement efforts. They also compare and contrast specialized versus general service transit security departments.

The authors go on to cite numerous examples of innovative approaches to crime control, such as the "Clean Car" graffiti program developed by the New York City Transit Authority. They also describe methods for dealing with stowaways at the port of Miami and techniques used by the sheriff's departments in Los Angeles, California, and Galveston, Texas, to handle the homeless and individuals with mental illness who access the transit systems.

Each chapter concludes with a list of endnotes that reflects the extensive research undertaken by the authors. An appendix provides a comprehensive list of terrorist acts directed at railways.

Policing Transportation Facilities is an ideal reference for administrators who want to develop guidelines for effectively using personnel, preventing crime, and correcting misperceptions that transportation systems are not safe. It should be required reading for all new transportation property administrators and police chiefs. Law enforcement personnel not familiar with the unique challenges faced by their transportation counterparts also might profit from reading this book for the insight it provides into transit policing.

Reviewed by
Capt. Polly Hanson
Metro Transit Police
Washington Metropolitan
Area Transit Authority
Washington, DC

Freedom of Religion and Law Enforcement Employment
Recent Court Decisions

By DANIEL L. SCHOFIELD, S.J.D.
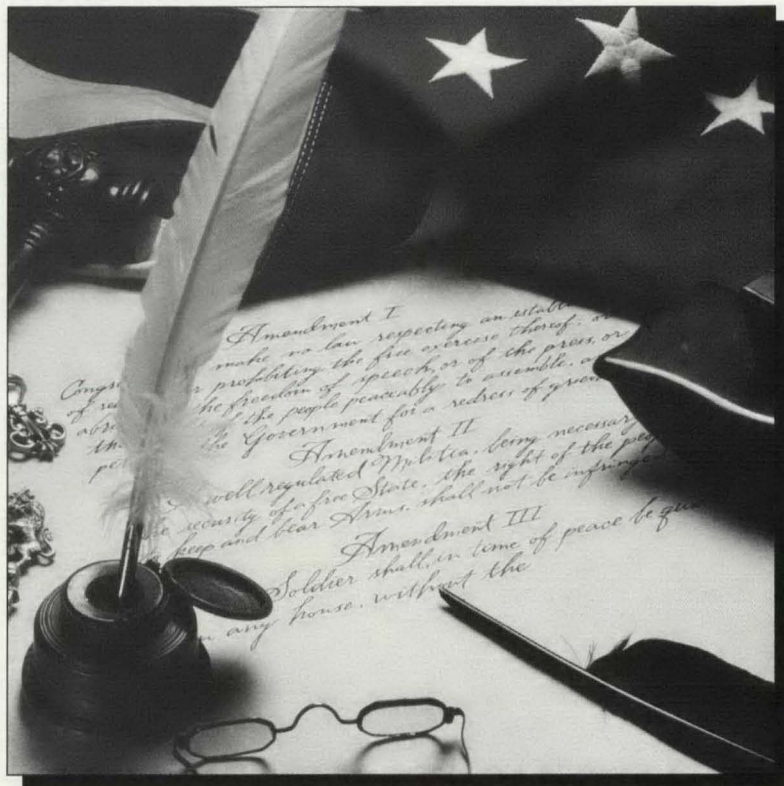
The demands of law enforcement sometimes can conflict with the various religious faiths represented in the ranks of law enforcement employees. Recent court decisions have examined the extent to which law enforcement organizations can 1) investigate whether onduty religious activity adversely affects job performance, 2) place limitations on workplace proselytizing, 3) enforce work assignments that conflict with an employee's religious beliefs, and 4) require employees to work on their Sabbaths.

This article discusses Federal constitutional and statutory freedom of religion protection in the context of law enforcement employment.[1] It then identifies some potential areas of conflict between employees' religious beliefs and law enforcement interests and sets forth some general principles to guide the development of departmental policies regulating workplace religious activities.

Constitutional and Statutory Protections

The first amendment to the U.S. Constitution provides, in part, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...."[2] In addition to this constitutionally based protection provided by the "establishment" and "free exercise" clauses, religious freedom in the workplace also is protected by Title VII of the Civil Rights Act of 1964[3] (hereinafter Title VII), which makes it unlawful to discriminate on the basis of religion, and by the Religious Freedom Restoration Act of 1993[4] (RFRA), which restores for purposes of first amendment analysis the requirement that governmental actions that substantially burden freedom of religion be justified by a compelling interest.[5]

## Investigating On-duty Religious Activity

Complaints of workplace misconduct relating to an officer's religious beliefs or practices can be

reasonably investigated to determine if legitimate law enforcement interests are affected adversely. In *Vernon* v. *City of Los Angeles,*[6] the U.S. Court of Appeals for the Ninth Circuit ruled that the actions of the City of Los Angeles did not violate the Federal constitutional rights of a former assistant chief of the Los Angeles Police Department when it investigated whether his religious views impermissibly affected his onduty performance.

The investigation, conducted by the police department under the supervision of the chief of police, failed to substantiate 1) that the assistant chief gave unfair advantage in hiring and promotion decisions to fellow church members and thwarted the progress of homosexual and female officers in the department; 2) that he improperly consulted religious elders on issues of public policy; and 3) that he sent official communications from his office that contained or displayed religious symbols. The assistant chief alleged that the investigation violated his rights under the free exercise and establishment clauses of the first amendment by causing him to suffer extreme embarrassment, anxiety, and fear in the pursuit of his religious beliefs.

The court rejected his free exercise claim because the assistant chief failed to establish that the government had placed a substantial burden on his exercise of religious freedom by conducting the investigation.[7] The court said the investigation did not interfere with his ability to communicate with his God or pastor, but only with his freedom to worship in the way he wants without repercussions. The court noted that the investigation

> **"**
> **A law enforcement agency is not obliged...to accommodate the religious beliefs of its employees by permitting them to refuse a lawful assignment.**
> **"**
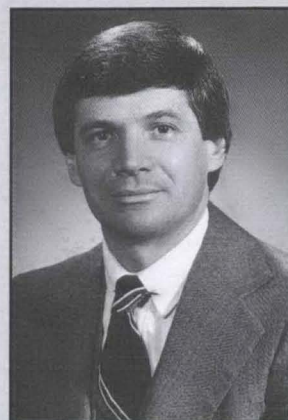
Special Agent Schofield is the chief of the Legal Instruction Unit at the FBI Academy.

was restricted in scope to consider only onduty activities and concluded that to the extent "...religious practices—namely, his consultation with church elders and his proselytism—were burdened at all, such burdens cannot be said to be substantial."[8]

Next, the court concluded that the investigation did not violate the establishment clause's mandate of government neutrality toward religion for several reasons. First, the investigation had a valid, secular purpose to determine whether the assistant chief's religious views affected his job performance in such a way as to violate either police department policies or the constitutional rights of employees. Second, the effect of the investigation neither advanced nor inhibited religion because its *primary* focus was to determine whether the assistant chief's religious beliefs led to impermissible onduty conduct. Finally, the investigation did not foster excessive government entanglement with religion because, at most, it

only collaterally affected the church and was of limited scope and duration (5 months), creating neither the reality nor the appearance of ongoing government interference in church affairs.[9]

The court cautioned that its decision should not be interpreted as an endorsement of employer "witch hunts." Instead, it merely recognized that in order to ensure officers do not abuse police authority in the name of employee religious freedom, "...serious charges—even if thinly documented—against police officers regarding their on-duty performance must be investigated."[10]

Limiting Workplace Proselytizing

Law enforcement organizations may need to limit workplace proselytizing that either disrupts police functions or undermines mandated neutrality. For example, in *Brown* v. *Polk County,*[11] a Federal district court upheld the termination of a government supervisor for workplace proselytizing that contributed to the polarization of employees,

leading to reduced productivity and morale.

The supervisor allegedly caused a rift between employees who were born-again Christians and those who were not by engaging in the following religious activities in the workplace: 1) Holding prayer meetings with employees, 2) performing religious counseling, and 3) having his secretary type Bible study notes. Management subsequently ordered this supervisor to stop his workplace proselytizing and to remove from his office all religious paraphernalia, which included a wall plaque, a framed wall poster, a ceramic item with the Lord's prayer, and a small bible that he kept in his desk.

The court rejected the supervisor's Title VII claim for religious accommodation by noting that his asserted need to pray and quote scripture during work hours conflicted with the county's duty to maintain a religiously neutral working atmosphere. Accordingly, the court stated: "[A]llowing supervisors and employees to witness and pray on county time would work an undue hardship on the county's duty of religious neutrality."[12]

In addition, the court concluded that neither the free exercise clause nor the first amendment's free expression guarantee protected the supervisor's workplace proselytizing because where "...there is a danger that a supervisor's beliefs will impinge on the beliefs of subordinates, state regulation of religious conduct is particularly justified."[13] However, the court clearly was troubled by the directive to the supervisor to remove all religious items from his office because, unlike the order to cease disruptive

proselytizing, the religious items in his office were primarily for his personal viewing and their removal was not essential to prevent the county's excessive entanglement with religion.[14]

Arguably, law enforcement organizations have a compelling interest to restrict employee workplace proselytizing that undermines the religious neutrality mandated by the first amendment's establishment clause. Religious neutrality especially is threatened when a supervisor proselytizes to subordinates in

> ***...employees have a duty to make a good faith attempt to accommodate their religious needs through the reasonable accommodations offered.***

the workplace or when a law enforcement officer proselytizes to a private citizen during duty hours. The government's duty of neutrality in its role as public employer is to protect the religious beliefs of all employees by not encouraging or promoting one religion over other religions or any religion over nonreligion.

Enforcing Work Assignments that Conflict with Religious Beliefs

A law enforcement agency is not obliged under Title VII or the Constitution to accommodate the

religious beliefs of its employees by permitting them to refuse a lawful assignment. For example, in *Ryan* v. *United States Department of Justice*,[15] the U.S. Court of Appeals for the Seventh Circuit ruled lawful the discharge of an FBI special agent for his refusal, on religious grounds, to investigate groups that destroyed government property to express their opposition to violence. Basing its decision on Title VII, which the court said provides greater protection for workplace religious claims than the Constitution, the court rejected the argument that law enforcement organizations are obligated to accommodate the religious beliefs of employees by offering them reassignment or transfer when they find a particular assignment objectionable on religious grounds.[16]

The court expressed sympathy for a dedicated agent trapped between his career and his faith and encouraged the government to be flexible in assignments, where feasible. Nonetheless, the court concluded that "[C]ompelled, as it is by Title VII, to have one rule for all the diverse religious beliefs and practices in the United States, the FBI may choose to be stingy with exceptions lest the demand for them overwhelm it."[17]

Similarly, in *Parrott* v. *District of Columbia*,[18] a Federal district court ruled lawful the suspension of a police sergeant for his unwillingness to arrest antiabortion demonstrators engaged in Operation Rescue missions. The sergeant opposed abortion and believed that persons actively attempting to save unborn children's lives at abortion clinics were not breaking the law. He repeatedly told his superiors that he would

go to jail himself rather than arrest such demonstrators and that he would be unable to direct his officers to arrest demonstrators actively engaged in antiabortion efforts.

The court said the burden of "reasonable accommodation" under Title VII does not require employers to accommodate employee religious beliefs, if to do so would involve more than a "de minimis cost." The sergeant argued that because he was the only officer asking for this specific exemption from duty, it would be a de minimis cost to the department to accommodate him.

The court responded by suggesting that the sergeant probably was not the only officer with religious objections to abortion and that:

> ...there are certainly countless situations in which officers are called upon to uphold the law despite the fact that it interferes with their religious teachings or their moral preferences.
> However unfortunate this may be, it is inevitable, and special allowances cannot be made for each individual need.[19]

Thus, permitting officers to abstain from enforcing laws they believe are inappropriate would undermine the dependability and efficiency of the police.

Enforcing Neutral Work Schedules—Managerial Prerogatives

Citizens require law enforcement services 24 hours a day, 7 days a week which, at times, compels supervisors to schedule employees to work on their Sabbaths. In *Beadle* v. *Hillsborough County Sheriff's Department*,[20] the U.S. Court of Appeals for the 11th Circuit ruled that the discharge of an employee of the Sheriff's Detention Department for refusing to work
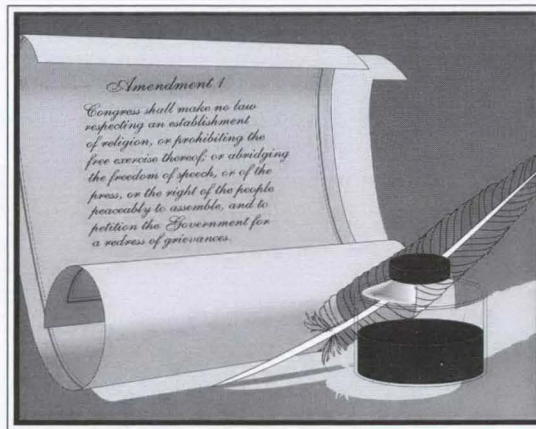
on his Sabbath did not violate Title VII. The department told the employee he was free to arrange for shift swaps with other employees and gave him a roster. It also authorized him to advertise his need for swaps during daily roll calls and on the department's bulletin board. Further, the department allowed the employee to request use of his sick days, vacation time, and compensatory time if he was unable to secure a swap.

Not satisfied with these options, the employee argued unsuccessfully that his supervisors also should actively assist him in finding replacements for shifts that conflicted with his Sabbath. The employee even suggested that the department offer him a bailiff or process server position, which normally requires a Monday-through-Friday workweek.

On one occasion, when he was scheduled to work his Sabbath but was unable to obtain approval to use compensatory time or to negotiate a swap for his shift, the employee simply failed to come to work. On a second occasion, he abandoned his post during the middle of his shift, leaving two other deputies alone to supervise an area of dangerous inmates. This second incident ultimately led to his termination.

The court noted that under Title VII, employers have the burden of demonstrating they are unable to *reasonably accommodate* an employee's religious practices without *undue hardship* on the conduct of the businesses. The court defined "undue hardship" as "any act that would require an employer to bear greater than a de minimis cost in accommodating an employee's religious beliefs."[21] In that regard, the court stated:

> Title VII does not require an employer to give an employee a choice among several accommodations; nor is the employer required to demonstrate that alternative accommodations proposed by the employee constitute undue hardship. Rather, the inquiry ends when an employer shows that a reasonable accommodation was afforded, regardless of whether that accommodation is one which the employee suggested.[22]

The court found that the department's neutral rotating shift system and its authorization of shift swaps within the system represented

reasonable accommodation and that employees have a duty to make a good faith attempt to accommodate their religious needs through the reasonable accommodations offered.[23]

Judicial reluctance to interfere with a police department's reasonable scheduling practices resulted in the U.S. Court of Appeals for the 11th Circuit concluding that Title VII did not require the Tampa Police Department to grant shift exceptions to officers if such a practice would result in greater than de minimus cost.[24] The department did not allow recruit officers to use vacation or leave time during their first 6 months of employment and did not allow any of its employees to trade days off.

A recruit officer randomly assigned to a training squad that worked Friday through Monday resigned after the department denied his request for his Sabbath off. The officer alleged the department failed to reasonably accommodate his religious practices because it could have assigned him to a field training officer who worked Sunday through Wednesday and after training to a squad that worked only Monday through Friday.

The court said that requiring law enforcement organizations to grant shift exceptions to officers could result in a greater than de minimis cost in light of the public health, safety, and welfare considerations associated with police work.[25] In this case, the court said the officer would not experience the educational benefits of working with different training officers if granted the requested shift exceptions.

Conclusion

One legal commentator suggests that the most important religious conflict in the United States is not the conflict of one religion against another but the secular against the religious. This secular-religious conflict often manifests itself in the workplace between employees with affirmative and negative views of religion.[26]

Conflicts that arise in the workplace between legitimate law enforcement interests and employee religious beliefs should be resolved carefully in accordance with the legal principles discussed in this article. A competent legal advisor also should be consulted prior to any policy decision limiting the workplace religious activities of law enforcement employees. ✦

"

Law enforcement organizations may need to limit workplace proselytizing that either disrupts police functions or undermines mandated neutrality.

"

Endnotes

[1] Some State courts have interpreted their State constitutions to provide greater protection for religious exercise than is available under Federal law. *See*, Carmella, "State Constitutional Protection of Religious Exercise: An Emerging Post-*Smith* Jurisprudence," 1993 Brigham Young Univ. L. Rev. 275 (1993).

[2] U.S. Const. Amend I. The first amendment, which is designed to promote religious liberty, can create conflict in the workplace when government employers accommodate an employee's exercise of religion in the workplace to the extent that an establishment clause violation may arise. *See*, Zeitlin, "A Test of Faith: Accommodating Religious Employees: Work-Related Misconduct

in the United States and Canada," 15 Com. Lab. L. J. 250 (1994).

[3] 42 U.S.C. sec. 2000(e) - 2(a)(1). *See also*, 29 C.F.R. secs. 1605.1-1605.3 (1992).

[4] Pub. L. No. 103-141, 42 U.S.C. § 2000bb-1(c).

[5] Legal commentators suggest RFRA will have little impact on the scope of religious freedom afforded public employees in the workplace because (1) there is no indication Congress intended to modify the level of protection provided by Title VII; and (2) government employers have a duty under the establishment clause to maintain neutrality in the workplace. *See*, Whitbeck, "Restoring Rites and Rejecting Wrongs: The Religious Freedom Restoration Act," 18 Seton Hall Legislative Journal 821 (1994); and Laycock, "Free Exercise and the Religious Restoration Act," 62 Fordham L. Rev. 883 (1994).

[6] 27 F.3d 1385 (9th Cir. 1994), *cert. denied*, 115 S.Ct. 510 (1994).

[7] *Id.* at 1393.

[8] *Id.* at 1395.

[9] This three-prong test was set forth by the Supreme Court in *Lemon* v. *Kurtzman*, 403 U.S. 602 (1971).

[10] 27 F.3d at 1401.

[11] 832 F.Supp. 1305 (S.D. Iowa 1993). A panel affirmance by the court of appeals, reported at 37 F.3d 404 (8th Cir. 1994), was withdrawn and a rehearing *en banc* has been granted.

[12] *Id.* at 1314.

[13] *Id.* at 1315.

[14] *Id.* at 1316, n.22. The court said the order was "overzealous" but did not rise to the level of a constitutional violation.

[15] 950 F.2d 458 (7th Cir. 1991), *cert denied*, 112 S.Ct. 2309.

[16] *Id.* at 461.

[17] *Id.* at 462.

[18] 1991 WL 126020 (D.D.C. 1991)(Not reported in F.Supp.).

[19] *Id.*

[20] 29 F.3d 589 (11th Cir. 1994), *reh'g denied*, 40 F.3d 391 (11th Cir. 1994).

[21] *Id.* at 592.

[22] *Id.*

[23] *Id.* at 593.

[24] *Beadle* v. *City of Tampa*, 42 F.3d 633 (11th Cir. 1995).

[25] *Id.* at 637.

[26] *See* Laycock, "Free Exercise and the Religious Restoration Act," 62 Fordham L. Rev. 883 (1994).

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

The Bulletin Notes

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

Airman Brown

While on routine bicycle patrol at Fairchild Air Force Base in Washington, Senior Airman Andrew P. Brown heard police units being dispatched to the base hospital, where an armed assailant was firing an assault rifle. He immediately responded and was the first police unit to arrive at the scene. Confronting the assailant, Airman Brown ordered him to drop his weapon. Instead, the gunman turned suddenly toward Airman Brown, who then fired four rounds from a distance of 71 yards, killing him instantly. The assailant had been roaming through the hospital and parking lot, firing at innocent bystanders as he went. He had killed 4 people and wounded 23 others prior to Airman Brown's arrival.
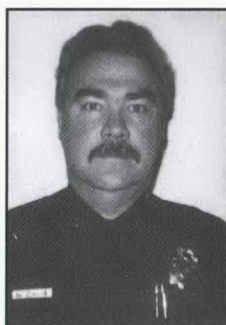
Officer Davis

Lieutenant Hepkins

Officer Mike Davis of the Angola, New York, Police Department responded to the report of a structure fire at an area apartment residence. Upon arrival, he learned that several young people were trapped in an upper-floor apartment. He entered the smoke-filled residence, crawled up a stairway, and assisted two people down the stairs. At this time, Lt. Don Hepkins of the Evans, New York, Police Department arrived and carried one of the youths to safety. Both officers then reentered the building to help two other people escape the flames. The officers attempted to reenter the residence to locate a 17-year-old woman still inside, but were driven back by the intense heat and smoke. The victim died due to smoke inhalation. The courageous actions of Officer Davis and Lieutenant Hepkins averted a greater tragedy.

Nominations for the **Bulletin Notes** should be based on either the rescue of one or more citizens or arrest(s) made at unusual risk to an officer's safety. Submissions should include a short writeup (maximum of 250 words), a separate photograph of each nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions should be sent to the Editor, *FBI Law Enforcement Bulletin*, Law Enforcement Communication Unit, Quantico, VA 22135.

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