



FBI

March 1990

Law Enforcement Bulletin



The Thin Blue Line



Features

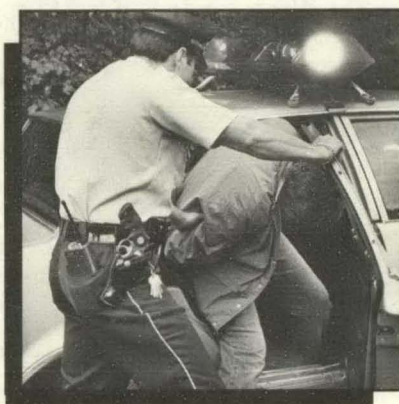
- 1 The Preliminary Investigation Process**
By Gordon F. Urlacher and Robert J. Duffy
- 7 Store Diversion Burglaries**
By Robert P. Meiners
- 12 Police Retirement: The Impact of Change**
By John M. Violanti
- 19 Managing Police Basic Training Curriculum**
By Rene A. Browett
- 26 Personal Liability:
The Qualified Immunity Defense**
By Daniel L. Schofield

Departments

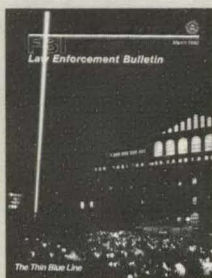
- | | |
|--------------------------------|---------------------------|
| 10 Police Practices | 24 Focus |
| 16 The Bulletin Reports | 32 From the Editor |
| 23 Book Review | |



Page 24



Page 26



The Cover: During a candlelight ceremony at the proposed site of the National Law Enforcement Officers Memorial, a crystal blue laser symbolizes the "thin blue line" of protection law enforcement officers provide. See page 24. Cover photo courtesy of Walter Gundy.

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

William S. Sessions, Director

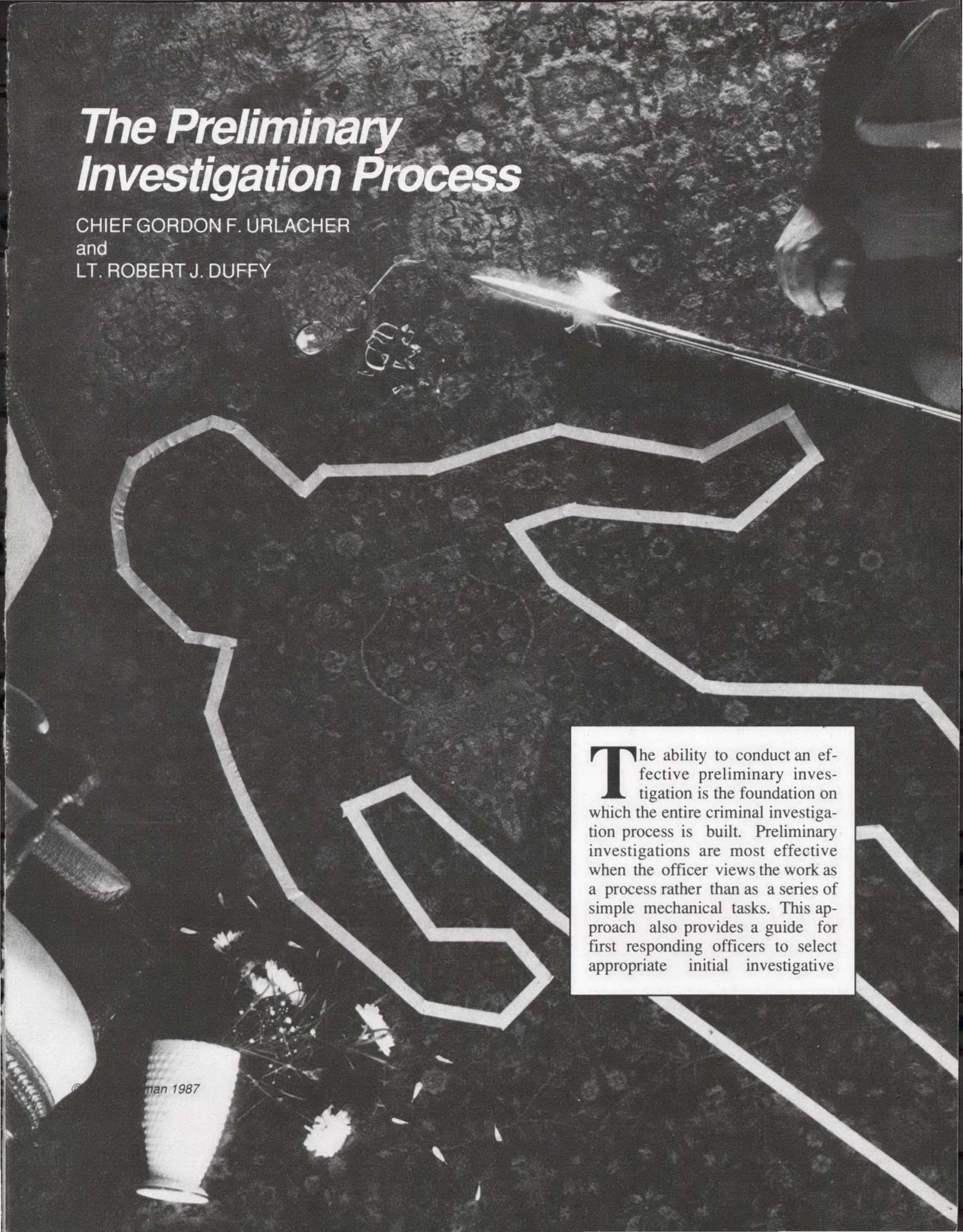
The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget.

Editor—Stephen D. Gladis
Managing Editor—Kathryn E. Sulewski
Art Director—John E. Ott
Assistant Editor—Alice S. Cole
Production Manager—Andrew DiRosa

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

The Preliminary Investigation Process

CHIEF GORDON F. URLACHER
and
LT. ROBERT J. DUFFY



The ability to conduct an effective preliminary investigation is the foundation on which the entire criminal investigation process is built. Preliminary investigations are most effective when the officer views the work as a process rather than as a series of simple mechanical tasks. This approach also provides a guide for first responding officers to select appropriate initial investigative

procedures. Rarely are two crimes identical; so, there cannot always be a standardized set of procedures to follow in each and every case. But, by remaining creative and flexible, the officer can be responsive to the various factors which inevitably arise during a criminal investigation. Therefore, all police administrators and managers should concern themselves not only with how this process is being conducted within their respective departments but also what training and improvements could be used to ensure maximum results.

The primary training concern for management in this area should be to prioritize the first responding officer's options, so that the total time spent on the investigation can

be minimized and the results maximized. The recommended procedures set forth in this article are based on the Rochester, NY, Police Department's research into the preliminary investigation process, with specific emphasis on identifying the investigative strategies that were most effective in solving crimes. These procedures do not deal with every conceivable type of investigation, but they will ensure that investigations will have an increased chance of reaching their objectives—crime identification, crime solution and apprehension, and successful prosecution.

Five hundred cleared burglaries were studied to determine which factors, such as witness identification of a suspect and/or

vehicle, fingerprint identification, or a random search, led to the solution of the crime. Through this research,¹ those investigative strategies, which proved to be most productive, were identified.

This research also concluded that the success of criminal investigations can be greatly improved by implementing a new overall preliminary investigation strategy. Thus, the preliminary investigation becomes a police department's first step and can determine the department's overall success rate in solving crimes.

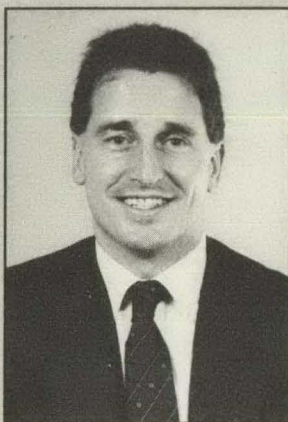
OBJECTIVES

The preliminary investigation is the police agency's first response to a report that a crime was committed. As in every investigative effort, the primary objective is to determine who committed the crime and to apprehend that person. Therefore, the first responding officer collects evidence which will help identify the individual responsible for the crime and which will lead to the subsequent arrest and conviction of that person. Unfortunately, this simple, but extremely vital, objective is often forgotten.

All too often, the first responding officer acts as nothing more than a mechanical report taker, when, in fact, such reports are vital to the preliminary investigation. Every police officer who conducts these investigations should remember that this work, completed during the early stages, uncovers much of the usable and pertinent information regarding that particular case.



Chief Urlacher



Lieutenant Duffy

Chief Urlacher and Lieutenant Duffy are with the Rochester, NY, Police Department.

FRAMEWORK

The framework of the preliminary investigation is based upon several major areas which the first responding officer must address. Completing the activities within these areas is the objective of the preliminary investigation and will help guide the first responding officer. The first step is to decide if an offense has actually occurred. The second step is to identify the victim and the time and place in which the crime took place. Then, the officer should identify any solvability factors that could lead to the successful conclusion of the investigation. A solvability factor is information about a crime which can provide the basis for determining who committed the crime.

Determining if an Offense Has Occurred

The preliminary investigation begins when the call to respond has been received. At this time, the officer should verify that the offense has actually occurred and should become mentally prepared prior to arriving on the scene. The officer should also formulate questions to be asked, as well as decide which response factors are appropriate to the type of crime that was committed. The responding officer should also keep a watchful eye for any suspicious activity while en route to the scene.

It is always good practice for the first responding officer to make a quick, visual survey of the scene upon arrival. Then, the officer should determine if there are any injuries and identify and locate the

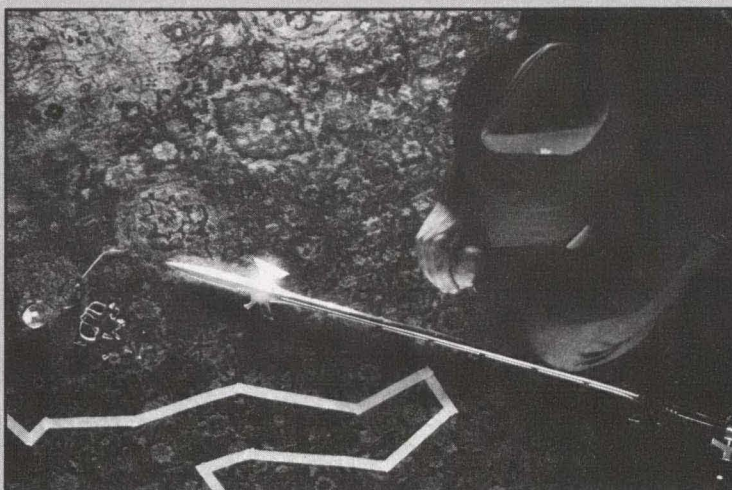
witnesses in the event that the suspect has already fled the scene. In addition, the officer must always take measures to ensure that all remain at the scene until they can each be interviewed.

Identifying and Assisting the Victim

Another initial task in the preliminary investigation is to identify the victim. This can be relatively simple since the victim is usually the complainant and the first person the officer approaches. In many instances, such as in cases involving burglary, the victim provides the most useful information; however, for those victims who have been as-

saulted or robbed, the information given may have limited value because of the effect of traumatization.

To be a victim of crime, no matter how insignificant it may seem, is often an extremely traumatic experience. Therefore, sensitivity and nonjudgmental support from the preliminary investigator will not only help calm the victim but will also enable the officer to establish rapport and will make the job of collecting information much easier. Once rapport has been established, the officer should proceed with a specific line of questioning that will help obtain the information needed to solve the crime.



“

...the success of criminal investigations can be greatly improved by implementing a new overall preliminary investigation strategy.

”

The first responding officer should also document the crime by asking the following questions:

- Was the lapse of time between the crime's occurrence and the notification of police normal?
- Are there discrepancies in the statements of either the victims or witnesses?
- Does the physical evidence support the facts of the crime related by the victim?

Identifying Solvability Factors

Not all crimes can be solved, no matter how much investigative effort is put forth. In fact, with more and more crimes being committed

each day, many police agencies find it difficult to provide even minimal investigative assistance to low priority crimes. Therefore, it makes sense to allocate resources only to those crimes which have a chance for solution. This is why solvability factors are so important. They provide a valid guide to the allocation of scarce resources.

Through data collected by the Rochester Police Department, it was determined that at least one of the following 12 solvability factors must be present in order for the case to be solved. If at least one of these factors was not present, the crime was not solved. The 12 solvability factors, defined by the Rochester Police Department, include:

- Witnesses to the crime
- Knowledge of the suspect's name
- Knowledge of where the suspect can be located
- Description of suspect
- Identification of suspect
- Property with traceable, identifiable characteristics, marks or numbers
- Existence of a significant method of operation
- Presence of significant physical evidence
- Description of the suspect's vehicle
- Positive results from a crime scene evidence search
- Belief that crime may be solved with publicity and/or reasonable additional investigative effort
- Possibility and/or opportunity for anyone, other than the suspect, to have committed the crime



“

...sensitivity and nonjudgmental support from the preliminary investigator...will make the job of collecting information much easier.

”

The job of the preliminary investigating officer is to scrutinize each one of these factors to determine which, if any, exist. And, in order to ensure that the officer had expended adequate effort in every possible area, it should only be necessary to look at the solvability factors identified. Since crimes have little chance of being solved unless

these factors have been identified, it becomes clear just how important the duties of the preliminary investigating officer really are. The success of the follow-up investigation, if one is necessary, depends heavily on how the preliminary investigation was conducted and on the information uncovered during the initial phase.

Communicating the Circumstances of the Crime

If the case is not closed immediately by an arrest, the work of the preliminary investigating officer concludes when a decision is made to continue or halt the investigation. At this stage, the officer must ensure that the information obtained is as complete as time and circumstances will permit, and that it is properly documented, because further efforts by the police department or agency will depend upon it.

At the end of the preliminary investigation, a decision should be made as to whether there are sufficient leads to solve the crime. The implications of this are obvious. If the preliminary investigation has been thorough, then the recommendation to continue investigative efforts will be based on valid data, and the collection of material for later court presentation will begin. But, if an improper preliminary investigation has been conducted, a faulty decision could be made, or later court action could be unsuccessful.

Identifying Complete and Incomplete Investigative Tasks

However, before the recommendation to continue or terminate the investigation is made, it is im-

perative that the maximum possible effort has been made to identify all of the solvability factors. The officer should feel confident that all potential witnesses have been sought, a thorough crime scene search has been conducted, and every reasonable investigative effort has been made. At this point, a recommendation for further inves-

“
The success of the follow-up investigation...depends heavily on how the preliminary investigation was conducted....
”

tigative effort can be made, provided that the officer believes that a follow-up investigator will not duplicate prior efforts.

IMPROVING PRELIMINARY INVESTIGATIONS

One tactic that can be used to improve the quality of the preliminary investigation process is to place greater emphasis on collecting evidence. Physical evidence is valuable in corroborating identifications made through other means. However, few agencies have the resources to send trained evidence technicians to all crime scenes, and few have developed policies defining when technicians should or should not be sent. As a result, technicians are over-used, the quality of their work declines, and more

evidence is collected than necessary.

Therefore, each police agency should develop guidelines for the use of evidence technicians in routine cases, such as robberies and burglaries without serious injuries or extremely high losses. The criteria should also take into account that when a crime scene is processed, physical evidence will be more useful if and when the suspect is later identified. Therefore, evidence technicians should be used when:

- A suspect is arrested at or near the scene and physical evidence from the crime scene will be useful in the prosecution
- A suspect has been identified but not arrested, and physical evidence can be used to corroborate the identification
- There are sufficient leads to make it possible that the suspect will be identified, and physical evidence should be collected to corroborate any future identification
- There are peculiar circumstances to the crime, indicating that it may be part of a pattern. And, physical evidence may be useful in corroborating the identification of a suspect traced through investigation of other crimes in the series.

Devoting more effort to canvassing neighborhoods for witnesses can also enhance the preliminary investigation process.



“

...solvability factors...provide a valid guide to the allocation of scarce resources.

”

Witnesses are extremely important in identifying suspects and leading to arrests and convictions; yet, patrol officers often fail to canvass neighborhoods near crime scenes in order to locate those witnesses who were not at the crime scene when the officer arrived. Relying solely on victims and witnesses immediately available at the crime scene obstructs the effectiveness of further investigative efforts.

In addition, one infrequently used source in preliminary investigations are department records. In some cases, officers may believe they are “tied” to their vehicles and that records are difficult and time

consuming to locate. To increase the accessibility to these records, police managers should design and implement record systems which can be accessed through enhanced radio and telephone communications.

Instructing patrol officers how to make greater use of informants can also have tremendous benefits. Informants are particularly useful in identifying suspects; however, patrol officers rarely use them, perhaps because they lack the skills to cultivate and maintain informants. Store owners, businessmen, delivery people, as well as ordinary citizens, make outstanding sources of information, but are often over-

looked. More often than not, the officer patrols in a reactive manner, making little effort to leave the car to get to know the people within a patrol district. By implementing the “directed foot patrol” concept, whereby officers must patrol on foot within a designated area of their beat, officers can get to know the local citizenry and develop useful informants.

CONCLUSION

In summarizing ways to improve the preliminary investigation process within a department, it is absolutely necessary that management instill among patrol officers, through training and supervision, the concept that the preliminary investigation process is so much more than merely writing a mechanized report. The preliminary investigation should be conducted methodically and should be a source of pride for police officers.

Each officer should realize that the manner in which the preliminary investigation is conducted reflects on the overall performance as a police officer, and also serves as a showcase of personal investigative skills. Helping to implement positive attitudes and behaviors such as these can only enhance the overall outcome of the preliminary investigation process and the success of the entire law enforcement organization.

LEB

Footnote

¹ Peter B. Bloch and James Bell, *Managing Investigations: The Rochester System*, (Police Foundation).

Store Diversion Burglaries

By
DET. ROBERT P. MEINERS

Store diversion burglaries have plagued retailers across the United States for many years. These crimes occur when offenders, acting in concert with one another, remove valuables from commercial establishments while employing diversionary tactics. It is estimated that retail losses due to such thefts have totaled between \$2-3 million within the past 15 years.¹

Offender Characteristics

According to police intelligence information, a core group of

offenders migrated from Canada and settled in the Chicago area. Members of the group, who have identified themselves as Yugoslavian gypsies, are men and women of all ages, even children. These individuals have dark complexions, with dark hair and eyes. As a result owners and managers of victimized businesses frequently describe them as Mexican or Hispanic.

Members of the group use several aliases and dates of birth in an attempt to create confusion and hinder proper identification if ar-

rested or stopped for questioning. Although they are most frequently identified with store diversion burglaries, there is documentation that they have become criminally active in passport fraud, fraud against insurance companies, robberies, residential burglaries, and drug trafficking in recent years.

Travel Patterns

These individuals travel extensively throughout the United States as a group, employing their criminal expertise; all but eight



Photo courtesy of Ron Dunnivan

States² have reported monetary losses attributed to them. While committing a crime, they will use as many as 12 vehicles, usually large, luxury cars, and up to 30 people at one time. The vehicles are equipped with citizen band radios and cellular phones, and in most cases, have legally issued license plates. However, at times, the license plates have been switched, bent, obliterated, or removed to prevent or inhibit identification.

These offenders will also fly commercial airliners to their destinations and then rent cars, which they will return to a different airport. For example, in 1986, a group flew from Chicago to Los Angeles, where they rented vehicles. After committing several diversion burglaries of large department stores in California and Oregon, they abandoned the cars at the San Francisco airport and then flew back to Chicago.

Tactics Employed

Once a business has been targeted, the females of the group, who are responsible for committing the burglary, usually enter first. These women are dressed in colorful long skirts and tops and usually carry no purse. The men, typically dressed in casual western wear, then follow the women into the establishment. These men are often accompanied by children who assist with the diversion.

The diversion begins when the women attempt to confuse store employees by asking nonsensical questions. For example, in a California case, an offender asked for "beer without yeast" and for chickens that could be stuffed with steak. In Milwaukee, WI, one female subject asked the clerk where the dietetic baby food was kept and then insisted that the clerk personally accompany her to the location. In another Wisconsin

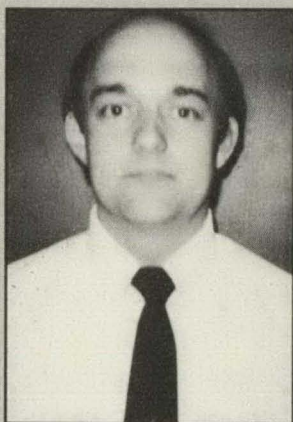
grocery mart, a female offender distracted a store employee for several minutes by constantly inquiring about the contents of a jar of beef sticks, asking if they were pork chops.

Some offenders feign illness and threaten police action if clerks and/or managers do not assist them. They have also pretended to be store workers who will lead legitimate customers away from the area where the valuables (usually cash and jewelry) are being removed.

Shoplifting is occasionally used as a deliberate diversion tactic to lure the manager from the office area where the safe is located. And in extreme cases, female offenders have exposed private body parts in an attempt to stop store employees, who have discovered a burglary in progress, from calling the police.

While these distractions are taking place, other members of the group seek out safes, money pouches, or rear storage areas where valuables are kept. In one particular case involving a jewelry store, a clerk was asked to clean and gift wrap some very expensive stemware, engaging all employees in the store to make the sale. While the clerk was doing this, all the valuables in the display cases were removed. The offenders then advised store personnel that they would return later with payment and exited the store. Only after they left was the jewelry discovered missing.

These offenders will also make very small purchases with large denomination bills. This forces the clerk to hand over a substantial amount of change, enabling offenders to discover where the



“
***Store diversion burglary
is becoming
a common problem in
the United States.***
”

*Detective Meiners is assigned to the
Investigations Unit of the Lincolnwood, IL,
Police Department.*

larger amounts of store cash are kept.

Targets

The size of the establishment, or the type of business, is inconsequential, as long as valuables are present. Small markets, large stores, and even shopping malls have been targeted. The offenders have also "hit" the same chain store at different locations on the same day after learning the layout and security of the stores. The pattern for this type of offense is to strike as many stores as possible in a particular area, often crossing jurisdictional boundaries.

Oftentimes, store losses will not be discovered for hours or days after the crime has been committed. In some cases, store employees have even been accused of committing the crime, because store managers often mistake the crimes committed by groups using diversionary tactics with employee theft.

Police/Prosecutor Strategies

The best evidence is a video tape of the event. Absent this, known offender photographs are the next best resource in attempting to build a case.

If an agency is successful in making an arrest, one individual, always a male group member, will come forward to act as a spokesman for the offenders and will usually offer restitution in lieu of prosecution. When faced with the prospect of making an identification in the store, owners and employees, who actually did not see the crime being committed, opt for restitution, which frees the victim from court appearances.

The criminal case itself may be fundamentally weak since, in all probability, there were several group members present when the offense occurred and little or no evidence as to who actually took the valuables. In such instances, police and prosecuting attorneys, faced

“ ***The size of the establishment, or the type of business, is inconsequential, as long as valuables are present.*** ”

with the prospect of a weak case, may also favor restitution. This, at least, identifies the offenders and returns the property to its rightful owner. However, since many stores are targeted in the area, and cases of store diversion burglaries are not prosecuted, restitution amounts to simply little more than the price of doing business for these offenders.

Prosecution can be problematic because no two jurisdictions prosecute cases alike, considering the fact that these offenders attack numerous stores in a given area. Additionally, when faced with the prospect of jail, offenders have left the jurisdiction. With their adeptness for using aliases, these offenders remain undetected for long periods of time, and in some cases, completely avoid apprehension.

On a positive note, however, some jurisdictions have been successful in prosecuting these offenders by building a case based on

the group's collective activity or standard method of operation. Other options employed by affected jurisdictions may include Federal charges, such as Interstate Flight to Avoid Prosecution, as the offenders travel across the United States. In some instances, local or Federal racketeering statutes may be applied on a Federal level or locally if the jurisdiction has a similar statute.

The following recommendations may be helpful in apprehending and prosecuting these criminals:

- Verify identity of offenders through FBI fingerprint checks and FBI number
- Educate local retailers as to the methods used in store diversion burglaries
- Ensure all restitution agreements are made after the arrest or indictment
- Photograph and fingerprint all suspects, even if the case is too weak for prosecution and/or restitution is accepted
- Create a clearinghouse within each State for this type of information and a nationwide network to exchange it
- Enact or use existing RICO statutes to prosecute these cases, if this type of crime is considered the work of an organized criminal enterprise
- Update information on the ever-changing tactics of these criminals and circulate among the widest law enforcement audience possible

Police Practices

Conclusion

Due to the mobility of these criminals and their stealth and teamwork in committing store diversion burglaries, law enforcement will have to devise creative strategies to deal with them. Patrol officers responding to the crime scene should be well informed about this type of crime so that they can gather critical evidence and witness statements. Follow-up investigators must know where to obtain information and assistance in order to bring these cases to a successful conclusion. Law enforcement managers must ensure that information derived concerning this type of activity is shared and disseminated to the widest law enforcement audience possible.

Store diversion burglary is becoming a common problem in the United States. Law enforcement must be aware of its elements, must develop strategies to police and prosecute these crimes, and must act aggressively in the pursuit of these strategies.

LEB

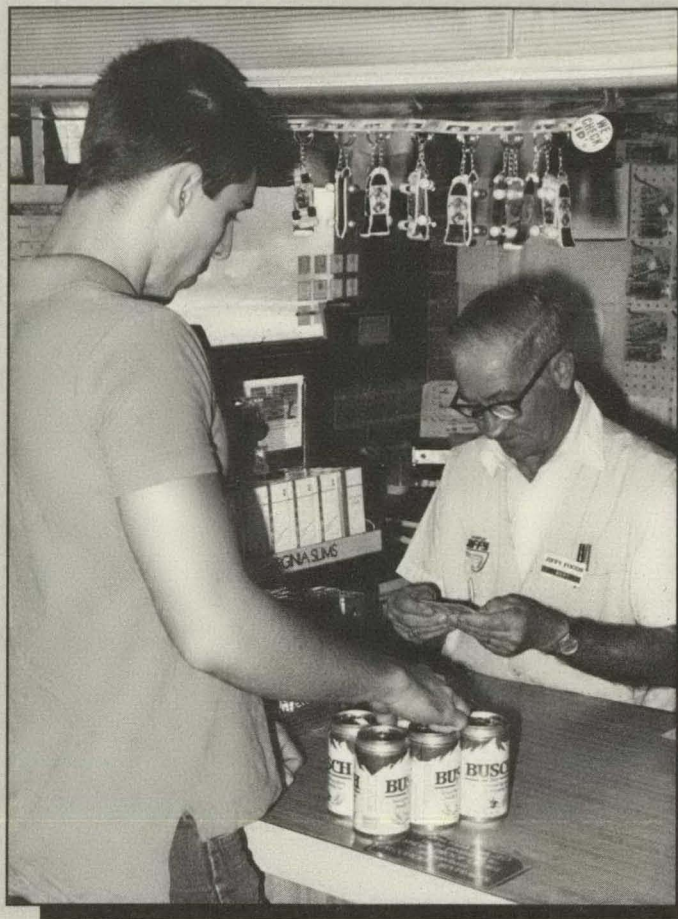
Footnotes

¹ "Criminal Intelligence Bulletin," prepared by the Lincolnwood, IL, Police Department and the Indiana State Police, April 1989, p. 30.

² The States are Alaska, Hawaii, Arkansas, Rhode Island, West Virginia, Kentucky, Montana, and Vermont.

An index that includes photographs and identifiers on approximately 110 offenders who commit store diversion burglaries can be obtained by writing to the Lincolnwood, IL, Police Department, Investigations Unit, 6918 N. Keeler Ave., Lincolnwood, IL 60646

OPERATION ALERT



Graduation night, prom night, spring vacation—these are special times for high school students. But how often have the media carried accounts of tragic accidents that resulted because of intoxication of minors during these special times? Unfortunately, the answer to this question is simply "too many."

In Fernandina Beach, FL, the police department and the Division of Alcoholic Beverages and Tobacco have combined education, public relations, and law enforcement into a cohesive effort to stop underage drinking. OPERATION ALERT (Alcohol—Law Enforcement/Retail Training) is a multifaceted program that combines retail vendor training, student and

parent awareness, and law enforcement action to reduce alcohol consumption by persons under 21 years of age. The program is divided into four phases.

In *phase 1*, a letter cosigned by the chief of police and the district commander for the Division of Alcoholic Beverages and Tobacco is sent to retail licensees each spring. The letter reminds vendors of the upcoming vacation season and end-of-school-year activities. It asks for their help to control the sale of alcoholic beverages to underage persons and reminds them of the importance of checking identifications closely for forged or altered IDs. The letter also notes that the laws governing the sale of alcoholic beverages will be strictly enforced and that arrests and administrative charges will be made for those who fail to comply.

Phase 2 is a joint training session offered to all retailers and their employees. The topics covered include identifying fake IDs, the liability to retailers for selling to minors, and issues involving theft reduction and robbery protection.

In *phase 3*, all graduating seniors and their parents receive a letter reminding them not to let the celebration of graduation turn into a tragedy through alcohol consumption. The letter reminds the parents of the new house party law in Florida and the penalties involved. The house party law, which went into effect in October

1988, makes it a 2nd degree misdemeanor for an adult to use a residence as the place where alcohol and illegal drugs are made available and consumed by persons under 21 years of age. The misdemeanor carries a fine of \$500 and/or 60 days in jail.

Phase 4 consists of a concerted law enforcement effort. Throughout the year, but especially during the spring and summer months, directed patrols are used to reduce the availability and consumption of alcoholic beverages. Underage volunteers, usually 17- to 18-year olds who have parental consent, are used to attempt to purchase alcoholic beverages from vendors who are the object of complaints from parents and school administrators. To witness the transaction and as a safety measure, a law enforcement officer, acting as a customer, is always in the establishment while the teen attempts to make a purchase. Employees who sell to minors are arrested on the spot by the officer, and the Division of Alcoholic Beverages and Tobacco then initiates administrative action against the retailer's beverage license.

Special attention is also directed to prom night and graduation night. The location of parties and events are identified in advance, and intensified training is offered to employees at these locations. Substance-free parties are hosted by civic groups. In addition, high-profile law enforcement activities are scheduled which include visiting licensed retailers and places where students congregate.

The law enforcement problems created by celebrations and activities involving the unlawful consumption of alcoholic beverages are numerous, and often times deadly. However, OPERATION ALERT has been useful in attacking these problems. To date, no teenage fatalities due to intoxication have occurred in Fernandina Beach since the program began in 1985.

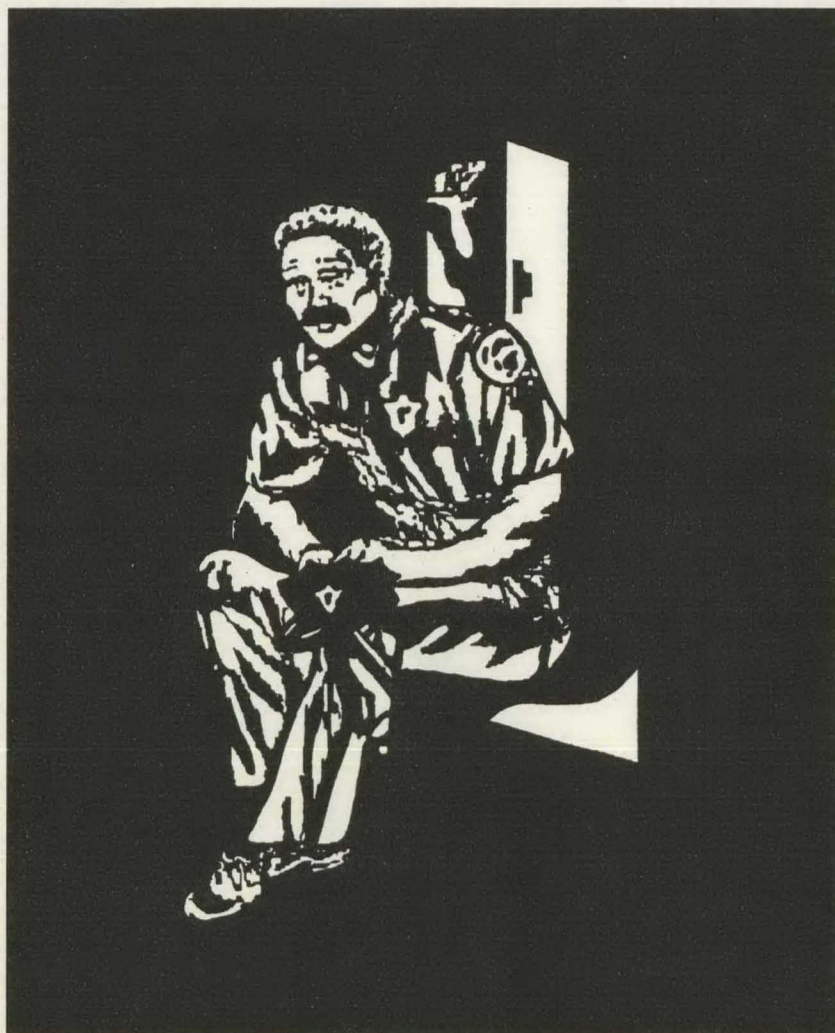
LEB

Information for this column was submitted by Capt. Mark Willingham, Division of Alcoholic Beverages and Tobacco, and Chief Jerry Cameron, Police Department, Fernandina Beach, FL.

Police Practices serves as an information source for unique or noteworthy methods, techniques, or operations of law enforcement agencies. Submissions should be no more than 750 words (3 pages, double spaced and typed) and should be directed to Kathy Sulewski, Managing Editor, *FBI Law Enforcement Bulletin*, Room 7262, 10th & Pennsylvania Ave., NW, Washington, DC 20535.

Police Retirement

The Impact Of Change



By
JOHN M. VIOLANTI, Ph.D

Retirement is an important life event, bringing with it many adjustments and challenges. Changes in lifestyle, friendships, self-esteem, and vocation are all part of the process.

Retirement is especially difficult for police officers who leave the law enforcement profession at middle age, often unprepared for the consequences of change. However, by providing the necessary information to help them make crucial decisions before retirement, officers can make a smooth and productive transition into civilian life.

RETIREMENT CONSIDERATIONS

There are five general areas that police officers should consider at the point of retirement:

- The rationale of a decision to retire
- The possible effects of retirement on officers and their families
- Locating other jobs or continuing education
- Developing appropriate job-seeking and/or educational skills
- Finding job placement assistance

Rationale of the Decision

Perhaps the first concern is to determine why officers decide to retire. Individuals who work in policing for 20-25 years have invested much time and personal sacrifice, making the decision to "hang up the uniform" a difficult

one. Officers need to recognize, however, that there does come a time when that decision must be made.

Decisions on whether to remain in the profession depend on many factors. Some officers leave after 20-25 years of service to find new opportunities; others because of job stress, dissatisfaction, administrative problems, or discipline. Then there are those who stay because they like police work and cannot envision themselves doing anything else, while others stay because of financial burdens, comfort and security, fear of starting over, or because they have nothing else to do.

If officers decide to continue in policing, it should be for the obvious reasons—dedication, love of police work, or community spirit. To remain in police work for less acceptable reasons is psychologically unhealthy for the officers and unproductive for the department. If, on the other hand, officers decide to

retire, they should actively plan for the impact of change.

Effects of Retirement

A second factor to consider is the effect that retirement may have on officers. The transition from public servant to private citizen can be difficult. There is a certain feeling of isolation when officers must clean out their lockers and "pack it in." Uniforms, firearms, and the most prized possession—the badge—must be relinquished. One officer described this process as "losing a part of my soul." These feelings are indicative of a cohesiveness among police officers that is not found in many other professions. When an officer leaves this environment, feelings of detachment and fear may develop.

An officer's family is also affected by retirement. One thing that is inevitable is the change in income; most departmental retirement plans provide a 50-percent pay for

“
***The best way to deal
with retirement is to
prepare adequately.***
”

*Dr. Violanti is a member of the Department of
Social and Preventive Medicine at the State
University of New York in Buffalo, NY.*



retirees. Many will also experience a decrease in medical and dental benefits and an increase in insurance costs. Items like vacation pay, rank, seniority, and privileges will no longer be available.

Besides reduced income and benefits, the family must deal with a change in lifestyle. Police families must adjust to officers who do not

retirement in terms of income and developing alternative vocations. Senior officers frequently assumed administrative positions in other organizations, and line officers engaged in manual labor in some self-employed capacity. Approximately 25 percent performed some type of security work after retirement.

are available upon request from colleges.

Seeking Another Job

Just knowing what kind of job one desires is not sufficient to get that job. Most individuals who seek a career change at middle age have inadequate job-seeking behaviors. They have not been in the job hunting market for a long time. Thus, a fourth area for officers to consider is to get training in the job-seeking process. Practical tasks like writing resumes, cover letters, filling out job applications, and interviewing techniques are helpful. Again, State job services provide training sessions in these areas. Also, local high schools may have evening adult programs designed to assist in gaining these important skills. If they are not available, libraries have many self-help books on applying for jobs.

Job Placement

A fifth factor to consider is where to find job placement should individual job searches be unsuccessful. Generally, State and local employment services are best. These services have the resources and training available to help the individual find work, and they are free. Some people turn to private agencies for placement, but there may be a fee involved. If one feels more at ease with other police officers, a suggestion might be to start a job club. A group of officers can meet on a weekly basis and discuss their job-hunting efforts and resources among the group. Often, information is developed in such groups which is beneficial to individual members. The old adage that "many heads are better than one"

“

Always remember that police officers, with all their life experiences and skills, are valuable assets to the community.

”

find work and stay at home. If spouses are working, an ego conflict may arise between husband and wife. Perhaps children, most likely of college age, will have to find alternative sources to pay tuition and other costs. Also, mortgage, car, and other major expenses may have to be readjusted.

Thus, before an officer retires, the family should be involved in the decisionmaking process. By discussing these issues beforehand, a family can develop strategies to deal with them together.

Other Employment or Continuing Education

A third consideration for retiring officers to consider is information about work and/or continuing education. Since most officers intend to work in some capacity after retirement, a major problem is finding another job. Forcese and Cooper¹ found that retired police officers do not have many occupational experiences other than policing. Few had carefully planned their

Since police officers have few vocational alternatives, it may be necessary to seek assistance in employment. State employment job services are available in most areas for this purpose. Services include aptitude and interest testing, ability testing, job listings, and job-seeking skills. There is a reference job guide called *The Dictionary of Occupational Titles*,² which gives a complete description of almost any type of occupation. This guide is available at any public library. Other sources for available jobs include newspapers, civil and Federal job information centers, journals, and contacts through friends and relatives.

As for continuing education, community colleges and universities generally do not require entrance tests for part-time adult students. Police officers are usually good students because of their life experiences. Many colleges offer credit for such experiences, as well as academic and vocational training. Catalogs of courses and activities

certainly applies here. This approach has been very successful in other occupational groups.

It is important to realize that status as an ex-police officer may affect a prospective employer's decision to hire. In the majority of cases, being a police officer is beneficial to the job applicant. There are some employers, however, who may be hesitant about hiring ex-police officers. They may have developed inaccurate stereotypes (most likely from television) of police officers as insensitive ruffians who could not possibly do anything else but be a "cop."

Officers should be aware of this apparent occupational prejudice. A good practice would be to determine beforehand if the employer has turned down officers in the past. This can be done by contacting other retirees from the department who may have applied for a position with the company in question. If employment is still desired, it may become necessary not to mention a previous police career but to list only experiences and transferable skills developed in that career. Fortunately, organizations who react this way to police officers are scarce.

Another possible area of discrimination is age. Employers may prefer younger employees and program their hiring practices toward such persons. The retiring police officer, who may be between 40-50 years of age, is at a disadvantage. Although Federal law prohibits discrimination on the basis of age, it is important to be aware that it does happen. Job applicants may legally be requested to give their ages, but the potential employer may not use

this information as a reason to not hire an applicant. If retired officers believe they have been discriminated against because of age, there is legal recourse available through the Equal Employment Opportunity Commission (EEOC) free of charge. Any person over the age of 40 is considered part of a protected class.

Retired police officers should not become discouraged when seeking another job. Often, it takes from 6 months to a year to find a job. In the meantime, continued association with police friends and the department offers a good source of support when times seem difficult. Always remember that police officers, with all their life experiences and skills, are valuable assets to the community.

“
***Retirement can
certainly be the best
part of a police
officer's life....***
”

THE ROLE OF THE DEPARTMENT

For the good of the department, as well as the individual officer, provisions should be made for a retirement counseling/career guidance training program. The program should include resources from the community that will assist officers through the retirement process. Topics might include retirement benefits, insurance, job-seeking techniques, psychology of retirement, and financial management. If resources are available, a

job resource bank and placement center could be developed within the department. Through contact efforts of a placement officer, retiring officers would have a listing of jobs available in the community.

Departments will profit from such a program. Many are employing officers who are there simply because they do not know how or when to leave. With departmental guidance to help these officers make a decision, this problem can be reduced substantially.

CONCLUSION

Although retirement is often considered by police officers as a final reward, careful consideration must be given to its consequences. The best way to deal with retirement is to prepare adequately. Plan for both good and bad experiences. For those who have served their community well, retirement and possibly a new career are well-deserved. Retirement can certainly be the best part of a police officer's life, if one is properly and systematically prepared for the change. **LEB**

Footnotes

¹ D. Forcese and J. Cooper, "Police Retirement Career Succession or Obsolescence," *Canadian Police College Journal*, vol. 9, 1985, pp. 413-424.

² *The Dictionary of Occupational Titles* is a collection of job descriptions in the United States. It is useful in determining the qualifications, requirements, and description of occupations.

For additional information on retirement counseling and career guidance training, contact the author at the Department of Social and Prevention Medicine, State University of New York at Buffalo, 2211 Main Street, Buffalo, NY 14214.

The Bulletin Reports

Crime Prevention

Criminal Justice Services of the American Association of Retired Persons (AARP) offers 13 educational video and slide/tape kits that present valuable information on personal, community and home crime prevention techniques. These audiovisual program kits are available for loan (free of charge), as well as for purchase.

The materials that accompany the audiovisual presentations include color 35mm slides and audio cassette or VHS video tape, a script for the slide/tape presentation, handout materials, a guide for planning and presenting the program, advice on publicity and selecting a resource person, and a

discussion leader's guide. (Specific contents and handouts may vary from kit to kit.) Some of the topics covered are Prevention of Elderly Abuse, Neighborhood Watch, Fraud and Other Con Games, Country Crime (a program for rural areas), and Self Protection.

To "borrow" the audiovisual programs, send a letter to AARP, Program Scheduling Office, Program Resources Department/AW, 1909 K Street, NW, Washington, DC 20049; to purchase a kit, contact AARP, P.O. Box 19269, Station R, Washington, DC 20036.

Schools In Crisis

Serious crime and violence are invading America's classrooms and schoolyards. Responding to recent tragic occurrences, the National School Safety Center (NSSC) hosted a school crisis prevention practicum for school principals in order to help educators to prevent or better respond to such crises.

"School Crisis Prevention and Response" is a resource paper published by the NSSC that incorporates commentary from 20

education professionals who attended the forum, as well as information from noted school and law enforcement safety specialists. The paper addresses such issues as school security, legal aspects of crime prevention, crisis prevention strategies, responding to a crisis, and the aftermath of a crisis.

Copies of the paper are available from NSSC, 16830 Ventura Boulevard, Suite 200, Encino, CA 91436.

Crime Rises Again

The number of Crime Index offenses rose 3 percent during the first 6 months of 1989, as compared to the same period in 1988. Violent crime increased 5 percent, while property crime showed a 3-percent increase. The figures are based on data provided to the FBI's Uniform Crime Reporting Program by law enforcement agencies nationwide.

Among violent crimes, robbery showed the greatest increase—that of 7 percent—followed by murder (5 percent) and aggravated assault (4 percent). Forcible rape declined by 2 percent.

In the property crime category, motor vehicle thefts and larceny-thefts rose 11 percent and 3 percent, respectively. Arson declined 4 percent, and the burglary total dropped 1 percent.

All regions of the country recorded increases in the Crime Index total in the first half of 1989. The increases were 4 percent in both the South and the West, 3 percent in the Northeast, and 2 percent in the Midwest.

(Source: Federal Bureau of Investigation, Uniform Crime Reporting Program, Washington, DC.)

NCMEC Publications

The National Center for Missing and Exploited Children (NCMEC) offers a variety of books and brochures on child protection and child exploitation issues. The information presented can assist legal and social service professionals and law enforcement in the identification, investigation, interviewing, and prosecution of offenders.

Criminal justice professionals can obtain in-depth handbooks on investigating missing child cases, handling domestic and international parental kidnapping cases, identifying child molesters, interviewing child victims, compiling profiles of runaways and child sexual exploitation rings, and drafting State missing children and child protection legislation.

Copies of the publications are available from the National Center for Missing and Exploited Children, Publications Department, 2101 Wilson Boulevard, Suite 550, Arlington, VA 22201, or call toll-free 1-800-843-5678.

Probation And Parole 1988

The Bureau of Justice Statistics (BJS) has issued a bulletin that reports on the Federal, State, and local probation and parole population for 1988. The report covers the type of release from prison, tabular information by State on the number of adults on probation and parole, and data regarding correction population from 1984-1988 and the method of State prison release from 1977-1988.

Copies of the bulletin may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20950 (order number NCJ-119970), or call toll-free-1-800-732-3277. For callers in Maryland and the Washington, DC, metropolitan area, the number is 1-301-251-5500.

CI-NET

CI-NET, the correctional industries information clearinghouse, provides information and support services within correctional industries. Some of the services of CI-NET include a clearinghouse library, an automated information system, a quarterly newsletter, a video tape lending library, and data on the products purchased by correctional industries, as well as supplier and vendor information.

Also available is a 627-page manual that covers such topics as grants and special funding, fiscal and financial planning, and inmate training issues.

To obtain information on CI-NET, contact the Correctional Industries Information Clearinghouse, American Correctional Association, 8025 Laurel Lakes Court, Laurel, MD 20707, or call 1-301-206-5100, ext. 281.

The Bulletin Reports, a collection of criminal justice studies, reports, and project findings, is written by Kathy Sulewski. Send your material for consideration to: *FBI Law Enforcement Bulletin*, Room 7262, J. Edgar Hoover Building, 10th & Penn. Ave., NW, Washington DC 20535.

(NOTE: The material presented 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.)

FBI Law Enforcement Bulletin

Author Guidelines

The *FBI Law Enforcement Bulletin* is an official publication of the Federal Bureau of Investigation and the Department of Justice.

General Information

- **Frequency of publication:** Monthly
- **Purpose:** To provide a forum for the exchange of information to improve the law enforcement profession.
- **Audience:** Members of the criminal justice profession, but primarily law enforcement managers.

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 8½" by 11" white paper. All pages should be numbered and three copies should be submitted for review purposes. Where possible, floppy disks using WordPerfect should be submitted with typed manuscript. References need only be used where the exact words are taken from another source or where the idea or concept reported was first presented by the source named and is not widely known.
- **Writing Style and Grammar:** The *Bulletin* follows the

Government Printing Office Style Manual and/or *The Chicago Style Manual*.

Photographs And Graphics

A photograph of the author should accompany the manuscript. Other suitable photos and illustrations which support the text and assist reader comprehension should also be furnished. Black and white glossy prints reproduce best. In addition, special effort should be made to obtain high quality, black and white or color glossy photographs, vertical format, for possible use as a cover. Local newspapers and magazines are often excellent sources for such photos; however, permission to reprint is required from the photographer or company. If such photos are available, please include the newspaper or magazine title and a photocopy of the photo with the manuscript.

Publication

- **Basis for Judging Manuscripts:** Manuscripts will be 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 will generally not be given to an article that has been published previously or which is being considered by another magazine. Articles

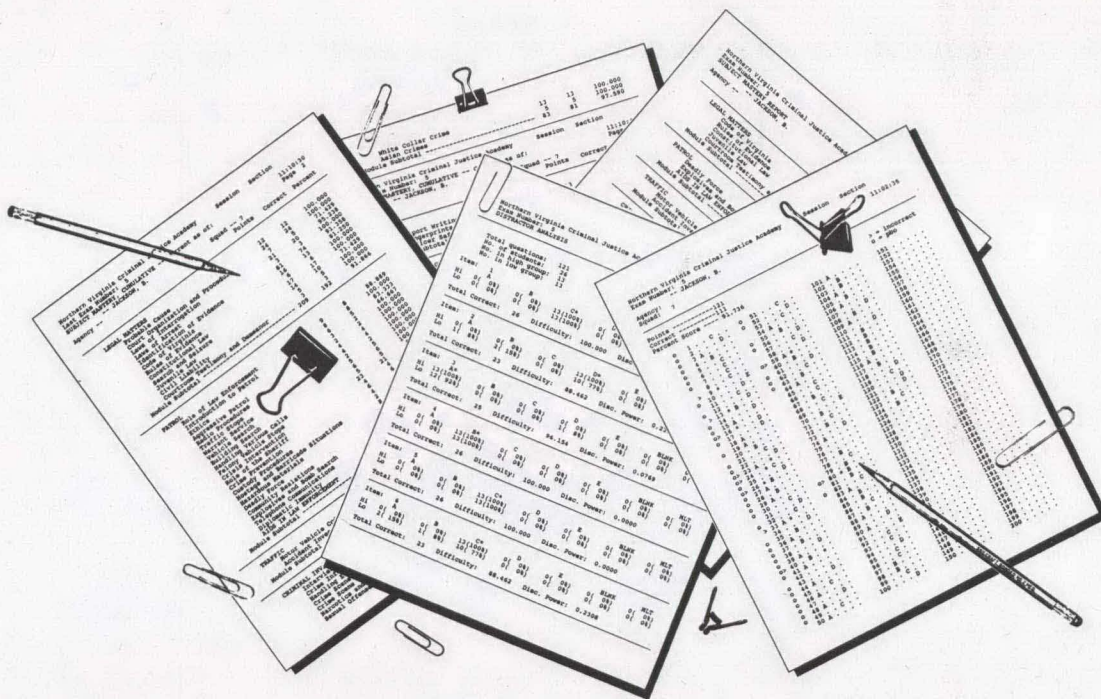
which are used to advertise a product or a service will be rejected.

- **Query Letters:** The Editor suggests that authors submit a detailed one- to two-page outline before writing an article. This is intended to help authors but does not guarantee publication of the article.
- **Author Notification:** Receipt of manuscript will be confirmed. Letters of acceptance or rejection will be sent following review. Articles accepted for publication cannot be guaranteed a publication date.
- **Copyright:** Because the *Bulletin* is a government publication, materials published within it are not copyrighted.
- **Editing:** The *Bulletin* reserves the right to edit all manuscripts.

Submission

Authors may contact the Special Agent coordinator for police training at the nearest FBI field office for help in submitting articles or manuscripts may be forwarded directly to:

Editor, *FBI Law Enforcement Bulletin*, Federal Bureau of Investigation, Room 7262, 10th and Penna. Ave., NW, Washington, DC 20535.



Managing Police Basic Training Curriculum

BY
RENE A. BROWETT

The scenario might go something like the following. It's test day at the police academy. The recruits have just completed their first major examination and are anxious to find out how they performed. The training staff is sequestered in a large room, seated at long tables covered with stacks of exams in front of them. Calculators are in clear evidence. The grueling task of hand grading the exams begins. Question by question, they trudge through the exam. To validate test questions (to find out if more than half the class

has missed a certain question), the leader calls out the questions by number to see how many of the graders have papers in which a student has missed a specific question. Hands go up, a count is taken, numbers recorded, calculators figure averages—some right, some wrong. The process goes on for hours, even days. Meanwhile, the students wait.

Does this often-repeated scene have to be? No—not if the recruit curriculum testing-and-evaluation vehicle involves some computer assistance. Such a system exists at the

Northern Virginia Criminal Justice Academy (NVCJA). The NVCJA basic training staff has developed a systematic process whereby days of effort by a training staff are reduced to less than 2 hours using one or two people.

This article will discuss how a basic police training curriculum can be quickly and efficiently managed with an effective, programmatic approach. Using the NVCJA as a case study, the article will first provide some background about the academy and then will discuss the hardware, software and the process

involved in managing the basic recruit curriculum.

ACADEMY BACKGROUND

Established in 1965, the Northern Virginia Criminal Justice Academy provides training for over 25 criminal justice jurisdictions in the Northern Virginia area. Staffed with 32 full-time employees, the academy has a leadership cadre of six executives, including the director, all of whom are former police officers. Along with a permanent support staff, the academy is augmented with officers from each of the participating jurisdictions which provide them as instructors on assignment for up to 3 years. As one of nine regional academies in the State of Virginia, the academy is governed by a Board of Directors comprised of the chiefs of police, sheriffs and city/county managers from the larger participating jurisdictions.

The academy provides both recruit and inservice training for each of the participating police departments and sheriff's offices in the region. Consequently, recruit training consists of subject matter leading to three certifications mandated by the Commonwealth of Virginia: Basic Law Enforcement, Basic Civil Process-Court Security, and Basic Jailors. Each year the academy graduates approximately 300 students after completion of a 14- to 18-week course of instruction.

In order to graduate, each student must successfully complete all State- and academy-mandated tests and related requirements. Developed by the Department of Criminal Justice Services (DCJS) headquartered in Richmond, VA, State-mandated requirements are commonly known as performance objectives (POs). These State mandates (POs) are the end result of a

formal job task analysis, commissioned by the department (DCJS), where the various functions of police officers and sheriffs were identified. Developed from this study were over 400 performance objectives which form the basis for State-mandated police training. Each training academy must teach and test every performance objective—and also retest any objective missed by students.

The academy (NVCJA) also provides State-mandated minimum inservice requirements (MIR) training. The inservice staff coordinates with DCJS to ensure that every 2 years, all officers receive at least 40 hours of State-mandated training, to include instruction in the law. Taught almost exclusively by outside instructors and coordinated by a professional staff, the academy offers over 100 inservice training classes. While inservice training is not the focus of this article, information is provided to give a more complete profile of the academy.

DEVELOPING THE "STAR" SYSTEM

Because the State requires that every student successfully pass all of the performance objectives, several problems immediately became evident when the academy staff first approached the problem of more efficient curriculum management. First, how could the academy successfully track each objective through the training process to ensure accountability? Second, what type of test construction would be needed to assure the administration that mandated objectives would be adequately tested and validated?



“
***The NVCJA...has
developed a systematic
process whereby days
of effort...are reduced to
less than 2 hours....***
”

Mr. Browett is the Curriculum Manager for the Northern Virginia Criminal Justice Academy in Arlington, VA.

Third, how could performance-based tests be graded within a few hours, not a few days?

With these basic questions in mind, the recruit staff concluded that a computer application might offer a workable solution. After preliminary analysis and over 5 years of refinement, the Student Testing and Records (STAR) System was developed and is presently used at the academy. With this program as the basic software package, the testing system incorporates several components:

- An optical mark reader (SCANTRON), which automatically scores each exam and feeds the raw data directly into a computer
- An additional software program which provides both database and spreadsheet capabilities
- An IBM compatible personal computer with 640K RAM memory and a hard drive, and finally
- A laser printer for letter quality reports

This system costs less than \$5,000. By using this relatively simple but highly effective system, the curriculum manager is now able to better manage the basic training curriculum from tracking to testing to validation of each State-mandated performance objective.

MANAGING THE PROCESS

At the core of the academy's curriculum and testing system are the POs. Simply put, the tests must ensure that each student masters

each State-mandated PO. Thus, test construction and administration are vital to the integrity of the academy's curriculum management process. Performance-objective accountability and the testing process are the primary responsibilities of the academy's curriculum manager. From lesson plan review to test construction and administration, the curriculum manager is the academy's point man with regard to accuracy and accountability.

“
...the curriculum manager is the academy's point man with regard to accuracy and accountability.
”

Constructing Tests

All basic training examinations are constructed by the curriculum manager. It is also his responsibility to analyze and validate all test results for each recruit. The testing process begins with the basic lesson plan, which is then reviewed and approved by academy management. Written by staff instructors, each lesson plan must be revised and updated at the end of each training session. They must also contain those specific POs mandated by the State and appropriate for that block of instruction. Test questions flow from and can be directly tracked to POs found in each lesson plan, thus assuring test accountability. Staff instructors, accountable to both the students and

the curriculum manager, are responsible for ensuring each PO is adequately taught. Student performance, at test time, usually will reflect whether this situation has, in fact, occurred.

At the end of each specified testing time period, the curriculum manager begins to prepare a test that spans several disciplines and many instructors. How the test construction takes place mechanically is simple and is coordinated by the curriculum manager. First, he speaks with all instructors to verify that their test questions, which are based on the mandated POs, have been taught and are part of a pre-existing database.

Second, the curriculum manager constructs a rough-draft test based on pertinent subject area questions stored in the database. The draft exam is then reviewed by all the respective instructors for their final updates and edits. This phase of the process is accomplished with a high degree of attention to exam security. At this point, if an instructor did not teach a specific objective, the instructor advises the curriculum manager who deletes that PO from the current exam. It will, however, be tested on a later exam, so as to comply with State mandates.

Third, the draft exam is then edited by the curriculum manager based on specific verbal and written feedback from each instructor. The final exam is then constructed, with the rough draft copy kept on file for documentation and accountability.

Administering Tests

To ensure uniformity and test security, all exams are passed out simultaneously to proctoring staff

members who immediately take them to the test sites. Proctors physically remain at each test site for the exam's duration to ensure test integrity. Once the tests are passed out, a staff member reads a test cover sheet containing complete test instructions. Once the instructional sheet has been read, the students begin their exams.

tains only to basic identification information on the form and not to incomplete test answers. Should a defective answer sheet get into the system, the computer will automatically reject it when it is scanned. Multiple answers, unclear erasures, or answer spaces left blank can cause an answer sheet to be defective. In each case, the computer in-

The next step in the grading process is item analysis and test validation. To determine the relative fairness of each exam question, the computer automatically produces a distractor analysis document. The computer automatically views each question, and where 50% or more of the class get a question wrong, the question is reviewed and the instructor consulted. If he or she feels the material was adequately covered, the question will remain. If the question is tough, but fair, it stays in the exam. However, where there exists reasonable doubt that the students were genuinely confused by the question, it is eliminated from the overall test score. The benefit of a doubt is always given to the student. After all the eliminated questions are determined, they are subtracted from the original total to formulate a net basis for computing the final test scores. Students must score 70% or better to pass.

**“
...testing and tracking of [performance]
objectives get so cumbersome
that administrators [often] do what they
can, not what they should.
”**

The tests are primarily multiple choice with very few true-and-false questions. Students fill out their answers on an answer sheet with a #2 pencil so that it can easily be read by the optical mark reader.

When each recruit section is finished, all exams are returned and accounted for by the curriculum manager. A single missing exam is treated as a compromise to the test's integrity and the results are then deemed invalid. This has yet to happen at the academy while using this system.

Scoring Tests

To score each examination, the assistant director for basic training and the curriculum manager work as a team to complete the effort. First, the curriculum manager determines each answer sheet is properly completed. If an answer sheet is incomplete, the recruit officer is called in and asked to make the required corrections. This per-

dictates the nature of the problem, the location of the problem, and will inquire what the user wishes it to do regarding the defect.

To prepare the system for the grading mode, a master answer sheet (previously prepared by the curriculum manager from the master exam) is scanned. This sheet will provide the test basis from which all student answer sheets will be graded. Each student's answer sheet is then quickly fed into the scanner, with the data automatically stored on the recruit section's information disk. The scanning process takes approximately 3-5 minutes for a section of 25 to 30 recruits. After the scanning step is completed, the computer produces a raw scores average sheet which is a rank-order listing of each class member based on the computer-generated averages of correct responses. This immediately shows the curriculum manager what the statistical range of the class is and if he has any individual failures to review.

Generating Reports

As an integral part of the process, the computer generates several other reports. First, it produces a subject mastery report (a report card) to each student which tells them how they did in each subject area. Second, it produces the same report but in a cumulative format, which is used by staff members for counseling and remedial training. Third, a test answer sheet is generated which tells the recruits not only the correct answer but also what answer they put on their answer sheet. This report also indicates that questions are State-mandated and require retesting if missed. This capability provides a vehicle that allows identification

Book Review

of missed POs and retest on a timely basis by the curriculum manager, a procedure required by the State.

In short, using the software in the STAR program, the computer can generate any aspect of the testing process into a hard copy for the student and staff member within an average of 2 hours—from start to finish.

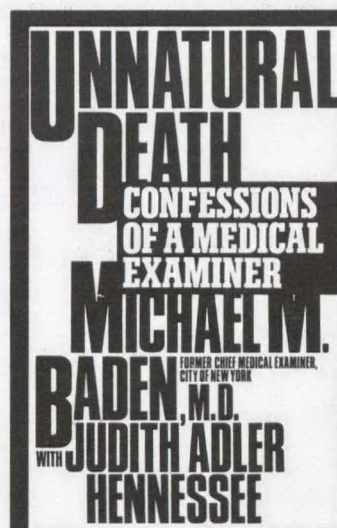
Maintaining Security

The testing, grading, question database, lesson plans and section data records are maintained on both floppy disk and hard drive. As an added security feature, the curriculum manager's office is locked during non-office hours and backup disks and access codes are secured. Hard copies of exams, rough drafts, and actual lesson plans are likewise kept secure.

CONCLUSION

A well-managed curriculum begins with a good job task analysis and performance objectives that arise from such analysis. In turn, lesson plans and student activities should be based on those performance objectives and must be tested accurately. Unfortunately, all too often, testing and tracking of such objectives get so cumbersome that administrators of an academy or educational institution do what they can, not what they should. However, if applied meaningfully to the task, the computer offers welcome relief to training administrators. The NVCJA has, over the years, tried to develop and refine a process that adequately manages a complex curriculum process without hamstringing the staff—a compromise that is working very well.

LEB



Unnatural Death: Confessions of a Medical Examiner, by Michael M. Baden, Random House, New York, 1989.

Of the 2 million deaths each year in the United States, eight percent are classified as unnatural. Dr. Michael Baden, former Chief Medical Examiner for New York City, discusses both the scientific and political aspects of unnatural death investigations.

The author describes the complicated, sometimes intriguing, details surrounding the deaths of some very well-known public figures, including Nelson Rockefeller, John Belushi and Elvis Presley. He reveals how autopsies for some of the more baffling deaths either failed to disclose critical evidence, were performed in a questionable manner, or were conducted by personnel ill-trained in forensic pathology. Using the flawed autopsy of John F. Kennedy as an example, the author

reveals how the public is mis-served by faulty medicolegal autopsies.

This book briefly traces the history of postmortem examinations, first in Britain then in the United States, and reveals how political concerns often overshadowed the search for truth. Dr. Baden discusses his own career as a medical examiner, revealing political pressures that were sometimes exerted while he served as coroner in New York City.

Even more alarming than the political aspect of medicolegal examinations is Baden's claim that autopsies, especially those involving questionable or unnatural death, are routinely flawed and performed by incompetent personnel. The book also presents several cases where conscientious, thorough "postmortems" proved invaluable in producing evidence in homicide cases, either establishing a relationship between victim and offender or helping to clear innocent suspects. Unfortunately, Dr. Baden claims these cases are the exceptions.

While this book is hard hitting and, at times, startling in its detail, it is captivating and a worthwhile read for postmortem investigators or anyone interested in the science of forensic pathology.

*Reviewed by
SA Arthur E. Westver, MLA
Behavioral Science Instruction and
Research Unit
FBI Academy
Quantico, VA*

National Law Enforcement Officers Memorial

Pictured with President Bush, from left, are Craig W. Floyd, Chairman of the Memorial project; Greg Jaglowski, Police Officer of the Year; and U.S. Attorney General Dick Thornburgh.



Photo courtesy of Peggy Harrison

In 1984, the National Law Enforcement Officers Memorial was authorized by an act of Congress and was signed into law by the President. Five years later, on October 30, 1989, President George Bush broke ground on the first national memorial for America's law enforcement officers. Also in attendance at the ceremonies were Attorney General Dick Thornburgh, FBI Director William S. Sessions, and Police Officer of the Year Gregory Jaglowski. In addition, top national leaders, law enforcement leaders, almost 2,000 police officers from around the country, and family members of officers killed in the line of duty witnessed the groundbreaking. As President Bush noted, "...with each casualty is told the tale of a family, so often forgotten. The brave spouses and parents and children who pay a terrible price in loneliness and loss."

While the President recognized the officers killed in the line of duty, he also acknowledged those who continue to protect the Nation from the evil within. "For all who have lost their lives protecting the public, this memorial will stand as a tribute to their courage and their sacrifice.... This memorial is also a tribute to the living—to the partners and the teammates of the fallen—to their families and to all



Photo courtesy of Paddy Downey

"The story to be carved on these walls is the story of America—of a continuing quest to preserve both democracy and decency and to protect a national treasure that we call the American Dream."

—President Bush

of you who are foot soldiers in the battle against lawlessness."

The National Law Enforcement Officers Memorial will honor the estimated 30,000 Federal, State, and local law enforcement officers who have been killed defending the law and order of our Nation, as well as recognize the service of all officers. Craig Floyd, Chairman of the National Law Enforcement Officers

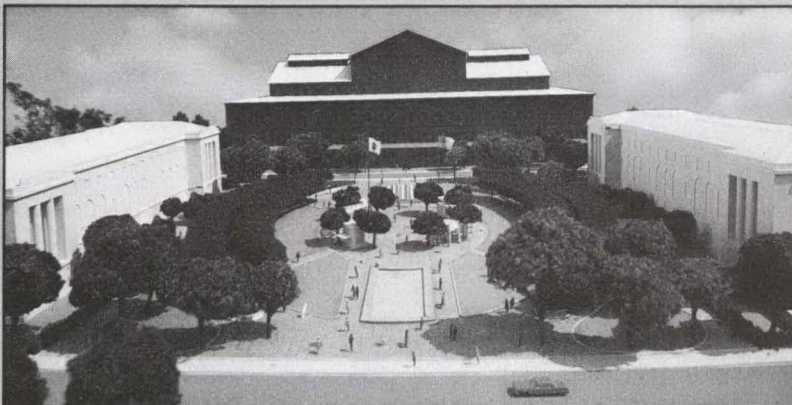
Memorial Fund, commented at the ceremonies, "...after more than 200 years of service and sacrifice, our law enforcement officers will receive the national tribute they have so long deserved."

The memorial will be built in Judiciary Square in Washington, DC, on 3 acres of federally owned park land. The memorial will feature an oval, tree-lined "pathway of remembrance," which will

have a 3-foot granite wall displaying the names of fallen officers. There are also plans to have a crystal blue laser beam illuminating the night skies as a reminder of the "thin blue line" of protection that law enforcement officers provide.

To date, private corporations, police groups, and some 420,000 individuals have contributed \$4.5 million for construction of the memorial.

LEB

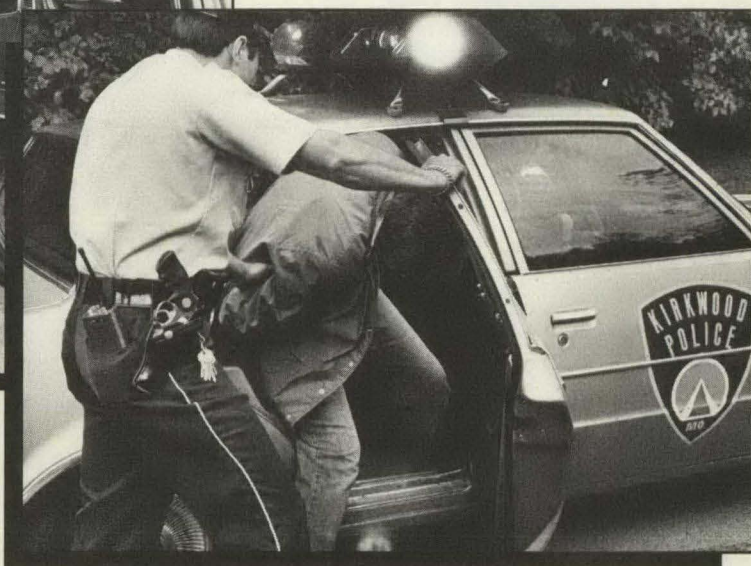
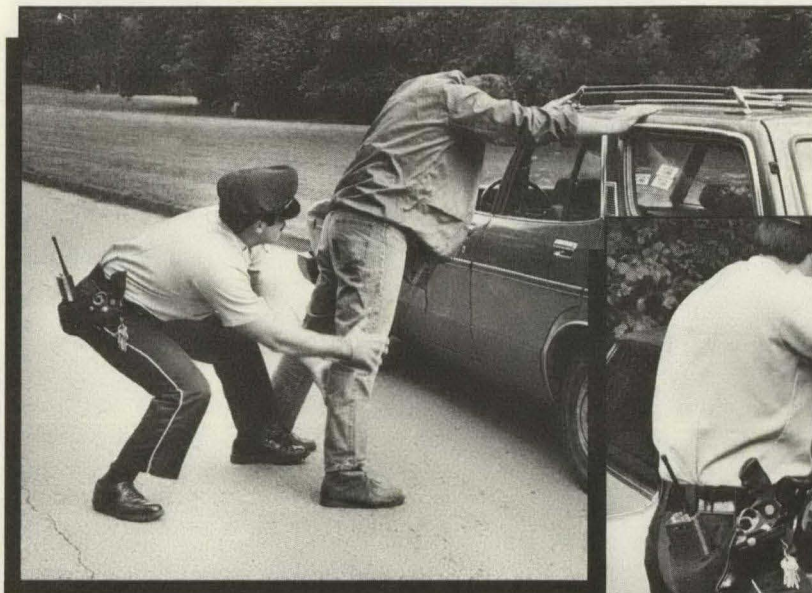


The model of the National Law Enforcement Officers Memorial.

Law enforcement agencies and survivors of fallen officers are requested to assist in documenting the names of slain police officers. Information should include the name of the officer, date of death, department served, a brief description of the circumstances of death, the number of years of police service, marital status, and number of children. Send information, by May 1, 1990, to Lynn Lyons-Wynne, NLEOMF, 1360 Beverly Road, Suite 305, McLean, VA 22101, telephone number 1-703-827-0518.

Personal Liability

The Qualified Immunity Defense



By
DANIEL L. SCHOFIELD, S.J.D.

Law enforcement officers face many stressful situations inherent in their profession, including the threat of being sued and held personally liable for money damages because of their actions. Since officers are often placed in fast-breaking situations, they must decide whether to arrest or search with little opportunity to ob-

tain prior legal advice. By its very nature, law enforcement inevitably places officers in situations where they must make difficult judgments, balancing the extent of the authority they exercise with the constitutional rights of the citizens they serve. Citizens rightly expect officers to understand the constitutional principles that govern their conduct. At

the same time, law enforcement effectiveness often depends on officers' confidence and willingness to act swiftly and decisively to combat crime and protect the public.

However, the fear of personal liability can seriously erode this necessary confidence and willingness to act. Even worse, law enforcement officers who have an un-

realistic or exaggerated fear of personal liability may become overly timid or indecisive and fail to arrest or search—to the detriment of the public's interest in effective and aggressive law enforcement. In order to accurately assess their potential exposure to personal liability, law enforcement officials must understand the constitutional law that governs their conduct. They must also understand the protection of qualified immunity that shields officers from personal liability for unconstitutional law enforcement activity that is deemed objectively reasonable.

This article discusses recent court decisions that clarify the extent of protection from personal liability offered by the qualified immunity defense. The article's primary purpose is to allay officers' unrealistic concerns for personal liability that can inhibit law enforcement effectiveness and undermine morale. It discusses the following aspects of the immunity defense—immunity rationale and scope, the "objective legal reasonableness" test, the "clearly established law" requirement, applicability to unconstitutional law enforcement conduct, and procedural considerations in asserting the defense.

Immunity Rationale and Scope

Immunity is a legally recognized exemption from liability. Recently, in the case of *Forrester v. White*,¹ the Supreme Court described the rationale for immunity as follows:

"Suits for monetary damages are meant to compensate the vic-

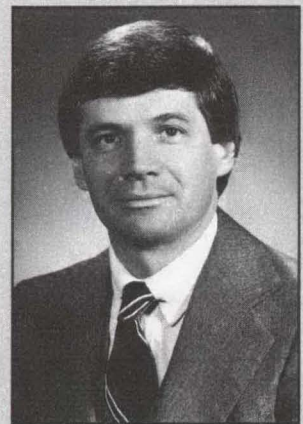
tims of wrongful actions and to discourage conduct that may result in liability. Special problems arise, however, when government officials are exposed to liability for damages. To the extent that the threat of liability encourages these officials to carry out their duties in a lawful and appropriate manner, and to pay their victims when they do not, it accomplishes exactly what it should. By its nature, however, the threat of liability can create perverse incentives that operate to *inhibit* officials in the proper performance of their duties. In many contexts, government officials are expected to make decisions that are impartial or imaginative, and that above all are informed by considerations other than the personal interests of the decisionmaker. Because government officials are engaged by definition in govern-

ing, their decisions will often have adverse effects on other persons. When officials are threatened with personal liability for acts taken pursuant to their official duties, they may well be induced to act with an excess of caution or otherwise to skew their decisions in ways that result in less than full fidelity to the objective and independent criteria that ought to guide their conduct. In this way, exposing government officials to the same legal hazards faced by other citizens may detract from the rule of law instead of contributing to it."²

These considerations have led courts to create both absolute and qualified immunity defenses. The Supreme Court has been "...quite sparing in its recognition of claims to absolute official immunity,"³ which is limited to officials whose special functions demand total

“
...a law enforcement
officer's entitlement to
qualified immunity is not
a mere defense to
liability, but an immunity
from suit itself....
”

Special Agent Schofield is Chief of the
Legal Instruction Unit at the FBI
Academy, Quantico, VA.



protection from suit, such as judges and prosecutors, "...intimately associated with the judicial phase of the criminal process."⁴ While law enforcement officers do not receive absolute immunity protection, the U.S. Court of Appeals for the 10th Circuit held that law enforcement officers charged with the duty of executing facially valid court orders do enjoy absolute immunity from liability for damages resulting from conduct prescribed by that order.⁵ The court found that enforcing a court order is intrinsically associated with a judicial proceeding. Also, it determined that the public interest in the enforcement of court orders essential to the effective function of the judicial process far outweighs the benefit to be gained by making law enforcement officers liable for decisions they are powerless to control.⁶

Courts generally agree, however, that most law enforcement functions do not require absolute immunity protection. For example, in *Malley v. Briggs*, the Supreme Court refused to expand the scope of absolute immunity to the decision of a Rhode Island State trooper to apply for an arrest warrant. In this case, the Court decided that a rule of qualified rather than absolute immunity would give police "ample room for mistaken judgments," and yet not "deter an officer from submitting an affidavit when probable cause to make an arrest is present."⁸

The Court noted that a damages remedy for an arrest following an objectively unreasonable request for a warrant imposes a cost directly on the officer responsible for the unreasonable request and

directly benefits the victim of the police misconduct. The Court commented on the trooper's expansive qualified immunity protection by noting, "[O]nly where the warrant application is so lacking in indicia of probable cause as to render official belief in its existence unreasonable will the shield of immunity be lost."⁹

Qualified immunity is designed to insulate responsible law enforcement officers "from undue interference with their duties and from the potentially disabling threat of liability," and it shields from civil liability "all but the plainly incompetent or those who knowingly violate the law."¹⁰

“

...law enforcement officers do not normally receive absolute immunity protection....

”

Immunity Based on "Objective Legal Reasonableness"

In 1982, the Supreme Court adopted an objective standard for courts to use in determining whether immunity shields official action. The Court described the parameters of qualified immunity defense as follows:

"[G]overnment officials performing discretionary functions generally are shielded from liability for civil damages in-

sofar as their conduct does not violate *clearly established* statutory or constitutional rights of which a *reasonable person* would have known."¹¹

That standard was further clarified 5 years later when the Court defined "objective legal reasonableness" as the touchstone for a qualified immunity defense. That decision in *Anderson v. Creighton*¹² involved a suit against a Special Agent of the Federal Bureau of Investigation alleging an unconstitutional warrantless search. The U.S. Court of Appeals for the Eighth Circuit had rejected the Agent's claim for qualified immunity, concluding that the law was clearly established that persons are protected from warrantless searches of their homes unless the searching officers have probable cause and exigent circumstances.¹³ The Agent sought review of that court of appeals decision in the Supreme Court. He argued that he was entitled to qualified immunity if he could establish as a matter of law that a reasonable officer could have believed the search to be lawful.

The Supreme Court agreed with the Agent that the court of appeals had erroneously refused to consider whether it was clearly established that the circumstances confronting the Agent did not constitute probable cause and exigent circumstances. The Court made clear that the availability of the qualified immunity defense generally turns on the "objective legal reasonableness" of the action in question assessed in light of the legal rules that were clearly estab-

lished at the time that action was taken.¹⁴

Law enforcement officers do not lose their qualified immunity simply because it is shown that they violated a generalized right, such as the right of citizens to be free from unreasonable searches and seizures. Instead, it must be shown that the law was clearly established in a "particularized" sense, so that "the contours of the right" are clear enough for any reasonable officer to know that what he or she is doing violates that right.¹⁵ This particularity requirement does not mean that law enforcement officers will always be protected by qualified immunity unless the very action in question has been held unlawful. Rather, it means that the illegality must be apparent in light of preexisting law before officers lose their immunity protection.¹⁶ The Court held that law enforcement officials should not be held personally liable when they "...reasonably but mistakenly conclude that probable cause is present."¹⁷ The "objective legal reasonableness" test applied to an allegedly unlawful search requires an examination of the information possessed by the searching officials. The relevant question to be resolved is whether a reasonable officer *could have believed* the Agent's warrantless search to be lawful in light of *clearly established law* and the information that the searching Agent possessed.

The "Clearly Established Law" Requirement

The unlawfulness of the challenged conduct must be apparent in light of preexisting law.¹⁸ The Supreme Court has instructed that

the actions of a reasonably competent officer should be assessed in the light of the legal rules that were "clearly established" at the time the action was taken.¹⁹ A legal right is "clearly established" if the

as the nonbinding precedent.²³ Fourth, courts should determine whether at the time of the incident there was a wide diversity of cases arriving at differing results, or any cases rejecting a similar claim.²⁴

“

...unconstitutional police conduct that fails to meet the test of 'objective legal reasonableness' is not entitled to immunity protection.

”

contours of that right are sufficiently clear that reasonable law enforcement officials would understand that what they are doing violates that right. Therefore, a qualified immunity defense will generally fail if the plaintiff proves that the law which an officer allegedly violated was "clearly established" at the time the challenged conduct occurred and that a reasonably competent officer should have known of that law.

The Ninth Circuit Court of Appeals said that a determination of whether a legal right was "clearly established" requires courts to survey the legal landscape that existed at the time of the challenged conduct.²⁰ First, in the absence of binding precedent, courts should look to available decisional law from courts in other jurisdictions.²¹ Second, comparisons to previously settled cases should not be limited to "...looking for a repetition of the very action in question."²² Third, courts should determine the likelihood that the Supreme Court or courts in the relevant jurisdiction would have reached the same result

The court said that law enforcement officers are charged with knowledge of constitutional enforcement developments and should not be allowed "...to interpose lawyerly distinctions that defy common sense in order to distinguish away clearly established law."²⁵ However, courts agree that officers "...are not required to predict the future course of constitutional law."²⁶

The lack of binding precedent or the existence of conflicting decisions usually results in a finding that a law was not "clearly established."²⁷ For example, the 11th Circuit Court of Appeals ruled that two deputy sheriffs were protected from personal liability by qualified immunity for an allegedly unlawful seizure because their conduct did not violate clearly established law.²⁸ The court concluded the plaintiff had the burden of proving that the law allegedly violated by the deputies was "clearly established" at the time the detention occurred and that this burden was not met "...simply by making general, conclusory allegations of some con-

stitutional violation or by stating broad legal truisms.”²⁹ Instead, the court said that “plaintiffs must prove the existence of a clear, factually-defined, well-recognized right of which a reasonable police officer should have known.”³⁰ The right allegedly violated must have been sufficiently particularized and clear so that reasonable officers in the deputies’ position would understand that their particular seizure violated that right.³¹

In that regard, the court held that the case authorities cited by the plaintiff failed to establish that the law was “clearly established” because they involved seizures that were factually distinguishable from the deputies’. Moreover, other court decisions had actually determined that such seizures were constitutionally reasonable. Since the “...line between the lawful and the unlawful is often vague, making it

prior cases involving concrete circumstances and facts similar to the case at issue.

Applicability of Immunity Defense to Unconstitutional Law Enforcement Conduct

The Supreme Court in *Anderson v. Creighton* made it clear that qualified immunity will protect a law enforcement officer from personal liability if unconstitutional conduct meets the test of “objective legal reasonableness.” The Court held that extending qualified immunity to constitutional violations is a reasonable accommodation between governmental need and individual freedom, and is necessary to give conscientious law enforcement officers the assurance of protection that is the object of the immunity doctrine.³³ The Court stated that law enforcement officers should “...know that they will not

legedly made an arrest without probable cause.”³⁵ The court noted that “even in the absence of probable cause for an arrest, qualified immunity provides officers with an additional layer of protection against civil liability.”³⁶ A fourth amendment violation, although by definition unreasonable, does not foreclose an additional reasonableness inquiry for purposes of qualified immunity.³⁷

The court agreed that the right to freedom from arrest without probable cause is beyond a doubt clearly established. However, it also concluded that the Supreme Court’s decision in *Anderson* “mandates an inquiry into the facts surrounding the officer’s action in order to determine whether in the light of preexisting law the unlawfulness was apparent.”³⁸ Similarly, the Eighth Circuit Court of Appeals concluded that the defense of qualified immunity protects law enforcement officers in cases where they mistakenly conclude that probable cause to arrest is present.³⁹ Since actual probable cause is not necessary for an arrest to be objectively reasonable, the court said the issue is “not probable cause in fact but arguable probable cause.”⁴⁰

Of course, unconstitutional police conduct that fails to meet the test of “objective legal reasonableness” is not entitled to immunity protection. In that regard, the Fifth Circuit Court of Appeals held that immunity is lost where it is objectively determined that no reasonable law enforcement officer could have believed that the action was constitutionally justified in light of clearly established law.⁴¹

“

[The qualified immunity defense does] offer generous protection to conscientious officers who make objectively reasonable mistakes.

”

difficult for officers to know precisely which seizures are constitutional,” the court said qualified immunity protection should only be lost when a law enforcement officer engages in unconstitutional conduct that crosses a bright line.³² The court then cautioned that this bright line is not to be found in legal abstractions, such as the general requirement that seizures be reasonable, but rather in specific

be held personally liable as long as their actions are reasonable in light of current American law.”³⁴

Applying this “objective legal reasonableness” standard, Federal appellate courts have recently upheld immunity defenses for allegedly unconstitutional law enforcement conduct. For example, the Seventh Circuit Court of Appeals upheld a qualified immunity defense for a deputy sheriff who al-

Procedural Considerations in Asserting the Immunity Defense

In many cases, the "objective legal reasonableness" test, as clarified by the Supreme Court in *Anderson v. Creighton*, will allow law enforcement officers to successfully assert their qualified immunity from personal liability in a motion for summary judgment, thereby avoiding the protracted and time-consuming processes of litigation.⁴² The Supreme Court has stated that a law enforcement officer's entitlement to qualified immunity is not a mere defense to liability, but an immunity from suit itself and the concomitant burdens of discovery.⁴³ Accordingly, a trial court's denial of an officer's motion for summary judgment based on qualified immunity raises a question of law that can be immediately appealed by the officer.⁴⁴ However, the defense of qualified immunity is not waived if an officer chooses not to take an immediate appeal; officers retain the right to assert at trial their qualified immunity based on "objective legal reasonableness."⁴⁵

The Eighth Circuit Court of Appeals described the two-step process that courts should follow in deciding whether to grant qualified immunity on a motion for summary judgment prior to allowing a plaintiff the opportunity to conduct discovery:

"...the trial court must first determine whether the law prohibiting the alleged police conduct was clearly established at the time it occurred....Second, a trial court must determine whether the police conduct, as alleged by the plaintiff, con-

stituted actions that a reasonable officer could have believed lawful."⁴⁶

A law enforcement officer is entitled to dismissal of a suit prior to discovery where the trial court determines either: (1) That the relevant law was not clearly established, or (2) that another reasonable officer possessing the specific information available to the officer in question could have reasonably

"
The qualified immunity defense does not excuse clearly unconstitutional or offensive police misconduct.
"

believed the actions taken were lawful. The court observed that when the litigants disagree as to the actions taken, some discovery may be necessary before a motion for summary judgment can be granted.⁴⁷ However, such discovery should only occur if there is a substantial factual disagreement as to what actions the law enforcement officers actually took, and should be limited to determining the applicability of the qualified immunity defense.⁴⁸

Conclusion

The threat of personal liability is one of many risks associated with the law enforcement profession. An officer's discretionary decision to arrest or search inevitably increases the risk of a subsequent lawsuit.

While this risk can be minimized by comprehensive departmental policies, thorough training, and attentive managerial controls, officers ultimately have a personal responsibility to insure that their conduct conforms to constitutional requirements. The qualified immunity defense does not excuse clearly unconstitutional or offensive police misconduct. It does, however, offer generous protection to conscientious officers who make objectively reasonable mistakes. The availability of a qualified immunity defense should be encouragement to responsible officers that they can perform their vital law enforcement functions without a constant fear of personal liability.

LEB

Footnotes

¹ 108 S.Ct. 538 (1988).

² *Id.* at 542.

³ *Id.*

⁴ *Imbler v. Pachtman*, 96 S.Ct. 984, 995 (1976).

⁵ *Valdez v. City and County of Denver*, 878 F.2d 1285, 1288 (10th Cir. 1989). In *Geter v. Fortenberry*, 882 F.2d 167 (5th Cir. 1989), a police officer's testimony on the witness stand was afforded absolute immunity.

⁶ *Id.* at 1289. In *Pleasant v. Lovell*, 876 F.2d 787, 805 (10th Cir. 1989), officers were afforded absolute immunity for their actions in assisting prosecutors in serving grand jury subpoenas.

⁷ 106 S.Ct. 1092 (1986).

⁸ *Id.* at 1097.

⁹ *Id.* at 1098 (citations omitted).

¹⁰ *Id.* at 1096.

¹¹ *Harlow v. Fitzgerald*, 102 S.Ct. 2727, 2738 (1982). For a comprehensive analysis of the *Harlow* decision, see Higginbotham, "Defending Law Enforcement Officers Against Personal Liability in Constitutional Tort Litigations," *FBI Law Enforcement Bulletin*, vol. 54, Nos. 4-5, April and May 1985.

¹² 107 S.Ct. 3034 (1987).

¹³ See, *Creighton v. City of St. Paul*, 766 F.2d 1269 (8th Cir. 1985).

¹⁴ 107 S.Ct. at 3038.

¹⁵ *Id.* at 3039.

¹⁶ *Id.*

¹⁷ *Id.*

From the Editor

- ¹⁸ *Id.* at 3038.
¹⁹ *Id.* at 3039.
²⁰ *Wood v. Ostrander*, 879 F.2d 583 (9th Cir. 1989).
²¹ *Id.* at 591.
²² *Id.* at 592.
²³ *Id.* at 593.
²⁴ *Id.* at 595.
²⁵ *Id.* at 593.
²⁶ *See, Lum v. Jensen*, 876 F.2d 1385, 1389 (9th Cir. 1989).
²⁷ *Id.*
²⁸ *Barts v. Joyner*, 865 F.2d 1187 (11th Cir. 1989).
²⁹ *Id.* at 1190.
³⁰ *Id.*
³¹ *Id.*
³² *Id.* at 1194.
³³ 107 S.Ct. at 3040-1.
³⁴ *Id.* at 3042.
³⁵ *Hughes v. Meyer*, 880 F.2d 967 (7th Cir. 1989).
³⁶ *Id.* at 970.
³⁷ *Id.* (citations omitted).
³⁸ *Id.*
³⁹ *Gorra v. Hanson*, 880 F. 2d 95 (8th Cir. 1989).
⁴⁰ *Id.* at 97.
⁴¹ *Melear v. Spears*, 862 F.2d 1117, 1185 (5th Cir. 1989). *See also, Masters v. Crouch*, 872 F.2d 1248 (6th Cir. 1989).
⁴² The trial judge may determine that a factual dispute exists that precludes summary judgment. *Id.* at 1183.
⁴³ *See, Mitchell v. Forsyth*, 105 S.Ct. 2806 (1985).
⁴⁴ In *Apostol v. Gallion*, 970 F.2d 1335 (7th Cir. 1989), the court held that absent a finding of frivolity, trial is automatically put off pending an appeal of the district court's denial of an officer's claim of qualified immunity.
⁴⁵ *Hamm v. Powell*, 874 F.2d 766, 770 (11th Cir. 1989).
⁴⁶ *Ginter v. Stallcup*, 869 F.2d 384, 387 (8th Cir. 1989).
⁴⁷ *Id.* at 387-88.
⁴⁸ *Id.* at 388.

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

I am pleased to announce two innovations to better serve the *Bulletin's* ever-widening readership. First, the Government Printing Office has agreed to offer the magazine for sale to individuals or organizations for \$14 a year. This means that anyone wanting a personal subscription can have one for a minimal fee. Of course, copies will still be provided free of charge to law enforcement agencies through the head of the agency, as well as to on-duty National Academy graduates, criminal justice departments at colleges and universities, and libraries. Subscription requests can be sent to the Superintendent of Documents, Government Printing Office, Washington, DC. (See order form on back cover.)

Second, I am pleased to announce that the *Bulletin* will be offered via a computer dial-up service through the Search Group, Inc. Anyone with an IBM compatible personal computer and a telephone modem can call up the most current issue of the *Bulletin* by dialing toll-free 1-800-448-8257. You will be able to print any article from the *Bulletin* in the comfort of your home or office—free of charge.

Both of these initiatives will allow law enforcement professionals to have continued access to the magazine. Please pass the word along.

Stephen D. Gladis
 Editor

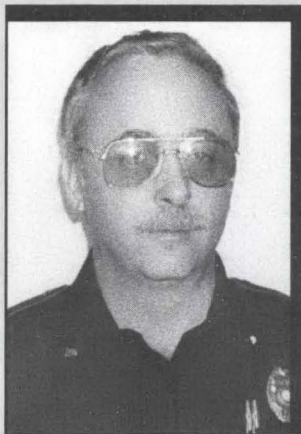
The Bulletin Notes

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



Deputy Fulmer

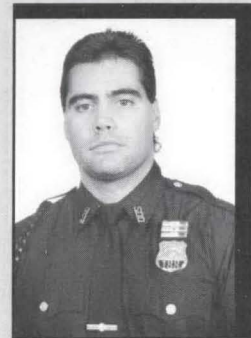
Deputy Gerald Fulmer of the San Diego County, CA, Marshal's Department was driving while off duty when he observed a fireball emerge from a dust cloud some distance away. Rushing to the scene, he found a vehicle engulfed in flames, and the driver trapped inside. Deputy Fulmer was able to free the dazed victim, whose legs were already on fire, and then carry him to safety.



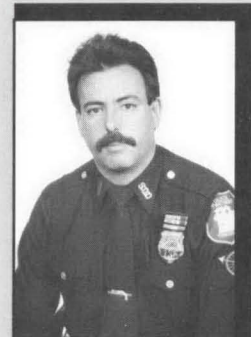
Assistant Chief Greene

While preparing to leave for the day, Assistant Chief of Police Emmett Greene of the Palacios, TX, Police Department became involved in a tense incident with an enraged gunman, who had entered the civic building housing the police department, courts, and other municipal offices. The assailant had already shot and killed a judge standing nearby. Assistant Chief Greene then engaged the assailant in a gun battle. Though wounded, he succeeded in neutralizing the gunman.

Officers Gerald Goodness and Joseph Pietropaolo of the Yonkers, NY, Police Department heard gunshots while patrolling near a schoolyard. When they approached the scene, they encountered a man with an assault rifle. The gunman had already critically wounded three teens, but the officers could not return fire because of the large crowd of children at the scene. Instead, the officers maneuvered the gunman away from the crowd and succeeded in pinning him down behind a parked car. The officers subsequently disarmed and apprehended the assailant.



Officer Goodness



Officer Pietropaolo

U.S. Department of Justice
Federal Bureau of Investigation

Second Class Mail
Postage and Fees Paid
Federal Bureau of Investigation
ISSN 0014-5688

Washington, D.C. 20535

Official Business
Penalty for Private Use \$300

Superintendent of Documents **Subscriptions** Order Form

Order Processing Code:

***5079**

☐ **YES**, please send me _____ subscriptions to **FBI LAW ENFORCEMENT BULLETIN**, List ID is FBIEB, at \$14 each per year (\$17.50 foreign).

**Charge your order.
It's easy!**



To fax your orders and inquiries - (202) 275-0019

The total cost of my order is \$_____. Prices include regular domestic postage and handling and are subject to change.

(Company or personal name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

()

(Daytime phone including area code)

Please Choose Method of Payment:

☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account -
☐ VISA or MasterCard Account

(Credit card expiration date)

Thank you for your order!

(Signature)

12/89

Mail To: Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325