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Civil Disorder

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Features

Departments

Civil Disorder
Preparing for the Worst

By
DEAN De JONG, M.S.

During an April 1991 conference on future trends in policing held at the FBI Academy in Quantico, Virginia, speakers made an especially disturbing prediction. Citing a number of factors, these experts raised the specter of increased numbers of civil disturbances worldwide during the 1990s. One year after the conference, violent rioting in several American cities in the wake of the Rodney King verdict seemed to confirm this prediction.

While the media quickly drew parallels between the riots of 1992 and those of the late 1960s, these comparisons are of limited value from a tactical perspective. In fact, reaction to the King verdict in the epicenter of the riots—South Central Los Angeles—followed a pattern much closer to the civil disturbance that erupted in Miami, Florida, in May 1980, following the acquittal of five Dade County police officers accused of beating a black motorcyclist. Unlike the gradual escalation of violence in the riots of the 1960s, acts of murder during the Miami riot occurred within minutes of the first signs of disturbance.[1] This pattern of rapid and violent escalation was reaffirmed during the disorder in Los Angeles.

In response to what appears to be the dual threat of more frequent and more violent civil disturbances, it is imperative that law enforcement agencies develop effective plans to meet this challenge. By preparing for the worst, public safety agencies can take steps to help prevent it from occurring.

CHARACTERISTICS OF CIVIL DISORDER

Studies of the violent riots in Los Angeles and Miami, as well as a series of disturbances that took place in the Miami area throughout the 1980s, reveal a clear pattern in modern civil unrest. The seven elements of this pattern include:

- An incident or community event that is perceived negatively by a segment of the community serves as the catalyst
- Small—but very violent—groups of people take advantage of the situation and begin engaging in seemingly random acts of violence, such as throwing rocks and bottles, attacking innocent bystanders, and shooting at the police. (In fact, these attacks are generally planned and directed at specific types of victims.)
- This same small group initiates isolated acts of looting and arson
- As more citizens become involved, there is a gradual but steady increase in incidents of looting and arson
- Widespread acts of civil disruption—attacks on innocent people, looting, arson, sniper attacks—overwhelm law enforcement's ability to maintain control
- Many segments of the community join in, creating a "carnival-like" atmosphere
- After several days, activities gradually cease due to a large influx of police resources and a lack of interest on the part of citizens in the affected areas.

When a disturbance finally calms, it leaves behind a multitude of questions, along with smoldering fires and ravaged storefronts. By searching for answers to these questions, law enforcement agencies and communities can be better prepared to respond—or preferably, to prevent—future incidents.

CRITICAL ELEMENTS

By analyzing its experiences with civil disorder during the past decade, the Miami Police Department identified seven key elements critical to the diffusion of unrest.

1) *Time*—Once a disturbance begins, time is the enemy of law enforcement. Therefore, it becomes vitally important that the police department gather
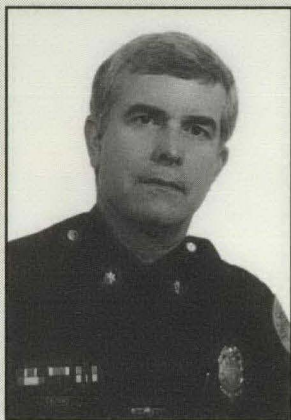
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Major De Jong commands the Support Services Section of the Miami, Florida, Police Department and is responsible for all civil disorder planning and training in the department.

resources and suppress disruptive activities before violence spreads and large numbers of the affected community join the initial rioters

2) *Resources*—While the department must respond as quickly as possible, it must do so with sufficient resources to handle multiple incidents that occur during an outbreak of civil disorder

3) *Goals*—Before an incident occurs, the department should formulate an organizational philosophy and develop a prioritized set of goals regarding the management of civil disorder

4) *Specialized Tactics*—The department must develop specialized tactics to deal with the unique policing conditions required during periods of civil unrest

5) *Plan of Action*—The police department should develop a detailed, written plan of action, addressing resources, personnel, and command requirements

6) *Training*—On a continual basis, the department should conduct riot training, reinforcing the plans and tactics that have been developed

7) *Critique and Update*—The police department must continually critique and update its planning and training so that its personnel are at a constant state of readiness.

The lessons learned by the Miami Police Department are relevant to any urban law enforcement agency that may confront civil unrest. Using these seven critical areas as a basis, departments can organize a response strategy.

PREVENTION THROUGH PREPARATION

Having identified stages in the evolution of modern urban riots and having learned lessons from past

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incidents of civil disorder, the department then addressed another important issue. How can police departments best deal with major civil crises?

The answer lies in preparation—one area where the police maintain complete control. Preparation is the single most important step law enforcement agencies can take to ensure that small disturbances do not grow into major incidents. Effective preparation is, in fact, the best form of prevention.

Administrators should focus on the following issues when developing response strategies—organizational philosophy, preplanning, mobile tactical field force concept, written civil disorder plan, and effective training. Each of these components must be addressed in some way for an agency to be adequately prepared for civil disorder.

Organizational Philosophy

A police agency must determine its philosophy concerning the management of civil disorder well in advance of the outbreak of unrest. In the wake of several disturbances during the past decade, the Miami Police Department developed such a philosophy, based on containment, communication, coordination, and control.

Containment

The first priority after an outbreak of civil disorder is to identify the affected geographical areas and to seal them off as quickly as possible. This containment is essential for two reasons. First, law enforcement must ensure that innocent people do not enter areas where hostile crowds are present. Second, it is important to isolate lawbreakers and to limit others from coming into the affected areas to join in disruptive and violent activities.

Communication

Communication, the second element, must begin at the onset of disorder and continue throughout the incident. Realistically, the process of communication flows in multiple directions—most importantly from field units to the emergency operations center (EOC)—where information concerning the type and size of the crowd, the level of violence, and the needed resources and equipment will be relayed. The EOC must then

report response estimates, criminal intelligence, and specific strategies back to field units.

However, communication should not be limited to internal information exchanged among police components. It is crucial that commanders in the EOC maintain constant contact with other government, civic, and community organizations. These contacts should include, but are not limited to, fire, sanitation, public works, and correctional agencies, as well as prosecutors' offices. If possible, representatives from certain major elements of emergency response, such as the fire and public works departments, should maintain a presence in the EOC to expedite response activities.
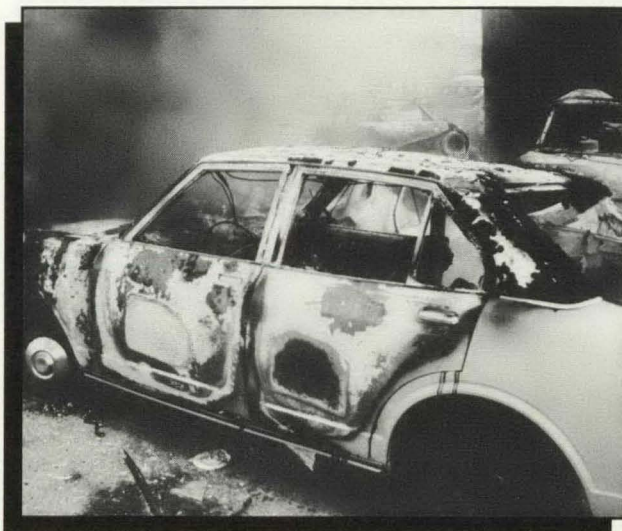
Coordination

Once effective communication has been established, the third element—coordination—is critical. At this stage, field requests for additional personnel and equipment become operational realities. Operational units must be directed to the most critically affected areas in order to address the most pressing problems.

To a large degree, successful coordination depends on maintaining good communication. Commanders must also understand that, as with communication, effective coordination of response efforts is an ongoing undertaking as needs, available resources, and problem areas continually change during a crisis.

Control

In the final stage—control—law enforcement moves in and establishes control of the situation with mobile field forces, arrest squads, and special weapons and

tactics (SWAT) teams. To be most effective and safe, the three prior elements of containment, communication, and coordination must be successfully implemented before the control phase becomes operational.

Preplanning

After developing an organizational philosophy, agencies face a variety of planning issues. Preplanning allows administrators to address issues in a calm and nonstressful environment. This saves time during the first critical hours of an actual disturbance. Specific areas of concern include civil disorder demographics, procedures, command and control, and personnel.

Civil disorder demographics

In a broad sense, demographics is the study of societies and trends. Similarly, civil disorder demographics analyzes trends and other factors common to civil disorder.

Such issues as the types of weapon used by rioters in past incidents are important when equipping field forces and determining appropriate countermeasures. The layout of the streets and alleys of potentially affected areas becomes critical in establishing perimeters and ensuring that mobile field forces cannot be ambushed.

Response units should be able to quickly identify and protect probable targets of looting, such as liquor stores, gas stations, and gun shops. Also, as part of civil disorder demographics, law enforcement must make an effort to understand the type of people involved and the alleged cause of their protest.

Procedures

Ensuring that commanders and officers understand accepted procedures is another important element of the preplanning process. Put succinctly, procedures cover who does what and how they do it.

Planners must determine if existing procedures conflict with one another and if they are consistent with the agency's philosophy. Also, officers need to know what equipment to secure and where to obtain it. It is paramount that agencies answer these procedural questions before any outbreak of unrest.

Command and control

Arguments between senior officers regarding matters of command or individual responsibilities at a time of crisis can needlessly delay response times of field units. Within the Miami Police Department, lines of authority are clearly established and approved by the chief. Likewise, specific responsibilities for strategic and tactical decisionmaking are prearranged and ready for implementation should unrest erupt.

During an incident, the EOC commander makes all strategic decisions, such as identifying the resources that will be allocated to specific problems, while the field commander oversees tactical decisions regarding *how* objectives established by the EOC are going to be met. However, preplanning helps to eliminate unnecessary conflicts and allows the agency to focus its efforts on the real problems.

Personnel

Personnel represents the greatest resource *and* the single largest problem in the effective management of civil disorders. Allocation of personnel will ultimately be the key to success or failure.

With regard to personnel, agencies must first address the issue of supply and demand. To determine supply, agencies should conduct a detailed survey of all officers and support employees to determine their assignments and work hours.

After completing this survey, administrators must review the established civil disorder plans to determine personnel requirements—or demand—in case of civil unrest. Areas of concern should include the number of individuals needed to fill perimeter posts, special details, and field force assignments to handle routine calls for service, protect vulnerable businesses, ensure station security, and continue staffing essential units, such as investigations and media relations.

These projections will present planners with two sets of figures—one for supply and one for demand. In a perfect world, these two sets of numbers would be approximately equal. More likely, however, planners will be required to reevaluate human resource needs carefully and reconcile them with available personnel.

> **" A police agency must determine its philosophy concerning the management of civil disorder well in advance of the outbreak of unrest. "**

Still, under no circumstances should administrators plan down to the last officer. Reality dictates that when emergency mobilization begins, commanders may only be able to contact 60 to 70 percent of the agency's personnel. Therefore, a plan that depends on all officers reporting for duty is almost certainly doomed to failure.

Planners should pay close attention to the work shifts and the number of hours personnel will be asked to work. In the Miami Police Department, all officers and certain critical civilian personnel, such as radio dispatchers, switch to 12-hour shifts during emergency mobilization. All vacations and leave—with the exception of sick leave—are canceled.

The department employs an "Alpha/Bravo" configuration, with the Alpha shift working from 4 a.m. to 4 p.m. and the Bravo shift working from 4 p.m. to 4 a.m. Officer assignments to the two groups have been predetermined in the organizational plan. For the most part, officers who normally work daytime shifts are assigned to the Alpha group, while personnel who ordinarily work afternoon and night shifts make up the Bravo group. Any balancing of the work force should be accomplished on a unit, not an individual, basis. Usually, this balancing involves moving additional daytime personnel to the night shift when rioters are more active.

After allocating personnel and assigning them to shifts, planners may think that the most difficult personnel-related tasks have been completed. Nothing could be further from the truth. During an actual mobilization, the real problems begin when an entire shift—perhaps as many as 600 officers—arrives at once and need to be given specific assignments.

During emergency mobilization in the Miami Police Department, all incoming officers report to a personnel allocation desk at the entrance of the headquarters building. After receiving their specific assignments, officers wear

color-coded wristbands that identify their particular area of assignment. This enables supervisors to determine at a glance which officers have been assigned to what areas. In the first chaotic hours of a major civil disturbance, a system of this type might make the difference between fielding officers in time to contain the situation or responding after control of the streets has already been lost.

The Mobile Field Force Concept

The mobile field force concept now used by the Miami Police Department represents a radical departure from the line formation and crowd control techniques of the past. It was developed after the violent riots of 1980 to maximize the impact of resources available to the department.

The mobile field force is comprised of 54 officers divided into 6 squads, each supervised by a lieutenant. Individual squads consist of one sergeant and seven officers who ride in two patrol vehicles. An arrest wagon driven by two additional field force officers rounds out the force.

This highly mobile force provides commanders with a variety of response options. For example, commanders can deliver 54 officers to a single problem area rapidly. The psychological effect of 14 police vehicles—all with sirens operating—can be overwhelming and often causes crowds to disperse upon approach.

Additionally, individual squads can be detached to handle specific problems or to hold objectives previously taken by the police. In fact,

because of its mobility, flexibility, and ability to respond to any part of the city quickly, the mobile field force can be used in almost unlimited ways. This force gives departments the ability to deliver large numbers of people to a single problem area or groups of officers to several problem areas at the same time. In short, it gives the police a valuable tactical edge.

> **Allocation of personnel will ultimately be the key to success or failure.**

Civil Disorder Plan

An old expression familiar to everyone in law enforcement holds that no job is complete until the paperwork is done. This is especially true with regard to preparing for civil disorder. After investing time and resources in developing preplanning procedures and forming a mobile field force, agencies should record the information in a written civil disorder plan.[2]

The plan should address all the issues identified in the preplanning process. It should be sufficiently specific to include such information as unit assignments and wristband identification codes. The document should also include specific

information on perimeter posts to be held, forms to be used, and specific responsibilities of the emergency operations command. To be of value, the plan must be straightforward and easily understood.

Finally, the civil disorder plan must be a "living" document. If it rests on a shelf after being written, it may no longer be viable when the need arises to implement it. Therefore, members of the command staff should review the plan at least once a year. A careful critique should follow any training scenarios or actual incidents in which the plan is used. Following a critique, administrators should make any adjustments necessary to enhance the effectiveness of the plan.

Training

The final step in preparing for civil disorder involves training. Administrators should keep in mind that no matter how well developed the written plan may be, nothing teaches it as well as practical experience.

Twice a year, the Miami Police Department conducts civil disorder training for all sworn personnel. This training includes practical exercises in the field force concept, line formations, and tactics.

Ideally, training should be made as realistic as possible and should include physical confrontation and (if applicable) the use of chemical agents. Training exercises should be designed to place both mental and physical stress on participants to condition their reactions.

Additionally, in Miami, command and supervisory personnel receive further classroom instruction

in command and control issues. They also review details of the written civil disorder plan.

Because it represents a huge commitment of personnel, the training component of civil disorder control can be costly to law enforcement agencies. However, the cost of not training can be far greater in terms of damage to the community and lives lost if officers do not respond effectively.

CONCLUSION

Police agencies have a fundamental duty to protect lives and property in the communities they serve. A major incident of public disorder represents one of the most severe challenges to that obligation.

Although the likelihood of large-scale public disturbances may appear remote, a number of factors make such events a distinct possibility in communities across the Nation. By studying these factors on a national, as well as local, level and by analyzing the characteristics of urban disorder, public safety officials will be in a better position to manage and prepare for such incidents. Then, by developing effective response plans, agencies can reduce the likelihood of minor disturbances evolving into widespread violent assaults on civil order.◆

Endnotes

[1] Bruce Porter and Marvin Dunn, *The Miami Riot of 1980—Crossing the Bounds* (Lexington, Massachusetts: D.C. Heath and Company, 1984), 173.

[2] A copy of the Miami Police Department's civil disorder plan is available to law enforcement agencies upon request. Write to the Miami Police Department, Support Services Section, P.O. Box 016777, Miami, FL 33101.

1992 Hate Crimes

Data compiled by the FBI's Uniform Crime Reporting Program reveal that most hate crimes reported to law enforcement are motivated by racial bias. The data were reported by 6,180 law enforcement agencies in 41 States and the District of Columbia, which cover 53 percent of the U.S. population. The number of law enforcement agencies participating in the FBI's statistical program, which was initiated in response to the Hate Crime Statistics Act of 1990, grew by 123 percent when compared to the number of agencies reporting in 1991.

Racial bias motivated 6 of every 10 hate crimes reported in 1992; religious bias, 2 of every 10; and ethnic and sexual-orientation bias each, 1 of every 10. Among the specific bias types, antiblack offenses accounted for the highest proportion, 36 percent, followed by antiwhite and anti-Jewish motivations, 21 and 13 percent, respectively.

Crimes Committed

Among the 8,918 racially motivated offenses, intimidation was the most frequently reported hate crime, accounting for 37 percent of the total. Destruction/damage/vandalism of property followed with 23 percent; simple assault, 20 percent; aggravated assault, 16 percent; and robbery, 2 percent. The remaining offense types (murder, forcible rape, burglary, larceny-theft, motor vehicle theft, and arson) each accounted for 1 percent or less of the total.

Offenders

In 38 percent of the incidents reported, information concerning the offenders was unknown. However, for incidents in which the suspected race of the offender was reported, 64 percent of the hate crimes were committed by whites, 33 percent by blacks, and 1 percent by persons of other races. The remaining incidents were committed by groups in which the offenders were not all of the same race.◆

Crisis/Hostage Negotiation Team Profile

By
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CLINTON R. VAN ZANDT, M.P.A.,
and RANDALL G. ROGAN, Ph.D.
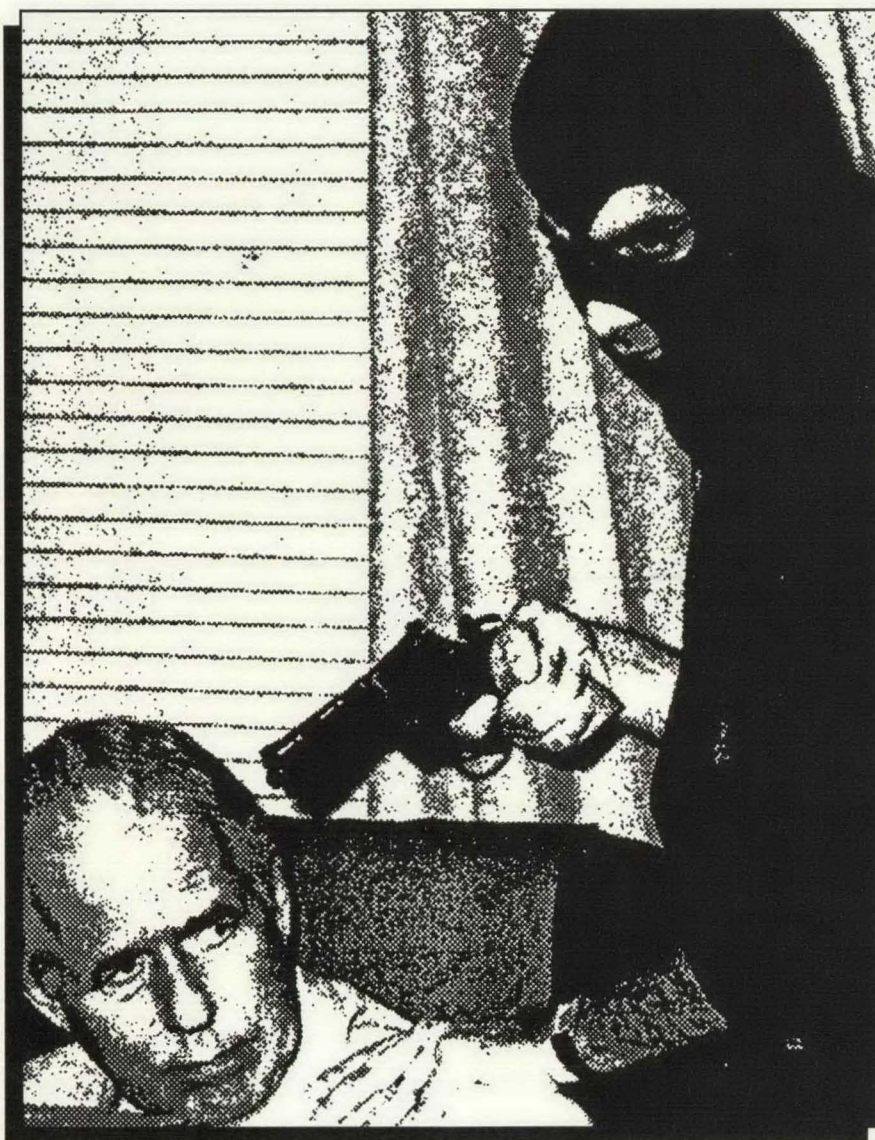
O ver 600 crisis/hostage negotiators and members of special operation teams gathered in February 1992 to share ideas and exchange information and experiences. During this seminar, conducted jointly by the Baltimore County, Maryland, Police Department and the FBI, attendees from Federal, State, and local law enforcement agencies throughout the United States reviewed five hostage incidents. Each presentation provided insights into the complex and dynamic nature of the negotiation process under highly stressful situations.

Unfortunately, little comprehensive data exist concerning crisis negotiation activities in the United States. Therefore, in an effort to develop such critical data, the authors requested that hostage negotiation unit team leaders attending the February seminar complete a crisis negotiation survey (CNS). The survey was designed to identify the needs of crisis negotiation teams. In addition, the authors hoped to gather demographic information about the negotiation teams. Only team leaders completed the survey to preclude duplicate responses.

THE SURVEY

The CNS consisted of 44 questions focusing on specific issues that affect crisis negotiation teams. These issues included demographics, selection and training, incident responses, use of mental health professionals, information and training needs, and the feasibility of establishing a national clearinghouse for crisis negotiation. The survey was initially developed based on input from FBI hostage negotiators. Its intent was to obtain responses from

team leaders regarding hostage negotiation needs. Then, in order to ensure that it was appropriate for the purpose of this study, FBI hostage negotiators and outside experts on surveys reviewed the items, sequencing, and overall wording of the survey.

One hundred hostage negotiation team leaders completed the survey. Therefore, the percentages listed equal the actual number of respondents (e.g., 76 percent equals 76 out of 100 responses).

SURVEY RESULTS

Team Demographics

The survey responses revealed that few females served on negotiation teams. Seventy-six percent of those responding indicated that women comprised between 0-20% of their hostage negotiation teams.

The ethnic composition of negotiation teams was primarily white. Seventy-one percent of the respondents indicated that their negotiation teams consisted of 81-100% Caucasian members.

Further, respondents indicated that most of the negotiation team members' duties were either in investigation or patrol, with some in administration. Specifically, 51% of the respondents stated that more than 40% of their teams had primarily investigative responsibilities, while 47% stated that 40% or more of their team members served primarily in patrol. Overall, 72% responded that fewer than 20% of their team members were actively involved in administrative duties.

Negotiation Team Selection and Training

Fewer than half (45%) of the teams had any written negotiator selection policy. In addition, once selected, team members received a fairly limited amount of initial training in hostage negotiations. Seventy-four percent of the respondents stated that their teams received 10 days or less. Many team leaders (44%) said initial negotiator training lasted 5 days or less. Only 1% of the respondents indicated that their team members received 21 or more days of initial negotiator training.

According to the survey results, the FBI provided 40% of the initial training. However, initial negotiator training was also provided either by the respondents' own departments (17%) or through outside contractors (15%).

Departments spent even less time on continuing or followup training each year. The majority of teams (61%) recorded, on the average, 5 days or less inservice training each year. Overall, 82% of all teams received 10 days or less of this type of training. Only a few teams (6%) devoted 15-20 days to followup training annually, while no team received more than 20 days of continuing hostage negotiation team
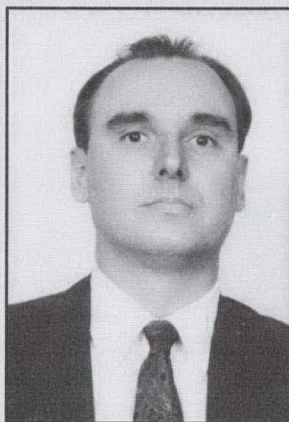
Dr. Hammer is a professor at The American University in Washington, DC.

Special Agent Van Zandt is assigned to the FBI Academy.
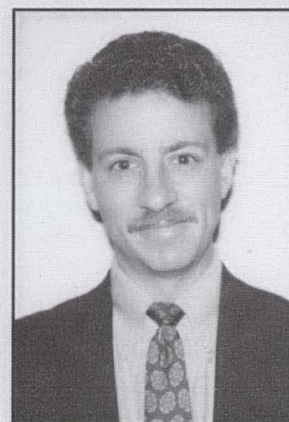
Dr. Rogan is a professor at Wake Forest University in Winston-Salem, North Carolina.

Survey Highlights

- Fewer than half (45%) of the negotiation teams have any written negotiator selection policy.

- Most negotiation teams (61%) spend, on the average, 5 days or less each year in continuing negotiator training. Most of this training is conducted in-house (44%).

- Almost half (44%) of the negotiation teams receive initial training lasting 5 days or less. This training is primarily provided by the FBI. Very little continuing training is conducted jointly with SWAT teams (44% of the negotiation teams jointly train with SWAT 3 days or less each year). Over one-third of the negotiation teams (39%) engage in no joint training at all with their SWAT teams on an annual basis.

- Generally, most negotiation teams responded to and actually negotiated 10 or fewer crisis situations during 1991. The most common situation was barricade incidents, followed by domestic situations, suicides, hostage-takings, criminal/high-risk arrest situations, and kidnapings.

- About one-half of the teams (56%) use a mental health professional as a consultant (primarily in the area of post-incident counseling).

- Team leaders believe there is a substantial need for additional information and training in assessing hostage-takers' emotional stability, resolution strategies, negotiator communication skills and strategies, suicide indicators, and decisions on when to go tactical.

- A high percentage of team leaders (92%) cite a need for a national crisis/hostage negotiation clearinghouse.

training. Most continuing training was undertaken either in-house (44%) or was provided by the FBI (24%).

Overall, little or no joint training was undertaken with SWAT teams. Forty-four percent of the negotiation teams trained with their SWAT teams 3 days or less, and 39% engaged in no joint training.

Negotiation Team Incident Responses

Generally, most negotiation teams responded to a relatively small number of crisis negotiation situations during 1991. During that year, 72% of the teams responded to 10 or fewer incidents, while 20% of the teams responded to 11-20 incidents.

When asked to indicate the number of situations the teams actually negotiated, the majority (83%) of teams negotiated 10 or fewer crisis events and 13% negotiated between 11-20 situations. In terms of the type of crisis situation in which teams needed to negotiate with a perpetrator, the most common was barricade incidents, followed by domestic situations, suicides, hostage-takings, criminal/high-risk arrest situations, and kidnapings.

Use of Mental Health Professionals

Only about one-half of the teams (56%) indicated that they used mental health professionals as consultants. Team leaders indicated post-incident counseling as the most predominant reason for using mental health consultants (58% of the teams that use mental health professionals use them in this capacity).

In a significant number of agencies, mental health professionals also act as on-scene advisors to negotiation teams (40%) and become involved in the training (34%) and selection of team members (32%). However, only 6% of the team leaders stated that they use mental health professionals as primary negotiators.

Information and Training Needs

In order to determine the most critical information and training needs of the negotiation teams, the respondents were asked to rate 11 topics on a five-point scale, with 1 denoting "little need for additional information and training" and 5 denoting "great need for additional information and training." The mean, or average, score was computed for each issue.

In general, the team leaders believed that their teams had a substantial need for additional information and training (mean = 3.0 or higher) for all of the issues listed with only one exception: impact of nonpolice personnel on negotiations (mean = 2.91; sd [standard deviation] = 1.24). The top five information and training needs of the respondents were—in order of priority—assessing hostage-takers' emotional stability (mean = 4.05; sd = .90), resolution strategies (mean = 4.04; sd = 1.02), negotiator communication skills and strategies (mean = 3.97; sd = 1.03), suicide indicators (mean = 3.97; sd = .93), and when to employ tactical strategies (mean = 3.85; sd = 1.17). The remaining prioritized issues were rapport building (mean = 3.81; sd = 1.09), negotiation differences among various situations (mean = 3.81; sd = .97), impact of psychological character-istics of hostage takers (mean = 3.75; sd = 1.02), hostage-takers' views on negotiations (mean = 3.70; sd = 1.06), cultural impacts on negotiation (mean = 3.56; sd = 1.12), and impact of nonpolice personnel on negotiations (mean = 2.91; sd = 1.24).

Need for National Clearinghouse

The overwhelming majority (92%) of the respondents cited a need for a national clearinghouse to collect, analyze, and disseminate information regarding crisis negotiation. Further, 94% of the team leaders indicated a willingness to use such a clearinghouse, and 93% of the team leaders indicated a willingness to assist the clearinghouse by providing both information and audio visual materials on their crisis negotiation experiences.

CONCLUSION

The crisis negotiation survey provides preliminary insights into selected demographic and functional characteristics of a sample of crisis/hostage negotiation teams within the United States. It represents the first attempt at collecting and disseminating information on hostage negotiation team characteristics and crisis incidents.

The information obtained through the CNS can provide an initial benchmark by which to assess the needs and functions of individual crisis/hostage negotiation teams. Further, this information can be used to create effective training and information dissemination programs. Most important, however, the research can be used to identify and address the most critical needs of crisis teams throughout the country. ✦
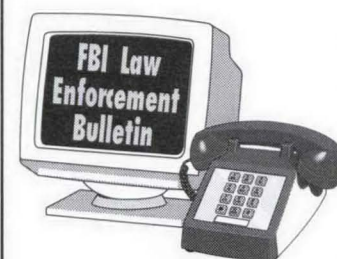
Seven Seeds for Policing

By
David C. Couper, M.A.

LEADERSHIP · KNOWLEDGE · CREATIVITY · PROBLEM SOLVING · DIVERSITY · CONTROL OF FORCE · COMMUNITY POLICING

In my over 30 years of police service, I have seen some changes of which I am proud, specifically, the higher education levels of police recruits and the larger number of women and minorities in police departments. At the same time, I confess that all I hoped for did not happen.

However, because I am not one to lament the past, I want to look ahead and think about what could be for those who choose to serve as police officers. My vision is to see seven seeds planted in the field of policing—leadership, knowledge, creativity, problem solving, diversity, control of force, and community policing. If these seven seeds take root and grow, they can, hopefully, provide a vision for tomorrow's police leaders.

The Seed of Leadership

The police may be the last organization in America to maintain the authoritarian organizational structure. We don't seem to understand the fear it generates among employees or realize how it chills creativity and initiative within the ranks.

Today, the best organizations in America are adopting leadership styles based on Total Quality Management. This leadership style stresses listening to others, coaching, and fostering the personal growth of employees.

Nevertheless, many of this Nation's police leaders continue to wrap themselves in the protective mantle of authoritative and coercive leadership styles. The longer we delay this needed change in police departments, the more difficult it will be to accomplish it. Once and for all, coercion and fear must be cast away as leadership methods—the police officers we lead deserve no less.

It is time to move from *fear* to *fostering*. It is time to stress listening, coaching, and fostering employee development as the three most important characteristics of a police leader.

The Seed of Knowledge

As a young police officer in 1967, I became excited over the report released by the President's Commission on Law Enforcement and the Administration of Justice. The report challenged me to finish my college degree and attend graduate school.

I was convinced, as I am now, that policing could be a profession of intellectual substance with an

interdisciplinary body of knowledge. Yet, professionalization will never happen until police leaders require a baccalaureate degree as an entry requirement.

It is time to move from *diplomas* to *degrees*. It is time to institute the bachelor's degree as the entry requirement into the policing profession and an advanced degree for top leadership positions.

The Seed of Creativity

Policing chills creativity in so many ways—from our leadership styles to our ongoing romance with the status quo. It is unfortunate, because the problems facing law enforcement and society today require not more of the same, but new and creative ways and methods of policing.

It is time to move from the *wasteland* to the *heartland*. It is time to move from being the wasteland of the status quo to being the center of creativity and innovation in government—its heartland.

The Seed of Problem Solving

For nearly a decade, police leaders have talked about problem-oriented policing. It is now time to "walk the talk."

Whether it is a noise complaint or civil disturbance, the police tend to focus on their response and not on their ability to solve or prevent the problem. A mentality of "waiting for the big call" infects each generation of police officers, whether they drive patrol cars or sit in executive offices. In turn, this virus makes it easier, as a society, to invest in prison cells rather than prevention strategies.

It is time to move from *suppression* to *solution*. It is time to understand that reacting to and suppressing problems must be complemented by action—by problem solving, preventive strategies, and moving "upstream" to work on the causes of the social problems that perplex us.

The Seed of Diversity

Most police agencies are not representative of the people they police. African-American and Hispanic officers have begun to appear in uniform on the Nation's streets, but Native Americans and Asians are noticeably absent.
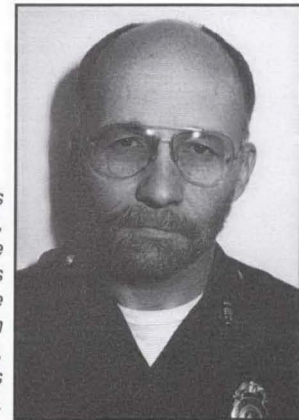
Chief Couper, who retired as head of the Madison, Wisconsin, Police Department, delivered this speech at a Police Executive Research Forum (PERF) annual meeting, where he received PERF's Leadership Award.

Women continue to struggle within agencies for acceptance as police officers. Few women, after their initial experiences with acceptance, are willing to go through it again as a police leader.

Police leaders must be ever-vigilant to the dangers of racism, sexism, and classism in communities and especially in police departments. I suggest that in order to prepare for tomorrow's demographic trends, police leaders review the composition of the elementary schools in their communities and develop affirmative action strategies accordingly. A diverse, well-represented police department is a safer department for police officers and a community asset. The Madison Police Department has as a motto—"Our diversity is our strength"—and, we mean it.

It is time to move from *relatives* to *rainbows*. It is time, once and for all, to create police departments that, through staffing, reflect the many colors of the Nation's communities, rather than simply the color of the majority of the population.

The Seed of Force Control

Police authority to use force to carry out our duties is a sacred trust bestowed by the people we serve. Although violence is endemic in society, the police should not be caught up in it.

The police are the peace people. We need to speak out informatively about the causes of violence

in society, such as violence in the media, the proliferation of handguns, and the legions of battered and sexually abused children in this country.

It is time to move from *muscle* to *mediation*. It is time to identify what is killing children. It is time to reinforce our commitment to support the alternatives to violence and the use of deadly force only to save a human life. It is also time to speak to the value of every human life, whether it is threatened by a police bullet or the gas chamber.

The Seed of Community Policing

The police must get closer to the people they serve. Distance is danger; closer is safer. This applies whether we are keeping the peace during a riot or a family dispute.

I strongly believe that the role of the police in the 21st century will be that of community organizer, advocate, and protector. The police will be the "glue" that bonds communities together and makes them strong.

Community policing is the salvation for the American police. I am strongly convinced of this. If we choose not to do it today, or do it poorly, we will be short changing the officers who follow us and the citizens who depend on us. And, we may never have the opportunity again to make a real difference in the lives of the people of this Nation.

In order to be straightforward about community policing with police officers and citizens, five things must happen in addition to the development of leadership, knowledge, creativity, problem solving, diversity, and force control. First, the police must move from the *practical* to the *ethical*. We are the keepers of the law—the "street" corner representatives of this Nation's way of life.

The police must never violate the law in order to keep the law. The corruption in the cities or the courts is no excuse for corruption and dishonesty, even if it seems "practical" and reasonable at the time. The police should be the "ethics people" in government.

> " It is time...to create police departments that...reflect the many colors of the Nation's communities.... "

Second, the police must move from *occupier* to *organizer*. We will never make it as an occupation force. Instead, we must work with and, if necessary, organize neighborhood residents to assure peace and order.

Third, the police must move from *controlling* to *caring*. We must get rid of the "us and them" mentality that creates such enmity between us and the citizens we serve. The police must believe in the fundamental goodness of people. To lose that belief is to lose the soul of what police do.

Fourth, the police must move from *time* to *turf*. We must move away from organizing work based on time of day rather than neighborhood. We need to create police officer "ownership" of a given area, to empower patrol officers as "mini-police chiefs" in every area of the community.

Finally, the police must move from *finesse* to *philosophy*. Most police leaders are still talking "program" when it comes to community policing—another program in a long line of police department programs. Often, the response from street officers about community policing is, "Yeah, but what about next week?"

We have trained police officers so well that they "smooth talk" community policing just like they have heard us do with other past police programs. Police leaders need to stop talking about community policing and just start doing it.

Conclusion

As I conclude my years as a police officer (25 of them as a police chief), I look back on luck, a police sergeant, and vision. For all the fool-hearted things I survived on the streets and within city politics, I attribute to luck. For my enthusiasm, health, and realistic appreciation for rank-and-file police officers, I owe to the police sergeant who is my wife. For the strong vision that I have for a better future, I owe to the grace of God in my life.

Goodbye and God bless! ✦

Reflections on Community-Oriented Policing

By
ROBERT BOBINSKY

On the east side of Bensenville, Illinois, sits an island community made up of over 250 single-family residences and a complex containing more than 200 closely spaced townhouses. This "community within a community" is separated from the mainstream of the village by more than the railroad tracks and international airport that border it on three sides.

A psychological barrier also exists that isolates the residents of this community from those of the village at large. Much of the gang activity in the village is centered in the townhouse complex. Other problems stem from the fact that a majority of the residents in the complex are recent or illegal immigrants, of either Hispanic or East Indian origin. Most harbor fears and distrust toward law enforcement, held over from experiences in their native countries. The language barrier between these residents and employees of the village's public service agencies also led to a lack of understanding regarding the problems in the area. Over the years, this lack of communication and cooperation gave way to an overall deterioration in the physical state of the neighborhood.

In March 1991, several residents concerned with the declining condition of the area enlisted the cooperation of the police chief and the department's DARE officer to establish a Neighborhood Watch. The first sparsely attended meetings of this group produced small, but important, results. Police response times to the area improved, as did the sense of cooperation between other village agencies and the residents of the area.

Then, in October 1991, an incident occurred that proved to be a catalyst for far greater change. A 15-year-old resident with ties to gang
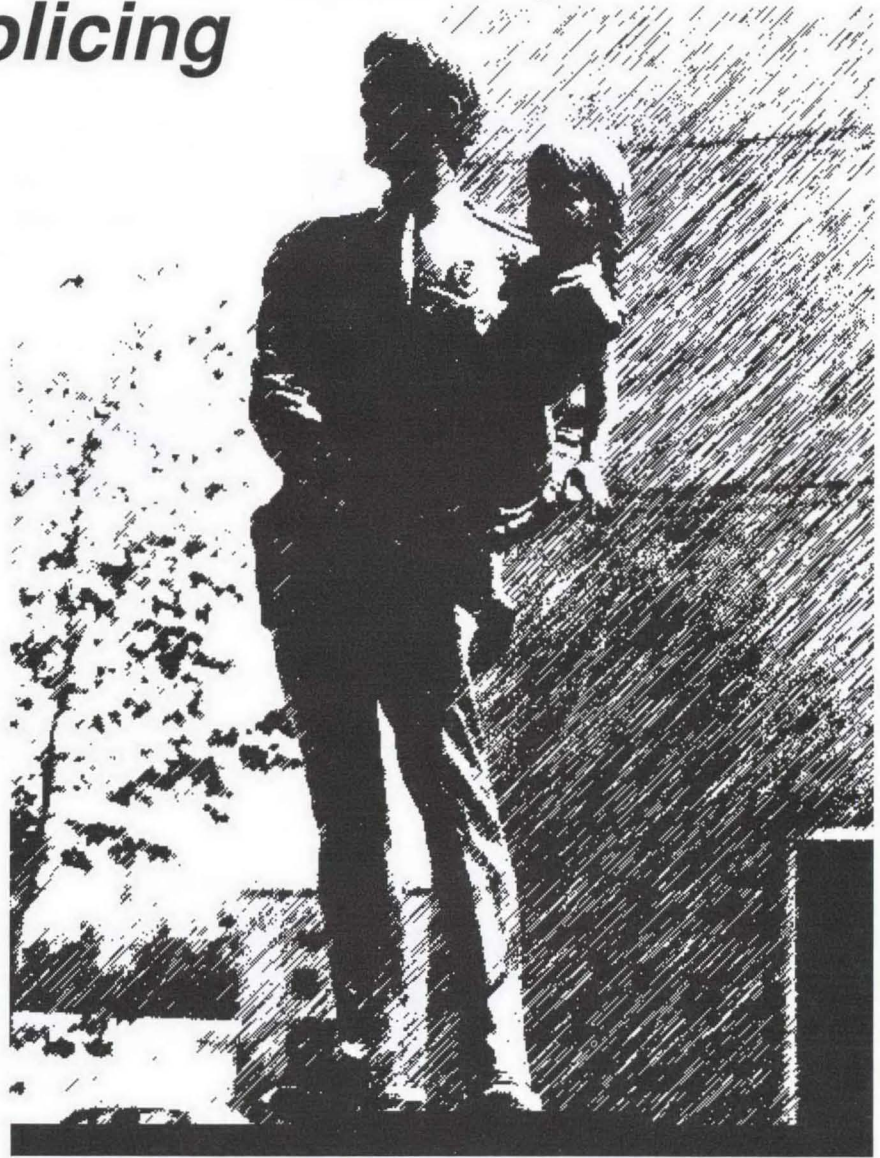
activity was shot and killed while standing in front of his home. At the next Neighborhood Watch meeting, over 300 residents and several village officials agreed that the quality of services for the area—policing among them—required immediate reform.

The police department responded by forming a two-officer undercover tactical team, which focused its efforts on disrupting gang and criminal activity in the island community. Then, the chief of police approached me with another idea for improving the quality of life in the troubled area. The chief's proposal called for implementing an aggressive Community-oriented Policing (COP) Program in the townhouse complex. It would be an experiment that could lead to profound changes in the residents' attitudes toward the police.

Not fully understanding the principles of community-oriented policing, I initially declined my chief's offer to participate in Bensenville's COP program. My instincts told me that the approach was too much like social work and would no longer involve any real police work. Not one to take "no" for an answer, the chief convinced me to read several articles and pamphlets about community-oriented policing before refusing the position outright. This brief investment of time helped me to put the somewhat abstract concept of community policing into a practical perspective.

The more I read, the more I came to realize that community-oriented policing represents the approach law enforcement must take in order to meet the changing needs of communities. This policing concept also completely changed the way I viewed the role of law enforcement in society.

Traditional Policing

Historically, local law enforcement in the 1930s and 1940s was characterized by the "beat cop," who knew every resident and business owner in an assigned area. Likewise, this officer became aware almost immediately when a crime occurred and generally found out quickly from members of the community who committed it. This timely apportionment of justice helped to create a strong bond between members of the community and the officers who patrolled their districts.

However, this policing model harbored significant drawbacks. Officers often gained appointments through corrupt political deals, were poorly trained, and rarely displayed a professional appearance or demeanor.

As a result, the 1960s and 1970s saw the dawn of the "professional policing model." These new officers used the most up-to-date technology—such as high-speed cruisers, forensic laboratories, mobile radios, and 911 emergency systems—to serve the sprawling suburban environment that came to characterize much of the American landscape. Considering the vast areas covered by a limited number of officers, response times were exceptionally quick. Such areas as recruiting practices, training, and professionalism were vastly improved.

But the professional policing model possessed its own inherent shortcomings. Officers became less a part of the communities they served. In fact, they were intentionally placed "outside" of the community as a reaction to the potential for corruption that existed in prior policing models. And, even though response times were exceptional, calls for police service still brought

> **"By allowing one area to deteriorate, cycles of poverty and crime intensify, creating a situation even more difficult to address in the future."**

Officer Bobinsky serves in the Bensenville, Illinois, Police Department.

officers to the scene *after* a crime had been committed. This "incident-oriented" policing model placed an impressive array of resources at officers' disposal to locate offenders, but made little attempt to reduce actual crime numbers.

Bringing Policing Back to the Community

Community-oriented policing combines the familiarity, trust, and sense of ownership characterized by the "beat cop" with the professionalism and expertise of the professional policing model. Officers working in this mode conduct their patrols from a problem-oriented, rather than incident-oriented, perspective. Accordingly, the focus becomes preventive—rather than reactive—police work.

Officers involved in community-oriented policing have access to residents on a personal level, which helps to build a better relationship between the community and the police department. Residents see the police as more than just anonymous blue suits driving down the street in patrol cars. The community is more involved with the officers, and in turn, becomes the eyes and ears of the department in the neighborhood.

Overcoming Obstacles

Officers involved in community-oriented policing programs need to foster a good working relationship with other municipal agencies. Cooperation is essential, not only in the planning and implementation stages but also in the daily operation of any satellite office. In addition, because these municipal officials possess experience in

securing funds, hiring new employees, and managing personnel, they can be a valuable resource when expanding a program. When it comes to a community-oriented approach, having the municipality's management on your side can mean the difference between an initiative just getting by and truly succeeding.

Still, incorporating community-oriented policing into the daily operations of the police department

> **Community-oriented policing does not transform police officers into social workers.**

may breed some problems from different quarters. As I had expected, the expenditure of village funds into an area historically separated from the rest of the community raised some eyebrows. Often, I found myself having to respond to the question, "Why is *our* money going to *that* area?"

Fortunately, there were many answers to that question. Residents who asked it needed to be reminded that if one area of town is allowed to become a "slum," the entire village is adversely affected. Gangs would eventually break out of their "home turf" and infest other residential and business areas. By allowing one

area to deteriorate, cycles of poverty and crime intensify, creating a situation even more difficult to address in the future.

In contrast, reduced crime rates in the target area allow the police department to devote more resources to other parts of the community. In addition, by raising the standards of the townhouse complex, property values increase, yielding additional tax revenues for the village.

While I expected a degree of community skepticism regarding the ambitious program, the negative sentiments expressed by some of my fellow officers represented a more formidable obstacle. These comments, whether directed to one another or to local residents, were difficult to deal with, both on a personal and professional level. Still, many officers expressed great interest in the program, and through education and encouragement to participate, the few that publicly voiced their doubts eventually assisted in the overall success of the effort.

A Different Beat

The Police-Neighborhood Resource Center (PNRC) serves as the centerpiece of the COP program in Bensenville. Using Federal, State, and county grants, as well as local tax revenues, the village purchased a townhouse in the target area and renovated it into a satellite police and village office.

I now work at the Police-Neighborhood Resource Center. However, my job description has not changed—I am still a uniformed police officer. My beat is much smaller than other officers in the patrol division, which has its distinct advantages.

For example, I now know many of the residents on a personal level. More importantly, the relationship between the police department and the neighborhood has greatly improved. In addition to reporting known and suspected criminal activity to me, the residents also seek my assistance when dealing with other village agencies. Often, residents stop me in the street as I walk by their homes and ask who they can call to resolve specific problems. Partly as a result, sanitation conditions and problems associated with overcrowding have shown signs of improvement. Additionally, in the course of my duties, I have returned lost children to their homes, solved parking problems, and assisted other officers during emergency calls.

Despite my intolerance toward gangs in general, local gang members display a grudging respect for me and my position. They appreciate that I treat each person on an individual basis and do not view them merely as gang members. They also realize that I have a job to do, and that if I treat them with respect, I demand the same treatment in return. I am rarely disappointed.

For example, during my first week at the PNRC, several gang members advised me that a member of a rival gang had driven into the area in a car he claimed to have stolen. The gang members brought me directly to the vehicle, and a subsequent computer check

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revealed that the car had indeed been reported stolen only 12 hours earlier. With information given to me by these gang members, I recovered a stolen automobile and arrested the offender.

In fact, after just a few months of working in the PNRC, I observed a distinct swing in the attitude of the gang members. Many actually stop by my office, either to just sit and talk or, more often, to relate information regarding suspicious or illegal activity in and around the village. Recently, on two separate occasions, members of rival gangs damaged a truck belonging to a local gang member. Instead of retaliating, the victim called the police station and requested that I take the report. In both cases, the offenders were identified and arrested. Through such incidents, the gang members have come to realize that I am a police officer who they can trust to take any criminal act seriously, no matter who the victim is.

Additional Benefits

Aside from enhancing the relationship between the police department and area residents, the community-oriented approach produced additional benefits. Because of the assistance I try to provide to tenants, I now have a better line of communication with village and county officials. If residents advise me of an inordinate number of people living in a townhome, for example, I can contact the village zoning officer, who will immediately make inspections of the house for safety, fire, and ordinance violations. Slowly, the combined efforts of several government agencies are driving criminal slumlords—who once preyed on low-income residents—from the area.

From the outset, various village agencies coordinated their efforts to ensure the most efficient use of resources. The Director of Community Services persuaded the different village taxing entities to cooperate in making revenues available. She also coordinated an effort to provide public library programs and job placement services at the PNRC. In addition, the school district established an after-school tutoring program at the site.

The Police-Neighborhood Resource Center is also being used for more programs than originally anticipated. The Neighborhood Watch uses the center for its meetings, as do two local Girl Scout troops. A local community college offers an "English-as-a-Second-Language" course at the center, and the local public library created a satellite library at the site, using its own grants to purchase books.

Preliminary Results

Despite the visible signs of improvement in the island community, I found myself disappointed by the initial statistical results. A comparison of the rate of calls for police service showed a dramatic increase during the first 2 months of the PNRC's operation. However, at face value, these figures proved somewhat deceptive. The rate of *crime* did not increase, only the rate of calls to the police for service. Rather than indicating a worsening situation, the initial rise in the number of calls revealed a new willingness on the part of residents to trust the police.

In subsequent months, the rate of calls showed a steady decline. More importantly, the rate of criminal activity also fell. When compared to 1991 figures, totals for 1992 revealed an overall lower rate of calls for service and crime throughout the target area.

This reinforces the need for departments to make long-term commitments to community-oriented policing. During the early stages, calls for police service may indeed increase. However, administrators should not view this as a negative

outcome. Increased calls for service generally reveal positive changes in the mindset of area residents.

Other COP Programs

From my experiences with Bensenville's Community-oriented Policing Program, I have become familiar with some of the COP initiatives being employed in other police departments throughout the Nation. Though they share similarities, none are—or should be—identical. Likewise, when adopting a COP

> **A more involved community translates into a community more willing to cooperate with its police department.**

program, each police department should look at the local needs of each neighborhood or target community. Not every situation is alike, and there is virtually an infinite number of programs from which to choose.

For example, in Elgin, Illinois, the Resident Officer Program of Elgin (ROPE) actually houses police officers and their families in target areas. Officers in this program conduct their police business from a satellite office.

Aurora, Illinois, employs a mobile police trailer that can be moved

from community to community, staying until the target areas have been improved. Officers can also position the trailer in the middle of a street to act as a checkpoint for vehicles and individuals entering or leaving an area.

This diversity of programs underscores one of the strengths of community-oriented policing. Departments can tailor programs to meet the unique needs of communities. And, because officers assume more personal responsibility for the areas they patrol, their input adds imaginative details to the programs.

Conclusion

Like many officers, I approached community policing very cautiously—even skeptically. I did not wish to surrender my role as a law enforcement officer only to become a "social worker with a badge." However, my experiences with the Police-Neighborhood Resource Center changed my previously held perception.

Community-oriented policing does not transform police officers into social workers. It does, however, empower officers to connect individuals with problems to agencies that can help them. COP does involve a few extra minutes handling each call, but this is time well-spent. Most importantly, community-oriented policing recognizes the value of the police and the community working together to reduce crime. A more involved community translates into a community more willing to cooperate with its police department. In the words of my chief, such a relationship is a "win-win situation."◆

Discipline Philosophy

By
Darrel W. Stephens, M.P.A.

> "...the police officer expects and indeed needs some insulation from the community being served. But insulation can serve as a shield for the officer who is not so scrupulous—who in fact acts improperly."
>
> Herman Goldstein
> *Policing a Free Society*

In *Policing a Free Society*, Herman Goldstein notes that the adversarial nature of policing is a key factor that complicates the control and review of police action and behavior. The public grants the police considerable authority to act on its behalf in an effort to create an environment that is free of crime, drug abuse, violence, and disorder and the fear that accompanies these conditions.

In almost all encounters with the public, police officers and nonsworn employees exercise this authority appropriately. But, there are times when citizens raise legitimate questions about how this authority has been used. And, unfortunately, there are also times when police personnel abuse this authority. Therefore, departments must establish a system of discipline that minimizes abuse of authority and promotes the department's reputation for professionalism.

System of Discipline

The most effective disciplinary system combines the reinforcement of the right set of values in all employees with behavioral standards that are consistently and fairly applied. Each employee must understand and be guided by these standards that have been established in the department's (and city's) general orders, rules, regulations, and procedures.

Employees should be expected to conduct themselves, both in interactions with one another and with the public, in a manner that conveys respect, honesty, integrity, and dedication to public service. In turn, employees should be treated fairly, honestly, and respectfully by everyone in the department, regardless of authority, rank, or position within the organization.

Understandably, employees will make judgment errors from time to time when carrying out their responsibilities. In fact, employees who never make mistakes may be doing very little to try to improve the performance of the department. Each error in judgment, however, offers a learning opportunity for the employee and the department, although some errors will come with greater consequences than others for the public, the department, and the employee.

Even so, the department has an obligation to make its expectations as distinct as possible to employees. At the same time, it has an equal obligation to make clear the consequences for failing to meet those expectations. While meeting both obligations can be difficult, the latter is obviously more complex. Circumstances often contribute to errors in judgment and poor decisions that administrators must consider when determining the appropriate consequences for behavior found to be improper.

Employees often admit that they would like the department to provide a list of prohibited behaviors, along with the penalties for engaging in those behaviors. Yet, experience shows that employees directly involved in the disciplinary process, either as the subject of

Chief Stephens commands the St. Petersburg, Florida, Police Department.

the process or in a review capacity, want to consider the results of one's actions in light of the circumstances that might have contributed to the violation. Of course, this is critical to apply discipline fairly and consistently.

Some employees view consistency as the same treatment for the same behavior in every case. If this happens, then the consequences will be fair to everyone.

For the St. Petersburg Police Department, *consistency* is defined as holding everyone equally accountable for unacceptable behavior, and *fairness* means understanding the circumstances that contributed to the behavior, while applying the consequences in a way that reflects this understanding. To ensure fair and consistent treatment of employees, however, discipline for unacceptable behavior must depend on a balance of several factors.

Determining Factors

A number of factors should be considered when applying discipline. Granted, not all factors may be considered in every case, and some may not apply at all in particular situations. There may also be a tendency to isolate one factor and to give it greater importance than another. Yet, these factors should be thought of as being interactive and having equal weight, unless circumstances dictate otherwise. These factors include employee motivation, degree of harm, employee experience, intentional/unintentional errors, and the employee's past record.

Employee Motivation

A police department exists to serve the public. Therefore, one factor to consider when examining an employee's conduct should be whether the employee was acting in the public's best interest.

An employee who violates policy in an effort to accomplish a legitimate police purpose demonstrates an understanding of the broader public interest inherent in the situation. Accordingly, the employee should be given more positive consideration than one who was motivated by personal interest.

Obviously, determining what is in the public's interest will be difficult from time to time. For example, would it be acceptable for an employee to knowingly violate an individual's first amendment right to freedom of speech to rid the public of what some might consider a nuisance? Or, is it in the public's interest for an officer to knowingly violate a fourth amendment right against an unlawful search to arrest a dangerous criminal? Clearly, in either case, improper action by police is not acceptable and should not be condoned; yet, officers address these complex issues daily.

The police have a sworn duty to uphold the Constitution. And, it is in the greater public interest to protect constitutional guarantees, even though it might be argued the public interest was better served otherwise. But, if employees attempt to devise innovative, nontraditional solutions for persistent crimes or service problems and unintentionally run afoul of minor procedures, the desire to encourage creativity in their public safety efforts should carry significant weight in dealing with any discipline that might result.

> " ...departments must establish a system of discipline that minimizes abuse of authority.... "

Degree of Harm

The degree of harm resulting from employee error is another important factor when deciding the consequences for errant behavior. Harm can be measured in terms of monetary costs to the department and community, such as repairs to a damaged vehicle, or in terms of personal injury claims for excessive force.

Another way to measure harm is by the impact of employee error on public confidence. An employee who engages in criminal behavior, e.g., selling drugs, corrodes public trust in the police if discipline does not send a clear, unmistakable message that this behavior will not be tolerated.

Employee Experience

Employee experience also has bearing on the type and the extent of discipline. A relatively new employee, or a more experienced one in a new assignment, should be given greater consideration for judgmental errors. Accordingly, errors by veteran employees may warrant more serious sanctions.

Intentional/Unintentional Errors

Supervisory personnel need to consider the circumstances surrounding the incident to determine whether the employee's error was intentional or unintentional. Obviously, the type of error will govern the extent and severity of the discipline.

An *unintentional* error occurs when an employee's action or decision turns out to be wrong, even though at the time, the employee believed it to be in compliance with policy and the most appropriate course to take based on information available. For example, a supervisor gives permission to continue a vehicle pursuit on the basis that the vehicle and occupants meet the general description of those involved in an armed robbery. The pursuit ends in a serious accident, and it is subsequently learned that the driver was fleeing because of an expired license. Under these circumstances, the supervisor's decision would be supported because it was within department policy at the time it was made.

Unintentional errors also include those momentary lapses of judgment or acts of carelessness that result in minimal harm (backing a police cruiser into a pole or failing to turn in a report). Employees should be held accountable for these errors, but the consequences should be more corrective than punitive, unless the same or similar errors persist.

Employees make *intentional* errors when they take action or make a decision that they know, or should know, to be in conflict with law, policy, procedures, or rules at the time. Generally,

> **"...department administrators should make every effort to make the disciplinary decision fit each specific incident."**

intentional errors should carry greater consequences and be treated more seriously.

Within the framework of intentional errors, there are certain behaviors that are entirely unacceptable, to include lying, theft, physical abuse of citizens, and equally serious breaches of trust placed in the police. In such cases, every effort should be made to terminate the individual found to be engaged in such behavior. Granted, determining deliberate errors that result in serious consequences for the department will be difficult. But allowing such behavior to continue will produce even more dire results.

Employee's Past Record

To the extent allowed by law, policy, and contractual obligations, an employee's past record should be taken into consideration when determining disciplinary actions. An employee who continually makes errors should expect the penalties for this behavior to become progressively more punitive. Less stringent consequences should be administered to employees with records that show few or no errors. When determining disciplinary action, every consideration should be given to employees whose past records reflect hard work and dedication to the department and the community.

Conclusion

Serving the community with integrity and in a professional manner should be the goal of every police officer. Employees must accept responsibility for their roles in maintaining this goal.

When employees fail to do so, department administrators should make every effort to make the disciplinary decision fit each specific incident. This needs to be done consistently and fairly. Otherwise, the errors in judgment made by employees pale in comparison to the unfair treatment administered by the department's leaders. ◆

Understanding and Preventing Violence eds., *Albert J. Reiss, Jr. and Jeffrey A. Roth, National Academy Press, Washington, DC 1993, 1-800-624-6242, or (202) 334-3313 in the Washington, DC, metropolitan area.*

Understanding and Preventing Violence is based on addresses delivered at the Panel on the Understanding and Control of Violent Behavior, sponsored by the National Research Council. The panel was made up of a distinguished group of behavioral scientists, most of whom serve on the faculties of major universities as professors and researchers. The book is divided into three parts and provides a comprehensive review of existing literature, previous research studies, and statistical profiles pertaining to violence in the United States.

In this book, panel participants reinforce the belief that violence is a diverse phenomenon dependent on the interaction of a complex set of variables. In attempting to explain violence, panel members discuss these variables in detail. Chapters focus on the influence of genetics, neurobiology, alcohol and drug abuse, endocrinology, environment, culture, personal characteristics, the availability of firearms, and situational determinants of violent behavior.

Of particular interest to the law enforcement community is the panel's discussion of various violence measuring systems currently in use. Panel members describe what they see as the strengths and weaknesses of the National Crime Survey, the National Center for Health Statistics, and the FBI's Uniform Crime Report Program. The panel then presents specific recommendations for modifying and expanding reporting procedures to include greater detail concerning incidents, offenders, victims, and situations.

While the majority of the panel's recommendations focus on issues best addressed by mental health professionals, school administrators, and policy makers in the medical and behavioral sciences, the scope of the book covers a wide range of subject matter important to law enforcement executives. Panel members also suggest a systematic procedure to evaluate the effectiveness of police intervention in illegal markets, especially the illegal drug and firearms trade.

Understanding and Preventing Violence provides a broad-based discussion of a variety of topics that impact the criminal justice system and society. The alternative perspectives offered by panel participants make the book a thought-provoking read for law enforcement personnel.

Reviewed by
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Focus on Personnel

Countering Abusive Absenteeism

By
Michael J. Gwaltney

When was the last time you called in sick for duty. Were you really sick? If not, did you ever stop to think about what your absence meant to your employer?

Abusive absenteeism—a costly and disruptive problem—plagues many American employers. Even more disturbing is the fact that at least 50 percent of all employee absenteeism is not caused by bona fide illness or other acceptable reasons.[1]

While abusive absenteeism impacts the efficiency of all organizations, in the field of law enforcement, it can lead to something much more costly than a loss of production: It can lead to a loss of life. This possibility exists because police managers must frequently ask officers from previous shifts to fill in for absent officers, increasing the chance of injury or death due to fatigue. Clearly, the reflexes of officers who must work double shifts cannot possibly be as sharp as those officers who work only one shift.

Despite the problems it causes for agencies, many police managers ignore excessive absenteeism because they believe that no solutions exist for the problem. They simply accept the fact that they will always have certain employees who consistently call in sick on Mondays or Fridays so they can have an extended weekend. This places additional burdens on the managers and officers who must cover for the missing employees. All too often, both managers and employees take the abuse of sick leave for granted.

However, potential remedies do exist for reducing excessive absenteeism. Law enforcement administrators should explore the various options and implement those strategies that meet their agencies' needs.

AN OVERVIEW

Experts estimate that absenteeism in the United States results in the loss of over 400 million work-days per year—an average of approximately 5.1 days per employee.[2] In fact, managers must often postpone projects or training assignments because of last-minute absenteeism.

Unfortunately, some employees adopt an attitude of using *all* the sick leave allotted to them because they believe that it is their "right" to do so.[3] They fail to realize that no law requires employers to provide paid sick leave, paid holidays, or paid vacations to employees. These are benefits provided by the employer to encourage employees to seek and retain employment with that particular agency.

Moreover, many employees give reasons other than illness for missing work. For example, employees inform supervisors that they are experiencing stressful personal situations; have "earned" sick days;

wish to retaliate for a perceived injustice, a poor performance rating, or for being "called on the carpet"; or that they simply do not feel like going to work.[4]

Rather than simply accepting an absenteeism problem, managers can attempt to find solutions to the problem. Prior to taking any action, however, they must determine why the problem employee has developed poor habits. They can then discuss the situation with the employees and explain what further action will be taken.

CONFERRING WITH EMPLOYEES

To begin, police managers can explain to problem employees that the efficiency of the organization depends on all personnel reporting for work as scheduled. They should emphasize the fact that unscheduled absences cause safety hazards to the public and to the officers' colleagues, who must fill in when individuals call in sick. They should also explain that officers should conduct personal business during planned vacation days or compensating time off (CTO) days, rather than abusing their sick leave by using it when they are not ill.

To further discourage problem employees from using sick leave unnecessarily, managers should advise them that they plan to monitor their leave records and that continued abuse of sick leave could result in disciplinary action. In addition, in order to deter the use of sick leave to gain an extra day in combination with a holiday, managers can require a signed doctor's certificate to prove illness.[5]

Many times, simply speaking one-on-one with problem employees gains immediate positive results. However, organizations can also offer incentives designed to encourage employees not to use sick leave unnecessarily.

> " ...rather than ignoring excessive absenteeism, police managers need to focus on solving the problem. "

INCENTIVE PROGRAMS

Accrued Sick Leave

Some organizations allow employees to accrue sick leave to use in case of a long-term illness or disability.[6] Although organizations often place a cap on the number of hours that employees can accrue, some will pay employees at retirement for up to 1 year of unused sick leave. The drawback to this plan is that it can be quite expensive if the retiring employee has accrued a large number of sick leave days.

Bonuses

Studies have shown that relating pay closely to attendance increases attendance.[7] In fact, pay may impact employees' decisions about job attendance more than their decisions about how hard they will work.[8] Therefore, some agencies now reward employees monetarily when they do not use the number of sick days allotted to them.[9]

For example, the Huntington Park, California, Police Department provides 12 sick leave days each fiscal year to all employees. Employees can accrue a maximum of 704 hours of unused sick leave to use for long-term disability in the event of a serious injury or illness. At the end of each fiscal year, employees can bank one-half of their annual unused sick leave for that fiscal year and receive payment at their regular salary rate for the remaining half of the unused sick leave.

Employees of the department receive their checks for unused sick leave on the first pay period of December. Many consider this check a holiday bonus for not using their sick leave. At the same time, the department benefits from this policy because the amount paid out at the end of the year does not equal the overtime that was previously paid to officers who worked double shifts because of individuals who called in sick.

Model Leave Plan

Organization provides 12 paid sick leave days in each fiscal year. If employee uses 2 sick days during the fiscal year, 10 unused sick days remain. Of the 10 remaining days, 5 are placed into an accruable account, and the agency pays the employee, at straight time, for the remaining 5 days.

Since implementing this policy, the department has experienced an 80-percent decrease in the amount of sick leave used by department personnel. Huntington Park administrators based the sick leave policy on obtaining the best results for management while providing quickly earned benefits to employees. Employees know that they will be rewarded at the end of each year, as opposed to being rewarded at retirement.

CONCLUSION

Sick leave can be, and is, easily abused. However, rather than ignoring excessive absenteeism, police managers need to focus on solving the problem. Allowing employees to accrue sick leave and offering monetary incentives to those who use little sick leave are strategies that work. Reducing excessive absenteeism within police agencies results in safer, more efficient departments. ◆

Endnotes

[1] J.K. Chadwick-Jones, Nigel Nickolson, and Colin Brown, *Social Psychology of Absenteeism* (New York: Praeger, 1982).

[2] R.M. Steers and S.R. Rhodes, "A New Look at Absenteeism," *Personnel*, November-December, 1980, 60-65.

[3] Cliff Roberson, *Preventing Employee Misconduct* (Lexington, Kentucky: D.C. Heath & Co., 1986).

[4] George Strauss and Leonard R. Sayles, *Personnel—The Human Problems of Management* (Newark, New Jersey: Prentice-Hall, 1980).

[5] Ibid.

[6] Ibid.

[7] Edward E. Lawler III and J.R. Hackman, "The Impact of Employee Participation in the Development of Pay Incentive Plans: A Field Experiment," *Journal of Applied Psychology*, 1969.

[8] Edward E. Lawler, *Pay and Organizational Effectiveness: A Psychological View* (New York, New York: McGraw-Hill, 1971).

[9] Prior to instituting such a policy, administrators should contact their legal advisors to determine the policy's propriety under the Americans with Disabilities Act (ADA)

Lieutenant Gwaltney is a patrol watch commander with the Huntington Park, California, Police Department.

Author Guidelines

Manuscript Specifications

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

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

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

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Use of Deadly Force to Prevent Escape

By
John C. Hall, J.D.

A recent article published in the *FBI Law Enforcement Bulletin* focused on police use of deadly force in the immediate defense of life.[1] That article discussed cases and concepts relating to the authority of police officers to use deadly force when there is reason to believe that such force is necessary to counter immediate lethal threats posed by criminal suspects.

In contrast, this article discusses the use of deadly force by police in a context that is less universally accepted or understood—the use of deadly force to "seize" or prevent the escape of criminal suspects. While the use of force in both contexts must be "objectively reasonable" under the fourth amendment to the U.S. Constitution,[2] there are distinctive issues raised by each that require separate analysis.

Consider, for example, a scenario in which an officer is confronted by a suspect who, armed with a handgun, fires several shots at the officer. The officer would be objectively reasonable in perceiving that the "immediate" threat to his life was sufficient to justify the use of deadly force in self-defense.

But, consider further that after firing the shots at the officer, the suspect turns and runs away. Can it still be said that an "immediate" threat to the officer exists when the suspect is simply trying to get away? And, if there is no "immediate" threat to the officer or to anyone else, is deadly force still a lawful option to prevent the suspect's escape? This article will assist in resolving these questions.

Constitutional Authority and Limitations

The constitutional authority to use deadly force to prevent escape

from arrest was defined by the U.S. Supreme Court in *Tennessee* v. *Garner*[3] in 1985. In reviewing the constitutionality of a State statute permitting the use of deadly force to prevent the escape of all felony suspects, the Court reasoned that if a criminal suspect "poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so."[4]

On the other hand, the Court held that deadly force may be used when "necessary to prevent escape and the officer has *probable cause* to believe that the suspect poses a *significant threat* of death or serious physical injury to the officer or others."[5] (emphasis added).

The Court explained the standard as follows:

"...if the suspect threatens the officer with a weapon *or* there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used *if necessary to prevent escape*, and if, where feasible, some warning has been given."[6] (emphasis added)

The *Garner* decision explicitly recognizes constitutional authority for the use of deadly force to prevent escape and provides a two-prong test to guide the exercise of that authority. First, an officer must have probable cause to believe that the fleeing suspect is *dangerous*, and second, the use of deadly force must be necessary to effect the seizure.

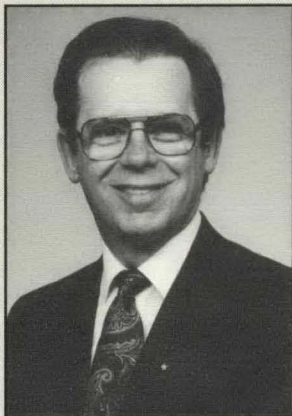**The First Prong: A "Dangerous" Suspect**

In the *Garner* decision, the Supreme Court rejected the notion that the legal terms traditionally used to classify crimes, e.g., felony and misdemeanor, provide an adequate basis for determining the reasonableness of using deadly force to effect the arrest of a suspect. The Court observed, for example, that while burglary is a felony in every State, "the fact that an unarmed suspect has broken into a dwelling at night does not automatically mean he is physically dangerous."[7] The Court reasoned that burglary, standing alone, is commonly characterized by law enforcement agencies as a property crime.

The Court shifted the focus of the inquiry to the nature of the suspect's actions—i.e., whether there is probable cause to believe that the suspect's actions involved the infliction or threatened infliction of serious physical harm. It is noteworthy that a *threatened* infliction of physical harm is sufficient to satisfy this criterion and that probable cause, rather than certainty, is the requisite level of proof.

Both points are illustrated in *Ford* v. *Childers*.[8] An officer saw a masked person standing in a bank with his arm extended toward several people who had their arms raised above their heads. Because of an obstruction, the officer was unable to see what the masked man was holding in his hand but assumed it was a gun.

Shortly thereafter, the officer saw the same person fleeing the bank with a bag in his hand. When the fleeing suspect twice failed to comply with commands to stop, the officer and his partner each fired shots at him. He continued to flee, ran down another street, and was captured shortly thereafter—apparently unarmed at the time of his arrest, and suffering from a gunshot wound in the back. He recovered

> *"*
> **The Garner *decision* explicitly recognizes constitutional authority for the use of deadly force to prevent escape and provides a two-prong test to guide the exercise of that authority.**
> *"*

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from his wound sufficiently to become a convicted prisoner and a plaintiff.

Following presentation of the plaintiff's case at trial, the district court directed a verdict for the defendant officers. On appeal, the appellate court held:

"The uncontroverted evidence establishes that [the officer], after warning [the plaintiff] on two separate occasions, fired at [the plaintiff] because he reasonably believed that the suspect had committed a felony involving the threat of deadly force, was armed with a deadly weapon, and was likely to pose a danger of serious harm to others if not immediately apprehended...Even though [the officer] did not actually see a weapon in the suspect's hand...[he] reasonably concluded that the suspect was armed and dangerous."[9]

Although this language could be read as suggesting that a suspect must be viewed as armed in order to be viewed as dangerous, there is nothing in the *Garner* decision to support that view. Indeed, the *Garner* decision appears to recognize a presumption that one who has committed a crime involving infliction or threatened infliction of serious physical harm poses a continuing threat and that no further proof is needed to establish a reasonable belief that the suspect is dangerous.

The Second Prong: "Necessity" to Use Deadly Force

If, as suggested above, there is a presumption that "dangerous" suspects will continue to be dangerous,

courts also appear to presume that their capture is "necessary." This is an important consideration, because it limits the issue of "necessity" to the consideration of *how*, as opposed to *whether*, a dangerous suspect will be seized.

In *Garner*, the Court held that whenever feasible, a suspect should be given a verbal warning and an opportunity to surrender before

> **" ...whenever feasible, a suspect should be given a verbal warning and an opportunity to surrender before deadly force is used. "**

deadly force is used.[10] If verbal warnings are not feasible, or if the fleeing suspect ignores them, the officer must then consider other available options. In doing so, it is not necessary that *all* possible options be considered, only those that offer a reasonably safe means of seizing the suspect.

The constitutionality of an officer's action does not turn on whether the officer chooses the least intrusive alternative; rather, it turns on whether the alternative chosen is "objectively reasonable."[11] It can undoubtedly be said that in virtually every case, there are less intrusive alternatives to the use of deadly

force to prevent escape of a dangerous person. But they are not reasonable alternatives if they significantly increase the danger to the officers or to the public. Consider, for example, two often-suggested options—chasing or permitting the escape of dangerous suspects.

It is a common misconception that chasing a fleeing "dangerous" suspect is usually a reasonable option to using deadly force. In fact, foot pursuits of dangerous suspects are seldom "safe" alternatives for an officer. When weighing that alternative, several factors should be considered.

First, if the suspect is believed to possess a firearm, serious thought must be given to the vulnerability of a pursuing officer to a sudden, unexpected attack. The officer is placed in the distinctly disadvantageous position of having to react to a threatening action that is already underway. This threat is even more pronounced if the suspect has managed to reach cover from which to fire.

A second consideration is the threat of ambush, particularly when an officer is unable to keep the fleeing suspect in sight. Annual statistics disclose the number of officers killed as the result of ambush, frequently occurring during foot pursuits of fleeing suspects.[12]

Third, even in cases where a suspect is not believed to be armed with a deadly weapon, the potential threat of the suspect's gaining access to the officer's weapon cannot be discounted. Although officers are generally trained in defensive tactics and weapon retention, even well-trained officers can lose

control of their firearms in the course of a physical struggle.

A resisting suspect intent on seizing an officer's sidearm has a simpler task than does the officer, who faces the broader challenge of overcoming resistance while retaining the firearm. The number of officers killed each year with their own service weapons continues to highlight the gravity of the problem.[13]

If pursuing a fleeing, dangerous suspect is a high-risk option for police officers, the second most tempting option, i.e., permitting the suspect to escape, shifts the risks to the public. A dangerous suspect who evades capture today may very well be located and safely apprehended another day without further harm. Or, the suspect may, as one court put it, "continue his deadly doings."[14] The risks may be speculative, but they exist nonetheless, and should not simply be discounted.

Cases Applying the *Garner* Principles

In *Krueger* v. *Fuhr*,[15] an officer received a radio report of an assault that had just occurred, along with a description of the suspect and the fact that the suspect was armed with a knife. Among other reports received was one that stated the suspect was believed to be on drugs and "very high" and that he "had some type of knife" on him.

Responding to these reports, the officer drove to the area and saw a person matching the description of the suspect lying on his stomach between two parked cars. The officer got out of his police car, drew his revolver, identified himself as a

police officer, and ordered the suspect to freeze. When the suspect suddenly jumped to his feet and began running away, the officer chased him on foot for about 70 yards, repeatedly calling for the suspect to stop. The officer stated that when he closed to within 3 to 4 yards of the suspect, he saw the suspect reach to the area of his right hip and "heard the sound of an object being pulled" from the waistband area. The officer then saw that the suspect had pulled a knife and was gripping it in his fist.

Believing that the suspect was going to turn and attack him with the knife, the officer fired four rounds, striking the suspect twice in the

> **"**
> *The constitutionality of an officer's action...turns on whether the alternative chosen is 'objectively reasonable.'*
> **"**

back and once in the base of the skull. Subsequent investigation by the police disclosed a knife approximately 43 feet from the suspect's body.

The parents of the deceased suspect filed a suit against the officer and his department pursuant to 42 U.S.C. sec. 1983, alleging violations of their son's 4th and 14th amendment rights. The defendants filed motions for summary judgment, which were denied by the trial

court. Upon reconsideration, the court entered summary judgment for the department but again denied summary judgment for the officer.

Applying the *Garner* standard to the facts, the appellate court concluded that "it was objectively reasonable for [the officer] to believe that the individual he was chasing had committed a crime involving the infliction or threatened infliction of serious physical harm,"[16] i.e., assault. That reasonable belief, standing alone, satisfies the first prong of the *Garner* test—the assessment of a suspect's dangerousness.

Although the officer "also knew that the suspect probably had a knife and was inebriated," and those factors are undoubtedly relevant to a reasonable officer's concern for safety, they are not essential to establish a reasonable belief that the suspect is dangerous. For this particular case, they are perhaps more relevant to the second prong of the *Garner* test, i.e., whether deadly force was necessary. In that regard, the court concluded that the officer's "use of deadly force was necessary to prevent escape in accordance with the standards enunciated in *Garner*."[17]

The point is particularly instructive considering that the pursuing officer came within 3 to 4 yards of the fleeing suspect and could have conceiveably closed that distance. However, the officer's reasonable belief that the suspect was armed with a knife made that alternative unacceptably risky.

Another noteworthy point in the *Krueger* decision is the court's response to plaintiffs' contention that the suspect had been shot in the

back and the suggestion that "a wound in the back raises serious issues of material fact regarding the use of excessive force." The court responded:

> "In the instant case, there is no evidence that requires us to attribute special significance to the fact that [the officer] shot [the suspect] in the back....it is not remarkable that an escaping felony suspect would be shot in the back."[18]

A second case in which the court clearly focused on the "escape" issue is *Smith* v. *Freeland*.[19] An officer attempted to stop an automobile after observing traffic violations. A high-speed chase ensued, during which the suspect apparently tried to ram the police car and to evade the efforts of other officers to stop him. Finally, the suspect vehicle turned down a dead-end street, turned around, and came to a stop facing the pursuing police car.

As the officer got out of his car to approach the suspect, the suspect accelerated forward into the police car, then backed up and swerved around it to escape onto the main street. As the suspect sped past him, the officer fired one shot from his service weapon, which entered the passenger window, passed through the seat, and fatally wounded the suspect in the right side.

In the resulting lawsuit against the officer, the chief of police, and the department, the U.S. district court granted summary for the defendants, noting that the officer's actions were reasonable under the fourth amendment, even though the officer "was not in any immediate personal danger at the time he discharged his weapon...." The district court's conclusion is interesting in that the officer had originally attempted to justify the use of deadly force by claiming that he acted in self-defense.

The court's decision illustrates that such a claim is not necessary. The appellate court affirmed this judgment:

> "In an instant [the officer] had to decide whether to allow his suspect to escape. He decided to stop him, and no rational jury could say he acted unreasonably."[20]

The common element in these cases is the apparent presumption that the escape of a dangerous suspect poses a continuing threat to the public and that a suspect's actions in attempting to escape support a reasonable belief that those efforts will continue. Thus, in *Freland*, the court noted:

> "Even if there were a roadblock...[the officer] could reasonably believe that [the suspect] could escape the roadblock, as he had escaped several times previously... rather than confronting the roadblock, he could have stopped his car and entered one of the neighboring houses, hoping to take hostages. [He] had proven he would do almost anything to avoid capture; [the officer] could certainly assume he would not stop at threatening others."[21]

In neither *Krueger* nor *Freland* did the court require the officers to calculate the "probability" of future danger if the suspects were permitted to escape. This approach is not only consistent with the language of *Garner* but it is also realistic. Officers confronted with the need to make "split-second judgments—in circumstances that are tense, uncertain and rapidly-evolving..."[22] are hardly in a position to compute the statistical odds that a dangerous suspect will continue to do harm. Fortunately, the law does not require them to do so.

Conclusion

The use of deadly force by law enforcement officers under any circumstances is fraught with consequences. This is particularly true when deadly force is used for the sole purpose of preventing the escape of a criminal suspect.

The Supreme Court in *Tennessee* v. *Garner* observed that the use of deadly force not only impinges an individual's interests in his own life but it also "frustrates the interest of the individual, and of society, in judicial determination of guilt and punishment."[23] Accordingly, the Court concluded that it is not necessarily better that all felony suspects be shot than that they escape. At the same time, however, the Court struck the balance between the competing interests of the individual and society by holding that deadly force is constitutionally permissible, when necessary, to prevent escape of "dangerous" suspects, i.e., when there is probable cause to believe that the suspect committed a crime involving infliction or threatened infliction of serious physical harm.

The balance is undoubtedly a delicate one. The Constitution does not impose an affirmative duty on the police to use deadly force to prevent escape of dangerous suspects. Accordingly, officers, as a matter of discretion, and departments, as a matter of policy, are free to be more restrictive than the Federal constitutional standard. Indeed, there may be legitimate practical or policy reasons for doing so. However, when considering that choice, the need to maintain the balance of interests should not be forgotten.✦

Endnotes

[1] *See*, Hall, "Deadly Force in Defense of Life," *FBI Law Enforcement Bulletin*, August, 1993, 27-32.

[2] In *Graham* v. *Connor*, 490 U.S. 386, 395 (1989), the Supreme Court held that "...all claims that law enforcement officers have used excessive force—deadly or not—in the course of an arrest, investigatory stop, or other 'seizure' of a free citizen should be analyzed under the Fourth Amendment and its reasonableness standard...."

[3] 471 U.S. 1 (1985).

[4] *Id*. at. 9-10.

[5] *Id*. at 4.

[6] *Id*. at 10.

[7] *Id*. at 16.

[8] 855 F. 2d 1271 (7th Cir. 1988).

[9] *Id*. at 1275. Rather than suggesting that a suspect must be "armed" to be dangerous, it is more likely that the court in *Ford* viewed the issue as relevant to the officer's belief that the crime involved a threatened infliction of serious physical harm.

[10] *Garner, supra*, at 10.

[11] *See, Illinois* v. *Lafayette*, 462 U.S. 640, 647 (1983): "The reasonableness of any particular governmental activity does not necessarily or invariably turn on the existence of alternative 'less intrusive' means."

[12] Uniform Crime Reports, Federal Bureau of Investigation, *Law Enforcement Officers Killed And Assaulted*, 1990. Of the 762 officers slain during the period 1981-1990, 72 officers were killed in ambush.

[13] *Id*. Of the 56 officers slain with firearms in 1990, 3 were shot with their own firearms; of the 57 officers shot to death in 1989, 10 were slain with their own weapons.

[14] *Daniels* v. *Terrell*, 783 F. Supp. 1211, 1213 (E.D.Mo.1992).

[15] 991 F. 2d 435 (8th Cir. 1993).

[16] *Id*. at 439.

[17] *Id*. at 440.

[18] *Id*. at 439-440. The court distinguished this case from *Samples on Behalf of Samples* v. *City of Atlanta*, 846 F. 2d 1328 (11th Cir. 1988), wherein a police officer stated that he shot the suspect who was advancing on him with a knife, and the court suggested that under those circumstances, a shot to the suspect's back could suggest a contradictory explanation. In *Krueger*, the officer's statement of facts was consistant with the wounds inflicted on the suspect.

[19] 954 F. 2d 343 (6th Cir. 1992).

[20] *Id*. at 347.

[21] *Id. See also, Daniels* v. *Terrell*, 783 F. Supp. 1211 (E.D.Mo. 1992).

[22] *Graham* v. *Connor*, 490 U.S. 386, 397 (1989).

[23] 471 U.S. 1, 8 (1985).

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

Wanted: Photographs

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

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The Bulletin Notes

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

While searching for a despondent woman in a State park, Trooper Scott Nell of the New York State Police volunteered to rappel 100 feet down the sheer face of a gorge to the narrow ledge where she had fallen. Braving high winds, heavy rain, and very low temperatures, Trooper Nell and two other rappelers reached the woman. They then treated her life-threatening injuries and evacuated her to a waiting helicopter.

Trooper Nell
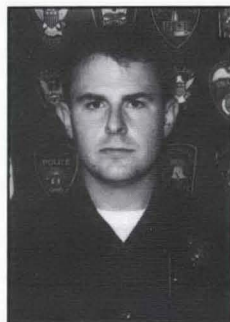
During the late evening hours, Officer Buck Kidd of the Springfield Township, Ohio, Police Department stopped a suspicious vehicle. Officer Kidd arrested the two occupants after finding criminal tools and concealed weapons in the vehicle. Subsequent investigation revealed that one of the firearms had been used in a homicide at a beverage drive-thru in a neighboring city. Officer Kidd's alert actions not only cleared this unsolved crime but also prevented the perpetrators from committing further offenses.

Officer Kidd
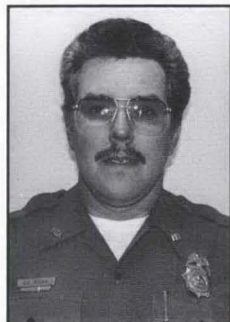
While on patrol in New Town, North Dakota, Officer James Azure of the Bureau of Indian Affairs, U.S. Department of the Interior, observed smoke coming from a residence. After notifying a dispatcher, Officer Azure proceeded to the home and knocked forcefully on the door. When the door came open, he observed an unconscious man, as well as a small child sleeping on a bed in the living room. As the house filled with smoke, Officer Azure carried the child and a young boy he found in the house to safety. He then escorted two young females out, and with the assistance of a bystander, pulled the unconscious man to safety. Officer Azure subsequently reentered the burning residence to check that no one else remained inside. His courageous actions saved the lives of four children and an adult.

Officer Azure

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