



MAY 1992

# FBI Law Enforcement

B ♦ U ♦ L ♦ L ♦ E ♦ T ♦ I ♦ N

**Combating Violence  
A Community Approach**



## Features

### Focus on Combating Violence

#### 2 Violent Crime and Community Involvement

By Lee P. Brown

#### 7 Building Support for Community Policing

By Robert C. Trojanowicz

#### 18 Police/Citizen Partnerships in the Inner City

By Robert L. Vernon and James R. Lasley

#### 14 Ultraviolet Forensic Imaging

By Michael H. West  
and Robert E. Barsley

#### 27 The Enforceability of Release-Dismissal Agreements

By William U. McCormack



## Departments

1 Director's Message

17 Bulletin Reports

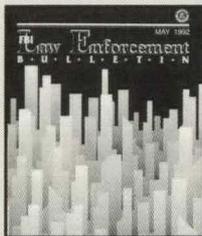
6 Memorial Update

22 Police Practices

12 Focus on Community Partnerships

24 Crime Data

26 Book Review



**Cover:** This issue focuses on the need for police and citizens to join together to fight the violence that plagues communities across this Nation.

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

William S. Sessions, Director

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

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

**Editor**—Dr. Stephen D. Gladis

**Managing Editor**—Kathryn E. Sulewski

**Art Director**—John E. Ott

**Assistant Editors**—Alice S. Cole

Karen F. McCarron

**Production Manager**—Andrew DiRosa

**Staff Assistant**—Darlene J. Butler

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

## Director's Message

### Violent Crime

**T**he epidemic of violent crime continues to sweep across America. Daily, law enforcement officers battle the criminals who would tear this Nation apart, community by community. Yet, despite law enforcement's valiant effort, the number of violent crimes committed each year escalates.

In 1989, I directed that the investigation of violent crimes be an FBI national priority. What this status means is that if violence is involved in any crime over which the FBI has statutory responsibility, the investigation receives priority attention and resources. However, considering the gravity of violence in America today, more needs to be done. This involves a team effort on the part of Federal, State, and local law enforcement.

Last year, the Attorney General took an important step toward increased cooperation by holding a summit for law enforcement and community leaders. As a followup, the FBI rededicated its efforts to create a stronger partnership between community leaders and local, State, and Federal law enforcement by sponsoring a comprehensive violent crimes conference. Shortly thereafter, I announced a new national strategy—"Operation Safe Streets."

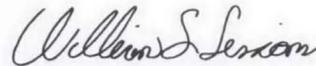
"Operation Safe Streets" characterizes a direct assault on the growing problem of violent crime. This initiative intensifies the FBI's efforts on domestic crime issues by reprogramming FBI resources. It involves

the transfer of some 300 agents from other investigative duties to violent crime investigations. These agents will specifically target violent street crimes and gang-related violence.

However, this initiative, standing alone, cannot fully address the complex problem of violent crime. Such an undertaking requires the consolidated efforts of the law enforcement community, a myriad of community support groups, and the general public.

This issue of the *FBI Law Enforcement Bulletin* focuses on the campaign to combat violence through community involvement. The featured articles send the message that law enforcement and the American people can work effectively together to overcome the burden of violent crime.

I believe that the "Safe Streets" initiative and a strong, working partnership between law enforcement and the community can make a difference. Together, these initiatives show that we will not tolerate the violent criminals who have no respect for the rule of law. Through understanding, cooperation, and support, we will succeed in bringing the epidemic of violent crime in the United States under control. ♦

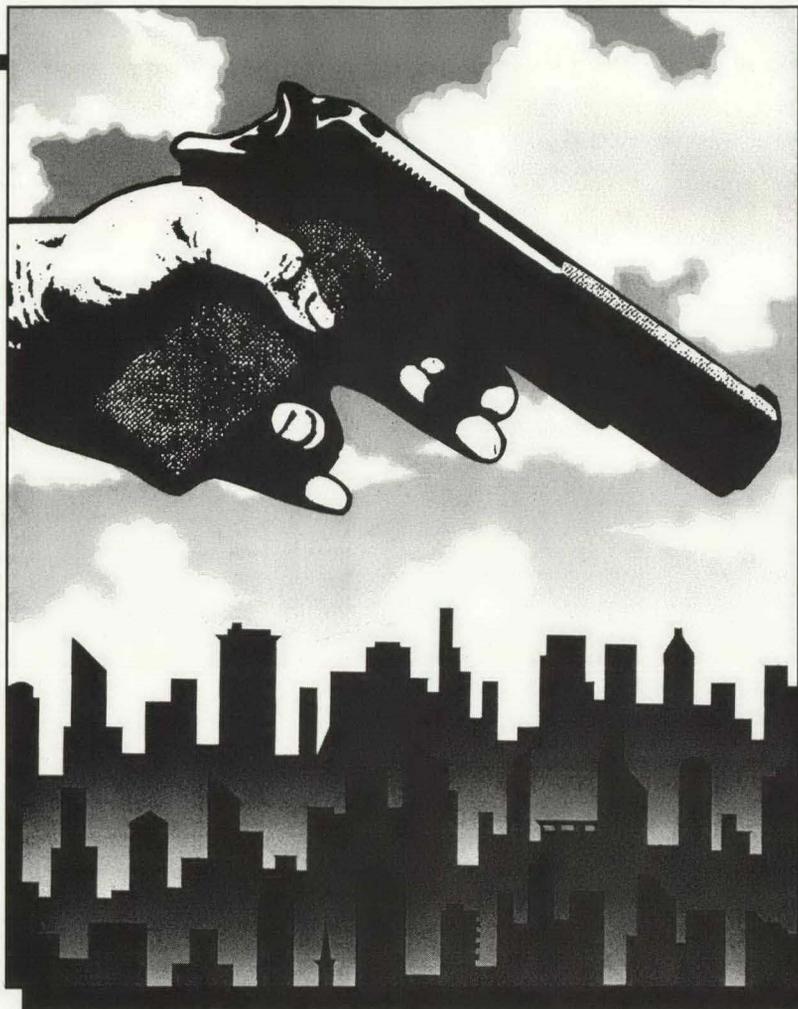


William S. Sessions  
Director

---

# Violent Crime and Community Involvement

By  
LEE P. BROWN, Ph.D.



**E**very police administrator in the United States recognizes violence as an issue of national concern. Yet, it is a problem that individual police agencies cannot hope to deal with successfully on their own.

In fact, the general epidemic of violence sweeping America goes so deep that leading research institutions view it as a disease. The Federal Centers for Disease Control in Atlanta reports, for example, that the homicide rate among black males, ages 15 to 24, rose by two-thirds in the last 5 years. Homicide ranks as the leading cause of death among black males ages 15 to 24,

accounting for 42 percent of all deaths in this group. And, firearms are used in 78 percent of these homicides.

Furthermore, the report by the Centers for Disease Control lists a number of contributing factors to these alarming statistics, namely, "immediate access to firearms, alcohol and substance abuse, drug trafficking, poverty, racial discrimination, and cultural acceptance of violent behavior."

It is not only alarming but also depressing that society now tracks and measures homicides by age and ethnic groupings much like medical personnel tracked and

measured diseases like polio and malaria. And, while I'm not a doctor of medicine, I am a doctor of criminal justice. So, I can state with conviction that if the mosquito serves as the agent of malaria, then the illegal gun is surely the agent of homicide.

Public health officials eventually realized that the way to combat malaria was not to swat mosquitos but to drain the swamp. Unfortunately, eliminating the agents of homicide—the illegal guns—presents a more formidable task. For example, although the New York City Police Department (NYPD) confiscated 17,575 illegal guns

in 1990, it is only "swatting mosquitos."

Other States house the swamps, where just about anyone can buy a handgun without much effort. Therefore, controlling guns requires draining the swamps. And that can be accomplished only through tough Federal gun legislation.

At the same time, the other contributing factors to record-setting homicide rates—alcohol and drug abuse, drug trafficking, poverty, racial discrimination, and cultural acceptance of violent behavior—go beyond the borders of any city or State. These issues also need to be addressed in order to combat crime and violence. In this respect, one thing is certain. Local police agencies cannot do it alone. They need to build a partnership with their communities through community policing.

This article<sup>1</sup> addresses how the police need to form partnerships within the community to combat the pervasive violence in America. It also stresses the need for police executives to recognize their new importance in society.

### **Police-Community Partnerships**

Now, more than any other time in the Nation's history, society calls upon the police officer to cope with the collapse of a range of social institutions—a collapse that would have seemed unimaginable to the Nation's leaders of just a generation ago. Today's police officers contend with the debris of social and institutional collapse.

This includes the failure of primary and secondary schools in so many of the Nation's urban centers. It encompasses the collapse of af-

**“  
...in order to get a  
handle on  
violence...the police  
must form working  
partnerships within the  
community.  
”**

*Commissioner Brown heads the  
New York City Police Department.*



fordable health services and affordable housing. It is marked by a dearth of residential care for people who are severely mentally ill.

In addition, the deterioration of the traditional family structure, the ultimate safety net, contributes to society's woes, with more and more American households headed by single women with children, living in poverty. Without question, the uncertainties and instability that stem from these social and institutional failures make more demands on the law enforcement profession than ever before.

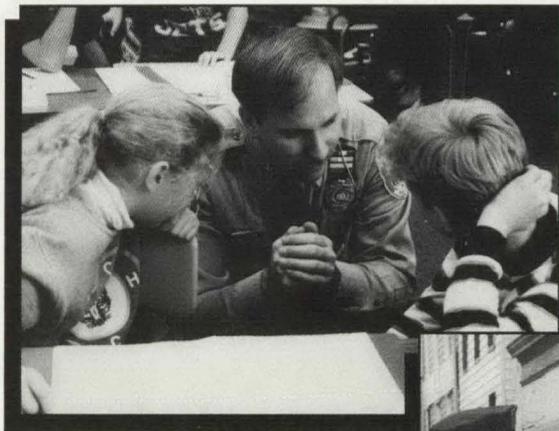
Clearly, in order to make a difference and in order to get a handle on violence or any other serious problem in the community, the police must form working partnerships within the community. They need to use resources other than their own, be they governmental, voluntary, or commercial, to try to resolve some of the recurring problems. Otherwise, police officers function only as incident responders, never getting to the root causes of crime, violence, and fear.

Community policing uses police resources logically and rationally, in a manner that makes a difference. Getting people involved in the community helps them to identify and to solve their own problems. In addition, community policing gives individual police officers a chance to be more creative and independent in their approach to police work and allows them to become problem solvers. More importantly, community policing helps to prevent crime in the first place.

I believe the greater the complexity of social problems, the greater the need for community policing. Unfortunately, some people in law enforcement and government reach the opposite conclusion. And, a primary concern of police administrators is that as crime-related problems grow in severity and complexity, there will be a temptation to revert to the superficial reassurance of the paramilitary response alone.

In fact, as urban conditions worsen, administrators will probably face mounting pressure to abandon community policing and

use the police as a temporary occupying force to put down disturbances. Resisting such pressure becomes a major challenge for police administrators. On the contrary, police administrators should make police officers permanent, highly visible fixtures in the neighborhood, known personally to the people who live and work there.



### The New Role of Police Leaders

Along with community policing comes a new role for police leaders, which they must learn to assert. With few exceptions, today's police leaders are better educated and better trained in policing and social problems than their predecessors.

One of the greatest demands placed on police leaders is adherence to values in the face of the collapse of values all around us. Every police officer in urban America today bears witness to that collapse.

They witness it in the utter disregard for human life that begins at so early an age. They witness it in

the murders committed for a leather jacket or just because someone felt like killing that day. This disregard for human life is a direct and a very real threat to society at large, and to police officers, in particular.

There are all sorts of theories behind crime and violence. Some believe that certain people are biologically predisposed to crime—the "born criminal" theory. Others say the social environment causes the problems, while some point to the lack of education or purely economic factors.

Whatever the cause of crime and violence, one thing is for certain—the police do not control the



causes. The police deal with the outcome. In fact, everyone in policing should demand that other leaders in the community address the problems police officers see on the streets. Community leaders must learn that crime and violence are not police problems alone. And the responsibility of educating citizens to that fact rests with police leaders.

At the same time, police leaders must recognize that they alone cannot attack the problem of violence in the community. They should demand that others play a role.

As a rule, police executives have been lax in asserting their primacy in this regard. For too long, they attempted to deal with these problems in isolation. Just as community policing calls for a new role for the beat cop, it also requires a new role for the police chief.

As important leaders in the community, police executives must assert themselves, must demand the respect owed them, and must get the attention they and other police professionals deserve. It works, and it can make a difference.

But, with whom can police leaders work in their fight against crime and violence? The limitations to the list of potential partners know few boundaries.

To combat the kind of violence seen throughout America, police leaders can look to several professional groups. For example, police can work with the clergy in antidrug campaigns, youth programs, and the like. Or, they can enlist the help of public health professionals to learn what they are doing in terms of research and development, such as the work being done at the Center for the Study of Interpersonal Violence at the Texas Medical Center in Houston, Texas. In addition, working with education officials to introduce conflict resolution training in the elementary schools can go a long way in the fight against crime and violence.

At the same time, police leaders should not forget the private sector. In New York City, the police department joined forces with the chief executive officers of some of the world's largest corporations to combat drug use. Police leaders can also recruit the media to become actively involved in the campaign against crime and violence.

Then, there are the social agencies. There is no reason why police leaders should not enlist the help of these agencies to deal with the problems the cops experience on the streets. Using the combined resources of the police department and social agencies can go a long way in addressing the crime problem.

### Conclusion

Police leaders must articulate effective approaches to the problem of crime and violence. They must challenge educators, public health professionals, voluntary and social service agencies, corporate leaders, and the media to help combat what is going down on the streets of their cities, towns, or counties. And, they should set the agenda when it comes to legislation, whether it pertains to laws regarding guns, drugs, or the exposure of children to violence on television.

In other words, among leadership circles, police leaders must assert themselves and demand the participation of their communities' resources. That's community policing. That's the way of the future. ♦

### Endnote

<sup>1</sup> This article is based on remarks delivered by Commissioner Brown at the Violent Crimes Symposium at the FBI Academy in Quantico, Virginia.

## 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. Where possible, floppy disks using WordPerfect should be submitted with typed manuscripts.

### Publication

*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.

*Query Letters:* The Editor suggests that authors submit a detailed one- to two-page outline before writing an article. This is intended to help authors but does not guarantee publication of the article.

*Author Notification:* Receipt of manuscript will be confirmed. Letters of acceptance or rejection will be sent following review. Articles accepted for publication cannot be guaranteed a publication date.

*Copyright:* Because the *Bulletin* is a government publication, materials published within it are not copyrighted.

*Editing:* The *Bulletin* reserves the right to edit all manuscripts.

### Submission

Authors may contact the Special Agent police training coordinator at the nearest FBI field office for help in submitting articles, or manuscripts may be forwarded directly to: Editor, *FBI Law Enforcement Bulletin*, Federal Bureau of Investigation, Room 7262, 10th and Pennsylvania Ave., NW, Washington, DC 20535.

# Memorial Update

## Law Enforcement Officers Memorial Dedicated

**I**n Washington, DC, President George Bush culminated a 2-day "National Salute to Law Enforcement" by dedicating the National Law Enforcement Officers Memorial. Standing before the 20,000 law enforcement officers, survivors of slain officers, and dignitaries gathered, the President highlighted the contributions of all law enforcement officers and paid special tribute to those Federal, State, and local officers who have lost their lives in the line of duty.

In his remarks, the President told those attending, "We gather here today to dedicate this memorial to uniformed heroes...who enforce the law and keep us secure here at home. For too long, America's lawmen and women have been the forgotten heroes—forgotten until there is trouble.... Today we remember these heroes and heroines."

Continuing in his praise of officers killed in the line of duty, the President noted that "they devoted themselves to the timeless values that society shares. They valued the law. They valued peace ....They valued human life—so much that they were prepared to give their lives to protect it. They gave much and asked little. They deserve our remembrance. Here in America's

capital, for as long as these walls stand, they will be remembered, not for the way they died, but for how they lived." The dedication ceremony began with a procession in which 10,000 law enforcement personnel, police supporters, and survivors of fallen officers representing the 50 States, U.S. territories, and Federal agencies marched from the Capitol to the memorial site. Following the procession, over 160 individuals took part in a 24-hour "Roll Call of the Fallen Officers," wherein the names of the 12,561 officers were read nonstop at the memorial site.

The centerpiece of the memorial, two marble walls comprising the "Pathway of Remembrance,"

lists the names of officers who gave their lives in the service of law enforcement throughout American history. The list includes law enforcement officers from all States, as well as U.S. territories, and Federal agencies.

During the 3-year research effort to identify all slain law enforcement officers, Memorial Fund personnel contacted over 15,000 agencies nationwide. As the first of its kind, this effort revealed previously undocumented statistics concerning American law enforcement.

For example, the earliest recorded death occurred in 1794, when a U.S.

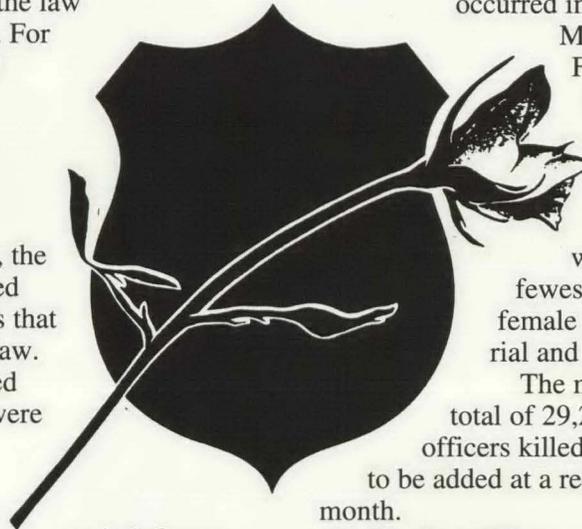
Marshall named Robert Forsyth was killed while serving an arrest warrant in Augusta, Georgia. Researchers found California to be the State with the most line-of-duty deaths, with 1,094; Vermont the fewest, with 11. There are 59 female officers listed on the memorial and 711 Federal officers.

The memorial walls can hold a total of 29,233 names. The names of officers killed during 1991 are scheduled to be added at a rededication ceremony this month.

Dedication of the memorial culminated a 7-year effort to establish a tribute to the Nation's fallen police officers. More than 1 million Americans, including 250 corporations, donated money to the memorial project, which was financed entirely through private contributions. In this way, Craig W. Floyd, the project's organizer and chairman of the Memorial Fund declared, "This monument is truly a gift of appreciation from a caring Nation." ♦

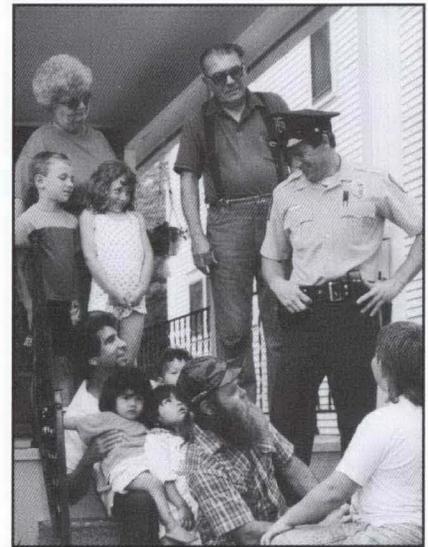
---

*This column was prepared by Andrew DiRosa, Office of Public Affairs, Federal Bureau of Investigation. Those who wish to verify that a name is listed on the memorial may phone the National Law Enforcement Officers' Memorial Fund at 703-827-0518.*



# Building Support for Community Policing An Effective Strategy

By  
ROBERT C. TROJANOWICZ, Ph.D.



**F**or any community policing effort to be successful, police administrators must not only have the support of their departments but also of citizens, elected officials, community agencies, and the media. Each of these groups has its own priorities and concerns. Therefore, a goal of each police administrator should be to develop an overall community policing strategy designed to promote consensus building among all five groups. This can be accomplished by identifying areas of agreement and disagreement, and then building a community policing

strategy on the former while resolving the latter.

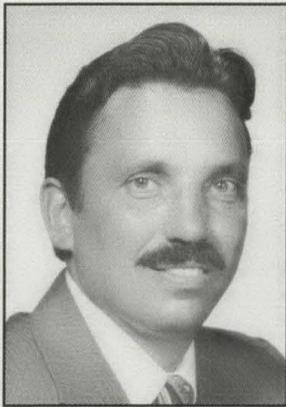
To increase the level of commitment to community policing, police administrators must address certain issues for the concept to become viable within both their departments and communities. Addressing these issues up front can benefit those departments that are considering a shift to community policing, as well as those that have already started to implement the approach.

### Understanding the Change

Police administrators who plan to shift to community policing can

avoid problems by first understanding the concept and what is required for a department to adopt a community policing strategy. It is important for administrators to do their homework to obtain a clear understanding of what community policing can and cannot achieve and what it does and does not demand from police administrators and the five main groups on which these administrators depend for support.

To achieve this, administrators should review the literature to recognize that community policing is both a philosophy and an organizational strategy. They should also



*Dr. Trojanowicz is the Director of the National Center for Community Policing in East Lansing, Michigan.*

**“  
...community  
policing...requires  
the participation and  
support of everyone,  
not just community  
leaders.  
”**

realize that this organizational strategy requires a permanent assignment of community policing officers to defined beats, where they have the opportunity for daily interaction with area residents.

Most importantly, however, police administrators should look at community policing in the context of the “big picture.” This simply means that the community policing approach should not be looked upon as a cure-all to the problems of society.

A shift to community policing does not take place in a vacuum. It alone cannot undo the root causes of crime (unemployment, welfare dependence, decaying schools, drug abuse, and child abuse and neglect). It can, however, make a valid contribution to help address these serious problems, but only when police administrators become ardent spokespersons for social change.

### **The Police Department**

Building consensus within the department requires police administrators to practice the politics of

inclusion. The philosophy of community policing stresses the importance of building trust with the community by empowering average citizens and making them a part of the process. And, the first place to perfect those skills is within the police department.

The commitment to community policing must be reflected through the personnel management process. To accomplish this, the police administrator must involve the upper command staff in providing input and making decisions. Then, it is important to seek actively the support and input of all levels of police personnel, including civilians, on developing a workable plan.

Police administrators should also encourage feedback from within the department, and they must be willing to provide visible backing for mistakes and failures. After all, community policing impinges on everyone within the department.

A defensible plan for the deployment of community officers is also needed. In no way should as-

signment to a beat be used as punishment. Instead, police administrators should expand the role of community officers to that of generalist, rather than specialist, thereby recognizing them as professionals.

### **Citizen Support**

A shift to community policing implies dramatic changes for the “winners” and the “losers.” Community policing makes obvious “winners” of the law-abiding people who live in decaying, high-crime neighborhoods plagued by violent crime and open drug dealings. These people receive the full-time support of community policing officers, and in turn, become the most vocal supporters of the approach.

On the other hand, the high visibility of community policing officers can inspire a backlash from middle- and upper-class residents who resent what they perceive as more of their tax dollars flowing into neighborhoods that already consume a disproportionate share of the police department’s time. This approach to policing can also engender resentment among those who see their previous level of service reduced, i.e., the business owner whose foot patrol officer now spends time in residential areas as well or the middle-class taxpayer who is asked to report a bicycle theft by phone. Under community policing, citizens have to do more for themselves to free up patrol time so that problem solving can be facilitated.

To achieve citizen support for community policing, administrators must develop a plan to educate the public about the virtues and trade-offs of this approach. This means

---

talking to civic groups, issuing press releases, and placing articles in community newsletters. All this should be done before implementation. Essentially, police administrators must take advantage of every opportunity to explain to citizens "what's in it for them."

Along these same lines, community policing sometimes forces departments to restructure their response priorities. Therefore, the issue of response time must be addressed at the outset. Citizens need to know that the police are constantly being asked to do more with less. When restructuring is part of the shift to community policing, people must be told why the tradeoffs will benefit them in the long run. Above all, citizens must be guaranteed a quick response for life-threatening situations; however, everything else is negotiable.

Another "must do" for police administrators is to inform citizens that their participation is crucial. Community policing issues a challenge to residents to become part of the solution to the problem. Oftentimes, this means citizens will be asked to solve problems themselves rather than turning to the police for help.

Citizens should be reminded that it is the job of the entire community to make their neighborhoods safe and attractive places to live and work. And, they must be made aware that the community policing effort requires the participation and support of everyone, not just community leaders.

Police administrators can gauge support of community policing efforts by conducting on-going surveys. Surveys provide a good

baseline against which community policing can be evaluated and also allow for continued monitoring to prevent the momentum from becoming stalled.

Feedback from the community also becomes a part of the accountability process and involves the community in performance evaluation. One way for this to happen is for sergeants to ask citizens firsthand how community officers are performing. However, community residents should be made to realize that they will also be evaluated in terms of their contributions to make community policing work. This can be accomplished by determining how many citizens are involved in block clubs, volunteer work with youths, or beautification projects.

**“ By involving community agencies, police administrators emphasize teamwork and eliminate duplication of services. ”**

#### **Elected Officials**

Community policing attracts strong bipartisan support, but it also has its detractors. Conservatives worry that it may be "empowering" community agitators, adding to instability. Liberals worry that it may imply an erosion of civil rights, including the right to privacy.

Yet, the primary political resistance is not ideological but practical. Elected officials have good reason to worry about any change that threatens their existing level

of political support. Restructuring police priorities in ways that imply a reduction in the level of service is a serious issue for police administrators.

To address the concerns of elected officials, administrators must educate politicians on the criteria of community policing. While some community policing initiatives are very attractive to elected officials, others may not be so well received. Therefore, administrators must carefully explain the tradeoffs implicit in community policing to elected officials.

Dealing with the concerns of elected officials is not an easy task. They must be convinced not to subvert the process by promising special consideration for the affluent and influential. And, they must be persuaded not to politicize the initiative. A defensible plan for community policing is on the basis of need—high crime rate, high fear of crime, disorder, and a large percentage of problem people, including juveniles.

City council members whose districts enjoy the services of a community policing officer must understand that the officer is not their personal servant. Instead, politicians and community officers should work together on initiatives, so they can share the acclaim. But, it is the community, not the politician, who sets the priorities.

On the other hand, it is essential for politicians who do not have a community policing officer in their districts to understand why they should support community policing. They need to grasp why the shift to community policing will improve the quality of life in

## Violent Crime and Community Policing

**T**he current staggering levels of violence in the United States prompt such intense and pervasive fear that citizens are clamoring for law enforcement to do more. Yet, in the urgency to find solutions, law enforcement must not forget that what people really want is prevention. They want law enforcement to prevent them from becoming victims of violence in the first place, not just to apprehend the suspects after the violence takes place.

Along with prevention, it is important for law enforcement to remember that the term "violence" is merely a catchall that covers a broad and diverse array of crimes and problems. For instance, even in a case of murder, the dynamics that impel a battered wife to shoot her husband are vastly different from drive-by shootings that result in fatalities or murder-for-hire contracts.

When most people talk about the violence in American society, they are, for the most part, referring to the overall climate of violence—the wife beatings and the child abuse occurring in the homes, as well as the gang violence on the streets. The image of beleaguered police officers attempting to bring order out of chaos during a riot in Washington, D.C., contrasts significantly with the disturbing image of police officers beating a motorist.

The perception is that when all the different kinds of violence reinforce each other and blend with the violence depicted on TV and in the movies, communities risk spawning more and more youngsters so inured to violence that they simply do not place value on other people's lives. In fact, the age at which youthful offenders commit their first acts of violence is dropping, particularly in troubled urban neighborhoods,

and law enforcement must play a role in turning that around.

Community policing can play a vital role in reducing three important kinds of violence in the community:

- Individual violence, ranging from street crime to domestic abuse to drug-related violence
- Civil unrest, which can often include gang violence and open confrontations among various segments of society, specifically the police, and
- Police brutality.

Community policing provides fresh answers because it involves the community in developing proactive short- and long-term solutions to the dynamics that contribute to the climate of violence in troubled neighborhoods. While community officers remain full-fledged law enforcement officers who answer calls and make arrests, their daily, face-to-face contact with law-abiding people in the community allows them to broaden their focus beyond reacting to violence into developing new efforts to reduce and prevent violence.

Building bonds of trust between the police and the community also allows community policing to contribute to the goal of promoting color-blind policing, where people and their police form new partnerships that offer the promise of reducing the potential for civil unrest. By allowing citizens the opportunity to hold the police directly accountable, community policing restores an important check on police behavior that has been lost in the process of "professionalizing" the police by isolating them in patrol cars, where the system encourages them to interact primarily with each other.

their jurisdictions, so that they can explain the rationale to their constituents.

### Community Agencies

Over the years, the police have assumed many of the responsibilities of community agencies, mostly because the police department is the only agency open 24 hours a day, 7 days a week. However, this does not mean that community agencies should not become a part of the community policing effort. On the contrary, their backing is a key ingredient to the success of community policing.

This is why police administrators must involve community agencies in the planning and implementation stages. Diagnosing each neighborhood's strengths and weaknesses and then developing solutions is essential.

By involving community agencies, police administrators emphasize teamwork and eliminate duplication of services. After all, a team of problem solvers, including a police officer, is much more effective than repeated responses that simply "put out fires" or "apply bandaids" to major wounds.

Another step police administrators can take to involve community agencies in community policing is to encourage agencies to alter or expand their operations from the usual 9-to-5 mode. A simple alteration such as this can have a major impact on calls for service to police departments by increasing officers' free patrol time so that they can work on more serious problems.

Most importantly, everyone should share the credit. Just as it

takes a major team effort to solve the myriad of problems that plague the neighborhoods, it takes a special effort to ensure that all relevant agencies are given credit for any success realized.

There is also a need for other personalized and decentralized service providers in the neighborhood. If community police officers are the only decentralized and personalized service providers, they will become

“  
***Enlisting the assistance of the media is part of a continuing effort to keep the community informed about new initiatives.***  
”

inundated with requests for assistance, many of which are not law enforcement related. The use of a facility that could serve as a neighborhood network center to house service providers will stimulate informal communication among professionals and will personalize all services offered to residents.

### The Media

It is easy for police administrators to view the media as the enemy since, for the most part, their primary focus is on bad news. However, because of its proactive approach, community policing provides the department with an opportunity to enlist the media to educate the public about the good things the department is doing.

When dealing with the media, police administrators must have a plan in place before going public. Community policing is not an easy concept to explain, so it is important to work out details before using the media to announce the effort.

By making a concerted effort to reach the media, police administrators demonstrate that this group plays an important role in the success of community policing. Citizens need to understand the reasons for controversial changes, and they also need to know that the department will be asking for their direct support and participation. An effective way to do this is through the media.

The challenge for police administrators is to make media representatives realize that this is part of their civic duty. Although it requires time to cultivate media contacts, the effort will pay off in the long run.

Police administrators should use every opportunity to provide information on community policing to the media. This means holding press conferences, inviting media representatives to walk the beat with community officers, and issuing news releases on recognition and awards programs that reinforce the commitment to community policing.

Enlisting the assistance of the media is part of a continuing effort to keep the community informed about new initiatives. However, it is important to remember that the media resent being manipulated and that they resist what may be perceived as news management. Therefore, police administrators should allow community officers to talk

# Focus on Community Partnerships

directly to the media. Even if officers make mistakes, or some projects of the community policing effort are not successful, openness with the media can go a long way. It shows that allowing officers a new freedom to succeed also means allowing them to fail. And, ironically, a willingness to discuss a project that flopped can be an excellent opportunity to tout community policing's successes.

## Conclusion

An effective community policing effort requires the support and commitment of the police department, citizens, elected officials, community agencies, and the media. Each of these five groups need to become a part of the solution to neighborhood problems rather than being aloof or indifferent.

However, it is important to remember that community policing is not an overnight miracle cure or a quick fix, even though it may make a dramatic and immediate improvement in some target neighborhoods. The community officer who spends time today organizing a sports league for idle inner-city youths has good reason to hope that this effort will pay off in the future, but there is no guarantee.

Community policing is a subtle, but profound, way for police departments to approach problems. And, it offers better odds of making a positive impact as momentum builds in the future. ♦

## Combating Violence by Building Partnerships

**V**iolent crime threatens communities across the Nation. This violence can no longer be viewed as isolated acts occurring at random. Instead, an atmosphere of violence, created and inflamed by a number of factors, exists in many communities. Therefore, the U.S. Department of Justice and the FBI—like many law enforcement agencies around the country—are developing a community approach to the problem of violent crime.

This response calls for a comprehensive effort, with the resources of the Federal Government, State and local law enforcement, and community groups coordinated to ensure the most effective results. The dimensions of today's violence make one thing clear: No single component by itself can be successful. The problem of violent crime demands the combined efforts of the criminal justice system and community groups.

## New Direction

Responding to a dramatic 30-percent increase in the violent crime rate during the 1980s, the U.S. Department of Justice and the FBI developed new strategies to confront the devastating effects violence inflicts on communities. In June 1989, FBI Director William S. Sessions designated violent crime as a priority area of

investigation across all FBI programs.

Two years later, in March 1991, the U.S. Attorney General convened a summit of top political and law enforcement officials to outline initiatives and evaluate the most effective ways to address the increasing violence. This conference established the framework for a comprehensive response to the problem of violent crime.

Then, on October 16-17, 1991, the FBI sponsored the National Symposium on Addressing Violent Crime Through Community Involvement. Held at the FBI Academy in Quantico, Virginia, this symposium further explored the underlying causes and tragic consequences of violence. The symposium also marked a turning point in the FBI's approach to violent crime. During the conference, the FBI advocated new levels of community involvement to address the problem of violence.

## The National Symposium on Addressing Violent Crime Through Community Involvement

The Quantico symposium was the first such gathering of civic leaders and law enforcement officials by the FBI on a national level. It established important lines of communication essential to a cooperative response to violent crime.

During the symposium, a wide range of civic leaders underscored the need for a community approach to violent crime. Participants from over 40 national organizations, representing a broad cross-section of community and policy viewpoints—including the American Association of Retired Persons (AARP), Crime Stoppers, the Police Executive Research Forum (PERF), and the National Urban League—discussed strategies with officials from municipal, State, and Federal law enforcement agencies.

A strong theme emerged during the conference. Communities must address the *roots* of violence before the *consequences* can be brought under control. The wave of violent crime sweeping across the Nation points to underlying problems confronting cities, and these underlying problems must be addressed.

During the symposium, speakers discussed the effects of violent crime within the general framework of community health. Violence, like diseases, threatens entire communities. However, just as diseases can be brought under control through preventative action, so too can violent crime. The comprehensive approach endorsed by participants during the symposium calls for proactive efforts directed at the problems that lead to violence.

Special Agents in Charge (SACs) from 28 FBI field divisions participated in the national



symposium. These SACs are responsible for implementing the FBI's efforts in their communities. While specific strategies continue to be formulated, evaluated, and redirected to meet changing needs, the general approach calls for enhanced involvement with local efforts to curb violence. Where limited community initiatives exist, law enforcement teams work with civic groups to enhance these efforts.

As part of this proactive strategy, the FBI sponsors drug prevention and antiviolence initiatives in schools. Through the Drug Demand Reduction Program (DDRP), the FBI provides information about the destructive effects of drugs, both on individuals and communities.

#### **The Future**

The National Symposium on Addressing Violent Crime Through Community Involvement

established important lines of communication between law enforcement and community groups. A series of followup conferences were also scheduled to strengthen these relationships.

In February 1992, a conference consisting of representatives from the National Sheriffs' Association, AARP, IACP, and the FBI, addressed crime problems facing the elderly. A September 1992, conference will focus on community-oriented policing.

A 1-year followup to the national symposium will be held in December 1992. During this conference, attendees will reevaluate programs, chart the progress made in combating violence, and redirect resources to produce the best results. In addition, regional conferences are planned to address the problems of violence. SACs will host and participate in these meetings to help formulate comprehensive regional strategies.

#### **Conclusion**

The problem of violence is growing; so too is the resolve of law enforcement and communities to address the problem. The National Symposium on Addressing Violent Crime Through Community Involvement established a framework for success. Federal, State, and local law enforcement working together within communities can have a tremendous effect in curbing violence. ♦

# Ultraviolet Forensic Imaging



By MICHAEL H. WEST, D.D.S.  
and  
ROBERT E. BARSLEY, D.D.S., J.D.

**I**magine the same ultraviolet rays that cause people to get sunburns in the summer also helping to catch and prosecute criminals. Researchers are discovering that these rays can literally “cast a new light” on evidence that might not even be detected using conventional investigative techniques. While ultraviolet (UV) technology is still in its early stages, it has already helped to solve crimes and is proving to be a significant development in the field of forensic research.

## Ultraviolet Light

The word “ultraviolet” means simply “beyond violet.” Think back to high school science classes about the rainbow. Its colors are merely the sun’s white light split by a prism. At the top of this spectrum is red, followed by orange, yellow, green, blue, indigo, and finally, violet. The next tint in the prism would be ultraviolet, but our eyes cannot see this color. However, photographic equipment can visualize the ultraviolet spectrum quite well.

## Uses of Ultraviolet Light

How can ultraviolet or “invisible” light be used in law enforcement? One application is in the analysis of bite marks on human skin. In searching for better ways to photograph bite marks, it was discovered that ultraviolet light provides more detail and contrast to an injured area than standard lighting techniques. This discovery led to the development of two techniques for ultraviolet photography.

In one method, known as reflective ultraviolet imaging, the wound

is flooded with UV light, and the reflected ultraviolet image is photographed. An ultraviolet bandpass filter mounted on the camera lens blocks all light returning to the film except UV. Proper film selection ensures that only the UV light rays reach the film. Many powerful electronic flashguns produce sufficient ultraviolet illumination for this process.

In the second method, called fluorescent ultraviolet imaging, the wound is flooded with only UV light. However, a different filter is used to block all UV rays returning to the camera so that only the visible light colors fluorescing from the wound will be captured on the film. This type of fluorescent photography must be performed in darkness.

### Results

The results have been surprising. Thus far, the photos produced by the reflective ultraviolet imaging method have proven most useful. These photographs show wounds in greater detail than would be possible with conventional photographic equipment and reveal images of wounds that could not be seen by the naked eye.

Certain qualities of UV light make these results possible. Because ultraviolet light waves are very short (only a few millionths of 1 millimeter), their maximum penetration into human skin is usually less than that of visible light. (Due to variations in skin pigmentation, thickness, and other tissue factors, the penetration of UV can vary by up to 1.5 millimeters.) Because of this limited range, wounds that are deeper than 1.5 millimeters will only rarely be revealed in ultraviolet light. Still, though UV light waves



*Dr. West is a medical examiner investigator in Forrest County, Mississippi.*

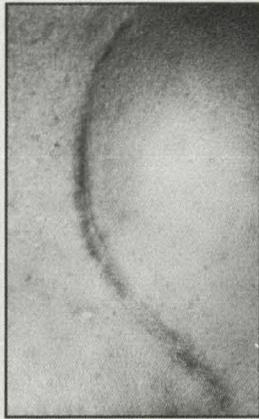


*Dr. Barsley is a professor at the Louisiana State University School of Dentistry in New Orleans, Louisiana.*

### Bite Marks and Ultraviolet Light

When a bank executive failed to report for work, concerned co-workers went to her home. They were horrified to discover her raped and beaten body. During the postmortem examination, the pathologist noticed a bruised area on the left breast. Suspecting that it might be a bite mark, he requested that a forensic dentist examine the wound. The dentist confirmed that it was a bite mark, but only after developing ultraviolet photographs that showed the wound in detail, which allowed a comparison to be made with the suspect's dental records. The comparison revealed a match. When confronted with this evidence, the suspect pled guilty.

In another case, a woman was blindfolded, beaten, and raped in her home. She did, however, manage to bite one of her attackers on the arm during the assault. During the ensuing investigation, the victim's husband became a suspect, and an examination of his arm under ultraviolet light revealed a wound. Although he maintained that it was a scar from an earlier injury, the forensic dentist proved that it was a bite mark. The bite mark pattern was then duplicated, using an inked model of the victim's teeth on an anatomically correct arm. The suspect was subsequently convicted by a jury of participating in the attack.



*On the left is a normal photograph of a surgical scar. On the right is a reflective ultraviolet imaging photograph of the same scar. The faint puncture wounds created by the suture needle are revealed only in the second photograph.*

are short, they are very intense. Therefore, any pigmentation, wound pattern, or bruises on the surface of the skin, no matter how faint, will be revealed.

### **Linking Technologies**

Although preliminary results of UV photography were very encouraging, limitations to its usefulness as a forensic tool soon became apparent. Potentially valuable physical evidence, such as minor wounds that could not be seen without enhancement, was being overlooked. Because investigators had no indication of these trace injuries, they did not request UV photography, which could have revealed the injuries in greater detail. Therefore, a system was needed to provide an ultraviolet scan of victims so that investigators could "see" any injuries or marks that would otherwise be missed.

A solution was developed by combining several technologies. A video intensifier tube, which is sensitive to light waves from the ultraviolet spectrum through the infrared, was modified to detect only ultraviolet light waves. With the modification, the ultraviolet

image is intensified over 70,000 times. The resulting images are displayed on a video screen contained within the device, which can be linked to other video equipment, such as a standard video cassette recorder (VCR), a graphics computer, or a conventional camera for still photographs.

Use of the intensifier and VCR allows investigators and forensic researchers to visualize an ultraviolet image immediately, without waiting for film to be developed. The entire body of a victim can be scanned to highlight injury patterns that might otherwise go unnoticed. The equipment also vastly enhances the quality of still photographs, since the hand-held spotlight provides uniform illumination of the skin's surface.

### **Additional Uses**

While the intensifier has proven very valuable in the detection and analysis of bite mark injuries, its value to crime scene investigators goes far beyond this application. The device has been used to scan entire crime scenes after the areas have been searched by technicians and investigators. Additional evi-

dence, including footprints, fingerprints, and trace metal fragments missed during the initial search, was revealed in the ultraviolet scan. This evidence is then documented and photographed in the conventional manner.

Other aspects of crime scene and suspect investigations have been enhanced through the use of the intensifier. In one case a suspect reportedly shot himself when challenged by a police officer. The officer stated that the victim grabbed his pistol in a reverse grip, and using his thumb as the trigger finger, shot himself in the heart. The victim's family, however, claimed that he had been shot by the officer.

Using the trace metal reagent and ultraviolet illumination, the forensic examiner was able to illustrate graphically the pattern of metal contact from the pistol to the hand of the shooter. Analysis proved that the victim held the gun and shot himself. Marks on the trigger thumb and on the palm of the hand used to steady the gun documented in every detail the officer's version of the incident.

### **Conclusion**

The limits of this technology remain unknown. However, case evidence illustrates the value of ultraviolet technology to law enforcement. Ultraviolet light allows investigators and forensic researchers to examine clues and recover evidence that could not have been detected previously. While the application of ultraviolet light is still a relatively new field, it promises to be an indispensable tool for law enforcement. ♦

## Drug-free Public Housing

The Police Executive Research Forum (PERF) published a monograph that addresses the drug problems found in public housing developments. *Tackling Drug Problems in Public Housing: A Guide for Police* suggests realistic means for improving conditions by providing vital information on how the police, public housing staffs, and residents can work together to make the public housing environment drug-free.

The book provides background material about the organization and operations of public housing, including governing policies and rules, management priorities, and legal and fiscal constraints that affect day-to-day operations. It helps the police to better understand local public housing authorities in order to foster better working relationships. Then, it offers a strategy to use this information to help solve persistent drug-related problems.

*Copies of the guide can be obtained from the Police Executive Research Forum, 2300 M Street, NW, Suite 910, Washington, DC 20037, 202-466-7820.*

## ABA Drug Package

Because violent crime and the drug epidemic continue to plague American communities, the American Bar Association (ABA) compiled a package that tells how to put together a community outreach, public education campaign focusing on local concerns about crime and drugs. The package includes two publications and a video designed to facilitate the planning and execution of "town meetings" that bring the community together to work on these important issues.

The package includes a 25-page manual to guide program sponsors through the planning process. An 18-minute video to "kick off" the program gives participants an opportunity to hear criminal justice practitioners discuss what needs to be done. A 50-page handbook provides a perspective on the amount of crime, the criminal justice response to it, and the costs of that response.

*For more information, or to obtain copies of the package, contact Susan Hillenbrand, ABA Criminal Justice Section, 1800 M Street, NW, Washington, DC 20036, 202-331-2260.*

## Crime Prevention Booklet

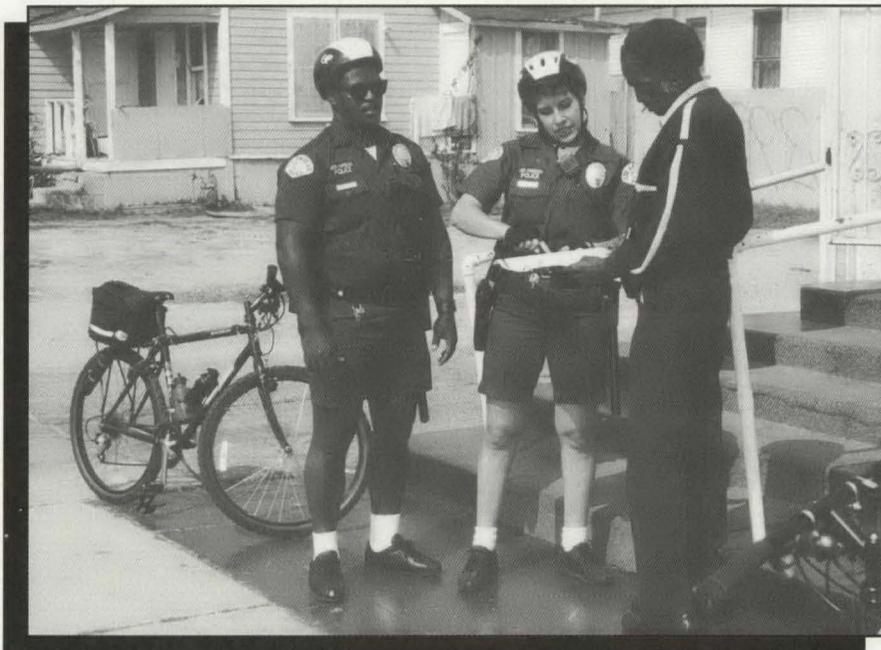
A new booklet from the National Crime Prevention Council (NCPC) sets out step-by-step instructions for people to organize their blocks or neighborhoods against crime, violence, and drugs. *Getting Together to Fight Crime* explains what people in all neighborhoods can do to work together to fend off crime.

The booklet starts with the basic issues and takes the reader through the planning and program steps to build successful action plans. It explains ways to overcome fear and reluctance of citizens, shows how to look for resources to support local programs, and tells what public services groups can provide experience and encouragement.

*Copies of the booklet can be obtained by writing NCPC Distribution, ATTN: Getting Together, 1700 K Street, N.W., Washington, D.C. 20006-3817.*

---

# *Police/Citizen Partnerships in the Inner City*



By  
ROBERT L. VERNON  
and  
JAMES R. LASLEY, Ph.D.

**I**n increasing numbers, today's police agencies turn to community-based approaches to solve complex organizational and social problems. Officer morale, public relations, community cohesion, and of course, reducing crime represent just a few of the many areas successfully addressed by contemporary community policing programs. But, regardless of the specific problem targeted by a particular community policing effort, each program owes its success to a common ingredient—the formation of a strong police/citizen partnership.

The process of closing longstanding gaps, either real or

perceptual, between the police and the public differs from community to community. In some communities, a simple friendly gesture by a police officer may be enough to get the partnership underway. However, within minority communities, where the chasm between police and citizens tends to be broad, special measures must be taken to bridge long, interpersonal distances before a true partnership begins.

In an effort to form a partnership between police and citizens, the Los Angeles, California, Police Department (LAPD) conducted an experiment in community-based policing. This article reports on the results of this experiment and provides sev-

eral insights regarding the formation of positive police/citizen partnerships within socially deprived minority neighborhoods.

## **OPERATION CUL-DE-SAC**

Operation Cul-de-Sac (OCDS) began in February 1990. The focus of Operation Cul-de-Sac rested primarily on two goals. First, the LAPD implemented this program to examine the potential of community-based policing to restore order within the most crime-ridden, inner-city neighborhoods of Los Angeles. If successful, OCDS could serve as a model for future community-based policing programs targeting the violent crime and lack of com-

munity presence that characterize many inner-city neighborhoods.

Second, the department wanted to study the building processes for police/citizen partnerships. By identifying those initiatives that worked the best, the department could concentrate on the resources and actions that more readily facilitate the development of such partnerships.

### **Experiment Site: LA's Toughest Community**

To test community-based policing under the most difficult of circumstances, the department selected one of the highest Part I crime areas as the experiment site. LAPD officers know the area as "Newton Division RD 1345," a single patrol sector that covers approximately 1 square mile (10 square city blocks) within south central Los Angeles. This area plays host to numerous factors that present the ultimate challenge to contemporary policing methods.

First, a population density of some 5,000 residents occupying less than 500 dwellings characterizes Newton Division RD 1345. Most residents live in extreme poverty, with over one-half of all household incomes falling below the poverty line.

Other factors challenging community-based policing efforts in this area include high rates of mobility and ethnic transition. For example, in 1988, approximately 95% of the residents were African-American. Now, this figure rests at 40%, with the remainder being Hispanic first and second generation U.S. citizens. In addition, many

living within the neighborhood entered this country illegally.

Historically, the neighborhoods of RD 1345 rank among the five most dangerous in the City of Los Angeles. The area continues to register staggering rates of street-level drug sales and drug-related offenses.

For example, in 1988, LAPD officers responded to reports of more than 150 assault and street robberies within the area's less than 1-square mile radius. Also in 1988, 34 drive-by shootings occurred in the area, the highest in any group of LA neighborhoods. In fact, residents of this patrol sector lived in such fear of gang activity that many resorted to boarding their doors and windows and painting their houses and cars in "gang-neutral" colors.

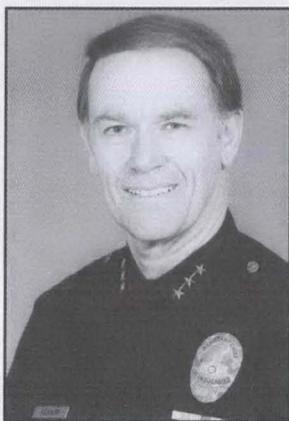
### **Treatment: Inner-City Community Policing**

The first step taken to carry out the community-based policing plan of OCDS involved defining the

community to be served. Unfortunately, evidence of the traditional community markings, such as interpersonal experiences or identifiable physical barriers, did not exist in RD 1345. Thus, the police department experienced difficulty in identifying the residents of the particular "community," let alone their specific needs.

Therefore, in order to create a "community" wherein the police and residents could enjoy the benefits of community-based policing, the department placed physical barriers (in the form of iron gates) on the streets to mark the outer boundaries of the OCDS Program area. Of course, this was done only after the department received permission from residents through a series of local meetings and personal contacts by police.

After establishing community boundaries, which served as a necessary starting point to identify a "true" community, 60 LAPD officers worked voluntary overtime for



*Assistant Chief Vernon heads the Office of Operations of the Los Angeles, California, Police Department.*



*Dr. Lasley is an associate professor in the Criminal Justice Department, California State University, Fullerton, California.*



*An officer introduces his K-9 search dog to children at a community function in the Operation Cul-de-Sac area.*

2 weeks to patrol the OCDS project area on foot, bicycle, and horseback to increase positive interpersonal contacts with residents. These officers spent their time getting personally acquainted with the residents and the neighborhoods they served.

At the end of the 2-week initiation period, the department permanently assigned six officers to the area to maintain and continue to build community relations. This cadre of officers joined forces with community groups, including a high school within the project area, to sponsor community picnics, graffiti clean-ups, and neighborhood watch programs. In short, the police department took every opportunity it could to maximize informal, positive contacts with the citizens.

Within a short period time, the initiative started to pay off. Citizens who once lived in fear of leaving their homes started to communicate with each other and use the public areas, such as streets and parks, that gangs once controlled. Part I crimes in the OCDS area started to decrease and have remained 20% lower than

they were before the project began. And, the number of drive-by shootings dropped by more than 70%. OCDS showed that success in building a strong police/citizen partnership can be achieved, even in the most crime-ridden and impoverished neighborhoods.

Having established a strong community presence, the department wanted to determine the precise nature of this partnership and how it was built. To do so, it enlisted the assistance of academicians from California State University, Fullerton, who conducted a program analysis of OCDS. The results of this analysis shed light on the most effective types of police-citizen contacts on which to build a police/citizen partnership in the inner city.

#### **POLICE/CITIZEN CONTACTS**

In inner-city neighborhoods, such as the one targeted in Operation Cul-de-Sac, several obstacles stand in the way of creating strong police/citizen partnerships. On the one hand, extreme fear of becom-

ing victims of street violence causes most inner-city residents to ignore their crime prevention duties and to focus their efforts on sheer survival.

On the other hand, many inner-city residents fear or distrust the police. For example, in the OCDS neighborhoods, those residents who came from Central America display extreme fear of the police, which probably stems from their personal experiences with police corruption in their native countries.

#### **OCDS Study**

In order to determine how existing negative attitudes toward the police are best "unfrozen," and likewise, how positive attitudes are made stronger, researchers systematically studied the OCDS partnership process. To do this, they interviewed a random sample of 350 residents of the OCDS project area during the first and last month of the program's first year of operation.

The purpose of the study was to determine which aspects of police/citizen contacts have the greatest potential for improving working relationships between police and citizens. Researchers examined the type of contact (visual or physical), the frequency of contact (number of visual and face-to-face contacts between police and citizens), and location of contact (home, street, or both). They also looked at the quality of the contact, which took into consideration officer demeanor/politeness, officer helpfulness, officer understanding, and officer caring.

The researchers assessed the effects of the contact categories on community attitudes toward police/citizen partnerships by asking

OCDS residents to respond to the statement, "I will do anything possible to work with the police to make my neighborhood a better place to live." Responses were rated on a scale of 1 (agree strongly) to 5 (disagree strongly).

### Findings: What Matters Most

By measuring the change in responses to this statement over the first year of OCDS, the study revealed that certain types of contact proved more effective than others in building police/citizen partnerships in inner-city neighborhoods.

#### *Type of Contact*

Residents who claimed only visual contact with OCDS officers improved their outlook toward police/citizen partnerships by approximately 12% over the 1-year study period. Residents who claimed to have at least one face-to-face contact with OCDS officers evidenced a 38% improvement in attitudes toward police/citizen partnerships.

#### *Frequency of Contact*

For those residents who only "saw" officers in their neighborhoods, frequency of contact did, nonetheless, condition their attitudes toward partnerships with the police. Those claiming to see an officer once daily improved their opinion by 33%, compared to 14% and 9% for those seeing an officer once per week or once per month, respectively.

The impact of face-to-face contact between citizens and police was nearly two times higher than that observed for visual contact only. Specifically, residents who made

daily personal contact with officers improved their relationship with police by a margin of 69%. By comparison, a weekly contact resulted in a 32% improvement, and a 19% improvement was realized if the resident made contact only once per month.

#### *Location of Contact*

Among those making personal contact with the police, contacts in the home improved partnership attitudes to a much larger extent (29%) than did contacts made in the streets (17%). However, those citizens who made contacts with police in both their homes and in the streets improved their attitudes by 34%.

**“  
...police agencies...  
would be well advised  
to focus their efforts on  
quality rather than  
quantity of police/  
citizen interactions.  
”**

#### *Quality of Contact*

With regard to demeanor and politeness, residents responding "yes" to the statement, "Officers who patrol my neighborhood are generally polite to me," improved their partnership outlook by 37%. At the same time, when asked whether officer were "helpful in matters requiring their assistance," respondents who agreed with this statement evidenced a 35% improvement in partnership opinion.

Answering "yes" to the statement, "Officers generally take time to understand my particular problem," resulted in the second strongest opinion change discovered among OCDS residents, one of 72%. However, the greatest improvement in partnership opinion (80%) came about for those residents who believed that "officers cared about them as a person."

### RECOMMENDATIONS

Several lessons in community-based policing can be drawn from the above analysis of Operation Cul-de-Sac. First and foremost, departments can use community-based policing as an effective tool to "unfreeze" perceptual gaps between police and citizens. As discovered here, this appears to be the case even in inner-city neighborhoods, where crime, lack of community presence, and deep-rooted anxieties toward police typically exist.

Even more important, favorable community interactions can and should be converted into a science. That is, all types of police/citizen interactions do not provide the same payoffs where change in community perception toward police activities is concerned. Simply put, some modes of community-based policing interactions seem to build citizen confidence more than others.

With respect to evidence presented here for inner-city neighborhoods, police agencies engaging in community-based policing efforts would be well advised to focus their efforts on the quality rather than quantity of police/citizen interactions. In other words, expressions of helpfulness and understanding

# Police Practices

on the part of the officers toward citizens appear to be many times more important to the overall effectiveness of community policing programs than such factors as visual presence, frequency of contact, or even officer politeness and helpfulness.

In sum, police departments should structure job designs of officers assigned to build community partnerships in such a way as to maximize the potential for quality police/citizen contacts. On a supervisory level, the quality of police contact should be emphasized in performance evaluation criteria. And, with regard to field operations, individual officers should be given stable assignments in the neighborhoods so that they have sufficient time to develop quality interpersonal relations with the citizens they serve.

## CONCLUSION

Community-based policing started out as an art, but without question, those police agencies forming partnerships with citizens in their communities work to transform this art into more of a science. The measures taken by the Los Angeles Police Department in Operation Cul-de-Sac ensure quality contacts between police and citizens and provide many of the keys necessary to "fine tune" the evolving science of community-based policing. ♦

### Endnote

<sup>1</sup>Part I crimes include murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson.

## Fighting the War on Drugs with Music

**T**he drug problems of today prompt police departments nationwide to implement various programs that promote drug awareness among the youth in their communities. While many of these programs fail due to a lack of interest on the youths' part, the Hamilton County, Ohio, Police Association (HCPA), which includes 44 law enforcement agencies within the county, adopted a program that both young people and the surrounding communities enthusiastically support. Based on a Columbus, Ohio, program, the HCPA began a police band that communicates a strong antidrug and alcohol message to the youth of the community.

### The Model

The HCPA modeled its antidrug band after the Columbus, Ohio, Police Department's antidrug band, "Hot Pursuit." This group of police officers visits area schools to send an antidrug message through rock concerts. Most importantly, it delivers the message in a language and manner that students both understand and appreciate. From the strike of the first note to the final curtain, the emotionally charged atmosphere pulsates with a "just say no" attitude. Students and teachers clap and sway to the music, providing an almost instant bonding among teachers,

students, and musical cops in uniform.

The popularity and success of "Hot Pursuit" limit its availability. Therefore, the HCPA decided to form a band that could fill the needs of its local communities.

### HCPA's "Most Wanted"

When the HCPA formed its own antidrug band, it made two fundamental changes from its counterpart in Columbus. First, unlike its model band, which is staffed only by personnel from the Columbus Police Department, "Most Wanted" promotes a regional concept; therefore, the participating police officers come from throughout the county rather than from one department. This allows a cross-section of law enforcement to present a sincere group effort.

In addition, the HCPA strives to keep the band diverse, both in gender and race. This illustrates to the youth of the community that reducing the demand for drugs must be a community undertaking that crosses all social lines.

Once the HCPA established guidelines for the band's formation, it needed to determine exactly what age groups to target. Research revealed that between the fourth and eighth grades, 90 percent of the children in the Greater Cincinnati area are approached to use alcohol or illegal drugs. Therefore, the band targets the youth in these age groups.

## Implementing the Program

It takes a tremendous amount of cooperation between agencies to get a joint project of this type to work. However, because a spirit of cooperation and mutual respect already existed between the member departments of the HCPA, it was possible to cut through the necessary red tape to form this local band.

Nineteen police officers from 16 departments throughout Hamilton County (10 musicians and 9 support and technical personnel) now comprise the "Most Wanted" band. All officers wear their uniforms while performing at area schools, and the concerts, which have music, singing, flashing police lights, and pyrotechnics, occur approximately two to three times a month.

## Conclusion

Young people respond to the concept of a law enforcement-oriented rock band. For example, "Most Wanted" performed in concert at an area junior high school, during which there was a singing contest among the female and male students and the teachers. The various groups responded "just say no" to a popular 60s song. Whichever group responded



**"This program benefits the youth of the community by getting an antidrug message out to them in an effective way...."**



away from the concerts with positive feelings toward police officers.

The "Most Wanted" band plays only in Hamilton

County schools, simply because this antidrug program is so popular that the band cannot fulfill all of the local requests. The band turns down requests to appear at schools in other counties and States so that area schools can benefit from the program.

the loudest won, and the losers went on stage to sing the song with the band. Needless to say, the teachers lost—to the delight of every student present.

Several months after the concert, the school's principal wrote to say that when the same 60s song was played at a school-sponsored dance, the entire student body responded "just say no" to the record, just as they had done at the concert. This was proof-positive that "Most Wanted" concerts impact on young people. At the very least, students walk

However, other agencies throughout the country can develop programs of this type in their respective areas. This program benefits the youth of the community by getting an antidrug message out to them in an effective way, and it benefits the involved agencies by allowing them to build an important rapport with both students and teachers. ♦

---

*Lieutenant Mathews, the assistant chief of police of the Glendale, Ohio, Police Department, provided the information for this column.*

---

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

# Crime Data

## *The Hate Crime Statistics Act*

- A burning cross ignites the fears of a neighborhood and a community....
- A family's dream of peace and security quickly shatters when vandals break all the windows in their home....
- A victim suffers a brutal beating because of sexual orientation—a battering of dignity as well as the body....
- Hideous symbols of hate deface a synagogue, thereby indelibly marking a people and a community with fears from the past acted out in the present....

**W**hile not typical, these crimes offend all who recognize them for what they are: Bias crimes committed against a person or property, motivated by offenders' hatred. Generally carried out in anonymity and usually by groups under the cover of darkness, these offenses target persons, or their property, simply because of the color of their skin, their religion, their heritage, or their sexual orientation.

Hate crimes pose a real threat to our Nation and to the diverse peoples that make this Nation a community. In an effort to determine the extent of this threat, Congress passed the Hate Crime Statistics Act of 1990. The act mandates the Attorney General to acquire data concerning crimes that manifest evidence of prejudice

based on race, ethnicity/national origin, religion, or sexual orientation. This includes, where appropriate, the crimes of murder, forcible rape, robbery, aggravated assault, simple assault, burglary, larceny-theft, motor vehicle theft, arson, intimidation, and destruction/damage/vandalism of property. The Attorney General, following the urging of Congress, tasked the FBI's Uniform Crime Reporting (UCR) Program to develop a data collection program for its 16,000 law enforcement agency participants.

### **UCR Hate Crime Statistics Program**

Having anticipated the Act's passage, the FBI thoroughly studied the issue and determined that the development and implementation of a national hate crime statistics program needed a new and different approach. At the same time, UCR program managers wanted to avoid placing major new reporting burdens on contributing law enforcement agencies. To address this primary concern, the FBI made two major decisions at the outset of the program's design.

First, the collection of hate crime data would be an adjunct to UCR's current collection of crime data. Hate crimes would not be considered as separate, distinct crimes, but rather as traditional offenses motivated by the offender's bias. For example, an offender may commit arson because of racial bias. UCR did not create a whole new crime category to record this crime; instead, it collected hate crime data by merely capturing additional

information about crimes already being reported to UCR.

Second, the FBI limited the types of bias motivation to be reported. There are, of course, many kind of bias; the Act names the more common ones. But, bias also exists against rich people, poor people, men who wear long hair/beards, smokers, drinkers, etc. Therefore, UCR limited the types of bias reported to those mandated by the enabling Act—prejudice against a race, religion, sexual orientation, or ethnic group. And, because of the difficulty in determining an offender's subjective motivation, UCR asked law enforcement agencies to report bias only if the investigation revealed sufficient objective facts to lead a reasonable and prudent person to conclude that bias motivated, in whole or in part, the offender's actions.

Although existing comprehensive statistics on the incidence of hate crimes do not exist, the limited statistics being gathered in current State and local hate crime programs indicate that the number of hate crimes reported annually throughout the United States do not constitute a major reporting burden. Therefore, hate crime reporting should not require large new commitments of personnel and other resources by Federal, State, and local UCR data contributors.

### **Guidelines**

With the cooperation and assistance of some of the law enforcement agencies already collecting hate crime information,<sup>1</sup> and a broad coalition of human interest groups, UCR program

managers developed a system and guidelines for hate crime data collection within these established parameters. Included in the reporting of hate crimes was information about the type of prejudice motivating the designated offenses, the place where the crimes occurred, and the victims and offenders. Law enforcement agencies could then opt to report these crimes either in conjunction with their regular UCR submissions or separately in quarterly hate crime reports.

### Training

To facilitate hate crime data collection, UCR personnel conducted 14 regional training conferences nationwide for local law enforcement agencies regarding the investigation and reporting of hate crimes. The participants of these sessions represented each of the 50 States and the District of Columbia, including all law enforcement agencies serving populations over 100,000. The latter agencies represent approximately 77% of the total U.S. population. In addition, UCR provided training to Federal investigative personnel.

### Data Collection

A number of law enforcement agencies across the country already submit hate crime data to the FBI, and initial response indicates that implementation of the program will move rapidly. As with all national data collection, however, participation must grow consider-

ably before a valid nationwide assessment of the hate crime problem can be made.

In the interim, the FBI, the Bureau of Justice Statistics, and the Association of State UCR Programs are jointly preparing a resource book containing available 1990 hate crime data from States and local agencies operating longstanding hate crime programs. This publication will also contain



other useful information relative to State-specific hate crime legislation and strategies.

Future FBI plans include an annual publication focused solely on hate crimes, along with topical studies highlighting unique aspects of hate crime occurrences. While the Hate Crimes Statistics Act expires after 5 years, the FBI considers the statistics collection a permanent addition to the UCR Program.

A number of law enforcement associations<sup>2</sup> endorse the FBI's Hate Crime Statistics Program. These endorsements are crucial to the successful implementation of the program. Without law

enforcement's voluntary data collection and support, the effort would be doomed to failure.

### Conclusion

National hate crime statistics will result in greater awareness and understanding of the true dimensions of the problem nationwide. This, in turn, will result in added benefits. Specifically, law enforcement will be better able to quantify their resource needs and do a better job directing available resources to areas where they will be most effective.

Law enforcement continues to demonstrate progressive, professional competence in developing imaginative approaches to criminal problems. With its response to hate crime legislation, law enforcement shows that same enthusiastic, proactive attention not only to a criminal problem but also to a societal scourge that has even more adverse consequences. ♦

### Endnotes

<sup>1</sup> Maryland State Police; Baltimore County, Maryland, Police Department; Boston, Massachusetts, Police Department; New York City, New York, Police Department; Chicago, Illinois, Police Department.

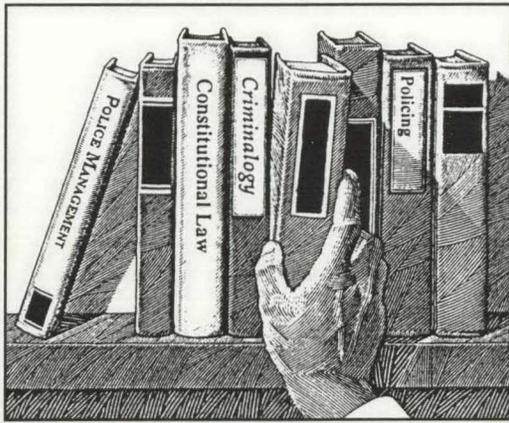
<sup>2</sup> The International Association of Chiefs of Police, the National Sheriffs' Association, the UCR Data Provider's Advisory Police Board, the International Association of Directors of Law Enforcement Standards and Training, and the Association of State Uniform Crime Reporting Programs.

---

*Personnel assigned to the Uniform Crime Reporting Program provided the information used in this column.*

---

## Book Review



**Deadly Consequences** by Deborah Prothrow-Stith, M.D., with Michael Weissman, Harper Collins Publishers, New York, 1991, Phone (212) 207-7000.

In 1978, as a third-year Harvard Medical School student on a surgical rotation in an emergency room, Deborah Prothrow-Stith spent many nights stitching up young male victims and pondering ways that medicine could intervene to reduce the number of victims. As a senior-year project, she designed and implemented a violence-prevention curriculum that introduced young males at risk for violence to constructive strategies for coping with anger. Fifteen years later, this curriculum has been refined and is now being used in schools in over 320 cities in 45 States, as well as several foreign countries.

*Deadly Consequences* tells what the authors learned by working on the problem of adolescent aggression in disadvantaged neighborhoods, where violence is the norm and where limited opportunities exist for education, sports, or jobs. The book strongly suggests that the climate of violence can be changed in these high-risk neighborhoods through teaching adolescents new ways to manage anger and aggressive impulses.

Written for a wide audience, including members of the law enforcement, criminal justice, medical, mental health, and education communities, the book addresses the complexity of violence by recognizing it as an assault on the public health. Its 12 chapters discuss such topics as free-floating anger, a cultural emphasis on violence that breeds fatal aggression among children, adolescence as a dangerous passage, and the creation of an endangered species of young men of color living in poverty, surrounded by gangs, drugs, and confrontational experiences with the police. The discussion is built upon a framework of statistical research concerning adolescent victims of violence. In the final chapters, a solution is offered—a public health approach to prevent violence that suggests how schools and communities can help.

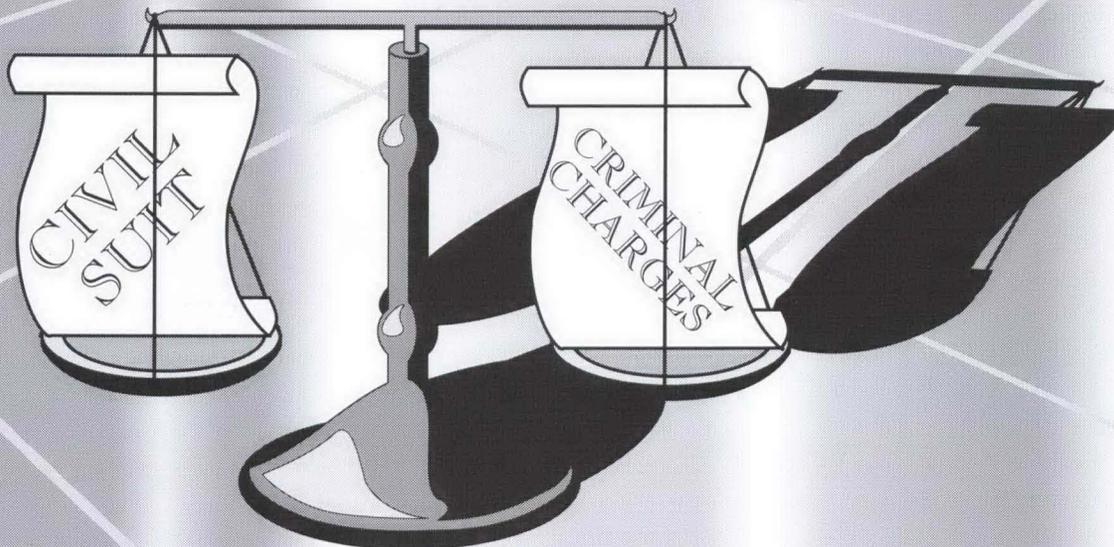
The profound contribution of this book, as well as its unifying theme, is a steadfast focus upon the social context in which much of today's violence occurs. Statistics support and provide detail to the adolescent violence sampled on the nightly news. Readers are asked, among other things, to step back and view their culture as outsiders by analyzing the mass media's fascination with violence.

*Deadly Consequences* is highly recommended for all law enforcement administrators and officers who seek new insights into the social nature of anger, aggression, and violence. The comprehensive strategies presented to confront today's growing levels of violence are based on solid foundations of experience, research, and results.

Reviewed by  
Ann Wolbert Burgess, R.N., D.N.Sc.  
van Ameringen Professor of  
Psychiatric Mental Health Nursing  
University of Pennsylvania  
Philadelphia, Pennsylvania

# The Enforceability of Release-Dismissal Agreements

By  
WILLIAM U. McCORMACK, J.D.



Suppose after a long-term investigation involving pornographic material that officers lawfully seize virtually the entire inventory of a local news store because these publications fit within the judicially accepted definition of pornography. Also assume that the policy of the prosecutor's office concerning the prosecution of pornography cases subsequently changes.

The prosecutor's office then informs the police department that it does not have the time or resources to prosecute the pornography case. The investigating officers believe that the owner of the news store is

likely to file a civil lawsuit against them and their employer, seeking money damages for the seizure of the materials. In such a case, can the officers appropriately request that the prosecutor attempt to get an agreement from the store owner releasing all civil claims that he might have as a result of the investigation and seizure in exchange for the government's dismissal of the case?

This article discusses the enforceability of these agreements, called "release-dismissal agreements," wherein a suspect or defendant agrees not to bring a civil suit concerning police investigative activity in exchange for the govern-

ment agreeing to dismiss charges, not bring criminal charges, or reduce charges. The article also examines recent case rulings on release-dismissal agreements and offers some practical advice to police regarding their use.

## THE SUPREME COURT RULE

Prior to 1987, courts generally disagreed on whether release-dismissal agreements were always against public policy, and thus, unenforceable.<sup>1</sup> However, in its 1987 decision in *Town of Newton v. Rumery*,<sup>2</sup> the U.S. Supreme Court upheld the enforceability of a

release-dismissal agreement, finding that the agreement was voluntarily entered into and was not against the public interest.

### Factual Background

The case arose out of an indictment of David Champy for sexual assault. A friend of Champy's, Bernard Rumery, read about the indictment in a local newspaper and telephoned the alleged victim, who was acquainted with both Rumery and Champy. After the call, the victim reported to police that Rumery tried to force her to drop the charges and threatened her if she did not.

Rumery claimed he only advised her that she did not have to go forward with the sexual assault charges against Champy if she did not want to. After a second call between Rumery and the alleged victim, police obtained an arrest warrant and arrested Rumery for tampering with a witness.

Rumery subsequently hired an attorney, who contacted the prosecutor about the charges. Rumery's attorney and the prosecutor eventually reached an agreement, under which the prosecutor would dismiss the charges against Rumery if he would agree not to sue for any harm caused by the arrest. Rumery's attorney then drafted the written agreement and discussed it with Rumery, who thought about it for 3 days and then signed it. The criminal charges were then dropped.

Ten months later, Rumery filed a civil action, alleging constitutional violations under 42 U.S.C. §1983 and State common law claims as a result of his arrest for the witness-tampering charges. The defendants in the civil suit filed a motion to dismiss the civil suit, relying on the release-dismissal agreement as an affirmative defense.

The district court found that Rumery voluntarily and intelli-

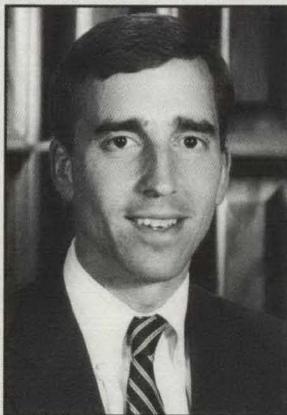
gently signed the agreement and dismissed his lawsuit. Rumery appealed to the U.S. Court of Appeals for the First Circuit, which reversed the district court and held that release-dismissal agreements were *per se* invalid.

The U.S. Supreme Court reversed the appellate court's decision. The Court concluded that while some release-dismissal agreements may infringe important interests of a criminal defendant or of society as a whole, the mere possibility of harm to these interests does not justify a *per se* rule that all such agreements are invalid.<sup>3</sup>

### Public Interests Served

The Court found that release-dismissal agreements can further several significant public interests. First, they can discourage meritless or frivolous lawsuits against law enforcement officers and their employers. The Court noted that even frivolous or marginal civil suits require the time and attention of defendant officials to the detriment of their public duties.<sup>4</sup> Second, prosecutors may have independent and legitimate reasons for dismissing charges related to government enforcement priorities or the relative strength of a particular case. Third, prosecutors need flexibility to decide how to allocate the scarce resources of a criminal justice system that cannot accommodate the litigation of every serious criminal charge.<sup>5</sup>

The Court recognized that release-dismissal agreements might "tempt prosecutors to trump up charges in reaction to a defendant's civil rights claim, suppress evidence



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

“  
**Courts...have upheld  
the enforceability of  
[release-dismissal]  
agreements that are  
in the public interest  
and voluntary.**

”

of police misconduct, and leave unremedied deprivations of constitutional rights." It concluded, however, that a *per se* rule of invalidity "...fails to credit other relevant public interests and improperly assumes prosecutorial misconduct."<sup>6</sup>

The Court found that the prosecutor in *Rumery* had a legitimate reason to make this agreement directly related to his prosecutorial responsibilities. The agreement prevented both a civil and criminal trial concerning Rumery, which spared the alleged sexual assault victim the public embarrassment of having to testify in either of those trials.<sup>7</sup>

#### All Agreements Not Inherently Coercive

Rumery also argued that release-dismissal agreements are inherently coercive, and thus, involuntary and unenforceable. The Court agreed that some release-dismissal agreements may be involuntary, but rejected Rumery's argument that this possibility justified invalidating all such agreements.<sup>8</sup>

The Court stated that "[I]n many cases a defendant's choice to enter into a release-dismissal agreement will reflect a highly rational judgment that the certain benefits of escaping criminal prosecution exceed the speculative benefits of prevailing in a civil action."<sup>9</sup> In finding that Rumery's decision to sign the agreement was voluntary, the Court noted that (1) he was a sophisticated businessman; (2) he was not in jail and was represented by an experienced criminal lawyer; (3) he considered the agreement for 3 days

before signing it; and (4) the benefit to him included immunity from criminal prosecution.

The Court concluded the agreement made between Rumery and the prosecutor was enforceable since it was voluntary, there was no evidence of prosecutorial misconduct, and the enforcement of the agreement would not adversely affect the relevant public interests.<sup>10</sup> Finally, the Court suggested that it would be helpful, although not essential, to

Berry had been severely burned on his legs and arms after his non-fire retardant foam mattress caught fire. Eight months later, Berry entered into a covenant not to sue the county or its employees for damages and medical expenses arising from the fire. In exchange, the county agreed to pay his medical expenses, to drop arson charges against him based on the jail fire, and to recommend probation for four pending felony offenses. Nev-

“

**...law enforcement officers [should] always have the prosecutor negotiate and enter into a release-dismissal agreement.**

”

conclude release-dismissal agreements under judicial supervision.<sup>11</sup>

#### COURTS ENFORCE VOLUNTARY AGREEMENTS IN THE PUBLIC INTEREST

##### *Berry v. Peterson*

Courts construing release-dismissal agreements since *Rumery* have upheld the enforceability of agreements that are in the public interest and voluntary.<sup>12</sup> For example, the U.S. Court of Appeals for the Fifth Circuit upheld a release-dismissal agreement in *Berry v. Peterson*<sup>13</sup> and overturned a \$200,000 jury verdict awarded to Berry, a jail inmate burned in a jail fire.

ertheless, Berry brought suit for his fire-related injuries, alleging constitutional violations under 42 U.S.C. § 1983 and common law tort claims and was awarded a \$200,000 verdict.<sup>14</sup>

The U.S. Court of Appeals for the Fifth Circuit reversed the verdict. It offered three justifications for finding the agreement not to sue enforceable against Berry.

First, the court said the voluntariness of the agreement was supported by the fact that an experienced attorney represented Berry. The attorney discussed Berry's pending criminal charges and the agreement not to sue with Berry's other criminal defense attorneys. Also, there was no evidence that

anyone coerced Berry or his family into the agreement.<sup>15</sup>

Second, the court found no evidence that the prosecutor inflated, mishandled, or trumped up the serious charges pending against Berry when he signed the agreement. Nor did the court find evidence that he had engaged in prosecutorial overreaching.<sup>16</sup>

Third, the court determined that the public interest would be served by enforcing the agreement. Berry received various benefits from the county as part of the agreement, including payment of his medical expenses, assistance from the county in his potential claim against the mattress manufacturer in a products liability suit, and a recommendation from the prosecutor for probation on his pending felony charges. The court found the county likewise benefited from the agreement without forsaking its responsibility to Berry or its citizens.<sup>17</sup>

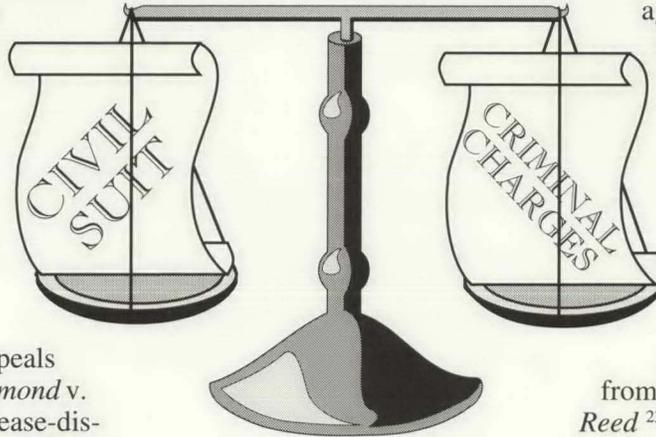
#### ***Hammond v. Bales***

The U.S. Court of Appeals for the 10th Circuit in *Hammond v. Bales*<sup>18</sup> also upheld a release-dismissal agreement. In the case, the plaintiff allegedly entered her father-in-law's home during the course of her marriage dissolution and removed items belonging to her father-in-law, who subsequently initiated criminal charges against her.

Following a probable cause hearing at which plaintiff was bound over for trial, the prosecutor agreed to dismiss the criminal case

in exchange for the plaintiff's waiver of the right to sue her father-in-law.<sup>19</sup> The plaintiff entered into this agreement but later brought suit under 42 U.S.C. §1983 against the prosecutor and her father-in-law. The district court entered a summary judgment for the defendants, and the U.S. Court of Appeals for the 10th Circuit affirmed that decision.

The court stated that release-dismissal agreements should be examined on a case-by-case basis and found four reasons to enforce the agreement against the plaintiff. First, evidence demonstrated that the parties involved voluntarily entered into the agreement. The



plaintiff's defense attorney approached the prosecutor about dropping the charges, and the defense attorney drafted the agreement after consulting with the plaintiff.

Second, legitimate reasons existed for the prosecutor to enter into this agreement. Primarily, a large number of cases overloaded the jury docket, many of which warranted more immediate and serious con-

cern. Also, the prosecutor properly weighed the costs of a criminal prosecution, the probability of success, and the number of witnesses who would have to be called, many of whom were government employees.<sup>20</sup>

Third, there was no evidence that the State created a frivolous criminal charge to suppress a valid civil complaint. And last, the parties executed the agreement under judicial supervision.<sup>21</sup>

#### **PROSECUTORIAL IMMUNITY**

Courts have unanimously held that prosecutors are entitled to absolute immunity for their part in entering into release-dismissal agreements.<sup>22</sup> In *Hammond*, the court granted the defendant-prosecutor absolute immunity for his decision to enter into the agreement. Courts consider a prosecutor's negotiations surrounding release-dismissal agreements to be a prosecutorial function similar to plea bargaining, which is accorded absolute immunity from civil suits under *Burns v. Reed*<sup>23</sup> and *Imbler v. Pachtman*.<sup>24</sup>

Courts, however, do not afford law enforcement officers absolute immunity. It is, therefore, very important that law enforcement officers always have the prosecutor negotiate and enter into a release-dismissal agreement. If an agreement is later challenged, the prosecutor will be granted absolute immunity from any potential civil claims arising out of the agreement.

## LIMITED ROLE FOR OFFICERS

While it may be appropriate for a law enforcement officer to ask a prosecutor to consider the possibility of a release-dismissal agreement in a particular case, the prosecutor should always make the decision and conduct the negotiations. If officers assume the responsibility for entering into a release-dismissal agreement or attempt to get a waiver of potential civil claims in exchange for releasing an arrestee, such an agreement is not likely to be viewed as voluntary by the courts.<sup>25</sup> The officer's attempts to get the waiver may also be viewed as a constitutional tort in the nature of a first amendment violation for retaliatory prosecution.<sup>26</sup>

## LIMITED ENFORCEABILITY FOR CRIMES AGAINST OFFICERS

The enforceability of release-dismissal agreements is more limited where the charges brought against the arrestee involve a police officer.<sup>27</sup> Courts recognize an increased potential for abuse where release-dismissal agreements are used in cases involving crimes against the police, such as disorderly conduct, assault on a police officer, or resisting arrest. This is because there are often no independent witnesses of the event forming the basis for the charge and the objectivity of the police in such cases may be impaired.<sup>28</sup>

For example, where officers have used excessive force, they may have an incentive to arrest on a marginal or nonexistent violation, push for criminal charges, and then re-

quest a release-dismissal agreement. Most cases invalidating or criticizing release-dismissal agreements involve crimes against the police offenses.<sup>29</sup> Although agreements may be enforced in cases in which the criminal charges involve

“  
**Release-dismissal agreements can provide a valuable added protection against civil lawsuits....**  
”

police conduct, courts will closely review such agreements to ensure there was no governmental overreaching or an attempt to sweep police misconduct under the rug.

## CONCLUSION

The hypothetical pornography investigation discussed at the beginning of this article would be an appropriate case for the use of a release-dismissal agreement. The prosecutor has legitimate public interest concerns for not bringing a criminal case against the store owner. Primarily, prosecution policies have changed, and the prosecutor's office does not have the time or resources to prosecute such cases.

The store owner would be required to relinquish a civil suit but would benefit by the dismissal of the criminal charges. This win-win proposition for both sides spares the court unnecessary litigation. However, to ensure enforceability, the

pornography store owner should be represented by counsel during the negotiations and should not be coerced into making the agreement.

Courts uphold release-dismissal agreements if they are voluntarily entered into, there is no evidence of prosecutorial misconduct or overreaching, and they are not against the public interest. Release-dismissal agreements can provide a valuable added protection against civil lawsuits and should be considered any time the prosecutor decides the public interest is served by not prosecuting a case.

Officers should remember three basic principles regarding release-dismissal agreements. First, officers should always ensure that the prosecutor negotiates and enters into the agreement. Second, where possible, court approval or judicial supervision of the agreement should be obtained. Third, agreements may not be appropriate in cases where the criminal charges involve a crime against the police and it might be alleged that the government is attempting to cover up police misconduct. ♦

## Endnotes

<sup>1</sup> See *Jones v. Tabor*, 648 F.2d 1201 (9th Cir. 1981) and *Bushnell v. Rossetti*, 750 F.2d 298 (4th Cir. 1984) (upholding release-dismissal agreements) and *Boyd v. Adams*, 513 F.2d 83 (7th Cir. 1975) and *Dixon v. District of Columbia*, 394 F.2d 966 (D.C. Cir. 1968) (declaring release-dismissal agreements invalid).

<sup>2</sup> 480 U.S. 386 (1987).

<sup>3</sup> *Id.* at 389-392.

<sup>4</sup> *Id.* at 395-396.

<sup>5</sup> *Id.* at 396.

<sup>6</sup> *Id.* at 394-395.

<sup>7</sup> *Id.* at 398.

<sup>8</sup> *Id.* at 393.

<sup>9</sup> *Id.* at 394.

<sup>10</sup> *Id.* at 398.

<sup>11</sup> *Id.* at n. 10

<sup>12</sup> *But see Cowles v. Brownell*, 538 N.E.2d 325 (N.Y. 1989) in which the Court of Appeals of New York expressed a strong disfavor of release-dismissal agreements and stated that only a legitimate, genuine, and compelling reason related to prosecutorial functions would overcome the policy considerations against enforcement of such agreements.

<sup>13</sup> 887 F.2d 635 (5th Cir. 1989).

<sup>14</sup> *Id.* at 636.

<sup>15</sup> *Id.* at 640.

<sup>16</sup> *Id.* at 641.

<sup>17</sup> *Id.*

<sup>18</sup> 843 F.2d 1320 (10th Cir. 1988).

<sup>19</sup> *Id.* at 1321.

<sup>20</sup> *Id.* at 1322.

<sup>21</sup> *Id.* at 1323.

<sup>22</sup> *Schloss v. Bouse*, 876 F.2d 287 (2d Cir. 1989); *Haynesworth v. Miller*, 820 F.2d 1245 (D.C. Cir. 1987); *McGruder v. Necaise*, 733 F.2d 1146 5th Cir. 1984); and *Boyd v. Adams*, *supra* note 1. *See also, Arnold v. McClain*, 926 F.2d 963 (10th Cir. 1991) in which a district attorney was granted absolute immunity in connection with his ultimatum to a police officer that the officer resign or be prosecuted for perjury.

<sup>23</sup> 111 S.Ct. 1934 (1991).

<sup>24</sup> 424 U.S. 409 (1976).

<sup>25</sup> *Hall v. Ochs*, 817 F.2d 920 (1st. Cir. 1987) (officer insisted that arrestee sign a waiver of any civil claims or be incarcerated and the waiver was found involuntary).

<sup>26</sup> *Haynesworth v. Miller*, 820 F.2d 1245 (D.C. Cir. 1987).

<sup>27</sup> *See Lynch v. City of Alhambra*, 880 F.2d 1122 (9th Cir. 1989) (finding that the risk of abuse with release-dismissal agreements when police crimes are alleged is great, but holding that each case must be analyzed individually to determine if the public interest is served).

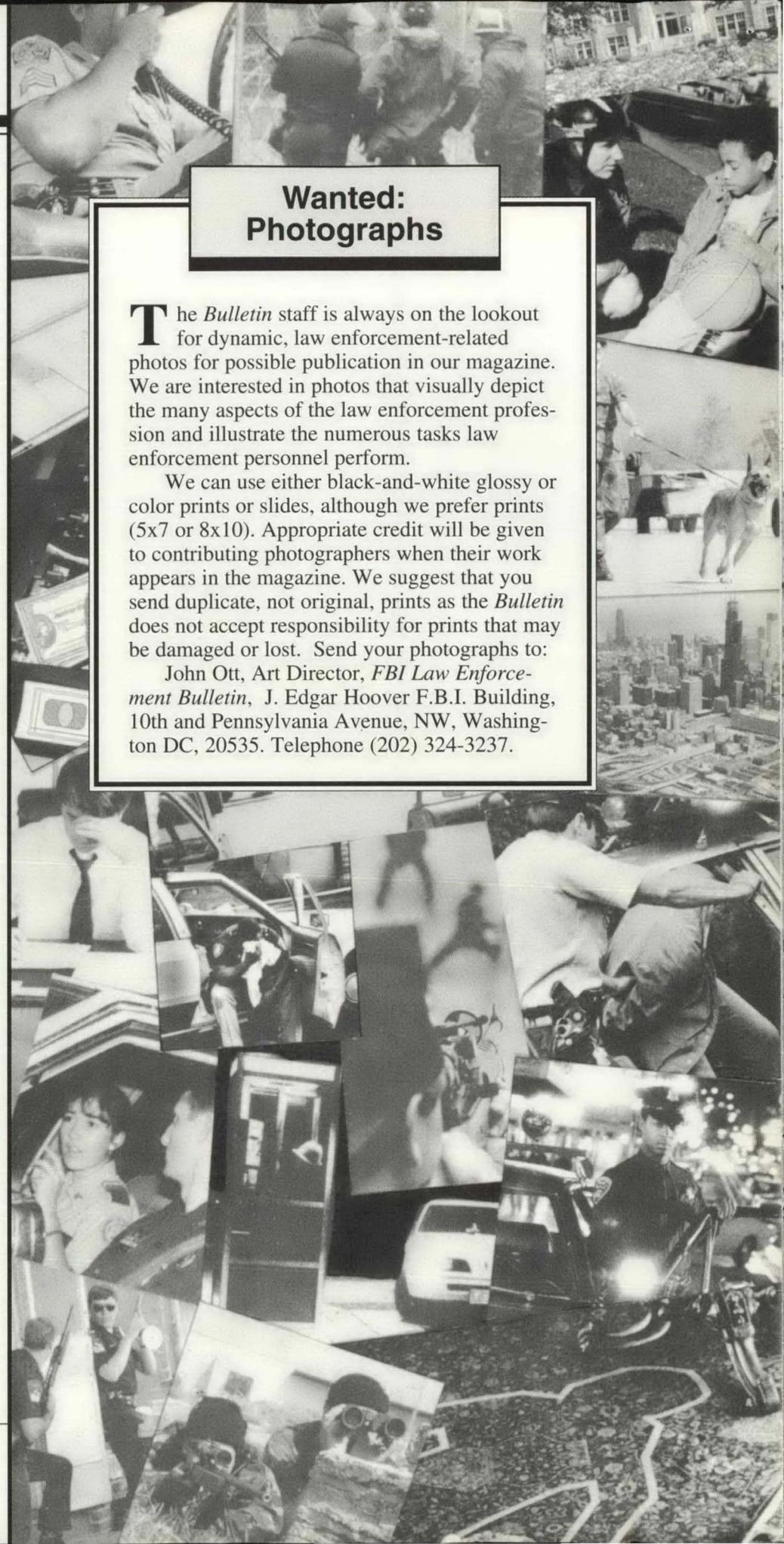
<sup>28</sup> *Id.* at 1127.

<sup>29</sup> *See, e.g., Boyd v. Adams, supra* note 1, and *Hall v. Ochs, supra* note 25.

---

*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 *Bulletin* staff is always on the lookout for dynamic, law enforcement-related photos for possible publication in our 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.

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

John Ott, Art Director, *FBI Law Enforcement Bulletin*, J. Edgar Hoover F.B.I. Building, 10th and Pennsylvania Avenue, NW, Washington DC, 20535. Telephone (202) 324-3237.

## The Bulletin Notes

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



*Deputy Prosper*

Deputy Nelson Prosper of the San Diego County, California, Sheriff's Department thwarted the kidnaping and possible molestation of a child. Upon receiving a radio alert that the child had been abducted, Deputy Prosper immediately staked out the entrance of a bridge leading to a remote wooded area. When a vehicle passed that matched the description given by a witness, Deputy Prosper stopped the car, and after a brief period of questioning, arrested the driver. Deputy Prosper then returned the child, distressed but unhurt, to her parents.



*Commander Abbott*

While on patrol, Commander T.E. Abbott of the Lynchburg, Virginia, Police Department detected smoke coming from a residential district. He began a search of the area and discovered a burning home. He then entered the residence and located an unconscious victim. After being driven out by the dense smoke, Commander Abbott reentered the burning house and carried the victim to safety.



*SSG Goodwin*



*SPC Norman*

While providing security escort in Iraq, SSG Michael W. Goodwin and SPC Francisco I. Norman of the 82d Military Police Company, 82d Airborne Division, heard a loud explosion. Upon approaching the scene of the blast, the MPs observed several wounded civilians caught in a field littered with cluster bomblets. SSG Goodwin and SPC Norman entered the explosive-covered area to administer first aid to the injured civilians, including a boy who had gone into shock after his leg and foot were blown apart. The two MPs then carried each victim through the dangerous area to the safety of an evacuation zone.

