



MAY 1993

FBI Law Enforcement

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The background of the cover features a dramatic illustration. A dark, silhouetted hand is shown holding a test tube filled with a glowing orange liquid. The hand is positioned as if about to inject the liquid into a large, white clock face. The clock face is partially visible, showing the numbers 10, 11, and 12. The overall tone is dark and ominous, suggesting a threat to public safety.

Lethal Viruses
Silent Enemies

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William S. Sessions,
Director

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Pathogenic Microorganisms

Law Enforcement's Silent Enemies

By
DAVID BIGBEE, M.S.

In 1981, at the University of California Medical Center at Berkeley, young men began contracting a new and mysterious disease with multiple symptoms.¹ Most of the men died from a serious form of pneumonia, but more puzzling was the fact that they had almost totally deficient immune systems. Doctors eventually named this elusive condition, which is really a myriad of diseases, acquired immune deficiency syndrome (AIDS). They discovered later that the human immunodeficiency virus (HIV) transmits the AIDS virus.²

By the end of June 1992, 230,179 Americans had contracted HIV.³ Furthermore, the World Health Organization estimates that at least another million Americans are currently infected with HIV, and by the year 2000, 30 to 40 million people worldwide will have contracted the virus.⁴

Every day, law enforcement officers come into contact with suspects and crime victims infected with HIV and other diseases, particularly hepatitis B and tuberculosis (TB). Recognizing the possibility of infection by these diseases to law enforcement officers, FBI Laboratory personnel, in conjunction with all FBI field offices, conducted a survey of all law enforce-



ment agencies in the United States and its territories to determine if, and how often, police officers contracted HIV or hepatitis B while

performing their official duties. This article discusses the results of this survey and its implications for law enforcement personnel.



Special Agent Bigbee serves as the Chief of the DNA Analysis Unit, FBI Laboratory Division, Washington, DC.

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THE DISEASES

AIDS

AIDS is a lethal disease, and the medical community holds little hope for either a cure or a vaccine for it in the near future. The incubation period—that is, the amount of time from infection to the appearance of symptoms—may be as long as 10 years.⁵ In addition, approximately 30 percent of pregnant women infected with HIV transmit the virus to their unborn children.⁶

Hepatitis B

The hepatitis B virus (HBV) causes the disease hepatitis B (formerly known as serum hepatitis). The incubation period for hepatitis B averages 120 days. HBV can result in acute and chronic hepatitis, cirrhosis of the liver, and/or liver cancer. An estimated 750,000 to 1 million people in the United States carry the hepatitis B virus. And, approximately 90 percent of pregnant women with the disease pass it to their unborn children.⁷

Tuberculosis

Until recently, tuberculosis rarely existed in the United States. However, a multidrug-resistant strain of TB has surfaced, primarily in hospitals and correctional facilities. TB usually appears after the immune systems of its victims have been compromised by other diseases, such as AIDS and cancer.

Methods of Transmission

Both AIDS and hepatitis B are transmitted by sexual activity, the exchange of such body fluids as blood, semen, vaginal, and cervical secretions, the use of infected intravenous drug needles and syringes, the transfusion of infected blood products, or accidental infections. Neither so-called “casual contact,” such as being in the same room with an infected person, nor insects transmit either disease. In addition, should a woman become pregnant subsequent to contracting the disease, she could infect her baby with either or both of the viruses.⁸

In contrast, because the bacteria that cause TB often affect the lungs, airborne transmission of saliva and sputum from infected people almost exclusively spreads the disease. Put simply, when people with TB cough, they produce tiny droplet nuclei that contain bacteria and can remain suspended in the air for prolonged periods of time. Anyone who breathes this contaminated air can become infected; however, a person with a healthy immune system usually does not.

Although about 10 to 15 million people in the United States are infected with TB, only about 10 percent of those people will ever become ill from the disease.⁹ The remainder will only show evidence of infection through a positive skin test. Those who do become ill, however, especially with the multidrug-resistant strain, usually die from respiratory failure.

THE FBI'S SURVEY

Background

FBI Laboratory personnel first recognized the possibility of infection to law enforcement officers by the HIV and hepatitis B viruses in 1986.¹⁰ Three years later, they began conducting a survey to determine if, and how often, police officers contracted either virus while performing their official duties. The FBI did not include TB in the survey because, at that time, TB cases rarely occurred, and multidrug-resistant TB cases did not exist at all.

FBI personnel conducted the study confidentially and requested only the number of cases reported by law enforcement agencies and the circumstances by which the

officers acquired the infections. The reporting agency made the determination as to whether the case constituted an occupational transmission.

In most cases, if the employee filed a workman's compensation claim that the agency accepted, it classified the transmission as having occurred on the job. Consequently, the FBI classified three of the seven reported AIDS cases as occupational for statistical purposes, even though the Centers for Disease Control (CDC) believed that sufficient evidence did not exist to prove that the officers contracted the diseases while on the job.¹¹

However, the survey may not include all cases of AIDS or hepatitis B transmitted to police officers in the line of duty, since strict confidentiality and privacy laws prohibit some jurisdictions from disclosing the occurrence of certain types of diseases. In addition, as the CDC indicated, the agencies could not prove absolutely that officers were not infected off-duty. Therefore, this survey should not necessarily be considered scientifically valid in all cases.

Synopsis of AIDS Cases

Of the seven police officers who acquired AIDS occupationally between 1981 and 1991, three absorbed infected blood through cuts, wounds, or scrapes on the skin; two from needle-stick injuries; one from a blood transfusion; and one in undescribed circumstances.

- Case #1: A 25-year-old deputy sheriff investigated a homicide that occurred in an AIDS ward at a correctional facility. Two inmates stabbed each other, one fatally. The deputy

handled bloody evidence and apparently absorbed HIV-infected blood through cracks in his hands. This officer died of AIDS.

- Case #2: An officer received a needle-stick injury while conducting a personal search following an arrest. This officer is HIV positive.
- Case #3: An officer with open sores on his hands finger-printed prostitutes who were bleeding. He retired with "line-of-duty" medical treatment.
- Case #4: An officer attempted to prevent an AIDS patient from jumping off a bridge. The officer became covered in blood, which he apparently absorbed through cracks and/or cuts on the skin or mucous membranes. This officer is HIV positive.
- Case #5: An intravenous drug user stuck a deputy sheriff with a hypodermic needle. The

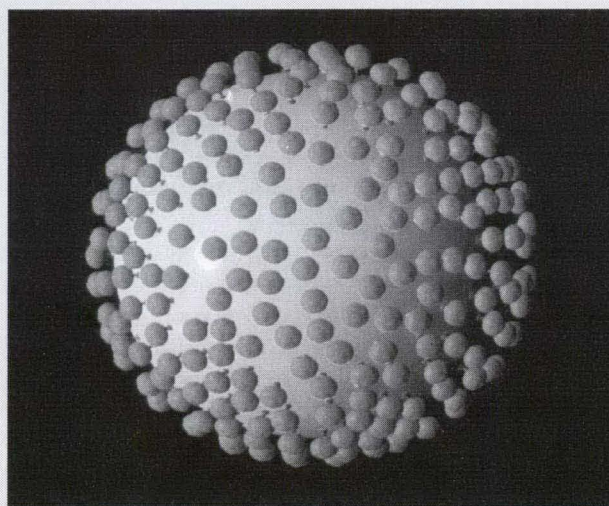
deputy developed hepatitis B, and later, AIDS. Both infections probably occurred at the same time. This officer died of AIDS.

- Case #6: A motorcycle officer, struck by a car, received a tainted blood transfusion during medical treatment. (This predated 1985, when blood tests for antibodies against HIV did not exist.) The officer died of AIDS.
- Case #7: An officer is on service-related disability after contracting HIV on the job. No further details were given.

Synopsis of Hepatitis B Cases

A total of 31 officers acquired hepatitis B occupationally between 1981 and 1991—8 from absorbing infected blood through cuts, wounds, or scrapes on the skin; 6 from needle-stick injuries; 6 from being bitten by suspects; and 11 in undescribed circumstances. The following cases show some of the

Computer model of HIV.



situations in which officers became infected with the hepatitis B virus.

- Case #1: An officer provided emergency medical care to a subject who had been shot during a domestic altercation. The officer had a cut on his right index finger, which came in contact with blood from the victim. This officer has hepatitis B.
- Case #2: An officer contracted hepatitis B and died after handling the blood-soaked clothing of a homicide victim. The officer was not wearing gloves at the crime scene.
- Case #3: Three officers contracted hepatitis B during the same incident. Following a high-speed chase and crash, the subject committed suicide with a handgun, and the officers came into contact with the subject's blood. All three officers had been issued gloves, but they were not wearing them.
- Case #4: A State trooper was stuck with a hypodermic needle while searching a suspect, who was under arrest. The officer developed hepatitis B and died.
- Case #5: An officer arrested an individual whose mouth was bleeding from a fistfight. The subject bit the officer on the hand, breaking the skin. The subject died from hepatitis B. The officer contracted the virus and transmitted it to his wife, presumably through sexual intercourse.

The remaining cases of hepatitis B infection occurred under the circumstances previously mentioned—absorption of infected blood through cuts, wounds, or

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...officers should continue to guard against these lethal viruses.

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scrapes on the skin; needle-stick injuries; bites; or undescribed circumstances. Of the 11 cases of hepatitis B in which the reporting agency did not describe the mode of transmission, 7 occurred to officers working in correctional facilities.

Multidrug-Resistant TB

Because multidrug-resistant TB did not exist in 1989, the FBI did not include it in this survey. However, the CDC reported one case of a law enforcement officer contracting the disease.¹²

A correctional officer, whose immune system had already been compromised by radiation therapy for cancer, contracted the disease through unknown means. However, because seven inmates at the same facility had also contracted multidrug-resistant TB, one of the inmates probably spread the disease to the officer. All seven inmates and the officer died an average of 25 days after contracting the disease.

Analysis of Survey Results

Law enforcement officers have legitimate concerns about contracting HIV from persons they encounter on the job. However, the results of this survey indicate that law enforcement officers have a greater chance of contracting the hepatitis B virus than HIV.

Fortunately, vaccination can easily prevent infection from hepatitis B in most people. Furthermore, as of March 6, 1992, the Federal Occupational Safety and Health Administration (OSHA) requires that law enforcement agencies offer the vaccination against hepatitis B to all officers who may have contact with body fluids while on the job, at no expense to the officer.¹³

OSHA requirements also mandate that agencies provide safety equipment to all officers who may be exposed to bloodborne pathogens. However, unless officers use this equipment, it will not protect them.

CONCLUSION

Law enforcement officers have an extremely small chance of contracting any disease on the job, including hepatitis B and AIDS. As this survey indicates, however, officers should continue to guard against these lethal viruses. They are not only life-threatening to police officers but also to their spouses and unborn children.

As noted, vaccination remains the best defense against hepatitis B. And, although no effective vaccine exists for TB, officers with healthy immune systems stand little chance of contracting the disease. In

addition, education regarding the methods of transmission and protecting oneself from infectious body fluids can help prevent the spread of AIDS. Taking precautions may not reduce the risk of infection completely, but it can decrease the risk substantially.

Law enforcement officers have a greater chance of being killed by a criminal in the line of duty, or even in an automobile accident, than dying from an infectious human disease contracted on the job. Yet, these invisible enemies strike silently and pose a serious hazard to their unsuspecting victims. ♦

Endnotes

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¹³ Department of Labor, Occupational Safety and Health Administration, *Occupational Exposure to Bloodborne Pathogens*, 29 CFR Part 1910.1030, Docket no. H-370 (Washington, DC: U.S. Department of Labor, Occupational Safety and Health Administration, 1992).

Wanted: Photographs

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

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

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

Building Bridges

Police and Seniors Together

By WILLIAM J. DWYER, M.S.



In Farmington Hills, Michigan, the police department developed a special program to combat a problem that haunts many elderly citizens—loneliness.

Developed with the assistance of the city's Senior Adult Division, the Police and Seniors Together (PAST) Program matches police volunteers with elderly residents to

promote a strong personal bond. In many cases, the officers' visits represent virtually the only contact these senior residents have with the outside world.

PAST benefits all involved. It allows the police department to demonstrate concern for an often-forgotten segment of the city's population which, in turn, enhances the department's standing throughout the entire community. More importantly, however, PAST provides a structured environment for officers to meet the needs of lonely and isolated elderly residents.

THE PROGRAM

The idea for PAST grew out of a February 1991, training conference sponsored by the American Association of Retired Persons (AARP) held at the FBI Academy in Quantico, Virginia. Among other subjects, the seminar addressed the impact of criminal activity upon the elderly and offered suggestions for assisting senior citizens in the face of rising crime rates. After this conference, leaders of the Farmington Hills Police Department met to develop a program to address the needs of senior residents in their community. Eight months later, the PAST Program became operational.

Cooperative Effort

The key to PAST's successful implementation is the cooperation between the police department and the city's Senior Adult Division. The adult division acts as an advocate for the city's senior population—particularly those 85 years of age and older. On a monthly basis, the division provides approximately 12,000 hours of direct service assistance to the elderly.

As part of PAST, the division uses its resources to select eligible seniors for the program, primarily the homebound who have little or no social support. Evaluators ensure that the individuals are physically able to engage in conversations averaging about 30 minutes.

The division then pairs these residents with police volunteers who share similar interests. Currently, 12 officers participate in the program. Each officer is assigned to one senior.

Division staffers also provide sensitivity training for the officers. The sessions include such topics as recognizing the signs of depression in the elderly, deterioration of seniors' sense organs, senior lifestyle myths, and perhaps most importantly, the value of laughter when interacting with the elderly. The instructors videotape these sessions to use when new volunteers join the program.

Officer Visits

PAST operational guidelines encourage officers to interact frequently with their seniors. This includes on- and off-duty visits and telephone calls. The volunteers spend whatever on-duty time they can provide—ideally, at least one visit a week—without detracting from their other policing responsibilities. However, early in the relationships, officers explain the department's 4-month shift rotation cycle and prepare the seniors for the possibility that the officers may be called upon to leave suddenly in the event of an emergency.

During visits, officers strive to make the seniors feel more secure and connected to their community. As the relationships grow, the visits

become more routine, and the senior citizens come to view the officers' presence as a normal and positive aspect of their lives.

While these contacts offer obvious benefits to the elderly residents participating in the program, the interaction also enriches the officers' lives on both a personal and professional level. Many of the police volunteers have limited access to the wisdom and experiences of senior citizens. During their visits, officers not only gain an historical perspective of their community but they also discuss issues and viewpoints that they might not otherwise encounter.

In addition, in many cases, the elderly residents become surrogate family members to the officers, their spouses, and their children. Several officers include their seniors in holiday meals and other special occasions.

In one case, an officer purchased his senior a police scanner so

that she could "keep track of her officer." In addition to a new sense of purpose, the scanner provides the woman contact with the outside world, reducing the sense of isolation she once felt.

Another officer learned of a much-loved painting hobby that his senior match abandoned several years earlier. The officer encouraged the man to resume his craft and made arrangements with a local art store to supply him with paints. The 102-year-old man has since completed several works.

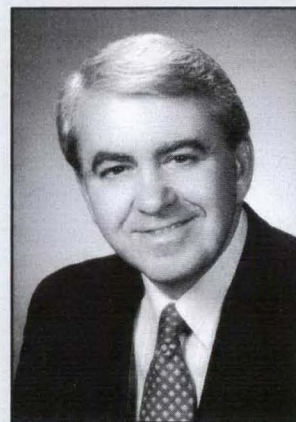
Controls

PAST incorporates several controls designed to ensure that the program uses community resources effectively, while providing the best possible service to the elderly participants. After making the initial matches, the city's adult division assists in maintaining the program. Staff members make periodic followup calls to the seniors and

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***The PAST Program
adds a new
dimension to the
lives of senior
citizens.***

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Chief Dwyer commands the Farmington Hills, Michigan, Police Department.

Police Practices

distribute a biannual evaluation to both the elderly participants and the officers. Should staff evaluators determine that a relationship does not benefit both parties, they can take steps to locate a more appropriate match. Fortunately, this has not been necessary.

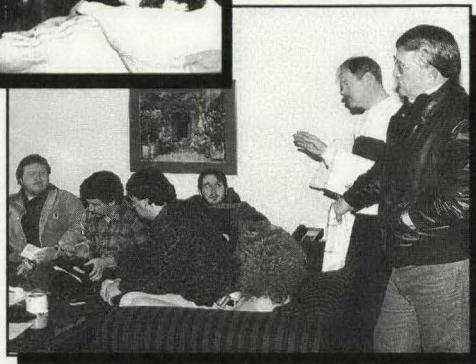
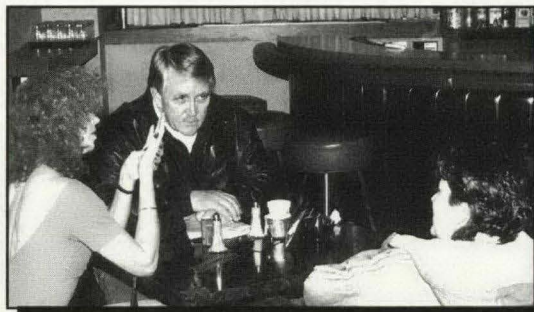
In addition, members of the adult division, the officers, and the chief meet every 3 months to share stories and propose solutions to any problems that may arise. These meetings also provide officers with an opportunity to inform others in the program how their seniors are doing.

CONCLUSION

Senior citizens are the fastest growing segment of the American population. Unfortunately, a multitude of factors combine to make many of today's seniors vulnerable to both crime and loneliness. The Police and Seniors Together Program provides a proactive approach to combating both of these forces.

But, as the Farmington Hills Police Department discovered, this type of effort produces residual positive effects. Officers form strong personal bonds with residents who then reaffirm the officers' positive contributions to the community. Members of the community, in turn, perceive the police in a new light as they see officers caring for elderly residents.

The PAST Program adds a new dimension to the lives of senior citizens. With the "greying" of America continuing into the next century, and with the needs of the elderly population increasing, a look at the PAST may truly be a glimpse into the future. ♦



A Training "System" For Undercover Teams

By JAMES P. TUTTLE

For years, police managers believed that the success of units rested with the long-term assignment of officers. Undercover officers also asserted that only a lengthy internship could develop an experienced and effective undercover officer. However, because of the potentially serious problems associated with specialized undercover units, such as employee burnout and prospects for corruption, many agencies now mandate the periodic rotation of personnel serving in these units.

While the conflict between the need to rotate officers and the need to maintain operational effectiveness cannot be resolved easily,

Michigan law enforcement agencies believe that they now have a program that addresses these critical issues. In a cooperative effort, law enforcement agencies on the State, city, township, and county levels formed multijurisdictional undercover drug teams and then instituted a training system that allows for the rotation of officers without reducing the teams' effectiveness.

Undercover Drug Teams

Currently, 23 multijurisdictional, undercover drug teams work throughout the State of Michigan. The staffing of these teams is achieved through the rotation of officers to and from

their home departments. Each department prescribes a period of time for its officers to work on the team—usually from 18 to 36 months. However, for purposes of stability, the team commander positions are long-term assignments.

Rotation benefits the teams by reducing the potential for burnout and corruption. It also ensures the availability of new faces for undercover assignments.

At the same time, the rotation process benefits the officers' respective departments by providing career enhancement opportunities. In addition, working on the team broadens the officers' experience levels which, in turn, sends more experienced officers back to participating departments.

Still, the rotation of personnel also has an obvious disadvantage. Specifically, the rotation process can adversely affect the continuity of enforcement efforts when the personnel turnover rate is coupled with a lack of effective training. Undercover officers, who learn primarily through on-the-job training (OJT), do not begin to approach peak effectiveness in drug enforcement until they have at least 12-18 months experience.¹ Yet, OJT, as applied in almost all plainclothes units, is a very inefficient learning technique that slows an individual officer's development.

This conflict between the need to rotate personnel and the need to maintain effectiveness led to the development of Michigan's current training system for undercover operatives. Through the use of

proper and timely training, this program allows the regular rotation of undercover operatives without sacrificing productivity.

Training System

After reviewing available training, it became apparent to the Michigan State Police that no

“Rotation benefits the teams by reducing the potential for burnout and corruption.”

existing program met the needs of the various teams. This review also identified four problem areas—relevancy of training, lack of student participation, availability and timeliness of training, and resistance from field supervisors. Therefore, management decided that a new training system was necessary.

To begin, a committee of experienced officers developed a curriculum for a 1-week basic narcotics school. Instructors presented the course material in a classroom lecture format, covering such topics as drug identification, preparation for undercover assignments (with a strong emphasis on officer safety), handling informants, tactical planning, stress management, and the law.

This made the training more relevant to the students and their teams.

At the conclusion of each training session, the students critiqued the program. This allowed officials to make curriculum modifications based on the students' recommendations. For example, as a result of student suggestions, the session now includes a combination of lectures, hands-on exercises, and videotaped role-playing exercises.

In order to ensure effectiveness, managers coordinate the beginning of basic narcotics classes with the rotation of officers to the teams from their home departments. By doing this, newly assigned officers receive formal training in a timely fashion. Scheduling classes in this manner also minimizes reliance on OJT, allowing officers to become productive team members in a shorter amount of time.

Four months after team members attend the basic school, they attend a 1-week advanced narcotics course. This followup session increases officers' participation and refines their investigative skills through tactical planning and team building. A realistic scenario serves as the vehicle to develop problem-solving skills.

The officers participate in a 4-day role-playing scenario that begins with the briefing of an informant and includes undercover contacts with suspects, actual surveillance in the community, intelligence gathering, drafting search warrants, and identifying forfeitable assets. During the

scenario, students interact with role players and others. The scenario ends with a mock trial.

Asking the officers to develop a case in this manner forces them to identify objectives and plan for the commitment of resources. And, as the case develops, the instructors can critique the students' strategies and operational techniques at each stage of the mock investigations.

Two basic schools and four advanced schools are scheduled annually. Because the advance school incorporates "hands-on" training, the class size is smaller, which requires more sessions. Using this system, newly assigned officers receive training in a timely fashion, reliance on OJT is minimized, and officers become productive team members in a much shorter time.

Training Supervisors

New supervisors attend both the basic and the advanced narcotics schools, where supervisors and undercover officers often reverse roles. This allows supervisors to experience the pressures of "going under" and gives undercover officers the opportunity to gain an appreciation of decisionmaking responsibilities.

After attending the schools, some field supervisors continue their association with the training program by serving in a pool of lecturers. In addition, all field supervisors rotate as evaluators in the advanced school. They monitor the progressive scenario, critique strategy and operational proce-

dures, and counsel the student work groups.

Using field supervisors as classroom lecturers and evaluators serves two primary purposes. It helps to keep course content current, and it helps to improve the

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supervisors' attitudes toward the training. Informal feedback from participants indicates an overall improvement in the level of on-the-job training provided in the field as a result of field supervisor involvement in the program.

Conclusion

All agencies that use undercover officers as part of their enforcement strategy must recognize and accept the accompanying responsibility and liability.² The problems associated with undercover operations appear to be universal and not a function of demographics.

For example, undercover officers often report that they feel partially or totally unprepared to do their jobs.³ They also frequently

express concern about the background and technical abilities of their field supervisors.⁴ Finally, studies have indicated that law enforcement agencies sometimes rely too heavily on OJT.⁵

With these issues in mind, law enforcement managers must address the effectiveness, integrity, and overall improvement of their undercover units. Managers should use systematic training to address these problems. With minor modifications, a training system similar to that established in Michigan could meet the needs of most undercover units. ♦

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Lieutenant Tuttle is the commanding officer of the Southeast Michigan Conspiracy Organization (SEMCO) of the Michigan Department of State Police in Livonia, Michigan.

Bloodborne Diseases

Developing a Training Curriculum

By
JERRY D. STEWART



Every day, law enforcement personnel around the Nation respond to thousands of situations ill-equipped and poorly prepared. Even worse, many department administrators remain unaware of how to train their officers to protect themselves adequately in these situations.

To what new foe has the law enforcement community been so slow to respond? Unfortunately, it is not new at all, but one that has assumed a dramatically more dangerous character within the past decade—bloodborne diseases (BBD).

The increasing spread of AIDS, as well as various strains of hepatitis and other bloodborne diseases, presents the public safety community with a formidable enemy. Furthermore, two dangerous allies—ignorance and unsubstantiated fear—often accompany this adversary.

Accurate information and effective precautionary procedures represent the best response strategies for law enforcement. However, increasingly frequent media stories and a recent survey indicate that the public safety community as a whole may not be

reacting quickly enough to this threat.

The results of inaction could be devastating—unnecessary threats to law enforcement personnel, lawsuits, and a loss of credibility within communities. These factors, combined with emerging Federal regulation, make it imperative that agency administrators work to develop effective training programs that address the transmission of bloodborne diseases.

SURVEY

An informal survey of 70 law enforcement administrators,



Mr. Stewart is the Assistant Director of Public Safety at Iowa State University in Ames, Iowa.

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managers, and trainers conducted during a recent session of the FBI National Academy revealed some rather startling statistics.¹ Of the 70 supervisors questioned:

- 43 did not have a comprehensive departmental policy in place regarding bloodborne diseases
- 42 stated that their departments had not provided at least 4 hours of BBD training to each employee within the past 4 years
- 50 were unaware of recent Occupational Safety and Health Administration (OSHA) regulations that require employers to provide all vulnerable employees with protective equipment (such as gloves) and to offer free hepatitis B vaccinations to those who desire them
- 50 were not aware that the Centers for Disease Control (CDC) designed a curriculum guide to address the training and education needs of public

safety workers who may be exposed to hepatitis B and the human immunodeficiency virus (HIV)—the virus that causes AIDS.

Although admittedly limited in scope, this survey indicates that despite new OSHA health precaution rules, urging by Federal agencies, and readily available information resources, many law enforcement agencies fail to address bloodborne diseases adequately from policy and training standpoints. This failure reinforces a warning issued by policy researchers nearly 5 years ago, “Too many organizations simply have not prepared for the consequences of a case—or many cases—of AIDS among their workforce, and many of these organizations will regret their unpreparedness.”²

How should law enforcement agencies prepare? The ideal approach is to establish training curriculums and operating procedures that reduce the threat to officers, thereby helping to limit agency liability.

Each department should develop its own bloodborne disease training program—one designed to accommodate the needs of each individual workforce. In addition, a written policy directive should be the cornerstone of frequent, ongoing training. Because research continues to uncover important information, education in this area should be considered a process, not merely a one-time event.

DEVELOPING A CURRICULUM

In 1989, the Centers for Disease Control prepared a curriculum guide to meet the training and educational needs of public safety workers who may be exposed to bloodborne pathogens on the job. “A Curriculum Guide for Public Safety and Emergency Response Workers” is based on Federal guidelines for preventing occupational transmission of HIV and HBV (the hepatitis B virus).³

This curriculum serves as a model that any public safety agency can adopt. The course covers:

- Means of HIV and HBV transmission
- Suggested personal prevention practices
- Universal precaution strategies
- Protective equipment
- Specific workplace prevention practices
- Exposure management procedures.

Individual agencies may choose to modify the contents of the curriculum or design one that addresses departmental needs. Agencies that include these elements in some

form, however, will provide employees with a comprehensive training program.

SPECIAL TRAINING CONSIDERATIONS

A successful training program must also incorporate a sensitive, yet direct, approach to providing information. To that end, program planners should stress special considerations to keep in mind when addressing this issue.

Emotions and Attitudes

Certain diseases—particularly those with controversial methods of transmission—arouse intense emotions in people. Therefore, it is important that training in this area not only convey factual information but also address emotional responses.

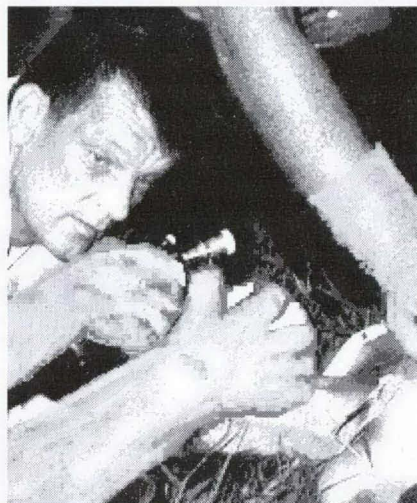
When discussing AIDS, program instructors should focus on the facts and should not attempt to change individuals' basic attitudes concerning morality or cultural values. At the same time, instruction should stress the importance of distinguishing personal beliefs from professional responsibilities.⁴ Through proper training, individuals should come to accept AIDS as a dangerous disease without any religious or moralistic overtones.

Goals and Objectives

To guarantee that training accomplishes its stated purpose, program administrators should first establish overall training goals. Then, trainers should establish specific instructional objectives to ensure that the goals are met. The following sample objectives are adapted from the CDC curriculum guide. Employees who complete this program should be able to:

- Define HIV, HBV, and AIDS
- Identify high-risk workplace situations, exposure protection/management measures, and decontamination procedures
- Know and understand laws and departmental policies governing treatment, testing, confidentiality, and reporting procedures.⁵

While these objectives may be adapted to fit the needs of individual agencies, all performance-based objectives should reflect the established general goals set by administrators.



Definitions

To clarify how bloodborne diseases are transmitted, instructors should provide definitions of certain key terms. The following basic definitions provide a basis for discussing these issues as they relate to law enforcement.

HIV and AIDS: The human immunodeficiency virus (HIV) causes the acquired immunodeficiency syndrome (AIDS). AIDS results

from the progressive destruction of an individual's immune system—the body's defense against disease. The virus that causes AIDS is transmitted through sexual contact, exposure to infected blood (or blood components), and perinatally from mother to neonate. Epidemiologic evidence implicates only blood, semen, vaginal secretions, and possibly, breast milk as a means of transmission.

Hepatitis B: Hepatitis B is caused by the hepatitis B virus (HBV). This disease results in liver damage, which may range in severity from mild or even inapparent to severe or fatal. HBV is transmitted through blood, semen, vaginal secretions, and saliva.

High-Risk Exposure Situations

Training should describe workplace situations and address issues that relate to public safety workers. This training should be tailored to the learning group in order to make the curriculum relevant. To increase the impact of the training, instructors should introduce hypothetical case studies, coupled with discussions of actual situations. Copies of these case studies should be distributed to each class member, and discussion questions should be prepared in advance to promote group interaction.

Scenarios used in case studies may include traffic accidents with injuries, drug raids, demonstrations and rallies, autopsies, and evidence handling, among many others. Instructors may use this opportunity to provide specific information relating to viral transmission, departmental procedures, and applicable laws.

Exposure Protection

In the medical sense, the "universal precautions" concept assumes all patients to be infected with bloodborne pathogens. For law enforcement, training should emphasize that when personnel encounter body fluids under uncontrolled, emergency circumstances, they should treat all body fluids as potentially hazardous.

During training, standard personal protective equipment (PPE) should be displayed and its use demonstrated. Trainers should provide detailed instruction regarding disposable gloves, masks, protective eyewear, gowns, and resuscitation equipment. However, trainers should stress that PPE is not limited to these items. In situations where gross contamination can be reasonably anticipated—during an autopsy or the processing of an extremely contaminated crime scene—additional protective equipment, such as shoe coverings, would be required.

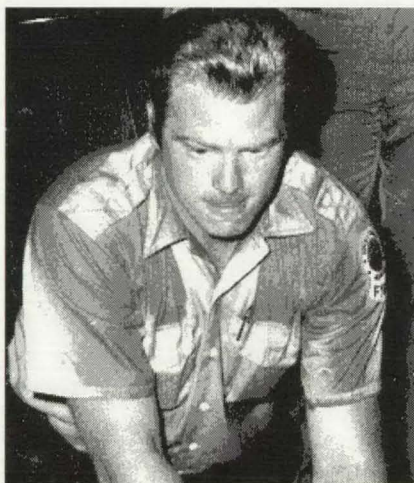
Decontamination Methods

Training programs should also discuss specific decontamination processes, including disinfection procedures and disposal equipment. Instructors should present current information on needle disposal, handwashing, sterilization methods, cleaning and decontaminating blood spills, packaging evidence, handling infective waste, and laundering processes for protective clothing.

Managing Exposures

Trainers should explain that exposure results from contact with blood or potentially infectious body

fluids through various means, including needle sticks, contacting blood or blood-contaminated body fluids with chapped skin, open wounds or mucous membranes, and saliva. Training should stress that any incident involving contact with blood or body fluids should be treated as an exposure.



The curriculum should then address procedures for treating exposed workers, including referral to proper medical authorities, counseling, and preventive treatment. Instructors should also discuss internal procedures for reporting and documenting cases in detail.

Ethical Issues

Each year, State and Federal legislators review over 1,000 AIDS-related bills. Numerous jurisdictions have enacted ordinances preventing discrimination against persons infected with AIDS.

This makes it imperative that bloodborne diseases training address ethical issues. These include:

- Discrimination
- Duty to provide care

- HIV testing and confidentiality
- Prevention of occupational exposure
- Treatment after exposure.

While criminal justice personnel may have legitimate concerns when providing care to those they suspect have a contagious disease, these workers also have a professional responsibility to perform their jobs. Generally, public safety employees cannot refuse to render assistance to persons in need.

Any legal claim supporting officers' refusal to perform duties based on fear of contracting a bloodborne disease would be difficult to sustain on two grounds. First, research points to the unlikelihood of viral transmission through the types of contacts likely to be experienced by police officers, assuming officers take standard precautions. Second, officers assume certain risks in accepting their positions.⁶

Health Precautions

The training curriculum should also address new health precaution rules and their impact on law enforcement agencies. Federal regulations were recently developed to protect against occupational exposure to infectious bloodborne agents.

OSHA compels certain employers to provide protective equipment and to institute other precautions to safeguard public safety workers and the public.⁷ OSHA also mandates that agencies make a copy of the 1992 standard available to all affected or potentially affected employees, along with information regarding:

- Epidemiology and symptoms of bloodborne diseases
- Transmission modes of bloodborne diseases
- Employers' exposure control plan
- Signs, labels, and color-coding associated with bloodborne diseases
- Methods for recognizing tasks/activities that may involve exposure to bloodborne pathogens
- Comprehensive guidelines for the use and disposal of personal protective equipment
- Procedures to follow when exposure occurs.

The OSHA standard further requires these employers to make available hepatitis B vaccinations and related information to those employees who desire them.

RESOURCES

The Centers for Disease Control curriculum guide contains 22 pages of resources. In addition to general information on HIV, AIDS, and HBV, the guide includes resources specially tailored to law enforcement officers, correctional personnel, emergency medical technicians/ paramedics, and firefighters.

Among the most referenced resources is *AIDS and the Law Enforcement Officer: Concerns and Policy Responses*. This book specifies 13 relevant subjects that should be addressed in AIDS education programs and suggests 7 key elements for providing effective training.⁸

EVALUATION

After training sessions, instructors and attendees should be allowed to evaluate the content and quality of the instruction provided. Because proper evaluation forms the basis for improving future training, it represents a valuable component of the process.

Evaluations should determine if the course attained its stated objectives. Attendees should also comment on the physical environment, audiovisual equipment, and amount of time allocated and make specific suggestions for improving course content and presentation.

“Bloodborne diseases represent increasingly serious health problems in this Nation.”

Instructors may also want to use pre- and post-tests to evaluate attendees' learning. When examinations are used, written measurable objectives should determine what constitutes acceptable levels of performance.

The training unit manager should maintain all relevant written material on file. This information provides a record of class attendance, course content, and test results. This documentation may prove invaluable during litigation

should an agency need to produce evidence of training.

CONCLUSION

Bloodborne diseases represent increasingly serious health problems in this Nation. As with today's health care workers, law enforcement officers are constantly exposed to deadly diseases. Despite this fact, many agencies have yet to develop training policies in this area.

However, rising rates of infection among the general population clearly point to the need for bloodborne disease training in all public safety agencies. Administrators who have not acted on Federal recommendations in this area delay at the peril of their employees, agencies, and communities. But those who develop effective training programs reduce the threats to officers, limit agency liability, and constructively address a potentially divisive issue within their communities. In this case, the choice is clear. ♦

Endnotes

¹ Study conducted during the 169th Session of the FBI National Academy, Quantico, Virginia, May 1992.

² Sam B. Pucket and Alan R. Emery, *Managing AIDS in the Workplace* (Reading, Massachusetts: Addison-Wesley, 1988), 13.

³ *A Curriculum Guide for Public-Safety and Emergency-Response Workers* (Atlanta, Georgia: Centers for Disease Control, 1989).

⁴ Supra note 2, 114-115.

⁵ Robert F. Mager, *Preparing Instructional Objectives* (Belmont, California: Fearson/Lear Siegler, Inc.).

⁶ Theodore Hammett, "AIDS and the Law Enforcement Officer: Concerns and Policy Responses," *National Institute of Justice—Issues and Practices*, 1987, 31.

⁷ OSHA 1910.1030, Bloodborne Pathogens.

⁸ Supra note 6.

The Bloodborne Pathogens Act

By DANIEL J. BENNY, M.A.



In December 1991, the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, published the final rule regarding occupational exposure to bloodborne pathogens.¹ In essence, this legislation requires that employers provide for the safety of employees who, in the course of their official duties, may be exposed to blood. The legislation, written primarily for those in health care professions and those who handle medical wastes, also affects public safety employees, such as law enforcement officers, security officers, and fire and rescue personnel.

During the course of their duties, especially when they respond to crime scenes, police personnel can be exposed to blood or other body fluids. Exposure may occur when they provide first aid or CPR while responding to medical emergencies. It may also

occur if they sustain cuts or puncture wounds while searching suspects or if they come into contact with blood and fluids while apprehending or arresting suspects.

Police managers must take action to implement the components of the act, not only to comply with the regulations, but more importantly, to ensure the safety of their officers. OSHA requires that agencies have an exposure control plan, that employees be properly trained, and that the hepatitis B vaccine be provided to employees. In fact, the act stipulates that all of these components be in place by July 6, 1992.

Exposure Control Plan

Police managers should write an exposure control plan that eliminates or minimizes employee exposure. This plan should include a schedule for implementing

certain procedures necessary to evaluate exposure incidents. All employees must have access to the plan, which should be reviewed and updated periodically, and the plan must be available for inspection by OSHA representatives.

Control plans vary, based on the type of personnel being protected, but they must include universal precautions. All body fluids are assumed to be infectious, regardless of the source. The plans must also include engineering and work practice controls, personal protective equipment use, proper housekeeping procedures, and separate laundry facilities for contaminated clothing.

Plans designed specifically for law enforcement agencies should include personal protective equipment for officers, such as rubber gloves, CPR face shields, and any other protective clothing and equipment necessary to prevent contamination by bloodborne agents during the execution of their duties. In addition, law enforcement agencies must make available to their employees special laundering services to clean contaminated clothing or protective equipment.

Training

The Bloodborne Pathogens Act requires that police officers receive proper training in how to prevent contamination by bloodborne agents. The legislation sets forth specific topics that each agency must cover during these training periods. Once trained, employees must receive annual refresher courses.

In addition, each agency must establish and maintain training records for 3 years. These records must include dates of training, material covered, names of persons who conducted the training, and the names and job titles of all persons who attended the sessions. Agencies must make all training records available to OSHA representatives and to agency employees or their union representatives.

Hepatitis B Vaccine

All agencies must offer the hepatitis B vaccine free of charge to individuals who work in positions targeted by the act. If employees choose to decline the vaccination, they must sign a waiver, which is then maintained in their personnel files. If these employees decide later to receive the vaccine, employers must accommodate their request, again at no charge to the employee.

Because the cost of inoculating officers with the hepatitis B vaccine is approximately \$130 per officer, this regulation may impact on agencies' budgets. Law enforcement managers should, therefore, consider this factor in their budget-planning sessions.

Labels and Signs

The Bloodborne Pathogens Act requires the use of international biohazard labels and signs to identify all containers of stored blood and other body fluids. In addition, agencies must ensure that labels are placed on all containers of contaminated items, including body fluids and contaminated clothing and equipment.

Subjects Covered During Training

- Review of the Bloodborne Pathogens Act
- Epidemiology and symptoms of bloodborne diseases
- Modes of transmission
- Explanation of Exposure Control Plan and how to obtain a copy of the plan
- Methods for recognizing tasks and procedures that may involve exposure
- Use and limitations that reduce or prevent exposure, including engineering controls, work practices, and protective equipment
- Types, selection, removal, proper use, handling, decontamination, and disposal of personal protective equipment
- Information on hepatitis B vaccine
- Emergency contacts and procedures
- Post-exposure procedures
- Biohazard labeling

Medical Records

Agencies must maintain medical records for employees protected by this act. These records must include the employee's name and social security number, as well as the results of all examinations, medical tests and followups, and a professional's written opinion on the health status of the individual. Agencies must maintain these confidential records for 30 years and may not release them without the consent of the employee, with the exception of release to OSHA, which has access to all such documents.

Conclusion

Several States have their own Occupational Health and Safety Administrations that protect

workers within the State. However, *all* States must comply with this Federal act, even though specific regulations may not exist at the State level.

The Bloodborne Pathogens Act provides a safer and healthier work environment for those individuals in danger of this type of exposure. Public safety agencies that have not already done so should familiarize themselves with the legislation and act immediately to institute its various mandates. ♦

Endnote

For further information on this legislation, contact the Occupational Safety and Health Administration, U.S. Department of Labor.

Daniel J. Benny is the Director of Public Safety at Elizabethtown College, Elizabethtown, Pennsylvania.

Bulletin Reports

Consumer Fraud

One of the latest publications of the National Crime Prevention Council, *Let's Drive Con Artists Out of Business*, examines the costs of consumer fraud, emerging scams of the 1990s, the classic cons, and prevention initiatives on the local, State, and Federal levels. The 24-page booklet explains the latest trends in telemarketing, mail, investment, and health care fraud and gives both prevention tips and program examples.

The booklet covers various prevention issues for law enforcement, community activists, or consumer advocates trying to prevent fraud. It also provides a resource directory of more than 30 organizations, programs, and articles.

The booklet is available from the National Crime Prevention Council, ATTN: Distribution, 1700 K Street, NW, Second Floor, Washington, DC 20006-3817. The price of \$8.95 includes postage and handling and must be prepaid with all orders. Bulk discounts are available.

AIDS Policies and Procedures

The Florida Criminal Justice Executive Institute recently released a monograph entitled "Compassion and Caution: Surveying and Assessing AIDS Policies and Procedures Used by Law Enforcement Personnel." This publication addresses the true threats of HIV transmission to officers and the constitutional issues involved with AIDS lists (records that some jurisdictions keep on HIV-positive residents).

The monograph then discusses potential liability claims based on inadequate AIDS procedures and how law enforcement agencies in South Florida handle the AIDS epidemic. It also sets forth a model standard operating procedure to deal with AIDS.

Copies of this monograph can be obtained by contacting the Florida Criminal Justice Executive Institute, P.O. Box 1489, Tallahassee, Fla. 32302.

Probationers Pay for Supervision

A National Institute of Justice *Program Focus* reports on a State program that requires probationers to pay for their own supervision. "Making the Offender Foot the Bill" tells how the State of Texas has been highly successful in generating probation fees.

The report covers legislative initiatives, the approaches adopted by the counties to make offenders pay, and the benefits of fees. It also shows how to organize and operate offender fee collection fairly and effectively.

Copies of this report can be obtained from the National Institute of Justice, P.O. Box 6000, Rockville, Md. 20850. Requestors should ask for the NCJ 136839 report.

Explosives Vapor Detectors

By TERRY L. RUDOLPH, Ph.D.



The U.S. Government spends a great deal of time and money to protect the country from both international and domestic terrorism. Private industry, airlines, the military, and law enforcement often express a need for a means to locate various explosives used by terrorists prior to detonation. Due to recent improvements in their sensitivity, selectivity, and capability, explosives vapor detectors now serve as a valuable resource for these types of crime-fighting endeavors.

DESCRIPTION OF DEVICE

An explosives vapor detector is usually a portable instrument composed of two parts—a collecting

device, known as a sampler, and an analyzer. Although no two detectors work in the same manner, they operate on the same principle.

The collector sucks in the contaminated air and absorbs it onto some type of surface, such as a platinum wire, which is specifically designed for that detector. Flash heating removes the vapors from the wire and transports them as a stream of gas to the analyzer. The analyzer determines whether explosives are present in the sample. An alarm or light display broadcasts the results.

EARLY DEVICES

Explosives vapor detectors became commercially available in the early 1970s. These first detectors

worked on a technology known as electron capture, which is based on the principle that all explosives have a certain chemical nature (electronegative). When explosives vapors are introduced into the electron capture detector (ECD), the detector's standing current changes, and an electronic signal goes off, indicating the presence of an explosive or another electro-negative compound.

For example, an explosive such as nitroglycerin (found in dynamite and smokeless powder) has a high vapor pressure, which causes a significant amount of vapor to emanate from it at room temperature. Like a strong perfume, nitroglycerin vapors quickly permeate the

surrounding air, and the detector picks them up.

However, many explosives have low vapor pressures, causing very little vapor to emanate from them. This makes them difficult to detect. In fact, in many field tests performed where explosives were present, the detectors failed to find them because so little vapor was present.

While these early detectors successfully detected the presence of dynamite vapor (nitroglycerin), which not only has a high vapor pressure but is also very electronegative, they could detect few other explosives. For example, they failed to detect plastic explosives that usually contained RDX or PETN, which are electronegative but have a very low vapor pressure. Nor were these detectors capable of detecting most low explosives, such as black powder, flash powder, and chlorate/sugar mixtures, often used in pipe bombs or other improvised explosive devices.

In addition, the ECDs indicated many false positives. This problem existed because ECDs reacted with other electronegative chemicals besides explosives. The detector cannot differentiate between an explosive and a nonexplosive; it indicates only the presence of an electronegative chemical. However, despite these problems, law enforcement continued to use ECDs, both in the laboratory and at crime scenes.

ADVANCEMENTS

In the mid-1980s, a private company began work on an explosives detector based on a technology called "chemiluminescence." This technology involves a specific chemical reaction that occurs with most nitrogen-based explosives, but very few other compounds.

The first detector using this technique showed great promise with a wide range of explosives, including plastic explosives, because it improved sensitivity capabilities for detecting those with low

vapor pressures. The FBI Laboratory purchased one of the first units manufactured and used it in the laboratory, in case work, and in the field.

Then, in early 1990, a second generation explosives detector, made by the same company, could identify the wide range of explosives of interest to law enforcement with even greater sensitivity. This new generation detector is referred to as a vapor/particle detector, because it has the capability to detect small particles of explosives.

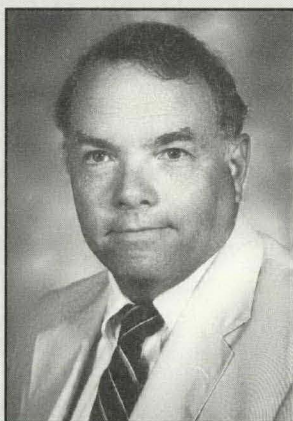
LAW ENFORCEMENT USE

Explosives detectors can serve law enforcement in several areas, including security, in laboratories, and at crime scenes. Officials use explosives detectors to disclose the presence of hidden explosives on persons, in vehicles, and in buildings.

Security

Law enforcement personnel often find themselves serving in a protective capacity. During these times, they often use dogs to search for explosives in VIP matters. Most police departments, however, do not have explosive-sniffing dogs or ready access to them. And, even departments with dogs cannot use them to search individuals or an area out of the animals' reach. Explosives detectors could help fill this void. In fact, the best bomb search scenario might include the combined use of dogs, detectors, and a visual hand search.

The Department of State uses explosives detectors for security purposes at selected U.S. embassies throughout the world. The FBI has



Special Agent Rudolph is an instructor with the Forensic Training Unit at the FBI Academy.

“ Due to recent improvements in their sensitivity, selectivity, and capability, explosives vapor detectors now serve as a valuable resource.... ”

used explosives detectors for security purposes at major sporting events, such as the Pan American Games in 1987 and the Super Bowl in 1991, where officials used detectors to screen vehicles entering the facility. In addition, the Royal Canadian Mounted Police use explosives detectors in a variety of ways—for security purposes, in the field, and at airports to check suspicious luggage.

FBI Laboratory

The FBI Laboratory has used explosives detectors for over 15 years. The earliest detector used was an ECD to detect the presence of dynamite and other nitroglycerin-based explosives on laboratory evidence.

However, in the late 1980s, the Laboratory began to use the first chemiluminescence-based detector on a limited basis to screen post blast residues from actual bombings. This type of detector successfully locates PETN, a high-level explosive commonly found in plastic explosives. Experts also used it to search the trunk of a vehicle and several pieces of luggage sent to the Laboratory to determine if traces of dynamite were present.

The explosives detector can serve as a valuable tool for the laboratory forensic examiner as well. It reduces the number of actual examinations necessary to complete a search for traces of explosives on various types of evidence. As the reliability of the explosives detector improves, it becomes more valuable in the laboratory.

Crime Scenes

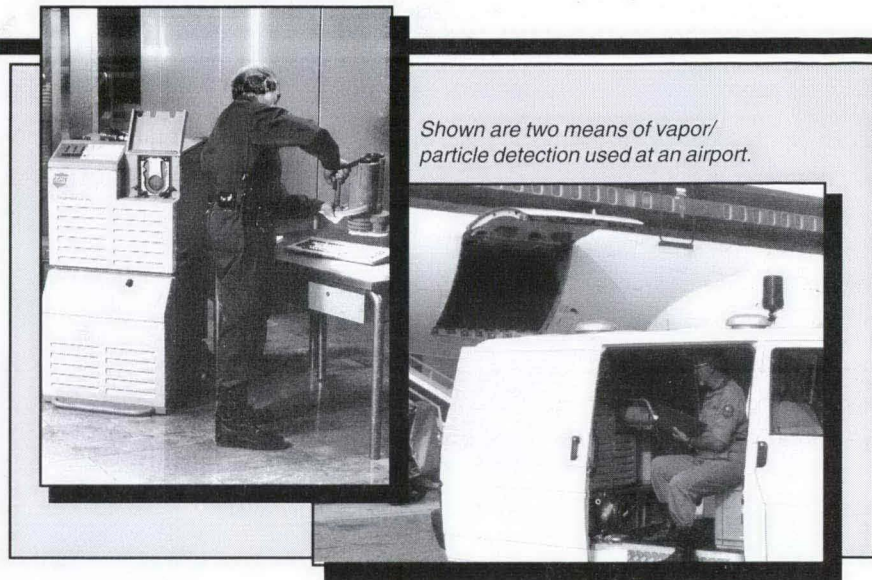
A third law enforcement use of the explosives detector is at crime

scenes. The FBI has used detectors at crime scenes to search for explosives and to locate explosives storage areas. If, for example, suspects stored dynamite, TNT, or plastic explosives in a particular location for an extended period of time and then moved them, the explosives detector could most likely reveal the storage site.

The FBI recently used an explosives detector in this capacity in an undercover field operation in a large metropolitan city. One of the goals of this operation was to search several buildings for the presence of dynamite. Posing as utility workers, undercover agents took both air and cloth swab samples at the suspicious locations. The agents wiped automobiles, furniture, doors, etc., with pieces of cloth or swabs, which could pick up any trace of explosives on these surfaces. A vapor/particle detector analyzed the samples. Traces of dynamite were found on at least one of the samples taken during the operation.

Law enforcement personnel can use explosives detectors in the field and laboratory after a bombing to determine which debris contains traces of explosives. At a major

Shown are two means of vapor/particle detection used at an airport.



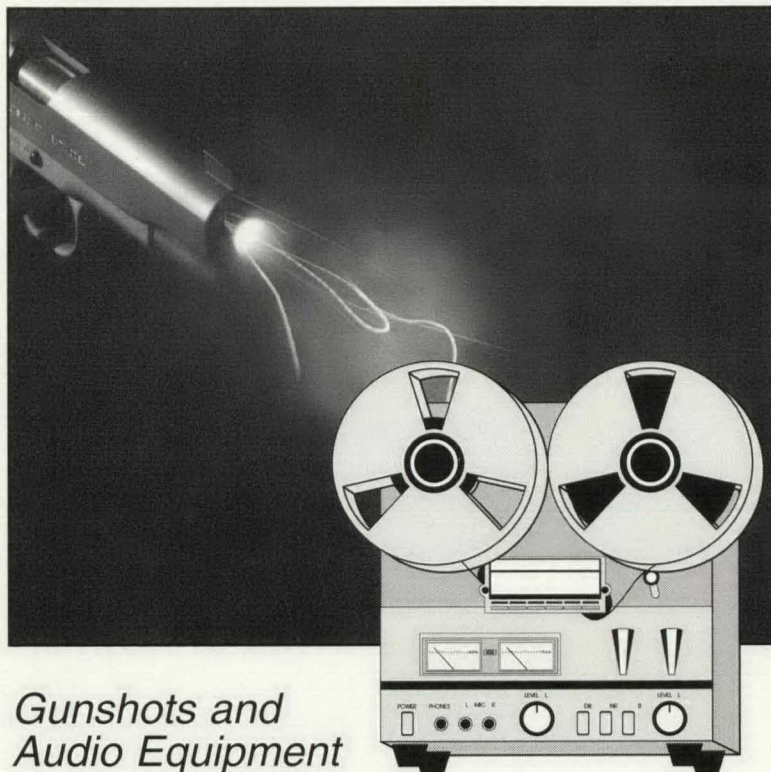
crime scene, such as an airplane bombing, thousands of pieces of debris can cover the crash site. The explosives detector can screen the individual pieces for residue to determine which pieces must go back to the laboratory for immediate analysis or which can wait. Use at crime scenes, such as a crash site, could be one of the most valuable applications of the detector by law enforcement.

CONCLUSION

With significant improvements being made in the capabilities, sensitivity, and selectiveness of explosives detectors, law enforcement now has another tool in its arsenal to fight crime. In addition to the techniques previously mentioned, researchers are developing several new technologies for explosives detection, such as ion mobility spectrometry and gas chromatography/mass spectrometry.

The future holds great promise, with scientists working to produce a more sophisticated instrument. Use of the explosives detector to fight terrorism and other crimes helps law enforcement keep communities safe. ♦

Research Forum



Gunshots and Audio Equipment

In a typical television scenario, a “wired” undercover officer accompanies a suspected criminal to a secluded location, where the officer talks the suspect into revealing details of illegal activity. All along, the operative is confident that backup officers positioned just out of sight can monitor every sound made during the encounter.

Unfortunately, in the real world, this may not be the case. A growing number of studies reveal that the sound waves produced by gunshots may not always be detected by body-worn transmitters or audio recorders. This problem—commonly referred to as

audio shutdown—raises significant safety and legal concerns for the law enforcement community.

Gunshot Noise

In an auditory sense, gunshot noise is a rather unique phenomenon. A gunshot produces a very short, but very loud, sound impulse. The blast of gunfire strains the capacity of even the human ear, which detects noise more efficiently and distinguishes sounds from a much wider spectrum than most audio equipment. This is why shooters at firearms ranges wear ear protection. The same sharp sound fluctuation that causes auditory discomfort at a

firing range (and that can lead to permanent hearing loss) can cause audio equipment to momentarily “shutdown” or fail to register the sounds of a gunshot.

Measuring Sound Levels

In three separate tests, using a wide variety of weapon/ammunition combinations at both indoor and outdoor firing ranges, researchers measured the peak pressure levels—the highest sound pressure level achieved—of different firearms.¹ In all three tests, the peak levels registered between 130 and 153 decibels (dB).²

As part of the final study, researchers also exposed transmitters, receivers, and recorders from various manufacturers to sound pressure levels exceeding 140 dB.³ Although researchers found it difficult to re-create the shutdown phenomena in the controlled tests, they did identify some shortcomings in the audio equipment.

During the tests, rapid, multiple gunshots, as from a semiautomatic weapon, were masked to sound like a single shot on some recorders. In addition, gunshots did not always sound like gunshots when played back on the recorders. To further complicate matters, other loud noises, such as handclaps or doors slamming in close proximity to the microphone, sounded more like gunfire than did the actual gunshots.

The results of these preliminary studies led researchers to conduct further tests under more realistic conditions in the practical exercise area at the Federal Law

Enforcement Training Center, in Glynco, Georgia. During these tests, one of the four body-worn transmitters used clearly exhibited a tendency to shut down when shots were fired.

Graphic evidence of audio shutdown was also tragically chronicled in the January 1991, shooting death of a Nacogdoches, Texas, law enforcement officer. The shooting was visually recorded by his patrol car video camera. However, the wireless microphone system worn by the officer did not record a gunshot. As the tests illustrate, this is not an isolated problem.

Tracing the Cause

What causes some audio systems to shut down when shots are fired? To find the answer, researchers interviewed technical representatives from various manufacturers, as well as technical experts in the law enforcement community. These authorities generally agreed that no single cause is responsible. Rather, microphone design, the automatic gain control circuitry (AGC) in individual transmitters, receivers, and recorders, the bandwidth of the equipment, and other factors may all contribute to the phenomenon.

The Microphone—The electret condenser microphone is the most commonly used microphone in surveillance equipment. At sound pressure levels in the range of 120 to 150 dB, the microphone's element may freeze in place temporarily and generate no signal.

The AGC Circuitry—The automatic gain control circuit

boosts low-level signals and attenuates (slightly diminishes) high-level signals. This allows a fairly constant signal level with a minimum of distortion. When the circuit is exposed to the high-level signals produced by a gunshot, it attempts to attenuate the signals. This greatly reduces the signal level and causes the circuit to become "deaf" to lower-level signals during this time.

“...sound waves produced by gunshots may not always be detected by body-worn transmitters or audio recorders.”

Bandwidth—Most technical surveillance equipment has narrow signal bandwidths. Gunshots generate sound frequencies that produce signal bandwidths much wider than operational equipment accepts. Therefore, gunshots that are recorded by electronic equipment still may not be accurately reproduced.

Considerations

Variations in the individual components used in the manufacture of these devices and the quality control of each particular product must also be considered. Slight variations in these highly sensitive devices explains why identical models of a transmitter

may behave differently—one may shut down while the other does not.

These factors make it difficult to predict whether specific surveillance equipment will shut down. A number of conditions—including component quality, microphone design, the proximity of a blast to the microphone, and the setting in which the equipment is used—contribute to the quality of audio transmission. However, because of the problems detected in these studies, as well as a growing number of personal accounts, police departments may consider conducting their own tests. These tests need not be complicated. Equipment managers may conduct simple analysis during routine firearms qualifications.

Department Responsibility

Considering the above research and findings, supervisors should ensure that all officers understand that they may not hear gunfire when listening to surveillance equipment. Therefore, when monitoring undercover officers or informants, backup personnel should also rely on visual information and conversation clues to ensure safety.

The potential for audio shutdown makes preplanning in this area essential. Operatives wearing transmitters should clearly state (perhaps with prearranged code words) what is occurring, particularly if suspects produce weapons.

In addition to the safety issues involved, audio shutdown may also have legal implications. For this reason, technicians and legal advisors should be prepared to

Conclusion

Modern audio equipment provides law enforcement with a valuable asset in the battle against crime. However, like any tool, it has inherent limitations. Only by knowing and understanding these limitations can law enforcement personnel use these devices to their best advantage. ♦

Endnotes

¹ In December 1980, industrial hygienists with the Occupational Environmental Health Service, Naval Regional Medical Center, Jacksonville, Florida, conducted impact noise measurements during weapons firing at the Federal Law Enforcement Training Center (FLETC), Glynco, Georgia (outdoor range); in April 1984, a private firm measured peak sound pressure levels in the FLETC indoor firearms range; in July 1991, the authors conducted similar tests at the U.S. Customs firearms facilities, Fort Benning, Georgia.

² A decibel is a measure of sound intensity equal to one-tenth of a *bel*, which is a unit of sound measurement expressing the logarithmic ratio of the values of two amounts of power. For purposes of these tests, the *two amounts of*

power being compared were silence (ambience) and the peak pressure level of a gunshot blast.

³ Researchers tested the standard types of audio devices commonly used by law enforcement undercover officers. *Transmitters* convert sound waves into electronic waves, then modulate and transmit them to an antenna. *Receivers* convert transmitted electronic waves back into audio waves. *Recorders* preserve audio impulses on electromagnetic tape.

Special Agent Glenn E. Brazil, U.S. Customs Service Academy, Glynco, Georgia, and Special Agent David R. Montalbano, U.S. Forest Service, Atlanta, Georgia, provided information for this Research Forum.

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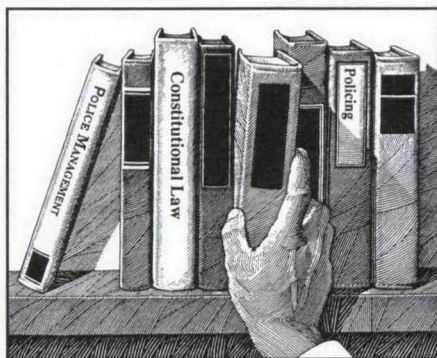
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Book Review



Planning for Effective Training: A Guide for Law Enforcement Instructors and Trainers by Jerrold E. Kemp and George W. Cochern, Maple Press, distributed by Instructional Media Productions, San Jose, California, 1992, (408) 377-0750.

As many trainers around the country may be discovering, when budgets become tight, one of the first areas often targeted for cuts is training. Still, law enforcement agencies must provide competent instruction so that officers can carry out their duties in a professional and legally sound manner.

Planning for Effective Training is an especially helpful resource designed specifically for today's police trainers. The book presents a simplified, step-by-step guide that can be used by both experienced instructors and those new to police training.

The text begins with a brief but useful questionnaire that asks readers to rate their present knowledge of specific training procedures and practices. Each question then directs readers to a chapter in the

book that discusses the subject matter introduced in the question. In this way, the book can be tailored to meet the specific needs of trainers by allowing them to go directly to chapters that cover topics in which they may need further information or assistance.

Throughout the guide, the authors emphasize making the best use of limited training resources. However, they stress that restricted budgets do not relieve police agencies from the responsibility of conducting competent and thorough training. Reduced funding simply means that instructors must focus on the most efficient, effective training methods.

The final part of the book discusses useful ways to assess training results. Many instructors *believe* that their training programs are successful, but they may lack firm evidence to support this conclusion. This section of the book assists trainers in obtaining unbiased and objective evidence that can help them to decide if their courses achieve the desired results. It then suggests ways to modify courses so that they do achieve established goals and objectives.

Planning for Effective Training presents a thorough discussion of what trainers should do to design, carry out, evaluate, and—if necessary—revise a course of study. For this reason, the book is an invaluable resource for anyone involved in police training.

Reviewed by
SA Michael E. Stapleton
Police Instructor
Federal Bureau of Investigation
San Jose, California, Resident Agency

Compelled Interviews of Public Employees

By
KIMBERLY A.
CRAWFORD, J.D.

Public employers sometimes find themselves between the proverbial rock and hard place. Like all employers, they want to ensure the honesty and integrity of their employees. However, unlike employers in private industry, public employers are "government actors" for purposes of the Constitution,¹ and therefore, are required to abide by constitutional dictates when dealing with their employees.

The dilemma becomes clearly evident when law enforcement administrators attempt to question employees about possible criminal behavior. These employers have an understandable interest in demanding answers from employees if the subject of the interview impacts on the employees' fitness for duty, integrity, or judgment. However, as government actors, public employers must be concerned with the employees' fifth amendment due process protection and the privilege against self-incrimination.²

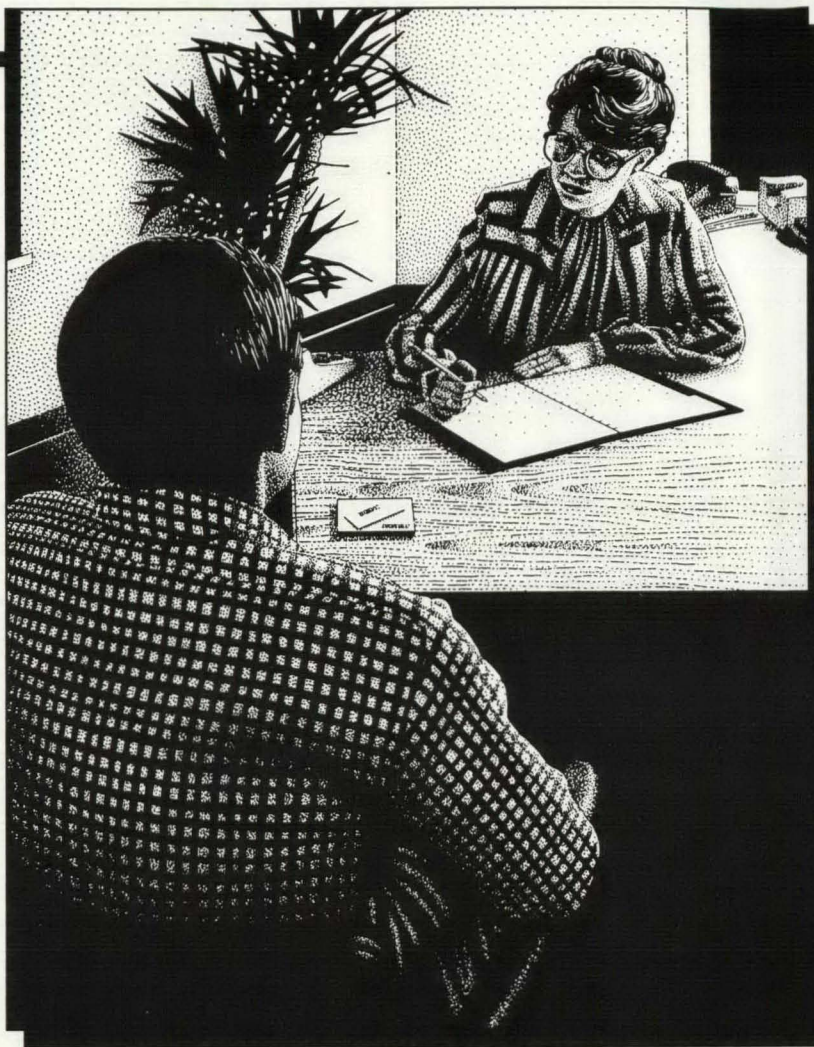
This article reviews³ the U.S. Supreme Court's efforts to resolve

this dilemma in *Garrity v. New Jersey*.⁴ It also discusses the lower courts' handling of related issues.

Compelled Statements in Criminal Prosecutions

In *Garrity*, a representative of the New Jersey Attorney General's office interviewed several police officers regarding their roles in a traffic ticket "fixing" scheme. Prior to being interviewed, the representative advised the officers that 1) anything they said could be used against

them in State criminal proceedings, 2) they had the right to refuse to answer if to do so would incriminate them, and 3) the failure to answer the questions would subject them to removal from office.⁵ In other words, the officers involved in the scheme were put in the position of either answering the questions and subjecting themselves to possible criminal prosecution, or refusing to answer the questions and facing dismissal from the police force.



Confronted with these warnings, several officers provided the requested information. This information was later used against the officers in a criminal prosecution, which resulted in their conviction for conspiracy to violate the administration of traffic laws. On appeal, the officers argued that in light of the warnings administered prior to each interview, the information provided was "involuntary," and the use of that information in court violated their fifth amendment privilege against compelled self-incrimination.⁶

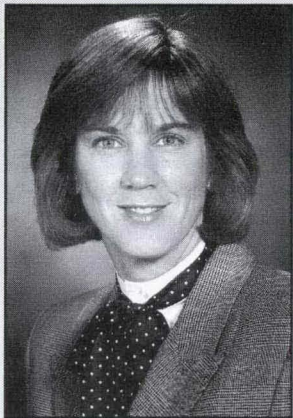
On review, the Supreme Court agreed with the officers and found that the information provided by them was coerced by the threat of losing their jobs. Because police officers, like other members of the body politic, "are not relegated to a watered-down version of constitutional rights,"⁷ the coercion rendered the officers' statements inadmissible under the 5th and 14th amendments⁸ to the Constitution.

Employer Prerogatives

It is important for public employers to understand the proscription in *Garrity*. In essence, statements obtained from employees who are forced to choose between answering questions that may be incriminating and continued employment cannot be used against those employees in subsequent criminal proceedings.

Equally important, public employers must understand what the decision in *Garrity* permits. That is, employees may be compelled to answer questions related to their em-

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dismissal if...they are not
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”**



*Special Agent Crawford is a legal
instructor at the FBI Academy.*

ployment or face dismissal if, by doing so, they are not being compelled to incriminate themselves.

Obviously, if the matter under investigation is simply administrative and holds no possibility of criminal prosecution, the employees' constitutional protection against self-incrimination would not be jeopardized by the compulsion to answer job-related questions.⁹ However, if the conduct being reviewed could result in criminal, as well as administrative, sanctions, public employers are forced to choose between preserving employees' statements for later use in criminal court by avoiding compulsion during interviews or compelling interviews for disciplinary purposes and thereby immunizing employees' statements.

Immunization of Compelled Statements

If public employers interested in pursuing administrative sanc-

tions decide to compel employees to respond to job-related questions, then steps should be taken to assure employees that their statements will not be used against them in any subsequent criminal prosecution.¹⁰ Such assurance commonly takes the form of a grant of immunity.

Grants of immunity fall into one of two categories—"use" immunity or "transactional" immunity. Use immunity guarantees employees that neither their statements nor evidence derived therefrom can be used against them in criminal court. Transactional immunity, however, goes much further and exempts employees from prosecution for matters discussed during a compelled interview.

Neither use nor transactional immunity makes interviews any less compelled or employees' statements any more voluntary, but immunity does assure employees that their statements cannot be used to convict them. Because employees

granted immunity are not being forced to "incriminate" themselves during compelled interviews, the employees' fifth amendment protection against self-incrimination is not an issue.

Most Federal and State courts agree that use immunity is constitutionally sufficient to satisfy the requirements of *Garrity*.¹¹ If employees' statements are coerced as a result of a compelled interview, then the fifth amendment protections can be satisfied by the promise not to use those statements in subsequent criminal proceedings. In most jurisdictions,¹² transactional immunity is not required, and employees can still be prosecuted for criminal conduct discussed during compelled interviews, as long as neither the employees' compelled statements nor any derivative evidence is part of the government's case.

Public employers should keep in mind that use immunity in the compelled interview situation is automatic.¹³ Regardless of whether the employer promises use immunity, the *Garrity* decision mandates that the statements obtained from those employees cannot be used in any subsequent criminal proceeding if they are compelled to answer questions under the threat of dismissal.

Because use immunity is automatic when statements are compelled, employers do not further jeopardize subsequent prosecution by expressly proffering immunity. Moreover, employers that expressly grant use immunity create a better record on which to support the dis-

missal of employees who thereafter fail to answer employment-related questions.¹⁴

Discipline Based On Employee Responses

Whether discipline is a viable option for public employers depends on the employees' responses, which generally fall into three categories. First, when advised that statements could be used against them in a criminal prosecution and asked to waive their right to remain silent, employees may instead elect to invoke their fifth amendment privilege. Second, employees who are properly compelled to answer work-related questions may nevertheless refuse. Third, employees may choose to respond to questions during a compelled or voluntary interview.



It has long been held that employees who fall into the first category because of their failure to waive their fifth amendment privilege may not be fired. In *Gardner v. Broderick*,¹⁵ a police officer, called to testify before a grand jury investigating police corruption, was advised that under the State constitution and city charter, he was required to waive his fifth amend-

ment protections. When the officer refused to sign the waiver, he was fired. The Supreme Court subsequently found the dismissal to be unlawful, because it was based *solely* on the officer's refusal to waive his privilege against self-incrimination.¹⁶

Although employee discipline cannot be based solely on the exercise of the fifth amendment privilege, courts have made it clear that employees can be placed in the position of having to choose between asserting their fifth amendment privilege or defending themselves in disciplinary hearings. Moreover, employees who choose to exercise their privilege and refuse to defend themselves may be disciplined on the basis of uncontroverted evidence.

For example, in *Gniotek v. City of Philadelphia*,¹⁷ officers who were subjects of a criminal investigation for bribery refused to answer questions during pretermination hearings and were dismissed. The officers later argued that their privilege against self-incrimination was violated because they were compelled to choose between asserting their privilege and responding at the pretermination hearing.

The U.S. Court of Appeals for the Third Circuit found the officers' contentions meritless. The court noted that when the officers were confronted with the evidence against them, they exercised their right not to respond and were subsequently dismissed based on the city's uncontroverted evidence of bribery, not for exercising that right.¹⁸

Employees who comprise the second category by virtue of their failure to answer work-related questions after being properly compelled can be disciplined for their refusal to cooperate. In *Gardner*, the Supreme Court made this point clear when it stated:

"If appellant, a policeman, had refused to answer questions specifically, directly, and narrowly relating to the performance of his official duties, without being required to waive his immunity with respect to the use of his answers or the fruits thereof in a criminal prosecution of himself, the privilege against self-incrimination would not have been a bar to his dismissal."¹⁹

The key to determine if employees fall into the first or second category is whether they have been asked to waive their fifth amendment privilege, or instead, were given a grant of immunity.²⁰ Employees who have been asked to waive their constitutional privilege have a right to refuse. However, employees protected by a cloak of immunity have no right to refuse to answer work-related questions.

Any refusal by immunized employees to answer appropriate work-related questions may be the basis of discipline, including dismissal. In *Jones v. Franklin County Sheriff*,²¹ the court demonstrated this point and expressed its view as to why this rule is so important when the employee involved is a law enforcement officer.

In *Jones*, the Supreme Court of Ohio upheld a dismissal and ruled that a deputy sheriff could be

required to answer questions relating specifically and narrowly to performance of official duties. The questions were asked at an Internal Affairs Division (IAD) hearing after the deputy was informed that her answers could not be used against her in any subsequent criminal prosecution.

**"
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"**

The IAD investigators advised the deputy of departmental policy that required answering such questions and gave her a direct order to answer specific questions relating to an incident where she allegedly engaged in vigilante-type activity when investigating the theft of her sister's purse. They also warned her that refusal to answer would constitute insubordination.

The court concluded that law enforcement officers can be fired for failing to answer incriminating questions, as long as they are not asked to surrender their constitutional privilege against self-incrimination. It then offered the following rationale:

"Since both the public and police officers themselves hold the police officer in a position of honor and respect, it is

incumbent upon a police officer to keep his or her activities above suspicion both on and off duty. Thus the IAD, within clearly defined constitutional parameters, must be given the latitude to conduct investigations to ensure the continued integrity of the department. It is critical to any meaningful IAD investigation that, once officers have been assured that their constitutional guarantees remain intact, they are required to respond to specific questions dealing with job performance. Without such a mandate, the IAD cannot ensure the integrity and trustworthiness of the department's officers and the public cannot be assured of the propriety of placing its trust in these public servants."²²

Finally, employees in the third category, who respond to questions during either a compelled or voluntary interview, can be disciplined based on the content of the answers. If employees lie, give evasive answers, or admit to conduct unbecoming an officer, they can be disciplined.²³ The fact that their answers were compelled is no bar to discipline, since the protections of the fifth amendment extend only to criminal prosecution.²⁴

Avoiding Compulsion When Contemplating Prosecutions

Law enforcement employers should consult with a prosecutor prior to interviewing employees where criminal prosecution is contemplated. This should be done because the admissibility of employees' statements will depend, in large

part, on whether those statements were compelled. Although there is some compulsion inherent in most employer-employee interviews, this compulsion does not always rise to fifth amendment proportions.

In *United States v. Friedrick*,²⁵ the Circuit Court of Appeals for the District of Columbia established a two-prong test for determining compulsion. First, employees must have a *subjective* belief that their continued employment depends on their cooperation. Second, this subjective belief must be *objectively reasonable*.²⁶ Moreover, courts have held that to be objectively reasonable, the subjective belief that there is compulsion must be derived from actions taken by the public employer or some other government actor.²⁷

Law enforcement employers effectively avoid compulsion by advising employees that they have a right to remain silent and that anything they say can be used against them. As long as employees are not thereafter required to waive this right, anything they say can be used in a subsequent prosecution.

Prohibited Uses of Compelled Statements

Garrity and its progeny make it clear that although compelled statements cannot be used against law enforcement employees in criminal prosecutions, they may be used for purposes of discipline. Moreover, compelled statements may also be discoverable in subsequent civil litigation.

Questions often arise as to what, if any, other lawful uses these statements may have. For

example, in the case of *In re Grand Jury Subpoena*,²⁸ a Missouri court was asked to decide whether an officer's compelled statement given after *Garrity* warnings could be subpoenaed by the grand jury. Although recognizing that grand juries may often consider evidence obtained by police in violation of the Constitution,²⁹ the court held that the promise made to the officer that his statements would not be used in a criminal proceeding extended to grand juries.

While there are no cases directly on point, analogous precedent suggests that courts will not permit compelled statements to be used to impeach employees in a subsequent criminal trial. Although the Supreme Court has determined that

“
By making the interview incident-specific, employers control the extent of immunity granted employees.
”

statements taken in violation of *Miranda*³⁰ or the sixth amendment right to counsel may be used to impeach defendants if they later take the stand at trial, the Court has been careful to distinguish compelled statements from these holdings. In *Michigan v. Jackson*,³¹ the Supreme Court noted that they had “mandat-

ed the exclusion of reliable and probative evidence for *all* purposes only when it is derived from involuntary statements.”³²

However, in *Gwillim v. City of San Jose*,³³ the Court demonstrated that not every use of a compelled statement is a violation of the privilege against self-incrimination. The officer in *Gwillim* made statements only after he was ordered under threat of sanction and promised that the statements would not be used in a criminal prosecution. The Court found that these statements could be referred to the prosecutor and used to convince the victim of a sexual advance to initiate criminal charges.

Suggestions for Conducting Employee Interviews

In light of *Garrity* and its progeny, the following suggestions are made to assist public employers when interviewing employees. First, employers are encouraged to keep an accurate record of the information provided to employees prior to the interview. It is recommended that employers use two separate forms for this purpose. One form, to be used when criminal prosecution is contemplated, should advise employees that they have the right to remain silent and that their cooperation is voluntary. The other form, which would be used when employees are compelled to answer, should advise employees that neither their statements nor evidence gained therefrom can be used against them.³⁴

Second, the form that advises employees of their right to remain silent should make it absolutely clear that the matter under investiga-

tion could result in criminal prosecution.³⁵ Furthermore, if employees are subject to multiple interviews, they should be clearly advised prior to each interview whether their cooperation is being compelled. This advice is particularly important when there has been a change in what is being required of the employee.

Third, employers should ensure that compelled interviews are incident specific and that employees are informed of the specific incident under investigation. This information should also be noted on the forms mentioned previously. By making the interview incident-specific, employers control the extent of immunity granted employees. Failure to limit the interview to specific incidents could result in employees obtaining use immunity for statements pertaining to a variety of crimes not contemplated by the employer but mentioned during the interview.

Fourth, employers' compelled questions should be specifically, directly, and narrowly related to the performance of employees' official duties. At least in the realm of law enforcement, this does not limit employers to asking questions about officers' on-duty activities. On the contrary, courts have found that the off-duty activities of police officers can impact on their official duties. As stated by the court in *Michigan State Troopers Association v. Hough*,³⁶ "Police cannot fight crime by day and commit crime by night without cost to effectiveness."³⁷

Fifth, unless conferred by State law or union contract, employees

have no legal right to consult with an attorney or to have an attorney present during a noncustodial compelled interview.³⁸ The sixth amendment right to counsel "does



not attach until the initiation of an adversary judicial process in respect to a specific crime."³⁹ Consequently, any compelled interview that takes place prior to the filing of criminal charges does not carry with it the right to counsel.

Finally, employers are reminded that compelled statements can be used to discipline employees, but any other use should be cleared through a legal advisor or prosecutor. Furthermore, because there are some legitimate uses for compelled statements, employers should be careful not to exaggerate the extent of use immunity when advising employees of their rights. ♦

Endnotes

¹ *O'Connor v. Ortega*, 107 S.Ct. 1442 (1987).

² U.S. Const. Amend. V provides in part as follows: "No person...shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law...."

³ For an earlier discussion of *Garrity* and related cases, see Joseph R. Davis, "Interview of Public Employees Regarding Criminal Misconduct Allegations: Constitutional Considerations," *FBI Law Enforcement Bulletin*, March and April, 1980.

⁴ 385 U.S. 493 (1967).

⁵ Removal was mandated by statute. N.J. Rev. Stat §2A:81-17.1 (Supp. 1965). The statute is set out in *Garrity*, 385 U.S. at 495, n.3.

⁶ The officers' convictions were sustained on appeal. See *State v. Naglee*, 207 A.2d 689 (1965) and *State v. Holroyd*, 208 A.2d 146 (1965).

⁷ 385 U.S. at 500.

⁸ The 5th amendment was made applicable to the States through the 14th amendment in *Malloy v. Hogan*, 378 U.S. 1 (1964).

⁹ *National Federation of Federal Employees v. Greenberg*, ___ F.2d ___ (D.C. Cir. 1993).

¹⁰ There is some question as to whether immunity must be tendered. In *Arrington v. County of Dallas*, 970 F.2d 1441 (5th Cir. 1990), the court stated that "the government's mere failure to tender immunity cannot amount to an attempt to compel a waiver of immunity." *Id.* at 1446. However, in *Debnam v. North Carolina Department of Correction*, 421 S.E.2d 389 (1992), the court reversed the dismissal of an employee on the grounds that he had not been told that his statements would be immunized.

¹¹ In *Blunier v. Board of Fire and Police Commissioners of Peoria*, 545 N.E.2d 1363 (Ill. App. 1989), appeal denied, 553 N.E.2d 393 (Ill. 1990), the court held that a public employee is not entitled to a grant of use immunity directly from the prosecutor before being required to answer questions. A grant of immunity from the employer is sufficient. In addition, use immunity attaches automatically, as a matter of law, whenever an employee is compelled to submit to an interview. In such cases, the employee's responses cannot be used in a criminal prosecution, regardless of whether immunity has expressly been granted.

¹² Massachusetts State law requires that a public employee be granted transactional immunity before being compelled to answer questions. See *Carney v. City of Springfield*, 532 M.E.2d 631 (Mass. 1988); *City of Springfield v. Civil Service Commission*, 532 N.E.2d 636 (Mass. 1988); and *Doe v. City of Springfield*, 532 N.E.2d 639 (Mass. 1988).

¹³ 385 U.S. 493.

¹⁴ *Arrington v. County of Dallas*, 970 F.2d 1441 (5th Cir. 1992).

¹⁵ 392 U.S. 273 (1968).

¹⁶ Forfeiture of office statutes similar to that involved in *Gardner* are unconstitutional if they permit dismissal of employees solely on the basis of an exercise of their fifth amendment privilege. *Id.*

¹⁷ 808 F.2d 241 (3d Cir. 1986), *cert. denied*, 107 S.Ct. 2183 (1987).

¹⁸ *Id.*

¹⁹ 392 U.S. at 278.

²⁰ *Id.* See also, *Arrington v. County of Dallas*, 970 F.2d 1441 (5th Cir. 1992).

²¹ 555 N.E.2d 940 (Ohio 1990).

²² *Id.* at 945.

²³ *National Federation of Federal Employees v. Greenberg*, ___ F.2d ___, (D.C. Cir. 1993).

²⁴ *Id.*

²⁵ 842 F.2d 382 (D.C. Cir. 1988).

²⁶ *Id.* at 395.

²⁷ *United States v. Camacho*, 739 F.Supp. 1504, 1515 (S.D. Fla. 1990).

²⁸ 185 *Fire and Police Personnel Reporter* 54, (E.D. Mo. 2/6/90).

²⁹ *United States v. Calandra*, 414 U.S. 338 (1974).

³⁰ The U.S. Supreme Court held that statements taken in violation of the rule in *Miranda v. Arizona*, 384 U.S. 436 (1966), can be used to impeach a defendant if he takes the stand at trial in *Harris v. New York*, 401 U.S. 222 (1971).

³¹ 110 S.Ct. 1176 (1990).

³² *Id.* at 1181.

³³ 929 F.2d 465 (9th Cir. 1991).

³⁴ Although neither employees' answers nor any information or evidence gained by reason of their answers can be used against them in a criminal proceeding, employees that knowingly and willfully provide false statements or information may be criminally prosecuted for that action. Federal employees can be prosecuted under 18 U.S.C. §1001.

³⁵ *United States v. Friedrich*, 842 F.2d 1373 (9th Cir. 1988).

³⁶ 872 F.2d 1026, (6th Cir. 4/11/89), per curiam decision, text in Westlaw.

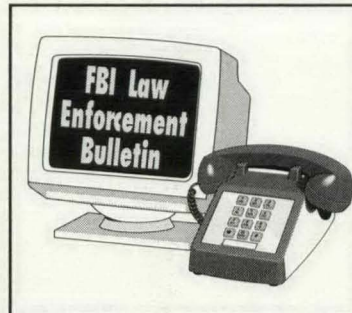
³⁷ *Id.*

³⁸ *Arrington v. County of Dallas*, 970 F.2d 1441 (5th Cir. 1992).

³⁹ *Id.* at 1445.

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.

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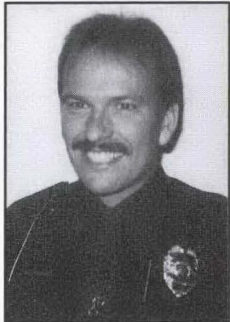


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The Bulletin Notes

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



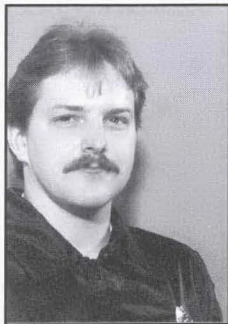
While conducting an investigation in a regional hospital, Officer Chad Vernon of the Logan, Utah, Police Department observed a mentally distraught man confronting hospital staff members in the emergency room. The subject, armed with a small handgun, demanded medical attention from the hospital staff. He then threatened to shoot staff members and himself. Officer Vernon confronted the subject and managed to disarm him without unduly jeopardizing the staff or patients in the area.

Officer Vernon



In the aftermath of Hurricane Andrew, Sgt. Patrick M. Roberts of the Florida Department of Business Regulation, Division of Alcoholic Beverages and Tobacco, was assigned to a disaster shelter. There, he responded to an urgent request for assistance when a 3-month-old infant ceased breathing. Other disaster victims passed the baby girl over their heads through the packed shelter to Sergeant Roberts, who quickly revived the child. Sergeant Roberts then continued to monitor the child until a nurse arrived to care for her.

Sergeant Roberts



Officer Johnson



Officer Glaser

As the first responders to a residential fire, Lead Police Officer David E. Johnson and Officer Monte J. Glaser of the Aberdeen, Washington, Police Department were met by the homeowner, who told them that his brother remained inside the burning house. Officers Johnson and Glaser entered the home but were immediately forced to the floor by thick, black smoke. After being driven out of the house twice by the intense smoke, they finally succeeded to locate the unconscious man on their third attempt. The officers then carried the victim outside, where he was treated by paramedics and transported to a local hospital. Both officers were also treated at the hospital for smoke inhalation and released.

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The Chevy Chase Village, Maryland, Police Department patch features the city's flag and a crown on top of the State seal of Maryland. Bordering the seal are two black-eyed susans (Maryland's State flower) and a clover that symbolizes hope, joy, and victory.



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