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Protecting America's Roadways

High-Visibility DUI Enforcement

By REBECCA KANABLE

On April 24, 2006, Officer Jeremy P. Chambers of the Cahokia, Illinois, Police Department was killed by an alleged drunk driver. A true public servant who also served as a firefighter and emergency medical technician, Chambers was 26 when he became the first Cahokia police officer killed in the line of duty in the village's 79-year history.

Woodlawn, Ohio, Police Specialist David H. Massel, age 37, lost his life on February 9, 1985, because a drunk driver struck his patrol unit head-on. It was his night off, but he had agreed to trade shifts with another officer.

While attempting to apprehend a suspected drunk driver on June 5, 1998, California Highway Patrol Officer Christopher D. Lydon, age 27, died in the line of duty. Committed to removing drunk drivers from the highway, Officer Lydon had set his sights on becoming Mothers Against Drunk Driving's (MADD) officer of the year. Today, a MADD award bears his name.

Such tributes as these posted on MADD's law enforcement Web site show that while officers are not invulnerable, their inspiration is everlasting.¹ By recognizing that drunk driving laws need high-visibility enforcement and making prevention a priority, officers can protect America's roadways, making them safer not only for the citizens and communities they serve but also for themselves.

UNDERSTANDING THE PROBLEM

In 2005, more officers succumbed to traffic-related incidents, including those involving alcohol, than to any other type

of fatal encounter. According to the National Law Enforcement Officers Memorial Fund (NLEOMF), 42 officers died in automobile crashes, 16 were struck by vehicles, and 5 were killed in motorcycle wrecks, for a disturbing total of 63 lives lost.² In 2004, the NLEOMF *Fallen Heroes Report* identified an alarming trend—more officers than ever before are being killed in traffic-related incidents. In fact, during the

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In 2005, more officers succumbed to traffic-related incidents, including those involving alcohol, than to any other type of fatal encounter.

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past three decades, automobile accidents have increased by 40 percent, whereas shootings (historically the leading cause of death among law enforcement officers) decreased by 36 percent.³

Friends and relatives of officers, as well as members of the communities they serve, also are being killed and injured by

drunk drivers. About 3 in every 10 Americans will be in an alcohol-related crash during their lives.⁴ They might be killed, injured, or escape unharmed. According to National Highway Traffic Safety Administration (NHTSA) data, 16,885 people died in alcohol-related crashes in 2005.⁵ On average, injuries affect one person almost every minute, or more than 500,000 people each year.⁶

FINDING SOLUTIONS

Driving under the influence of alcohol constitutes a major highway safety problem, and most Americans (94 percent) agree.⁷ To combat it, they support increased high-visibility crackdowns, such as sobriety checkpoints (87 percent).⁸ Research has revealed that authorities make 1 arrest for driving under the influence (DUI) for every 772 episodes of driving within 2 hours of drinking and for every 88 occurrences of driving over the legal limit in the United States.⁹

With all of the heavy responsibilities facing law enforcement agencies, enforcing drunk driving laws may not always rank as a top priority. This held true for the Spartanburg County, South Carolina, Sheriff's Office until 2005, when its Traffic Enforcement Unit refocused its efforts from speeding and other traffic complaints

to DUI enforcement. Midyear, the agency added three deputies via a 3-year grant from the South Carolina Department of Public Safety, Office of Highway Safety.¹⁰ The eight-member unit operates with a zero-tolerance philosophy and dedicates its DUI countermeasures to victims of drunk drivers. Each month, the unit posts a list naming people who died in previous years during that month to remind deputies that if they do not prevent others from driving drunk, people die.¹¹ Following NHTSA's 24 visual cues for detecting DUI motorists,¹² deputies concentrate on all moving violations they see. The unit's countermeasures include saturation patrols, sobriety checkpoints, and public education.¹³

With a DUI prevention and law enforcement focus in 2005, the unit made 294 DUI/driving with an unlawful blood alcohol content arrests, a 475 percent increase over the previous year. The unit continues to expand its efforts, making 415 arrests in the first 6 months of 2006.¹⁴ Reducing the number of alcohol-related crashes and fatalities, as well as the felony DUI docket in general sessions court, means increasing the visibility and public awareness of drunk driving enforcement. Highly visible and well-publicized enforcement can help deter more people from driving impaired

because of the increased perception of being caught.

Low-Staffing Checkpoints

Rather than making arrests after the fact, authorities prefer to discourage illegal and dangerous behavior. Sobriety checkpoints have the greatest deterrent value of all impaired driving enforcement methods,¹⁵ and the public (87 percent in 2005) supports these measures.¹⁶ The Centers for Disease Control and Prevention found that sobriety checkpoints consistently reduced alcohol-related crashes by about 20 percent.¹⁷

Although sobriety checkpoints have proven effective, officials often limit them to a few national holidays.¹⁸ Cost and the large number of officers needed are among the common reasons for not conducting

checkpoints,¹⁹ which generally involve as many as 15 to 20 officers on overtime pay, more frequently.²⁰ Examining two West Virginia counties, a study by the Pacific Institute for Research and Evaluation and the Insurance Institute for Highway Safety demonstrated that small rural communities can safely and effectively conduct weekly checkpoints using only three to five officers.²¹ During the study, 48 low-staffing checkpoints took place in Greenbrier County and 42 occurred in Raleigh County, in both municipal and rural areas. Existing police policies in the communities before the study called for a minimum of eight officers to conduct sobriety checkpoints, but inquiries revealed no legal basis for this assumption. To permit fewer officers to conduct



© Raleigh County Sheriff's Department

checkpoints, authorities revised police procedures.

The study's findings showed that low-staffing checkpoints, at a cost of \$350 to \$400 per site, can be expected to result in large reductions in drivers operating at higher blood alcohol concentrations (BACs). Relative to drivers in two comparison counties, the proportion with BACs of 0.05 percent or more was 70 percent lower, and the proportion with BACs of 0.08 percent or more was 64 percent lower.²² While low-staffing checkpoints cannot solve the drunk driving problem, their effectiveness as an enforcement tool should not be overlooked.

Extra Eyes

Since 2001, the Montgomery County, Maryland, Department of Police has been using Extra Eyes, a civilian volunteer program, to help detect alcohol violations. Volunteers, typically citizens' academy graduates, undergo about 6 hours of training. They learn what they can and cannot do and how to detect impaired drivers and underage drinking. Then, they practice what they have learned by using the police radio in mock scenarios.

Most of the volunteers are senior citizens willing to use their own vehicles on Friday or Saturday nights. Working in pairs, one volunteer observes

and the other takes notes. At most, two teams will be out, often in a business area or a parking lot. When they see a violation, they relay the information to officers nearby. The officers then try to build their own probable cause.²³

NHTSA suggests jurisdictions may consider the use of volunteers to perform ancillary duties required under its Operational Plan for Conducting Low-Staffing Sobriety Checkpoints. Agencies should properly train and brief volunteers

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Agencies should properly train and brief volunteers and carefully consider their safety.

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and carefully consider their safety. Their responsibilities may include, but not be limited to, counting vehicles, handling nonlaw enforcement paperwork, and monitoring and maintaining sobriety checkpoint traffic control devices.²⁴ Interns and police explorers also assist Montgomery County's seven-member Alcohol Enforcement Unit. They set up and tear

down real or mock checkpoints, which look like real ones but do not have officers at the scene. The department has found that citizens drive through the mock, or phantom, checkpoints without realizing that no officers are present. This gives the impression that police are conducting checkpoints everywhere, every weekend.

Help from MADD and IACP

To help agencies aggressively stop drunk driving through high-visibility law enforcement, MADD and the International Association of Chiefs of Police (IACP) have joined together. In 2005, IACP created the first DUI subcommittee of its highway safety committee. In 2006, the subcommittee, which includes MADD leaders, drafted an IACP resolution calling for a renewed effort by law enforcement leaders to work toward eliminating impaired driving. In conjunction with the IACP annual conference, a guidebook has been published to assist in reaching this goal.

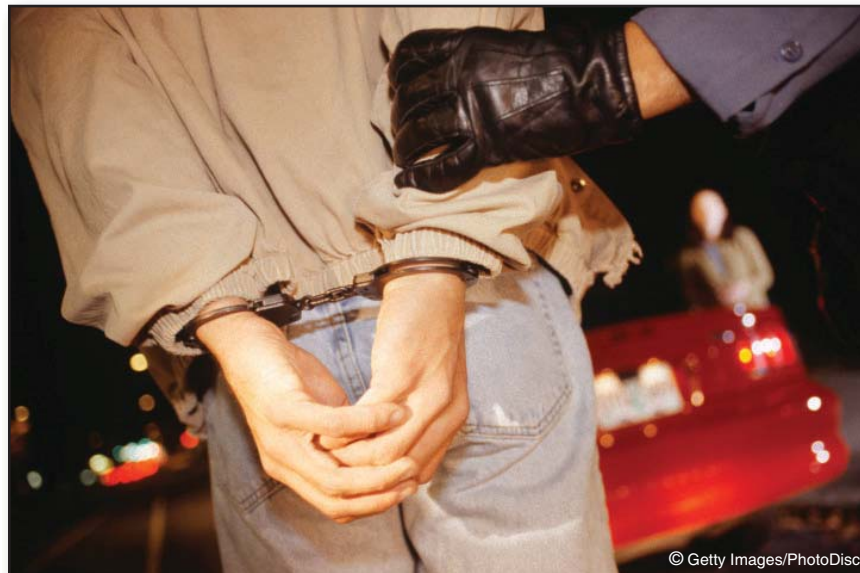
Drunk driving legislation and increased enforcement have saved an estimated 300,000 lives during the past 25 years.²⁵ Since MADD set a goal to reduce drunk driving fatalities by 25 percent by 2008, IACP has stood side by side with the organization to ensure that drunk

driving remains an important issue for every law enforcement agency in the country. In addition to increased law enforcement efforts, technological support, maximum seat belt use, an improved DUI criminal justice system, and alternative transportation strategies will help accomplish MADD's goal of reducing drunk driving fatalities. According to MADD's Strategic Plan, achieving this goal will save an additional estimated 3,200 lives per year.

To encourage the sharing of success stories, best practices, and other information, MADD offers a Web site for law enforcement officers at www.madd.org/lawenforcement. It gives them an opportunity to learn about technology, obtain statistics, download public service announcements, write a tribute to a fallen officer, and many other options.

CONCLUSION

Law enforcement officers are being killed and injured by the same drunk drivers they are trying to keep off of America's roadways. Members of the communities they serve also are falling victim to drunk drivers. Increased DUI enforcement is needed. Low-staffing sobriety checkpoints can offer highly visible and relatively inexpensive prevention and an effective enforcement method supported



by the public. Volunteers also can provide low-cost assistance.

The law enforcement profession does not stand alone in this effort. Mothers Against Drunk Driving and the International Association of Chiefs of Police offer support and encouragement. Such commitment and a resurgence in general deterrence strategies can help save lives and prevent injuries on this nation's highways. ♦

Endnotes

¹ "Officer Victim Tributes"; retrieved on June 25, 2006, from <http://www.madd.org/Victims/2433/?LawEnforcementSearch=1>.

² "Causes of Law Enforcement Deaths (1996-2005)"; retrieved on June 25, 2006, from <http://www.nleomf.org/TheMemorial/Facts/causes.htm>.

³ National Law Enforcement Officers Memorial Fund, *2004 Fallen Heroes Report*; retrieved on June 28, 2006, from <http://www.nleomf.org/media/newsletters/NewsWinter05.pdf>. To curb this

distressing trend, NLEOMF launched Drive Safely, which educates the public about safer driving habits to help keep officers safe on the road. One of the key points to the NLEOMF Drive Safely campaign is to deter any unsafe behavior behind the wheel, chiefly driving under the influence of alcohol.

⁴ National Highway Traffic Safety Administration, *The Traffic Stop and You: Improving Communications Between Citizens and Law Enforcement* (2001).

⁵ National Highway Traffic Safety Administration, "Alcohol-Related Fatalities and Alcohol Involvement Among Drivers and Motorcycle Operators in 2005"; retrieved on August 17, 2006, from <http://www.nrd.nhtsa.dot.gov/pdf/nrd-30/NCSA/RNotes/2006/810644.pdf>.

⁶ Lawrence Blincoe, et al., *The Economic Impact of Motor Vehicle Crashes 2000* (National Highway Traffic Safety Administration, Washington, DC, 2002).

⁷ MADD/Nationwide Insurance survey conducted by the Gallup Organization, "New National Poll Shows Americans Support High-Visibility Crackdowns on Drunk Driving and Believe DUI Is the Worst Highway Safety Problem," press release, September 29, 2005.

⁸ Ibid.

⁹ P. Zador, S. Krawchuk, and B. Moore, "Drinking and Driving Trips, Stops by Police and Arrests: Analysis of the 1995 National Survey of Drinking and Driving Attitudes and Behavior," (Rockville, MD: National Highway Traffic Safety Administration, 2000).

¹⁰ First Sergeant James Bradley, Spartanburg County, South Carolina, Sheriff's Office, interview by author, April 26, 2006, and follow-up communication, June 27, 2006.

¹¹ The unit obtains this list from its local MADD chapter.

¹² National Highway Traffic Safety Administration, "Explanations of the 24 Driving Cues"; retrieved on June 25, 2006, from <http://www.nhtsa.dot.gov/people/injury/alcohol/dwi/dwihtml/cues.htm>.

¹³ Saturation patrols involve concentrated enforcement efforts over a large geographic area that target impaired drivers by observing moving violations, such as reckless or aggressive driving and speeding. In sobriety checkpoints, law enforcement officers evaluate drivers for signs of alcohol or drug impairment at certain points on the roadway and stop vehicles in a specific sequence, such as every other one. Sobriety checkpoints must display warning signs to motorists, and officers must have a reason to believe that drivers stopped at these locations have been drinking before conducting a breath test.

¹⁴ Supra note 10.

¹⁵ Ruth Shults, et al., "Reviews of Evidence Regarding Interventions to Reduce Alcohol-Impaired Driving," *American Journal of Preventative Medicine* 21 (4S) (2001): 66-88.

¹⁶ Supra note 7.

¹⁷ Centers for Disease Control and Prevention, "Research Update: Sobriety Checkpoints Are Effective in Reducing Alcohol-Related Crashes"; retrieved on June 28, 2006, from <http://www.cdc.gov/ncipc/duip/research/checkpoints.htm>.

¹⁸ Conducted in 39 states and the District of Columbia, sobriety checkpoints are illegal, prohibited, or not used in 11 states; retrieved on August 8, 2006, from <http://www.nhtsa.dot.gov/people/injury/>

[airbags/Countermeasures/pages/Chapt1/2p1SobChkpts.htm](#).

¹⁹ J.C. Fell, S.A. Ferguson, A.F. Williams, and M. Fields, "Why Are Sobriety Checkpoints Not Widely Adopted as an Enforcement Strategy in the United States?" *Accident Analysis and Prevention* 35 (2003): 897-902.

²⁰ J.H. Lacey, S.A. Ferguson, T. Kelley-Baker, and R.P. Rider, Pacific Institute for Research and Evaluation and Insurance Institute for Highway Safety, "Low-Manpower Checkpoints: Can They Provide Effective DUI Enforcement in Small Communities?" (2005).

²¹ Ibid.

²² Ibid.

²³ Officer William Morrison, Montgomery County, Maryland, Department of Police, interview by author, May 17, 2006.

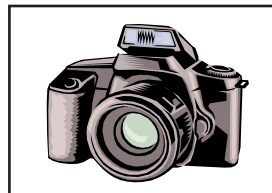
²⁴ National Highway Traffic Safety Administration, "Operational Plan for Conducting Low-Staffing Sobriety Checkpoints"; retrieved on June 24, 2006, from http://www.nhtsa.dot.gov/people/injury/enforce/LowStaffing_Checkpoints/pages/OpPlan.htm.

²⁵ This number is explained in "Lives Saved Due to the Reduction of Alcohol Involvement in Fatal Traffic Crashes from 1982-2004," a table appearing in *Traffic Injury Prevention* 7, no. 3 (September 2006), adopted from J.C. Fell, National Highway Traffic Safety Administration, *What's New in Alcohol, Drugs and Traffic Safety?* (1995). If the proportion of alcohol-related fatalities had stayed the same as 1980-1982, lives saved per year could be calculated by converting the 40 percent nonalcohol-related to decimal .4044147 and dividing the nonalcohol-related fatalities each year by this decimal.

Ms. Kanable is a freelance writer.

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Wanted: Photographs



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

We can use color prints, digital photographs, or slides. It is our policy to credit photographers when their work appears in the magazine. Contributors should send duplicate, not original, prints as we do not accept responsibility for damaged or lost prints. Send photographs to:

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The Importance of Mentoring

There is no more noble occupation in the world than to assist another human being—to help someone succeed.

—Alan Loy McGinnis

A few weeks ago, my 12-year-old son was surfing the Internet trying to get a grip on what classes he would have in his upcoming 7th grade school year. With the excitement of a kid on Christmas morning, he jumped up from the computer and started yelling for mom and dad. I naturally thought he had determined that he could graduate from middle school without 7th grade. To my surprise, he was excited about Garrett Payne.

He had just read a press release from Ritchie Elementary School that stated, “Fifth-grade student Garrett Payne was recognized June 1 as Fauquier County’s AAA Outstanding School Safety Patrol of the Year.” My son said, “Dad, I trained Garrett. He was great! He picked this stuff up so quickly. He really deserved to win.” Then, he quietly said, as if he were talking to himself, “Man, I trained the winner of the Outstanding Safety Patrol Officer of the Year.”

I learned a great deal from my son that evening. Instead of sadly walking away from the computer and saying, “I’m the one who trained him; I should have received that award,” he actually celebrated Garrett’s success.

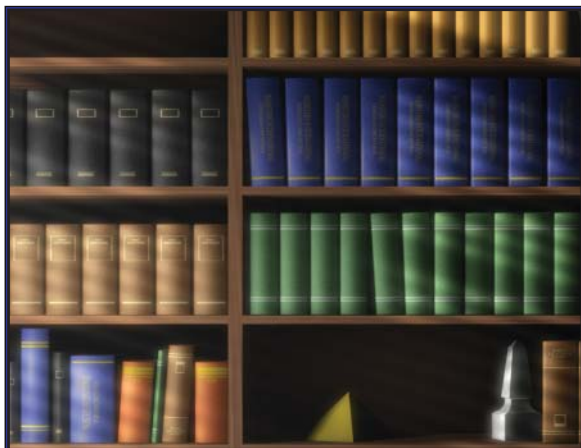
MENTOR

As leaders, we, too, should take every opportunity to rejoice in the achievements and good fortune of those around us. As Alan Loy McGinnis said, “There is no more noble occupation in the world than to assist another human being—to help someone succeed.” My son also could have commented, “Garrett knew nothing about this job until I showed him.

I mean, he was just a 5th grader.” Instead, he enthusiastically spoke of Garrett’s intelligence, people skills, and eagerness to learn. Great

leaders do not break down people. They focus on people’s strengths; they build up their followers. My son’s comments also reminded me that the best leaders loudly praise the accomplishments of others while only quietly patting themselves on the back for whatever role they had in the triumph. Finally, I was reminded of the power of coaching and mentoring those who must follow in our paths. Indeed, the best leaders continuously develop new leaders—a powerful activity that positively affects the mentor, student, and entire organization. ♦

Dr. Jeff Green, a special agent in the Leadership Development Institute at the FBI Academy, prepared Leadership Spotlight.



Woman, Child for Sale: The New Slave Trade in the 21st Century by Gilbert King, Chamberlain Bros. Publisher, New York, New York, 2004.

The Greek philosopher Aristotle noted in his work "Politics" that "a slave is a property with a soul." Outlawed in the United States in 1865 by the 13th Amendment, slavery and human trafficking generally have become relegated to the past as historical footnotes. But, as law enforcement agencies in this country increasingly come into contact with the children and women who comprise today's slaves, officers need to understand the underlying issues that fuel this gruesome sex and labor industry.

In *Woman, Child for Sale*, Gilbert King serves a balanced wake-up call to those who view human trafficking, child sex tours, and forced labor as problems plaguing countries outside the United States. King presents a bevy of startling statistics that demonstrate how the enslavement of women and children has crossed international borders to become a serious issue for American law enforcement officers. The often-astounding facts clearly demonstrate how the business of human trafficking now rivals that of the drug trade,

yielding an estimated profit of \$8 to \$10 billion. In the summer of 2004, the U.S. Department of State reported that 600,000 to 800,000 new victims are trafficked across international borders each year to feed the sex trade and forced labor industries. Lest readers dismiss this cancer as exclusive to those countries outside the United States, King takes pains to educate them by revealing that every 10 minutes, a woman or child is trafficked into the United States for forced labor, which translates into approximately 50,000 female and child slaves crossing U.S. borders each year. These victims involve women 70 percent of the time with 50 percent of all victims being children, sometimes as young as 6 years old. The author avoids a drab recitation of research, presenting these mind-numbing numbers in a compelling and easily digestible format.

Despite the staggering fact that 10 million children worldwide currently are trapped in involuntary servitude and sexual slavery, it can be easy to depersonalize these "invisible" victims that toil in darkness. Recognizing that statistics often fail to tell the entire story, King bridges the gap between numbers and victims by personalizing the nightmare of human trafficking. Through gripping case studies, he profiles children and women from Asia, Russia, and Eastern Europe. The reader quickly becomes mesmerized by their incredible stories of entrapment, disillusionment, and servitude. For example, Siri is a Thai farm girl duped by a trafficker into leaving her village to take a "good job" in the city for a \$2,000 advanced payment. Forced to repay her debt to the traffickers, she sexually serviced 300 men each month. At \$4.00 per customer, her physical and psychological enslavement gives readers a glimpse of the horrors endured on a daily basis by these young girls. From Florida to Georgia, New York, and Washington, each brutal story

of lives led in misery without freedom shocks the reader's conscience and humanity.

King has wisely addressed the historical development of human enslavement and presents snapshots of various countries currently believed to engage in the exportation of children and women. Importantly, he calls attention to the difficulties faced by law enforcement and prosecutorial entities in seeking to investigate and convict the traffickers. The author warns of the challenges of infiltrating organized trafficking syndicates, obtaining cooperation from victims who are intimidated by their captors, and gaining cooperation from other countries that may not necessarily view human trafficking as criminal in nature.

The information contained in this book serves as a blunt and sobering example to the reader that without vigilance and dogged pursuit of criminal entrepreneurs, children and women will continue to be victimized and forced into lives of submission and humiliation. King has effectively blended statistics and history with touching accounts of human tragedy, creating a work that leaves a lasting impression upon the reader.

Reviewed by
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Unusual Weapon

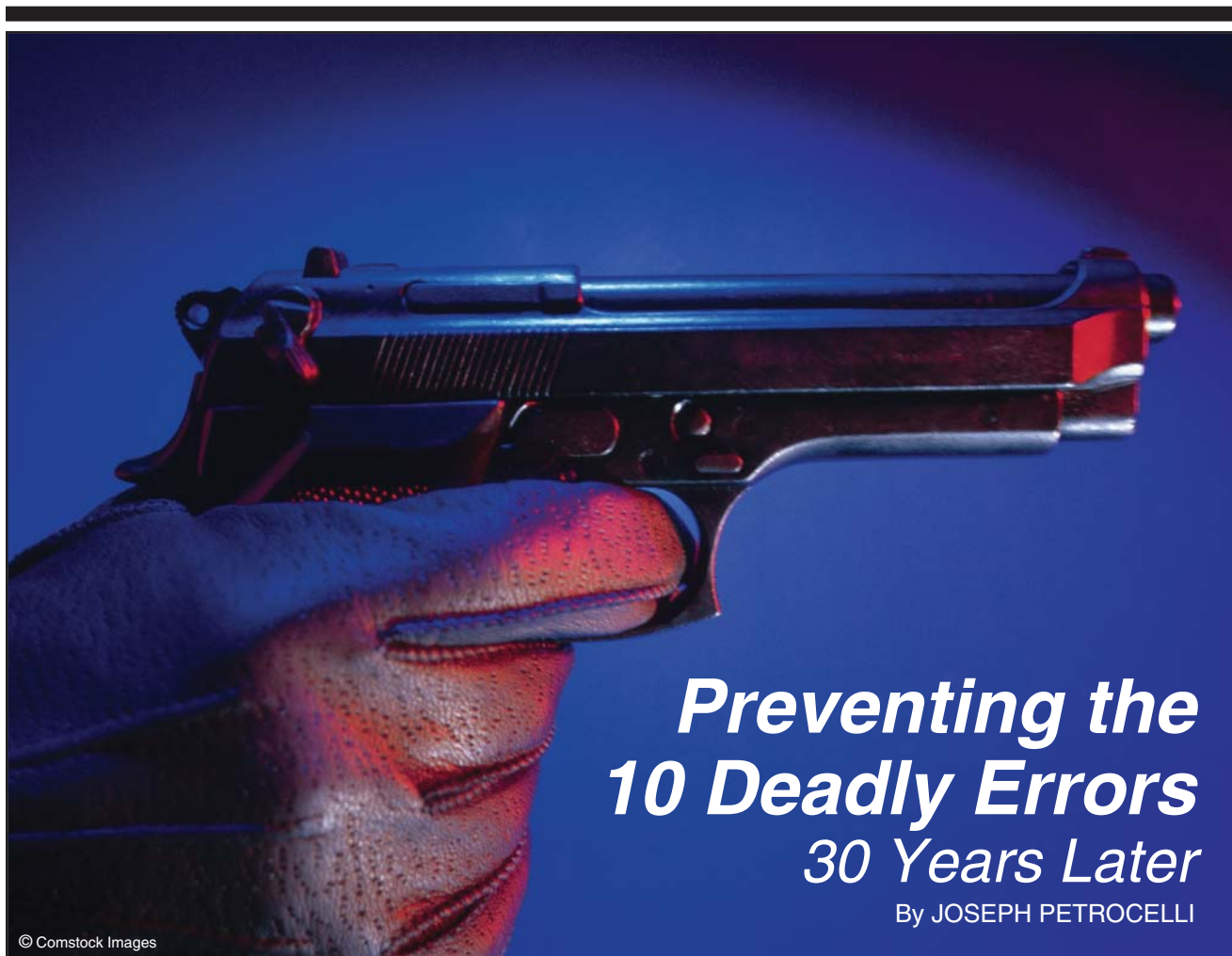
Knives

Offenders may use this unusual weapon, which appears to be a credit card. However, one edge actually is a knife.

Law enforcement officers should be aware that offenders may use this concealed knife. It has a hole in the blade, which permits operation with one hand.

Submitted by John F. Brannigan, a retired law enforcement officer and weapons concealment instructor.





In 1975, Los Angeles Police Department Homicide Investigator Pierce R. Brooks authored “...officer down, code 3” that now, 30 years later, still stands as one of the most compelling accounts of the dangers associated with the law enforcement profession. In this landmark book, Detective Brooks identified 10 Deadly Errors that repeatedly have led to officers’ deaths. For the past 30 years, law enforcement officers in the United States at every level of the profession—from recruit

trainers to supervisors—have read, on at least one occasion, these 10 Deadly Errors.

Although felonious, line-of-duty law enforcement deaths have decreased during this time (from 129 in 1975 to 57 in 2004), officers continue to be assaulted and killed every year.¹ In many cases, they have committed one of the 10 Deadly Errors. To help his fellow officers, the author offers some simple, yet effective, steps they can take to combat the occurrence of these tragedies.²

1) FAILURE TO MAINTAIN PROFICIENCY AND CARE OF EQUIPMENT

Inspections

Regular inspections by first-line supervisors can ensure the proper care of weapons, vehicles, and equipment. Supervisors do not have to conduct them personally but can delegate the task to a properly trained member of the squad. Lesser experienced personnel may assist a proficient inspector, thereby gaining knowledge.

Inspections should be thorough but not necessarily as formal as those at the academy. After all, the goal is to educate, not embarrass, the officer. Inspections can take place one-on-one in a safe area. Supervisors should note deficiencies and also suggest remedies.

At a minimum, inspections should include checking for the presence of required equipment and ensuring that it is in good working order. Officers should have their equipment, especially flashlights and intermediate weapons, on their duty belts, not locked in the trunk of their patrol units. During hot weather, supervisors should remind officers that perspiration seeping into firearms and expandable batons could compromise their utility. Extreme changes in weather may adversely affect chemical weapons just as an accumulation of lint in the nozzle can inhibit delivery of the product. Officers should replace chemical weapons annually, regardless of whether they have expended the contents.³

Although not expected to check for mechanical problems as this is outside their scope of expertise and best left to the motor pool or an outside agent, officers should visually examine the tires and lights of their patrol vehicles. They also must inspect and clean their units, especially the backseat area, prior to and at the end of patrol.

Officers also should briefly inspect the station house, especially areas where suspects may be processed. Are there physical barriers between suspects and civilian personnel? Is the processing area clean, or are there innocuous weapons of assault, such as pens, telephones, computer monitors, or coffee mugs, present? What about the area where the suspect will wash? Are chemical cleaners present? Toilet plungers? Breakable mirrors? What else is around? Snow shovels? Brooms? Fire extinguishers? Officers should take on the mind-set of a motivated, assaultive offender going to jail for a long time and *then* inspect the station house.

Training

Departments can promote proficiency with firearms by facilitating training with them.

At a minimum, agencies should provide information about possible tax incentives for training expenses. Although all departments face budgetary challenges, they should encourage officers to attend brief training sessions (one box of ammunition or less) that take place during different lighting conditions. Officers should shoot from a barricaded position or with the support hand. Allowing officers to use lunch breaks or down time to practice would incur no cost. Of course, agencies should have a supervisor or specially trained squad member available to assist with remedial training and provide an adequate supply of materials to clean the weapons.

Proficiency with impact weapons should prove even easier, and cheaper, to maintain. At least once a month, a squad

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While officers may perform a search in many different ways, they should use a systematic and complete method.

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Detective Petrocelli serves as the training coordinator for the Passaic County, New Jersey, Sheriff's Department.

should shorten roll call and practice riot-squad formations. A pad or heavy bag for departmental training should not pose a major expense (even a stack of used tires can serve as an impact-weapon target). During this training, supervisors can review proper techniques with the striking weapon, including acceptable and prohibited target areas, and also note deficiencies or the need for supplemental training. In general, officers should be able to correctly strike a target for 30 seconds without sacrificing technique.

Officers also must remain competent in first aid. They always should check the first-aid kit in their patrol units and replace any missing items or, at least, leave a note indicating what is needed. Supervisors should quiz officers on proper response to first-aid situations. For quick reference, officers can attach CPR or other first-aid information to their clipboards.

While maintaining their proficiency and properly caring for their weapons, vehicles, and equipment, officers must not forget their most important asset, their brains. Officers must keep this most vital tool in excellent working order, too. Supervisors should provide them with digestible recounts of recent case law interpretations and show them how these court decisions impact their day-to-day actions. They should quiz

officers with “what if?” scenarios and critique and discuss their responses. This will better prepare officers and improve their decision-making processes.

Officers must receive information about how others in the profession are being assaulted or killed. The Internet can provide a number of resources.⁴ Officers should study these incidents and learn about steps to take to avoid becoming involved in similar situations.

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Supervisors should review the 10 Deadly Errors on a regular basis—maybe at roll call on the 10th of every month.

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Ultimately, each officer must take responsibility for maintaining proficiency and care of weapons, vehicles, and equipment. Supervisors can facilitate the process. Squads often include officers drawn from different backgrounds. For example, those with military or firearms experience can conduct weapon inspections. Officers with legal expertise can monitor, interpret, and present recent court decisions. Those

with first-aid knowledge can review proper first-responder techniques. Senior officers and tactical team members can share their experience on related matters. If everyone briefly speaks on their areas of expertise once or twice a month, all officers will benefit.

2) IMPROPER SEARCH AND USE OF HANDCUFFS

Immediately upon reviewing this deadly error, officers should note that the steps are out of order. Officers *always* should handcuff first, then search.

Handcuff Position

Prior to patrol, officers should place their handcuffs in an accessible position on the duty belt. Most use handcuff holders positioned on their support-side hip, which requires them to twist to open the case and remove the handcuffs. This movement, often done while trying to maintain a hold on a suspect, puts officers off-balance and makes them susceptible to being knocked over.

A better position for the handcuffs may be hanging from the duty belt with a leather strap on the officer's strong side just in front of the firearm, thereby eliminating any interference with the weapon. Officers can access them easily by pulling down on the snap. They never have to shift their bodies and

can keep constant, direct contact with the suspect. The leather strap exposes the handcuffs to the elements but makes access much quicker and easier. Of course, officers must remember that the handcuffs may bounce and cause noise, a severe disadvantage when searching for a hidden suspect.

Officers should carry a handcuff key and have one on the key ring of their patrol units. If they employ flexible cuffs, they should carry a cutting device to remove them when necessary.

Handcuff Maintenance

Maintenance of handcuffs is simple. An occasional squirt of a lubricant from the motor pool applied to the single strand, rivet, ratchet area, locking mechanism, and double-lock hole should keep them functioning properly. Exposure to extreme moisture or heat may compromise handcuffs. Also, officers who store their handcuffs near their lower back (or any other position where pressure is applied) may find that the double strands are pushed together and the single strand does not pass through easily.

Handcuff Techniques

Prior to handcuffing (when possible), officers should place subjects on their knees with their ankles crossed and sitting back on their ankles.

They should issue these commands from a distance and not approach until the individual complies. Failure to obey should heighten the officer's concern. It is better for the officer to determine compliance from a distance, rather than after making physical contact. The subject in the kneeling position should minimize the risk of assault, including reverse head butts and kicks. However, officers always should have backup when making arrests.

Officers should apply handcuffs behind offenders' backs with their palms open and facing out. In addition, officers always should double lock the handcuffs.⁵

Search Strategies

Officers tend to mentally let down after applying

handcuffs. This would rarely happen if they knew the number of assaults that subjects have launched at this point. Motivated suspects train for these encounters. Some repeat offenders store handcuff keys in the small of their backs, making them accessible after being handcuffed. Subjects schooled in martial arts are just as dangerous with their feet as others are with their hands. Drug-addled suspects can use any available body part to attack a relaxed officer. Relating such incidents to officers during roll call can remind them to always conduct a complete, intrusive search from a position of tactical advantage on all arrested, handcuffed suspects.

Many handcuffed subjects have numerous weapons, including concealed ones and parts of the body (e.g., head

April 1975: Deadly Error #2?

A deputy apprehended a young man for burglarizing a service station and placed him in the patrol unit. At this point, the male produced a .22-caliber handgun. During an ensuing struggle, the subject obtained the deputy's .38-caliber service weapon and forced the deputy to drive the vehicle. After a short distance, the male allegedly shot the deputy in the chest and head with the deputy's service weapon. The subject fled the scene in the patrol vehicle. He was taken into custody later, found guilty of murder, and received a life sentence.

Source: U.S. Department of Justice, Federal Bureau of Investigation, Law Enforcement Officers Killed Summary, 1975 (Washington, DC, 1976).

butts, body blocks, knees, and feet) at their disposal. In addition, officers must not forget the transmission of bodily fluids. To mitigate this threat, they should conduct the search from the rear with the offender kneeling.

While officers may perform a search in many different ways, they should use a systematic and complete method. Logically, they will start the search in the area immediately accessible to the suspect's hands—the lower back. Officers should check this location not only for weapons but also for handcuff keys or any small metal item that the subject may employ to pick the lock. They should not run their hands along the belt line but, rather, lift the shirt to visually inspect it. Searching officers never should thrust their hands into an area that they cannot visually check first. From a kneeling position, the next most accessible area for a suspect is the ankle and lower leg, a common place for holsters and socks that can hold any type of contraband.

After searching kneeling suspects, officers should have them stand up and again check the lower back area, shaking the pants to see if anything falls out. They should search parts of the body previously inaccessible, including the groin. If two officers are present, both should conduct separate searches prior

to placing the suspect in the patrol vehicle.

Finally, officers must overcome any aversion to searching subjects arrested by other officers. This occurs most often when the delivering officer is senior to the receiving one or from another agency. The receiving officer's search is seen as questioning the delivering officer's ability to do one properly. Rather than offend the

Officers should take on the mind-set of a motivated, assaultive offender going to jail for a long time and then inspect the station house.

delivering officer, the receiving officer accepts the prisoner, assuming that a thorough search has been done. This mind-set, however, must change in today's world of violent criminals bent on causing as much harm to law enforcement officers as possible.

When delivering a suspect to another officer, that officer should *request* the receiving officer to thoroughly search the

suspect. This will remove any discomfort the receiving officer may feel. This search will better serve the delivering officer, the receiving officer, and the public.

3) SLEEPY OR ASLEEP

Most officers lead active lives, including remaining physically fit, raising families, and working other jobs. Certain factors endemic to the profession, such as shift work, unscheduled overtime, and court appearances, may disrupt officers' sleep patterns. A number of different schedules allow for 24-hour coverage. Departments should investigate using a different scheduling grid if it means keeping their officers more alert.

Supervisors should remain approachable concerning matters of rest. They should know the number of hours that their officers devote to outside employment. Officers' motivation to work may prove greater than their ability to do so. An exhausted officer may survive a shift only to crash on the way home. A supervisor who believes an officer is overly tired should reconfigure the schedule to allow the officer to ride with a partner for that night.

Officers themselves must monitor their level of tiredness. They must use their sick time judiciously or only when they

cannot properly perform their duties. Otherwise, they will find themselves without any when they are exhausted and need a day off to rest.

4) RELAXING TOO SOON

Relaxing too soon is a learned mental process. No recruit graduates from a police academy doing this. Instead, they first observe this indifference and then slowly learn it from senior officers and the supervisors who allow it to continue until it becomes the culture of the department. Analogous to the smart student in high school who, because of peer pressure, begins to slack off, vigilant young officers are teased by their senior counterparts. Oftentimes, they adopt this posture just to fit in.

This mentality manifests itself in many different ways. Prior to patrol, officers may not inspect their equipment or vehicles. They may quit wearing a bulletproof vest and fail to call in motor vehicle stops. Officers may skip roll call, not pay attention to legal updates, and not turn in motor vehicle summonses on time. Reports may sit unwritten for days.

While not deadly in itself, this general malaise creates a culture of lowered standards that may prove lethal under certain circumstances. That is, when these officers meet

offenders who are *not* relaxed. By then, skills taught in the academy have atrophied to the point of being useless. These officers have relaxed too soon for too long.

To counteract this, supervisors must correct such behavior in their charges. Leaders of departments must remain watchful and intervene at the first sign of this malady. Only through example and constant contact with their officers can managers instill the importance of never relaxing too soon.



5) MISSING DANGER SIGNS

In this profession, the danger signs occur everywhere. Each day officers are injured or avoid harm by quick thinking. In both cases, lessons should be learned and passed along. Books, journals, videotapes, and seminars exist that officers should consult to become aware

of danger signs. In addition, Web sites, such as the Officer Down Memorial Page (<http://www.odmp.org>), honor fallen officers by giving a brief narrative surrounding their demise. Officers should mourn their loss but make sure that if they find themselves in a similar position, the outcome is different. To this end, officers should consider some basic aspects of danger signs.

Hidden Weapons

Officers should know the types of hidden weapons available to offenders. They can peruse the Internet to see what the market offers. This can increase their knowledge and expand the scope of their searches.

Current Crime Information

Before commencing patrol, officers should arm themselves with the most current crime information and trends. They should receive a “hot sheet” at roll call enumerating the crimes that have occurred in the last 24 to 48 hours. Officers should know about any local crime trends, suspicious vehicles, and wanted persons.

Classes or Seminars

Officers should remain current and adroit by taking classes or seminars. A local academy may offer in-service classes, and a number of private firms

provide free or affordable training. An officer who neglects to take a tactical class or one in identifying deceptive behavior may miss a danger sign and not even know it.

Proactive Supervision

Supervisors must ride along on calls to observe officers in action and learn any danger signs displayed by their charges. If an officer involved in a disproportionate number of motor vehicle crashes receives no remedial driving training, the supervisor may have missed a danger sign. If an officer transports a handcuffed, compliant, misdemeanor suspect to headquarters at dangerous speeds with lights and sirens activated, the supervisor must address this danger sign. If an officer's suspects always arrive at headquarters bleeding, the supervisor faces another danger sign. A supervisor who has not counseled an officer who repeatedly commits any of the 10 Deadly Errors is missing a danger sign.

Administration Misses

Departments can miss danger signs as well. Examples can range from failing to schedule additional traffic officers for a parade to not actively recruiting new members when faced with an aging work force. Of even graver concern involves not taking action when officers

constantly request not to work with one particular officer.

Officer Suicide

Sadly, those in law enforcement must recognize other types of danger signs, those of officer suicide. Profound stress, high rates of divorce and alcohol consumption, and easy access to firearms put law enforcement professionals at risk. Statistics indicate that those in law enforcement are two to three times more likely

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Books, journals, videotapes, and seminars exist that officers should consult to become aware of danger signs.

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to commit suicide than to be killed in the line of duty.⁶ Coworkers and supervisors must learn the danger signs of police suicide. Missing these can have truly tragic consequences for the entire profession. The signs include—

- a high number of off-duty accidents;
- a rise in citizen complaints about aggressiveness;

- a change in personality wherein a quiet officer becomes very talkative or an outgoing one becomes withdrawn; and
- a behavioral or verbal clue (e.g., officers give away equipment, tell others how much they will be missed, or suddenly make a will).

Officer Accountability

Officers should not rely solely on supervisors and coworkers to advise them of danger signs. For instance, when the switch from summer to winter uniforms reveals that the shirt does not quite button, it probably is not due to a build up of solid muscle mass. This event coupled with walking up a flight of steps and being out of breath should not require officers to rely on anyone to advise them that these are danger signs. Officers must accept responsibility for their own well-being and lifestyle choices.

Proper Preparation

Just as dangerous as missing a danger sign is failing to properly prepare for a hazardous event. Alert officers should constantly consider what to do if a certain situation arose. For example, when stopped at a light in front of a convenience store, they should think about what they would do if a suspect suddenly ran out waving a gun

or if the car in front of them was wanted in connection with an armed bank robbery. What is the first thing they would do? What action would they take?

This mental exercise can help officers hone their tactical response skills. When an actual crisis arises, they will have thought through similar hypothetical situations. Such activity also helps officers develop better problem-solving skills.

Moreover, officers should discuss scenarios and possible responses with senior officers and supervisors. Their feedback can prove valuable and help officers improve their thought processes when situations occur requiring a quick, precise response.

6) TAKING A BAD POSITION

Taking a bad position may hinge on many different factors. Officers must recognize all threats present, their proximity to them, and how the scene is progressing. On a motor vehicle stop, for example, they may assume that the threat is the offending driver when, in fact, passing traffic poses the real danger. Officers do not have to complete accident reports in the intersection where they occurred. They could move to a better position around the corner, away from traffic. Conducting a domestic dispute

investigation in a kitchen, garage, or tool shed poses added dangers due to easy access to items that subjects could utilize as weapons.

During field interviews, officers should not stand directly in front of suspects or with their backs to a hostile crowd. They always should have subjects write their names, dates of birth, or other personal information. This allows officers to watch from a safe distance and encumbers the suspect's hands. Officers should contact offending motorists from the passenger side of the vehicle and never turn their backs to moving traffic when laying out a flare line. Finding themselves in a stairway looking up at a subject

constitutes one of the worst situations.

Officers should review circumstances that have led to other officers being injured and note the different, less obvious, threats in these incidents. The proliferation of police video shows on television has provided one source of studying officer positioning. Supervisors or members of a squad can make tapes of these for review during roll call. Objectively critiquing these can help others avoid taking a bad position when confronted with a similar situation.

Whether officers initially take a bad position or find themselves in one, they face severe consequences and should remember the one friend always

November 1986: Deadly Error #6?

Efforts to stop a suspect for speeding resulted in a high-speed chase by officers from three jurisdictions. In an attempt to stop the subject, a trooper blocked the two lanes of an interstate highway with his patrol unit. He exited the vehicle and signaled the violator to stop. Reportedly, the suspect intentionally drove his vehicle down the shoulder of the road, striking and killing the trooper. The driver was arrested and charged with murder and reckless homicide.

Source: U.S. Department of Justice, Federal Bureau of Investigation, Law Enforcement Officers Killed and Assaulted, 1986 (Washington, DC, 1987).

September 1991: Deadly Error #8?

While off duty, in civilian clothes, and not wearing body armor, a deputy was buying gas at a convenience store when he saw a robbery occurring inside. After retrieving a handgun from his vehicle, he opened the door of the store and was immediately confronted by one robber who fired a .357-magnum handgun taken from a store employee. Mortally wounded in the head, the deputy died at the scene. Several days later, the subject was arrested and charged with murder.

Source: U.S. Department of Justice, Federal Bureau of Investigation, Law Enforcement Officers Killed and Assaulted, 1991 (Washington, DC, 1992).

available, distance. They should create distance, reassess the threat, and take a safe position.

7) FAILURE TO WATCH THEIR HANDS

Seasoned officers will recognize a flaw in this deadly error. They do not want to watch the *hands*; they want to see the *palms* of a suspect's hands. Many offenders are skilled in cupping items in their hands, giving the appearance of compliance when actually concealing contraband. Officers should master techniques of observing subjects' hands during motor vehicle stops. They should practice approaching on the passenger side and using the right-side exterior mirror to see the driver's hands prior to approaching the kill zone.⁷ With minimal effort, officers should be able to view the offender's

hands from a position parallel to the backseat. If not, they can issue a verbal command. If the subject ignores this, officers should create distance, reassess the threat, and proceed from a safe position.

8) TOMBSTONE COURAGE

Some energetic officers have to be protected from themselves. Supervisors can take steps to help those officers who instinctively react to defend others without regard for their own safety. For example, departmental policy should require all officers to call in every motor vehicle stop and pedestrian contact, including the number of subjects encountered. Also, officers should have to report any suspected criminal activity.

Supervisors should identify dangerous locations in the community, easily measured

by the number of assaults on officers or felony arrests emanating from a specific locale. Any officer responding to a call in that area automatically would receive backup. Supervisors should establish a staging site where the responding units could meet to coordinate their approach.

Dangerous areas in the community also should include businesses or factories with confined spaces or ones that store hazardous materials. Proactive officers may be drawn into a lethal situation if they enter these locations without the proper training or equipment.⁸

9) PREOCCUPATION

When Detective Brooks first identified the 10 Deadly Errors in 1975, he never could have foreseen how technology would preoccupy law enforcement officers. These modern advances offer many benefits but also pose some risks. Departments should enforce strict rules as to what portable electronic devices officers need on patrol.

Unfortunately, most agencies have more to worry about than technological distractions. Stress, inherent in the profession, comes from many different areas. Surprisingly, dealing with hardened criminals is somewhat low on the list of what causes stress in officers' lives. Much higher on the list are unreasonable expectations

from administrators, lack of proper training, failure to be recognized, marital problems, and shift work.

Departments should take a proactive approach to monitoring officers' stress. Many psychological tools can help accomplish this.⁹ Although not perfect, they would give agencies some idea of which members are under a great deal of stress away from the job. Administrators could correlate this information with what they know about their officers at work. Have they handled a fatal accident or had to deliver a death notification? Are they the target of an internal affairs investigation? Are they being sued? Have they worked a natural disaster? Have they been physically assaulted? Such information should enable agencies to identify officers under a great deal of stress.¹⁰ Failure to monitor an officer under this type of stress aptly illustrates the fifth Deadly Error, Missing Danger Signs.

Law enforcement should join other progressive professions in allowing personnel to use sick leave as "mental health" days. It is better to allow an officer under mounting psychological pressure to take a day off before it manifests as a physical illness or a poor use-of-force decision. As with all sick time, agencies would have to monitor these "mental

health" days, but, if properly applied, they can reduce larger problems in the future.

10) APATHY

Apathy, probably the most insidious of the 10 Deadly Errors, contributes to each in varying degrees. It is hard to measure because it is a crime of omission, rather than commission. Still, departments must take steps to recognize apathy.

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Officers must recognize all threats present, their proximity to them, and how the scene is progressing.

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Supervisors can monitor some indicators to gauge if officers are becoming apathetic. These include what time officers arrive for work, how often they miss court, how long it takes them to respond to and clear a call, and how many miles they drive on patrol. Supervisors can check the evidence log to see who turns in the most and review the motor vehicle summons log to see how often each officer needs a new summons book. They can compare each officer against

the standards set by the rest of the squad. Supervisors should ride along on calls to see if officers perform to departmental standards.

Reversing apathy poses some challenges. Supervisors may try to motivate officers by putting them in charge of a speciality that they may possess and having them develop a lesson plan for roll call or by identifying an interest and sending them for additional training. Sometimes, the best recourse involves preventing these officers' attitudes from infecting the rest of the squad.

CONCLUSION

Some of the 10 Deadly Errors are physical mistakes and others are mental. Unfortunately, law enforcement trainers never can train officers for *every* situation they may encounter. But, by training them to remember these common dangers and to "think like a cop," trainers can better educate officers for any situation.

Supervisors should review the 10 Deadly Errors on a regular basis—maybe at roll call on the 10th of every month. Only by constantly discussing these errors and the ways to avoid them will officers react correctly when tested. At that split second when their lives are threatened, officers will not recall some obscure lesson taught the first week of the academy.

Rather, they will rely on the information their supervisors and senior officers impart to them on a regular basis. If officers study the 10 Deadly Errors, they will have a proper tactical response prepared. Perhaps, over time, they will relegate these errors to a chapter in the profession's past and make the need for the heart-wrenching words *officer down, code three* obsolete. ♦

Endnotes

¹ U.S. Department of Justice, Federal Bureau of Investigation, *Law Enforcement Officers Killed and Assaulted 2004*, at <http://www.fbi.gov>.

² For additional information on officer safety, see Anthony J. Pinizzotto, Edward

F. Davis, and Charles E. Miller III, U.S. Department of Justice, Federal Bureau of Investigation, *Killed in the Line of Duty* (Washington, DC, 1992); *In the Line of Fire* (Washington, DC, 1997); and *Violent Encounters* (Washington, DC, 2006).

³ As a reminder, officers should pick an anniversary date (wedding, child's birth, academy graduation) and purchase a new container at that time.

⁴ For additional information, see *supra* notes 1 and 2.

⁵ Oftentimes, subjects will complain that handcuffs are too tight. Officers should take great care when inspecting handcuffs. In some cases, offenders have used this as a ruse to get officers to move in closer. For additional information, see *supra* note 2.

⁶ The National P.O.L.I.C.E. Suicide Foundation, <http://www.psf.org>.

⁷ That is, within a 10-foot radius of the offender. For additional information, see Anthony J. Pinizzotto, Edward F. Davis,

and Charles E. Miller III, "Escape from the Killing Zone," *FBI Law Enforcement Bulletin*, March 2002, 1-7.

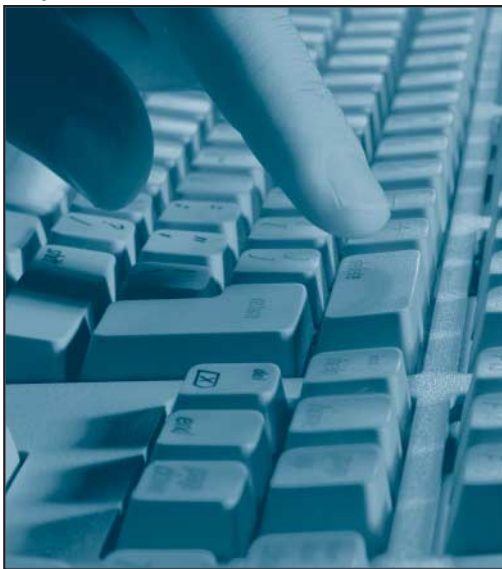
⁸ For additional information, see Shannon Bohrer, Edward F. Davis, and Thomas J. Garrity, Jr., "Establishing a Foot Pursuit Policy: Running into Danger," *FBI Law Enforcement Bulletin*, May 2000, 10-15.

⁹ For example, one such instrument, the Social Readjustment Rating Scale developed in 1967 by Thomas Holmes and Richard Rahe, assigns a numerical value to life events, such as marriage, divorce, obtaining a mortgage, death of a family member, and birth of a child. A total score indicates how susceptible an individual is to physical or mental health problems from stress.

¹⁰ For additional information, see Donald C. Sheehan and Vincent B. Van Hasselt, "Identifying Law Enforcement Stress Reactions Early," *FBI Law Enforcement Bulletin*, September 2003, 12-17.

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Chester Leroy Todd

At the beginning of 2004, law enforcement officers (LEOs) across the United States identified a pattern of homicides involving the deaths of prostitutes who worked in and around truck stops. These killings have taken place over a number of years and initially involved the states of Oklahoma, Texas, Arkansas, Mississippi, Pennsylvania, and Indiana.

Over the last 2 years, the FBI and local and state law enforcement agencies have met for joint case consultations, resulting in the identification of several truck driver suspects. Time lines have been compiled on 30 suspects with several more in progress. These time lines, which cover nearly the entire United States, are available to LEOs who have rape and homicide victims meeting the following description: prostitutes working from truck stops, hitchhikers, transients, stranded motorists, unidentified dead bodies, and any other victims at

risk where the suspect is likely to be a long-haul truck driver.

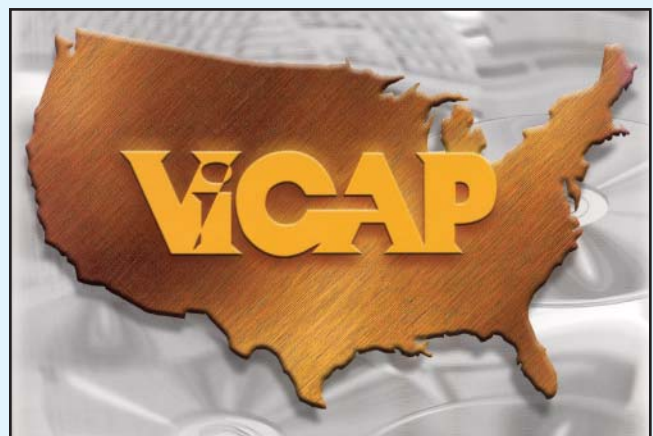
On March 16, 1996, truck driver Chester Leroy Todd offered victim Sherri Majors a ride home from a local pool hall in Denver, Colorado. Her body was discovered the next day in an alley adjacent to railroad tracks.

Trucker Chester Leroy Todd was identified as the offender but fled when he realized there was a warrant for his arrest. Todd abandoned his tractor trailer at a truck stop in Sioux City, Iowa.

Todd is a white male, DOB 07/07/1944, 5 feet 10 inches, 200 pounds, and is known to frequent casinos and play guitar. He may try to pass himself off as a musician in clubs.

Alert to Law Enforcement

Any agency with information on the whereabouts of fugitive Chester Leroy Todd may contact Denver, Colorado, Police Detective Dixie Grimes at 720-913-6102 or Investigator Joe Delmonico at 720-913-6817 or delmonicoj@ci.denver.co.us. Any agency with victim or suspect information for the Truck Driver Serial Killings ongoing investigation may contact Crime Analyst Jayne Stairs of the FBI's Violent Criminal Apprehension Program (ViCAP) Unit at 703-632-4168 or jstairs@leo.gov. ♦



Notable Speech

Law Enforcement Ethics Do Not Begin When You Pin on the Badge

By Norman Stephens

In every person's life, there are particular dates that can be mentally retrieved in a moment's notice. September 11, 2001, immediately comes to mind. December 7, 1941, is a day "that will live in infamy," and July 4, 1776, is the day the United States gained its independence. Dates of national importance are not the only ones we remember. The birth of a child, the death of a parent, the anniversary of our marriage are just as likely to spark our recollection. For those blessed to be police officers, the day they first recited the police code of ethics can compete with each of these dates.

Over the years, I have had the opportunity to lecture future law enforcement officers in the classrooms of colleges and universities—young men and women making the decision to serve even though they easily could have chosen a safer, more lucrative career path. I also have had the misfortune to counsel equally bright and ambitious young people who, due to poor decision making, will never be afforded the honor of pinning on the badge. Because of those uncomfortable moments, I realized that the characteristics associated with the police code of ethics does not begin the day a person becomes a police officer; it must become a part of the future officer's life as early as teenage years.

Few professions demand as much moral fiber as policing. Indiscretions, easily overlooked in other political arenas, bring shame and mistrust in the field of law enforcement. There is little more ethical expectation of religious leaders than of police officers. The International Association of Chiefs of Police published the Law Enforcement Code of Ethics as a reminder to all those in law enforcement of their commitment to the public they serve. Although the code is over 250 words in length, for the purpose of brevity, I focus on fewer than 65. "I will keep my

private life unsullied as an example to all...maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department."

Now, more than ever, police administrators are not willing to hire average applicants. No longer is simply being bigger, stronger, and tougher a prerequisite for employment. Chiefs, faced with greater public scrutiny and potential civil liability, search for more gifted employees. Seldom will a police administrator overlook deficiencies in an applicant when a potential candidate waiting in the wings may have less baggage. The initial financial outlay required to hire, educate, and outfit an officer has dramatically reduced an organization's desire to give a person a tryout. Instead, there is a renewed interest to hire the right person the first time.

Those who dream of a career in law enforcement often find themselves either apologizing, rationalizing, or, worse yet, misleading potential employers

*Deputy Chief Stephens
serves with the Broken
Arrow, Oklahoma,
Police Department.*



about their past indiscretions. Theodore Roosevelt once said, “No man can lead a public career really worth leading, no man can act with rugged independence in serious crises, nor strike at great abuses, nor afford to make powerful and unscrupulous foes, if he is himself vulnerable in his private character.” Inasmuch as all people will have to answer for themselves on judgment day, that day begins for those applying to become a police officer when they fill out the application for employment. Throughout this process, their past will be scrutinized by a number of people. If the background investigation is done correctly, there should be very little about the person that the future employer is not aware. It is difficult for people to hide their past. In *Character and Cops*, Edwin Delattre explains the need for police agencies to hire officers of the highest ethical character.

The mission of policing can safely be entrusted only to those who grasp what is morally important and who respect integrity. Without this kind of personal character in police, no set of codes or rules or laws can safeguard that mission from the ravages of police misconduct. No one need choose to be a police officer or to bear the public trust; but those who do so—no matter how naively and no matter how misguided their original expectations—must acquire the excellence of character necessary to live up to it.

Going away to college is traditionally the initial step toward adulthood for many young people. For the first time in their lives, the clear-cut boundaries established by their parents become blurred. Outside influences, extracurricular activities, and expendable income, coupled with the desire to experience college life, is a persuasive cocktail ready for consumption. No longer is an immediate adult influence poised to run interference on their secular destination. College life, this seemingly innocent rite of passage that breeds opportunity toward

immediate short-term gratification, has eventually proven the ruin of many able-bodied recruits. “If it feels good, do it.”; “Who is going to know?”; “It’s only marijuana.”; and “You’re an adult now.” These are only a few things college students say to encourage and condone each other’s actions. Regrettably, the seemingly innocent participation of recreational drugs in college will serve as a stumbling block in the student’s path toward a career in law enforcement.

Historically, as students approach their senior year, they begin to concentrate more on the future than the immediate. It is, generally, at this time that I will be approached and questioned about the penalty regarding past indiscretions.

As the standards for employment are explained, the feeling of disappointment is nearly palpable. Perhaps, for the first time, the young adults realize they are accountable for their past, and it is certainly going to affect their future.

The purpose of this speech is not intended to direct college students toward a puritan lifestyle. It is not an effort to diminish

the college experience or to impart my values on the listener. What it is intended to do is to serve as a wake-up call, a gentle reminder that for every decision you make, you are accountable. It is no one else’s fault. There is no other to shift the blame to. For those who desire a career in law enforcement, the past is not the past. It is not something to learn from and then move on. The excuse, “I was young and dumb,” holds no weight. You are an adult. You are liable. Your past will be revealed.

In closing, the founder of the Methodist Church, John Wesley, said it best, “Do all the good you can, by all the means you can, in all the ways you can, in all the places you can, at all the times you can, to all the people you can, as long as you can.” The day you are administered the law enforcement code of ethics should serve as a reminder, not as a challenge. ♦

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police administrators
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to hire average
applicants.**

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Bulletin Reports

Background Investigations

The Bureau of Justice Statistics (BJS) presents *Improving Criminal History Records for Background Checks, 2005*, which describes the achievements of the National Criminal History Improvement Program (NCHIP), its authorizing legislation, and program history. This report summarizes NCHIP-funded criminal record improvement efforts, including enhanced accessibility of records; full participation in the Interstate Identification Index (III); the automation of records and fingerprint data; and improvements in the National Instant Criminal Background Check, National Sex Offender Registry, and domestic violence and protection order systems. The publication provides examples of projects aimed at enhancing the involvement of the courts and system integration in improving disposition reporting. The report also discusses BJS efforts to enhance performance measurement, including the development and use of a records quality index. Highlights include the following: at the end of 2003, states held approximately 71 million criminal records on individuals; as of December 2005, 48 states belonged to III, meeting the FBI's standards for participation; and the National Instant Criminal Background Check System (NICS) supports nearly 8 million checks annually at the presale stage of firearms purchases. This report is available online at <http://www.ojp.usdoj.gov/bjs/abstract/ichrbc05.htm> or by contacting the National Criminal Justice Reference Service at 800-851-3420.

Analysis and Research

Much of crime mapping is devoted to detecting high-crime density areas known as hot spots. Hot-spot analysis helps police identify high-crime areas, types of crime being committed, and the best way to respond. *Mapping Crime: Understanding Hot Spots* by the National Institute of Justice discusses hot-spot analysis techniques and software and identifies when to use them. This report is available online at <http://www.ojp.usdoj.gov/nij/pubs-sum/209393.htm> or by calling the National Criminal Justice Reference Service at 800-851-3420.

Bulletin Reports is an edited collection of criminal justice studies, reports, and project findings. Send your material for consideration to: *FBI Law Enforcement Bulletin*, Room 201, Madison Building, FBI Academy, Quantico, VA 22135. (NOTE: The material in this section is intended to be strictly an information source and should not be considered an endorsement by the FBI for any product or service.)

Corrections

The Bureau of Justice Statistics (BJS) has compiled *Sexual Violence Reported by Correctional Authorities, 2005*, which includes data from the *Survey on Sexual Violence, 2005*, a collection of incidents of inmate-on-inmate and staff-on-inmate sexual violence reported to correctional authorities. The report provides counts of sexual violence, by type, for adult prisons, jails, and other adult correctional facilities. The publication also features an in-depth analysis of substantiated incidents, including where and when they occurred, number and characteristics of victims and perpetrators, nature of the injuries, impact on the victims, and sanctions imposed on the offenders. The appendix tables include counts of sexual violence, by type, for all state systems, the Federal Bureau of Prisons, and all sampled jail jurisdictions. The report also includes an update on BJS activities related to implementation of the data collections required under the Prison Rape Elimination Act of 2003 (Public Law 108-79). Highlights include the following: correctional authorities substantiated 885 incidents of sexual violence in 2005, 15 percent of completed investigations; 38 percent of allegations involved

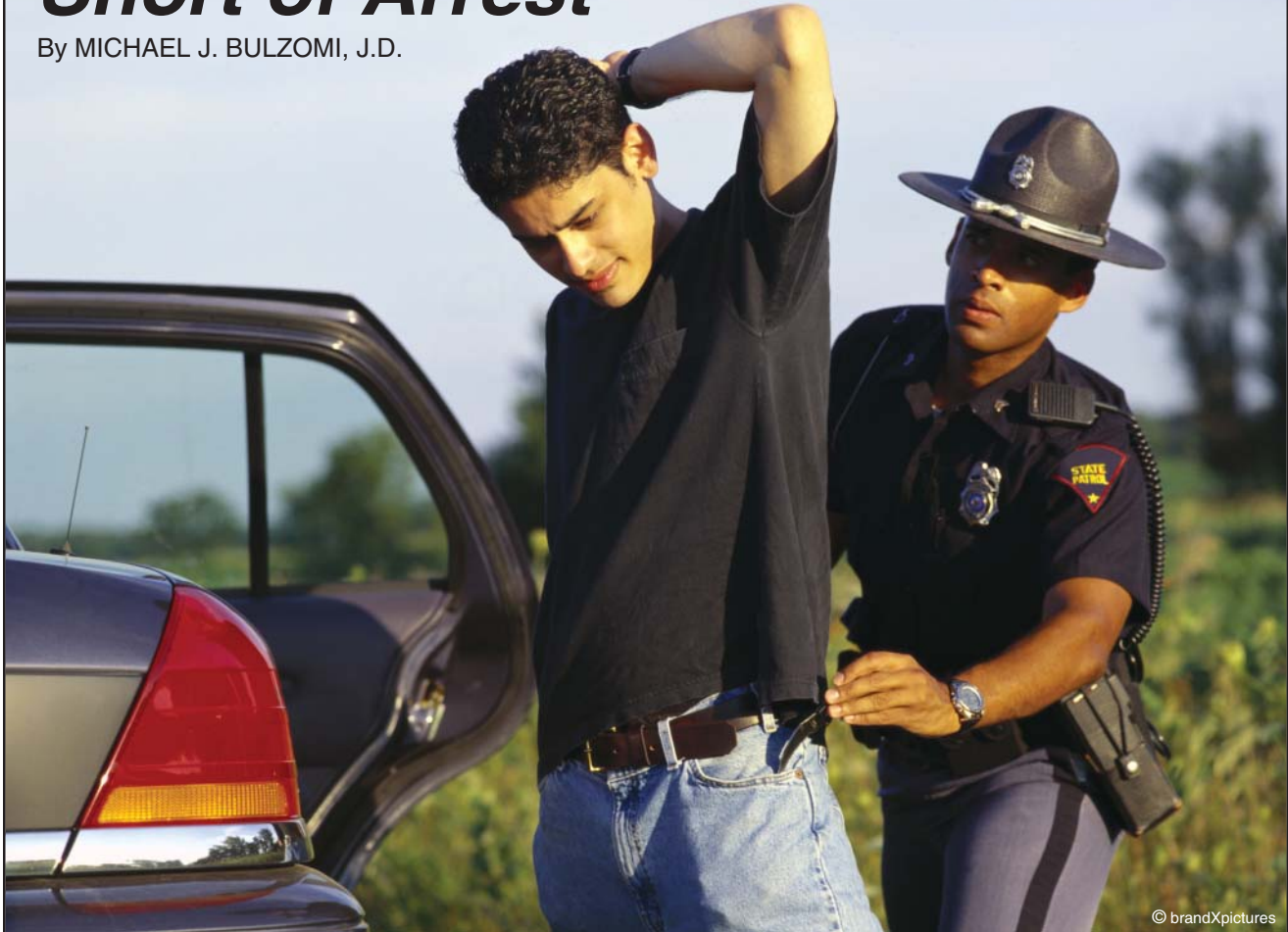
staff sexual misconduct, 35 percent included inmate-on-inmate nonconsensual sexual acts, 17 percent entailed staff sexual harassment, and 10 percent involved inmate-on-inmate abusive sexual contact; and half of inmate-on-inmate sexual violence involved physical force or threat of force. This publication is available online at <http://www.ojp.usdoj.gov/bjs/abstract/svrca05.htm> or by contacting the National Criminal Justice Reference Service at 800-851-3420.

Communication

AMBER: Alert Best Practices Guide for Public Information Officers by the Office of Juvenile Justice and Delinquency Prevention describes the public information officer's (PIO) job responsibilities and provides tips to maximize the PIO's effectiveness before, during, and after an AMBER Alert activation. This guide offers recommendations for helping law enforcement agencies achieve a smooth, rapid public-warning activation program. This guide is available online at <http://ncjrs.gov/pdffiles1/ojjdp/212703.pdf> or by calling the National Criminal Justice Reference Service at 800-851-3420.

Police Intervention Short of Arrest

By MICHAEL J. BULZOMI, J.D.



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Today, more than ever before, citizens' safety depends on the effectiveness of police to detect criminal activity at its earliest possible stage of development and to disrupt it and prevent or minimize its harmful consequences. Critical to this effectiveness is the need for police to interact with individuals well before law enforcement

possesses adequate preliminary information to involve the judicial system with the acquisition of warrants based on probable cause. Law enforcement response, of course, must be consistent with the Fourth Amendment to the U.S. Constitution that states, "[t]he right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches

and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause...."¹

In the case of government action amounting to an arrest, law enforcement must have probable cause that a crime was or is about to be committed and that the individual to be arrested has engaged in the criminal activity. The probable cause requirement of the Fourth

Amendment is an essential safeguard against arbitrary government action. However, the U.S. Supreme Court has recognized the need for some type of police intervention short of an arrest.

Encounters between law enforcement officers and the general public typically fall within three categories. The most intrusive is an arrest that requires probable cause. The least intrusive encounter is the voluntary or consensual one. This encounter is limited by the scope of the consent given to the police. In between is another type of action of seizure, the investigative detention, that involves some level of government interference with the freedom of movement of individuals encountered. This article explores the legal issues associated with strategies designed to foster appropriate contact during police-citizen encounters consistent with rights secured under the Constitution and the societal interests in detecting and preventing crime at the earliest possible stage.

Investigative Detention

In the seminal case of *Terry v. Ohio*,² the U.S. Supreme Court ruled that a police officer may detain or seize a person on the street to investigate possible criminal activity based not upon probable cause but, rather, reasonable suspicion that criminal activity is “afoot.”³ The

Court went further and allowed a search of the detainee in the form of a limited search for weapons, typically referred to as a frisk or patdown if the detaining officer has reasonable suspicion that the person is armed and, therefore, dangerous.⁴ The Court’s ruling recognized law enforcement’s need for an intermediate response, short of arrest, to suspicious circumstances. This response furthers the government’s goals of crime detection and prevention in addition to officer safety. While this has been a well-settled legal principle and valuable tool to law enforcement for nearly 40 years, its value to law enforcement, and society in general, has quite possibly never been as critical as it is today in light of the importance of early intervention into criminal activities.

For a law enforcement officer to properly effect what is commonly referred to as a *Terry*

stop, the officer must have specific and articulable facts supporting reasonable suspicion. This fundamental requirement of reasonable suspicion can be based on the totality of circumstances to include the officer’s knowledge, experience, and observations; the conduct or demeanor of the individual detained; the reputation of the area or the individual detained; and information from others. These factors are what enable an officer to articulate reasonable suspicion that criminal activity is afoot sufficient to warrant police intervention. As the investigative detention is necessarily fact sensitive, it is instructive to review the facts underlying the Supreme Court’s decision in *Terry*.

Officer McFadden, a police veteran of 39 years, observed two unknown males while he was walking his beat in downtown Cleveland. He

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...the U.S. Supreme Court has recognized the need for some type of police intervention short of an arrest.

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

observed the men talking and, then, splitting apart. One, then the other, would peer into a particular store front and then meet and talk again. Officer McFadden also observed that they appeared to be dressed out of season, wearing baggy and thick clothing. This behavior continued a dozen times in the course of about 10 minutes. A third man joined the two in conversation and then disappeared. Upon the reappearance of the third man, Officer McFadden approached the unseasonably dressed men and asked them some questions. The men would not make eye contact and gave mumbled responses to Officer McFadden's questions. Fearing that the three were armed and preparing to rob the store, Officer McFadden detained the men and conducted a limited search of them for weapons. He discovered two handguns.

Initially, the government argued that Officer McFadden's actions were reasonable under the Fourth Amendment because he had probable cause to believe the individuals were about to engage in criminal activity. The Supreme Court ultimately held that the government need not stretch the facts that far because the Fourth Amendment concept of reasonableness would allow for the type of intermediate response to the individuals' conduct that Officer McFadden pursued. The Court ruled that

Officer McFadden's suspicion of the men was reasonable under the Fourth Amendment and sufficient to justify the stop and the frisk that yielded the concealed weapons.

The Court was mindful of the fact that a stop and frisk encounter presents more than a petty indignity.⁵ The Court described a stop and frisk as "a serious intrusion upon the sanctity of the person, which is not to be undertaken lightly."⁶ The Court further stated that a stop

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The probable cause requirement of the Fourth Amendment is an essential safeguard against arbitrary government action.

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constitutes a Fourth Amendment seizure and that the frisk is a search under the Fourth Amendment. In allowing police to detain and handle people who are engaged in neither visibly illegal activity nor conduct sufficient to warrant an arrest, the Court said that *Terry* creates a limited exception to the requirement of probable cause "if there is an articulable suspicion that

a person has committed or is about to commit a crime."⁷

A *Terry* stop occurs when police officers briefly detain people by means of physical force or a show of authority so that reasonable individuals would believe that they are not free to leave or terminate contact with the police.⁸ Limits may be crossed that cause the encounter to become more than a mere investigative detention, ending up as the functional equivalent of an arrest.

Arrest or the Functional Equivalent

In *Kaupp v. Texas*,⁹ the defendant, a 17-year-old male, was implicated in a murder by the victim's brother. Upon gathering this information, police officers went to Kaupp's home with the intent to confront him with the allegations of the victim's brother. Upon arriving at the residence at 3 a.m., Kaupp's father let the three officers, dressed in civilian clothes, into the home to talk with his son. The officers entered Kaupp's bedroom and shined a flashlight in his face, stating "we need to go and talk," to which Kaupp replied "okay."¹⁰ The officers placed handcuffs on him and led him away barefoot and wearing only boxer shorts and a T-shirt to a police cruiser waiting outside. The officers then took Kaupp to the location where the victim's body had

been discovered and remained there for 5 to 10 minutes before transporting him to the sheriff's office. Officers placed Kaupp in an interview room, removed his handcuffs, and read him his *Miranda* rights. Kaupp waived his rights and eventually incriminated himself in the murder. He was later convicted of murder after unsuccessfully arguing that his confession should be suppressed because it was obtained as a result of an unlawful arrest.¹¹ Kaupp appealed his conviction.

The Texas courts affirmed his conviction. The Texas Appeals Court concluded that Kaupp had not been arrested until after he confessed to the murder. Furthermore, Kaupp consented to go with the officers when he answered "okay" and that his being handcuffed was an acceptable routine practice of the sheriff's department in such cases out of concern for safety. The appeals court viewed Kaupp's cooperation—for example, the fact that he did not resist to the placing of handcuffs on him—as further indication of his consent to this encounter.

The Supreme Court agreed to hear the case and disagreed with the reasoning of the Texas courts. The Court held that the officers engaged in a seizure of Kaupp given that an objectively reasonable person would view this encounter as government

acquisition of physical control and it was reasonable for him to believe that he was not free to go about his business.¹² The question then becomes whether the government was reasonable given the degree to which the government interfered with his freedom.

The Court reiterated that certain seizures can be justified by something less than probable cause. However, in this case, the facts indicate that Kaupp being removed involuntarily from his residence in handcuffs and transported to the sheriff's department goes beyond what would be within the scope of an investigative detention. Accordingly, more than simply suspicion of his involvement in the criminal activity is required to render this government action reasonable. Kaupp was

confronted by three officers in the middle of the night who were telling him that they needed to go and talk. The Court concluded that it would be reasonable for him to deduce that he had no option but to go with the officers and that his response was merely a submission to a claim of government authority. Kaupp's removal from his home in handcuffs and subsequent trip to the crime scene and the police station without probable cause illustrate how what begins as a consensual encounter can turn into the functional equivalent of an arrest. The Court concluded that reasonable persons in Kaupp's situation would feel that they had no choice but to accompany the police and that they were not free to change their mind and return home and go back



to bed. A confession derived from this unlawful government conduct, therefore, should not be used against the defendant unless the government can establish that the confession was “an act of free will [sufficient] to purge the primary taint of the unlawful invasion.”¹³

The Court provided some examples of circumstances that might turn an encounter into a seizure and quite possibly a full-blown arrest. These would include the threatening presence of several officers, the physical touching of the person, and the use of language or tone of voice indicating that compliance was not optional.¹⁴

“Stop and Identify” Statutes

While the ability of law enforcement to stop an individual based on suspicious conduct has been well settled since *Terry v. Ohio*, what course of investigative activity officers may pursue has not been clearly defined, and, often, officers are left with few options but to let people continue on their way despite the officers’ concerns. However, in *Hiibel v. Sixth Judicial District Court Nevada, Humboldt County*,¹⁵ the Supreme Court recognized the authority of law enforcement to arrest individuals who have been lawfully detained as part of a *Terry* stop for failure to identify themselves in violation of state law. The Court

held that the authority to arrest these individuals as provided for by state law did not violate the Fourth Amendment nor the Fifth Amendment privilege against self-incrimination.

In *Hiibel*, police received a report of an assault in a truck involving a man and a woman. Found parked along the side of a gravel road, the truck was occupied by a woman who had locked out the male driver. The officer requested that the man

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(Hiibel) produce some identification. Hiibel refused and asked why the officer wanted to see it. The officer repeated his request for identification nearly a dozen times while the driver taunted the officer and continued to refuse to cooperate. The officer then proceeded to arrest Hiibel under Nevada law for obstructing the officer in carrying out

his duties in the context of an investigative stop. The Nevada state statute includes a provision criminalizing the failure to identify oneself during a lawful investigative detention.¹⁶ Hiibel was eventually convicted. He appealed his conviction, claiming that the Nevada “stop and identify” statute violates the Fourth and Fifth Amendments to the Constitution. His appeal was rejected in the Nevada courts, and, ultimately, the issue went before the Supreme Court.¹⁷

The Court upheld the constitutionality of the government’s decision to criminalize the failure of individuals lawfully detained to identify themselves to law enforcement. The Court reasoned that asking questions as part of the investigative detention is an essential aspect of the investigation. Officers should be free to ask individuals to identify themselves without violating the Fourth Amendment. An investigative detention permits the stopping of people for a relatively brief period of time, as well as the asking of questions and the taking of additional investigative steps. Discerning a suspect’s identity assists officers in knowing if the person is wanted, unstable, or has a history of violence. The state’s decision to allow for an arrest of individuals lawfully detained for failure

to identify themselves recognizes a balancing of interests, balancing the government's objectives of securing the safety of the officer and allowing for the investigation to develop against the restriction on freedom the arrest carries.¹⁸ The state's decision that this balancing weighs in favor of the government's interests does not violate the Fourth Amendment according to the Supreme Court.¹⁹ The Court opined that the stop, the request, and the requirement of a response do not circumvent the guarantees of the Fourth Amendment. Law enforcement's ability to detain an individual while asking questions and seeking identification on less than probable cause is reasonable under the Fourth Amendment as it promotes legitimate government interests of preventing and solving crime and protecting law enforcement.

With respect to the Fifth Amendment, the Supreme Court reiterated that it prohibits only compelled testimony that is incriminating. Generally, the disclosure of one's name presents no reasonable danger of incrimination. In *Hiibel*, the refusal of the defendant to identify himself was simply because he thought it was none of the officer's business.

Hiibel illustrates the critical importance of the adoption



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of a "stop and identify" statute if law enforcement officers are faced with a situation in which leverage is needed to secure someone's identity. Without such a governmental position, simply refusing to identify oneself would not amount to criminal conduct. Furthermore, an individual's refusal to answer or give a name does not give rise in and of itself to a reasonable suspicion that criminal activity is afoot.²⁰

Consensual Encounters

Another effective tool for law enforcement is to engage in consensual or voluntary encounters with the public because such encounters do not require any articulable basis supporting the interaction. The ability of law enforcement to ask individuals for cooperation and seek consent to engage in

what would amount to a search is well settled and not intended to be within the scope of this article. However, the Supreme Court's analysis in *United States v. Drayton*²¹ illustrates how the authority to simply engage individuals in discussion can be effective at ferreting out criminal activity at its earliest stages. In *Drayton*, plainclothes police officers as part of a routine drug and weapons interdiction program boarded a bus and began talking with the passengers. To facilitate passenger movement in and out of the bus, the officer engaged in a conversation with a passenger would stand next to or behind the person he was speaking to. As the officer approached two men who appeared to be traveling together, he displayed his badge and identified himself as a police officer. He then asked

the men if they had any luggage on the bus. One of the men responded by pointing to a bag in an overhead bin. The officer requested and received consent to search the bag. No contraband was located. The officer then asked one of the men if he would consent to a search of his person, which he allowed. The officer found cocaine on his person. His companion also was asked if he would consent to a search, which he agreed to, and the officer found cocaine on him as well. Both men were arrested and later moved to have the cocaine suppressed, arguing that it was seized in violation of their Fourth Amendment rights given that when they were approached on the bus, they were not “free to leave” and, thus, unreasonably seized. The defendants also argued that at a minimum, the officers should have told them they did not have to consent given the restrictions placed on their freedom of movement.

The Federal Appeals Court for the Eleventh Circuit agreed with the two men, noting that because they were essentially “trapped” on the bus, they should have been given some notice that they had a right to refuse. The Supreme Court disagreed, holding that the government did nothing to deprive the individuals of their freedom of movement, rather, the encounter occurred on a mode of transportation that the individuals chose

themselves—the government did nothing more than take advantage of a situation.²² The actions of the officers in this case did not amount to a seizure, and the subsequent requests for consent to search were lawful.

Conclusion

Effective policing today requires the use of strategies to intervene in criminal activity before it is successfully undertaken, and law enforcement’s only response is an effective post-incident investigation. Of course, the effectiveness of

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law enforcement’s efforts also will be measured by how this is accomplished within the framework of the Constitution and the protection afforded civil liberties. ♦

Endnotes

¹ U.S. Const, Amend IV.

² 392 U.S. 1 (1968).

³ *Id.* at 16.

⁴ *Id.* at 27.

⁵ *Id.* at 16.

⁶ *Id.* at 16-17.

⁷ *Id.* at 24.

⁸ *California v. Hodari D.*, 499 U.S. 621, 627-628 (1991).

⁹ 123 S. Ct. 1843 (2003).

¹⁰ *Id.* at 1845.

¹¹ *Kaupp v. State*, 2001 WL 619119 (not designated for publication).

¹² *Kaupp* at 1846.

¹³ *Id.* at 1847, quoting *Wong Sun v. United States*, 371 U.S. 471, 486 (1963).

¹⁴ See *Florida v. Royer*, 460 U.S. 491, 498 (1983), citing *United States v. Mendenhall*, 446 U.S. 544 (1980); *Brown v. Texas*, 443 U.S. 47 (1979). See also *U.S. v. Adeyeye*, 359 F.3d 457 (7th Cir. 2004); *U.S. v. Spence*, 397 F.3d 1280 (10th Cir. 2005); *U.S. v. Washington*, 387 F.3d 1060 (9th Cir. 2004); *U.S. v. Saari*, 272 F.3d 804 (6th Cir. 2001); *U.S. v. Brumfield*, 910 F.Supp. 1528 (D.Colo. 1996) (bus interdiction program where officers boarded bus at stop where all passengers were to exit and ordered to exit with bags in their right hand near drug detection dog was deemed a seizure due to the manner in which the officers controlled the movements of the exiting passengers).

¹⁵ 124 S. Ct. 2451 (2004).

¹⁶ NRS § 171.123 (2003), defining the rights and duties of a police officer during an investigative detention.

¹⁷ 59 P.3d 1201 (2002).

¹⁸ *Hiibel* at 2458.

¹⁹ *Id.*

²⁰ *Florida v. Royer*, 460 U.S. 491 (1983), citing *United States v. Mendenhall*, 446 U.S. 544 (1960); *Brown v. Texas*, 443 U.S. 47 (1979).

²¹ 122 S. Ct. 2105 (2002).

²² *Id.* at 2113.

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

The Bulletin Notes

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



Officer Knight



Officer Dull

Officers Greg Knight and Aaron Dull of the Morgantown, West Virginia, Police Department responded to a fire at a student housing complex at a local university. Upon arrival, the officers noticed that the structure was heavily engulfed in flames. Several frantic students advised the officers that at least four students remained trapped inside. Disregarding their own safety, Officers Knight and Dull entered the burning residence and rescued three of the victims. They then reentered, made their way through the dense smoke and intense heat, went upstairs, and forced entry into a locked bedroom

where a male student remained asleep, unaware of the fire. Quickly, the officers removed him as the room was beginning to ignite. The selfless actions of Officers Knight and Dull prevented any loss of life.



Officer Crotts

Officer J.A. Crotts of the Roanoke, Virginia, Police Department responded, along with other officers, to a bridge where an individual threatened to jump. Upon arrival, the officers found the subject seated on the railing with his feet hanging over the edge. While the backup officers engaged the man in conversation, Officer Crotts approached him, undetected, and drew close as the individual stood to jump. Officer Crotts ran to the subject, grabbed him by the upper body, and pulled him to safety—no one was hurt. The bravery and quick actions of Officer Crotts saved this individual's life and protected the motorists traveling on the interstate below the bridge.

Nominations for the **Bulletin Notes** should be based on either the rescue of one or more citizens or arrest(s) made at unusual risk to an officer's safety. Submissions should include a short write-up (maximum of 250 words), a separate photograph of each nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions should be sent to the Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Madison Building, Room 201, Quantico, VA 22135.

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