



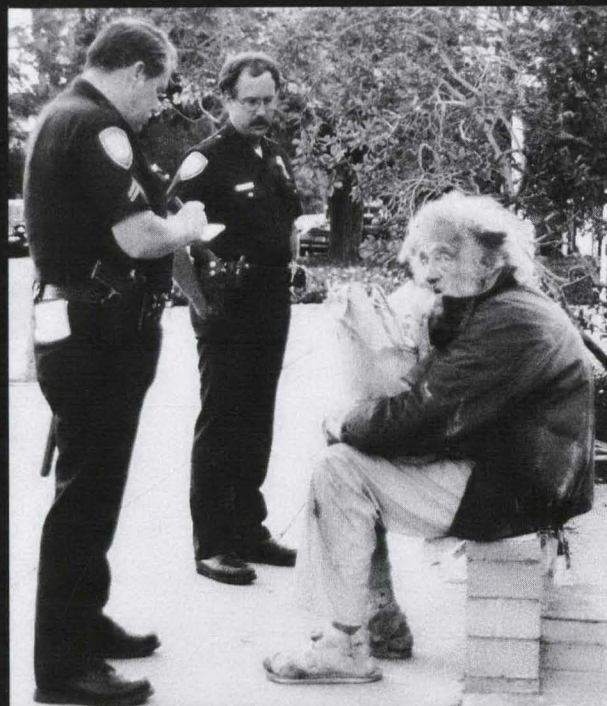
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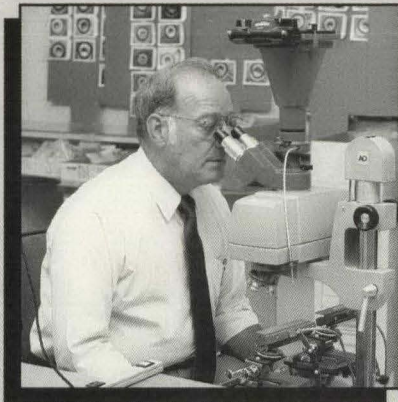


*Police
and
the
Homeless*

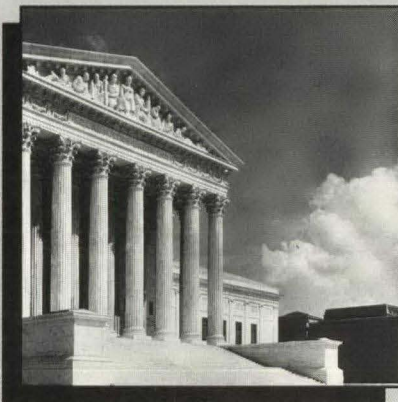




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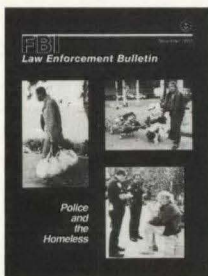


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The Cover: As the number of homeless in this country continues to grow, public policy must address the problems they present to law enforcement. Cover photos courtesy of Victor Alferos, Santa Monica, California, Police Department.

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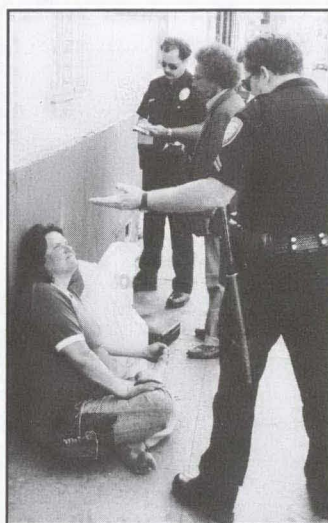
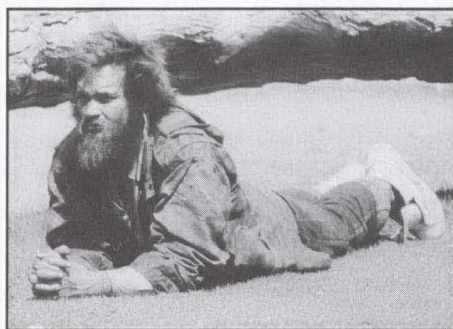
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Police and the Homeless

By
BARNEY MELEKIAN



All across the country, from small towns to big cities, communities face both practical and ethical problems associated with the increasing number of homeless people. Police departments, especially, have found dealing with the homeless to be a significant law enforcement challenge. These departments are learning that an effective approach to policing the homeless is not easily formulated, nor is there a single solution. One fact does remain, however—police

departments must address the problems and focus their efforts toward a solution.

TWO PHILOSOPHIES EMERGE

Much has been written on the causes of homelessness, and the debate continues, both in Santa Monica and across the Nation, as to the appropriate social policy to adopt. Citizens and law enforcement officers are caught between legal and ethical means of con-

fronting this sensitive issue. Nevertheless, as is usually the case, the responsibility of dealing with the homeless on a day-to-day level ultimately falls on the police department.

The City of Santa Monica has become a prime area for a growing homeless population. Located within Los Angeles County, the city has attracted homeless by its location and the several homeless outreach programs begun there. The impact of the recent homeless influx

to Santa Monica strained the existing resources of the department and focused public debate onto what the role of the police department should be concerning the homeless. Two distinct political philosophies emerged from this debate, and the police department found itself caught in the middle, looking for a workable solution.

Social Problem

One philosophy holds that the issue of the homeless is a social problem that could not and should not be pushed onto other jurisdictions. This point of view came from the city attorney's office. In an interview given on May 3, 1990, the city attorney articulated a position that the homeless issue stems from a failure of the national and State governments to deal with the issues of affordable housing and to provide a workable public mental health policy.

The city attorney's office views the homeless issue as a fun-

damentally moral one because of the larger-scale national failures that caused the problem. It also holds that local government, including the police department, must provide a solution, albeit temporary and incomplete, until effective long-range national and State public policies are put into effect.

As an extension of these beliefs, several changes in prosecutorial policies were instituted. These changes reflected no prosecutions for public intoxication and no prosecutions for "economic" offenses, such as sleeping in public parks, possession of shopping carts, and other misdemeanors and infractions which are, for the homeless, oftentimes necessary to their survival. The city attorney's office also believed alcoholism to be a disease and that jail was not a suitable alternative to a detoxification center. There is a further belief that many of the applicable infractions spelled out in the Santa Monica Municipal Code

are economically based and should not be used against a class of persons who have few, if any, financial options.

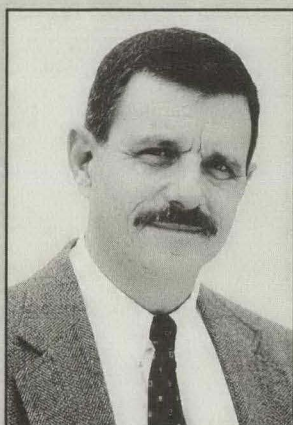
Menace

The alternative philosophy holds that while the problems of the homeless are unfortunate, a city of 8.2 square miles cannot and should not attempt to deal with an issue of this magnitude. This point of view was espoused by both business groups and individual citizens who find themselves confronted by persons who are often intoxicated and/or mentally unstable. This group views the role of local government, and in particular the police department and the city attorney's office, as one of pressure and enforcement—even to the point of moving the problem across geographical lines into the City of Los Angeles.

PROBLEMS ASSOCIATED WITH THE HOMELESS

Predictably, the police department found itself squarely in the middle between these two opposing points of view. The demand for compassion often conflicted with the demand for enforcement. Additionally, because of the political sensitivity involved, there was little specific direction from the city government.

Three distinct problem areas emerged for the police department from this philosophical debate: 1) The conflict over the use of public facilities, 2) public demands for enforcement action against activities that are often only marginally criminal, and 3) the need to provide



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”

*Lieutenant Melekian serves with the Santa
Monica, California, Police Department.*

police service to an economically disenfranchised class of people. All three of these problem areas needed to be addressed against a backdrop of preserving constitutional liberties for all citizens.

Use of Public Facilities

The first problem area, that of the conflict over use of public facilities, is nowhere more clearly illustrated than in Palisades Park. The park is a narrow strip of land, 1½ miles long, located along the bluffs that overlook the Pacific Coast Highway and the Pacific Ocean. At the extreme south end of the park is the entrance to Santa Monica Pier. The pier, and the park area adjacent to it, is a major tourist attraction. In addition, a senior citizens center located there serves as a major recreational area for Santa Monica's senior community.

The park is also one of the major gathering places for the city's homeless population. For nearly 5 years, it was the site of the city's feeding programs. Additionally, it is in close proximity to several low-cost bars, liquor stores, and motels. During daylight hours, it is not uncommon to see literally dozens of homeless people sleeping on the ground adjacent to senior citizens attempting to use the outdoor shuffleboard court. The combination of senior citizens, tourists, and homeless people produced demands that something be done about getting rid of the homeless problem.

A traditional law enforcement response in times past would have been simply to advise the homeless

people to leave the area. Indeed, the concept of law enforcement officers moving "undesirables" along is not new. However, from both a moral and a legal standpoint, it is no longer an acceptable or practical method. Officers might be able to move the

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remainder of this
century.***
”

transients out of the park temporarily, but the fact that the city's feeding programs were operated there specifically for the homeless guaranteed that they would return. Additionally, when homeless people believed that they were the victims of police harassment, they often brought their complaints to the attention of the police department's Internal Affairs Unit.

Frustrated officers found that arrests and citations for drinking in the park, sleeping after midnight in the park, and panhandling were not being consistently prosecuted. The response was predictable. Officers began to issue warnings or simply ignore the situation when possible. Thus, in spite of great public pressure, the homeless remained in the park and the problem remained unsolved.

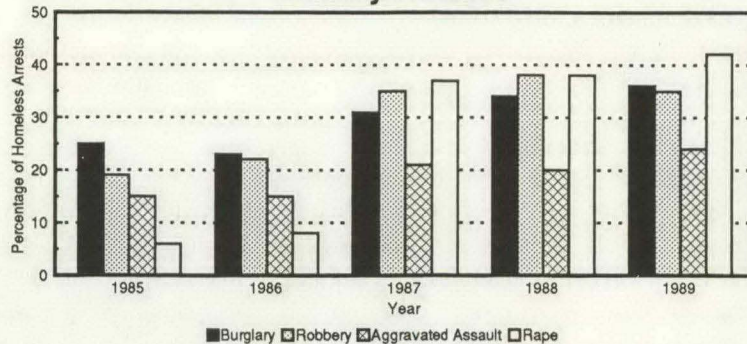
Panhandling

The second problem area, the demand for enforcement action for marginal criminal activities, is best illustrated by the problem of panhandling. There is a local law that makes it a misdemeanor to solicit money.¹ This law, together with a similarly worded municipal code ordinance, has been used to deal with those homeless people who ask for "spare change." This activity is the one in which citizens experience their most direct contact with the homeless. It can be a frightening encounter and the one for which they are most likely to call the police for assistance. Accordingly, the traditional police response has been to issue citations or make arrests.

However, in 1984 the city attorney's office changed prosecutorial standards for panhandling to include force or assaultive behavior. This new definition of panhandling is close to that of robbery, as defined in penal code section 211, "...the taking of the personal property of another by means of force or fear."² Also, homeless people who were arrested under the new panhandling statute often would file harassment complaints against officers.

In the panhandling problem area, there was obvious miscommunication that was preventing an effective resolution. The city council or the city manager's office did not direct the police department to cease making panhandling arrests. Neither did they advise that panhandling be redefined, nor did they alter prosecutorial policies. A situation

TABLE 1
Felony Arrests



developed in which the two enforcement arms of local government (the city prosecutor and the police department) were working at cross-purposes and little change was being made to bolster public confidence that the homeless problem was being resolved.

The panhandling and public facilities issues are serious concerns that reshaped the police department's understanding of how the public perceived safety. What the homeless problem produced was the presence of a large number of individuals whose lifestyle is completely outside of the average working citizen's frame of reference. Consequently, contacts with these individuals often became cause for public anxiety. However idealistic, the public expected the police department to make the homeless people disappear. While carrying out this wish might have provided a short-term solution, the mandate to preserve constitutional liberties remained paramount.

Demands for Public Service

The third problem area was the increased demand for police service created by the homeless population. These demands take two forms. The first, increased calls for service, includes calls both from the homeless themselves concerning assault, rape, robbery, and homicide, as well as calls about the homeless by an increasingly apprehensive and fearful public. The second factor is the involvement of homeless people in serious felony crimes.

In January 1990, the department began a program to track the

Year	Total Felony Arrests	Homeless Arrests	Homeless Percentage
Burglary			
1985	394	98	25%
1986	389	89	23%
1987	307	94	31%
1988	336	113	34%
1989	420	153	36%
1/90-5/90	123	65	53%
Robbery			
1985	207	39	19%
1986	219	49	22%
1987	198	70	35%
1988	259	98	38%
1989	236	83	35%
1/90-5/90	94	46	49%
Aggravated Assault			
1985	204	31	15%
1986	284	44	15%
1987	251	52	21%
1988	315	63	20%
1989	289	69	24%
1/90-5/90	98	36	37%
Rape			
1985	33	2	6%
1986	38	3	8%
1987	38	14	37%
1988	37	14	38%
1989	26	11	42%
1/90-5/90	13	6	46%

homeless-related calls for service. Officers were directed to highlight every call on their daily service logs that involved homeless persons as either victims, suspects, or other significantly involved parties.

During the first 5 months of 1990, the following calls-for-service patterns emerged:

	Total Calls	Homeless Calls	% of Calls
Day Watch	19,295	6,071	31.5%
Night Watch	14,008	3,569	25.5%
Morning Watch	10,570	2,141	20.3%
Total	43,873	11,781	26.9%

In addition, 3,483 persons were booked into Santa Monica Jail during the same period. Of these, 1,234 were homeless, for a total of 35.4% of all bookings. Thus, with over one-third of police patrol services being generated by and for less than 2% of the resident population, the impact of the homeless on the police department's functions has been striking.

The second impact area is that of serious felony crimes produced by the homeless population. Table 1 illustrates the number of homeless suspects arrested for serious felonies. The increase from 1985 to May 1990, shows dramatic growth, both in the percentage of homeless suspects arrested and the involvement of the homeless as a large part of the overall increase.

During the same timeframe, the number of transient suspects arrested increased from 39 to 98, for

a 151% increase in transient involvement. Reference to Table 1 will also bear out this pattern in the areas of burglary, rape, and aggravated assault.

Table 2 deals solely with the change in homicide patterns over the same 4-year period. Nowhere is the crime impact of the homeless population more clearly demonstrated than in homicides. For example, in 1988 there were 10 homicides that included 7 homeless victims and 8 possible homeless suspects.

STEPS TOWARD A SOLUTION

During the last year, changes have been made in Santa Monica to employ cooperative methods in

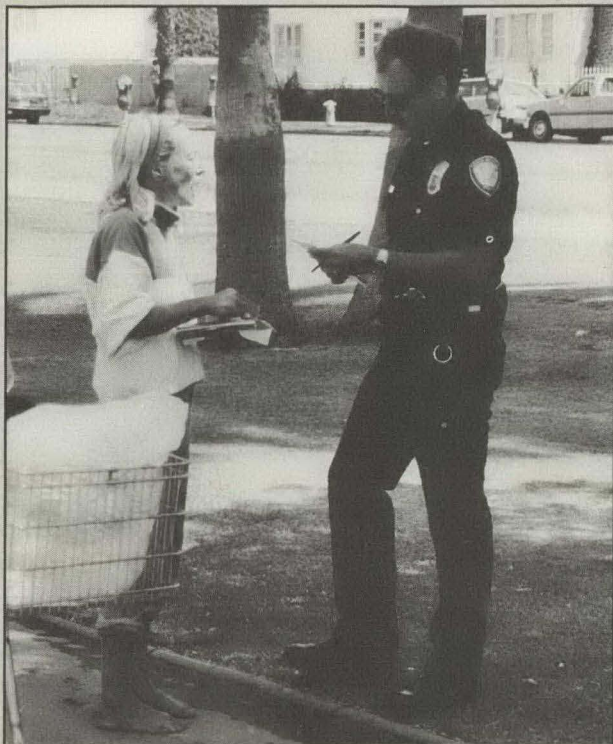
order to face the homeless problem head-on. One measure has been the city's decision to move the feeding program from Palisades Park to the front lawn of city hall. While this has not reduced the number of homeless in the park, it has reduced many gatherings of homeless people at meal times. This has had a positive impact on public perception, because citizens have seen a visible change in the community. Other programs are being implemented to get the city involved in providing solutions to a situation that cannot be ignored. The police department has also taken on an increased role in dealing with the homeless through HELP—Homeless Enforcement Liaison Program.

**TABLE 2
Homicides**



Year	Total Homicides	Homeless Suspects	Homeless Victims
1985	9	0	0
1986	12	4	4
1987	11	1	1
1988	10	8	7

Policing Panhandlers Across the Nation



Chicago: "As the number of people begging in public places grows, Chicago and other cities are going to view today's aggressive type of panhandler as dangerous and economically detrimental, not as sympathetic souls who tug at the heart."

—*Chicago Tribune*, May 13, 1990

New York: "For New York transit authorities, that need (panhandlers' need for money) interfered with the well-being of commuters. So police last month began evicting panhandlers from bus and train terminals."

—*USA Today*, June 1990

San Francisco, Seattle, Boston, San Diego and Atlanta: "These cities are also worried about the effect of panhandlers on their business districts and are considering steps to ease the problem, including flat-out bans on all begging downtown."

—*Chicago Tribune*, May 13, 1990

HELP Program

The Santa Monica Police Department developed HELP to focus attention on the law enforcement problems involving the homeless population. A team of two officers, assigned to work solely on transient-related crimes, were chosen for their past experiences with the homeless and their ability to handle transient situations effectively.

In May 1990, the first month of operation, the HELP team alone received 249 calls for service, 231 of which were homeless-related. These figures reflect one of the program's goals—to reduce the

homeless workload on the rest of the department. Of those calls for service, the HELP team made 84 arrests, gave out 73 misdemeanor citations, and filed 97 field interview cards after talking to suspects. This specially mandated team is beginning to have an impact on the homeless problem area and to effect changes that the community can see, while at the same time preserving constitutional liberties for all citizens, including the homeless.

Future Plans

The department has been prompted to plan future additions to the HELP program. One task, un-

dertaken with the approval of the city attorney, is to identify the most conspicuous criminal offenders within the homeless population and arrest them. The city has also just authorized seven more officers for the department who will work specifically with the homeless, thus expanding the number of officers who develop specific knowledge and experience. These programs and other developments should help boost the public's confidence that positive, cooperative, and concrete steps are being taken to solve this problem in their community. The real significance of this program is that the city attorney's office and the

The Bulletin Reports

police department are both striving to work together to institute collaborative enforcement actions.

CONCLUSION

The law enforcement problems generated by the presence of a large homeless population present an unique public policy dilemma. Unlike drugs, there is no clearly defined public consensus as to whether a law enforcement problem truly exists concerning the homeless, and assuming that it might, what ought to be done about it. The idea of using the police to drive the homeless out of town is emotionally appealing for some segments of the resident population, but it ultimately presents grave moral and constitutional conflicts.

The dimensions of the problem are national in scope, but local in impact. Every jurisdiction in the Nation will have to deal with the homeless in some form during the remainder of this century. Until such time as public policy decisions have been made at the local, State and national levels with respect to mental health facilities and detoxification centers, the problem will continue to fall largely on the shoulders of local law enforcement. Cooperation between city authorities and the police department, as well as the implementation of programs such as HELP, are ways of confronting an issue that is affecting more and more of our Nation's cities and towns every day.

LEB

Footnotes

¹ Title 15, sec. 647(c), Santa Monica Penal Code.

² Title 8, sec. 211, Santa Monica Penal Code.

Electronic Bulletin Board

Those interested in receiving up-to-date criminal justice information can now access data from the National Criminal Justice Reference Service Electronic Bulletin Board. Users can access the electronic bulletin board by using a personal computer and modem set at 8-N-1 (rates 300 to 2400 baud) and calling 301-738-8895, 24 hours a day.

Once online, users will be able to review current press releases and the latest findings of

the Bureau of Justice Statistics (BJS) and its justice statistics clearinghouse. In addition to new publication listings and conference calendars, the BJS menu options include BJS conference activity, news from the Drugs & Crime Data Center & Clearinghouse, National Archive of Criminal Justice Data, and news from State statistical analysis centers.

For more information about the bulletin board, call 1-800-732-3277.

Juvenile Drug Use

The National Institute of Justice (NIJ) has issued a *Research in Brief* report on juvenile drug use. This report, entitled "*Urine Testing of Detained Juveniles To Identify High-Risk Youth*," summarizes an extensive 3-year project about the role of drug use in the lives of approximately 400 juvenile detainees.

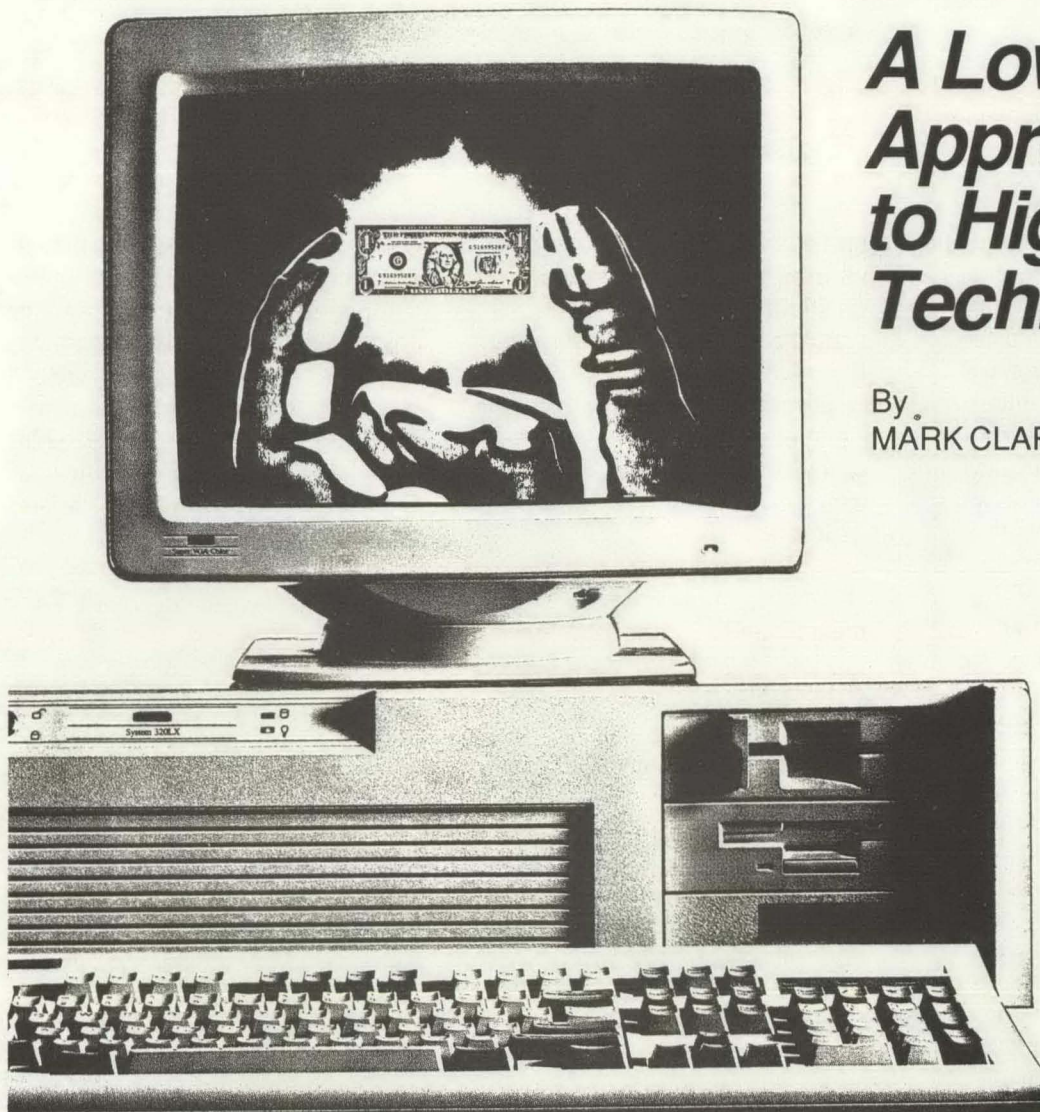
The report covers the major findings of the study and addresses the limitations of followup findings. It also provides information

that compares the results of urine tests with the self-reports given by the juveniles. The study also underscores the urgent need to intervene early to help delinquent youth involved in drug use.

To obtain a copy of this NIJ publication, write to the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850, or call toll-free at 1-800-851-3420. In the metropolitan Washington, D.C., area, the number is 1-301-251-5500.

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

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A Low-Cost Approach to High Technology

By
MARK CLARK

How does a department move out of the time-honored carbon copy world into the computer age? Obviously, this is not an easy question to answer, because the process itself can be a monumental undertaking. Yet, it can be done, as many police departments across the country have proven. This article details the steps taken by the South Portland, Maine,

Police Department to enter into the world of computerization.

When the chief of police in South Portland decided to expedite the department's recordkeeping process with automation, he stipulated certain conditions. First, the task at hand was to simplify department records without deleting any part. Second, only \$25,000 could be used from the department's budget,

and third, the transition would be handled by an officer. That was my assignment—to acquire and maintain the new computer system.

My first step was to talk to the neighboring police department in the Town of Scarborough, since its police department was also interested in automating its record system. Since they also had funds available, the officer assigned to

coordinate the Scarborough computerization effort and I arranged to acquire jointly a computer system for both police departments. This provided an immediate advantage because we could purchase a computer system at a substantial discount since we were buying in larger quantity.

This joint venture later developed into a broad cooperative effort between the City of South Portland, the Town of Scarborough, and the Sanford Police Department. It also created a criminal justice information network that has grown into a statewide standard.

CHOOSING THE RIGHT HARDWARE AND SOFTWARE

Computer Hardware

We concentrated first on hardware needs, primarily because most computer downtime is caused by hardware problems, not by software. Ease of installation and low maintenance costs, as well as readily accessible and long-term hardware support, were our other major concerns.

Because we did not know what our needs were at first, we contacted all the major vendors by means of a reverse bid. These vendors then submitted non-binding hardware proposals of what they believed we needed. These proposals allowed both departments to compare and justify speed (processing) requirements, RAM requirements, main memory storage, and provided an excellent springboard for us to write our actual bid. This also made it easier to

see how much money would be left to purchase software.

After the vendors placed their bids, we met with representatives from each vendor to let them explain why their system was better and what they could do for each department. This was an eye-opening experience, because often what the vendor's literature boasted at bid time was not always exactly what the purchaser actually received. It also allowed us to make educated, progressive decisions toward accurately assessing any longer term needs.

After considering all the options, we decided to purchase a mini-mainframe. This would allow for easier expansion with minimal cost. Also, with a mini-mainframe, a computer terminal can be added for one-half the cost of purchasing a separate personal computer.

Computer Software

The world of computer software is inundated with buzzers,

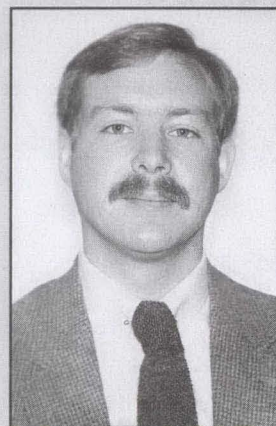
bells, and flashing colors. At this point, all the major software vendors put on excellent presentations of their packages. Yet, even though these software packages were everything in the world a user could want, they were also accompanied by a price tag ranging from \$8,000 to \$20,000. Packaged systems contain a number of good features, but they also have features that are not wanted or needed. For example, most criminal justice software packages come with a standard computer-aided dispatch system. Yet, for our department, this feature was unnecessary, and therefore, not wanted.

Since the vendors could not supply an applicable software package within our price range, we decided to contact another police department in Maine that had developed its own software using the Relational Database Management approach. This software, written on the Informix SQL RDBMS system, covers topics such as com-

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”

*Lieutenant Clark is a member of the South
Portland, Maine, Police Department.*



plaints, accidents, property/case control, and uniform crime reporting. It is also very flexible and allows systems administrators to customize each program to meet the individual needs of their departments. But, the most important factor to consider was that it was offered to us free of charge. This system provided everything we needed and also allowed us to remain well within budget. Now came the hardest part of the whole process—the task of implementing the automated system.

IMPLEMENTING THE SYSTEM

Without proper planning, implementing a computer system can be very stressful. It is usually simple to install the hardware and to run the wiring, but this is far from the operational stage. With technical assistance from hardware and software vendors, it is usually fairly painless. But, because we did not purchase a software package from a vendor, there was no followup support. Therefore, we had to deal with the following items without benefit of software “experts”:

- Software installation
- System administration
- Customization
- Documentation and
- Training

Software Installation

Installing software is usually fairly simple. The installer simply

has to follow the directions and load the system one disk at a time. In our case, the hardware vendor who set up the equipment was very helpful at this point because the operating system was part of their original bid.

System Administration

System administration is a major concern, because it is at this point that the in-house systems administrator takes on the day-to-day role of problem solver. If the computer system does not work, this person had better know how to solve the problem or at least have a telephone number of someone who can. However, it does not take someone with a computer background to solve most problems. In

“**Throughout this process, it became obvious that all the prior research into the various hardware vendors definitely paid off.**”

this case, with three departments on the same system, systems administrators could use each other as resources or consultants. This is important because in most police departments, the officer who is the systems administrator, as I am, usually has other duties to perform and may not have time to become completely familiar with how the system operates.

Customization

Customization is the process of taking a generic computer program and tailoring it to a department's exact needs. This is one advantage of the Informix SQL RDBMS system over a purchased software package. Because the programs were customized to duplicate currently used forms and reports, training time was greatly reduced. Officers also did not have to rewrite any of the information they gathered. And dispatchers and data entry personnel were already familiar with the computerized format.

Another feature customized into this system was the prompting lines at the bottom of the computer screen. These prompting lines ask the user for the proper data to enter for each field. For example, if the user was attempting to make a numerical entry and accidentally typed in a letter of the alphabet, the computer screen would flash and tell the user that the entry was invalid.

Another strong point of the system was that alterations could be made immediately at no additional cost. With the majority of software packages on the market today, this is much more difficult, unless the systems administrator has extensive experience and training in computer programming. But, with this type of system, anyone can learn to make such changes without specialized computer education.

Documentation

Documentation was an important step in the process because each

time data were entered or changes were made in the system, they had to be preserved. For this reason, backup copies were made each month and retained, as well as hard copies of the codes, in the event of a system failure. As an added precaution, the backup data were stored off-site in the case of fire or any type of disaster.

Training

Because the departments were not staffed with civilian dispatchers, any officer could be assigned to dispatch duties for 13-week cycles. Therefore, for the system to become fully operational, everyone in the department had to receive training. But, because we had not purchased a commercial software package, there were no support personnel from the vendor showing up to answer questions or solve problems.

Added to this was the fact that most of the departments' personnel were not computer literate. Therefore, I decided to write a handbook/tutorial that would lead the officers step-by-step through the entire process, from data entry to printing files. I kept the handbook's instructions as simple as possible. For example:

1. Type in LOGIN; push return key;
2. If this does not work, make sure the monitor is turned on;
3. Type in your LOGIN.

This may seem oversimplified, but when faced with training 50 officers who worked 3 different shifts, it was much more effective. I also wrote the handbook to include examples of all the programs and

Current Modules Available in the System

- | | |
|------------------------|----------------------|
| ■ Accident | ■ Fixed assets |
| ■ Associated people | ■ Hours |
| ■ Bicycle registration | ■ Intelligence |
| ■ Budget | ■ Job applicants |
| ■ Business/stores | ■ Master name |
| ■ CAD | ■ Missing/wanted |
| ■ Calls for service | ■ Office memos |
| ■ Case status | ■ Officer training |
| ■ Court arraignment | ■ Parking tickets |
| ■ Dog licensing | ■ Personnel |
| ■ Equipment issued | ■ Property |
| ■ Evidence | ■ Vehicle management |
| ■ Firearms permits | |

screens. These handbooks were placed at all the terminals, and extra copies were handed out to each officer.

The next step was to allow everyone to experiment on the system for 1 month. During this time, officers entered data into the system and hard copies were kept in case of mistakes. During that time, I arranged for formal training in small groups for the officers. Sixty days from going operational, the system was completely on-line.

Training continued, and the handbook was updated and amended as needed. And, as the officers became more comfortable with the system, they learned to use advanced commands and system shortcuts. Supervisors also received additional training so that they could help the officers assigned to their particular shifts.

Operational Considerations

Throughout this process, it became obvious that all the prior research into the various hardware vendors definitely paid off. For example, in case of problems or questions, the hardware vendor for this system had an 800 telephone number that put the user in contact with an engineer. The engineer could then either dial into the system with a modem, or in most cases, diagnose the problem over the phone. As a result, in the 2 years of operation, the system has not experienced any downtime due to hardware or software problems.

Finally, as our needs grew, so did the software package. If a particular police department needed a program for parking tickets, it was written and documented. Then, copies were given to the other police departments to customize and use.

Point of View

This system has expanded to include 25 programs that effectively meet the needs of the participating police departments.

CONCLUSION

Even though it may seem like a monumental undertaking, with vision, insight, and forethought, any police department can enter the computer age with relative ease. But, most important, this can be accomplished cost effectively. A quote from the technical report of

“
Without proper planning, implementing a computer system can be very stressful.
”

the National Consortium for Justice Information and Statistics noted that this “...information system...is an excellent software package capable of meeting the principle management and operational information needs of law enforcement agencies throughout the State of Maine. Its implementation in numerous agencies both within and outside the State are testimony of its thoughtful design and operational utility.”¹

LEB

Footnote

¹ David J. Roberts and Julie K. Gutierrez, Search Group, Inc., “Report of Technical Assistance provided to the Maine Department of Public Safety,” p. 7. This work is unpublished at this time.

Dispatching Units Improvements for the “First Line”

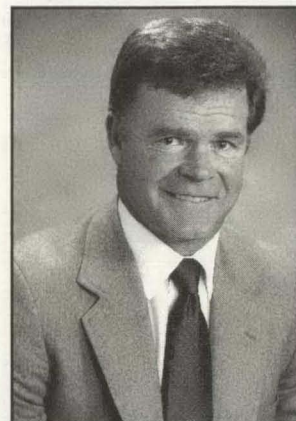
By BOB BLANKENSHIP

Uniformed patrol officers are generally looked upon as the most essential element of any police organization. Police management views these officers as its first and foremost contact with the public. Investigators and detectives are also perceived as fulfilling a challenging and worthwhile first-line role. Unfortunately, this perception does not always extend to police dispatchers.

Generally, dispatchers and other individuals in communications and recordkeeping posts are often not as highly valued as patrol officers or investigators. Not only is this view incorrect, but it also creates serious problems in police departments around the country. And, in the future, improvements in technology and officer training will be severely undermined if dispatching units, in many cases the department’s first contact with the public, are not re-evaluated and improvements implemented.

The Problem

In most departments, the dispatching unit is part of the Records and Communications Division—the nerve center of the agency. Here, calls for service are relayed to officers for response, and thus, this function serves as the patrol



Chief Blankenship heads the Redding, California, Police Department.

officer’s life-line to assistance and information.

Obviously, departments would be better served if dispatchers remained on the job and became experienced, motivated members of the law enforcement team. However, such a preferred scenario takes place in only a few departments. Personnel in these units are usually expected to perform tasking and stressful duties with little training and even less recognition. This leads to frustration, job burnout, and eventually, decreases the effectiveness of the department in serving the community.

In addition to stressful working conditions, relatively low pay, and little organizational empathy, dispatchers are expected to work in small, cramped rooms with no windows and to answer several telephones, radios, and

teletype machines, without adequate staff to ensure either lunch or rest breaks. These conditions, along with a general lack of respect from officers and investigators, serve to discourage and frustrate dispatchers.

Recommended Changes

Dispatchers often have the first official contact with the public. They talk to potential witnesses, victims, and survivors of violent attacks. They may also speak to people suspected of criminal activity. They keep track of officers in the field at all times. They provide information to officers for record checks, phone calls, and car stops. Because of the importance of these functions, the department should value dispatchers as professionals by making every effort to ensure that the personnel in these positions are properly selected, well-trained, and encouraged to remain with the organization.

Background investigations should be conducted for every applicant who an agency considers hiring. Psychological testing and evaluation should be mandatory for individuals applying for dispatcher positions, enabling an agency to identify those candidates who may not be suited to work in a highly stressful environment.

Departments should develop a training manual to be given to each new dispatcher. The manual should be categorized into weeks, with the first week concentrating on basic information, such as code numbers most often used by dispatchers and officers' call num-

bers. In succeeding weeks, more detailed information should be presented, such as instructing dispatchers on the proper way to handle specific situations and other more complex topics. Also, dispatchers should be assigned to an experienced training officer, one who has been instructed in successful training methods for dispatchers.

"...departments would be better served if dispatchers remained on the job and became experienced, motivated members of the law enforcement team."

Dispatchers should attend a mandatory basic dispatcher course for a minimum of 40 hours. Here, they should be schooled in the criminal and civil code sections dispatchers encounter frequently. It is important that dispatchers understand the elements of these various code sections. This training should also include hands-on, practical exercises in emergency phone situations that are often encountered by police dispatchers,

such as speaking to potential suicides or hostage takers. Supervisory dispatchers should receive further supervisory training, just as other police managers do.

Agencies should ensure that newly assigned dispatchers are familiar with departmental rules, regulations, general orders, and chain of command. Dispatchers should also be familiar with those employees with whom they will be working, either directly or indirectly.

Conclusion

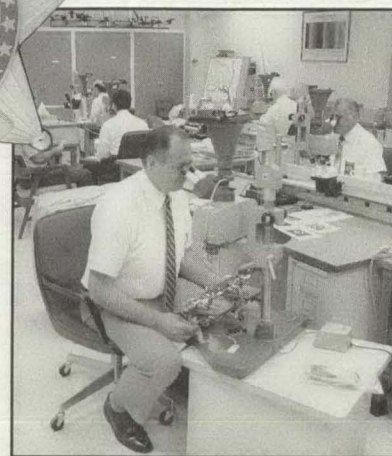
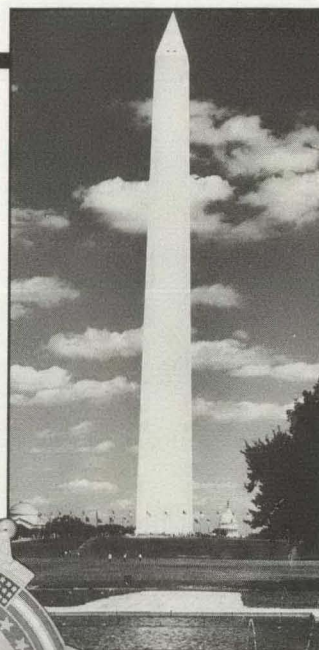
Dispatching units are essential to the mission of all police agencies. Yet, many departments suffer from high turnover and burnout rates for personnel assigned to these positions. As the potential pool of candidates for these and all law enforcement positions becomes smaller, it will be increasingly important for agencies to hire and train qualified personnel. Until significant improvements are made in dispatching units, however, many departments will find it difficult to do so. The recommendations outlined above are intended to offer viable solutions to a problem which, left unchecked, may result in serious consequences for many departments.

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Point of View is a forum for law enforcement professionals to suggest recommendations to improve police work. Submissions for this feature should be no more than 750 words, typed, double-spaced, and forwarded to Editor, *FBI Law Enforcement Bulletin*, Room 7262, 10th & Pennsylvania Ave., NW, Washington, DC 20535.

Washington, D.C.'s Operation "On Target"

By
ERIC W. WITZIG
and
GEORGE R. WILSON



By March 1989, the mound of evidence in the Firearms Reference Collection Room of the Metropolitan Police Department in Washington, D.C., was 20 feet long and waist high. This hoard of evidence was the result of the upward-spiraling number of unexamined homicide cases in the District of Columbia.¹ It was obvious that something had to be done to reduce this mass of unexamined evidence.

Unfortunately, a reduction of personnel in the Firearms Identification Section exacerbated this backlog. In 1987, the unit had three qualified firearms examiners. A year later, there were only two. By spring 1989, only one examiner was on staff to handle all of the cases. And, even though vacancies were advertised, there were no applicants. This article will discuss how the Metropolitan Police Department dealt with this problem

and effectively concluded many of its unexamined homicide cases.

A SOLUTION TO THE PROBLEM

Acquiring Qualified Examiners

One long-range answer to the department's lack of examiners was to double its efforts to recruit individuals to become trained, qualified firearms examiners. To meet this goal, five persons were

hired and were in training by spring 1989 to become qualified examiners; however, none would complete their course of study before 1990. In addition, this option would only yield a gradual reduction of the backlog, considering the rate at which it was growing.

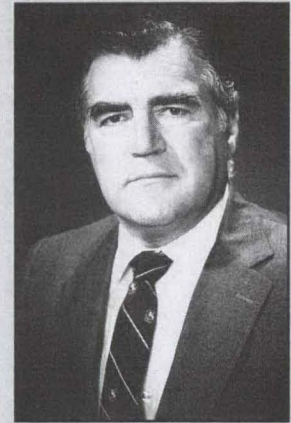
Another possible solution was to hire several experienced examiners. This option was much more viable because if experienced examiners could be quickly found, the backlog could be reduced or even eliminated. After studying the problem, it was determined that 6 qualified examiners handling 30 cases per week could examine 360 cases in 12 weeks. But, this would mean that each examiner would have to complete examination of one case during each working day. Yet, despite the tremendous amount of work this would involve, the department decided to proceed with hiring experienced examiners.

First, the Association of Firearms and Toolmark Examiners (AFTE) was contacted and asked to provide a list of available, qualified members. There were certain stipulations attached, however. Each examiner had to be:

- Qualified as an expert witness in the court system where employed;
- Free of obligations and able to work in residence with the program for a period of 90 days; and
- Willing to return to the District of Columbia for court testimony, if necessary.



Mr. Witzig



Mr. Wilson

Mr. Witzig is a retired detective of the Washington, D.C., Metropolitan Police Department. Mr. Wilson is a firearms examiner with the Washington, D.C., Metropolitan Police Department.

From the list provided by the AFTE, the department selected six qualified examiners from across the country for the project.

Laboratory Facilities

Now, with an available examination staff, additional laboratory facilities and equipment were sought. Contact with the Forensic Science Research and Training Center at the FBI Academy in Quantico, Virginia, proved very helpful. In fact, the Academy's microscopic classroom held much of the same equipment used by firearms examiners and could be easily converted to a firearms laboratory.

Therefore, arrangements were made with the FBI for the examiners to reside at the Academy for the duration of the 90-day project. The FBI would be reimbursed on a per diem basis for room and board.

This allowed the examiners to remain close to their workplace, eliminated commuting time, and enhanced camaraderie. The net result was an increase in effective working time from 8 hours to between 10 and 12 hours per day.

Funding

Another hurdle was funding. A proposed budget for the project provided:

- \$60,000 for salaries;
- \$3,000 for travel; and
- \$10,000 for room and board.

The only problem was that the Metropolitan Police Department did not have such a significant amount of money available. Therefore, another approach was used to fund the project—federally forfeited property. This money, seized during

drug operations in the District of Columbia, was returned to the District on an accelerated basis. This creative approach solved the budgetary roadblock and paved the way for immediate funding of the project.

However, since the project's examiners were from various States, more money would be necessary for transportation and fees for expert witness testimony when they were called to testify. To solve this problem, the U.S. Attorney for the District of Columbia was contacted and subsequently agreed to provide transportation and expert witness fees.

Transporting Evidence

Arrangements for the program also had to include the transportation of evidence. Therefore, a Metropolitan Police Department officer was selected to transport all evidence in a departmental vehicle and was responsible for maintaining a log detailing its chain of custody. The fact that the evidence officer was a sworn member of the police department also provided a measure of physical security for the evidence transported.

Information Management

A final detail of the planning included the use of a computer equipped with a word processing program and a data base management system in order to provide faster turn-around time for paperwork and laboratory reports. A detective from the homicide branch operated the computer system. This officer also served as a liaison be-

tween the project and the homicide branch. He provided details about all of the cases under examination and was responsible for quickly communicating significant examination results to investigating detectives.

The plan was now complete. A staff of qualified firearms examiners had been found, laboratory space and equipment had been located, the project had been funded, and transportation of evidence and

**“
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an information management system had been arranged. Now, all that was needed was a name for the project. Since the project would target a number of drug-related murders, the project received the moniker Operation “On-Target.”

IMPLEMENTING THE PLAN

On June 5, 1989, phase one of the project began at the Forensic Science Research and Training Center in Quantico, Virginia. Standard laboratory procedures were observed and tight security

was provided for the hundreds of items of evidence.

Each examiner was equipped with an evidence locker, a work bench and hand tools, a low-power microscope, and a comparison microscope fitted with photographic equipment that produced Polaroid black and white prints. Additional equipment included a Unitron MP-6A measuring projector, an electronic balance, and an ultrasonic cleaning bath. The laboratory was also furnished with natural gas, a hood, and compressed air.

Standard FBI and AFTE case number nomenclature was followed, but with a minor modification. Cases worked in the Metropolitan Police Department's Firearms Identification Section (FIS) received a case number, such as FIS #89-9999/GRW. This case number shows where and when the case was worked, the order in which the case was received, and the initials of the examiner. For this project, the case number was changed, adding the letter “Q” after the letters “FIS” signifying that the case was worked at Quantico.

A data base program tracked the cases. In the beginning of the project, 360 cases were entered into the computer by the FISQ number and assigned to an examiner. This data base proved invaluable because it could automatically provide reports on the number of cases assigned and unassigned, to whom they were assigned, and when they were completed.

During the course of the project, the examiners provided the following services:

- Test firing of recovered firearms;
- Microscopic examination of recovered bullets and garments;
- Microscopic examination and photography of recovered cartridge cases;
- Comparison of test-fired bullets with evidence bullets;
- Muzzle-to-garment distance determination; and
- Serial number restorations.

When the examiners finished a case, they prepared hand-written examination reports, which were later typed in the Metropolitan Police Department's format. These reports were then proofread and corrected within 1 day.

On August 14, 1989, the last of the assigned cases was examined. The frantic pace set by the examiners resulted in the examination of 375 firearms cases. The goal of one case per examiner per day had been achieved.

The last 2 weeks of the laboratory phase were used to compare all of the test-fired cartridge cases and evidence cartridge cases recovered at homicide scenes. To accomplish this, black-and-white photographs were taken of the heads of all examined cartridge cases, and each photograph was inscribed with the FISQ number and grouped according to caliber. The various

calibers were placed around the walls of the laboratory on large pieces of exhibit board.

Additionally, all of the evidence cartridge cases were placed in labeled, clear plastic boxes, and each examiner was assigned a certain caliber. For 2 weeks, the examiners painstakingly compared all of the cartridge cases. When a positive comparison was made, evidence bullets from those cases were re-examined and com-

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pared. This effort was aided by the computer program that tracked the location of various items of evidence. For example, cases involving multiple calibers were easily accessed through the search feature of the word processing program.

Phase two of operation began on August 28, 1989. This phase dealt with handling all of the paperwork for the project. The examination reports stored in the computer

were printed. These reports were then formulated into the project's final product, the *After Action Report of Operation "On-Target."* Twenty copies of this 1,000-page report were distributed to the U.S. Attorney for the District of Columbia and to the firearms examiners.

This report summarized the accomplishments of "Operation On-Target" as follows:

"In ninety calendar days... the temporary unit examined firearms evidence in a total of three hundred seventy-five cases. Three hundred and sixty-two of those cases involved the offense of homicide."²

This report also proved invaluable as cases were later prepared for prosecution.

As a result of Operation "On-Target," 3,988 pieces of evidence were examined and 7,195 separate examinations were performed. And, all of the 375 cases were cross-checked against 10,640 pieces of test fire evidence.

CONCLUSION

Operation "On-Target" proved that by using innovative management techniques, seemingly insurmountable problems can be solved. "Operation On-Target" also showed that:

- Federal and local governments can, indeed, work together to help solve acute local law enforcement problems;

Book Review

- Creative funding through asset forfeiture can cover the out-of-budget expenses associated with drug-related special projects; and
- Even lack of personnel in critical areas of expertise, such as firearms examination, can be solved by hiring on a temporary basis, full-time experts in the field.

Any State or local jurisdiction can replicate this project where there exists a backlog of unexamined firearms evidence. In an open letter to the participants of Operation "On-Target," the Chief of the Metropolitan Police Department wrote:

"Operation 'On-Target' is the type of innovative program that targeted a specific problem in law enforcement, proposed a valid and workable solution, and then brought that solution to life. This program is a model for all law enforcement agencies...."³

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Footnotes

¹ Two hundred twenty-seven homicides were recorded in 1987; 372 occurred in 1988. A monthly record of 52 homicides were recorded in January 1989; 1989s total was 436.

² *After Action Report of Operation "On-Target,"* Metropolitan Police Department, Washington, D.C., 1989.

³ Isaac Fulwood, Jr., Metropolitan Police Department, Washington, D.C., October 2, 1989.

The Rights of Law Enforcement Officers

by
Will Aitchison



The Rights of Law Enforcement Officers, by Will Aitchison, *The Labor Relations Information System, Portland, Oregon, 1989.*

The Rights of Law Enforcement Officers offers a comprehensive study and analysis of police officers' rights. In it, the author correctly identifies employment rights as an issue of growing concern to the law enforcement community. An officer's employment rights, as shaped by constitutional and legislative demands, has become increasingly integral to the public safety officer's functions.

As the importance of this issue has grown, however, so too has its complexity. The book covers many important topics related to officers' rights, including individual chapters devoted to collective bargaining, disciplinary

standards and procedures, employment discrimination, worker's compensation, the Fair Labor Standards Act, and officers' rights of privacy, free speech, and association.

Despite the enormous difficulty of assembling a work on such far-ranging and involved subjects, the author succeeds in presenting a wealth of information in a manageable, easy-to-follow, form. Complex legal matters are explained, and examples are supplemented with citations from numerous recent court decisions. The book is complete with tables for referencing the laws of the various States, making it a valuable resource for State and local law enforcement officers.

These attributes alone make *The Rights of Law Enforcement Officers* a valuable addition to any law enforcement library. However, the book also features a complete index and exceptionally well-organized table of contents, making it a very handy desk-top reference. For all these reasons, law enforcement managers can use this resource in a wide range of personnel matters.

Reviewed by
SA Robert A. Fiatal, J.D.
Legal Instruction Unit
FBI Academy
Quantico, Virginia



Taking the Job Home

By
RICHARD N. SOUTHWORTH

One day, while riding in the car, my 16-year-old daughter and I began to talk seriously about our relationship. I told Michelle that at times, it appeared as though she was angry with me and that nothing seemed to ease this rage. Almost instantly she responded with tremendous force, "I am! When I needed you, you weren't there for me. When I wanted to cuddle up on your lap and talk, you were unapproachable.

Now you want to be part of my life, and I resent the hell out of it. You're damn right I'm angry!"

I spent 16 years with the Virginia State Police before leaving to pursue other interests. But I also left because I was burnt out. Something was very wrong in my life, and I knew it was somehow related to being a police officer.

No one can deny being a police officer is tough. There is tremendous stress associated with

the profession. Most of us have experienced it, or at least have seen it in fellow officers. We know the strain it places on marriages and families, the divorces and family break-ups it causes. We also are intuitively aware that much of this discord is a result of a family member being a police officer.

My daughter also is clearly aware of the connection. During our conversation, she admitted that she knew when to keep her distance



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***Transferring
professional
dispositions to one's
personal life can have a
destructive effect.***
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*The author is a criminal investigator for the
Virginia Office of the Attorney General.*

when I first came home from work, and how she could tell when I responded to a bad automobile wreck or had been involved in a high-speed chase. Recently, when I considered returning to law enforcement, she emphatically stated to a friend, “No, I don’t want my daddy doing that again!”

When looking for causes of family turmoil, we often focus on the negative aspects of the job—the shift work, being on call, the constant exposure to pain and suffering. Compounding the situation are the frustrations caused by the court system or the department’s administration that seems to offer rigid discipline and little support. All have negative effects on personal relationships.

The negative aspects, however, are only part of the problem. The positive aspects, when taken home, are just as destructive. The traits and dispositions that make exceptional police officers unfortunately can also make very poor spouses, parents, and friends. To the extent that these traits and dispositions

are developed and supported through police training programs and peer support systems, we seem to have institutionalized marital and family turmoil in our profession.

DISPOSITIONS

To understand what I mean, it is first necessary to understand the patterned responses police officers develop to help themselves function in similar situations. These patterned responses are called “dispositions,”¹ which help us to respond quickly and without conscious thinking to similar events. Without dispositions, we would have to evaluate every event, decide on the best course of action, or think about how to perform each action.

But, dispositions are more than habits; they include thoughts, emotions, and actions. For example, as a trooper, when I observed a vehicle being operated in a reckless manner, I would think, “That guy’s dangerous. He needs a ticket!” I might feel keyed up and even somewhat apprehensive and aggressive as I prepared to stop the vehicle.

Then, I would check the traffic, place my vehicle in the proper position, and stop the suspect.

These thoughts, emotions, and actions make up a disposition—a patterned response to a repeated event. Training, peer modeling, and repeated similar experiences developed my disposition to traffic violators.

DISPOSITION TRANSFERENCE

Occasionally, dispositions developed for a professional life transfer to personal situations in such a way that they are destructive. Quite simply, it happens when an officer “takes the job home.”

When my daughter, who is learning to drive, makes a reckless maneuver, I think, “That’s dangerous, she has to be corrected!” Feeling keyed up, apprehensive, and aggressive, I respond, “If you do that again, you won’t drive for a month!” It is the same response I made to a traffic violator years ago as a trooper. The disposition is still active. It may have been appropriate as a trooper on patrol, but with my daughter, it is inappropriate and destructive to our relationship. Besides, such a response does not help her to learn how to drive.

Transferring professional dispositions is a serious problem for police officers, especially since most officers are unaware that it occurs. To make matters worse, police officers usually assume these dispositions are appropriate. We cannot understand why the rest of the world does not think, feel, and act in the same manner. When my wife tells me that I am being too hard on

my daughter, I respond bluntly, "She's got to learn to drive right!" Then, we are likely to argue about the appropriate way to discipline children. Not teach, mind you, but discipline. And so, the cycle goes on.

LAW ENFORCEMENT DISPOSITIONS

To Be Professional

In recent years, talk has centered on the professional police officer, one who is well-trained, well-equipped, and well-paid. But, how does professionalism translate into a disposition?

As a trooper, I dressed neatly, spoke politely, and carried out my duties with authority. This seemed to capture the professional image. My professional disposition kept me alive in many situations, and there is no doubt that my professional image helped to build the public's respect and cooperation. Besides, it makes us feel good about ourselves.

Yet, this same disposition can have a destructive effect on family relationships. For example, when I came home after being on patrol for 8 hours, I walked into the house still carrying myself erect with the hat pulled down over my eyes. My kids would run up to greet me, but would stop short of jumping into my arms. In fact, they kept their distance. This professional image is at least part of what my daughter referred to as "unapproachable." The professional dispositions, which worked in a law enforcement context, were inappropriate at home. I should not have been looking for the same type of respect in my family relationships that I sought in my job.

Another detrimental effect of this disposition is that my family knows the image is a facade. At home, I dress like a slob, am known to slump on the couch watching some dumb TV program, and can be heard cursing about some chore I do not want to do. In short, they have seen me when I was anything but professional. When I act out my professional image at home, they either respond to me as being pompous or refuse to take me seriously.

All of this sets into motion a destructive spiral. As my family pulls away, I accuse them of not caring. When I perceive that they do not respect me, I fight for that respect in other destructive ways, pulling myself away even farther from my family.

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My daughter
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home from work....
"**

As a trooper, the professional disposition built respect and self-confidence. Occasionally, it even helped to keep me alive. However, in my relationship with my family, it built a wall between us, and at times, left me feeling alienated and alone.

To Take Control

A police officer is expected to be in control, no matter what the

situation. We act out this disposition—taking control—every time we respond to a radio call or observe a violation. Once we decide on a course of action, there is the badge, gun, and backup to enforce it. And, although our actions may be questioned later, in the heat of the moment we are in control. Taking control is at the heart of what it means to be a police officer.

But, what happens when we take this disposition home? In varying degrees, we become dominating spouses and authoritarian parents. Take, for example, the day my wife was trying to get our son to wash the dishes. They were locked in a battle of wills. After I walked into the kitchen, I evaluated the situation and immediately took control. I admonished my wife for being bossy, talked to my son about responsibility, and told everyone else to leave the room so that the job could get done.

In less than 5 minutes, I issued a warning, dispersed the participants in the dispute, and got the job done. I acted like a good trooper. The problem was that I still had to live with these people. I could not get into my patrol car and drive away. Predictably, my wife and I argued, my daughter defended her mother, my son sulked, and I justified my actions like a good trooper. Everyone was upset, all because I took control.

My actions were totally inappropriate in the context of the family relationship. I embarrassed my wife in front of the family and undermined her authority. In the end, I alienated myself from everyone. This was not a situation that called for me to take control. Probably, it did not require any response from

me at all. If it called for a response, it should have been a supportive, caring response, not an authoritative one. The disposition to take charge was destructive when acted out in my family relationships.

To Remain Detached

Police officers encounter a substantial amount of pain and suffering, and each time, we must deal with it regardless of the situation. The training to handle whatever comes our way starts early. From the first day at the academy, we are told repeatedly never to become emotionally involved. This desensitization keeps us from being devastated by the human tragedy we encounter daily. Emotional uninvolvement is part of the job.

One day, while riding with another police officer as part of a training program, we responded to a suicide. We found two old women

situation was to remain detached, and he expected the victim's relatives to respond in the same detached way.

It's not hard to see what happens when we take this disposition to remain detached home with us. When my wife's mother died, I wanted very much to comfort her, but all I felt was impatience with the whole matter. As hard as I tried, I could not empathize with her pain, and I knew she could feel my impatience and detachment.

To remain detached in emotionally charged situations serves us as police officers in emergencies. Without it we probably could not function. But when we take this disposition home, it is destructive. For me it was a major component of what Michelle was talking about when she told me that I was not there for her when she needed me as a child.

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The facade of professionalism keeps family members and friends at a distance.

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sobbing uncontrollably, while a young man screamed and beat the wall with his fists. His brother had hung himself in the next room. The officer's only response to all of this was to threaten to arrest the women and the brother if they did not keep quiet.

The training was clear. The only way to deal with this type of

To Question Everything

Police officers are trained specifically to be suspicious of everything. In the legitimate interest of safety, we approach every vehicle and every person as a potential threat. We frequently sit with our backs to restaurant walls and often follow regulation by carrying a weapon everywhere we go.

An investigator questions the truthfulness of every statement made by criminals, witnesses, and victims. Even when preliminary information contains no indication of deception, investigators with well-developed investigative dispositions keep asking themselves what they missed. Even as I write this article, I recognize that I am predisposed to ferret out the negative aspects of my police experience rather than the positive ones that were obviously present.

There are good and valid reasons for questioning everything. Quite honestly, it keeps police officers alive and solves cases.

Questioning everything permeates police training. Once I helped to teach a class on vehicle stops. For several days, we put the group through every conceivable situation in which they could get hurt or deceived. During the simulations, the trainees were lied to, argued with, threatened, and shot. Not one situation involved an honest person who engendered trust. Indeed, such focus on the risks involved in routine traffic stops serves to keep officers alive.

However, when applied to family situations, questioning everything quite simply makes spouses and children suspects in every family encounter. When I discovered that my hairbrush was not on the dresser where I always keep it, I caught myself going from family member to family member, basically conducting a criminal investigation. I questioned each person critically, and when no one confessed, I went back and questioned them again. The second time around the questions were even more

pointed. They sounded frightfully like interrogations, complete with accusation and trick questions designed to trip them up. When my daughter got angry, ran up the stairs, and slammed her door, I simply responded, "I was just trying to find my damn brush!"

It was not wrong to ask family members what happened to my brush. The problem was in the approach and the underlying attitude of distrust. When they denied knowing where the brush was, I did not believe them. I accused them of lying to me. I responded like a trooper, not like a husband and father.

The important point to be made here is that this was not a thought-out response. I did not want to act this way. It was a patterned response that was triggered by the situation. Given the same type of situation at work, the response would have been appropriate. With my family, it served to create conflict and distance between us.

This disposition has been the most destructive in the way I handle situations involving my teenage daughters. Like most parents, one of my greatest fears is that my kids will become involved with drugs. But, there are good reasons why I trust my kids when it comes to drugs. Yet, let one of them come home late, looking even a little tired, and the disposition to question is triggered. Recently, when Michelle came home really tired and stressed out, I knew there were good reasons for her appearance. But, I immediately started looking into her eyes and asking questions that could only indicate that I thought she might have

been using drugs. I really didn't think so, but I still asked the questions.

Michelle's usual response to such questioning is accompanied by anger. This time it was different. She simply looked at me and said, "You really believe I've been using

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”**

drugs, don't you." The pain in her eyes overshadowed the tiredness. Of course, I denied it and tried to explain. But, the damage was done. After discussing the matter, I think she understood. But, the subconscious effects of that encounter on our relationship, and others like it, will never be fully known to either of us.

CONCLUSION

Transferring professional dispositions to one's personal life can have a destructive effect. With a little reflection, every law enforcement officer can find instances of this occurring either in family relationships or in other personal situations.

This transference also poses a very serious problem, one that is not

recognized or dealt with in police training programs. In fact, it is often denied outright, while we argue that the rest of the world is out of step. However, professional dispositions cut at the heart of what it means to be distinctively human.

The facade of professionalism keeps family members and friends at a distance. Recognizing this, where do we go from here? While talking to a friend, I stated candidly, "Maybe what makes a good police officer doesn't make a good human being!" I hope this is not true, and I sincerely do not believe that it is. But, some aspects of the profession change us and cause us serious problems for the rest of our lives. If we as police officers are to live full and rewarding lives, and especially if we are to maintain meaningful relationships with our spouses, families, and friends, we must face these and other problems of our profession.

We need to work hard to deactivate those destructive dispositions when we leave the job. We must allow ourselves to become vulnerable, to show respect and concern. Most importantly, we have to find a way to trust our loved ones.

The problem is not inherent in the profession; it is not caused totally by society or the system. Yet, neither the profession nor society will find the solution apart from us. In the end, we are the only ones with the necessary motivation or insight to find a better way.

LEB

Footnote

¹ Adrian Van Kaam, *Formative Spirituality—Human Formation*, vol. 2 (New York: Crossroad Publishing, 1985), chap. 1.

WIN: AFIS Technology for Rural States



Large law enforcement agencies have experienced remarkable success with the Automated Fingerprint Identification System (AFIS) technology in recent years. In fact, AFIS is revolutionizing the way fingerprints are processed and used in the identification and apprehension of criminals. Currently, over half of the States and about 50 city or county agencies have operational automated fingerprinting systems. However, the high cost of this incredible technology prevents many smaller agencies, both State and local, from realizing its benefits.

This is changing, however, in a handful of western States because of an innovative and cooperative effort among law enforcement officers, administrators

and planners to make the implementation of AFIS a reality in their region. Their accomplishments could well be replicated in other areas of the country and among other jurisdictions that are looking for a feasible means of keeping up with progressive technology.

Planning

Early in January 1988, representatives from law enforcement agencies in six western States (Idaho, Montana, Utah, Nevada, Wyoming, and Oregon) met in Boise, Idaho, to discuss their individual and collective needs for an AFIS. Each representative could demonstrate a documented need for such a system. But they shared a common problem—lack

of sufficient capital to purchase the full complement of hardware needed to maintain the system.

In search for a solution, the representatives considered a network of leased “smart” terminals (remote input stations) linked by dedicated telephone lines to a central, remotely accessible processing center. Initial data indicated that a combined shared database could produce a cost savings of up to 50 percent.

Such links already existed within California and Washington, where remote terminals are connected by telephone lines to a central process unit at a designated site. However, when trying to ensure the compatibility of the identification systems, the issue of individual State laws arose.

It was discovered that individual States would have a problem with leasing laws, which could be solved by creating a corporation among the States. By doing this, leasing laws would no longer be a restraining factor. Once this was resolved, interstate connections were solidified, and each State’s system could talk to the systems of the other States. However, without this capability, no interchange of database access is possible.

Formation of WIN

To protect individual members’ rights and investments, the

States formed a nonprofit corporation. In May 1988, articles of incorporation and bylaws were filed in Nevada to create the Western Identification Network, Inc. (WIN). This nonprofit corporation facilitated the creation of a multi-State network designed to address the needs of the States, both collectively and individually. A request for proposal (RFP) for the system was released in June 1988, and by September, an information systems company was selected to provide equipment and training. The company would also serve as a consultant should any problems arise.

During the RFP process, criminal justice executives convinced State legislatures to fund participation in WIN. For many, this required an extensive education program because, even though the WIN concept is far cheaper than outright purchase or lease on an individual basis, the project still involved a considerable outlay of tax dollars. Through a multi-State, combined effort, using departmental resources and talent, the representatives produced a promotional video used to educate officials and the public on the advantages of the system.

By June 1989, Alaska, California, Idaho, Nevada, Oregon, Utah, Washington, Wyoming, and the Portland Police Bureau had obtained funding appropriations. Once the funds became available, WIN quickly established an office and a staff of two to administer billings, oversee the vendor opera-

tions, and ensure that contractual requirements were met.

During October 1989, the WIN host computer was installed in Sacramento, California, and 900,000 records from five States were converted to AFIS data and loaded into the system. Remote subsystems were installed in Boise, Idaho, Carson City, Nevada, Cheyenne, Wyoming, Portland, Oregon, Salem, Oregon, and Salt Lake City, Utah. In addition, booking terminals are slated to be installed in numerous other locations throughout these States. California was connected to the system during the first 6 months of 1990, and the Alaska and Washington AFIS systems came online in August 1990.

Program Successes

As of June 1990, Idaho, which came online just 6 months prior, has had over 37 hits, resulting in the identification of suspects in a 25-year-old homicide case, 2 armed robberies, 1 auto theft, 2 rape cases, 4 drug cases, and 27 major burglaries. The director of the Idaho Department of Law Enforcement praised the system for bringing a predominantly rural State, such as Idaho, to the "leading edge of effective crime control."

The WIN AFIS, now fully operational, is capable of processing 24,240 arrest cards and 4,500 crime scene latent prints per month against a database of 1.3 million criminal fingerprint records. With the pooling of data, individual State records can be searched as necessary, and since crime knows no borders, the probability of hits increases greatly.

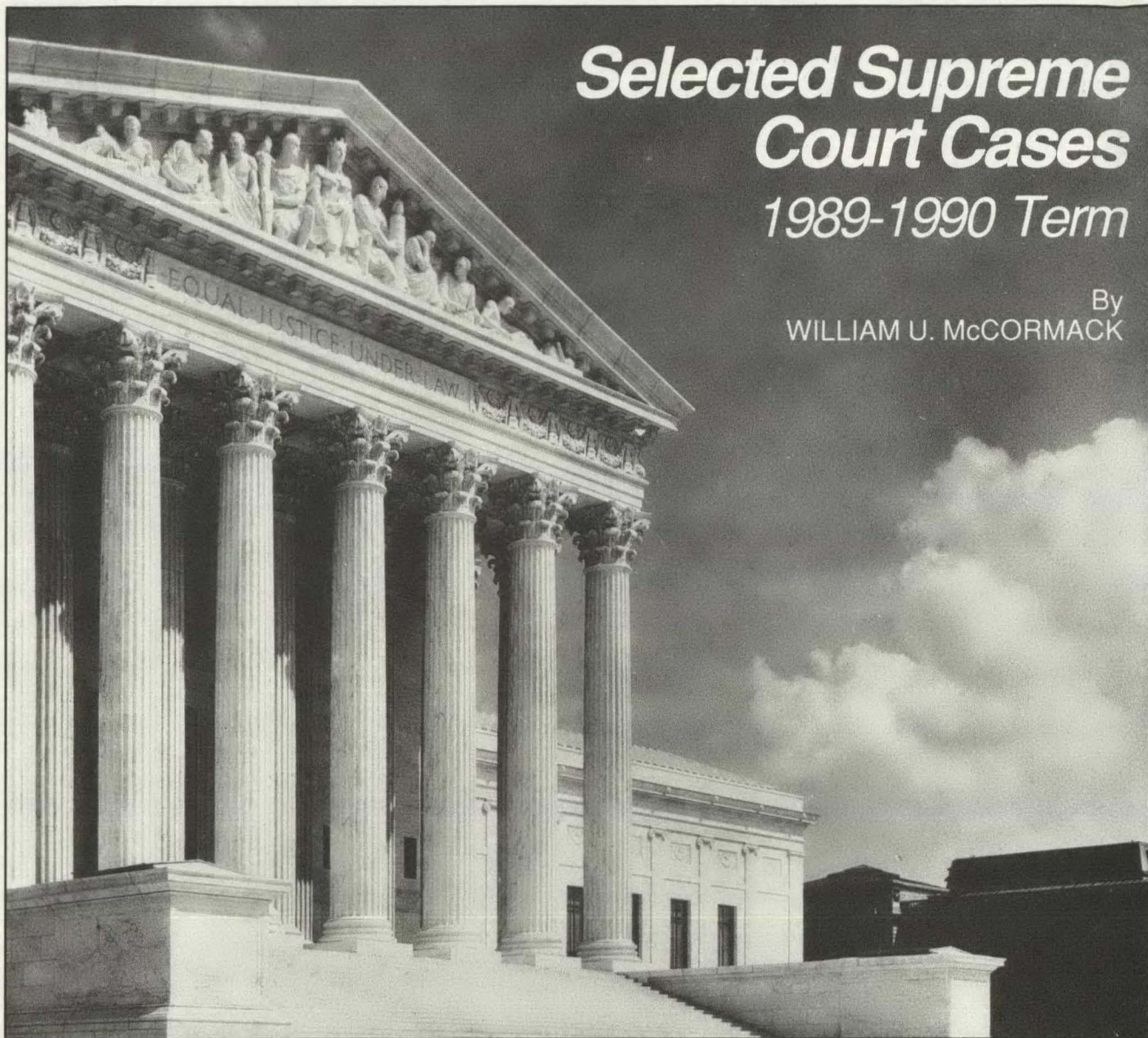
Conclusion

Results obtained during training and the first months of implementation indicate that benefits derived from WIN will be comparable to system successes in other States. With 10,000 records being added each month, and other States expected to come online in the near future, the entire western United States will soon share a common access to an automated fingerprint identification system. The capability to search criminal data in multiple States may, indeed, prove to be valuable beyond the most optimistic expectations.

LEB

Information for this column was submitted by W.C. Overton, Chief of the Office of Public Affairs, Idaho Department of Law Enforcement.

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



Selected Supreme Court Cases

1989-1990 Term

By
WILLIAM U. McCORMACK

During its 1989-1990 term, the U.S. Supreme Court ruled on several cases that are of particular interest to law enforcement. Specifically, the Court decided cases involving the fourth amendment that clarified the scope of a protective sweep, ruled that inadvertence is not a requirement of a plain view seizure, and upheld the validity of a highway checkpoint

designed to deter drunk driving. In other fourth amendment cases, the Court found that a search based on a police officer's reasonable belief in the apparent authority of a person to consent to the search is valid, ruled that an overnight guest in a residence has an expectation of privacy in that residence, and held that the fourth amendment does not apply to a search in a foreign

country of the home of a foreign national being tried in the United States.

In the fifth amendment area, the Court ruled that an incarcerated inmate's incriminating statements to an undercover police officer were admissible at trial, despite the lack of *Miranda* warnings, and that an illegal warrantless arrest of a suspect in his home does not require

the suppression of an incriminating statement given by the suspect outside his home. The Court also decided cases involving first and sixth amendment issues, which upheld the criminal prosecution of child pornographers and the admission into evidence of child abuse victim-witness testimony in child abuse trials using a one-way, closed-circuit television system.

These and other cases of particular interest to law enforcement officers are summarized below.

FOURTH AMENDMENT

***Maryland v. Buie*, 110 S.Ct. 1093 (1990)**

In *Buie* the Court ruled that police may conduct a protective sweep of closets and adjoining spaces of a home after an arrest in the home without any reason or suspicion to believe others are present who pose a threat. Also, according to this decision, police may conduct a protective sweep of other rooms or spaces in the home if they have reasonable suspicion someone is present who poses a threat.

In the case, two men committed an armed robbery, one of whom was wearing a red running suit. Police obtained an arrest warrant for the defendant charging him with the robbery and went to his house to arrest him. Once inside the house, the police fanned out through the first and second floors, while one officer covered the basement. The officer covering the basement twice shouted into the basement ordering anyone down there to come up. After the defendant eventually answered, he emerged from the

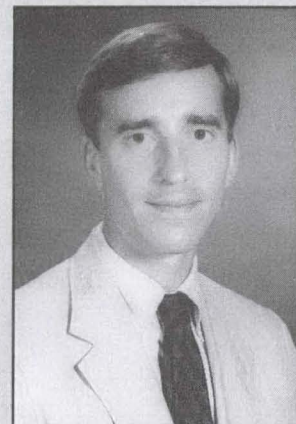
basement and was arrested. Thereafter, another officer went down into the basement to see if there was anyone else there. While in the basement, the officer saw a red running suit in plain view, which he seized. The Maryland trial court admitted the running suit into evidence, but the Court of Appeals of Maryland overturned that ruling, concluding that the police needed probable cause to believe there was someone posing a danger before they could lawfully enter the basement. The U.S. Supreme Court reversed.

The Court ruled first that incident to an in-home arrest, the police may look in closets and other spaces immediately adjoining the place of arrest without probable cause or reasonable suspicion that anyone is in those spaces. Beyond the adjoining spaces, however, the Court ruled that there must be articulable facts that would warrant a reasonably prudent police officer in believing that the area to be swept harbors an individual posing a danger to those on the arrest scene. In addition, the Court noted that the sweep may only be a cursory inspection and may last no longer than it takes to dispel the reasonable suspicion of danger.



***Horton v. California*, 110 S.Ct. 2301 (1990)**

In *Horton* the Court ruled that the fourth amendment does not prohibit the warrantless seizure of evidence in plain view, even though the discovery of the evidence is not inadvertent.



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In the case, the defendant became a suspect in an armed robbery of a coin dealer. The police obtained a warrant to search only for the proceeds of the robbery, despite also having probable cause to search for weapons used during the robbery. During the course of the search, the police seized weapons located in plain view, which they believed were used during the robbery. The trial court refused to suppress the weapons seized in plain view, even though their discovery was not inadvertent. The Supreme Court upheld the trial court's decision.

The Court stated that a plain view seizure of evidence only serves to supplement a prior legitimate reason for being in a particular location, and police have little or no reason to intentionally omit items from a search warrant when they have probable cause to believe

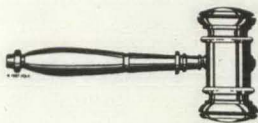
the items are in a particular location. Thus, inadvertence is not a requirement of a plain view seizure.

***Michigan Department of State Police v. Sitz*, 110 S.Ct. 2481 (1990)**

In *Sitz* the Court ruled that the fourth amendment does not forbid the initial stop and brief detention of all motorists passing through a highway checkpoint established to detect and deter drunk driving.

In the case, the Michigan State Police established a sobriety checkpoint program in which all vehicles passing through a checkpoint would be stopped and their drivers briefly examined for signs of intoxication. *Sitz* and others filed a lawsuit seeking declaratory and injunctive relief from potential subjection to the checkpoints, and the Michigan courts held that the program violated the fourth amendment. The Supreme Court reversed.

The Court stated that the balancing analysis appropriate for determining the legality of highway checkpoints should consider the magnitude of the drunk driving problem and the slight intrusion on motorists caused by such checkpoints. Balancing these factors with the fact the checkpoints reasonably advanced Michigan's interest in preventing drunk driving, the Court held that the checkpoints were consistent with the fourth amendment.



***Illinois v. Rodriguez*, 110 S.Ct. 2793 (1990)**

In *Rodriguez* the Court ruled that a warrantless entry into a residence based upon the consent of a third party is legal if police, at the time of entry, reasonably believe that the third party possesses common authority over the premises, even if the third party in fact does not.

In the case, a woman advised police that she was severely beaten by the defendant earlier that day in an apartment where the defendant was then sleeping. During her conversation with police, she referred to the apartment as "our" apartment and said that she had clothes and furniture there. She consented to travel to the apartment with police and unlock the door with her key so the defendant could be arrested. Based on her consent, police entered the apartment without an arrest or search warrant and observed drugs and drug paraphernalia in plain view and arrested the defendant. The trial court concluded that this woman did not have common authority over the apartment and suppressed the drug evidence.

The U.S. Supreme Court reversed and ruled that for consent searches to be reasonable, the authority of a person to consent to a search must be judged against an objective standard; that is, would the facts available to the officer at the moment of the consent cause someone of reasonable caution to believe that the consenting party had authority over the premises. The Court remanded the case to determine if, at the time of the entry, the

officers had established facts supporting a reasonable belief that the woman had authority to consent.



***Minnesota v. Olson*, 110 S.Ct. 1684 (1990)**

In *Olson* the Court ruled that overnight guests in a residence have an expectation of privacy and are protected by the fourth amendment against warrantless police intrusions into that residence.

In the case, police had identified the defendant as a suspect in an armed robbery and received a telephone call from a woman who stated that he had been involved in the robbery and was planning to leave town. The woman called again and told police that the defendant had told two other women who resided at a particular address about his participation in the armed robbery. The police went to that residence and determined that the two women lived in the upper unit. Another woman who resided in the lower unit told police the defendant had been staying in the upper unit, and she promised to call police when he returned. The defendant was arrested in the residence without a warrant. An hour later, at police headquarters, he provided an inculpatory statement that the Minnesota courts ruled inadmissible as the fruit of an illegal arrest. The Supreme Court affirmed.

The Court found that the defendant's status as an overnight guest in another's home was,

standing alone, enough to show he had an expectation of privacy in the home that society is prepared to accept as reasonable. Moreover, the warrantless entry to arrest was not justified by exigent circumstances because, as the State court correctly noted, even though the crime was serious, the residence was surrounded by police, there was no suggestion that others in the dwelling were in danger, and it was evident that the defendant was going nowhere.



***United States v. Verdugo-Urquidez*, 110 S.Ct. 1056 (1990)**

In *Verdugo-Urquidez* the Court ruled that the fourth amendment does not apply to the search and seizure by U. S. agents of property owned by a nonresident alien which is located in a foreign country.

In the case, the defendant, a resident and citizen of Mexico, was arrested on drug charges by U.S. Marshals, after which DEA agents and Mexican police conducted searches of his residences in Mexico. Certain documents that were seized in those searches were suppressed at the defendant's trial in U.S. district court, and the Ninth Circuit Court of Appeals affirmed. The Supreme Court reversed.

The Court first looked at the text of the fourth amendment and concluded that its reach extends only to "the people." The Court

then determined that "the people" is a term of art employed in the Constitution to mean persons who are part of a national community or who have otherwise developed sufficient connection with the United States to be considered part of that community. The Court found that the defendant did not have any substantial connection with this country when the search of his residences in Mexico took place, such that he would be considered part of "the people" as used in the fourth amendment. The Court concluded that the fourth amendment does not apply in a situation such as this, where at the time of the searches in Mexico, the defendant was a resident and citizen of Mexico with no voluntary attachment to the United States.



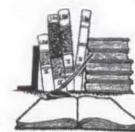
***Alabama v. White*, 110 S.Ct. 2412 (1990)**

In *White* the Court ruled that an anonymous tip, which is corroborated by independent police work, can in some cases exhibit sufficient indicia of reliability to provide reasonable suspicion for an investigatory stop.

In the case, a police officer received an anonymous call that the defendant would be leaving a certain apartment at a particular time in a brown Plymouth station wagon with the right taillight lens broken and that she would be going to a particular motel with cocaine inside a brown attaché case. The police ob-

served the defendant leave that apartment without an attaché case and enter a brown Plymouth station wagon with a broken right taillight. The police followed that car as it travelled the most direct route to the motel. Just before the defendant arrived at the motel, police stopped the car, obtained consent to search, and found in the car a brown attaché case containing marijuana and also cocaine in the defendant's purse. The Alabama courts suppressed this drug evidence holding that the officers did not have sufficient reasonable suspicion to stop the defendant. The Supreme Court reversed.

The Court stated that reasonable suspicion to temporarily detain a person must be established based on the totality of the circumstances and held that sufficient indicia of reliability were established by the police verifying the information provided by the anonymous caller. The Court stated that because only a small number of people are generally privy to an individual's itinerary, it is reasonable for police to believe that a person with access to such information is likely to also have access to reliable information about the individual's illegal activities.



***Florida v. Wells*, 110 S.Ct. 1632 (1990)**

In *Wells* the Court held that the opening of a closed container by a Florida Highway Patrol trooper for inventory purposes was illegal, be-

cause the Florida Highway Patrol had no policy concerning the opening of closed containers encountered during an inventory search.

In the case, a Florida Highway Patrol trooper stopped the defendant for speeding, and after smelling alcohol on his breath, arrested him for driving under the influence. The defendant's car was later impounded, and an inventory turned up two marijuana cigarettes in the ashtray and a locked suitcase in the trunk. The locked suitcase was opened, and a garbage bag with marijuana was found. The Florida Supreme Court ruled that the trial court erred in not suppressing the evidence found in the locked suitcase. The Supreme Court affirmed.

The Court ruled that standardized criteria or an established routine must regulate the opening of containers found during inventory searches, and because the Florida Highway Patrol had no policy whatsoever concerning the opening of closed containers encountered during an inventory search, the search of the suitcase violated the fourth amendment. The Court added that it is not necessary for an inventory policy concerning closed containers to be all or nothing and that a department policy may allow a police officer sufficient latitude to determine whether a particular container should be opened in light of the nature of the search and characteristics of the container.



FIFTH AMENDMENT

Illinois v. Perkins, 110 S.Ct. 2394 (1990)

In *Perkins* the Court ruled that an undercover law enforcement officer posing as a fellow inmate need not give *Miranda* warnings to an incarcerated suspect before asking questions that may elicit an incriminating response.

In the case, the defendant was incarcerated pending trial on an aggravated assault charge. Police suspected him of a murder and placed an undercover police officer in his cellblock who suggested to the defendant that they escape, promised to be responsible for any murder that occurred during that escape, and then asked the defendant if he had ever "done" anybody. The defendant replied that he had and then proceeded to describe at length the events of the murder for which he was a suspect. The Illinois courts suppressed this confession given to the undercover officer. The Supreme Court reversed.

The Court concluded that *Miranda* warnings were designed to preserve an individual's fifth amendment right against compelled self-incrimination during questioning in a "police-dominated atmosphere" and that the essential ingredients of a "police-dominated atmosphere" and compulsion are not present when an incarcerated person voluntarily speaks to a fellow inmate. The Court, therefore, held that the statement given by the defendant to a person he thought was a fellow inmate was not in

violation of *Miranda* and should be admissible at trial.



New York v. Harris, 110 S.Ct. 1640 (1990)

In *Harris* the Court ruled that an illegal warrantless arrest of a suspect in his home does not require the suppression of an incriminating statement given by the suspect outside his home.

In the case, police developed probable cause to arrest the defendant for murder, but then arrested him in his apartment without an arrest warrant. After officers read him his *Miranda* rights, he admitted to the murder and was taken to the station house where he was again informed of his *Miranda* rights, which he waived, and then signed an inculpatory statement. The New York Court of Appeals ruled that this second statement was a fruit of the illegal entry into the defendant's apartment, and therefore, should have been suppressed. The U.S. Supreme Court reversed.

The Court ruled that even if the warrantless arrest of the defendant in his home was illegal, his continued custody at the station house was lawful, and the second statement was not the fruit of the fact the defendant was arrested in his house rather than someplace else. The Court noted that any evidence seized or statements obtained from a defendant in his

home after an illegal arrest will be inadmissible.



***James v. Illinois*, 110 S.Ct. 648 (1990)**

In *James* the Court held that the impeachment exception to the exclusionary rule, which allows the prosecution to introduce illegally obtained evidence to impeach the defendant's testimony, should not be extended to allow impeachment of all defense witnesses.

In the case, police arrested the defendant for murder and questioned him about a suspected change in his hair color, and he admitted to changing it to a different color from the color the previous evening when the murder was committed. These statements about his hair color were later ruled inadmissible as the fruit of a fourth amendment violation because the detectives lacked probable cause to arrest. However, the trial court permitted the prosecution to use these illegally obtained statements to impeach the credibility of a defense witness, which the Illinois Supreme Court affirmed. The U.S. Supreme Court reversed.

The Court concluded that expanding the impeachment exception to the exclusionary rule to include all defense witnesses would chill some defendants from presenting their best defense through the testimony of others and would significantly weaken the exclusionary rule's deterrent effect on police misconduct. The Court determined that

the current exception, which allows impeachment of the defendant's own testimony with illegally obtained evidence, should remain unchanged.



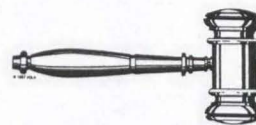
***Pennsylvania v. Muniz*, 110 S.Ct. 2638 (1990)**

In *Muniz* the Court ruled that videotaped evidence of an arrestee's slurred speech in response to routine booking questions and of his performance of sobriety tests is nontestimonial and not within the scope of the fifth amendment privilege against compelled self-incrimination.

In the case, the defendant was arrested for driving while intoxicated, and while at the police station, his actions and words were recorded by videotape, including his slurred speech in response to routine booking questions and his performance of various sobriety tests. During the course of taking the sobriety tests, he made several unsolicited incriminating statements, but was not advised of his *Miranda* rights until after he answered the routine booking questions and took the sobriety tests.

The Supreme Court held that all of the defendant's videotaped words and actions at the police station were admissible at trial, except his response to a question during booking concerning the date of his sixth birthday. The Court stated that while his inability to articulate words in a clear manner in response to routine booking questions was

not testimonial, his response to the sixth birthday question was testimonial because from the content of the response, it could be inferred that his mental state was confused. The Court also found that his performance of the sobriety tests was nontestimonial and that the incriminating statements he made while performing the tests were not elicited in response to interrogation.



SIXTH AMENDMENT

***Michigan v. Harvey*, 110 S.Ct. 1176 (1990)**

In *Harvey* the Court held that the prosecution may use a defendant's statement to impeach the defendant's testimony at trial, even when the statement is taken in violation of the defendant's sixth amendment right to counsel.

In the case, the defendant was arrested for first-degree criminal sexual conduct in connection with a rape. On the day of his arrest, he made a statement to police and was later arraigned and had counsel appointed for him. More than 2 months later, he told a police officer he wanted to make a statement, but did not know whether he should talk to his lawyer. The officer told him that he did not need to speak with his attorney, because his attorney would get a copy of the statement anyway. After being advised of his *Miranda* rights, he gave a statement concerning his version of the alleged rape. The trial court allowed this statement to be used to impeach

the defendant's testimony, but the Michigan Court of Appeals reversed. The U.S. Supreme Court reversed the Michigan Court of Appeals.

The Court concluded that there was no reason to treat a sixth amendment violation of the right to counsel differently than a fifth amendment *Miranda* violation. The Court ruled that if a statement is taken voluntarily, it may be used for impeachment purposes.



***Maryland v. Craig*, 110 S.Ct. 3157 (1990)**

In *Craig* the Court ruled that the sixth amendment does not invariably require face-to-face confrontation between a defendant and a child abuse victim-witness at trial, if the child abuse victim-witness will suffer emotional trauma by testifying in the presence of the defendant. The case involved child sexual abuse offenses in which the trial court permitted testimony of child abuse victims outside the presence of the defendant through the use of a one-way, closed-circuit television.

The Supreme Court held that the right to face-to-face confrontation with witnesses who testify against an accused is not absolute and may be denied when necessary to further an important public policy and where the reliability of the testimony is otherwise assured. The Court held that if a State makes an adequate showing of necessity, the State's interest in protecting child witnesses from the trauma of tes-

tifying in a child abuse case is sufficiently important to justify the use of a special procedure that permits a child witness in such cases to testify at trial against the defendant in the absence of a face-to-face confrontation with defendant.



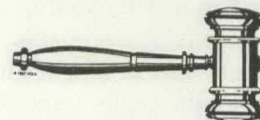
***Idaho v. Wright*, 110 S.Ct. 3139 (1990)**

In *Wright* the Court held that an out-of-court statement by an alleged victim of child sexual abuse did not possess sufficient guarantees of trustworthiness to be admitted at trial, but ruled that an out-of-court statement may be admitted if it is determined that the child making the statement was particularly likely to be telling the truth when the statement was made.

In the case, a 2 1/2-year-old girl was interviewed by a pediatrician after it was alleged that the girl was being sexually abused. Incriminating statements made by the victim about the defendants were introduced at trial through the testimony of the pediatrician. The Supreme Court of Idaho held that the admission of the hearsay testimony of the pediatrician at trial violated the defendants' sixth amendment right to confront the witnesses against them. The U.S. Supreme Court affirmed.

The Court held that for hearsay testimony of this nature to be admitted, "particularized guarantees of trustworthiness" must be shown from the totality of circumstances. The Court ruled that hearsay statements by a child wit-

ness in a child abuse case may be admitted at trial if the child was particularly likely to be telling the truth when the statement was made. The Court concluded that because the pediatrician in this case conducted the interview of the 2 1/2-year-old child abuse victim in a suggestive and unreliable manner, the hearsay testimony should not be admitted.



FIRST AMENDMENT

***Osborne v. Ohio*, 110 S.Ct. 1691 (1990)**

In *Osborne* the Court held that an Ohio statute prohibiting the possession and viewing of child pornography does not violate the first amendment.

In the case, the defendant was convicted of violating an Ohio statute designed to combat child pornography. The conviction was based on photographs depicting a nude male adolescent posed in a sexually explicit position, which were seized from the defendant's home.

The Court distinguished this case from its earlier decision in *Stanley v. Georgia*, 394 U.S. 557 (1969), which struck down a law outlawing the private possession of obscene material. The Court ruled that States' interests in prohibiting the possession of child pornography are compelling and that States may constitutionally proscribe the possession and viewing of child pornography without violating the first amendment.

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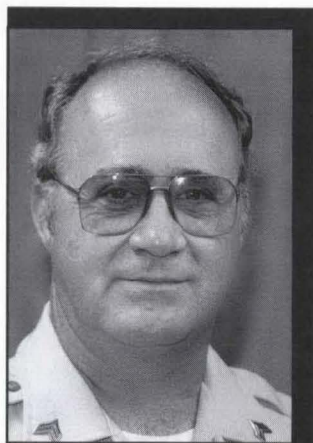
The Bulletin Notes

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



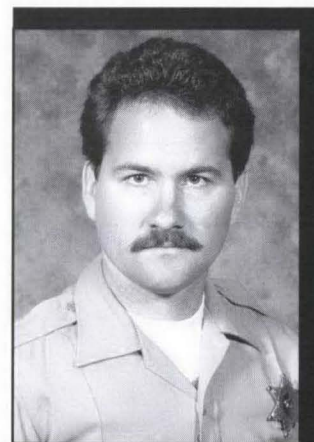
Officer Phillips

While on routine patrol, Officer Cedric Phillips of the Hahira, Georgia, Police Department observed a dim light stopped on railroad tracks a short distance away. Officer Phillips drove to the sight and located an unconscious victim laying on the track, next to an overturned all-terrain vehicle. While he radioed for an ambulance, he noticed the bright light of a train coming toward them. Officer Phillips pulled the male victim from the tracks to safety shortly before the train struck the vehicle.



Sergeant McDonald

While off duty, Sgt. Chester L. McDonald of the Mexico, Missouri, Public Safety Department was contacted at his residence by the parent of a 14-month-old child who had fallen from a raised patio. When he determined the child was not breathing, Sgt. McDonald immediately initiated CPR and maintained care after the child regained consciousness until medical personnel arrived.



Deputy Smith

While on patrol, the crew of a Los Angeles County Sheriff's Department (LACSD) helicopter observed smoke from a traffic accident on a busy freeway. Since no emergency vehicles could be seen, the pilot landed so that the observer, Deputy Steven R. Smith of the LACSD, could offer assistance. When on the ground, Deputy Smith observed an unconscious victim in a vehicle that was quickly becoming engulfed in flames. He entered the burning vehicle through the passenger's side and shielded the driver from the flames as he worked to free him. Once the victim was freed, Deputy Smith assisted in administering first aid.

Nominations to this department should be based on one of the following: 1) Rescue of one or more citizens, 2) arrest(s) at the risk to officer, or 3) unique service to the public or outstanding contribution to the profession. Submissions should include a short write-up (maximum of 250 words), a black-and-white photo of nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions should be sent to the Production Manager, *FBI Law Enforcement Bulletin*, Room 7262, 10th and Pennsylvania Ave., NW, Washington, DC 20535.

U.S. Department of Justice
Federal Bureau of Investigation

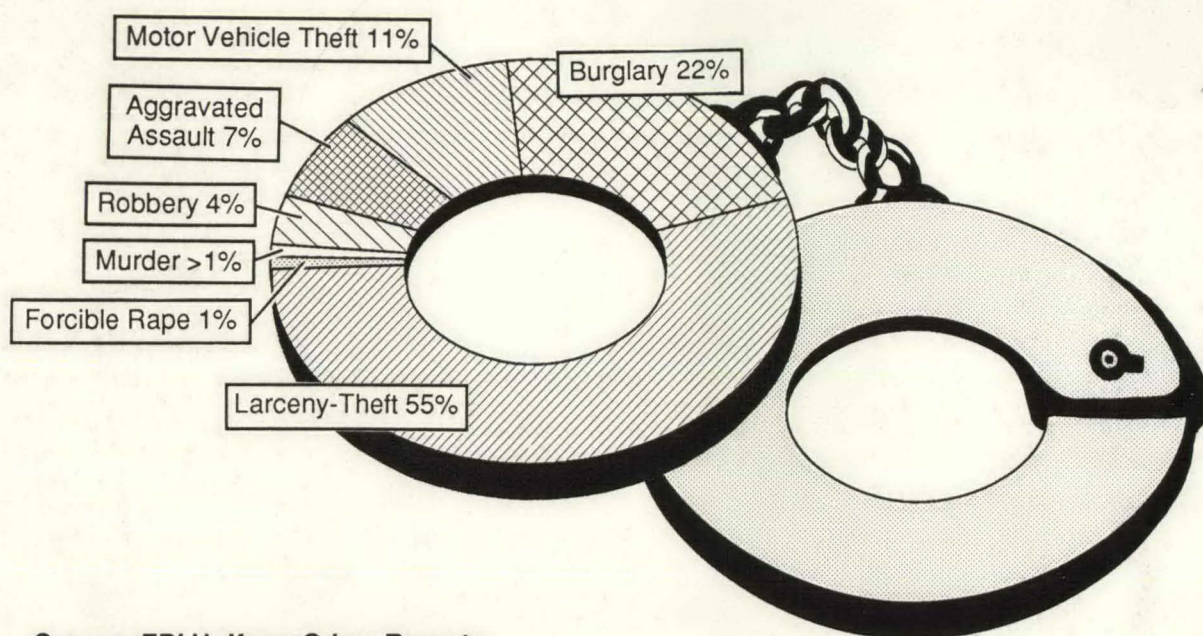
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